

# **A GUIDE FOR PARENTS AND GUARDIANS IN CHILD PROTECTION CASES**

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**March, 2011**

**by**

**MONTGOMERY COUNTY CIRCUIT COURT  
50 MARYLAND AVENUE  
ROCKVILLE, MARYLAND 20850**

**JUVENILE DIVISION  
27 COURTHOUSE SQUARE  
ROCKVILLE, MARYLAND 20850  
240-777-9530**



**CIRCUIT COURT FOR  
MONTGOMERY COUNTY, MARYLAND**

**This guide contains general information that will give you information about the court process, people who will be involved, and your rights and responsibilities. It does not provide legal advice. Bring this guide with you when you attend court.**



**NOTES**

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**TABLE OF CONTENTS**

**PAGE**

Definitions. . . . . 4 & 5

Introduction. . . . . 6

What Happens When Your Child is Removed?.. . . . 6

Who Will Be Involved? . . . . .7

Others Who Might Be Involved With Your Case . . . . . 8 & 9

Scheduled Court Dates . . . . . 9

CINA Case Timelines. . . . . 10 & 11

The Shelter Care Hearing. . . . . 12

The Adjudicatory Hearing. . . . .12

The Disposition Hearing. . . . . 12 & 13

The Six-Month Review Hearing . . . . .13

The Permanency Planning Hearing. . . . .13

The Permanency Planning Review Hearing. . . . .14

Permanency Plans. . . . . 14

What Happens If I Don't Attend Court Hearings?. . . . .15

Your Rights. . . . . 15

Mediation. . . . . 15

Family Involvement Meetings.. . . . 16

What Are Your Responsibilities?. . . . . 17

Community Resources. . . . . 18 & 19

Commonly Asked Questions.. . . . 20 & 21

Court Dates. . . . . 22 & 23

Names Addresses, and Phone Numbers . . . . . 24 - 26

Appointments . . . . . 27 & 28

Notes. . . . . 29 - 34

**DEFINITIONS**

*These are words you may hear in court or read in this guide.*

**Adjudicatory Hearing** – A hearing or trial when the judge decides whether or not the allegations in the CINA petition are true.

**Allegation** – The reason the Child Welfare Services (CWS) believes that it needs to be involved with your family.

**County Attorney** – This is the attorney who represents the local Child Welfare Department. This person prepares and files papers with the court.

**Attorney** – A person who goes to college, law school, and has passed a test in order to be licensed to represent people in court.

**C.A.S.A.** – Court Appointed Special Advocate. They are volunteers who advocate for your child’s best interests and safety. You may or may not have a C.A.S.A. volunteer in your case.

**Case Plan** – This is a written plan prepared by CWS for the child’s care and treatment, for any family services to be provided, and for the future care of the child. As a parent, you participate in developing the case plan. The plan includes a placement goal for your child that the social worker recommends.

**CINA** – Child in Need of Assistance. A child in need of assistance is a child who needs the court’s intervention to help the family create a safe home environment.

**Disposition Hearing** – A hearing when the court determines if your child is a Child in Need of Assistance (CINA).

**Finding** – A decision made by a judge.

**Foster Care** – Out-of-home care in a family setting provided to a child who has been removed from his/her home. Foster care may include living with a relative or with a family the child does not know.

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## DEFINITIONS

**Judge** – A lawyer who has been appointed to be a judge and conducts or presides over court proceedings.

**Lawyer** – A person who goes to college, law school, and has passed a test in order to be licensed to represent people in court.

**Permanency Planning Hearing** – A hearing when the judge decides the goal of where your child will permanently live.

**Petition** – The legal document that states the social worker's concerns and asks the court to become involved with your child and family.

**Protective Orders** – A court order establishing rules for you and others involved in the hearing that must be followed for a certain period of time.

**Reasonable Efforts** – Child Welfare Services (CWS) must show that they have made reasonable efforts to provide services to you and your child.

**Respondent** – The legal term that the court uses for the child involved in the case.

**Reunification** – The goal that your child will be returned to live with you (parents or guardians).

**Permanency Planning Review Hearing** – A hearing to evaluate the progress of your case and determine where your child will live permanently.

