



Livingston County

Parent Information Guide



Livingston County

Parent Information Guide for Parents and Guardians of Children in the Child Welfare Court System

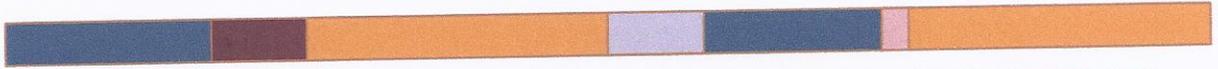
A publication of the Livingston County Model Court.
The Model Court is made up of the Livingston County Court, Livingston County Department of Human Services (DHS), Livingston County Community Mental Health, and other interested and concerned community members, including agencies, private attorneys, and mental health professionals.

Call 517-540-7789 with questions about Model Court.

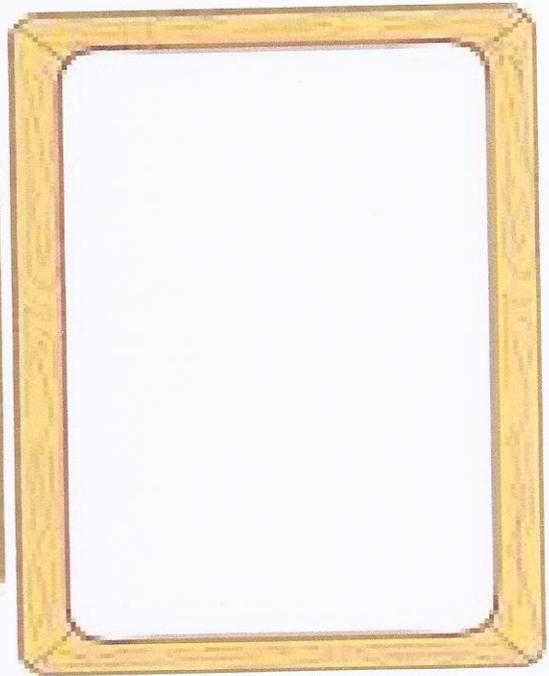
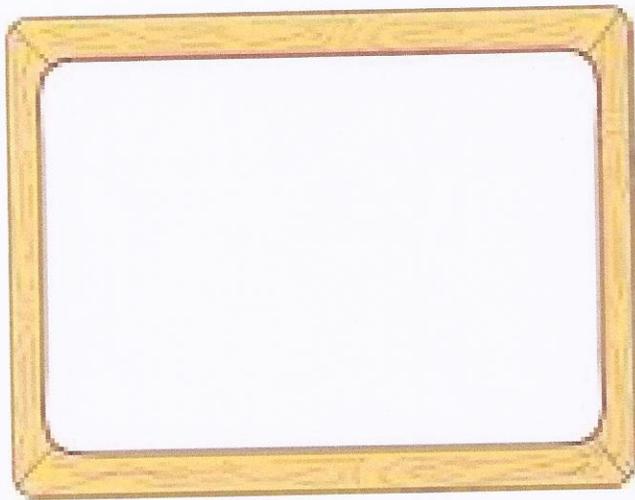
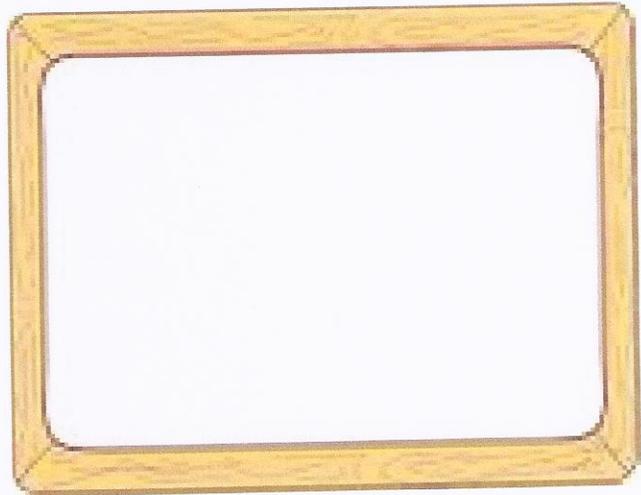
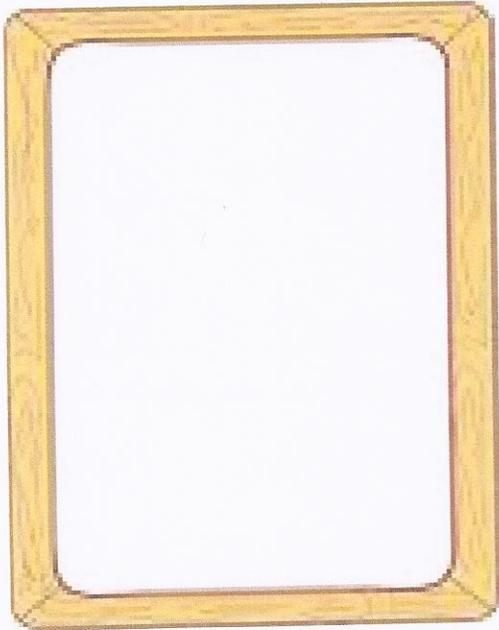
Contact Information

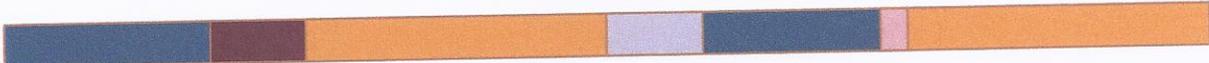
My Court Case Number:	My DHS Number:
Date Children were Removed:	Judge in My Case:
Referee in my Case:	
Court Address and Phone Number: 204 S. Highlander Way Judicial Center Building Howell, MI 48843 517-546-1500	

Role	Name	Phone/E-mail
My DHS Foster Care Worker		
My Attorney		
Attorney for My Child or Children (also called Guardian Ad Litem or LGAL)		
Court Appointed Special Advocate (CASA) Appointed for my Child or Children		
Others:		



Pictures of My Children





Introduction to the Guide

This Guide is designed to help you through the court process. It has important information about how your case will be handled.

You may feel shocked, angry, or confused right now. That is understandable. This may be a good time to call on friends and family members to help and support you.

In most cases, the goal is to get your children back to you as soon as is safely possible. You will need to show the court that you can safely care for your child or children at home. It may take time and hard work to correct problems. Your foster care worker will help you.

The problems that led to this point will be sorted out in the time ahead. You will have a chance to get information that you need, to speak for yourself or have an attorney speak for you, and **the court will make decisions that are intended to be what is best for your children right now,** after considering all of the information that is available.

This guide includes the following information:

- **About the Court Case:** Explains what is going on at each step of your case, who is involved, and what you will be responsible for.
- **About Family Needs:** Helps you with services and supports that you may need.
- **About Your Case:** Helps you keep track of what is going on at each step of your case.

Please take some time to look through this Guide. You can ask questions at any point along the way, including when you see your foster care worker.

This Guide is not meant to be legal advice and it does not replace any information you receive from the court, your attorney, or other professionals. It is important that you work closely with an attorney you hire or one who is appointed by the Court to represent you.

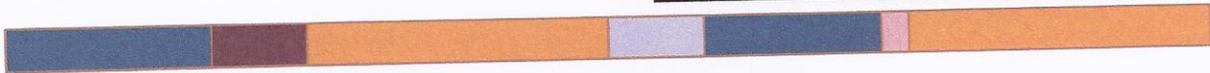


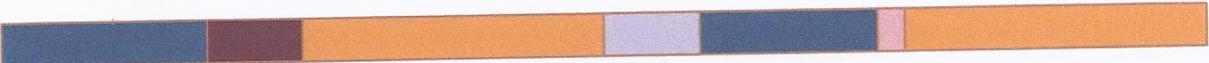
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**ABOUT
THE
COURT
CASE**





Overview of the Case

Cases in child welfare courts must follow federal law and Michigan law. Also, the Department of Human Services has set up policies, which it must follow in working on these cases.

These have all been set up to keep children safe and to support parents in making changes that are needed to keep children safe.

The laws require that certain types of hearings take place within certain time frames. Those hearings, and the time frames that are required by law are discussed in more detail on the following pages.

At each stage of the process, the court must make specific findings, based on the evidence that is presented.

It is important for all parents to understand that they have rights, including the right to have an attorney represent them. You can discuss all aspects of the case with your attorney, and keep asking questions until you have all the information you need.

It is also important to understand that the system has responsibilities to you as a parent. You must have a chance to see your child or children at least once every seven days. If you have trouble with transportation to get to parenting time, the system will help you.

When you and your foster care worker are discussing your Parent-Agency Treatment Plan and Service Agreement (PATPSA), which is detailed more on the following pages, **you have a chance to tell DHS and the court what supports you need to be successful and to work toward an agreement where supports that you need are provided to you.**

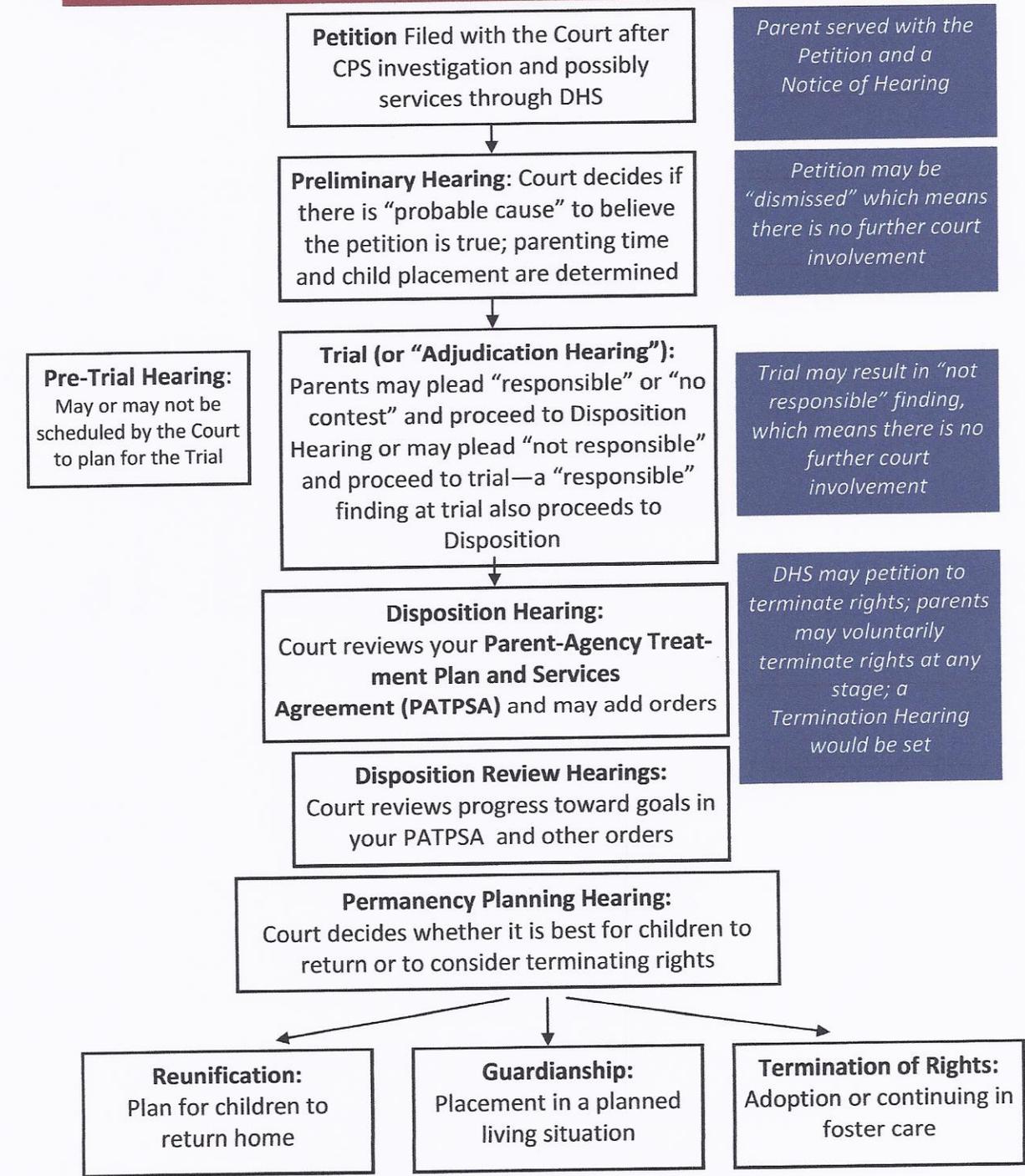
As your case moves through the phases **you can keep asking questions to make sure you understand exactly what you are being told you must do before your children can be returned.**

In the About My Case section, we have provided materials to help you keep track of your court case, including when the important court hearings will be held. You can use the Calendar section to note your parenting time and appointments with service providers you will be seeing. You can use the Notes section to write down questions you have.

Please stay in touch with your attorney and your foster care worker for more information, and make sure they can contact you if they need to.



Flow Chart of the Process



Definitions: Court Hearings

Preliminary Hearing:	This hearing is held within 24 hours after your child or children are removed from your home. You will be notified why your children were removed and you will get a copy of the petition that was filed with the court. The court will tell you that you have a right to an attorney, and that if you do not hire an attorney one will be appointed for you.
Pre-trial hearing:	The court may have a pre-trial hearing before the actual trial. At this hearing, the attorneys may meet with the judge and provide lists of information that are needed and lists of who would testify as a witness at trial.
Trial (or "Adjudication Hearing"):	The trial must happen within 63 days of when your child or children were removed. At this hearing, each parent and the state has a chance to bring evidence, have their own witnesses, and question the witnesses on the other side.
Disposition Hearing:	This hearing must happen within 35 days of the trial. The court will order what you and your foster care worker must do so your children can return home. This will all be outlined in your Parent-Agency Treatment Plan and Services Agreement (PATPSA). There is more information about this on Page 6 in this section. It is possible that DHS will be asking the court to terminate (permanently end) your parental rights at this point. This is only in some extreme situations. In that case, a Termination Hearing date will be set at this time.
Dispositional Review Hearings	These reviews take place every 91 days as long as your children are in care. The court will review your progress in completing the steps of your PATPSA and decide if it is safe for your child or children to be returned to your care.
Permanency Planning Hearing:	This must happen no later than one year after your child or children are removed. The court will decide if it is safe to return your child or children to your care, or may order DHS to file a petition to terminate your rights.
Termination Hearing:	If a petition to end your parental rights is filed the court will hold a termination hearing or trial and will make a decision after considering the evidence that is presented and the best interests of your child or children.
Voluntary Release	After considering all options, you may decide to give up your parental rights at any time during the case.

The People Involved in Your Case

Department of Human Services (DHS) Child Protective Services (CPS) Worker:	This is a person who investigated a report of abuse and/or neglect regarding your child or children. The worker asked the court for an order to remove your child or children, because the worker believed that the children were not safe in your care.
DHS Foster Care Worker:	This is a person who took over from the CPS worker once the children were removed. This person is responsible for making sure you have visits with your child or children. This person will work with you to reach an agreement on the Parent-Agency Treatment Plan (PATSA). The PATSA lists goals you must accomplish to have your child or children returned to your care. This person will also talk with you about your child or children's needs related to school, to medical care, to dental care, and other issues.
Judge or Referee:	This person holds the court hearings related to your case and will listen to all of the information that is presented to make decisions about your family. This person will decide about your parenting time, and the services you need to successfully complete. This person will review how you are doing, make changes to the services you are getting if needed, and make decisions about your child or children coming back to your care.
Your Attorney:	This person gives you legal advice and represents you in court. You can hire your own attorney or you can ask the court to appoint an attorney for you, at no cost to you. You should ask your attorney questions about the case, and work with your attorney toward having the best outcomes for your child or children. You're your attorney can help you review your case file, get and present information that you think the court should know about your case, and make statements to the court on your behalf.
Assistant Prosecutor:	This person represents the People of the State of Michigan and is a part of the court process to support safety in the community and to work toward positive outcomes for children and their families.
Children's Attorney (Legal Guardian Ad Litem, or LGAL)	This person is appointed by the court to represent your child or children and will attend all court hearings. This person will talk to your child or children, and to others to find out what your child or children need, to make sure that they get the services and supports that they need while they are in care.
Court Appointed Special Advocate (CASA)	This person is a trained volunteer from the community who is appointed by the Court to get to know your child or children and to make sure that the Court knows your child or children's needs, and to work with others in the case, including the Legal Guardian Ad Litem, to try to make sure your child or children get what they need.
Foster Parent	Your child or children may be placed in a foster home, a shelter home, residential care, or in a relative's home. If they are in a foster home, the home will be licensed by the state to meet standards intended to keep your children safe. Foster parents are trained and the foster care worker keeps in close contact with them.



About the Court Appointed Special Advocates (CASA)

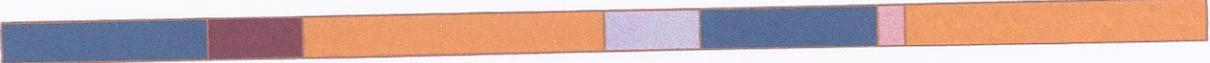
Livingston County has a Court Appointed Special Advocate (CASA) program. Our CASA program provides highly trained community volunteers to advocate for the best interest of children who come into the Court system.

Each CASA volunteer is assigned to only one child or group of siblings. It is their job to get to know the children, and to talk to people who are important in the child's life. The CASA is in a good position to help the Court understand what is best for the child, and to help make sure that your child or children get what they need.

If a CASA is assigned to your family's case, the CASA volunteer may contact your attorney, and ask to talk with you or ask for other information. You and your attorney can discuss the role of the CASA volunteer in more detail. Also, the CASA volunteer may ask, through your attorney, for you to sign a Release of Information to give the volunteer access to information kept by child's medical, counseling or other providers. This would only be to investigate the child's current needs. Again, you can consult with your attorney about this request.

CASA volunteers make periodic reports to the Court, and these reports include their recommendations for what the Court should do for the best interests of the children. A blank report, which shows the kind of information the CASA volunteer will be reporting on, is included with this packet.

You and your attorney can always discuss the role of the CASA volunteer in more detail, and you can learn more about the CASA program by visiting LACASA's website at www.lacasa1.org. If you have questions about the program you can contact Sara Applegate, CASA Program Supervisor, at 517-548-1350 extension 225.



STATE OF MICHIGAN 44 TH JUDICIAL CIRCUIT FAMILY DIVISION LIVINGSTON COUNTY	COURT APPOINTED SPECIAL ADVOCATE (CASA) COURT REPORT	11- -NA
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COURT ADDRESS: 204 S. Highlander Way, Howell, MI 48843

COURT TELEPHONE: (517) 546-1500

IN THE MATTER OF:

JUDGE:

REFEREE:

LGAL:

DATE OF HEARING:

ATTORNEY FOR F:

ATTORNEY FOR M:

TYPE OF HEARING:

ADVOCATE NAME:

DATE OF LAST HEARING:

I. INVESTIGATION

A. INFORMATION/RECORDS REVIEWED SINCE LAST HEARING:

Example:

- Updated Service Plan, 10/1/10 – 1/1/11
- child’s psychological evaluation, 10/22/10

B. PERSONS INTERVIEWED SINCE LAST HEARING:

Example:

- Ms. Teacher, Middle School, 1/21/11
- Mr. and Mrs. Foster Parent, 1/20/11
- Johnny, 1/20/11, 1/25/11

II. NEEDS OF THE CHILD(REN)

A. PLACEMENT:

Describe how the child is doing in the current placement, adjustment, any issues in the placement. (Note: If the child is in an unrelated foster home, please do not put foster parent identifying information, such as addresses or telephone numbers, in the report.)

B. EDUCATIONAL:

Describe the child(ren)’s progress, setbacks, strengths and needs. If the child has special needs, have they been addressed or is there a plan to do so? What are the teacher’s comments and concerns? How is the child’s attendance?

C. MEDICAL/DENTAL:

Does the child have any medical or dental needs that should be addressed? Has a doctor recommended any follow up care or treatment by a specialist? Is the child developmentally appropriate? If not, are there any plans to address developmental delays?

D. PSYCHOLOGICAL/EMOTIONAL:

Is the child having any behavioral issues that are not developmentally appropriate? Does the child have any mental health concerns? Does the child need counseling, therapy, psychological or psychiatric evaluation? Is the child on any psychotropic medications?

E. PARENTING TIME:

How is the child's interaction with the parent(s), as well as the parent interaction with the child during the visits? Are there sibling visits if the children do not all reside together? Are there relative or non-relative visitors who attend visits? When are the visits scheduled? Do the parents and children attend as scheduled? If visit was cancelled, why and was it rescheduled?

F. THE NEEDS AND WISHES OF THE CHILD(REN):

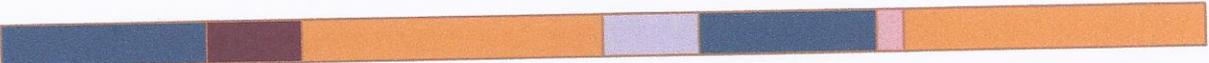
III. VOLUNTEER ADVOCATE'S RECOMMENDATIONS: (including possible resources)

Based on the information stated herein I recommend that:

IV. ACTIONS TO BE TAKEN BY THE ADVOCATE BEFORE THE NEXT HEARING:

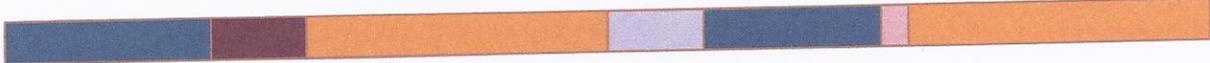
CASA Volunteer Advocate

Sara Applegate, CASA Supervisor



Parent/Guardian Responsibilities During the Case

Parents are expected to be actively involved in this process. It is important that you know what is expected of you at each step, and that you make sure that you do what is expected. You can talk with your attorney and your Foster Care Worker about specific things you need to be paying attention to, but here are some basic ideas:

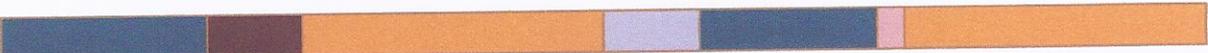
- **Make sure you understand what the problems are that need to be addressed**, and take the action that is needed to address these problems. The Court will want to know that you have done everything that is needed to show that your children can be returned safely to your care.
 - **Make sure that you are where you need to be, when you need to be there**, including your Court dates, parenting time, meetings with your attorney and foster care worker. We are providing a sheet for you to write in contact information so you can let people know if you will be late or unable to make it to an appointment, and a calendar to help you keep track of all of your dates and responsibilities.
 - **Make sure that you are prepared for Court**, including that you arrive on time and are dressed appropriately in clean, business-like clothes. No t-shirts or shorts. Make sure you bring copies of the papers related to your case, you always use respectful language. Please do not eat, drink, or chew gum in the courtroom. Do not bring cell phones or other electronic devices – they are not allowed in the Court unless you have an order from the Judge to bring them in as evidence.
 - **Keep in touch with your Foster Care Worker**, and make sure that your worker knows about your accomplishments, but also make sure that your worker knows when you need help, and what kind of help you need. You can ask your worker to give you feedback about how you are doing, and to give you suggestions for what to do.
 - **Stay involved in your children's lives in a positive way**, including, as discussed with your foster care worker and the foster parents, being part of parent-teacher conferences, attending doctor appointments, attending sports games or performances, or generally being available to talk by phone or to exchange letters or e-mails. (continued)
- 



About Court Orders in Your Case

All of the Court Orders in your case must be followed. In Child Protection Cases, the Court has to use standard forms for its orders, which are set by the Michigan Supreme Court. These forms must cover a lot of information that is required by law, so they tend to be long and can be confusing to read. **It is your responsibility to make sure you understand what is being ordered.** Please make sure to ask your attorney, and keep asking, if you have any questions about what the Court is ordering you to do.

A sample of an Order is provided on the following pages. Below are some points to help you understand what you are seeing in the Order. Each point below is numbered, and it relates to numbers that are written on the sample order.

1. Although the Orders tend to look the same, each Order has a specific title. Look for the title of the Order at the top middle of the first page of the Order. The title tells you which hearing this Order follows. The sample is an “ORDER AFTER PRELIMINARY HEARING”.
 2. Each paragraph is numbered, beginning with #1, which lists the name of the case. Notice that the name of the case is always the name of your child or children. They are the focus of everything the Court does.
 3. Each Order is made specific to your case by checking boxes after each paragraph. These boxes reflect either “Findings” made by the Court or “Orders” of the Court. The Findings are things that the Court must decide, after hearing testimony and evidence, and the Orders are what the Court says must happen based on what it decided. In the Sample “Findings” are in paragraphs 5-20 and Orders are in paragraphs 21-30.
 4. Notice that in some paragraphs, checking a box is not enough. In the Sample, if the Court has decided for the first time that “it is contrary to the welfare of the child(ren) to remain in the home”, there must be an explanation of the reasons why the Court is making this finding.
 5. Each paragraph in the “IT IS ORDERED” Section contains something that must be done. In the Sample, #24 states where the children will be placed, #25 states what services the children will be given initially, #26-28 states what the parenting time will be like for each parent. In later orders, there will be specific services listed and generally the order will refer to the Parent Agency Treatment Plan and Service Agreement (PATPSA) that you will complete with your DHS worker. The PATPSA is explained later in this section.
- 

①

STATE OF MICHIGAN
JUDICIAL CIRCUIT - FAMILY DIVISION
COUNTY

ORDER AFTER PRELIMINARY HEARING
(CHILD PROTECTIVE PROCEEDINGS), PAGE 1
ORDER ____ OF ____

CASE NO.
PETITION NO.

Court address

Court telephone no.

1. In the matter of
name(s), alias(es), DOB

②

2. Date of hearing: _____ Judge/Referee: _____ Bar no.

3. Removal date: _____ (Specify for each child if different.)

4. Military/nonmilitary affidavit attached.

THE COURT FINDS:

③

- 5. The child(ren) is/are is not/are not subject to the continuing jurisdiction of another court. Court: _____
- 6. A petition has been submitted alleging that the above child(ren) come(s) within the provisions of MCL 712A.2(b).
- 7. Notice of hearing was given as required by law. Notice of proceedings is to be given as required by law.
- 8. The child(ren) is/are Indian as defined in MCR 3.002(5). The petitioner has has not given notice of the preliminary hearing as required by MCR 3.920(C)(1).
 - The preliminary hearing must be adjourned pending conclusion of a removal hearing required by MCR 3.967.
 - The removal hearing required by MCR 3.967 was conducted in conjunction with this hearing (see required findings in item 15).

A qualified expert, _____, testified as required by law.

9. a. There is probable cause to believe the legal/putative father(s) is/are: (Name each child, his/her father, and whether legal or putative.)

b. The putative father of _____ is unknown and cannot be identified.

10. There is good cause to adjourn the preliminary hearing because _____
 Petitioner recommends removal of the child(ren) from the home to assure the immediate safety of the child(ren).

11. The probable-cause determination was waived by all parties present.

12. There is is not probable cause that one or more of the allegations in the petition are true.

(SEE SECOND PAGE)

Do not write below this line - For court use only

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER AFTER PRELIMINARY HEARING (CHILD PROTECTIVE PROCEEDINGS), PAGE 2 ORDER ____ OF ____	CASE NO. PETITION NO.
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Court address

Court telephone no.

In the matter of

13. There is probable cause the parent guardian legal custodian other person residing in the child(ren)'s home abused the child(ren). Presence of the alleged abuser in the home does does not present a substantial risk of harm to the child(ren)'s life, physical health, or mental well-being and he/she should should not be ordered out of the home. (Use form JC 65, Order Removing Alleged Abuser from Child's Home, as appropriate.)
14. a. Contrary to the welfare findings were made in a prior order.
 b. It is contrary to the welfare of the child(ren) to remain in the home because: (Attach separate sheets as necessary.)

4

15. a. Reasonable efforts to prevent removal of the child(ren) from the home were made as determined in a prior order.
 b. Reasonable efforts were made to prevent removal of the child(ren) from the home. Those efforts include: (Specify below.)
 c. The child(ren) is/are Indian, and the court finds by clear and convincing evidence and the testimony of an expert witness who has knowledge about the child-rearing practices of the Indian child's tribe, that active efforts have have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. These efforts have proved unsuccessful, successful, the continued custody of the child(ren) by the parent or Indian custodian is is not likely to result in serious emotional or physical damage to the child(ren), and the child(ren) should should not be removed from the home. (Specify below.)
 The efforts for 15.b. and 15.c. are: (Specify the efforts from 15.b. and 15.c. here. If the child is an Indian child, both 15.b. and 15.c. apply and both the reasonable efforts and active efforts must be specified here.)

d. Reasonable efforts to prevent removal of the child(ren) from the home were not made.

(SEE THIRD PAGE)

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL CIRCUIT - FAMILY DIVISION
COUNTY

ORDER AFTER PRELIMINARY HEARING
(CHILD PROTECTIVE PROCEEDINGS), PAGE 4
ORDER ____ OF ____

CASE NO.
PETITION NO.

Court telephone no.

Court address

IT IS ORDERED:

3

21. The petition is authorized. is not authorized. is not authorized pending resumption of the preliminary hearing.

22. Notice is to be given to the legal/putative father(s) as required by law. The father was not present and must appear at the next hearing. The putative father was present at this hearing and shall establish paternity within 14 days.

23. This matter is set for a continued preliminary/removal hearing on _____ pursuant to MCR 3.967. The petitioner shall give notice of these proceedings as required by MCR 3.920(C)(1) (use form JC 48).

24. The child(ren) is/are

5

a. placed with the Department of Human Services for care and supervision, and
i. the parent(s), guardian, or legal custodian shall execute all documents necessary to release confidential information regarding the child(ren) including medical, mental, and educational reports, and shall also, within 7 days, provide the Department of Human Services with the name(s) and address(es) of the medical provider(s) for the child(ren). Any medical provider for the child(ren) shall release the medical records of the child(ren) to the Department of Human Services.
ii. if the child(ren) is/are placed in the home of a relative, a home study shall be performed by the Department of Human Services and a copy of the home study submitted to the court not more than 30 days after the placement.
iii. upon request, the Department of Human Services shall release to the foster parent the information concerning the child(ren) in accordance with MCL 712A.13a(13).

b. released to _____ under the supervision of the Department of Human Services. Name(s) of parent(s), guardian, or legal custodian
 The following terms and conditions apply to the parent(s), guardian, or legal custodian:

25. Each child shall have _____ of parenting time. a psychological evaluation counseling to determine appropriateness and conditions

26. Parenting time of _____ is
 supervised by the Department of Human Services and/or its designee.
 unsupervised at the discretion of the Department of Human Services.
 suspended while psychological evaluation or counseling is conducted, or until further order of the court.

27. Parenting time of _____ is
 supervised by the Department of Human Services and/or its designee.
 unsupervised at the discretion of the Department of Human Services.
 suspended while psychological evaluation or counseling is conducted, or until further order of the court.

28. Parenting time of _____ is
 supervised by the Department of Human Services and/or its designee.
 unsupervised at the discretion of the Department of Human Services.
 suspended while psychological evaluation or counseling is conducted, or until further order of the court.

29. Placement shall continue pending resumption of the preliminary hearing pretrial trial disposition
on _____
Date and time

30. Other:

Recommended by: _____
Referee signature

Date

Judge

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER AFTER PRELIMINARY HEARING (CHILD PROTECTIVE PROCEEDINGS), PAGE 3 ORDER _____ OF _____	CASE NO. PETITION NO.
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Court address

Court telephone no.

In the matter of

16. a. Reasonable efforts are not required to prevent the child(ren)'s removal from the home due to
- the mother father subjecting the child(ren) to the aggravated circumstance(s) of _____ as provided in section MCL 722.638(1) and (2), and as evidenced by _____
- the mother's father's conviction for murder of another child of the parent.
 the mother's father's conviction for voluntary manslaughter of another child of the parent.
 the mother's father's conviction for aiding or abetting in the murder or manslaughter of another child of the parent, attempting to murder the child(ren) or another child of the parent, or conspiring or soliciting to commit the murder of the child(ren) or another child of the parent.
 the mother's father's conviction for felony assault that resulted in serious bodily injury to the child(ren) or another child of the parent.
 the mother's father's involuntary termination of parental rights to a sibling of the child(ren).
- b. Reasonable efforts to preserve and reunify the family to make it possible for the child(ren) to safely return home are
- not required because the parent subjected the child or another child of the parent to one of the circumstances stated above.
- OR**
- still recommended because:

(When item 16 is checked, either complete item 18 below or schedule a permanency planning hearing within 28 days of this determination.)

17. a. Reasonable efforts shall be made to preserve and reunify the family to make it possible for the child(ren) to safely return home.
- b. Reasonable efforts shall not be made to preserve and reunify the family because it would be detrimental to the child(ren)'s health and safety.
18. Because reasonable efforts to prevent removal or to reunite the child(ren) and family are not required, a permanency planning hearing was conducted. (Use and attach form JC 19, Order Following Dispositional Review/Permanency Planning Hearing.)
19. Conditions of custody in the home and with the individual with whom the child(ren) reside(s)
- a. are adequate to safeguard the child(ren) from the risk of harm to the child(ren)'s life, physical health, and mental well-being.
 b. are not adequate to safeguard the child(ren) from the risk of harm to the child(ren)'s life, physical health, and mental well-being.
- No provision of service or other arrangement except removal of the child(ren) is reasonably available to adequately safeguard the child(ren) from the risk of harm to the child(ren)'s life, physical health, and mental well-being.
 Conditions of custody at the placement away from the home and with the individual with whom the child(ren) is/are placed are adequate to safeguard the child(ren)'s life, physical health, and mental well-being.
20. Parenting time with _____, even if supervised, may be harmful to the child(ren).

(SEE FOURTH PAGE)