

INCARCERATED PARENTS MANUAL

Your Legal Rights and Responsibilities

produced and distributed by
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and
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*Legal Services for Prisoners with Children and
Prisoner Legal Services wish to thank the parents in jail
and prison who have contacted us and asked questions
about the law and what you can do to help your families.
This manual has been revised and updated for you.*

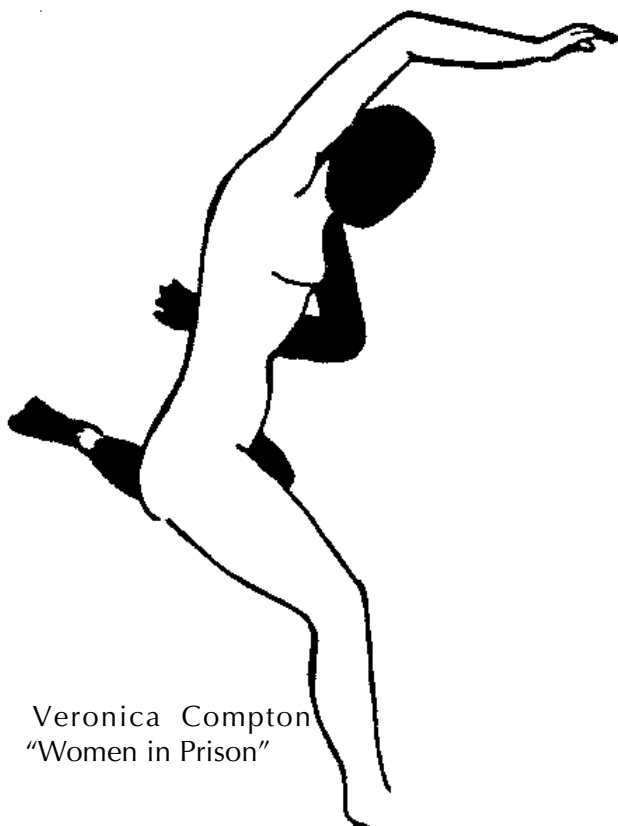
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Dedication

When staff members from Legal Services for Prisoners with Children first met Lydia Watkins, it was her birthday and she was imprisoned at Valley State Prison for Women in Chowchilla, California. She had a court hearing that day to determine custody arrangements for her three-year-old daughter Geneva whom Lydia had not seen in over a year. She thought we were there to take her to court and was deeply disappointed when she found that was not true. (We were there for a totally different reason which is not relevant to this story.) Geneva was being cared for by an acquaintance of Lydia's. This acquaintance refused to relinquish custody of Geneva so that mother and daughter could be reunited at a community mother-infant facility. For the next year-and-a-half, Lydia fought for custody of her daughter. Her insistence on protecting her own rights and those of her daughter's paid off and Lydia and Geneva were eventually reunited.

We have met hundreds of women and men in prison who have been just as dedicated as Lydia, who have truly fought for the "best interests of the child." For your determination, for your perseverance, but most of all for your love of your children, we dedicate this manual to all of you.

*Lydia's and Geneva's names are fictional,
but their story is true.*



Veronica Compton
"Women in Prison"

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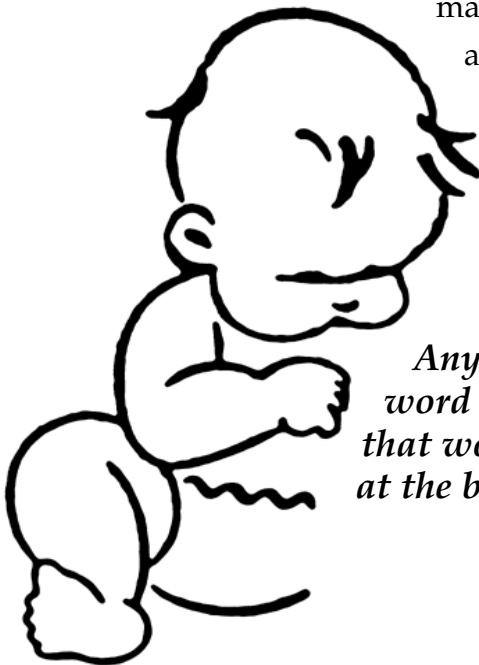
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Introduction

If you are a parent in prison or jail, you probably have many questions and concerns about your children and about your legal rights as a parent. Your children may be with relatives or they may be in foster care or a group home. If your children are in foster care, you may have questions about your legal rights and the Juvenile Court proceedings involving your children. If your children are with a divorced spouse or if a legal guardianship has been established, you may have questions about how to reunify with your children once you are released from prison.

This booklet is designed to answer many of the legal and practical questions that incarcerated parents have about custody of their children, both during and after the time they are in prison or jail. It is not intended to replace your lawyer. If you have a lawyer, use her/him: Ask questions, give information, and tell her/him what you want for your family.

The booklet is based on California law as of June 2000. Laws are different in other states, but many of the suggestions may be useful. Be sure to check the relevant legal codes to make sure that the information and forms are up to date.



*A note about formatting:
Any time you see an underlined
word or phrase, the legal definition of
that word or phrase is in the glossary
at the back of this booklet.*

Arrest

What happens to my child?

The law does not require the arresting officers to let you make arrangements for your child at the time of arrest. The arresting officer may let you make a phone call to make sure that your child is with a responsible relative or close friend.

If you're unable to make a call, ask the first attorney assigned to you to get a court order allowing you to make emergency phone calls to locate your child and arrange for her care. If you do not have family who can care for your child, contact a trusted friend to care for your child or help you talk with your child.

What if my child is with me?

If your child is with you when you're arrested, the arresting or booking officer may allow you to arrange care for your child before being booked. If so, call *as soon as possible*:

- ❖ The child's other parent;
- ❖ A responsible relative of the child; or
- ❖ A responsible friend—someone your child knows and trusts.

What if my child is not with me?

If your child is not with you, let the school, day care center, or other caregiver know:

- ❖ That you will not be able to pick up your child; and
- ❖ That your relative/friend/babysitter will be picking up the child; or
- ❖ Whom they can call to care for your child.

What if my child is not picked up?

If your child is not picked up by a relative or friend, s/he will likely be placed in an emergency shelter through the county Child Protective Services (CPS) agency. Welfare and Institutions Code §§300(g) and 306.

What if my child goes to CPS?

If your child is brought to CPS, act as quickly as possible:

- ❖ Call a relative immediately; or,
- ❖ Have your relative call CPS immediately; and
- ❖ Tell your relative to bring any proof that exists about their relationship (birth certificate, signed letter from you, or passport).

CPS will release your child to a parent, guardian or responsible relative who poses no risk or danger to your child. Welfare and Institutions Code §309(a).

CPS will initiate an emergency assessment of relatives who come forward to care for the child. This assessment includes a criminal background check, verification of their relationship to the child, and a visit to the home to ensure that the environment is safe. Welfare and Institutions Code §309(d).

If CPS does not place your child with a relative within 48 hours, CPS must file papers in court to make your child a dependent of the court.

BE PERSISTENT: Ask your public defender, chaplain, community services, or medical staff for help.

How do I get to Juvenile Court?

NOTE: Jail Mail Moves Slowly. You cannot depend on receiving hearing notices in time to get to court. Keep track of your child's hearing dates. Ask your lawyer and social worker to let you know of any changes in court dates. If you have an attorney be sure to tell her/him that you want to be present at the hearings so that s/he can ask the court to issue an order to have you transported to the hearing. If you are not represented by an attorney you should write to the judge and ask to be transported to the hearing. Cal. Penal Code §2625.

Try to get a transport order:

- 1) Call or write your lawyer or the judge.
- 2) Ask that the court issue an order to transport you to the hearing. Cal. Penal Code §2625.
- 3) Ask that a stamped, filed copy of the judge's order be sent to the warden or sheriff where you are incarcerated and to the county sheriff where the Juvenile Court is located. (See "Samples.")
- 4) Ask your lawyer to meet with you at the local jail (where you will be held directly before and after the hearing) to discuss your child's case.
- 5) Write to your child's social worker and ask to meet with her/him at the local jail.
- 6) Ask to visit with your child while there.
- 7) Keep a copy of every letter that you write. If you cannot get to a copy machine, write out a second copy of the letter with the date and at the top write: "I did not have access to a copy machine. This is an exact handwritten copy of my original letter."

Placement

Where will my child live?

If CPS is involved, you have a right to a lawyer. Otherwise, you may have to get help from the county Family Law Facilitator or other legal aid office. If you need help, see the “Resource Guide” in the back of this manual to get started.

No Court Involvement

If CPS does not become involved, then you will be able to arrange care for your child with a relative or friend without the court’s involvement.

Caregiver’s Authorization Affidavit

The Caregiver’s Authorization Affidavit (see “Forms”) is a two-page form signed by a qualified relative to ensure your child’s medical and educational needs are met. It allows your relatives to enroll your child in school and consent to school-related medical care on behalf of your child. It is good for one year and can be renewed. Family Code §§ 6550 and 6552.

Limitations:

- ❖ This authorization is for temporary situations.
- ❖ The caregiver is not automatically eligible for welfare or other public benefits.
- ❖ It can be revoked at any time.

