At a Glance

	Required Participation	Adversary Hearing	Status Hearing	Permanency Hearing Before	Permanency Hearing After
Hearing set timely	14 days	14 days	60 days	Final Order 1st at 180 days, thereafter, 120	Final Order 180 days, except 1st at 90 days if
Court of Continuing,	No	Yes	No	days	TPR No
Child AAL and GAL appointed	Required before Temporary Orders Hearing (AAL only)	No later than 14- day Hearing	Required before 14-day Hearing	Yes	Yes, AAL or GAL or attorney in dual role required as long as child remains in DFPS conservatorship
Parent Attorney appointed	Required before Temporary Orders Hearing	Yes	Yes	Yes	No
Notice of Hearing	Yes	Yes	Yes	Yes	Yes
Court Report filed and provided	Not Required	Yes	Yes	Yes	Yes
Identify all parties and swear witnesses	Yes	Not Required	Not Required	Yes	Yes
Inquire about absent parties	Yes	Yes	Yes	Yes	Yes
Inquire about diligent efforts	No	Yes	Yes	Yes	No
Address service on parties	Yes	Yes	Yes, if outstanding	Yes, if outstanding	No
Address parentage issues	No	Yes	Yes, if outstanding	Yes, if outstanding	No
Issue orders regarding service	Yes	Yes	Yes, if outstanding	Yes, if outstanding	No
Admonish parents of right to attorney	Yes	Yes	Yes	Yes	No
Confirm rights and information provided to AP	No	Yes	No	No	No
Admonish parents of TPR	No	Yes	Yes	Yes	No
Aggravated circumstances	No	Yes	No	No	No
Inquire about and document Indian heritage	No	Yes	Yes	Yes	No, unless new information
Indian Child Welfare Act, if applicable	No	Clear and convincing, expert testimony	Active efforts	Active efforts	No
Child Placement Resources Form	No	Yes	Yes, if outstanding	No	No
Child asked about potential placements	No	Yes	Yes	Yes	Yes
Initial Home Studies on file	No	Yes	Yes	No	No
Child present	No	No	No	Yes	Yes

At a Glance continued

	Required Participation	Adversary Hearing	Status Hearing	Permanency Hearing Before Final Order	Permanency Hearing After Final Order
If AAL hasn't seen client, determine good cause	Yes	Yes	Yes	Yes	Yes
Review current and alternative placement	No	Yes	Yes	Yes	Yes
Determine if able to place with relative, cite evidence	No	Yes	Yes	Yes	No
If with relative, inform about PCA	No	Yes	Yes	Yes	Yes
Temporary Visitation Plan on file	No	Yes	No	No	No
Review Visitation Plan	No	No	Yes	Yes	Yes
Service Plan development	Yes	No	Yes	No	No
Review Service Plan	Yes	No	Yes	Review Compliance	Review Compliance
Review permanency goal	No	No	No	Yes	Yes
Review education goals, progress, and needs	No	No	If needed	Yes	Yes
Education Decision-Maker identified	No	No	Yes	Yes	Yes
Review medical care	No	No	Yes	Yes	Yes
Medical Consenter identified	No	Yes	Yes	Yes	Yes
Child's opinion on medical care known	No	No	No	Yes	Yes
Normalcy activities	No	No	No	Yes	Yes
Reasonable Efforts findings required	No	Yes (prevent removal, return the child home, or place with a non- custodial parent)	Yes (Service Plan requirements)	Yes (execution of Permanency Plan)	Yes (execution of Permanency Plan)
Determine dismissal date	Yes	Yes	Yes	Yes	No
Transitional Living Plan on file if child is 16 or older	N/A	No	No	No	Yes
Independent Living Skills Assessment conducted, if required	N/A	No	No	Yes	Yes
Review Extended Jurisdiction	N/A	No	No	No	Yes
Set next hearing	Yes	Yes	Yes	Yes	Yes
Issue order and provide to parties	Yes	Yes	Yes	Yes	Yes

Required Participation in Services Hearing Checklist

15 minutes; up to 25 suggested best practice

Statutory	
Prior to the Hearing: ☐ Hearing within 14 days of petition unless good cause for extension ☐ Child's GAL/AAL appointed	□ Parents' AAL appointed□ Parties served
At the Hearing: □ Determine need for language interpretation □ Identify parties present and served □ Determine indigence	 □ Determine good cause if AAL has not seen child □ Ensure services are specific and narrowly tailored
Court Findings	
At the End of the Hearing: Determine if sufficient evidence to order participation in services by parent(s) or caregiver(s) for the child; if not, deny required participation in services. Evidence sufficient to satisfy a person of ordinary prudence and caution that: Abuse or neglect occurred, or Substantial risk of abuse or neglect, or Continuing danger to the physical health or safety of child caused by an act or failure to act by named party/parties; and Services necessary to ensure the physical health or safety of child.	 ISSUE COURT ORDER State findings; Make appropriate temporary orders under Chapter 105 to ensure safety of the child, excluding orders that place the child outside the child's home or in the conservatorship of DFPS; Order the participation in services narrowly tailored to address court findings; Set dismissal deadline of 180 days; and Schedule review hearing within 90 days.
 Review Hearings: Address continued need for temporary order and dismiss if no longer a continued need. Set review hearing within 90 days if temporary order continued. 	 Determine if good cause to extend dismissal deadline if DFPS shows continued need for services beyond original 180-day dismissal deadline.
Best Practices	
 Engage parties with direct questions Review services with parents Set Review Hearing date within 90 days Give notice in open court Engage parties with direct questions: Do you understand the purpose of the court ordered services? 	 Consider the following questions: How are these services specific to this child and this family? Are there issues impacting this family that we need to understand? Is there a need for ongoing services or can the case be dismissed today?

