

Some Special Situations

OTHER PARENT'S WHEREABOUTS ARE UNKNOWN:

You must do your best to find out where the other parent is located. If you are not successful, you will have to give the other parent legal notice of the case by publishing a notice in a newspaper. The notice must be in a certain format and it cannot be published in just any newspaper. Thus, you should seek advice from a lawyer before filing your case.

CHILDREN LIVE WITH SOMEONE WHO IS NOT THEIR PARENT:

If the children were not placed with this person by the Department of Social Services, and if there is no court order giving this non-parent legal custody, the sheriff's office may help you. The parents of a child have rights over anyone who is not the child's parent.

PRIOR JUVENILE COURT CASE OR DSS ACTION:

If you want to regain custody after a **juvenile court proceeding** in which any of your children have been placed in the custody of someone else:

1. You may need to ask the Juvenile Court to review the placement.
2. You will need to file proper legal papers in Juvenile Court asking for a review of the placement. We recommend that you contact a private attorney. (If an attorney represented you in the Juvenile proceedings, this attorney, who already is familiar with the case, may be able to help you).
3. When the court reviews the case, it will determine what is best for your child-- to remain with the person who now has physical custody, to return the child to you or other placement.
4. You can also file a custody action in Civil District Court. Before filing you must ask the Juvenile Court to terminate its jurisdiction. In addition the person having custody of your children may intervene in your custody case. For these reasons, we recommend that you contact a private attorney to assist you.

If there was a DSS action and you **voluntarily agreed** to place any of your children in the physical custody of someone, but there was **no court order**, you will probably need to file a custody action.

1. If the person with physical custody of your children is not a parent of the child but refuses to return the child to you, you will have to file a custody action.
2. Always follow the "safety plan" that was made with the Department of Social Services (DSS). Document your efforts of the safety plan; whether it is drug treatment, removal from the home of an abuser, etc. Then contact the social worker to determine if can take physical custody of your child (ren) again.
3. If you need to file a custody action against the parent of the child. The process is complicated because the person having the children may intervene in your custody action. We recommend that you hire a private attorney to assist you.