**Pre-Service Module: Court**

**Section 1: Navigating the Court Process**

**Section Learning Objectives**

By the end of Section 1: Navigating the Court Process, child welfare professionals will be able to:

* Identify your agency’s court policies and procedures
* Understand the implication of trauma in court
* Become familiar with Chapter 48 and Chapter 938 Statutes
* Understand the importance of court preparation
* Recognize the importance of collaboration
* Understand how WICWA interacts with the court system

**Section Themes and Key Points**

Below is a summary of the themes and key points covered in this section. This summary is intended to remind learners of the key learning points addressed and assist supervisors / coaches in understanding what was covered in order for them to guide and support the application of learning for new child welfare professionals related to this section.

1. This section establishes that Wisconsin is focused on keeping families and children together by safely serving them in their home and communities with resources and services and preventing the trauma of unnecessary separation. When all other options have been exhausted, there may still be times when involvement with child protective services and the youth justice system includes the court system.
2. This section emphasizes the importance of utilizing trauma informed practice in the court system. This involves an ongoing knowledge and awareness of how traumatic experiences may affect the children, youth, and families by recognizing how they may perceive interventions and services.
3. This section outlines the Wisconsin statutes that govern all child welfare cases:

* Chapter 48 (referred to as the Children’s Code) governs the treatment of children and how they should be protected.
* Chapter 938 (referred to as the Juvenile Justice Code) governs youth who are breaking the law or engaging in behaviors that are harmful to themselves or others.

1. This section assists child welfare professional in preparing for court proceedings with the following guidelines:

* Meet with parents, children, and youth to explain the purpose of the hearing, their right to counsel, and the critical importance of their attendance at the hearing. Communicate before, during, and after the hearing.
* Before every hearing, become thoroughly familiar with the facts of the case and be prepared to answer questions about case file information.
* Check with your supervisor about your agency’s policy regarding the materials that can be taken to court.
* Consider appearance and how this reflects competence and professionalism in court.
* Testifying in court can be intimidating – good preparation is key. Ask for a preparation meeting or phone call with the attorney involved.
* Know the specific purpose of the proceeding and prepare by reviewing relevant material. Be familiar with the location of information in your file and notes to locate quickly. Do not record anything in your notes you would not want others to see.

1. This section reviews the Wisconsin Indian Child Welfare Act (WICWA) that recognizes the unique status American Indian tribes have as sovereign nations within the United States. Sovereignty is a legal principle that refers to the rights of American Indian nations to govern themselves and their land base.

In child welfare cases, the tribe must be notified of proceedings involving an American Indian child or youth, and that they have the right to formally intervene at any point during the proceeding and become a party to the case. The tribe may be represented by a tribal attorney or by a tribal child welfare professional. When the tribe becomes involved in a case, they have the right to call witnesses, present recommendations, and examine all reports and documents filed with the court.

Because of their sovereign status, many tribes also have their own court systems. In the state of Wisconsin, all 11 federally recognized tribes have tribal courts that operate under their own children’s codes. What can be expected in tribal court will vary from tribe to tribe.

**On-the-Job Application Activities**

Listed in this section are optional transfer of training activities to support the learner in applying the knowledge acquired during the Court: Navigating the Court Process Pre-Service Module to their CPS roles and responsibilities.

These four activities are optional and are provided only to aid the child welfare professional and supervisor/coach in supporting transfer of learning from pre-service to the agency. The child welfare professional, with input from their supervisor/coach, may choose to complete all, some, or none of these activities or substitute in other activities.

Each of the four activities are described below, and a resource section to aid the post-activity supervisor/coach discussion with the child welfare professional follows the description of activity four.

**Option 1: Connect with Tribal Child Welfare Professionals Activity**

* Ask your supervisor about the protocol for your agency to connect with tribal child welfare professionals. Ask for guidance regarding the etiquette and expectations of the tribe’s court system.

**Option 2: Video “Getting Ready for Court Part 1: Tips for Child Welfare Professionals” Activity**

* Watch the video “Getting Ready for Court Part 1: Tips for Child Welfare Professionals” (3:26):

<https://www.bing.com/videos/search?q=testifying+in+court+child+welfare&ru=%2fvideos%2fsearch%3fq%3dtestifying%2bin%2bcourt%2bchild%2bwelfare%26FORM%3dHDRSC3&view=detail&mid=B3CB9CC3D1829A01A68EB3CB9CC3D1829A01A68E&&FORM=VDRVRV>

* Identify the information that can assist in your preparation for court and discuss with your supervisor or coach.