Power of Attorney

This form lets the caregiver make decisions about your child for you until you are released. A Power of Attorney (see “Forms”) authorizes both relatives and friends to act as a caregiver to your child. An immediate relative may receive CalWORKS; distant relatives and friends cannot.

Limitations:

- ❖ The form must be notarized.
- ❖ Even notarized forms are not legally binding custody agreements.
- ❖ The form *is not* a court order.

Court Involvement

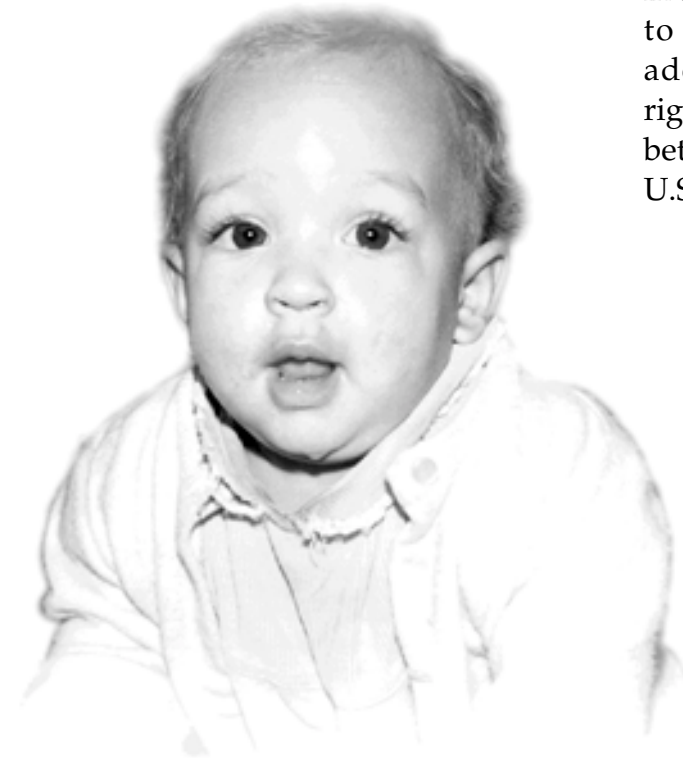
Legal Guardianship

Legal guardianship transfers legal rights of your child to another person indefinitely. It is a legal custody court order. Legal guardianship orders may be voluntary (through Probate Court) or through CPS. A legal guardian may be a relative, partner, friend or foster parent. Once the court appoints a legal guardian, she has full legal responsibility for your child including making education, health and medical decisions. A legal guardian can apply for Kin-Gap, CalWORKS or other benefits for your child.

Limitation: Voluntary (Probate Court)

Legal guardianships must be done and undone through the courts without a right to a lawyer. A legal guardianship suspends a parent's rights, but does not terminate them. Circumstances may change a lot while you are unable to care for your child.

Once you are released from jail or prison, you will have to prove your fitness as a parent AND that it is in your child's best interest to terminate the guardianship and return the child to you. If the guardianship was done through CPS, then you may have a lawyer appointed to prove that you have housing, a job and are "rehabilitated." (See the "Reunification" section of this manual.)



Foster Care

In some situations, it may be better to use the courts to get financial help and services through CPS. Relatives who care for a child who is a dependent of the court can get financial help and services through CPS. Parents have a right to counsel in Dependency Court. The "Foster Care and Dependency" section of this manual describes your rights in detail.

If you or your child are of Native American heritage, you must tell the social worker immediately. The procedures for handling Indian child custody cases are under the jurisdiction of the Indian Child Welfare Act (ICWA). ICWA covers any temporary placement and includes placement in a foster home or in the home of a guardian. It also applies to court proceedings that result in adoption or termination of parental rights. ICWA does not apply to disputes between parents in a divorce action. 25 U.S.C. §1901 et seq.

***Be persistent:
Ask your public
defender, chaplain,
community services,
or medical staff for
the help you need.***

Foster Care and Dependency

How can I keep my family together while I'm in jail or prison?

If you are unable to arrange placement for your child, then CPS will attempt to place her with the other parent, or other relative. In the meantime, CPS may place your child in an emergency shelter or foster care. If CPS cannot place your child with relatives or believes your child is at risk of harm, CPS will file a Juvenile Dependency Petition.

Call or write CPS and let them know where you are and that you want a lawyer as soon as you know there is a case regarding your child. Even though you are in jail, you can protect your child and your rights.

Make sure you let CPS know the names of all relatives on both sides of the family (maternal and paternal) who may be available to care for your child. If your child's placement changes, this will help ensure that s/he remains in family care.

Important Suggestions:

- ❖ Ask to be present at every court hearing.
- ❖ Ask relatives and close friends who know your child to be present in court.
- ❖ Talk to your lawyer: tell her what you want for your child and ask questions.
- ❖ Give your lawyer all the information you can to support your child.

- ❖ Talk to your child's social worker: make sure s/he knows you care.
- ❖ Go to whatever parenting, counseling, AA/NA meetings, or other classes that are offered.

If a petition is filed, you have:

- ❖ A right to be notified,
- ❖ A right to be present, and
- ❖ A right to a lawyer at each of the following court hearings:
 - ❖ Detention
 - ❖ Jurisdiction
 - ❖ Disposition
 - ❖ Status Review
 - ❖ Permanent Plan

Detention Hearing

A Juvenile Dependency Petition is filed if CPS believes that "there is a substantial risk that the child will suffer serious physical harm or illness, by the inability of the parent or legal guardian to provide regular care for the child." Welfare and Institutions Code §300.

A Detention Hearing is scheduled within 48 hours (excluding weekends and holidays) of CPS making an emergency response to provide care and placement for your child. This hearing is to decide whether the child is to continue to be detained in custody. Rules of Court 1442(e).

At the Detention Hearing, the court will appoint lawyers for the parents, and sometimes for the child. The court will order a CPS social worker to write a report about your family. Make sure you talk to the Social Worker so that s/he can get to know you. The court will set a Jurisdiction Hearing date for 15 court days later. Rules of Court 1442(f). The court will also consider whether visitation should occur between the child and others, including the child's siblings. Rules of Court 1442(g).

At this hearing the parent, the child, and the guardian have the right to confront and cross-examine the people who prepared any police report, probation or social work report, or any other document submitted to the court. You cannot be forced to testify against yourself. Rules of Court 1444(c)(1).

The court may rely solely on the written reports mentioned above. Those reports must include:

1. A statement of reasons why the child was removed from the parent's custody;
2. A description of the services that have been provided, and of any available services that would prevent the need for the child to remain in custody;
3. Identification of the need for the child to remain in custody; and
4. Information about a non-custodial parent or any relative with whom the child might be placed.

Rules of Court 1445(b).

The court may consider detention alternatives including placement with a relative. If a relative is to be considered, the court will listen to the recommendations of the social worker who has made an emergency assessment of the relative (including a criminal records check). Rules of Court 1446(e).

Jurisdiction Hearing

At the Jurisdiction Hearing, the Juvenile Court reads the Dependency Petition and the social worker's report and decides whether or not to make your child a dependent of the court. Your child will become a dependent of the court if the judge finds that the allegations in the petition are true ("sustains the petition"), and that these allegations show that your child is at a risk of harm.

You have the right to disagree with the statements and:

1. Present your own evidence;
2. Cross-examine witnesses;
3. Bring witnesses to court; and
4. Remain silent.

If the judge finds the allegations to be true, the court takes legal custody of your child and decides where s/he should live and with whom—also known as disposition.

Disposition Hearing

The court decides where your child will live and what services CPS needs to provide to you and your child and what you need to do to reunify with her if s/he is not with you at a Disposition Hearing. At this hearing, CPS recom-

mends a case plan for you and your child.

You have the right:

1. To review the CPS plan for you and your family, and for your lawyer to object to any false claims or unproven statements in the report. Welfare and Institutions Code §355.1; Rules of Court §1455(a).

2. To ask that your child be placed either in your home county, in the county where you are incarcerated, or in the county where your child's parent or guardian lives. Welfare and Institutions Code §§361.2(1) and (f)(1)(2).

3. To stay in touch with your child unless the court has specifically found otherwise. You can request that the court specifically order:

- ❖ Collect phone calls between you and your child on a regular basis;
- ❖ Visits with your child;
- ❖ A plan to transport your child for visits;
- ❖ Counseling for you;
- ❖ Counseling for your child;
- ❖ Other services for you or your child; and
- ❖ Services for extended family or Family Preservation Services

Welfare and Institutions Code §361.5(e)(1).

4. To say what you want about where your child should live.

5. To request Family Reunification Services, unless your child is placed with her other parent, or you fall under one of the listed exceptions found on page 10 of the "Family Reunification" section of

this manual.

If your child is under the age of 3 years old when s/he was removed from your physical custody, court-ordered services are limited to a period of six (6) months. Welfare and Institutions Code §361.5(a)(2).

If your child was 3 years old or older when s/he was removed from your physical custody, court-ordered services are limited to a period of twelve (12) months. Welfare and Institutions Code §361.5(a)(1).

