



# Parents' Rights

**Disclaimer:** This is not a comprehensive list of all rights and responsibilities that you may have and is intended to help you think of questions you might want to ask and to help you advocate for yourself in various circumstances. If you have questions about your rights or your specific case, we encourage you to contact a qualified attorney with experience representing parents, guardians, and custodians in child protection matters.

## General Rights

- You have a right to not be discriminated against by child protection services (CPS) based on disability, age, race, sex, religion, ethnic origin, economic status, or sexual orientation.
- You have a right to know the allegations of abuse or neglect made against you. By law, you are not entitled to know who made the report.
- You may, but you are not required to, answer questions about the allegations that are being investigated before consulting with your attorney.

**NOTE:** Choosing not to answer CPS' questions or not allowing CPS into your home could have a negative impact on your case and lead to outcomes you had hoped to avoid. CPS can get a court order to remove your children from your care, or they can ask the police to do so. Here are some things you can consider trying if CPS contacts you:

1. Express that you want to answer their questions but request time (e.g. three days) to find a qualified parent attorney to consult with before you do an interview with child protection.
2. Ask CPS to write down the specific allegations and share them with you so you can share these with your attorney.
3. If CPS indicates that they plan to open a case or remove your children, ask if they would create a safety plan with you instead that would allow the children to remain in your care.
4. If CPS removes your children, share names and contact info of relatives, friends, or neighbors who could safely care for your

children while you work with your legal team to reunify.

- You should not discuss your criminal case with CPS without consulting with your attorney first.
- You have a right to be informed if your child was interviewed by CPS. During an investigation, CPS is not required to get your consent to interview your child, they may interview your child without you present, and they are not required to notify you of the interview until after it is completed.
- You have a right to know if a maltreatment determination has been made against you and the basis for that determination. You have a right to appeal a maltreatment determination made against you.
- You have a right to a court hearing to determine whether your child should remain outside your home. This hearing must take place within 72 hours of your child being removed from your care (excluding weekends and holidays).
- You have a right to court-appointed counsel at all stages of child protection proceedings if you cannot afford one.
- You have a right to know the specific actions that need to be taken for your child to return home.
- You have a right to participate and be heard in all court hearings involving your child protection case. As a party to the case, you also have the right to request discovery and bring motions, present evidence and witnesses, participate in settlement agreements, appeal final decisions, and more.
- If you are a legal parent and the child was not removed from your care, you have a

- right to be given priority for having your child placed with you before other placement options are considered.
- You have a right to have a say in where your child is placed if not with you, including suggesting names of relatives who you would like to be considered as placement options.
- You have a right to information about your child including knowing their medical needs and medical care (with some exceptions), and how your child is doing in school.
- You have a right to receive a case plan tailored to your individual circumstances and to be involved in the creation of that case plan. You have a right to understand your case plan and what is expected of you.
- You have a right to the assistance of an attorney during the creation of your case plan. You may also receive assistance from any person or social service agency in the preparation of the case plan.
- You have a right to sign and receive a written copy of the case plan. You do not have to sign any documents you don't understand. You have the right to ask to have your attorney review the case plan and any other documents before you sign them.
- The terms of your case plan are considered "voluntary" until the court has ordered you to comply with the case plan. However, you should consult with your attorney about the possible consequences that not following the terms of a voluntary case plan could have in your case.
- You have a right to have a qualified interpreter present during court proceedings, meetings, and conversations involving your case.
- You have a right to have any documents provided to you regarding your case either translated or explained to you in your first language.
- You have a right to visitation and communication with your child if your

child is removed from your care, unless a court determines contact would endanger the child's safety.

- You have a right to request any documents involving you or your child protection case from the local welfare agency. They may be required to redact or withhold confidential information that you are not entitled to by law.
- If you are incarcerated, you still have many of the same rights a non-incarcerated parent has, including visitation/communication with your child, a say in where your child is placed, and a case plan.

### **Your Responsibilities as a Parent**

- Show up to all court hearings involving your case
- Attend all visits and communicate with your child as agreed upon
- Participate in creating your case plan
- In consultation with your attorney, complete the tasks outlined in your case plan
- Share important information regarding your child's needs with the case worker
- Share names of possible relatives or family friends who could be considered as placement options or resources with the caseworker
- Respond to the county case worker when they contact you; if you want to talk to your attorney first, let the case worker know you need to talk to your attorney but you will get back to them as soon as possible
- Attend all meetings and home visits requested by the case worker
- Communicate your concerns and complaints with your attorney and ask your attorney who else should be informed of your concern



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