**Service Agreement/Treatment Plan** – The plan developed by you and your social worker that has to be followed before the court will consider whether your child can be returned to you and the case closed.

**Social worker** – This person works for Montgomery County Child Welfare Services and helps you get the services you and your family need.

## INTRODUCTION

The purpose of Child In Need of Assistance (CINA) court proceedings is to keep children safe and to help families create a safe home for their children. They are not designed to punish parents.

The judge can require you and your family to get help. Also, the judge can order that your child be placed in the custody of the Montgomery County Child Welfare Services (CWS) for placement outside of your home. The court will decide where your child shall live, what things you need to do, and whether your child may be safely returned home.

This handbook is designed to help you understand what is going on in the court process and why. If you have questions about the information in this guide, you should talk with your lawyer and/or social worker.

## WHAT HAPPENS WHEN YOUR CHILD IS REMOVED?

There are two types of CINA petitions that can be filed with the court: non-emergency and emergency. If a non-emergency petition is filed, your child is not removed from the home, but court proceedings will be scheduled. If an emergency petition is filed and your child is removed from your home, you will be notified in writing and receive a copy of the papers filed with the court. One of the papers you will receive is the petition stating the reasons Child Welfare staff feels the court should become involved with your family. The petition names your child as the “respondent”. You will also receive a paper telling you when you have to come to court, typically the next business day. If you are unable to pay for a lawyer, call the Office of the Public Defender (240-773-9670). The court will also appoint a lawyer for your child, either the Legal Aid Bureau or another legal firm.

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## WHO WILL BE INVOLVED?

### Your Social Worker

When your family becomes involved with the court your Child Welfare Services social worker will:

- Contact you to give you more information and ask you some questions;
- Visit you and your family regularly;
- Visit your child regularly;
- Help you understand the issues that brought you to court;
- Tell you what steps Child Welfare Services will take to help you and your family;
- Help you work on your service plan, which lists the steps you must take to correct the situation;
- Will help you find resources to assist you, for example, counseling.

**If you have questions or problems, call your social worker and/or lawyer.**

### Your Lawyer

You will receive a notice from the court telling you that you have the right to a lawyer. You can hire a lawyer to represent you or, if you cannot afford to hire a lawyer, the court will refer you to the Office of the Public Defender (OPD). Your lawyer will:

- Talk with you about your case and answer your questions;
- Meet and/or talk with you before every hearing and speak for you in court; and
- Help you understand your rights and tell you about the hearings you will attend and what to expect at each hearing.

**If you have questions or problems, call your lawyer.**

**OTHERS WHO WILL BE INVOLVED WITH YOUR CASE**

**Your Child's Lawyer**

The court will appoint a lawyer for your child. The lawyer for your child represents your child the same as your lawyer represents you. Your child's lawyer argues for what your child believes should happen in his/her life, unless your child is very young and cannot tell the lawyer. In that case, the lawyer will argue what he/she thinks is right for your child. The lawyer represents your child's position to the court. Your child's lawyer will:

- Meet and/or talk with your child before every hearing and speak for your child in court;
- Talk to teachers, therapists, relatives, social workers, foster parents, and others involved with your child; and
- Report how visitation is working and what progress you have made.

Because your child talks with his/her lawyer, and those talks are private, you do not have the right to talk to that lawyer.

**Montgomery County Attorney**

The Office of the County Attorney represents the Montgomery County Department of Child Welfare Services in CINA cases. The attorney files the petition which starts the case. The attorney works with your social worker to make suggestions to the court about your child.

**Court Appointed Special Advocate (CASA)**

The judge may also appoint a Court Appointed Special Advocate (CASA). The CASA is a trained volunteer who will meet with your child, and you, as well as others involved in your case. The CASA reports to the court about how your child is doing and what the CASA believes to be in your child's best interest.

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## APPOINTMENTS

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Person: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Person: \_\_\_\_\_

Place: \_\_\_\_\_

## Citizen Review Boards (CRB)

A Citizen Review Board (CRB) is a group of trained volunteers from the community. The CRB meets to review cases and make written suggestions to the judge. Everyone involved with the case, including you, will be invited to talk with the CRB when they hold review sessions, but you are not required to attend.