Court-ordered services may be extended up to a maximum of 18 months from the date the child was removed from your physical custody, if it can be shown at the Status Review Hearing that there is a substantial probability that the child will be returned to the parent or guardian within the extended time period or you can show that reasonable services were not provided to the parent or guardian. Welfare and Institutions Code §361.5(a)(3).

NOTE: It is important to object to and refute any false allegations or unproven statements that are in the report because the information in the report is used as a basis to require a reunification plan.

Status Review Hearing (Six/Twelve/Eighteen Month Review)

The court must review your child's case every six months. At this hearing, the social worker will write a progress report and make recommendations. The first review hearing is the most important because the court really looks at what

you and your family have done to deal with the situation that brought you before the court. You have a right to read the report before the hearing. READ the report. Tell your lawyer if you do not agree with the report. The court may:

- ❖ Order six more months of services.
- ❖ Order family reunification services terminated and set a Permanent Plan Hearing.
- ❖ Continue the case.

The court will look at your progress to reunify with your child. The court considers how hard you have worked at meeting the reunification requirements in your case plan for past six months. The court is more likely return your child if you do ALL of the following during this six month period:

- ❖ Follow the case plan (reunification requirements).
- ❖ Visit your child as often as possible.
- ❖ Live in a safe place.
- ❖ Get a job that you can support your family.
- ❖ Follow all probation or parole rules .

Welfare and Institutions Code §366.21(e), Rules of Court 1460(e).

If the court does not return your child to you at this time, you have the right to a trial and a right to appeal that

decision.

Permanent Plan Hearing

If you have not reunified with your child or were not offered Family Reunification, the court will set a Permanent Plan Hearing (also called a “26 Hearing”). At this hearing, the court will read the social worker’s recommendations for a long-term plan for your child, so that she will have a permanent, stable place to live. This hearing usually takes place between 12 and 18 months after your child was detained. If no Family Reunification services have been offered, this hearing may take place much earlier.

The court will consider three permanent plans in order of legal preference:

1. Adoption: Ending your rights as a parent and beginning the adoption process. This may happen if a child has been in foster care for over 12 months and reunification efforts have failed. If your parental rights are terminated, you no longer have any right to care for or even visit your child in the future.
2. Legal guardianship with a relative, friend, or stranger. Welfare and Institutions Code §11362(a).
3. Long-term foster care.

Post-Permanent Plan Hearings

These hearings are held every six months if your child is in long-term foster care. You have a legal right to attend this hearing unless your parental rights have been terminated. If you are unable to get to court, try to send a relative in your place.

Family Reunification

How do I get my child back?

You must prove to the court that you are a good parent. In the eyes of the court, this means that you have completed your reunification requirements and your child is not at risk of harm. **Keep in regular contact with your child and do everything possible to meet these requirements.**

Take advantage of any classes, groups or programs that your jail or prison offers, such as anger management, N.A., A.A., parenting, creative arts, GED, etc. The court may order reunification for up to 18 months. However, these court-ordered services can be limited to six months if your child was under the age of three years old when s/he entered foster care.

Reunification Services help you to remain in contact with your child through:

- ❖ Collect phone calls;
- ❖ Transportation services; and
- ❖ Visitation services.



When Reunification Services Will Not Be Offered

The court can decide not to offer these services in any of the following situations:

- ❖ The court cannot find you or doesn't know where you are.
- ❖ The court finds that you have a mental disability which prevents you from taking care of your child (two psychiatric evaluations are necessary here).
- ❖ The court has already taken a child away from you due to physical or sexual abuse, returned the child to you and the child or her sibling is again being removed for physical or sexual abuse,
- ❖ The court has found that you caused the death of a child through abuse or neglect.
- ❖ The child is under the age of five and has suffered severe physical abuse by you or someone you know.
- ❖ The court finds that you have severely abused a child, and decides that your child would not benefit from reunification services with you.

- ❖ The court finds that you willfully abandoned your child and that the abandonment placed the child in serious danger.
- ❖ The court terminated reunification services for one of your other children.
- ❖ You have a history of drug or alcohol abuse and have resisted treatment.
- ❖ You have lost custody and your parental rights of another child and you have not dealt to the court's satisfaction with the reasons you lost custody of that child.
- ❖ You have told the court that you do not want reunification services and that you do not want custody of your child.
- ❖ The court finds that you have taken a child from a placement, and have refused to return the child or tell the social worker where the child is;
- ❖ You have been convicted of a violent felony as defined in Penal Code 667.5(c).

Keep in regular contact with your child and do everything possible to meet all reunification requirements.



The court will not offer you reunification services if it finds your relationship with your child to be detrimental. To find detriment, the court looks at:

- ❖ Your child's age;
- ❖ The strength of your relationship;
- ❖ Your sentence;
- ❖ Your crime;
- ❖ Treatment;
- ❖ The effect on your child if no services are offered;
- ❖ Your child's wishes if s/he is older than ten years old; and
- ❖ Any other factors parties want the court to consider.

Getting Your Child Back after You Are Released

After you have been released from custody, the process that you follow to get your child back will depend on how much the court was involved in the placement of your child.

Foster Care

You have the right to a free, court-appointed lawyer. To help your lawyer work for you, you should:

- ❖ Write to your lawyer asking that s/he set up a review hearing after your release.
- ❖ Ask your social worker to set up a revised visitation schedule to take effect as soon as you are released.
- ❖ Arrange to have a safe place to stay and get a job, education or training as soon as possible after you are released.
- ❖ Keep records of every contact with your child.
See "Making a Record" in this manual.
- ❖ Meet with your lawyer to let her know about your progress during incarceration: show her your records.

Legal Guardianship

You must get the court's permission to get your child back. To do this, you should ask the court to terminate or rescind the legal guardianship. If you take your child without the permission of the legal guardian or the court, you could be prosecuted for child stealing. Your probation or parole could also be revoked.

If legal guardianship is done through CPS, you may have the right to a free lawyer. If not, you should try to obtain legal assistance once you are released from jail or prison. Call the local Bar Association to find out what free legal representation services are available in your county. You can also call the Family Law Facilitator to do the process on your own, pro per.

Caregiver Affidavit

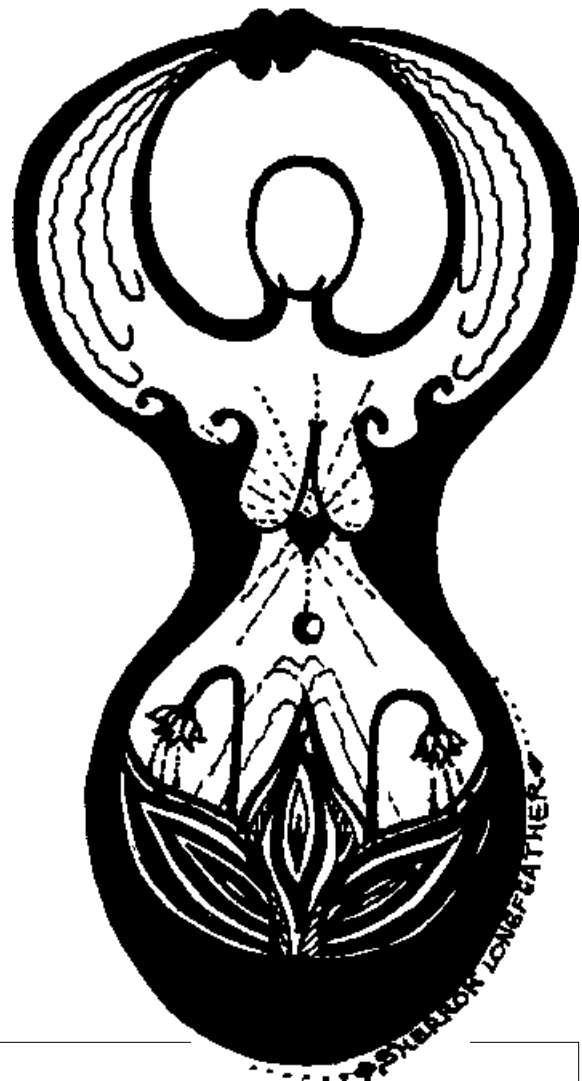
You are still the legal caregiver of your child. Your child can live with you as soon as you are released. However, you should revoke the caregiver affidavit and the Power of Attorney. You do not have the right to a free lawyer. You should try to obtain legal assistance once you are released from jail or prison. Call the local Bar Association to find out what free legal representation services are available in your county.

Post-release review

If your child is not returned to you at the first court date after your release, **do not give up!** This is an important time for you and your family. Your child will want you to keep trying.

- ❖ Continue to follow your case plan, even if Family Reunification has been terminated.
- ❖ Visit with your child as often as possible.
- ❖ If you must miss a visit, call the social worker and foster parent both, at least 24 hours before, or as soon as you know you can't make it.
- ❖ **Go to whatever parenting, counseling or other classes the court orders. Do not miss these appointments.**

Work towards gradually increasing your visits with your child and making her feel comfortable with you. Once the court sees that your supervised visits are going well, you may be able to take your child for an afternoon, then an entire day, then an overnight visit, and then a weekend visit.



