

Notification of Custody



A RESOURCE
GUIDE FOR
PARENTS AND
GUARDIANS

Table of Contents

Notice of Hearing on Emergency Child-in-Need-of-Aid Proceeding 3

Notice of Filing for Non-Emergency Custody Child-in-Need-of-Aid Proceeding 5

Who is the Office of Children’s Services? 6

What are Your Parental Rights and Responsibilities? 7

Court Hearings and Meetings 10

The Office of Children’s Services: The Practice Model 14

Notice of Hearing on Emergency Child-in-Need-of-Aid Proceeding

To: The Parents/Guardian/Custodian of the following child (or children):

Emergency custody of your child (or children) was taken on _____ (date) at _____ a.m./p.m. by the Office of Children's Services.

Emergency custody means that the Office of Children's Services has found it necessary to take immediate physical custody of your child because your child is unsafe. There will be a temporary custody court hearing within 3 days to discuss the reasons why the State felt emergency custody was necessary. At this court hearing, you may request that your child be returned to you and request the State prove the allegations being made.

As a parent, you have the right to have an attorney represent you in the court case. If you don't think you can afford an attorney, you can ask the court to appoint one for you at no cost to you. You can ask to have an attorney appointed at or before the first court hearing. The court will advise you on whether you qualify for a court appointed attorney and other requirements.

At this time, OCS has been advised that the first court hearing will be on

_____ at _____
a.m./p.m. at the _____

NOTE: If this information is not completed, OCS does not yet know the time/date of the first court hearing and you should contact the court at the number listed below:

The court's phone number is _____

The threats to your child’s safety identified by the State prompting this immediate action are:

Worker Information and Phone Number:

Your Caseworker is _____ Phone Number _____

Supervisor is _____ Phone Number _____

Notice of Filing for Non-Emergency Custody Child-in-Need-of-Aid Proceeding

The Office of Children’s Services has determined through the initial assessment process that your child may be unsafe in your home. Therefore, Office of Children’s Services intends to file a petition for non-emergency custody of your child. When the petition has been filed with the court, you will be notified by the Attorney General’s office of the time and date of the temporary custody hearing. You will also be provided a copy of the petition.

As a parent, you have the right to have an attorney represent you in the court case. If you don’t think you can afford an attorney, you can ask the court to appoint one for you at no cost to you. You can ask to have an attorney appointed at or before the first court hearing. The court will advise you on whether you qualify for a court appointed attorney and other requirements. The court phone number is listed below.

The threats to your child’s safety identified by the State prompting this action are:

Worker Information and Court Phone Number:

Your Caseworker is _____

Caseworker’s Phone Number _____

Caseworker’s Supervisor is _____

Supervisor’s Phone Number _____

Court Phone Number _____

Who is the Office of Children's Services?

The Department of Health and Social Services, Office of Children's Services (OCS), is the state agency that works to keep Alaska's children safe. OCS maintains field offices across the state to be able to offer assistance to families and children when needed. OCS offers services to families and children in their own home when possible. In some circumstances the child may be placed out of home while services are offered to the parent and child. OCS works with other community providers to ensure that a variety of services are available.

What is an Initial Assessment?

OCS assesses allegations of abuse or neglect of children to determine if the children are at high risk of harm or unsafe. This is called the initial assessment process.

During the initial assessment process, an OCS case worker will meet with you and your child, as well as other relatives, friends, or individuals that can assist in determining your child's safety. OCS will gather as much information as possible to determine safety.

After the initial assessment is completed, OCS will make a determination if the allegations of maltreatment are:

- **Substantiated:** The available information indicates a child suffered harm as a result of abuse or neglect.
- **Not substantiated:** Either there are no signs of child abuse or neglect, or there are signs of child abuse or neglect but not enough information to support a finding that abuse or neglect has occurred.

You may appeal the decision if you were found to be responsible for your child being unsafe or at high risk and you believe that OCS was incorrect in that finding. A copy of the complaint form that must be completed to begin the process may be requested from any OCS office or by visiting dfcs.alaska.gov/ocs/Pages/grievance/index.aspx

If your child is found to be unsafe or at high risk, your child may come into OCS custody. OCS will work with you to understand what needs to be done to have your child returned home and will assist you in obtaining any help you need in that effort.

What are Your Parental Rights and Responsibilities?

Rights

If OCS is conducting an initial assessment of a report of abuse or neglect of your child, you have the right to:

- Be treated with dignity and respect, be free from discrimination, and have your language or other special needs accommodated.
- Have the report of child abuse or neglect assessed in a timely manner.
- Be notified if you are identified in the report as the person believed to be responsible for the abuse or neglect of your child, be told information about the report, and be told why the assessment is being conducted.
- Know the outcome of the initial assessment.
- Talk to a supervisor if you have concerns regarding OCS actions.