## SCHEDULED COURT DATES

You should attend all court hearings. You may need to attend other meetings. The judge will listen to all sides and decide how to best help your family. Most Child In Need of Assistance (CINA) cases have at least the following hearings:

- Shelter Care Hearing;
- Pre-Trial /Settlement Hearing (Mediation);
- Adjudicatory Hearing (Trial);
- Disposition Hearing (usually held on the same day as the Adjudicatory Hearing);
- Six-Month Review Hearing;
- Permanency Planning Hearing; and
- Permanency Planning Review Hearing.

You may also be asked to attend other events:

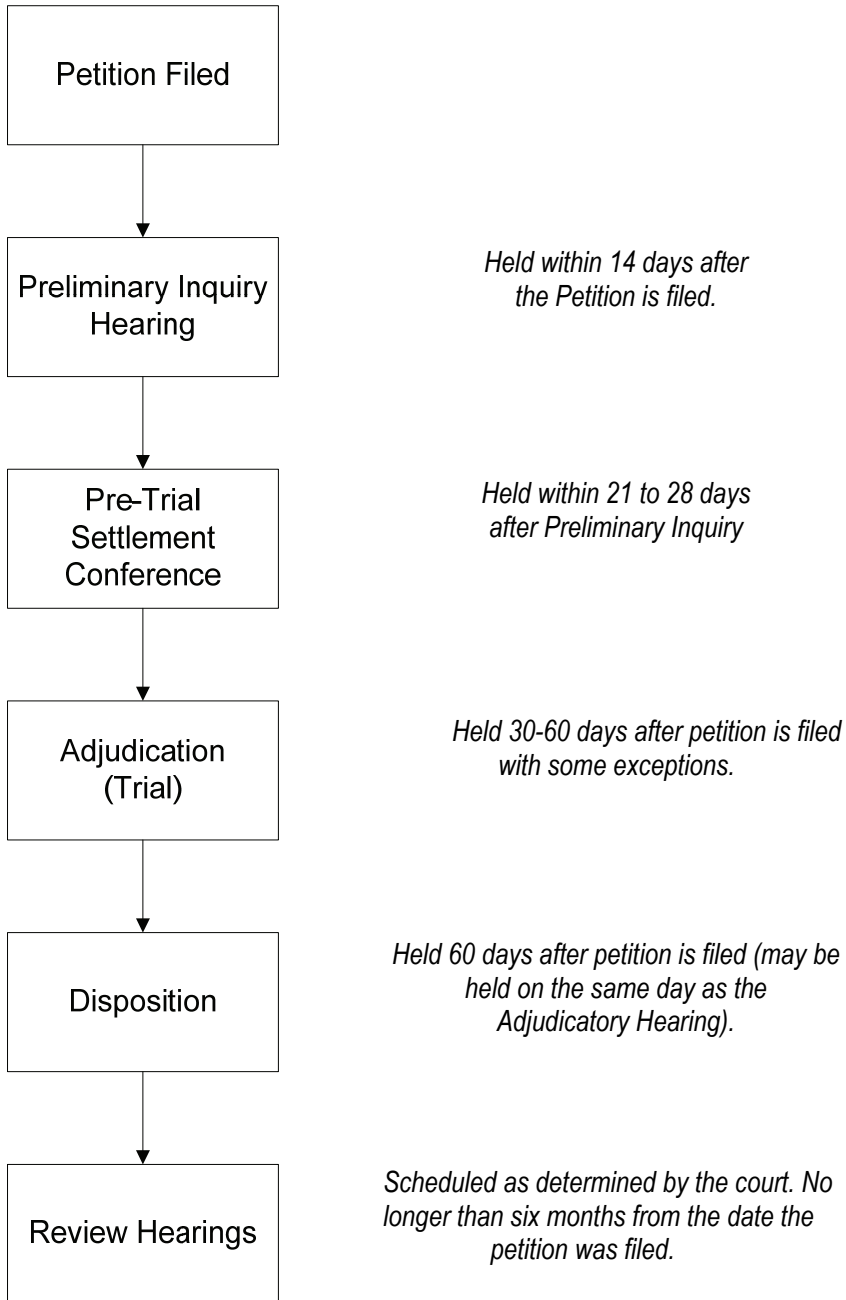
- Family Involvement Meetings; and
- Citizens Review Board Meetings.

