

## Can OCS remove children?

- OCS workers and/or law enforcement can remove children without a court order and place them in a safe location if there is a reason to believe the children are not safe in their home and an in-home safety plan cannot be utilized.
- Before OCS removes a child from an unsafe home, the OCS worker must determine whether any services can immediately be put into place that would prevent the need for the child to be removed from the home.
- If your child is removed from the home, the OCS worker will ask about relatives or family friends who may be able to provide a safe, temporary placement for your child.
- The OCS worker will give you information about the court hearing and what to expect next.

## Will I have to go to court?

- Only if the OCS petitions the court for State custody or supervision of your child. Parents will be notified of the date, time and place of the court hearing.
- At this hearing, a judge will determine if the State has grounds for custody or supervision of your child. Parental participation is key to your child's future.
- Parents are responsible for contacting their local court clerk's office to determine if you qualify for a court-appointed attorney. If you do not qualify, you have the right to bring your own private representation to the hearing.
- Parents must be told when a child has been taken into custody, the reasons why the child was taken into custody and information about the child's placement and how to contact the local OCS office.

## What can I do to help?

- **Provide Information.** You can help by providing all requested information to the worker.
- **Participate.** You can help by participating with the planning and services for your child's safety.
- **Stay in touch.** Make sure everyone knows if you move and all the progress you have made.
- **Ask questions.** Feel free to ask questions several times, if needed. You need to understand.

## Do I have to speak to the OCS Worker?

- You do not have to speak to the OCS worker. However the information you provide is important in helping OCS determine whether or not your child can remain safely in your home. Not cooperating in the assessment process may result in OCS having to make decisions without your input.

Your caseworker is:

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Phone number:

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Caseworker's supervisor is:

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Phone number:

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Mike Dunleavy, Governor  
State of Alaska

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# PARENT'S RIGHTS

WHAT YOU NEED TO KNOW  
about a  
CHILD PROTECTION INITIAL ASSESSMENT



# We know you have questions. Here are answers to a few of the most common...

## Why has the Office of Children's Services (OCS) contacted my family?

OCS has contacted your family in response to a report of alleged child maltreatment. Maltreatment can take the form of physical abuse, sexual abuse, emotional abuse or neglect. OCS must conduct initial assessments of child abuse or neglect to assure child safety as mandated by law. Reports of child maltreatment may come from anyone in the community.

## Will the police or anyone else be notified of OCS's involvement?

- The police will be notified if it appears that a crime has been committed against a child.
- Police are sometimes asked to help OCS conduct initial assessments of reports of child maltreatment.
- Police may be asked to help OCS if a family is not willing to work with OCS during an initial assessment.

## What happens during an initial assessment of alleged child maltreatment?

- An OCS worker will interview your children. The worker has the right to conduct the interview prior to contacting you. The interview may take place in a school setting.
- An OCS worker will meet with you and your family.
- The OCS worker will visit your home and discuss the concerns and gather information about your family as part of the initial assessment.

- Your children may receive medical attention or a medical exam may be recommended as part of the initial assessment. An OCS worker may ask you to take your children to the doctor.
- If applicable, the OCS worker will contact the parent who does not live with your child, unless contact with that parent would put your child or any member of your household in danger.
- OCS must initiate an initial assessment within certain timeframes to assure child safety based on the severity of the alleged maltreatment. OCS has 30 days to complete the assessment. If there is specific information that cannot be gathered within 30 days, OCS may need extra time to complete the assessment.
- After an initial assessment is completed, OCS will decide whether the allegations of child maltreatment are:
  - "Substantiated" - A substantiated finding is one where the available facts gathered from the initial assessment indicate that more likely than not, a child has been subjected to maltreatment under circumstances that indicate the child's health or welfare is harmed or threatened thereby.
  - "Not Substantiated" - A not substantiated finding is one where the available facts gathered from the initial assessment indicate more likely than not, a child has not been subjected to maltreatment.

## Can I challenge the findings of an assessment?

A person found to be responsible for substantiated child maltreatment may appeal that determination through the Office of Administrative Hearings. You have 30 days to appeal from the poststamp date or the date of receipt of a notification of a substantiated maltreatment finding. A copy of the Request for Appeal of a Substantiated Child Abuse or Neglect Finding form that must be completed to initiate the process, and instructions for completing the form, will be attached to your notification letter and it may also be requested from any OCS office or at: <http://dhss.alaska.gov/ocs/Pages/grievance/index.aspx>.

If the Office of Children's Services (OCS) is assessing a report of child maltreatment, you will have the following rights:

- Be treated with dignity and respect, free from discrimination and have your language or other special needs accommodated.
- Have the report of child maltreatment assessed in a timely manner.
- Be notified if you are the "alleged perpetrator" and to be told information about the report and why an assessment is being conducted.
- Know the outcome of the assessment.
- Speak to a supervisor or file a formal complaint if you have concerns regarding OCS' actions. To file a complaint you must complete and submit a complaint form available at any OCS office or online at: [dhss.alaska.gov/ocs/Publications/pdf/grievance1.pdf](http://dhss.alaska.gov/ocs/Publications/pdf/grievance1.pdf)
- Participate in developing a safety plan for your child, if a safety plan is necessary.
- Suggest and provide the contact information for an alternative adult family member or family friend who is able to safely care for your child, if OCS is advising that it is necessary to remove your child from your home and create an alternative plan of safety.
- Visit any children removed from your home, unless visitation is determined not to be in your child's best interests at the time.
- A court hearing if your child is removed from your home.
- Be notified of and to take part in hearings involving your child, be represented by a lawyer, receive copies of all documents filed with the court, call witnesses and cross examine witnesses, request court hearings, and appeal decisions made by the court.
- Tribal representation — if your family is identified Alaska Native or American Indian, your identified Tribal representative will be notified and invited to participate in the initial assessment with OCS. If you do not want them included during the initial assessment you have the right to tell them you do not want them involved. However, OCS must still provide information to the Tribe as required by law.