If OCS Takes Custody of Your Child, You Have the Right To:

- A court hearing to review the actions in your case.
- Be notified of and take part in any hearings involving your child, be represented by an attorney, receive copies of all documents filed with the court, call witnesses and cross-examine witnesses, and appeal decisions made by the court.
- Suggest and provide contact information for an alternative adult family member or family friend who is able to safely care for your child.
- Participate in developing a safety plan.
- Participate in developing a case plan.
- Be given reasonable visitation with your child, unless visitation is determined not to be in your child's best interest at the time.

Responsibilities

- **Provide Information:** You can help by providing all requested information to the worker.
- **Participate:** You can help by participating with planning and services for your child and family.
- **Stay in Touch:** Make sure your caseworker knows where you live and how to reach you.
- **Make sure your caseworker, attorney, and anyone else involved in your case knows all the progress you have made in making your home safe for your child.**
- **Ask Questions:** All of the activities and court hearings can be confusing, so please feel free to ask questions at any time.

What if Your Child is Alaska Native or American Indian?

If your child is Alaska Native or American Indian, your child may be protected by a special federal law called the Indian Child Welfare Act (ICWA). You may also have rights under this law. If another Alaska Native or American Indian person has been taking care of your child, that person may have rights as an “Indian custodian” as well.

You should let your caseworker, your attorney, and your tribe, village, or Native corporation know if you are Alaska Native or American Indian in order to find out more about the special rights under ICWA.

If you are unsure, OCS can help you explore your child’s heritage to see if your child belongs to a tribe or is eligible for membership in a tribe.

If your family is Alaska Native or American Indian, your identified tribal representative will be notified and invited to participate in the initial assessment and court hearings with OCS. If you do not want them to be included in the initial assessment process or participate in court hearings you have the right to tell them you do not want them involved. However, OCS must still provide some information to the tribe regarding your case as required by law.

Tribe, Village, or Native Corporation contacts:

Name _____

Address _____

Phone _____

Best time to call _____

What is a Guardian ad Litem?

Your child will have an advocate appointed by the court. This person is called a Guardian ad Litem (GAL). The GAL's job is to meet with you, your child, and the caseworker to gather information about your family and get to know your child. The GAL then tells the court what they believe is in the best interests of your child. The GAL may also be assisted by a volunteer called a Court Appointed Special Advocate (CASA). You may have a CASA to work with as well as the GAL.

Court Hearings and Meetings

Temporary Custody Hearing (This hearing may be referred to as a Probable Cause Court Hearing depending upon your location.)

Purpose of Hearing: At a temporary custody hearing, the court considers the allegations in the petition and determines the following issues.

- Whether there is probable cause to believe the child is a child in need of aid
- Whether OCS should be granted temporary custody of the child
- Whether the child should be placed outside of the home

Meeting of the Parties/Initial Case Conference

Purpose of Meeting: A Meeting of the Parties, sometimes called an Initial Case Conference (ICC), is an informal meeting outside of court at which all parties and their attorneys come together to talk about the case. The following areas may be discussed at the meeting.

- The child's placement
- The visitation/family contact plan
- The case plan
- The educational needs of the child
- Any special needs of the child and family
- Any unresolved paternity issues
- Notice of the case to the child's grandparents and tribe(s)
- The likelihood of an agreement to the court finding the child to be in need of aid

Pretrial Conference

Purpose of Hearing: A pretrial conference is a hearing held to update the court on the progress of the case and whether a trial will be necessary on the issue of whether the child is in need of aid. The following areas may be reviewed at the pretrial conference.

- Efforts to locate and serve all parties
- Any amendments to the petition or other court documents
- Discovery (copies of OCS' file that are given to the parties)
- Any pending motions
- Options for reaching agreements in the case, including dispute resolution methods such as mediation or family group conferencing
- The possibility of agreeing to certain facts or legal conclusions, or to the submission of certain documents
- The use of expert testimony
- Whether, and under what conditions, the child will be present for and/or testify at trial
- How long a trial will take
- Any other issues regarding trial or agreement

Adjudication

Purpose of Hearing: An adjudication hearing is a fact-finding hearing at which the court determines whether the child is a Child In Need Of Aid under Alaska Statute 47.10.011.

Standard of Proof: In order to find that the child is a child in need of aid, the court must find by a preponderance of the evidence - in other words, that it is more likely true than not true – that the child has been subjected to conditions or conduct described in at least one subsection of AS 47.10.011. The court cannot find a child to be a child in need of aid solely because the child's family is poor, lacks adequate housing, or lives a different lifestyle than most people in the community where the family lives.