Each court hearing and meeting has a different purpose. Each type of hearing and meeting is described in this handbook, so you know what to expect at each event. Someone will tell you or write to you with the dates. It is important for you to attend all hearings and meetings.

**Remember, creating a safe home for your child or children is the purpose for all hearings and meetings. If you do not understand something or if you have questions, talk with your lawyer.**

**CHILD IN NEED OF ASSISTANCE CASE TIMELINES**

**NON-EMERGENCY CASES**



**APPOINTMENTS**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Person: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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Place: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Person: \_\_\_\_\_

Place: \_\_\_\_\_

**NAMES, ADDRESSES, AND PHONE NUMBERS**

**Lawyer's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Office Telephone Number: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Social worker's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Office Telephone Number: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Child's Lawyer's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

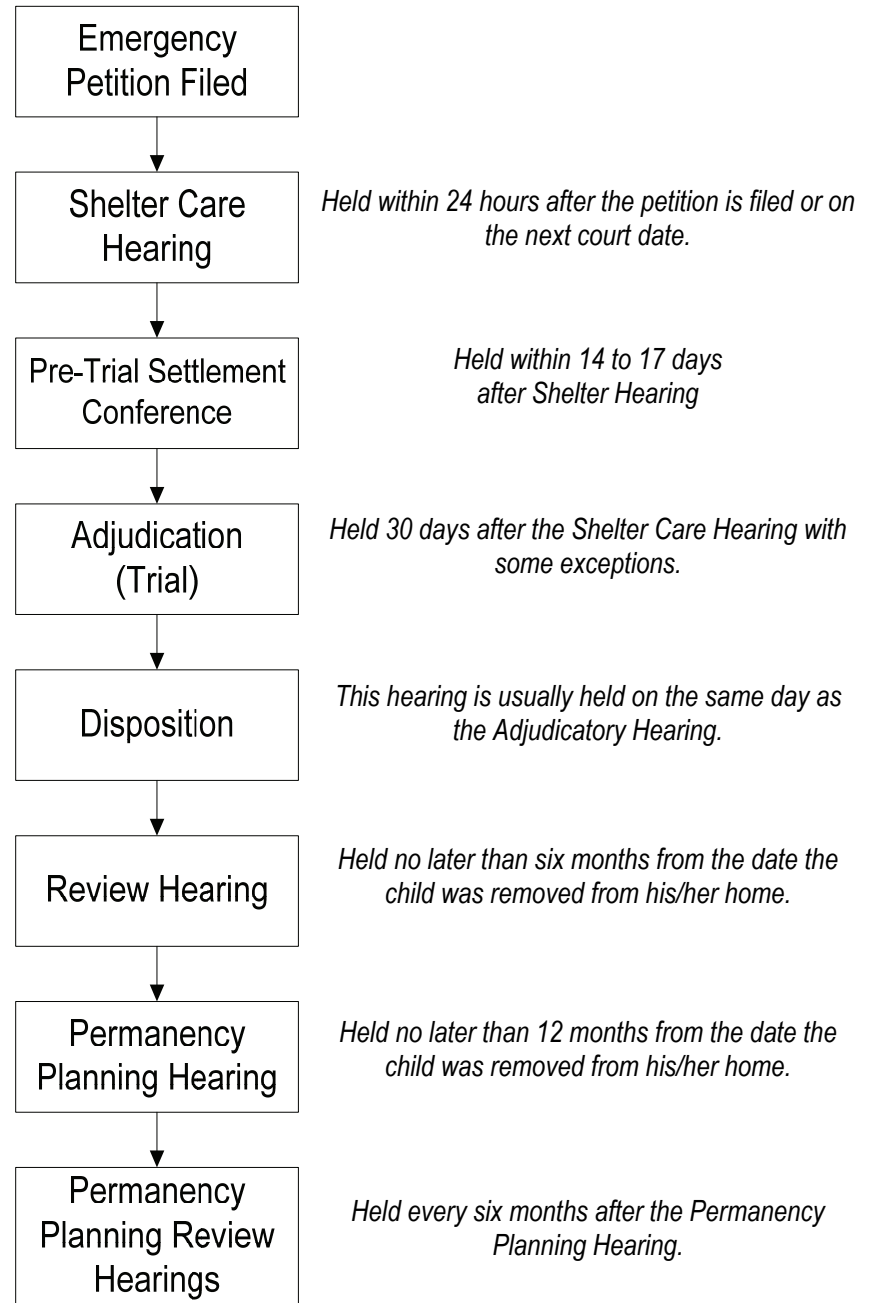
Office Telephone Number: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**CHILD IN NEED OF ASSISTANCE CASE TIMELINES**

