

Understanding the Child Welfare Court Process

A Step-by-Step Guide for Refugee and Newcomer Youth and Families

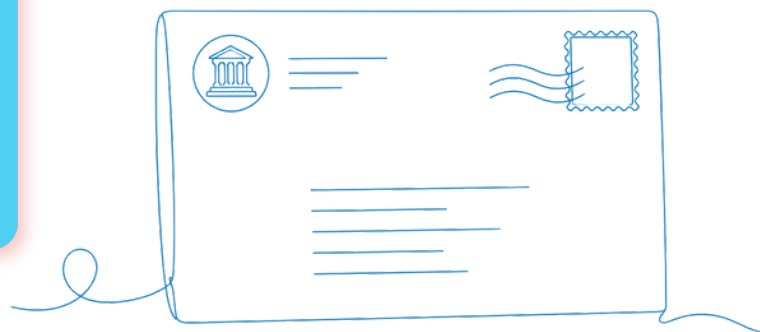
This step-by-step guide has been developed for refugee and newcomer parents, caregivers, and older youth involved in the child welfare court system in the U.S. When Child Protective Services (CPS) becomes involved with a family because of concerns related to child abuse or neglect and a court case is opened, the process can feel overwhelming, frightening, and confusing, especially for families who are new to the United States. This guide is intended to **walk you through each stage** of the court process, including **what to expect** and the **approximate timeline** for each stage.

The timelines included in this guide are general estimates based on national standards. Your state may have different timelines. Always ask your attorney or CPS caseworker about the specific timeline for your case.

If you are an **older youth** in this process, **you have your own rights too**. You can attend your hearings, speak to the judge about what you want for your future, and have an attorney or advocate speak on your behalf. Ask your caseworker or attorney what additional support, such as independent living planning, may be available to you as you get older.

1 Step 1: A **Petition** Is Filed

Receiving a petition or being notified that one has been filed may feel sudden or overwhelming. Filing a petition does not mean that the court has made a final decision. Throughout the court process, you will have opportunities to learn what is happening, ask questions, share your perspective, and participate in decisions about the case.



What to expect

If Child Protective Services (CPS) believes a child is being or has been abused, neglected, or in danger and a judge must step in to make legal decisions about the family, CPS files a document called a “petition” with the dependency or family court. The petition describes the concerns CPS has about your child’s safety. You will receive a copy of this petition. Read it carefully with your attorney and an interpreter, as it explains the specific concerns you will need to address. If your child has already been removed from your home before this filing, they will be in a temporary placement while the court process begins. If a court case is opened but your child has not been removed from your home, the court will monitor your family while your child stays home.



Timeline

CPS typically files the petition **within 24-72 hours of removing a child from the home**. If the child has not been removed from the home, the petition may be filed at any time after CPS determines court involvement is needed. Timelines vary by state.

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Step 2: Shelter or Emergency Removal Hearing

*This hearing only takes place if your child was removed from your home. If your child was not removed, your case will skip this step and move directly to Step 3.

It is okay to feel nervous. Remember, **you do not have to go through this process alone**. You have the right to an attorney at this hearing and at every hearing that follows.

