

Juvenile Court Custody Orders (Exit Orders)

(Reviewed 03/16/18)

Custody Orders - description and attorney responsibility

Occasionally, a child is successfully placed with one parent, but is still at-risk of abuse/neglect from the other parent. When the custodial parent is willing and able to protect the child without further CWS/Juvenile Court involvement, custody orders may be in order.

These orders allow the family to “exit” the Juvenile Court and CWS systems under the protection of the orders being entered into the Family Court file.

The Juvenile Court, as an arm of the Superior Court, has jurisdiction to make such orders for **dependent** children, and they supersede any existing Family Court orders.

When the Juvenile Court enters these orders, they are filed in the family’s Family Court hard file (which the parent or attorney must either open or send for) and dependency jurisdiction is terminated. Family Court then has jurisdiction, and any request to modify the orders must be handled through Family Court.

If the SW believes jurisdiction could safely terminate if custody orders were in place, the SW should contact the attorney for the parent who would have primary custody to discuss the orders.

CWS does not prepare Juvenile Court Custody Orders, although the SW may recommend that one of the parent's attorneys (usually the attorney of the parent who will have primary custody) prepare them.

The SW will continue to make placement and visitation recommendations to the Juvenile Court, which will take them into consideration when making its orders.

If a hearing is coming up soon, the SW should contact the attorney as soon as possible, so the attorney has time to either order or create the Domestic file and prepare the orders **BEFORE** the hearing (a week or two is usually sufficient time to accomplish that). Otherwise, the matter may be continued.
