

Understanding Your Rights as a Parent

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

You have the **right** to:

- **Visitation with your child**
- **Consent to adoption**
- **Counsel if you qualify**

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:

- **Placement decisions**
- **Determine child's religious affiliation**
- **Consent to marriage**
- **Consent to military enlistment**
- **Haircuts**
- **Body piercings and tattoos**
- **Medical decisions and emergencies**

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.

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.¹

Right to Legal Counsel

According to state statute, you have the right to be represented by a lawyer. If the court finds you need a lawyer and cannot afford a lawyer, it may appoint one for you if you meet other qualifications. You must be informed of this right by the court.²

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.

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 may choose not to share medical information with you.

The rights discussed in this document can be limited by the court. This document should not be considered legal advice and is for informational purposes only. For legal advice talk to your lawyer.

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.

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, request an interpreter if you need one, and be provided Indian Child Welfare Act protections.

Your Rights

- Regular visits and other contact with your child, such as letters and telephone calls. This right may be limited by the judge.
- Give input into decisions affecting your child.
- Identify and discuss your family's strengths and areas needing improvement with your worker to develop your Individual Service Plan.
- Expect your child to be free from abuse, neglect and exploitation.
- Expect your child not to receive any harsh, cruel, unusual, unnecessary, demeaning, or humiliating punishment. This includes not being shaken, hit, spanked, or threatened, forced to do unproductive work, be denied food, sleep, access to a bathroom, mail, or family visits as punishment.
- Expect your child to be disciplined in a manner that is appropriate to how mature he/she is, his/her developmental level, and his/her medical condition. Discipline does not include the use of restraint, seclusion, corporal punishment or threat of corporal punishment.
- Help decide the long-term plan for your child and to be notified of changes in the plan.
- Have help in correcting the problems that caused your child to be placed outside your home.
- Have office phone numbers and office addresses for your worker and your worker's supervisor.
- Participate in your child's county conferences and court hearings.
- Refuse any service or treatment recommended by DFCS unless court ordered.
- Two weeks notice before your child's placement or visit schedule changes. (In emergency situations DFCS may not be able to notify you.)

- Ask to meet with your child's Resource Parents.
- Have your child's Native American (Indian) ancestry recognized and respected. DFCS will tell the BIA about their involvement with your family and follow the tribe's decisions for handling your case.
- Be treated with dignity and respect and receive services without regard to age, race, color, creed, religion, national origin, sex, disability, or political affiliation.

Your Responsibilities

- Help financially to support your child.
- Remember your child on birthdays and holidays with visits, gifts, calls, or cards.
- Complete your part of your Individual Service Plan. This may include paying for the cost or part of the cost of a task.
- Ask for and be a part of all Family Team Meetings.
- Help develop your child's visitation plan.
- Give 48 hours notice if you can't come to a visit with your child.
- Give to your worker the names, phone numbers, and addresses of your relatives who may be able to care for your child.
- Give your worker all medical and educational information about your child.

This information and more can be found:

State of Mississippi Department of Human Services Policy <http://www.sos.ms.gov/acproposed/00019917b.pdf>

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/>

¹Mississippi DFCS Policy Section D <http://www.sos.ms.gov/acproposed/00019917b.pdf>

²Miss. Code §§ 43-21-201(2)