



Child Welfare Proceedings: Permanent Guardianships

This brochure is designed as a companion to the video, which can be viewed on the website of the Office of the Prosecutor at www.pascuayaqui-nsn.gov

This is the second video in our series focusing on the formal child welfare proceedings. The first video provided an overview of a child abuse and neglect proceeding. This video explains the process for appointing a permanent guardian. The third video is designed to help you prepare for court and to help you understand what will be expected of you in the courtroom.

Starting the Process:

Our goal is to keep families together. Sometimes that is not possible because it is in the child's best interests to have a permanent placement or because you need to concentrate on your own recovery or focus on taking care of yourself and cannot be the parent the child needs at that time.

If the court finds as part of the child welfare case, that progress is not being made, and is not likely to be made, and that the child is in need of a permanent placement, the court will modify the case plan from reunification to finding a permanent guardian for the child.

It is important to know that at any time during your case, a qualified person(s), such as a family member, may file a petition with the court asking to take guardianship of the child.

Deciding that a family cannot be reunited is a serious decision, and not something taken lightly.

***This brochure and the companion video are for informational purposes only.
They are not intended to be nor should they be viewed as legal advice.***

The Process:

Once a petition is filed, the parties involved in the case have 30 days to file a written response with the court.

Once the 30 day time to respond is over, the court will schedule a hearing and will order social services to conduct a home study and file a report with the court. That report must be finished at least 7 days before the hearing and you will receive a copy of the report.

The purpose of the hearing is for the judge to decide whether it is time to name a permanent guardian for the child. As part of making that decision, the court will ask:

- Has social services made a reasonable effort to connect the parent with services to help fix the problem?
- Have the parents been working hard to fix the problems? Have they used the services offered? Have the parents made progress?
- Is it likely that the parents will be able to fix the problems within a reasonable time frame?
- How are the children doing? Is it in the best interest of the child to be placed with a permanent guardian?

You and social services will each have a turn to give the court information related to these questions.

The Decision:

Granting permanent guardianship does not require terminating parental rights. Permanent guardianship is a decision about where the child should live and who should raise the child. You may still be able to visit your child. However, the court must order that it is in the best interest of the child to have contact with you. The court will consider whether you have continued to work on your case plan and other social service recommendations.

If the court permits visitation, the person who decides the time and place that you get to visit your child will be the permanent guardian, and not the courts. You will have to arrange visitation with the guardian. If the guardian does not allow you to visit, you should contact Pascua Yaqui Legal Services for assistance.

The decision to appoint a permanent guardian is a serious one, but it does not mean we are giving up on you. Rather, it means that you need more time to fix the problems and your children need a permanent placement. This is a way to provide permanency for the child, without terminating parental rights. The child welfare case is now closed.

This project is a service of the Pascua Yaqui Tribe's Office of the Prosecutor and is made possible in part by a grant from the National Congress of American Indians

This brochure and the companion video are for informational purposes only. They are not intended to be nor should they be viewed as legal advice.