Nobody can stop a woman from feelin'
she has to rise up like the sun.
Somebody may change the words we're saying
but the truth will live on and on.

You can't kill the spirit.
It's like a mountain,
Old and strong. It lives on and on.

—Naomi Littlebear
from "Through the Looking Glass,"
a women's prison newsletter (Vol.II, No.1: Spring 1986)

Making a Record

What can I do while I'm in jail or prison?

After you are released, you will have to prove to the judge that you can safely parent. Keep records of all of your efforts to visit your child and follow and complete rehabilitation programs. Write down the time and date of everything you do for you and your child. This means keeping track every phone call and visit with your child, your child's caregiver, the social worker, or your lawyer.

By keeping track of these calls and visits, you can prove that you care about what happens to your child. A judge is much more likely to believe that you called your child every Sunday if you show her your written record than if you simply tell the judge that you made the calls.

Steps to make a record

Here are some steps you can follow to assure that you have documented all your efforts to stay in touch with your child.

1. Get a notebook or special pad of paper and use it only for your child's case. Write down the **date and time** of:

- ❖ Each call you make to or about your child;
- ❖ Each visit you have with your child;
- ❖ Each call you make to your child's caregiver, and what the call was about;

- ❖ Each call you make to the social worker, and the subject matter;
- ❖ Each meeting you have with the social worker, and what the meeting was about;
- ❖ Each call you make to your lawyer; and
- ❖ Each meeting you have with your lawyer

2. Write letters to your child and save copies of those letters.

3. If your child is too young to understand letters, draw pictures to send to her; save copies of the pictures or write down the date sent.

4. Ask to see your child's report cards.

5. **Go to any available classes, meetings or programs that your detention facility offers and write down the dates and time.**

6. Keep copies of certificates, or other proof, showing that you attended classes, groups, or meetings (whether the court ordered you to attend or not).

7. Ask the teachers and counselors of any programs you complete to write a letter about how you did.

Paternity

How do I show that I am the dad?

If you and the child's mother are, or were, legally married, then it is "presumed" that you are the father of the child as long as the child was born during the marriage or within 300 days after the marriage ended due to death, divorce, or a judgment of separation. Family Code §7611.

If you are not married to the child's mother you can file a **Voluntary Declaration of Paternity** to establish that you are the child's father. Before she leaves the hospital, the child's mother shall be provided with a voluntary declaration. You both sign the form and a hospital staff person acts as a witness to your signatures. The hospital then forwards the signed Declaration to Child Support Services within 20 days of the date it was signed. Family Code §7571.

As an alternative to signing the declaration while the mother is still in the hospital, both the mother and father can sign the declaration and have it notarized anytime after the child's birth. (Both the mother and the father must sign at the same time in the presence of a Notary Public.) After the form is signed and notarized, it is then sent to the Child Support Services. Family Code §7571.

The law provides that a Declaration of Paternity establishes paternity and has the same force and effect as a judgment of paternity issued by a court. The voluntary declaration is recognized as a basis for custody, visitation and child support. Family Code §7573.

Either the mother or the father may rescind the Declaration by filing a rescission form within 60 days of the date on the declaration, unless a court order for custody, visitation and/or child support has already been entered into by one of the parties seeking the rescission. (This means that you (the father) or the mother will not be allowed to rescind the Declaration if the court has already used the Declaration to grant custody, visitation or child support to either of you). Family Code §7575.

If the Declaration is signed by minors it does not establish paternity until 60 days after both minor parents turn 18 years old or are emancipated, whichever comes first. The Declaration can be rescinded by either the mother or the father until 60 days after the minors turn 18 or are emancipated. Family Code §7577.



What if we're not married or we can't use the Declaration of Paternity?

If you and the child's mother are not married and you can't agree or are unable to use the Declaration of Paternity, then you will have to file an action in court to establish that you are the father. You may seek custody, visitation and/or child support orders as part of the same action. You will have to file a Complaint to Establish Parental Relationship and several other forms (it depends upon whether you are trying to get visitation or custody or just establish paternity), pay a filing fee (this can be waived), set a hearing date, have the child's mother served with the documents, and then get to court. See Appendix 2 for an example.



Bulldozer
"When I Get Out"

De facto Parent What is it?

In some instances, a relative or a foster parent who has cared for a child on an on-going basis, can file a petition in the juvenile court asking the court to declare them *de facto* parents. A *de facto* parent is one who has assumed the role of a parent on a day-to-day basis. This means that the person has provided emotional support, taken care of the child's physical needs, and given the child affection for a substantial period of time just as the natural parent would do. Rules of Court 1401(a)(6).

In order to be considered a *de facto* parent a person files an application for *de facto* parent status with the juvenile court. On the application, the person tells

the court how long s/he has been caring for the child and about the relationship s/he has with the child. It is important to tell the court all the ways you have cared for the child's needs. For example, you made sure the child went to school or day care, you spoke with the teacher about the child's progress, you took the child to the doctor for regular check-ups, you helped them with homework, you read stories to them before bedtime, etc. In other words, the person caring for the child wants to show the court all the ways s/he has been a "parent" to the child. A sample "Application for *De Facto* Parent Status" is in the "Forms" section of this manual.

Child Support

How can I pay when don't have any money?

What do I do if I am served Child Support papers while incarcerated?

If you are served with a Summons and Complaint from the District Attorney/Family Support Division (DA/FSD), or other Child Support Agency (CSA), you should immediately file an "Answer" to the Complaint. If you are not the father of the child, this is your only chance to contest paternity. If you are the father, you will need to make the court aware that you are incarcerated and have no source of income.

The instructions and proper form for answering the complaint will be attached to the Summons and Complaint. It is very important that you do not ignore these papers, because if you fail to file the Answer (or make an appearance in court), the district attorney will obtain a default judgment against you. If you need assistance you should contact/write to the Family Law Facilitator in the county in which the DA/FSD is located (see "Resources" list). You are entitled to a court-appointed attorney in child support actions. **You must request an attorney from the court, not from the FSD.**

What do I do if there is a default judgment against me?

If you think the support order was entered against you inappropriately, you may be able to have the order "set aside" (disregarded). There are four ways to set aside a support order, depending on the type of order and why you need it set aside. An order may be set aside for one of the following reasons:

1. The order was due to fraud, perjury, or lack of notice. If you can show the order was based on fraud or perjury, you must bring an action to set aside within **six months** after you learned of the fraud or perjury. If you want to set aside based on lack of notice, the action must be brought within **six months** after you knew or should have known of the order. Family Code §§3690-91.

2. Default judgment was entered against you based on presumed income. If box number 3 on the Judgment Regarding Parental Obligations was checked, then the court did not have information about your actual income or income history and presumed you make enough money to meet your child(ren)'s minimum basic needs. There is an easy way to set aside a default judgment based on presumed income. File a motion with the court within **90 days** after (1) child support is collected from you or (2) you are served with notice of collection, whichever happens first.

3. Default judgment was based on mistaken identity. You must file a claim with the FSD or CSA along with supporting documents. **They must investigate and resolve your claim within 30 days.** If they think your claim has merit, they must immediately terminate enforcement proceedings and ask the court to set aside the support order. If the FSD or CSA rejects the claim or fails to follow the required steps to terminate the order, you may file an action in the Superior Court. Family Code §§17433, 17530.

4. The judgment was issued because of your mistake, inadvertence, surprise or excusable neglect. You may ask the court to set aside the default judgment for up to **six months** after it was entered if it was issued because of your mistake, inadvertence, surprise, or excusable neglect. Code of Civil Procedure §473.

What do I do if I know I have a current child support order?

One of the basic rules in child support cases is that the court cannot make retroactive modifications. This means that your child support obligation continues while you are incarcerated unless you request the court to change the order. While the court cannot legally eliminate your past due child support, it can and will reduce your current payment to zero while you are incarcerated.

There are two different modification procedures available to you: (1) have the FSD of your county DA's office modify the order, or (2) do the Motion for Modification yourself.

1. How do I have the FSD do the modification? You should write to the FSD or CSA directly and tell them that you are in custody, how long you expect to be incarcerated, and that you need to have the order modified. The FSD **must** get a modification for you within 6 months if your case meets certain requirements. The FSD services are free to you.

2. How do I file a request for modification on my own? To request a modification you should contact the Family Law Facilitator in the county in which you owe the child support (see "Resources"). Write to the facilitator and ask for the proper forms to fill out for a modification. After you have the forms filled out, send them to the facilitator and ask her/him to please file the papers for you and send you a stamped copy (enclose a self-addressed stamped envelope for convenience). See "Samples."

NOTE: It is very important to take the above steps as soon as possible because the court will only reduce your payment to zero as of the date you file the request for modification.

What do I do if my current order is zero but I have an arrearage (owe a past due amount)?

As stated above, the court cannot make retroactive modifications. Some FSDs/CSAs will reduce the arrearage (past due amount) if you can show that you were in prison and/or unable to pay when the arrearage accrued. You should contact the county DA/FSD or CSA that has the order against you, or contact the Family Law Facilitator in that county for help, and request a reduction.

What do I do if the FSD does not act properly?

