

STEP ONE: Calling DCFS

General Administrative Info: If a child is in foster care, there is a Temporary Custody (TC) hearing where the court decides whether child should be outside of the parents' care. This must take place within 48 hours after DCFS takes a child.

Then there is Adjudication. The Adjudication must occur within 90 days of the date of service to the parents. Once Adjudication has occurred, the clock starts ticking for the 9 month period of reasonable efforts and progress by the parent.

The caseworker and supervisor decide on a "permanency goal" for each child, the long range plan for where the child will live and the child's future. The system requires children to have a definite plan for a permanent home within nine months.

The caseworker is the children's caseworker, not the mother's. The caseworker issues a case plan, also called a service plan. (In this case, Erin does not remember ever receiving a case plan, which is why we wonder whether the kids are under DCFS supervision.) The goal is in the case plan. If it is "return home," the parent knows that they need to follow the plan to have children back, but that is the goal. If it is "permanency" or "termination," the parent will have to really work hard to get the kids back.

There is an Administrative Case Review every six months.

If the review goes to a termination of parental rights recommendation, the matter goes to trial. Termination of parental rights, abbreviated as "TPR," the parent has a right to a public defender. The TPR trial is bifurcated. Part 1 is where the judge is asked to make a finding of "unfitness." If unfitness is found, the trial goes to step 2 which is when the judge decides whether it is in the children's "best interest" for the parents' rights to be terminated.

There are 22 grounds under which a judge can find a parent unfit. Only one needs to be proven by clear and convincing evidence. The most commonly used ground is failure to make reasonable efforts and/or progress within nine months after an adjudication.

This client & DCFS: This client has a memory of DCFS talking to her about where to place her children, but no memory of a trial, notice, or a case plan. Case plans are big and something people may not have with them at jail, but usually they remember having one. Also, anytime she has called DCFS they tell her the kids aren't in the system.

Many of our clients don't remember things or don't understand the information they received, especially if they are battling addiction. In this case, we are able to call DCFS and then her parents just to double-check.

Remember, this is our client, so don't discuss any negative facts with the caseworker. Exactly what to do:

DCFS case tracking number is [773-371-6161](tel:773-371-6161)

-will be able to tell you if there is a DCFS case for the children and, if so, who the caseworker is. Give the child's name and date of birth and the mother's name and date of birth.

When you introduce yourself, you say, *"I am a volunteer attorney representing the mom who signed a waiver with me to call you. She does not know whether her children are under DCFS supervision."*

DCFS requires a waiver to give out information, but sometimes they don't ask. We have a waiver. I can fax it to them if you aren't able. It is attached. I have never been asked, but sometimes they do.

They will

- 1 were they ever in the system and, if so, when was it closed
- 2 IF there is an open case;
 - 1 what stage is it in?
 - 2 who is the caseworker (and phone number)
 - 3 what is the date for the next step? and what is the next step?
 - 4 *usually only the caseworker can tell you all this.*
 - 5 who is the public defender and what is the phone number?
- 3 If they say that they are recommending termination, ask for grounds. I doubt you will get this far.

Next step: If there is a public defender, call that person (the general number is [312-433-7047](tel:312-433-7047)) and find out where the case is at. Let the PD know where client is and that she wants visitation.
