

Juvenile Child in Need of Protection Hearing Rights

Hello. You are here in court today because it has been alleged that your child is being neglected or is unsafe in your home. If these allegations are found true, the court may require you to comply with certain conditions in order to keep your child or the court may decide to remove the child from your home. You have the following rights in this and all future hearings regarding this matter.

You have the right to get notice of the dates and times of all hearings.

You have the right to be told about the allegations against you and to receive a written copy of any legal documents and reports. You can ask someone to explain them to you if you don't understand them and to have the documents read to you if necessary.

You have the right to admit to the allegations made against you, deny the allegations or remain silent. If you remain silent, the judicial referee or judge will enter a denial for you and the case will go to trial.

You have the right to have an attorney to assist you before making any statement or answering any questions in court proceedings.

You have the right to be represented by an attorney at all proceedings. If you cannot afford an attorney, one may be appointed at public expense. If an attorney is appointed, you may be required to pay the state back for any fees or expenses.

An attorney must be provided for your child in these proceedings if the judicial referee or judge finds that your child is old enough and able to assist counsel. If the interests of two or more parties conflict, separate counsel must be provided for each of them.

You have the right to question any people who testify against you. You have a right to subpoena people for the purpose of testifying on your behalf.

The State has to prove by clear and convincing evidence that you are guilty of the allegations made against you.

You have the right to deny the allegations or charges made against you. If you have already entered a denial, you have the right to continue with your denial and make the state prove the allegations.

You have the right to admit to the allegations made against you, and you should be aware that if you enter an admission, there will be no trial. By admitting, you give up the right to a trial as well as the right to question people who would have testified against you.

You also give up your right to remain silent and will have to answer the judge's or state's attorney's questions about the allegations.

The judge or judicial referee may make any of the following decisions if they find the child is not safe. Allow the child to stay with the parents, guardian or other responsible adult able and willing to assume custody of the child, upon that person's promise to bring the child before the court if requested. As a condition to the child's release from shelter care, the court may order that a safety plan be developed, followed, and filed with the court.

The court may also order a parent, guardian, custodian or any other member of the household in which the child resides to vacate the child's residence if probable cause exists to believe that the parent or guardian or other member of the household has committed a sexual offense against the child. The court may also order that the parent, guardian, or custodian not allow contact with an identified person if the court determines the order is in the best interest of the child.

The court may decide to remove the child from your home.

The court may decide to remove the child from your home and into the custody of the director Human Service Zone or other public agency. The Human Service Zone is the oversight agency for your local social services.

The judge or judicial referee may release or place the child with another state but only as allowed under the Interstate Compact on the Placement of Children.

The court may require the parents, guardian or other custodian to participate in treatment.

The judge or judicial referee may appoint a fit and willing relative or other appropriate adult as the child's legal guardian.

If your parental rights are terminated, your child could be placed for adoption, be sent to live with a relative, put into a legal guardianship, or put into some other permanent living arrangement.

If your rights are terminated and any appeal to a higher court fails, you do not have the option of getting your child back and will no longer be entitled to notice of proceedings such as guardianship or adoption regarding the child.

You have the right to appeal a decision of this court.

If either parent or the child is an American Indian and there is a possibility that the court will take away custody of the child from the parent who is an American Indian parent or custodian you are entitled to additional rights under the Indian Child Welfare Act.

Tell your attorney, the judicial referee or the judge right away if this applies to you and they will give you more information about these rights.

It is important that the court be able to contact you because there could be severe and long-lasting consequences if you miss a hearing.

If your address or phone number change you must contact the court and give them the updated information.

The judicial referee or judge will ask if you understand these rights. If you have any questions about your rights, ask your attorney before the hearing or ask the judicial referee or judge during your hearing. Juvenile proceedings are closed to the public and your case will be called individually.