If the FSD does not act as it is required by law to act, you may do any of the following:

1. Write a complaint letter directly to your local District Attorney. Often the District Attorney is located in a different office than the FSD. The correct address should be on any paperwork you have received or you can find the address you need in the county government section of the telephone book.

2. Tell the District Attorney what the FSD did wrong. Be as specific as you can with the actions taken or not taken by the FSD. Be sure to include in your letter any FSD or case number.

- ❖ If the matter is not satisfactorily resolved in 30 days, write a complaint letter to: Director, Department of Social Services, 744 P Street, Sacramento, CA 95814.
- ❖ If the matter is not satisfactorily resolved in 30 days, then write a complaint letter to the Department of Health

and Human Services, Family Support Administration, Region IX, Office of Family Support Enforcement, 50 United Nations Plaza, San Francisco, CA 94102.

Don't forget to:

- ❖ Include your mailing address (and phone) on all letters.
- ❖ Date and sign your letters.
- ❖ Keep copies of all letters.

NOTE: Please be aware that failure to deal with your child support issues may cause you major problems when you are released from jail or prison. If you fall behind in your payments at least 30 days, the DA/FSD can have your driver's license or state commercial or business license denied (new issue or renewal). If you are more than four (4) months behind in payments, these licenses can be revoked. Commercial/business licenses include licenses to practice law, medicine, construction contracting, commercial truck driving, and auto repair. See Welfare and Institutions Code §11350.6.

Whether you have a current order, owe an arrearage or owe nothing, it is important that you contact the law facilitator or the DA/FSD or CSA upon your release to make sure that you have no problems in the future.

Dealing with the FSD can be a frustrating process. Make sure you keep track of all your correspondence and follow through on everything (see "How to Make a Record"). Giving up is no way to deal with child support issues; the problem will not go away.

What is Special Immigrant Juvenile Status?

What is it? Who qualifies?

Special Immigrant Juvenile Status (SIJS) is a way for a dependent of juvenile court to become a permanent resident of the United States (i.e., get a “green card”). If the juvenile applies for this status and is successful, s/he may remain in the U.S., work legally, qualify for in-state tuition at college, and in five years apply for U.S. citizenship. However, if the application is denied, the child might be deported.

Who qualifies for SIJS?

In order to qualify for SIJS, a juvenile court in the U.S. **must** have declared the child a court dependent, or have legally committed the child to a state agency or department. The court must have found the child “eligible for long-term foster care” (which in this context means that parental reunification is not possible), and that it is not in the child’s best interest to be returned to the home country. The child should have proceeded to long-term foster care, adoption, or guardianship and the court must have made its findings based on the abuse, neglect or abandonment of the child.

Who can complete the application?

The child, a case worker, or an attorney can complete the application for SIJS, which will be submitted to the Immigration and Naturalization Service (INS). The child must complete INS forms, obtain a special medical exam, and provide fingerprints, a photograph,



and proof of age. The application must include an order from a dependency court that the child is eligible for long-term foster care due to abuse, neglect or abandonment. There is a fee for the application process, but a fee waiver is available.

The INS will grant the applicant employment authorization as soon as the application is filed, and schedule a date for the SIJS interview. Generally, the INS will decide the case at the time of the SIJS interview.

NOTE: It is important to apply for SIJS as soon as possible while the child is a juvenile court dependent because the process may take from 6 to 18 months after submitting the application to get an SIJS interview. If the child is emancipated before the interview takes place, the current INS policy is to **deny** the case.

Conclusion

We hope that this manual will aid you in answering some of your questions about what happens to your children when you are incarcerated and what you can do to regain legal custody or reunify when you are released.

In many cases prisoners are not given access to information regarding their legal rights as parents and struggle to do all that they can from inside. Our goals for this manual are to help you make a workable plan for your child while you are incarcerated, to keep you informed on current California family law, and to highlight your legal rights. The forms in the back of the manual should give you a good start in beginning to fight for your rights as a parent and we encourage you to get started as soon as possible.

We know that the process can be painful and discouraging at times, but always try to keep in mind the end result of your struggles — reunifying with your family!! This manual can do no more than answer your questions and guide you through the process, but you must have the strength to endure and persevere in your efforts. As advocates, we wish you the very best and support you in your fight.



Definitions

What do these legal word mean?

Adoption — permanent legal custody of another individual's child; adoption takes place after the parents' rights have been terminated by the court or voluntarily relinquished by the parents.

Affidavit — a written declaration under oath or a statement of facts in writing signed by the party, and sworn to or confirmed by declaration before an authorized magistrate.

Allegation — a declaration or claim concerning the behavior or actions of an individual.

CalWORKS — California Work Opportunity and Responsibility to Kids Act; a division of state government that provides for aid and medical assistance.

Caregiver — the person who takes care of a child when the parent is incarcerated.

Caregiver Authorization Affidavit — an affidavit that has the primary purpose of declaring that an individual will receive a certain amount of authority for a child.

Case Plan — the court-approved plan written by the social worker; it describes your reunification requirements including: visitation, classes, counseling or treatment you must follow before you can get your child back.

Child Protective Services (CPS) — county office responsible for the welfare of children who have allegedly experienced abuse and/or neglect from their primary caretakers. We have used

this term generally throughout the manual to mean Department of Social Services (DSS), Department of Health Services (DHS), and Department of Family and Children Services (DFCS).

Court Day — days when the judge is in the courtroom. This is usually Monday through Friday, except holidays and weekends.

Court Order — a direction from the court on some matter.

Custody — the caregiver who has daily responsibility for a child either temporarily or permanently (see legal custody and physical custody below).

Declaration of Paternity — a legal document that, when signed by both parents, says the man is the natural father of the child; signing the Declaration is voluntary.

Default Judgment — a judgment entered against a defendant when the defendant fails to respond to a plaintiff's action or fails to appear in court.

Dependency Petition — a petition filed by the Juvenile Court claiming that the child should be made a dependent of the court.

Dependent of the Court — when the court finds that the child is at a risk of harm and a parent or relative cannot make decisions for the child; instead, the court steps in to make these decisions about what happens to the child.

Detained — what happens to a child who has been temporarily removed from parent(s) through Child Protective Services.

Detention — removing a child temporarily from parent(s) through Child Protective Services (CPS).

Detention Alternatives — a child detained in custody can be placed in any of the following: emergency shelter, a suitable licensed home or facility, a place exempt from licensure designated by the juvenile court, a certified family home, or with a relative. Welfare and Institutions Code §319.

Disposition Hearing — the hearing held once the court sustains the dependency petition and your child becomes a dependent of the court. At this hearing, the court will recommend a plan for your child.

Distant Relative — any relative who is not the child's parent, sibling (brother or sister), aunt, uncle, or grandparent.

Emergency Assessment — an evaluation by a social worker of a child's relative. The social worker will determine whether the relative's home is a proper placement for the child. The assessment includes: an in-home visit to assess the safety of the home and the relative's ability to care for the child, a criminal records check, and an investigation of any allegations of prior child abuse or neglect by that relative or any adult living in the relative's home.

Emergency Response — the actions taken by CPS immediately after they are told that a child is without her parent to make sure that someone is caring for the child.

Emergency Shelter — the temporary housing where CPS places a child while they locate relatives or arrange for a more permanent place for the child (and her siblings) to live.

Family Law Facilitator — a neutral office in the family courts which assists people through the court process when they do not have lawyers.

Family Reunification Services — services provided to the child and his/her parent(s) when the child is not living with you. It is designed to address the problems that led to dependency.

Foster Parent — persons given temporary placement of a child from Child Protective Services. Foster parents are sometimes *de facto* parents.

Foster Care — out-of-home care provided to children whose parents cannot care for them and who need temporary or long-term substitute parenting; both the person (foster parent) and the home are licensed by the state or county and are monitored by licensing workers and/or social workers.

Hearing — a judicial investigation which assesses abilities of the child's parents and determines the future living arrangements of a child.

Immediate Relative — any relative who is one's parent, sibling, aunt, uncle, or grandparent.

Indian Child Welfare Act — federal law that tells how to handle an Indian child custody case.

Jurisdiction Hearing — a hearing to determine whether your child should be made a dependent of the court based on allegations in the Dependency Petition.

Juvenile court — a branch of the Superior Court which deals with children under the age of 18. The Dependency court deals with abuse and neglect cases, usually because of the parent’s behavior. Delinquency court deals with acts by a youth that would be criminal if the youth was an adult.

Kin-GAP — (Kinship Guardianship Assistance Payments) means the aid provided on behalf of children in kinship care. “Kinship guardian” means a relative who has been appointed the legal guardian of a dependent child pursuant to §366.26 of Welfare and Institutions Code.

Legal Custody — the right to make decisions about a child’s well being including the child’s health, education and welfare.

Legal Guardianship — court-ordered custody that gives a caregiver legal custody of your child.

Long-term Foster Care — long-term custody arrangement where Child Protective Services supervises the child’s care with the foster parents.

Minor — anyone under the age of 18.

Motion for Modification — (also known as a 388 Petition) is a paper you can file to ask the court to look at changes in circumstances.

Non-custodial Parent — the parent who does not have physical custody of his or her child.

Notice — legal information about a hearing in your child’s case: when and where it will take place.