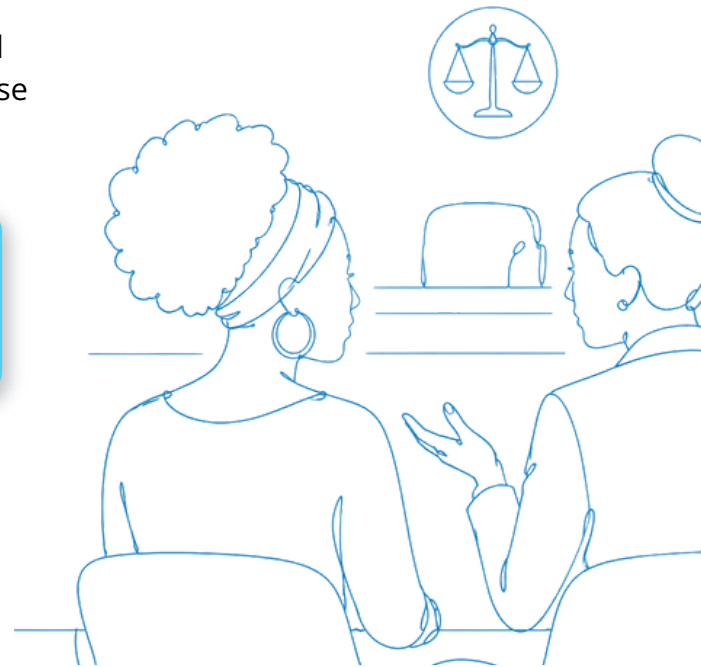


What to expect

This hearing is the initial court hearing for cases where a child is removed from the home due to abuse or neglect. This hearing would be your first time appearing before a judge. If your child was removed from the home by CPS due to abuse, neglect, or other safety concerns, the judge will review whether it was necessary to remove the child and decide whether your child should stay in a temporary placement (such as with a relative or in foster care) or safely return home while the case continues.

At this hearing, you will have an attorney. In most states, if you cannot afford an attorney, the court will appoint one for you at no cost. This is called a court-appointed attorney. The judge may also appoint a Guardian ad Litem (GAL) or Court-Appointed Special Advocate (CASA), an independent volunteer community member whose job is to represent what is best for your child, independent of both you and CPS. Try to speak with your attorney before the hearing starts so you know what to expect and can share important information about your family.

You also have the right to an interpreter at no cost. Make sure to request one before the hearing if you need one.



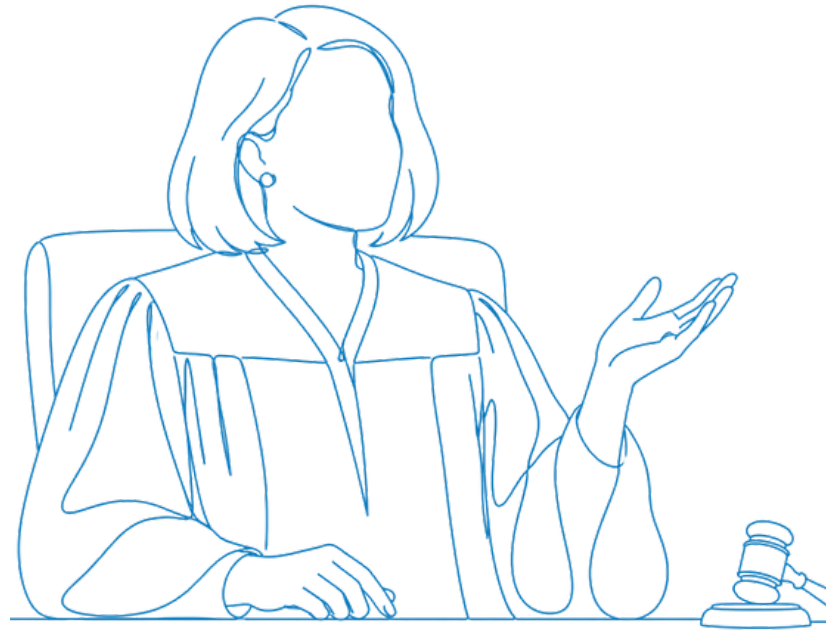
Timeline

This hearing must happen very quickly after a child is removed from the home. In most states, this occurs **within 24–72 hours of removal**.

3 Step 3: Arraignment or Preliminary Hearing

What to expect

At this hearing, the judge will explain the allegations in the petition, including the concerns CPS has raised about child abuse and neglect and ask whether you agree or disagree with them. Your attorney will advise you on how to respond. you do not have to agree with everything CPS has written in the petition. You can agree with some concerns and disagree with others, or you can ask for time to review everything with your attorney before responding.



This hearing is also when the court begins planning the next steps, including setting a date for the next hearing. Continue to work closely with your attorney between hearings and remember, your attorney is there to support you.

Timeline

If your child **was removed** from your home, this hearing typically takes place **within 1–3 weeks of the shelter or emergency removal hearing**.

If your child **was not removed** from your home, this hearing typically takes place **within 1–3 weeks of the petition being filed**. Ask your attorney for the specific date.

