

Dispositional Hearing

This brochure explains CHIPS cases for parents but may not include everything that could happen in court.

This information is NOT legal advice and does NOT replace speaking to an attorney.

If you would like an attorney, you can:

- hire your own attorney or
- ask the court to appoint an attorney for you. *You may be required to repay the county for the attorney's fees.

Parents: it is important to understand this information so that everyone can work together to ensure children are safe.

Before the Dispositional Hearing, the caseworker will talk/meet with you to create a Dispositional Court Report. This report includes family history, information about why the court needs to be involved, and proposed conditions and services for you to complete. You can propose different or additional conditions at the hearing.

At the Dispositional Hearing, the judge will place your child in-home or out-of-home. If your child is placed out-of-the home, the court will order Conditions for Return that will explain what you need to do to have your child returned to your home.

Conditions for return or supervision may include:

- Participate in counseling
- Cooperate with CPS Supervision
- Participate in parental educational programs
- Complete Substance Use Disorder Treatment
 - Submit to drug tests to ensure you are not using drugs or alcohol
- Complete parenting classes and apply what you have learned when parenting your child
- Visit with your child

A PARENT'S GUIDE TO CHIPS CASES

A Child in Need of Protection or Services (CHIPS) case is filed when there is a concern that a child is not receiving proper care or protection.

A CHIPS case is **NOT** a criminal case, it is a civil case.

The juvenile court is focused on making sure children are safe.

Temporary Physical Custody (TPC) Hearing

If your child is removed from the home, a TPC hearing must be held within 48 hours, not including weekends or holidays.

At the TPC Hearing, the Corporation Counsel's office and the caseworker will tell the court why the child was unsafe and was removed from the home. The court will decide whether to issue a temporary order placing your child outside your home. The TPC order will trump any existing family court orders.

CHIPS Petition

A CHIPS Petition will be filed with the court explaining why the county believes your child is in need of protection or services. The petition will request juvenile court involvement.

Please read the CHIPS petition. At the Plea Hearing, you will be asked if you have read the petition and if you agree, are not contesting, or would like to contest the CHIPS petition.

Plea Hearing

At the Plea Hearing, you will be read your rights such as your right to hire an attorney and to substitute the judge - to have a different judge hear the case.

Each party will enter a plea. There are three types of pleas:

- 1) ADMIT: You agree with the information in the CHIPS petition.
- 2) NO CONTEST: You are not admitting to or denying the information in the CHIPS petition. You are not contesting the facts and not requesting a trial.
- 3) DENY: You deny the information in the CHIPS petition and request a trial.

If all parties admit or plead no contest, then the court will schedule a Dispositional Hearing.

If a party denies the information in the CHIPS petition, then the court will schedule a Pre-trial conference and/or a Fact-Finding Hearing (trial).

Fact Finding Hearing (Trial)

A Fact-Finding Hearing (trial) will only be scheduled if a party denies the information in the CHIPS petition.

The Fact-Finding Hearing is in front of a judge unless a party requests a jury trial at the plea hearing.

At the Fact-Finding Hearing, the county must prove that the child is in need of protection or services. The county, the child (by an attorney or guardian ad litem) and the parents all have the right to have witnesses testify.

After the parties present their evidence, the judge or jury will decide if the information in the CHIPS petition is proven.

- If the court finds that the child is NOT in need of protection or services, the case is dismissed.
- If the court finds that the child IS in need of protection or services, then the court will schedule a Dispositional Hearing.