



Morris County Foster Parents Association

Children in Foster Care and the Courts – *The nuts and bolts of the Family Court*

The court cases of children in foster care are assigned different docket numbers, depending on the type of court proceeding. You may see these docket numbers from time to time:

- All children who are removed from their parents and placed with a relative, foster parent or in a residential facility are assigned an **FC** (Child in Placement) docket number.
- When DYFS files a complaint with the court against the parents, seeking custody, the case is also assigned an **FN** (Abuse and Neglect) docket number. Whenever a child's case is assigned an FN docket type, a Law Guardian is appointed and there is generally a court review of the case about every 3-4 months.
- If DYFS files a petition with the court for termination of parental rights (TPR), the FN litigation is dismissed and it is assigned an **FG** (Guardianship) docket number, which culminates in a guardianship trial. Law Guardians continue to represent a child through the completion of the trial.
- In cases where neither TPR nor return home is possible, DYFS may petition the court for Kinship Legal Guardianship (KLG) as a permanent plan, which is assigned an **FL** docket number. In this case, the child must have been living with the caregiver for at least one year and adoption must be ruled out. The KLG caregiver assumes full legal custody of the child, DYFS closes the case and there is no longer a Law Guardian assigned.

The Office of Law Guardian (OLG), a unit within the Office of the Public Defender, provides legal representation to children in family court matters involving allegations of abuse and neglect against parents or other caregivers, or in cases involving termination of parental rights. In child welfare cases in New Jersey, children have rights separate and distinct from those of their parents. One important right a child has is the right to have an attorney, known as a law guardian, represent the child in court, present the child's wishes to the judge and protect the child's legal interests throughout the legal proceeding. A law guardian maintains a traditional lawyer-client relationship with the child to the extent possible. The law guardian helps the child-client understand the child's legal rights and the court process and keeps the child informed as the case progresses through the child welfare system. The law guardian will counsel the child and give legal advice about the most realistic course of action to protect the child's safety and to advance the child's wishes and interests. The special training and expertise of law guardians help the child participate fully in court hearings.

Each law guardian works as a part of a team of professionals on behalf of the children OLG represents. This team includes specially trained investigators and clerical staff. Investigators take an active role in meeting the child to discover the relevant facts of the case necessary to developing a position on behalf of the child-client. Similar to the confidential relationship between attorneys and the clients in other types of matters, the law guardian attorney and investigator enjoy a confidential relationship with the child-client. In order to protect the confidentiality of this relationship, the law guardian attorney and investigator may ask to meet privately with the child-client either at home or at school. The investigator may also need to interview other people involved in the child's life to gain facts about the case and to help further the child's position. It is important that the investigator be provided with accurate information that will allow the child's lawyer to develop the best legal position for the child.

For complete information about the Office of Law Guardian, including contact information, visit their website at http://www.thedefenders.nj.gov/div_lawguardian.shtml.