**EMERGENCY CASES**



## THE SHELTER CARE HEARING

If Child Welfare Service social workers or the police believe that your child is in immediate danger of abuse or neglect, they may remove your child from the home. A Shelter Care Hearing is held for the judge to decide if the placement of your child outside of the family home is necessary.

The Shelter Care Hearing must be held within twenty-four (24) hours after your child is removed from the home. If your child is removed on a Friday, then the hearing will be held on the following Monday (or the next day the court is in session). The hearing can be postponed for up to eight days, but no longer.

The judge must decide (the legal term is “find”) that it is contrary to your child’s safety and welfare to continue living in the family home. The judge must also find that removal is necessary to protect your child’s safety because of an emergency situation or because reasonable, but unsuccessful, efforts were made to prevent the removal of your child.

Shelter care may only be authorized for thirty (30) days. The next hearing, the Adjudicatory Hearing (trial), must be held within thirty (30) days after the Shelter Care Hearing, unless delayed by the judge.

## THE ADJUDICATORY HEARING (Trial)

At the Adjudicatory Hearing, the court will decide if the information in the petition is true.

This hearing is usually held within thirty (30) days if your child was removed from your home. If your child was not removed, the Adjudicatory Hearing must be held within sixty (60) days from when you got the petition.

## THE DISPOSITION HEARING

At the Disposition Hearing, usually held on the same day as the Adjudicatory Hearing, the judge will decide if your child is a Child in Need of Assistance (CINA). A CINA is a child who needs the court’s intervention to help the family create a safe home. If the court decides that your child needs assistance, then the judge must decide how the court should protect your child’s health, safety, and well-being.

## NAMES, ADDRESSES, AND PHONE NUMBERS

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Office Telephone Number:** \_\_\_\_\_

**Cell Phone Number:** \_\_\_\_\_

**E-mail Address:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Office Telephone Number:** \_\_\_\_\_

**Cell Phone Number:** \_\_\_\_\_

**E-mail Address:** \_\_\_\_\_

**Child’s Lawyer’s Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Office Telephone Number:** \_\_\_\_\_

**Cell Phone Number:** \_\_\_\_\_

**E-mail Address:** \_\_\_\_\_

**NAMES, ADDRESSES, AND PHONE NUMBERS**

**Lawyer's Name:** \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Office Telephone Number: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Social worker's Name:** \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Office Telephone Number: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Social Worker's Name:** \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Office Telephone Number: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**THE SIX MONTH REVIEW HEARING**

The Six Month Review Hearing is held within six months after the Shelter Care Hearing if your child was removed from the home. At this hearing the judge will be making sure that the services that were ordered have been put into place and the issues that caused the removal of your child are being addressed so that your child can return to your home in the future.

Child Welfare Service social workers must prepare a status report before the hearing. You or your lawyer should receive a copy of the report ten (10) days before the Six-Month Review Hearing.

**THE PERMANENCY PLANNING HEARING**

The Permanency Planning Hearing is held no later than one year after your child has been placed out of your home. In Montgomery County, it is usually held within 11 months or sooner. At this hearing, the judge will decide whether or not your child can be safely returned home and will look at permanency plan options that are in the best interests of your child.

Child Welfare Service social workers must prepare a report including a permanency plan for your child before the hearing. You or your lawyer should receive a copy of the report ten (10) days before the Permanency Planning Hearing.

Questions the judge considers:

- Are you able to care for your child's needs?
- Is your family home safe?
- Have you fixed the issues that placed your child in danger?
- Can you take full-time custody of your child?
- Are other services needed to help you reach the goals set by the court?
- Will you need any support services to help with your child's move from foster care to home?