4 Step 4: Jurisdictional or Adjudicatory Hearing

What to expect

This hearing is sometimes called the "fact-finding" hearing. At this hearing, the judge will hear evidence and decide whether the concerns raised by CPS are supported by the evidence.

It is okay to feel anxious. Your attorney will be there to support you and speak on your behalf.



Through your attorney, you will have the chance to share information and present evidence. If the judge finds that the allegations are true, the case will continue and the court will remain involved with your family. If the judge finds that the allegations are not true, the case may be dismissed and CPS involvement ends.

Remember to **be honest with your attorney**. They need a full understanding of your family's situation to represent you well. Even if the outcome of this hearing is not what you hoped for, the next stage will give you an opportunity to show the court what you can do for your child.

In most states, this hearing must happen **within 30 days of the petition being filed** if the child **has been removed**, or **within 60-90 days** of the petition being filed if the child **has not been removed**. Timelines vary by state.

5 Step 5: Dispositional Hearing and Case Plan

What to expect

If the judge found the allegations to be true in Step 4, the court will approve a **case plan**, which is a written list of things you need to do to address the concerns raised by CPS. This may include parenting classes, counseling, domestic violence services, substance use treatment, housing support, or other services. The court will set deadlines for completing each requirement. Timelines

vary by state and case plan – ask your attorney or CPS caseworker to make sure you know specific deadlines for your case so you can start services as soon as possible. Read your case plan carefully with your attorney and/or interpreter to ensure you understand every step, and ask questions if anything is unclear.



Timeline

The dispositional hearing typically takes place **30-60 days after the jurisdictional hearing**, depending on the state. At the dispositional hearing, the court may approve the case plan and establish expectations for the case.

After the case plan is approved, you will generally have a set period of time to complete the required services and tasks. This timeframe is **often 6-12 months**, but it varies by state and individual case. Ask your attorney about the specific deadlines that apply to you.

It's important to **keep all documents** showing that you are participating in the required services, such as certificates, letters, etc., as these show your progress and you will need them for future hearings. **If you face any barriers** to completing services such as transportation, language, work schedule, or cost, **tell your CPS caseworker right away**. They may be able to help you find solutions. If your child has been removed from your home, you will also be encouraged to maintain regular contact with them through visits. It's important to **attend every visit** as your consistency matters.



6 Step 6: Review Hearings (Status or Progress Hearings)



What to expect

After your case plan is in place, the court will hold regular review hearings to check on how your family is doing. At each review hearing, CPS will report to the judge on your progress, including what services you have attended, what you have completed, and any remaining concerns. You will also have the opportunity to speak at the hearing and share your own perspective. If something in CPS's report is not accurate, tell your attorney so they can address it.





Timeline

Review hearings are typically held **every 3 to 6 months**, depending on your state and the stage of the case. The first review hearing usually takes place **within 6 months** of the dispositional hearing.

It's important to **go to every hearing**, as missing a hearing can negatively affect your case. **Bring any documents that show your progress** to each hearing: certificates of completion, attendance records, letters from service providers, or any other documentation. Use the time between hearings to **complete your services, maintain contact with your child**, and **build the stability your family needs**. If your child is residing outside of your home and you want to request increased visitation or changes to the placement, make sure to bring this up with your attorney.

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Step 7: Permanency Hearing



What to expect

The permanency hearing is one of the most important hearings in the entire case. The judge will review your progress and decide on a "permanency plan" for your child. If you have been following your case plan, the goal of this hearing is reunification, which means your child could return home to live with you permanently.

The court may consider permanency plans such as:

- **Reunification** with a parent or guardian
- **Permanent legal guardianship** or **custody** by a relative, kin, or close family caregiver (this keeps your parental rights intact and is also considered if reunification is not possible)
- **Adoption** by a new family which involves the legal termination of parental rights (if reunification is not possible); or, for older youth when other options are not appropriate
- For older youth, a planned arrangement for **independent living** with continued support



Timeline

In most states, the first permanency hearing must happen **within 12 months of the child being removed** from the home, or **within 12 months of the case being opened if the child was not removed**. After the first permanency hearing, permanency hearings continue every 6 to 12 months until the case is resolved.

