

Understanding Your Rights as a Parent

What parents in **Arizona** need to know **after a child's removal**:

You have the **right** to:

- **Visitation with your child**

These rights may be limited. Please read more in this document and talk to your lawyer about how to exercise these rights.

You should be **consulted** about:

- **Immunizations**
- **Medical decisions**
- **Significant haircuts**
- **HIV testing**

Consulted means that you, as the parent, should be involved in the decision making process. This does not mean that your decision is the one that will happen.

You should be **informed** about:

- **Placement decisions**

Informed means that you, as the parent, do not have to be involved in the decision making process, but once a decision is made you will be notified of that decision.

The child welfare agency must help return your child to you. The court will want to know what the agency is doing to help you. Remember, your lawyer works for you. Ask your lawyer for help with any of these issues.

State policy gives you rights and responsibilities as a parent after your child is removed and placed in someone else's care. This includes the right to visit your child and to object to immunizations on religious grounds. Additionally, an out-of-home care provider cannot significantly alter your child's appearance without approval from you, including haircuts.¹

Right to Legal Counsel

According to state statute, you have the right to be represented by a lawyer at all hearings. If the court finds you cannot afford a lawyer, it will appoint one for you. You must be informed of this right by the court.² You have the right to hire your own attorney to represent you instead of the court appointed legal counsel.

Education and School Rights

While your child is in foster care you should help make decisions about your child's education. You should be able to attend school meetings, ask questions, and get answers about your child's education. There may be a decision made about whether it is in your child's best interest to stay in his or her current school. You should be involved in that school placement decision. You have the right to serve as your child's special education parent unless you are not present, your rights are terminated, or it is not in your child's best interest.

Medical Rights

While your child is in foster care you should help make medical decisions and attend appointments for your child. In some instances, your child can choose not to share medical information with you. The child welfare agency, to the greatest extent possible, should consult with you when making health care decisions for your child. For non-emergency surgery, general anesthesia, or a blood transfusion you should be asked to give consent. The child welfare agency must request your consent prior to any immunizations and you may object to immunizations on religious grounds. Your consent, or a court order, is required for your child to receive an abortion. If it is medically necessary for your child to be tested for HIV you should be consulted, unless your child is over the age of 12 and has requested the testing.

Placement Decisions

Be prepared to suggest a relative or other placement with an adult who knows your child and would be supportive of you and your family. Even if DCS does not agree, you can ask the court for placement outside of foster care, such as with relatives, friends, or others who would be more appropriate for your child than foster homes or group homes.

Immigration

If you are not a U.S. citizen, including if you are undocumented, you must be given the opportunity to work toward having your child returned home. As part of working to having your child returned, you can:

- Talk to your lawyer about your immigration status because your lawyer may not share that information if you do not want him or her to tell anyone else.
- Talk to your lawyer and your case worker about how to stay connected to your child and your case even if you are detained or deported by immigration authorities.
- Connect with your country's consulate, which must be contacted when an immigrant child is placed in foster care. (You do not need to contact the consulate if you have claimed asylum or otherwise are in fear of your country's government.)

Due Process Rights

While your child is in foster care you have the right to participate in court hearings, request an appeal, an interpreter, and be provided Indian Child Welfare Act protections. You also have the right to:

- Cross-examine witnesses who are called to testify against you, the right to a trial, and to use the court to compel attendance of witnesses.³
- Request that your child be returned to your physical custody at the initial hearing or any time after the initial hearing.⁴
- Ask the court for help if you do not believe that DCS is making reasonable efforts to provide reunification services or assistance.
- Use your own service providers, rather than those that DCS sends you to; however, you should be sure that the judge believes your provider is appropriate.

This information and more can be found:

Arizona Department of Child Safety: Policy and Procedure Manual <https://dcs.az.gov/about/dcs-policies>

American Bar Association Center on Children and the Law Parent Representation

http://www.americanbar.org/groups/child_law/what_we_do/projects/parentrepresentation.html

Rise Magazine for Parents <http://www.risemagazine.org/>

Birth Parent National Network <http://bpnn.ctfalliance.org/>

¹ Arizona Department of Child Safety: Policy and Procedure Manual <https://dcs.az.gov/about/dcs-policies>

² Ariz. Rev. Stat. Ann. § 8- 824, 843, 872, 221

³ Ariz. Rev. Stat. Ann § 8-824

⁴ Ariz. Rev. Stat. Ann § 8-825