## THE PERMANENCY PLANNING REVIEW HEARING

A Permanency Planning Review Hearing will be held within six months after the permanency plan is determined. The judge will examine whether or not you have made any progress meeting goals. The judge will also evaluate your child's safety, and, if necessary, change the permanency plan. A Permanency Planning Review Hearing is held every six months until the case closes.

Child Welfare Services must prepare a report including a permanency plan for your child before the hearing. You or your lawyer should receive a copy of the Report ten (10) days before the Permanency Planning Review Hearing.

Questions the judge considers:

- Are you doing what the permanency plan says?
- What progress has been made toward the permanency plan?
- Is your child safe? Are other steps needed to protect your child?
- Is it in the best interest of your child to change the plan?
- When is your child likely to be in a permanent placement, so that the case can be closed?

## PERMANENCY PLANS

This is a list of the permanency plans the court considers, in order of preference:

<b>Reunification</b>	<b>Work towards returning the child to his/her parent(s) or guardian.</b>
<b>Relative Placement</b>	<b>A. for adoption OR B. for custody and guardianship.</b>
<b>Adoption</b>	<b>By a non-relative.</b>
<b>Custody and Guardianship</b>	<b>By a non-relative.</b>
<b>Another Planned Permanent Living Arrangement (APPLA)</b>	<b>A permanent foster care placement, or an independent living situation.</b>

## COURT DATES

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_

Type of Hearing: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_

Type of Hearing: \_\_\_\_\_

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### COURT DATES

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Type of Hearing: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_

Type of Hearing: \_\_\_\_\_

### WHAT HAPPENS IF I DON'T ATTEND COURT HEARINGS?

You will always be notified of court hearing dates. **It is very important that you go to all hearings. If you do not go to a hearing, the judge will still make decisions, but without your ideas.**

If there is an important reason why you can't go to a hearing, you must tell your lawyer immediately. If you do not have a lawyer, you must tell the court, in writing, why you cannot go to a hearing.

You must tell your social worker and the court your current address and telephone number, at all times.

### YOUR RIGHTS

- You have the right to a lawyer. If you cannot afford to pay for a lawyer, you will be referred to the Office of the Public Defender.
- You have the right to admit or deny the allegations made about you and your family; and present evidence at court hearings;
- You have the right to file an appeal of the judge's decision;
- You have the right to be told of all court hearings, and be present at them.
- You have the right to an interpreter in court if you do not understand english. You have the right to other assistance if you have a disability.
- You have the right to talk about your case with your lawyer, social worker, and, if appointed, the CASA.
- You have the right to be a part of coming up with a treatment plan that is the most helpful for you and your family.

## MEDIATION

Mediation is an informal, cooperative process for solving problems. It gives everyone involved a chance to work together to reach agreements, and avoid the stress of court trials. A specially trained mediator will guide you through the process. Mediation is confidential, with a few exceptions that the mediator and/or your lawyer will tell you about.

The judge will order mediation. You or your lawyer may request mediation. In Montgomery County, any party to the case can request mediation at any stage of the case.

Some issues you may discuss in mediation include:

- The concerns in the CINA Petition;
- How can we fix these concerns without trial;
- Visitation plans and schedules;
- Placement ideas for your child;
- Permanency plans;
- Family/social worker conflicts; and
- Services for you, your child, or your family.

## FAMILY INVOLVEMENT MEETINGS

Family Involvement Meetings (FIMs) are meetings with families, extended family members, community members, service providers, foster parents, and Child Welfare Service workers. You are allowed to bring your lawyer. FIMs are based on the idea that a family group made up of people who know the situation can make decisions better than just one person. The meetings are held at important times identified by Child Welfare Services. They are scheduled to suit the family's schedule. During a meeting everyone will:

- Introduce themselves;
- Talk about the concerns;
- Come up with ideas;
- Reach a decision; and
- Say what they think about the process

**Q:** Will my child have his/her own lawyer?  
**A:** Yes. The judge will appoint a lawyer for your child. You cannot get advice from your child's lawyer and your child cannot get advice from your lawyer.

