

Going to Court

Always be respectful -- of yourself and others. When the judge comes into or leaves the courtroom, you should stand up.

The judge provides an opportunity for all people involved in the case to be heard. Even if you disagree with something that another person says, do not interrupt.

Be prepared when it is your turn to speak. Make a list of what you want to say before the hearing so you won't forget.

If you can't hear what is being said, let your lawyer or the judge know. When it is your turn to talk, speak loudly enough so that people can hear you.

Take your time. If you are asked to make a decision, think first. Make decisions that make sense to you and talk through possibilities with your lawyer. Even when you are in a hearing and feel pressured to make a quick decision, you may ask for a minute to talk with your lawyer.

If you do not understand what people are saying, ask your lawyer, social worker, GAL, or the judge to explain it to you.

What happens in court can make a big difference in your life. Your lawyer, social worker, and GAL should talk with you before each court hearing. They should explain to you what to expect before you go to court, and what happened during the court hearing. You can ask your lawyer what the best, worst, and most likely outcome of a hearing will be.



Your Rights & Responsibilities

You have the right to:

- Have your position presented to the judge;
- Be represented by a lawyer;
- Be treated in a respectful manner;
- Be notified of court hearings;
- Have your questions answered.

Your responsibilities:

- You may be expected to attend hearings unless you and your lawyer agree that is not a good idea.
- Be polite in court.
- Let your lawyer know how you can be reached.
- Follow the case plan. This may include attending school, following through with an assessment, counseling, substance abuse treatment, etc.



Tips for Working with Your Lawyer

Be honest and open with your lawyer.

What you say to your lawyer is confidential. Your lawyer may not tell others what you say to him or her without your permission. Your lawyer works for you.

Be prepared. Sometimes you are not able to meet with your lawyer until shortly before the hearing. Make the best use of the time you have by making a list of what you want to talk about, including your questions and concerns.



Ask questions. If you don't understand something, just ask. Your lawyer is busy, so it might take a couple of days before he or she can call you back. Make sure your lawyer knows how to contact you.

Listen to your lawyer.

Your lawyer will advise you based on the law and his or her experience. Listen carefully and decide if the advice is right for you. If you disagree, tell your lawyer and explain why.



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Understanding the Court Process

Learn about the CHINS* court process and the people you will meet

My Social Worker:

Phone #: _____

My Lawyer:

Phone #: _____

My Guardian Ad Litem:

Phone #: _____

*“CHINS” stands for a CHild In Need of care or Supervision

Why Am I Going to Court?

Juvenile cases are heard in the Family Division of the Superior Court. A case was filed because someone is concerned about your safety or well-being or the way you are treated at home. This kind of case is called “CHINS,” which stand for a **C**hild in **N**eed of care or **S**upervision.

The Family Division handles matters involving the safety and protection of children and youth. It helps you and your family with the problems that brought you to court. The judge wants to make sure that you are safe. The judge will decide if you are in need of care or supervision.

You may feel nervous or scared when you go to court. Make sure you ask questions about anything you do not understand!

What happens in a juvenile case is **confidential**.



Who Will I Meet?

There are many people you will meet when you go to court. They all want to make sure that you are cared for and safe, but their roles are different.

Your lawyer speaks for you in court. Make sure you tell your lawyer everything he or she needs to know.

The Guardian Ad Litem (GAL) is a volunteer appointed by the court to look out for what is best for you.

The Family Services social worker works for the Department for Children and Families (DCF). The social worker gathers information so that the right services can be provided to keep you safe.

The State’s Attorney (prosecutor) must prove to the judge that you need care or supervision.

The judge makes decisions based on facts, the law, and what the judge believes is best for you.

The court staff answer your questions and help run the court.

Court officers keep the courthouse safe.

Your parent’s lawyer represents your parent(s) in court.

The lawyers, social worker, and GAL may need information from your school and from people who know you well. All information is kept confidential.



Court Hearings

A hearing is a formal meeting that takes place in a courtroom with a judge. It is important that you attend court hearings unless your lawyer tells you that you do not have to go. Decisions made in court will affect your future. Your lawyer or social worker will tell you when your hearings are going to happen. Always be on time for your hearings.

There are different kinds of hearings:

EMERGENCY CARE HEARING takes place if you are in danger or if you have run away. Because it’s an emergency, the hearing may take place in court or by phone. The judge may issue a temporary order to keep you safe until the judge can hear more facts. The judge decides if it is safe for you to stay at home or if you should live somewhere else for a while.

TEMPORARY CARE HEARING occurs within 72 hours of an Emergency Care Hearing. The judge listens to your attorney, the State’s Attorney, your social worker, your parents, and you. The judge decides who should have temporary custody of you until the next hearing. If you are placed in the temporary custody of DCF, the social worker will decide where you will live.

PRELIMINARY HEARING: If your case does not begin as an emergency, it will likely start with a Preliminary Hearing after the State’s Attorney starts the case by filing a petition. The petition explains why the matter is being brought to court. If the parties admit to the allegations in the petition, the next hearing will be a Disposition Hearing. If any party denies the petition, the next hearing is usually a Pre-trial Hearing or a Merits Hearing.



Court Hearings (continued)

PRE-TRIAL HEARING: The judge finds out what is going on with the case and whether the parties will settle the case by agreement or whether they need to have a Merits Hearing because they disagree about the facts.

MERITS HEARING: This is the “trial” part of the case but without a jury. Sometimes family members, police officers, or other witnesses give statements (testimony) under oath. Each side has an opportunity to present testimony to the court. After listening to the evidence, the judge makes a decision about whether you are in need of care or supervision. The judge may order your social worker to prepare a case plan outlining services for you and your family.

DISPOSITION HEARING: At this hearing, the judge decides a plan for you based on the case plan and how things are going. The case plan is proposed by DCF. It lists services needed to keep you safe. The law requires the social worker to get your input when writing this plan. It is important that you discuss this plan with your lawyer and your GAL before this hearing. The judge can either accept or reject the plan. If you are in foster care, a Review Hearing will be held two months later so the judge can monitor progress. If you are not living at home, the judge may also consider whether you are ready to go home.

PERMANENCY HEARING: If you are living outside of your parent’s home, this hearing addresses the long-term plan for you. Some of the options include: returning home, living with a relative, adoption by foster parents, or another long-term living arrangement.