

WILL MY CHILD BE TAKEN AWAY? (CONT)

You will be told when and where the hearing will be. You should attend the hearing to tell the court how you see the situation. A lawyer may represent you in court. Your child will be appointed an attorney to represent their best interest. This attorney is called a Guardian ad Litem (GAL). If your child is over the age of 12 an additional attorney will be appointed. This attorney is referred to as an Adversary Counsel, they represent what your child wants. At the TPC hearing you can request an attorney from the judge and the judge will explain your options to you.

WHO CAN SEE MY FAMILY'S RECORDS?

By Wisconsin law, Child Protective Service reports are confidential. The information can be shared with: a person accused of abusing a child, the child who may have been abused and/or neglected and the child's parent(s). There are others who can get these records, for example: police, the judge, the District Attorney, your lawyer and the child's lawyer. Information that would identify the person who reported the suspected abuse and/or neglect cannot be given.

DOES THE AGENCY FILE CRIMINAL CHARGES?

The human service agency does not file criminal charges. The District Attorney's office decides whether to charge criminally. This decision is made by reviewing the social work and police report. The social worker may work with law enforcement as child abuse and neglect is against the law.

WHAT IF I DO NOT WANT SERVICES?

If you do not want services for your family but your child is unsafe, the social worker may ask the court to order that you take part in services. It is very important for you to be involved in the discussion with the social worker. You should ask questions and share concerns with the social worker about what services you think would be helpful to your family.

WHAT DOES THE CASE DECISION MEAN?

By Wisconsin law, the social worker must decide if your child has been or is likely to be abused and/or neglected.

- If the social worker decides that child abuse and/or neglect did not occur, the report is **“unsubstantiated”**.
- If the social worker decides that abuse and/or neglect has occurred, the report is **“substantiated”**.
- The social worker may decide if your child is safe or unsafe or at risk of abuse and/or neglect in the future.
- The social worker will decide if your child is in need of protection or services.
- The social worker will review what changes need to happen for your child to be safe at home.

WHAT IF I DISAGREE WITH THE CASE DECISION?

There is an appeal process for cases where child abuse and/or neglect is substantiated and a specific person is named as the maltreater. That person can appeal the decision and have the decision reviewed. Information on how to appeal will be mailed to that person.

WHAT IF I DON'T AGREE WITH HOW MY CASE WAS HANDLED?

If you believe that the agency has not done what it is required to do or feel that you have been treated unfairly, you may file a complaint with the agency. The grievance process can be found on our website listed below.

FOR MORE INFORMATION ABOUT CHILD PROTECTIVE SERVICES:

Contact Oneida County Human Services at:

Phone: 715-362-5695

Fax: 715-362-7910

Email: oneidadss@oneidacountywi.gov

Visit our website at: humanservices.oneidacountywi.gov



Parent's Guide to

Child Protective Service

Assessments



INTRODUCTION

This brochure has been prepared to help parents understand what to expect if they are involved in a child protective service case. The Human Services agency is required by Wisconsin state law to investigate reports of suspected child abuse and neglect. The purpose is to protect children, to prevent further abuse and neglect and to preserve families whenever possible. The agency's job is to keep children safe in their own homes or place them in out-of-home care if they cannot safely stay with their parents. Anyone can report suspected child abuse or neglect to the local County Human Services or to law enforcement. A social worker will be assigned to investigate the report. The social worker will work with you and your family to determine if services are needed.

WHY IS CHILD PROTECTIVE SERVICES CONTACTING ME?

A social worker has contacted you because the social service agency received information that your child may have been abused or neglected, or may be at risk of being abused or neglected. Wisconsin law requires the agency to review each referral and decide if the report warrants an investigation to find if a child is in need of protection or services. The social worker will meet with you and your family to talk about the information reported.

WHAT IS CHILD ABUSE OR NEGLECT?

Physical Abuse: Causing serious physical harm and injury by other than accidental means.

Sexual Abuse: Sexual intercourse or sexual touching of a child; forced viewing of sexual activity, child prostitution, sexual exploitation.

Emotional Damage: Serious harm to a child's psychological or intellectual functioning when parents don't provide the needed treatment.

Neglect: Seriously endangering the physical health of the child by not providing needed food, clothing, shelter, medical or dental care or supervision.

WHO FILED THE REPORT?

The law does not allow the agency to release the name of the person who reported the abuse and/or neglect concerns. However, you can make the request to the court. The judge in a court hearing may order the release of this information; however, this is rare.

Federal and State law requires some professionals (Mandated Reporters) to report suspected abuse or neglect of any child seen in the course of their job. People from the community may also report concerns of child abuse but they are not required by law to report.

DOES SOCIAL SERVICES HAVE TO TALK WITH MY CHILD?

Human Services does have the right to interview your child. Your child can be interviewed without asking for parental permission as long as this is outside your home and in a public place. The first contact is often with your child at school. The social worker contacts parents as soon as possible after this interview.

DO I HAVE TO TALK TO THE SOCIAL WORKER?

Parents do not have to talk with the social worker or allow the social worker into the home. However, social workers are required to get information and meet with all household members. This is your chance to tell the social worker about your child and your family. If the social worker believes there is immediate danger to a child, the social worker will request assistance from law enforcement or potentially a court order to enter your home and see or talk to your child without your permission. If the social worker finds the child is in immediate danger, the child can be removed from the home.

WHAT HAPPENS AFTER THE CPS INVESTIGATION?

- Within 60 days of beginning the case, the social worker must decide if abuse and/or neglect has happened or is likely to happen. The social worker must also decide if your family needs services.
- The social worker may also name the person who has abused and/or neglected the child in their report.
- If the social worker finds that children are safe, the case is closed. Your family may be referred for other services.
- If the social worker finds that children are unsafe, services may be provided with a parent's request or by court order.
- The case will transfer to an ongoing social worker for continued services.

WILL MY CHILD BE TAKEN AWAY?

The primary goal of Human Services is to keep children safely in the home. However, if the social worker finds your child to be unsafe, the social worker will work with you to make a plan so that the home is safe. If a safety plan can't be made, the social worker will talk with your family to find a temporary safe place for your child to stay; with relatives or in foster care. Arrangements for you to see your child and services for your child and family will be made. In an emergency, your child may be placed outside your home without your permission. A court hearing must be held within 48 hours (excluding weekends and holidays) of the time when the decision was made to remove your child from your home. At this Temporary Physical Custody (TPC) hearing, the court decides whether your child should remain living outside your home.