

The Foster & Adoptive Parent Advocacy Center (FAPAC)
Foster Parent Family Court Fact Sheet
Opportunity To Be Heard and Party Status

How can I share information about a foster child with the Judge?

In the District of Columbia, the Adoption and Safe Families Act requires the court to give foster parents an ***“opportunity to be heard”*** in court proceedings about a child currently in their home. That means that as a foster parent, you have a right to tell a judge during a hearing about a child’s behaviors, daily routines, day-to-day health, educational needs, visitation schedule with a biological parent, services a child is receiving, any additional services the child may need, and anything else you think the judge should know about the child. Providing this information to the judge will help the Court decide what is in the best interests of the child. Unless you have been granted ***“party status,”*** you may not have the right to hear all information given in court and may be asked to leave when confidential information is being shared.

If a child has been living with a foster parent for 12 months or more, the family court judge hearing the case must allow a foster parent to become a ***“party”*** to certain court proceedings, ***based upon the foster parent’s request for party status (SCR - Neglect Rule (10)(b))***. If a child has been living with a foster parent for less than twelve months, the foster parents can request party status, but should provide the judge with reasons as to why their becoming a party at this earlier stage is in the “best interests of the child.” The judge will use his/her discretion to make that decision at this earlier stage.

Why would I want to be a “party” to court proceedings?

While every foster parent has an ***“opportunity to be heard”*** and share information about a child in court proceedings, if a foster parent is made a ***“party,”*** they have greater rights of participation in the court process. This means:

- The foster parent may receive more information both in court and through court reports they may otherwise not have access to, and
- The foster parent has the right to hire a lawyer to represent them and, depending upon income, the foster parent may even be eligible for a court- appointed attorney free of charge, and
- The foster parent may also have a right to call witnesses and present evidence at hearings, and
- As a party to the proceedings, a foster parent may be given more of an opportunity to provide an opinion on issues involving the child’s permanent placement.

How do I become a “party” to court proceedings?

There are a few ways a foster parent can ask a court to make them a ***party to court proceedings***. The foster parent may verbally request during open court that the judge make them a party. The foster parent can ask the GAL or the social worker or can retain an attorney to request party status for them. The foster parent can file a motion to the court to request party status. Procedures to support foster parents in that process are being developed by the court and should be in effect in September 2005.

Be aware that any time anyone writes to a judge, including filing a motion, it is shared with all the parties to the case and with their counsel. That would include your name and address unless you make a special request to the judge not to disclose it, and the judge agrees. If you are granted ***party status***, unless you make a special request, your address will be added to the court file so that the court can mail you all appropriate documents and will no longer be kept confidential from other parties in the case.

If you have any questions please contact us at: Foster & Adoptive Parent Advocacy Center (202) 269-9441.

Disclaimer:

This fact sheet is for informational purposes only and is not intended to and does not constitute legal advice.

August 2005