



Arraignment Proceeding Information - JA Court

An arraignment is the first step in the Juvenile Court process after a petition is filed. A petition is the document that lists what kind of abuse, neglect or dependency, may have happened. At the arraignment proceeding, the 4 topics listed below will be discussed.

1

Your rights as a parent

- You have the right to **notice of the court proceedings**. This is called “giving notice.”
- You have the right **to be present in court**. If you decide to not attend court, you give up your right to be present and court can happen without you.
- You have the right to **have a lawyer represent you**. You can hire a lawyer, or the Court can assign an attorney to your case if you can;t afford to hire one.
- You have the right **to be heard in court, bring people to court, question people that testify in your case, and bring evidence**.

2 The Indian Child Welfare Act (ICWA)

The judge will ask you if you are a member of any Native American Tribe. **If you believe you are a member, or are eligible to be a member, of a Native American Tribe, the tribe will be told about your case and can participate in your case if they choose to.** For more information about ICWA, visit: www.bia.gov/bia/ois/dhs/icwa

3 Paternity and notice to the other parent

The judge will ask who the father of the children is, and if paternity has been established. If paternity is not established, a DNA test may be ordered. Your attorney or the court can answer questions you may have about this process.

Biological parents have rights to their children whether or not they have been involved in the children's lives. The Court must give notice of this court case to the other parent of the children using whatever information is known.

4 How your case will move forward

The petition will be set for a hearing. The State's Attorney's Office filed the petition and in most cases has to prove that it is more likely than not that abuse, neglect or dependency happened.

If the judge decides it is more likely than not that abuse, neglect or dependency happened, the case moves to the next stage called **Disposition**. At the disposition hearing, the judge will decide whether you are fit, willing, and able to parent your children. If the judge decides you are not fit, willing, or able to parent, you will be provided time to make changes to become fit, willing, or able.

If you do not fix -or make an effort to fix- the problems that led to the court becoming involved, the State's Attorney can ask that your children are not returned to your care. If your children are still in your care, you risk having your children removed from your care if you do not follow your service plan or court orders.