Notarized — swearing that statements are true under oath, before an official “Notary.”

Parent — the lawful mother or father of a child. This may be by blood, marriage or adoption.

Parental Rights — the legal rights of a parent to raise a child as s/he sees fit.

Permanent Plan Hearing — hearing to decide the best permanent situation for a child when a parent cannot raise her/his child.

Petition — a written request for specific court action and a hearing on the request.

Physical Custody — refers to where the child actually lives; the person the child lives with is the one with physical custody.

Power of Attorney — a written agreement between the parent of child and the caregiver that gives the caregiver responsibility and authority over certain matters concerning the child (e.g., medical needs, schooling, public assistance and Medi-Cal, legal matters, etc.)

Pro per/pro se — appearing on your own behalf without an attorney to represent you.

Qualified Relative — a family member who the court recognizes as able to take care of the child.

Removed — when the court takes the child from her parent’s custody.

Rescind/Rescission — to revoke or annul an agreement, law, or judgment.

Respite Care — services that offer care (i.e. child care or temporary foster care) to relieve the caregiver or parent of childcare responsibilities for a specific length of time.

Reunify/Reunification — the goal in dependency to bring the child and her parent or parents together again.

Review Hearing — hearing held in order to review the previous decisions made by the court and consequently, to decide whether to retain or to change these decisions.

Revoke — to cancel or repeal

Rules of Court — the rules that tell California courts what is supposed to happen in court hearings.

Status Review Hearing — a hearing held every six months by the Juvenile Court in order to review your child’s case and to order a CPS plan for your child.

Supervised Visits — visits between a parent and child where a social worker is present.

Sustain — when the court finds a petition true.

Terminate — when the court cuts off or ends a course of action. Most often used with services, rights, or visits.

Welfare and Institutions Code — the group of laws dealing with dependency, delinquency, CPS, and drug possession and use.

Samples Forms & letters to use



Veronica Compton
“Women in Prison”

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Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____
2. Minor's birth date: _____
3. My name (adult giving authorization): _____
4. My home address: _____

5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see the other side of this form for a definition of "qualified relative").
6. I have advised the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.
 I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.
7. My date of birth: _____
8. My California's driver's license or identification number: _____
You may provide your social security number if you do not have a driver's license or I.D.

Warning: Do not sign this form if any of the statements are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

Notices

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional Information TO CAREGIVERS

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF _____
JUVENILE DIVISION

In re:

Petition No.
**APPLICATION FOR
DE FACTO PARENT STATUS**
In Pro Per

A Minor.

Date of Hearing: _____

Time: _____

Dept: _____

NAME OF APPLICANT: _____

ADDRESS OF APPLICANT: _____

TELEPHONE NO.: _____

RELATIONSHIP TO CHILD: _____

1. I am requesting the Court declare that I am the *de facto* parent of the child.
2. I had responsibility for the day-to-day care of the child from _____
to _____.
3. The child lived with me from _____ to _____.
4. Other information the Court should know about my relationship with the child:

5. I am requesting an attorney be appointed to represent me if I am declared to be a *de facto* parent. Yes ___ No ___

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(Type or print name)

(Signature of Petitioner)

SAMPLE LETTER TO YOUR ATTORNEY

(Your name)
(Your address)
(Date)

Ms./Mr. (Lawyer's name)
(Address of the attorney)

Dear Ms./Mr. (Lawyer's name):

I am writing to introduce myself and to let you know that I would like to attend the court proceedings regarding the custody rights of my child(ren) which is scheduled (date of hearing).

I understand that you have been appointed to represent me and help me retain custody of my child(ren), (name of your child/ren). (Her/his) date of birth is (D.O.B. of your child/ren) and the case number is (#). I intend to be reunited with (her/him) upon my release from (name of institution). If I am not granted physical and/or legal custody of (name of child/ren), I would like (name of a relative or friend) who is my (relationship), to be given custody.

I look forward to speaking with you about my case so that I will know how I can work to reunite with my child(ren) and to prevent the court from terminating my parental rights.

Thank you.

Sincerely,

(Your signature)
(Your name)

SAMPLE LETTER TO YOUR SOCIAL WORKER

(Your name)
(Your address)
(Date)

(Ms./Mr.) (Name of your social worker)
(Address of the social worker)

Dear (Ms./Mr.) (Name of your social worker):

My name is (your name) and my child(ren)'s name (is/are) (child/ren's name).
(Her/his) date of birth is (D.O.B. of child/ren) and the case number is (#).

I am writing to let you know that I wish to retain custody of (child/ren's name) and hope to reunited with (her/him) upon my release from (name of institution) on (date of release). I am very concerned about the welfare of (child/ren's name) and believe it is in the child(ren)'s best interest to be reunited with me when I am released from prison. (Add reasons why they should be with you.) I am serving a (length of sentence) year sentence, which means that I will be in prison for (months/years) and will be released. Please let me know what steps I must take to be reunited with my child(ren) when I am released.

I have written to the court to ask that I be allowed to attend the hearing scheduled for (date of hearing). If I am not granted custody of my child(ren), I would like my relative, (name of relative), who is my (relationship), to be given custody.

Thank you.

Sincerely,

(Your signature)
(Your name)

SAMPLE LETTER TO THE JUDGE

(Your name)
(Your address)
(Date)

Honorable (Name of the Judge)
(Address of the Court)

Dear Judge (Name of the Judge):

I am writing this letter to introduce myself and to request that the court issue an order allowing me to attend court hearings concerning my child(ren) pursuant to Penal Code §2625. The next hearing is scheduled for (date of hearing).

I would also like to request that the court appoint an attorney to represent me at these hearings because I am a prisoner and I am unable to afford an attorney.

My child's name is (name of child), (her/his) date of birth is (D.O.B. of the child) and the case number is (#). I am very concerned about the welfare of my child(ren), and I believe it is in my child(ren)'s best interest to return to my custody. (Add your reasons here.) my release date is (date of your release), and I want very much to be reunited with (her/him) upon my release from (name of the institution).

Please send a copy of the Order for Transport to the warden at (name of institution) or the sheriff for (county where the prison/jail is located) and to the sheriff for the (county where the juvenile court is located).

Thank you.

Sincerely,

(Your signature)
(Your name)

SAMPLE LETTER TO THE FAMILY LAW FACILITATOR

Date

Family Law Facilitator
Superior Court of California
County of _____
(address)
(city, CA zip code)

Re: (child support or custody & visitation or whatever)
(Case number if you have one)

Dear Family Law Facilitator:

I am incarcerated and do not have an attorney to assist me. I would like your help with this (child support; or child custody; or visitation) matter. Please send me the forms I need to respond to the court (or information about the proceeding). I will also need your help in filing the paperwork so please tell me what I need to do.

Thank you for your attention to this matter.

Sincerely,

(Name)
(Address)

SAMPLE LETTER TO YOUR PROBATION OFFICER

(Your Name)
(Your address)

Mr./Ms. (Name of probation officer)
(Street address)
(City, state, zip code)

Dear Mr./Ms. _____

I am writing to introduce myself and to let you know that I wish to regain custody of my child(ren) when I am released from (name of institution) on (date of release). I am very concerned about the welfare of my child(ren) and I believe it is in the best interest of my child(ren) to be reunited with me when I am released from prison. (Add your reasons as to why the child should be returned to you). During my incarceration, my child(ren) was(were) in the care of (name of person).

Please let me know what steps I must take to be reunited with my child(ren). My release date is only (___ days from now; ___ months from now) and I want to have a plan and start working on the plan before I am released.

Thank you for your attention to this matter.

Sincerely,

(Your signature)
(Your printed name)

SAMPLE LETTER TO THE COURT CLERK
(Use this when you don't have a lawyer representing you.)

Date

Clerk of the Court
Superior Court of California
County of _____
(address)
(city, CA zip code)

Re: (child support or custody & visitation or whatever)
Case No. _____

Dear Clerk:

I am incarcerated and do not have an attorney to assist me with this paperwork. I am asking for your assistance with these documents.

Enclosed please find:

1. One original and two (2) copies of the following documents:
LIST THE DOCUMENTS YOU ARE SENDING; USE ALL UPPER CASE LETTERS.
2. A self-addressed, stamped envelope

Please file and stamp these documents for me and return a copy to me in the envelope enclosed with this letter. I am also requesting that you provide me with a hearing date on this matter at least six (6) weeks after the date of this letter.

Thank you for your attention to this matter.