**Option 3: Court Partners Activity**

* Talk with your supervisor or coach about how you are going to connect with your various court partners and what you need to know to work effectively with them.

These partners can include:

* + Judges
  + District Attorney
  + Corporation Council
  + WICWA Representative
  + Guardian ad litem
  + Court Appointed Special Advocates (CASA)

**Option 4:** **Match Court Related Terminology with Definitions Activity**

* Review the court related terms in the table below – write/type in their definitions. You will find a list of definitions on the next page to choose from.
* Discuss your results with your supervisor or coach.

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| --- | --- |
| **Terms** | **Definitions** |
| **Chapter 48** |  |
| **JIPS** |  |
| **Chapter 938** |  |
| **Delinquency** |  |
| **Allegations** |  |
| **Adjudication** |  |
| **CHIPS** |  |
| **Conditions of Return** |  |
| **UCHIPS** |  |
| **CPS Report** |  |
| **Court Order** |  |
| **Dispositional Order** |  |
| **Restitution** |  |
| **Dispositional Report** |  |

**Definitions (Write correct definition into the correct term on the previous page)**

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| --- |
| * + Child in Need of Protection or Services   + The part of Wisconsin State Statutes which governs the treatment of children and how they should be protected. It is often called the Children’s code.   + The portion of the Wisconsin State Statutes that governs youth who are breaking the law or engaging in behaviors that are harmful to themselves or others. It is often called the Juvenile Justice Code.   + A report stating what the judge has decided at a dispositional hearing.   + Things someone claims to be true but have not yet been proven. In child welfare cases, someone may make “allegations” that a child has been mistreated or needs special help.   + Unborn Child in Need of Protective Services   + Juvenile in Need of Protective Services   + A legal word meaning “decision of the court.”   + What a family must do so that a child who has been placed outside of the home can be returned home.   + Child Protective Services Report   + The court may order a juvenile to repair damage to property or to make reasonable repayment for the damage or injury, either in the form of cash payments or, if the victim agrees, the performance of services for the victim, or both, completion of the services, and may include a schedule for the performance and completion of the services.   + A written report which describes what a judge has decided.   + A court-ordered report written by a child welfare professional which tells the judge about a family and makes the recommendations to the court regarding what services the family needs.   + A violation of any state or federal criminal law by a child or youth who is 10 years of age or older. |

**Resource for Option 4: Match Court Related Terminology with Definitions Activity**

This resource section is provided to aid the post-activity supervisor/coach discussion with their child welfare professional after completion of Option 4 related to the Match Court Related Terminology with Definitions Activity.

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| **Terms** | **Definitions** |
| **Chapter 48** | The part of Wisconsin State Statutes which governs the treatment of children and how they should be protected. It is often called the Children’s code. |
| **JIPS** | Juvenile in Need of Protective Services |
| **Chapter 938** | The portion of the Wisconsin State Statutes that governs youth who are breaking the law or engaging in behaviors that are harmful to themselves or others. It is often called the Juvenile Justice Code. |
| **Delinquency** | A violation of any state or federal criminal law by a child or youth who is 10 years of age or older |
| **Allegations** | Things someone claims to be true but have not yet been proven. In child welfare cases, someone may make “allegations” that a child has been mistreated or needs special help. |
| **Adjudication** | A legal word meaning “decision of the court” |
| **CHIPS** | Child in Need of Protection or Services |
| **Conditions of Return** | What a family must do so that a child who has been placed outside of the home can be returned home |
| **UCHIPS** | Unborn Child in Need of Protective Services |
| **CPS Report** | Child Protective Services Report |
| **Court Order** | A written report which describes what a judge has decided |
| **Dispositional Order** | A report stating what the judge has decided at a dispositional hearing |
| **Restitution** | The court may order a juvenile to repair damage to property or to make reasonable repayment for the damage or injury, either in the form of cash payments or, if the victim agrees, the performance of services for the victim, or both, completion of the services, and may include a schedule for the performance and completion of the services. |
| **Dispositional Report** | A court-ordered report written by a child welfare professional which tells the judge about a family and makes the recommendations to the court regarding what services the family needs |