



# Parents, Guardians, and Custodians in Child Abuse and Neglect Cases – 1 of 4 Fact Sheet

## Introduction

When the Juvenile Court has an abuse or neglect case, the purpose of the court is to keep children safe and help families have safe homes for their children. If possible, the Juvenile Judge will allow the children to remain in the home if they can be safe and protected from harm.

The Juvenile Judge takes children out of the home when they cannot be safe and protected in the home. Children are not removed from their home to punish their parents, guardians, or custodians.

The Juvenile Judge can order you and your family to get help. The Judge can also order that your child be taken from your custody and placed in the temporary custody of the Arkansas Department of Human Services (DHS). This means that, for the time being, DHS is legally responsible for your child and, with the approval of the Juvenile Judge, can decide where your child should live and what you need to do to have your child returned to you.

If your child is removed from your home, the Juvenile Judge may order you to pay child support. This is because you are still the parent, guardian, or custodian, and you still have a duty to support your child, even if your child is living outside your home.

It is very important for you to know that the same problems or actions that brought you to Juvenile Court may cause criminal charges to be brought against you, your partner, someone else who lives in your house, someone else in your family who does not live in your house, or anyone who has harmed your child or put your child in danger.

## If Your Child Is Removed from Your Home

If your child is removed from your home, you will receive a copy of the papers that have been filed with the court. One of the papers is called a Petition for Emergency Custody. The petition is written after the DHS receives and investigates a report of abuse or neglect concerning your child.

The emergency hearing must be held within five working days from the date of the filing of the order that the Judge signs taking custody from you. The petition lists you as a defendant. This means you are the parent, guardian, or custodian in a child abuse and neglect case. The child is also listed as a defendant. An affidavit is attached to the petition. The affidavit contains one

or more allegations, which are sworn statements of what is believed to have happened and the reasons that the DHS believes that your child needs to be in the custody of the DHS. If you are low income, and your child has been removed from your custody, you are entitled to appointment of free legal representation.

When the petition is given to you, it will have a paper called a summons attached to the front of it. The summons tells you the date, time, and place where the court hearing will take place so that you can be present for the hearing. It also tells you about your right to have an attorney represent you and how to get an attorney if you cannot afford to pay for an attorney.

See more fact sheets in this series at [arlegalservices.org/fact-sheets](http://arlegalservices.org/fact-sheets).

*This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit [arlegalservices.org](http://arlegalservices.org). For information specific to Legal Aid of Arkansas, Inc., visit [arlegalaid.org](http://arlegalaid.org). Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).*

*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

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