Disposition Hearing

Purpose of Hearing: A disposition hearing is a fact-finding hearing at which the court determines whether a child who has been adjudicated a Child In Need Of Aid under AS 47.10.011 should be committed to the custody of the department and, if so, for what period of time and under what conditions.

Permanency Hearing

Purpose of Hearing: At a permanency hearing, a permanency plan is established for the child to ensure that reasonable efforts have been made to achieve the goal of that plan.

Extension of Custody Hearing

Purpose of Hearing: An extension of custody hearing occurs to determine whether, at the end of a period of custody, the child should remain committed to the custody of the department and, if so, for what period of time and under what conditions. In order to extend custody, the court must find that the child continues to be in need of aid and that extending custody is in the best interests of the child.

Placement Review Hearings

Change of Placement: A party who opposes a change of placement proposed by OCS may request a review hearing.

Denial of Placement: If OCS denies a request for placement with an adult family member or adult family friend, the worker must inform the person of the reason for the denial of placement and the person's right to request a review hearing.

Placement in Residential Psychiatric Treatment: If OCS wishes to place a child in a residential psychiatric treatment facility, or to continue a child's placement in such a facility, a hearing must be held to determine whether the child's mental condition meets certain requirements.

Visitation Hearing

OCS is required to provide reasonable visitation between a child in custody and the child's parents, guardian(s), Indian custodian, and family.

If OCS denies visitation to a parent, guardian, Indian custodian, or adult family member, the worker must inform the person of the reason for the denial of visitation and the person's right to request a review hearing. At the review hearing, OCS must prove that visits are not in the child's best interests.

Trial Setting Conference

If it becomes necessary to schedule an adjudication trial, termination trial, or other lengthy contested hearing, the court may hold a trial setting conference before the assigned judge for purposes of scheduling the trial or hearing. Deadlines for filing documents or for exchanging information may also be ordered by the judge.

Hearing to Review Disposition Order

After disposition, any party may ask for a review of the disposition order.

Status Hearing/Other Review

At any time, the court may review the status of the case or other issues related to the case. The court may schedule a status or review hearing on its own or upon the request of any party.

The Office of Children's Services: The Practice Model

Vision

Safe Children, Strong Families

Mission

The Office of Children's Services works in partnership with families and communities to support the well-being of Alaska's children and youth. Services will enhance families' capacities to give children a healthy start, to provide them with safe and permanent homes, to maintain cultural connections and to help them realize their potential.

Who We Serve

The Office of Children's Services serves families whose children have been determined to be unsafe or at high-risk of maltreatment by the parent or caregiver. Every family served will be treated with dignity and with consideration to their cultural values. Services to families will always be done in the least restrictive, least intrusive manner possible. Decisions regarding needed interventions with families are based on thorough information collection that guides the initial and ongoing assessment of safety and risk.

Outcomes

- Children are, first and foremost, protected from abuse and neglect.
- Children are safely maintained in their homes whenever possible and appropriate.
- Children have permanency and stability in their living situations.
- The continuity of family relationships and cultural connections is preserved for children.
- Families have enhanced capacity to provide for their children's needs.
- Children receive appropriate services to meet their educational needs.
- Children receive adequate services to meet their physical and mental health needs.

Guiding Principles

- A child's safety is paramount.
- A determination that safety threats are present within a family does not equate with removal of a child from their home. The assessment of safety threats directs staff to make informed decisions about safety planning that will control and manage the threats identified. These actions may be in- home, out- of- home or a combination of the two.
- Relevant services will be sought with respect for and understanding of the families' culture and specific needs.
- Collaboration with Alaska Native Tribes is fundamental to best practice.
- Families are treated respectfully, thoughtfully and as genuine partners.
- A person's right to self determination is valued and supported.
- A safety intervention system is congruent with strengths based and family centered practice.
- Assessing for the safety of children is what we do; family centered practice is how we do it.
- Interventions are identified using the family's perspective about what needs and strengths exist that are selected in collaboration through family engagement.
- By engaging in a collaborative problem solving process with the family, case plans will be specific to the uniqueness of each family served.
- Enhancing parent/caregiver protective capacities are essential for the ability of families to protect their children.
- OCS needs partnerships within the community and stakeholders to achieve strong outcomes for children and families.



AK | DFCS
ALASKA DEPARTMENT OF
FAMILY AND COMMUNITY
SERVICES



Office of Children's Services

907-465-3191

PO Box 112631

Juneau, AK 99811

dfcs.alaska.gov/ocs