Sincerely,

(Name)
(Address)

Resources

Helpful Groups to Contact

FAMILY LAW FACILITATORS IN CALIFORNIA

COUNTY	ADDRESS	TELEPHONE
Alameda	1225 Fallon Street, Rm 200 Oakland, CA 94612	510/208-4969
Alpine	1354 Johnson Boulevard, Suite 2 South Lake Tahoe, CA 96150	530/573-3066
Amador	8 Court Street Jackson, CA 95642	209/223-0553
Butte	1 Court Street Oroville, CA 95965	530/538-6196
Calaveras	P.O. Box 1406 Murphys, CA 95247	209/728-8880
Colusa	430 Market Street, Suite B Colusa, CA 95932	530/458-3508
Contra Costa	725 Court Street Martinez, CA 94553	925/646-4978
Del Norte	625 "F" Street, Suite B Crescent City, CA 95531	707/465-3894
El Dorado	2850 Fairlane Court, Building C Placerville, CA 95667	530/621-7472
El Dorado	1354 Johnson Boulevard, Suite 2 South Lake Tahoe, CA 96150	530/573-3066
Fresno	255 N. Fulton Street, Suite 106 Fresno, CA 93701	559/497-6500
Glenn	526 W. Sycamore Street Willows, CA 95988	530/934-6380
Humboldt	825 — 5th Street Eureka, CA 95501	707/269-1210
Imperial	PO Box 237 Brawley, CA 92227	760/344-4134

Inyo	651 Line Street Bishop, CA 93514	760/872-4146
Kern	1415 Truxtun Avenue Bakersfield, CA 93301	661/868-4815
Kings	1400 West Lacey Boulevard Hanford, CA 93230	559/582-3838
Lake	485 N. Main Street Lakeport, CA 95453	707/263-9024
Lassen	700 Court Street Susanville, CA 96130	530/257-7704
Los Angeles	111 N. Hill Street, Room 830 Los Angeles, CA 90012	213/974-5004
Madera	210 South "D" Street Madera, CA 93637	559/674-4696
Marin	20 N. San Pedro, #2014 San Rafael, CA 94903	415/499-3062
Mariposa	5320 Hwy. 49 N., Suite 1 Mariposa, CA 95338	209/966-5320
Mariposa	P.O. Box 1907 Mariposa, CA 95338	209/966-3007
Mendocino	Courthouse State & Perkins Street Ukiah, CA 95482	707-463-5666
Merced	1901 "G" Street Merced, CA 95340	209/725-3822
Merced	830 W. 19th Street Merced, CA 95340	209/725-3822
Modoc	208 North Court Street Alturas, CA 96101	530/233-5695
Mono	P.O. Box 3034 Mammoth Lakes, CA 93546	760/924-3740
Monterey	P.O. Box 1819 Salinas, CA 93902	831/755-5060
Napa	825 Brown Street P.O. Box 880 Napa, CA 94559	707-253-4502

Nevada	207 N. Pine Street Nevada City, CA 95959	530/265-5402
Orange	341 The City Drive Orange, CA 92868	714/935-8304
Placer	101 Maple Street Auburn, CA 95603	530/889-6538
Plumas	P.O. Box 809 514 Jackson Street Quincy, CA 95971	530/283-2090
Riverside	41002 County Center Drive Temecula, CA 92591	909/694-5175
Riverside	4175 Main Street Riverside, CA 92501	909/955-6602
Riverside	46 — 200 Oasis Street Indio, CA 92201	760/863-7880
Sacramento	720 Ninth Street, Room 216 Sacramento, CA 95814	916/874-7524
San Benito	440 Fifth Street, Room 109 Hollister, CA 95023	831/636-4079
San Bernardino	351 N. Arrowhead Ave. Room 326 San Bernardino, CA 92415	909/387-3060
San Diego	P.O. Box 2724 San Diego, CA 92112	619/531-3234
San Francisco	400 McAllister, Room 401 San Francisco, CA 94102	415/551-3991
San Joaquin	222 E. Weber, Room 303 Stockton, CA 95202	209/468-8280
San Luis Obispo	1303 Higuera Street San Luis Obispo, CA 93401	805/546-4350
San Mateo	400 County Center, 7th Floor Redwood City, CA 94063	650/363-4590
Santa Barbara	1100 Anacapa Street, 1st Floor Santa Barbara, CA 93101	805/568-3144
Santa Barbara	201 S. Miller, Suite 208 Santa Maria, CA 93454	805/346-1476

Santa Clara	170 Park Center Plaza San Jose, CA 95113	408/299-8567
Santa Cruz	701 Ocean Street, Room 110 Santa Cruz, CA 95060	831/454-2422
Shasta	1640 West Street Redding, CA 96001	530/245-6900
Sierra	207 N. Pine Street Nevada City, CA 95959	530/265-5402
Siskiyou	P.O. Box 1026 Yreka, CA 96097	530/842-8380
Solano	600 Union Avenue Fairfield, CA 94533	707/432-1898
Sonoma	600 Administration Drive Room 233-J Santa Rosa, CA 95403	707/527-2841
Stanislaus	800 — 11th Street, Room 220 Modesto, CA 95353	209/525-7737
Sutter	539 Garden Highway, Suite E Yuba City, CA 95991	530/822-7388
Tehama	905 Washington Red Bluff, CA 96080	530/529-1327
Trinity	1640 West Street Redding, CA 96001	530/245-6900
Tulare	1612 W. Mineral King, #C Visalia, CA 93291	559/737-4422
Tuolumne	2 South Green Street Sonora, CA 95370	209/533-6565
Ventura	800 S. Victoria Avenue Ventura, CA 93009	805/662-6661
Yolo	725 Court Street Woodland, CA 95695	530/666-8566
Yuba	215 — 5th Street Marysville, CA 95901	530/749-7650

California Statewide Prisoner Resources

Friends Outside administers a network of prison visitor hospitality centers at all California State prisons. Offers respite from travel, transportation from the nearest public transit to the prison, crisis intervention, information and referral, emergency clothing, and snacks. Some centers provide prisoners with pre-release assistance.

Friends Outside: Northern California

**Calif. Correctional Center
Friendship Place #I
PO Box 1701
Susanville, CA 96130
530/257-2211**

**High Desert State Prison
Friendship Place, #II
PO Box 1701
Susanville, CA 96130
530/257-5581**

**CSP Sacramento/Folsom
Welcome House Visitor Center
PO Box 29
Represa, CA 95671
916/985-2372**

**CSP San Quentin
The House
2 Main Street
San Quentin, CA 94964
415/482-8509**

**CSP Solano/ CA Medical Facility
Friendship House
2100 Pibody Road
Vacaville, CA 95696
707/469-9345**

**Deuel Vocational Institute
The Gathering Place
PO Box 1953
Tracy, CA 95378
209/835-4141, ext. 5645**

**Sierra Conservation Center
Mother Lode Visitor Support Center
PO Box 1448
Jamestown, CA 95327
209/984-5523**

**Northern California Women's Facility
Rainbow Visitor Center
PO Box 30874
Stockton, CA 95213
209/463-5450**

**Northern California Youth Center
Gateway Visitor Center
PO Box 30432
Stockton, CA 95213
209/463-9338**

**Pelican Bay State Prison
Hospitality House
c/o Rural Human Services
286 M Street
Crescent City, CA 95531
707/465-6269**

**Mule Creek Prison
New Beginnings Visitor Center
PO Box 667
Ione, CA 95640
209/274-4749**

Friends Outside: Central California

Central California Women's Facility
The Lighthouse
2295 W. Cleveland Avenue
Suite C, #125
Madera, CA 93637
559/665-4617

Valley State Prison for Women
Valley State Visitor Center
2295 W. Cleveland Avenue
Suite C, #123
Madera, CA 93637
559/665-1913

Correctional Training Facility
El Puente
242 Capital Street
Salinas, CA 93901
831/678-0135

Salinas Valley State Prison
Salinas Valley Visitor Center
242 Capital Street
Salinas, CA 93901
831/678-0135

Avenal State Prison
Oasis Visitor Center
PO Box 340
Avenal, CA 93204
559/386-4370

CSP Corcoran
Bienvenidos
4001 King Avenue
Corcoran, CA 93212
559/992-4499

Corcoran Substance Abuse
Training Facility
Visitor Center
PO Box 608
Corcoran, CA 93212
559/992-9756

Wasco State Prison
Casa De Rosas
152 Scofield
Wasco, CA 93280
661/758-8332

North Kern State Prison
North Kern Visitor Center
PO Box 638
Delano, CA 93215
661/725-3833

CA Men's Colony
Friends Outside Visitor Center
c/o 1701 Fredericks Street
San Luis Obispo, CA 93405
805/543-3888

Pleasant Valley State Prison
Centerforce/Pleasant Valley Visitor
Center
PO Box 617
Coalinga, CA 93210
559/935-0660

Friends Outside: Southern California

**CA Correctional Institution
Tehachapi Visitor Center
PO Box 582
Tehachapi, CA 93561
661/822-3407**

**CSP Los Angeles
Lancaster Visitor Center
PO Box 1395
Lancaster, CA 93534
661/728-0844**

**CA Institution for Women
Casa Frontera
12345 Mountain Ave., Suite N-234
Chino, CA 91710
909/597-0234**

**CA Institution for Men
Friends Outside Hospitality Center
PO Box 393
Chino, CA 91710
909/597-5428**

**CA Rehabilitation Center
Hospitality Place
PO Box 282
Norco, CA 91760
909/737-7010**

**Calipatria State Prison
Sorensen Visitor Center
PO Box 1108
Calipatria, CA 92233
760/348-2232**

**Centinela State Prison
Centinela Visitor Center
2302 Brown Road
Imperial, CA 92273
760/352-2466**

**Ironwood State Prison
Descanso Visitor Center
PO Box 1937
Blythe, CA 92226
760/921-1964**

**Chuckawalla Valley State Prison
Esperanza
PO Box 1452
Blythe, CA 92226
760/921-8294**

**Richard J. Donovan
Correctional Facility
Su Casa
480 Alta Road
San Diego, CA 92154
619/710-1645**

In addition to the visiting centers, Friends Outside has Case Managers at each state prison, with direct access to the prisoners. More information can be found at the following Friends Outside offices.

