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Child Welfare 101: Court Hearings (Part 2)

Hello...And welcome to the Maryland Courts three-part series about child welfare cases, also known as child dependency cases. This series is for parents whose children have been removed from the family home.

In this video, we will go over court hearings. We'll explain the Emergency Shelter Care Hearing, often the first court appearance in a case. Then, we'll introduce you to the Pre-Trial or Mediation Hearing, where everyone involved tries to reach an agreement. We'll also talk about the Adjudication Hearing and the Disposition Hearing, where the court will make some decisions about your family. The Review Hearing and the Permanency Planning Hearing happen later in the process, when the court can consider the progress being made.

In this video, we will refer to your "child," even if your case involves multiple children. We will also refer to the "judge," but your case may be heard by a magistrate.

The first thing you need to know is what to call your case. In the courts, it is known as a Child in Need of Assistance case. Mostly, you will hear it referred to as a CINA (pronounced Si-Na.) case.

Now let's turn to the hearings in your CINA case. You will be learning a lot of new terms so consider using the tip sheet and taking notes.

CHAPTER HEADING FULL SCREEN TEXT: EMERGENCY SHELTER CARE HEARING

The first court hearing is the Emergency Shelter Care Hearing. Sometimes, it's simply called the Shelter Hearing. This hearing usually is held on the first business day after the Department of Social Services, or DSS, removes your child from your care.

At this hearing, you will meet a judge who will decide whether it is safe for your child to stay in your home or whether your child should be placed in out-of-home care. The judge will consider several

options when looking at out-of-home placement. Foster care is one option. Another, is having your child stay with relatives. If the court decides that foster care is the appropriate placement for your child, DSS may continue to look at family members who may be able to take care of your child.

The court may hear testimony at your Shelter Hearing. The emphasis of this hearing is on the physical well-being of your child. The Shelter Hearing will address your child's immediate needs. The court will determine if those needs must be met before your case moves to the next step. This could mean that the Department of Social Services or DSS provides services to your child to protect him or her. Or, it could mean that the judge orders DSS to offer guidance and services to you. These services address any child welfare issues that led to DSS getting involved with your family. Finally, the court may also schedule additional court dates during your Shelter Hearing.

Keep in mind that the Emergency Shelter Care Hearing is not the trial. That comes later.

Let's talk about the Pre-Trial or Mediation Hearing

CHAPTER HEADING FULL SCREEN TEXT: PRE-TRIAL OR MEDIATION HEARING

The Pre-Trial or mediation hearing comes after the Shelter Hearing. Some jurisdictions in Maryland schedule mediation sessions before the Adjudication Hearing or Trial Date. In mediation, all parties meet with a neutral third party. Together with this person, the parties try to come to an agreement to resolve the issues and the outcomes in your case.

If mediation is successful, the judge will hold a brief hearing to place the terms of the agreement on the record. Finally, the court may decide at the Pre-Trial Hearing that you or your child would benefit from social services. The judge may expand on services that were requested at the Shelter Hearing.

CHAPTER HEADING FULL SCREEN TEXT: OTHER IMPORTANT HEARINGS

First let's turn to the Adjudication Hearing. This is the trial. It's a hearing on what happened in your case. At the end of the trial or Adjudication Hearing, you may have a Disposition Hearing. That is when the judge will decide what will happen to you and your child. The court will decide what services you

and your family need and what actions need to be taken going forward.

Once the court has made a decision, the judge will schedule your Review Hearing. Often, the court schedules a review every six months to check whether your family is engaging in court-ordered services. The court also wants to see the progress your family is making.

What if a year has passed and your child is still in out-of-home placement? This is when the Court will hold a Permanency Planning Hearing. The court will look at the progress your family has made with social services. The court will also decide if it is in your child's best interest to continue to work toward re-unifying you with your child.

If the court determines that you are not making sufficient progress, the court will consider other permanency plans for your child. Those plans may include granting custody and guardianship of your child to a relative or non-relative. The court may also consider adoption.

So those are five required hearings in your CINA case. But, your case may also include unexpected hearings in addition to these. For instance, the court may schedule additional hearings if you or DSS or any other party involved in your case requests one. The court also may schedule a hearing if circumstances change.

CHAPTER HEADING FULL SCREEN TEXT: SUMMARY

As you have learned, your child welfare case will have several hearings in the first year. The first hearing, held one business day after your child was removed from your care, is the Emergency Shelter Care Hearing. Some courts may also schedule a Pre-Trial or Mediation Hearing. All courts schedule an Adjudication Hearing and Disposition Hearing and at least two Review Hearings. If your child is still in out-of-home care after one year, the court will hold a Permanency Planning Hearing. But the court's goal is to have your child in state custody for the shortest time possible.

On behalf of the Maryland Courts, we hope this video on CINA hearings has been helpful. Thanks for watching.