



PROTECT YOUR RIGHTS

What You Should Do Now if You are Incarcerated and Your Child is in Foster Care or County-Paid Kinship Care

When your child is in foster care or kinship care, the law says you can't wait to act. You need to take steps now to protect your rights. Know your rights and responsibilities and stay involved with your child's life during your incarceration.

YOUR RIGHTS

If your child is in foster or kinship care, you have the **right** to:

Have a say in where your child is placed. If you have a safe relative or family friend who can care for your child, tell your Agency caseworker. The Agency must try to first place children with relatives.

Visit your child. Unless a judge said you can't, you have the right to regular, in-person visits with your child.

Know how your child is doing and where your child is living. The Agency must keep you informed about your child's health, education, and development. They must give you the address of where your child is staying, unless there is a documented reason not to.

Help make plans for your child. A Family Service Plan (FSP) will be made and you will be given goals to meet. The Agency must involve you in making the FSP, and you should have a say about what goals and supports will help your family.

Help to meet your goals. The Agency must make "reasonable efforts." That means that the Agency should help you stay in contact with your child and support you in meeting your goals.

An attorney. If you can't afford an attorney, you can request that the court appoint you one. Your attorney must communicate with you and represent your wishes in court.

Participate in court hearings. If you can't be taken to court for your hearing, ask to participate by phone.

YOUR RESPONSIBILITIES

If your child is in foster or kinship care, you have the **responsibility** to:

Make regular contact with your child. Have in person visits, send letters and ask for phone contact. You can also send cards and gifts, no matter the age of your child. Staying in touch is good for your child and shows the judge and the Agency that you care about your child.

Stay in touch with your children's workers. Make sure you have the names, phone numbers, and addresses of the Agency workers who work with your family. Let them know about the progress you are making and ask them for updates about your child.

Work on your Family Service Plan goals. Do everything you can to meet the goals you have been given while incarcerated. Tell the Agency and your attorney if goals on your FSP aren't possible in jail/prison.

Participate in court hearings. If you can't be there in person or by phone, ask your attorney to represent your wishes in court.

Stay in touch with your attorney. Tell your attorney about your progress on your FSP goals and any problems you are having. Be sure to give your attorney any papers you have that show you are working on your FSP goals. This information can be given to the court.

Help in planning for your child. Help to make educational, medical, and treatment decisions for your child. Stay informed about how your child is doing and what supports your child needs.

Your Parental Rights: What You Need to Know

The Adoption and Safe Families Act (ASFA) says that if a child has been in foster or kinship care for 15 of the past 22 months, the Children & Youth Agency must file to terminate parental rights (TPR) so that the child can be adopted. But, the Agency does **not** have to do this in certain situations, like if your child is living with a relative or if adoption is not a good idea for your child. This decision is made on a case-by-case basis by the court. The most important thing you can do to prevent losing your parental rights is to work on having a strong relationship with your child.

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