

# Status Hearing Checklist

15 Minutes; up to 25 suggested best practice

## Statutory

### Prior to the Hearing:

- Hearing 60 days after DFPS appointed TMC, unless aggravated circumstances
- Persons given 10 days' notice of hearing
- Visitation Plan filed at least 10 days before
- Family Plan of Service filed no later than 45th day after DFPS appointed TMC
- Notice of Education Decision-Maker (Form 208-E) filed
- Designation of Medical Consenter (Form 2085-B) filed
- If parent is unrepresented, inform of right to counsel, determine indigency, and appoint attorney if indigent and in opposition to suit
- Dismissal date set
- Child "3 in 30" exam trio performed no later than 30th day after child entered TMC of DFPS.

### At the Hearing:

- 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, determine good cause
- Child Placement Resources Form filed
- Child provided opportunity to provide information about possible relative or other caregiver
- If child with relative, inform about Permanency Care Assistance (PCA)
- Paternity issues/Paternity Registry
- Home studies initiated
- Review current and alternative placements
- Review conservatorship and substitute care of the child
- Inquire about 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

# Status Hearing Checklist

*continued*

## Court Findings

### At the End of the Hearing:

- Determine whether SP narrowly 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 narrowly 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

- 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