It's important to remember **the court prioritizes reunification when it is safe**. Your consistent efforts, attendance at visits with your child, and completion of services are the most important factors the judge will consider. Bring everything that shows your progress and come prepared with your attorney. If there are tasks on your case plan that you still need to complete, talk to your attorney about how to show the court your commitment and your plan. If your child is older, they may also be asked what they want and their wishes will be considered by the judge.

8 Step 8: Case Closes — Reunification or Other Permanent Plan

What to expect

When the judge determines that your child is safe and that your family has a stable plan in place, the court closes the case. If you have completed your case plan and the judge finds that your child can safely return home, reunification happens and the case closes. This is the goal the entire process has been working toward.

If your case closes with another permanent arrangement such as kinship guardianship or adoption, the court will explain what that means for your family going forward. If you disagree with the court's final decision, talk to your attorney about whether you have the right to appeal. You have the right to ask for post-case support services even after the case closes. Ask your CPS caseworker or resettlement provider what additional support is available to your family.

After your case closes, continue any services that are helping your family. Make sure you continue to **meet your child's needs and provide a safe, healthy, and nurturing home environment**.

Timeline

Case closure can happen at any point once the court determines a safe, permanent plan is in place for your child, whether that is reunification or, if the goals of the case plan were not met, another permanent arrangement. Many cases resolve **within 12 to 18 months**, though this depends on the state, the complexity of the case, and the family's progress.



Words and Phrases You May Hear in Child Welfare Court

Ask your interpreter or attorney to explain any words or phrases you do not understand.

You always have that right.

Dependency Court / Family Court	The special court that handles cases where there are concerns about a child's safety. This is not a criminal court. Being involved in dependency/family court does not mean you are a criminal or a bad parent.
Petition	A document filed by CPS that officially starts the court case. It lists the concerns CPS has about your child's safety. You will receive a copy.
Case Plan	A written list of steps you must complete to show the court your child is safe at home with you. Think of it as a roadmap back to your child.
Hearing	A meeting at the courthouse where a judge listens to information and makes decisions. You have the right to attend and speak at every hearing.
Reunification	The goal of returning your child to live with you at home. This is the court's priority when it is safe.
Kinship Care	When your child is placed with a relative, trusted family or community member while the case is open. This is always the first option before foster care.
Foster Care	A temporary living arrangement for your child with a licensed foster family while your case is open. This is meant to be temporary.
Permanency Plan	The court's long-term plan for your child's future. Reunification is the first goal. If that is not possible, other options include kinship guardianship or adoption.
Court-Appointed Attorney	A lawyer assigned to protect your rights at no cost to you. Always talk to your attorney before and after hearings.
Guardian ad Litem (GAL) and Court Appointed Special Advocate (CASA)	A volunteer appointed by the court to represent what is best for your child, independent from your attorney and from CPS.
Interpreter	A person who translates the hearing into your language. You have the right to one at no cost – always request one as early as possible.

Important Information for Refugee and Newcomer Families

1 Immigration and Your Case

If you do have an immigration attorney, inform them about your family's CPS involvement as soon as possible so they can advise you and make sure your rights are protected. Remember **your personal information should never be shared with immigration agencies** or other organizations without your permission.

2 Your Right to an Interpreter

You have the **right to a professional interpreter** at every court hearing at no cost to you. Never use a family member or child to interpret in court. Always request an interpreter in advance of the hearing.

3 Cultural Differences

Some parenting practices that are normal in your home country may be seen differently here. This **does not mean you are a bad parent**. Your resettlement caseworker or attorney can help explain your cultural background and context to the court.

4 Community Support

You **may bring a trusted family member or community member to court** for emotional support. They cannot speak for you in court, but their presence is allowed.

5 Your Right to Understand

You have the **right to understand everything that happens in your case**. If something is unclear, ask your attorney with support from your interpreter, if needed, to explain it again.

6 If You Are Afraid to Ask for Help

Involvement with government agencies can feel frightening, especially if you have experienced harm from authorities previously. Remember that **child welfare agencies in the United States are separate from immigration enforcement** and that it's encouraged to ask for help to ensure you understand your case and what to expect.

This guide is for general information only and is not legal advice. Always speak with your attorney about your specific case. Timelines described in this guide are general estimates and vary by state.

