



Child Welfare Proceedings: An Overview

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 first video in our series focusing on the formal child welfare proceedings, and it provides an overview of a child abuse and neglect proceeding. The second 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.

Family is very important to the Pascua Yaqui Tribe, and our children are our future. That is why the tribe wants to make sure that our families have the support they need. We offer many different types of help for parents and children, and we discuss those services in another video.

Ultimately what our children need is to live in a safe and loving environment. When your behavior puts your children at risk, when your children's environment becomes unsafe, Child Protective Services will have to step in and remove your children from your home.

This video is intended to help you understand the child welfare system and what happens when a child neglect or child abuse proceeding has begun. Even when children are removed from your care, our goal is to work with you to fix whatever the problems are, so that your children can return home and your family can stay together.

The Case Begins

A child abuse and neglect case begins when Child Protective Services has reason to believe that a child is not safe at home. CPS will conduct an investigation and file a petition with the court, and the court will hold a hearing on the case within a few days.

You will be notified of the date and time of the hearing. It is very important that you show up at the hearing. We suggest you watch the video "What to expect in the courtroom" to help you prepare for the hearing and understand what will happen during the hearing.

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 First Court Hearing:

The reason for the hearing is for the court to decide whether your children are safe at home or whether your children should be placed outside the home. During the hearing, the court will listen to what each of the parties has to say and then make a decision.

The court will consider a report made by Social Services that contains the case plan that social services recommends that you follow. You will receive the report before the hearing. The case plan sets goals that social services determined are necessary for reunification with your children. That report shall update the court on what has happened since the petition was filed. Generally the court will look at your compliance with the case plan at this hearing but your cooperation with the case plan does not mean you are admitting the allegations in the petition.

There are THREE possible things that could happen at the end of the hearing.

1. The judge can decide that CPS does not have enough evidence to believe that your children are in danger. If this is the case, the court will dismiss the petition, the children will be returned to you and the case is over.
2. The judge can decide that your children have been subjected to aggravated circumstance and that they cannot be safely returned home. (Aggravated circumstances is defined in the tribal code and includes anything that increases the seriousness or severity of the alleged child abuse or neglect).
3. The judge can decide that it is in your child's best interest to continue out of home placement. If the court orders you to follow the case plan, it is very important that you cooperate fully with the case plan and work hard to complete each goal.

What Happens Next:

At that next hearing and every hearing after, the court will consider the Social Services case plan and decide whether you have fixed the problems identified in the petition and the case plan. If the court decides that you aren't following its orders, it will schedule another hearing. It is very important that you cooperate fully with the case plan and work hard to complete the steps. You will have the opportunity to speak to the court at each hearing.

At each hearing, the Court will make one of the following findings:

1. The court may find that you have sufficiently completed all the necessary steps and may order that steps toward increased visitation begin based on your case plan progress.
2. The court may find that you have not made enough progress and will schedule another hearing and will clearly state what progress you need to make before that hearing.
3. The court may find that sufficient progress is not being made, and is not likely to be made, and that your child is in need of a permanent placement.

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