

# Courtroom Participants

## Roles, Rights and Responsibilities

### Judge

- Trier of fact.
- Conducts or presides over the hearing.
- Receives evidence.
- Determines the controversy and validity of the allegations.
- Renders a decision as to the outcome or disposition.
- Ensures an efficient hearing.
- Ensures parties are afforded their respective rights.
- Ensures attorneys provide competent representation.

### Master

- Judicial officer appointed by the court.
- Hears testimony and receives evidence.
- Provides the judge a written finding and recommendation.
- Informs the parties of right to have the matter heard by a judge.
- Master's findings must be affirmed by judge in writing.

### Parties

- Directly interested or concerned with the outcome.
- Right to present evidence, cross-examine witnesses, and appeal the decisions.
- Right to legal representation at all stages of the proceedings.
- Summons to the proceedings in writing with:
  - Date, time and place of the hearing.
  - Notice of right to counsel.
  - Warning that failure to appear may result in an arrest.
  - Served in-person or by certified mail, return receipt and first class mail.
  - Parties can be accused for good cause.
  - No hearing without the child's guardian *ad litem* and legal counsel if one or both of them have been appointed. .
- Petitioner
  - CYS agency representative, the child welfare professional.
  - Interested person, if court approves.
- Parents
  - Birth parents, adoptive parent, and/or legal guardians.
  - Biological father, legal father, and/or putative father.

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## Roles, Rights and Responsibilities, continued

- Acknowledgement of Paternity form or a court Domestic Relations Section has entered an order that establishes the legal father of the child.
  - Legal Father: Children born to married women, the husbands are presumed to be the legal father.
  - A putative father alleged to have fathered the child.
  - Unknown father.
  - Custodial v. non-custodial parent.
- Child
    - Must be present can be excused for good cause shown.
    - Child's legal representative, guardian *ad litem* and legal counsel, must be consulted regarding the child's attendance at the court hearing.
    - Child must be accessible.
    - Court has the authority to order any person having the physical custody or control of a child to bring the child to any proceeding.

### Legal Representatives

- Attorneys admitted by the state's highest court to practice law.
  - Officer of the court.
  - Subject to ethical and professional standards.
  - Must become familiar with all aspects of the case.
  - Possess competence in the area of law in which they are practicing.
  - Competently counsel, advise and diligently represent their clients interests and/or best interests in these matters.
- Solicitors represent CYS agency and child welfare professional.
- Parent Advocates, attorneys hired by the parents or appointed by the court.
- Guardian's *ad litem* are attorneys appointed by the court to represent the child's legal interest and best interest until the dependency matter is concluded.
- Counsel for the child.
  - Truancy and delinquency matters.
  - If counsel and guardian *ad litem*, then guardian *ad litem* represents the child's best interest and the attorney represents the child's legal interest.

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## Roles, Rights and Responsibilities, continued

### Witnesses

- Fact or lay witnesses give evidence in court and attest or swear under oath to events that have occurred.
- Expert witnesses.
  - Have special knowledge and/or training not normally possessed by the average person.
  - Are qualified by the judge and may offer a professional opinion.

### Others

- Court Appointed Special Advocate (CASA) .
- Resource (foster and kinship) parent, pre-adoptive parent/ relative providing care.
  - Entitled to timely notice of the hearing.
  - Right to be heard at any hearing.
  - Entitled to prepare and provide written document to the court
  - Do not have a legal standing in the matter, unless they have legal custodianship.