

What is a case plan?

The DSS caseworker will develop a case plan, with as much family participation as possible, and identify services that would meet the needs of the child and family. These services may be provided directly by DSS, or by other tribal programs. The caseworker cannot force your family to use these services but, if the CI or DSS believes that a child needs care or protection and the family is not willing to provide it, they petition the Youth Court to order the necessary services.

What services are available from social services to help families who face abuse or neglect situations?

Many of the services try to help relieve the pressures and frustrations of parenthood. For example, they may recommend counseling, parent education or a drug or alcohol program, if appropriate. The caseworker cannot force your family to use these services but, if the CI or DSS believes that a child needs care or protection and the family is not willing to provide it, they petition the Youth Court to order the necessary services.

What are my rights as a parent if a report is indicated?

- Parents have the right to know the name and phone number of the caseworker.
- Parents have the right to see any letters, pamphlets, court orders, etc. dealing with their case.
- Parents have the right to ask the caseworker and supervisor about the status of the case at any time. It is important that you attend meetings that you are invited to.
- Parents have the right to appeal any legal decisions or action.

Remember, if you have questions, ask. It is never too late to take control of your situation and help yourself and your family.

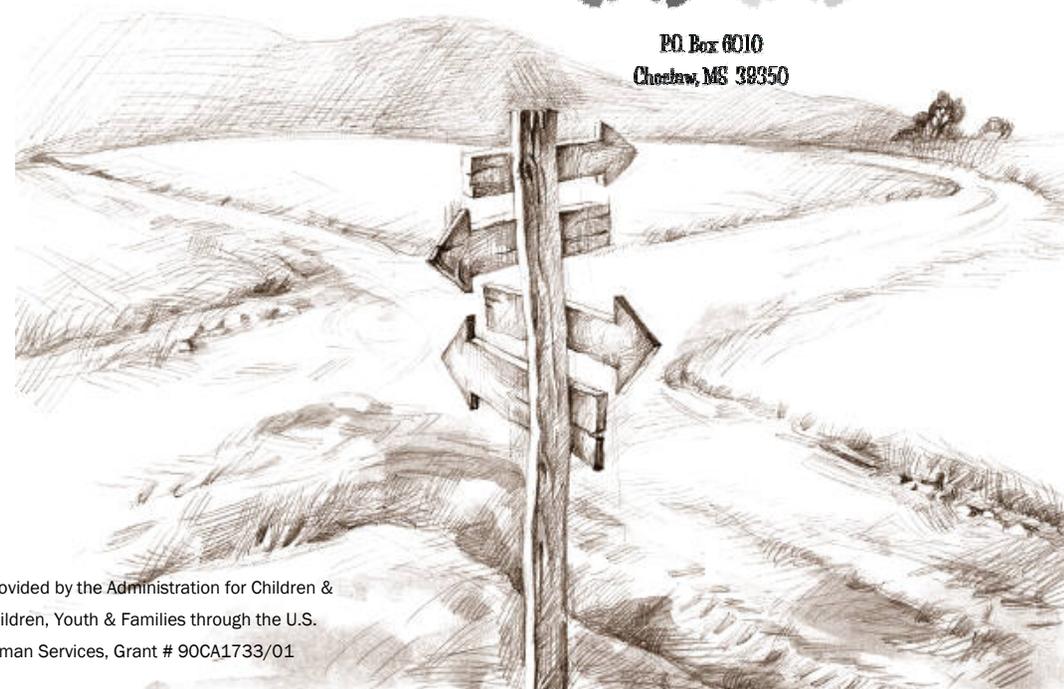
A Road Map to the Choctaw Tribal Child Protection System

"Putting Children First"

**Choctaw Children's
Advocacy Center
(CCAC)**



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Introduction

Being involved in a child abuse case is an additional stress on the entire family. It is common to feel helpless, alone, and attacked. Not knowing what to expect can make it harder. This brochure was written to help you understand what happens or what is likely to happen during the handling of child abuse cases

How does a child abuse or neglect investigation begin?

The Mississippi Band of Choctaw Indians Child Abuse code was adopted to protect children from dangerous situations and help parents create a safer home for their family.

The Tribal child protection process begins when somebody becomes concerned because they believe that a child is being abused or neglected. Anyone can report suspected abuse.

To make a report a person only has to have a “reasonable suspicion” or reason to suspect abuse or neglect. This can be based on what they see, hear or saw in the behaviors of children.

A report is made out of concern, it is not an accusation!

Can I find out who called in a report?

The Tribal Code and Federal laws does not allow DSS to release the names of the person who reported or cooperated in a child abuse investigation unless it is by court order.

What happens during a child abuse or neglect investigation by social services?

When Social Services receives a report of suspected child abuse or neglect, a caseworker is assigned to look into the complaint. The caseworker must gather information about how the family is functioning to (1) determine whether abuse or neglect is occurring and, if so, (2) what steps are required to protect the child and help the family.

Can the Division of Social Services remove my children from my care during an investigation?

Children may be removed from their home and placed in protective custody only if the caseworker believes that there is immediate danger to their life or health while at home. If the children are in immediate danger, they may be placed temporarily without a court order.

What happens if the judge does not return my child to my care during the preliminary hearing?

Youth Court involvement in a child abuse case starts when a petition is filed, usually by a DSS caseworker. There are steps to the court process in child abuse cases that you should be familiar with:

- The *preliminary hearing*, is held within three working days for a youth court judge to review the temporary placement of children. Parents may provide their own lawyer, or they may request that one be assigned for them.
- *Adjudication* is to determine if what the petition says is true. Evidence is presented which could include the parents' statements. Then the judge must decide if there is a need for the court to be involved. If there is not sufficient evidence of abuse or neglect, the case will be dismissed. If the judge determines the children are being abused or neglected more investigations or services by DSS or the court probation department may be ordered.
- If the case was not adjourned, the third stage, a *dispositional hearing*, is held to determine what actions should be taken.