**Q:** Who attends court hearings?  
**A:** You, your child, your lawyer, your child's lawyer, the county attorney, the social worker, the foster parents or relative caregivers, the CASA, and other individuals involved with your case may attend court hearings. These hearings are not open to the public.

**Q:** How do I show that I am improving my skills as a parent?  
**A:** It is important for you to participate in the services provided to you. You need to show that you are learning new things about being a parent. You should spend time during your visits with your child practicing these new parenting skills. Talk to your lawyer and social worker about how you are doing, what you have completed in the case plan, and additional services that would help you.

**Q:** What if I have questions?  
**A:** If you have questions about what is going on with your case, ask your lawyer and/or social worker to help.

**Q:** Does everyone have to do what the judge says?  
**A:** Yes, court orders must be obeyed. Anyone coming to court must follow the directions of the judge.



## COMMONLY ASKED QUESTIONS

- Q:** What happens after my child is removed from my home?  
**A:** If your child is removed from your home, you will be notified in writing by the Montgomery County Child Welfare Services. A hearing will be set the next day.
- Q:** When should I arrive for scheduled hearings?  
**A:** It is best to arrive 30 minutes before your scheduled hearing. This gives you a chance to meet with your lawyer to talk about what is going to happen.
- Q:** What should I wear?  
**A:** Wear nice clothes. Do not wear ripped jeans, shorts, halter tops, tank tops, or revealing clothes. You may be asked to remove a hat.
- Q:** What is basic courtroom behavior?  
**A:** You must show the judge respect and always address him or her as “judge” or “your honor”. Use good eye contact, and be polite and attentive. Have a good attitude and take the process seriously. Stand up when you are asked to speak. Speak only when asked to do so.
- Q:** Will I, the parent, have an lawyer?  
**A:** You have the right to a lawyer. If you are actively working toward reunification with your child and if you cannot afford to pay for a lawyer, the court will refer you to the Office of the Public Defender. You may also hire a private lawyer of your choice.

## WHAT ARE YOUR RESPONSIBILITIES?

As long as your child is safe and cared for, the best place for your child is with his or her own family. The child welfare laws and services are designed to keep families together and keep children with their parents. Your child will remain out of your care only when, in the opinion of the court, your child is not safe from danger in your home or there are issues that affect your child’s return. All services offered to you as a parent will be designed to help you and your child. There are cases where, no matter what services are offered and accepted, your child cannot be safely returned home.

It is important that you understand what is expected of you and that you work hard to improve your situation.

### Some of your responsibilities include:

- **Always attend your court hearings and scheduled appointments;**
- **Tell your lawyer, social worker, and the court if you change your address and/or phone number ;**
- **Follow what the court orders you to do;**

### This may include:

- **Attend parenting classes to help you understand how to be a better parent;**
- **Attend counseling;**
- **Participate in a program to overcome a drug or alcohol problem and show sobriety by regular, clean urinalysis;**
- **Not live with someone who has abused your child;**
- **Show you can provide a safe home;**
- **Visit regularly with your child while he or she is in foster care.**

**Ask for help when you need it.**

## COMMUNITY RESOURCES

The following is a list of some of the resources available in Montgomery County. There may be other programs not listed that will be helpful to you. Ask your lawyer and/or social worker about additional resources.

Montgomery County Child Welfare Services (main office)  
1301 Piccard Drive  
Fourth Floor  
Rockville, Maryland 20850  
Phone: 240-777-3500

Montgomery County Child Welfare Services  
7300 Calhoun Place, Suite 400  
Rockville, MD 20855

Montgomery County Child Welfare Services (up-county office)  
12900 Middlebrook Road, 2nd Floor  
Germantown, MD 20876

Montgomery County Child Welfare Services (down-county office)  
8630 Fenton Street, 10th Floor  
Silver Spring, MD 20910

Montgomery County Circuit Court  
Juvenile Division  
27 Courthouse Square  
Rockville, Maryland 20850  
Phone: 240-777-9530

Visitation House  
209 Monroe Street  
Rockville, MD 20850  
Phone: 301-279-5035

*InfoMontgomery* (helpful website find services and resources in

Montgomery County)  
MC311—telephone information line for information

## COMMUNITY RESOURCES

Write in Other Referrals from Child Welfare Services here: