

Status Hearing Checklist

15 minutes; up to 25 suggested best practice

Prior to Hearing:

- Hearing 60 days after DFPS appointed TMC, unless aggravated circumstances
- Persons given 10 days' notice of hearing
- Visitation Plan filed least 10 days before
- Family Plan of Service filed no later than 45th day after DFPS appointed TMC
- Education decision-maker form filed
- Medical consent form filed
- Parent attorneys appointed
- Dismissal date set
- Child assessment by no later than 45th day after child entered TMC of DFPS
- Texas Health Steps administered by no later than 30th day after child entered TMC of DFPS

At Hearing:

Due Process and General Matters

- Identify parties present and served
- DFPS due diligence to locate parties
- DFPS provided notice to relatives
- Need for language interpretation
- Inform parents of right to attorney
- If AAL hasn't seen client, form filed
- Child Placement Resources Form filed
- Paternity issues/Paternity Registry
- Home studies initiated
- Review current and alternative placements
- Review conservatorship and substitute care of the child
- Indian/Native American Heritage
- DFPS held or plans to hold Permanency Planning Meeting
- Address citizenship issues, consulate notified
- Review child's medical care

Family Plan of Service (SP)

- Determine if:
 - SP developed jointly with parents
 - Each term reviewed/discussed with parents; parents understand
 - Parents informed of rights with SP process
 - Noted if parent not able or willing to participate in development of SP
 - Plan has primary and concurrent goal
 - Plan is signed by parents and DFPS
- Parent has opportunity to comment on SP
- Court can modify SP at any time

Visitation Plan (VP)

- Review VP:
 - Age and safety of child at/during visitation
 - Desires of each parent regarding visitation
 - Location of each parent and child
 - Transportation to/from visits
 - DFPS/other resources available to support visitation
- Court may modify VP at any time
- If find visitation not in child's best interest, include in order reasons and specific steps parent must take to have visitation

At the End of the Hearing:

- Determine whether SP reasonably tailored for specific issues identified by DFPS
- Determine whether any SP with goal of reunification adequately ensures that reasonable efforts made to enable parents to provide safe environment for child
- Advise/warn parents & parties:
 - Custodial rights and duties subject to restriction or termination or child not returned unless parent demonstrates willingness and ability to provide child with safe environment

- Progress under SP reviewed at all hearings, including review of newly acquired knowledge or skills
- Incorporate SP into court order and render additional, appropriate orders to require compliance with or implement SP
- ISSUE COURT ORDER:**
 - Dismissal date
 - May transfer to court of continuing, exclusive jurisdiction, if CCEJ exists

Best Practices:

- Set first Permanency Hearing Before Final Order and announce in open court
- Engage parties with direct questions
 - *Do you understand the purpose of the Service Plan?*
- Ask direct and specific questions of the Department about reasonable efforts
 - *What about this plan is reasonably tailored to address specific issues present in Ms. Smith's case?*
- Ask the following questions:**
 - *What is preventing this child from returning home today?*
 - *How is my decision specific to this child and this family?*
 - *Are there cultural issues we need to understand?*

Well-being Issues at Status Hearing:

- School stability, education goals, progress, and issues, and education decision-maker
- Medical Consenter may need to be identified or updated
- Review psychiatric care, especially if child or youth prescribed psychotropic medication
- Young adult presence at hearing or opinion about education or medical care