**Main Office
Judy Evans, Executive Director
3031 Tisch Way, Suite 507
San Jose, CA 95128
408/985-8807**

**Northern Office
Gretchen Newby, Regional Director
PO Box 8096
Stockton, CA 95208
209/478-7256**

**Central Office
Michael Gonzalez, Regional Director
1128 Truxtun Ave.
Bakersfield, CA 93301
661/324-2944**

**Southern Office
Bertha Burton Stocker, Regional Director
PO Box 4009
Oceanside, CA 92052
760/806-3286**

Organizations in Northern California Support Groups and Information Referral Services

Parent Support Services

African-American Parent Center
P.O. Box 5607, Oakland, CA 94605
510-562-1283

Friends To Parents
2525 Wexford Avenue, South San Francisco, CA 94080
650-588-8212

Toughlove Parent Support Group
1195 S. Locust St., Visalia, CA 93291

Women's Center, CSUC
402 W. 1st Avenue, Chico, CA 95926
530-898-5724

Family Service Agency of San Francisco
1010 Gough Street, San Francisco, CA 94109
415-474-7310

RAINBOW Regional Family Support Resource Center
P.O. Box 787, Susanville, CA 96130
1-800-537-TALK

Visitation Valley Family Support Center
251 Schwerin Street, San Francisco, CA 94134
415-4692120

Wu Yee Resource & Referral
777 Stockton Street # 202, San Francisco, CA 94108
415-391-8993

Mountain Family Service Agency
1001 Broadway # 204, Jackson, CA 95642
209-223-1624

Mountain Family Service Agency
P.O. Box 919, 584 W. Street Charles, San Andreas, CA
209-754-1075

Family Stress Center
2086 Commerce Avenue, Concord, CA 94520
925-827-0212

Grandparent Support Services

BANANAS Work Shop, Grandparents as Parents
5232 Claremont Avenue, Oakland, CA 94605
510-658-7101

Grandparents Support Group, Taylor Memorial United Methodist Church
1188 12th Street, Oakland, CA 94607
510-530-3696

Grandparents Warmline, Grandparents and Relatives as Second Parents
510-568-7786

Grandparents Who Care
1 Rhode Island Street, San Francisco, CA 94103
415-865-3000

Nurses in Action, Grandparent Caregiver Project
1600 Broadway, Oakland, CA 94612
510-834-6817

Raising Your Grandchild?, Project FOCYS
1710 S. Amphlett Boulevard, Suite 216, San Mateo, CA 94402
650-349-7969

Childcare Services

Edgewood Children's Center, Kinship Care Program
1801 Vicente Street, San Francisco, CA 94116
415-681-3211 ext. 311

West Coast Children's Center
545 Ashbury Avenue, El Cerrito, CA 94530
510-527-7249

Apple Family Center
70 Skyview Terrace, San Rafael, CA 94903
415-492-0720

ARC, First Step Day Care Program at Tilden School
4655 Steele Street, Oakland, CA 94619
510-482-5801

ARC Associates
310 Eighth Street # 220, Oakland, CA 94607
510-548-1229

Girls, Inc.
1724 Santa Clara Avenue, Alameda, CA 94501
510-521-1743
Serves school sites: Earhart Activity, 400 Packet Landing Road
Bayfam, 200 Aughinbaugh Way
Edison Activity, 2700 Buena Vista Avenue
Payden, 444 Central Avenue
Lum Activity, 1801 Sandcreek Way
Otis Activity, 3010 Fillmore Street
Washington Activity, 825 Taylor Avenue

BANANAS
5232 Claremont Avenue, Oakland, CA 94618
510-658-7101

Bay Area Hispano Institute for Advancement, Centro VIDA
1000 Camelia Street, Berkeley, CA 94710

BAHIA School-Age Program
1718 Eighth Street, Berkeley, CA 94710
510-524-7300

Berkeley/Richmond Jewish Community Center
1414 Walnut Street, Berkeley, CA 94709
510-848-0237

Cambridge Community Center, Child Care
1148 Lacey Lane, Concord, CA 94520
925-827-4906

Child Care Coordinating Council, 4C's of Alameda County
1036 A Street, 3rd Floor, Hayward, CA 94541
510-582-2189

Child Care Coordinating Council, 4C's of Alameda County
37553 Fremont Boulevard, Fremont, CA 94536
510-790-0655

Child Care Coordinating Council of San Mateo
700 S. Claremont # 107, San Mateo, CA 94402
650-696-8787

Child Development Resource Center
809 H. Bay Avenue, Capitola, CA 95010
831-479-5282

Children's Council of S.F/Child Care Switchboard Offices
2601 Mission Street, San Francisco, CA 94110
415-920-7282

Children's Council of S.F/Child Care Switchboard Offices
2481 Clay Street, San Francisco, CA
415-474-6365

Contra Costa Child Care Council Offices
2450 Stanwell Drive # 110, Concord, CA 94520
925-676-5442

3020 Grant Street, Concord, CA 94520
925-676-KIDS

San Ramon, CA
925-830-0506

Antioch, CA
925-778-5437

3727 Barrett Avenue, Richmond, CA 94805
510-233-KIDS

Eden Youth Center
680 W. Tennyson Road, Hayward, CA 94544
510-887-1146

Fairfax-San Anselmo Children's Center
199 Porteous Avenue, Fairfax, CA 94930
415-454-1811

Family Council of Half Moon Bay, Children's Center
490 Miramontes Street, Half Moon Bay, CA 94019
650-726-7413

Family Service of the East Bay
Ashbury Methodist Church Child Care Center
4743 East Avenue, Livermore, CA 94550

Kennedy Tract Parent Child Center
3001 Chapman Street, Oakland, CA 94601
510-261-4993

Marin Child Care Council
555 Northgate Drive, San Rafael, CA 94903
415-479-2273

Mission Neighborhood Center
362 Capp Street, San Francisco, CA 94110
415-642-2883

RISA (Representatives of Infant Services in Alameda County)
Family Resource Network
5232 Claremont Avenue, Oakland, CA 94618
510-547-7322

Rose Street Community Child Care Center
1226 Rose Street, Berkeley, CA 94702
510-524-4271

Saint Patrick's Day Care
366 Clementina Street, San Francisco, CA 94103
415-391-0388

Saint Vincent's Day Home
1086 Eighth Street, Oakland, CA 94607
510-832-8324

San Francisco Community Children's Nursery
1105 Quintara Street, San Francisco, CA 94116
415-665-1880

Spanish Speaking Unity Council of Alameda
1900 Fruitvale Avenue # 2A, Oakland, CA 94601
510-534-7764

YMCA, Mt. Diablo Region
710 S. Broadway # 208, Walnut Creek, CA 94596
510-9359622

Choices for Children
150 Old Pony Express Way, Markleeville, CA 96120
916-694-2129

Butte County Children's World
882 Lindo Lane, Chico, CA 95926
530-343-9349

Calvary Lutheran Children's Center
10 Concordia Lane, Oroville, CA 95965
530-534-7082

Chico Community Children's Center
2218 Elm Street, Chico, CA 95928
530-345-3493

Chico Nursery School
530-891-1723

Head Start Paradise
2269 Del Oro Avenue, Oroville, CA 95965
530-538-7719

First United Methodist State Preschool
45 Acacia, Oroville, CA 95965
530-533-7321

Palermo Children's Center
5737 Autrey Lane, Oroville, CA 95965
530-533-1560

St. Timothy's Preschool & Community Day Care
410 Jackson Street, Gridley, CA 95948
530-846-4020

Valley Oak Children's Services
287 Rio Lindo Avenue, Chico, CA 95926
530-895-3572

Children's Services Colusa County
345 Fifth Street, Suite C, Colusa, CA 95932
916-458-7711

Del Norte Child Care Council
343 G Street, Crescent City, CA 95531
707-464-8311

Choices for Children
1029 Takela Drive, South Lake Tahoe, CA 96150
530-541-5848

Choices for Children
4260 Mother Lode Drive, Shingle Springs, CA 95682
530-676-0707

Gleenn County Office of Education
708 4th Street, Orlando, CA 95963

408 Pacific Avenue, Willow, CA 95988

Valley Oak Children's Services
629 First Street, Orlando, CA 95963
916-865-5625

Humboldt Child Care Council
805 7th Street, Eureka, CA 95501
707-444-8293

Head Start Program in Lake County
707-263-8213
707-275-2721
707-994-3572
Call for locations and requirements.

NCO Rural Communities Child Care Offices
P.O. Box 6629, 14893 Lakeshore Drive, Clearlake, CA 95422
707-994-4647

934 S. Forbes, Lakeport, CA 95453
707-263-4688

Lassen County Resource & Referral
700 Brashear Street, Susanville, CA 96130
916-257-9781