When Your Child Is Removed From Your Home: A Parents’ Guide

A brochure of the Kentucky Cabinet for HEALTH AND FAMILY SERVICES, Community Based Services, Protection and Permanency

Your child has been removed from your home because you or someone in your home is suspected of abusing or neglecting your child. This brochure will help you understand what has happened, what happens next, and what you need to do. You and your social worker are both responsible for improving your family situation so your child can return home.

A federal law, the Adoption and Safe Families Act, requires Kentucky to keep your child safe and to find your child a permanent home as quickly as possible. Kentucky must have a plan, in no longer than 12 months, for placing your child in a permanent home if your home is not safe.

Your social worker will work with you to help you get your child home as soon as it is safe. But if your child can’t return home because it’s not safe there, the social worker must find your child a permanent home somewhere else. That may be with a relative or with an adoptive family.

**How is a child removed from home?**Usually a police officer or social worker will ask the court for an Emergency Custody Order (ECO) on behalf of a child at risk of being seriously harmed at home. A judge must sign the ECO. The ECO allows the police or social worker to remove your child from your home and place your child temporarily in a foster home or residential care center.

Within 72 hours after the ECO is granted, a judge must hold a court hearing on the temporary custody. The court will notify you of the date and time.

At this hearing, the judge will decide if your child can come home or must remain in a foster home or residential care.

**What happens after the hearing?**If the judge decides that your home isn’t a safe place for your child to be, the judge will usually grant temporary custody to the Kentucky Cabinet for Health and Family Services. The Cabinet assigns a social worker to work with you. Within five working days, you and the social worker must meet at an **Initial Case Planning Conference**.

**It is very important that you attend this conference.**

The social worker will invite both parents, any foster parents, the Guardian ad litem (the child’s attorney appointed by the court), other attorneys, any relatives or friends who have a legitimate interest in your case that you want to attend, and the Court Appointed Special Advocate if appropriate.

**What happens at the initial case planning** **conference?**At the Initial Case Planning Conference, sometimes called the Five-Day Conference, you, your social worker, and others attending will develop a case plan. This plan will show everyone how to correct the situation that caused your child to be removed from your home.

Both you and your social worker will have tasks you must do. For example, if addiction to drugs or alcohol caused you to neglect your child, you might be asked to enter a treatment program and complete it successfully. The social worker may be responsible for referring you to an appropriate program and keeping track of your progress.

The conference is your chance to say whether you would rather have your child placed with a relative instead of in foster case. If you prefer that your child stay with a relative, the social worker will visit the relative’s home to make sure it is suitable and safe for your child. As long as the relative’s home is appropriate, the social worker will make the relative home the first choice for placing your child.

The case plan that you and your social worker create outlines what must happen for your child to return home. By working closely with your social worker, you can have your say about how best to reunite your family. You and your social worker will also set up a Visitation Agreement, which gives the dates, times, and places you can visit your child.

**What should I expect?**During the Initial Planning Conference, you will probably feel stress and anxiety about your child. However, it is very important that you think clearly and understand what is being asked of you.

It’s a good idea to bring family members to support you and help you ask questions. The social worker will invite other people who have an interest in your family. But if any person at the meeting makes you feel uncomfortable, you can ask the social worker to have that person leave.

You may feel intimidated and even frightened by so many professionals. But remember: You know your child better than anyone else at the meeting. You are the expert on your child’s needs, wants, and behaviors.

**What if I disagree?**Calmly give your opinion and tell why you feel that way. If at all possible, it is best if you and the worker can agree on the tasks you both need to do so your child can live at home safely. If this does not happen, you should ask the social worker’s supervisor for help.

At the Conference, you will receive a form, called the DCBS-154, Request for a Fair Hearing. This form tells you of your right to file a formal complaint. If you think your family has been discriminated against, or treated differently from other families, you should fill out the form and mail it to the address on the front of the form.

If you speak a different language than English, the Cabinet will provide an interpreter for you at no charge.

**As a parent, you have the right and responsibility to:**

1. Stay in touch with your child;
2. Be told about and participate in all case planning conferences and periodic court reviews;

3. Carry through with your case plan;

4. Financially support your child according to your ability to do so;

5. Keep the Cabinet informed of where you are; and

1. Maintain your role as a parent by following the case plan, attending counseling and medical appointments, and otherwise showing that you will be responsible for your child’s safety.

For Your Records

**My social worker’s
name:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Phone number:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Supervisor's
name:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Phone number:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Remember, if you fail to improve your situation and the court decides that your child cannot live safely at home, you may lose your rights as a parent and your child will be placed in a permanent home somewhere else.

**Editor's note to Protective Services staff and other professionals**: Paper copies of the above brochure may be ordered from the Pamphlet Library, Frankfort Habilitation, Inc., 3755 U.S. 127 S., Frankfort, KY, 40601; fax 502-227-7191. Your order must include the brochure number: PAM-P/P-0601 (3/01).