Adversary Hearing Checklist 15 Minutes; up to 25 suggested best practice

□ School stability, education goals, progress, and

☐ Medical care and behavioral or psychiatric care

issues, and Education Decision-Maker

Statutory	
Prior to the Hearing: Hearing within 14 days of removal unless temporary order extended Child's GAL/AAL appointed	 Parties served Certified copy of child's birth certificate filed separately under seal CCEJ identified
At the Hearing: Determine need for language interpretation Identify parties present and served Inform parents of right to attorney Determine indigence Before commencing the hearing: Confirm DFPS informed the alleged perpetrator of their right to create an audio or video recording of the interview and to request an administrative review of DFPS findings Confirm that upon first contact DFPS provided the alleged perpetrator with information relating to investigation procedures Court Findings	 DFPS provided notice to relatives Child Placement Resources Form/efforts to identify/locate parties not present Child provided opportunity to provide information about possible relative or other caregiver CPS and criminal background checks conducted and home studies initiated Determine if child can be placed with relative and note evidence If child with relative, inform about Permanency Care Assistance (PCA) Inquire about Indian/Native American Heritage Determine good cause if AAL has not seen child
At the End of the Hearing: Determine sufficient evidence regarding the parent from whom the child was removed to grant DFPS TMC of child; if not, return child to that parent Document danger to child to return to home or remain in home and remaining in home is contrary to welfare; reasonable efforts to prevent removal and to return child home If TMC to DFPS, inform parents that rights may be terminated or limited If cite by pub needed, may render temporary order anyway Determine aggravated circumstances alleged or exist If family violence, protective order necessary or available	 □ Place the child with a parent not involved in the removal unless there is evidence that the parent cannot be located or is unwilling to take possession of the child or possession of the child by the parent constitutes a continuing danger to the child despite reasonable efforts to enable possession □ Place child with a relative unless not in best interest □ Determine whether DFPS is able to place child with relative or other designated caregiver; note evidence supporting finding either way □ ISSUE COURT ORDER ● Service ● Notice of removal ● Parentage or DNA testing ● Dismissal date ● Transfer CCEJ, if applicable ● Describe reasonable efforts
Best Practices □ Engage parties with direct questions □ Review services with parents □ Set Status Hearing date □ Open court notice	 Consider 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 issues impacting this family that we need to understand?
Well-being Issues	

 $Updated\ September\ 2025$

☐ Young adult presence at hearing or opinion about

education or medical care

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 □ If parent is unrepresented, inform of right to counsel, determine indigency, and appoint attorney □ Visitation Plan filed at least 10 days before □ Family Plan of Service filed no later than 45th day after DFPS appointed TMC 	 Developmentally appropriate assessment no later than 45th day after DFPS appointed TMC Texas Health Steps Exam no later than 30th day after DFPS appointed TMC Notice of Education Decision-Maker (Form 2085-E) filed Designation of Medical Consenter (Form 2085-B) filed Dismissal date set
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 □ Paternity issues/Paternity Registry □ Child Placement Resources Form filed □ Review current and alternative placements □ Child provided opportunity to provide information about possible relative or other caregiver □ If present, give caregiver opportunity to provide information 	 □ If child with relative, inform about Permanency Care Assistance (PCA) □ If the child is placed in a RTC or QRTP, whether continued placement in an RTC or QRTP is appropriate □ Review conservatorship and substitute care of the child □ Inquire about Indian/Native American Heritage □ DFPS held or plans to hold Permanency Planning Meeting □ If AAL hasn't seen client, determine good cause □ Address citizenship issues □ 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

Court i munigs	
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 rende 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 □ Check status of initiated home studies □ 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? Consider 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 issues impacting this family that 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

Permanency Hearing Before Final Order Checklist

15 Minutes; up to 25 suggested best practice

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plan

about medical care

P	rior to the Hearing:	
	If first Permanency Hearing (PH), scheduled within 180 days after DFPS named TMC	
	If subsequent PH, scheduled within 120 days of last PH	
	10 days' notice provided	
	DFPS Permanency Progress Report filed at least 10 days before PH and includes:	
A	t the Hearing:	
	Identify those present	
	Child in attendance	
	DFPS due diligence to locate and serve parties not present	
	Paternity issues/Paternity Registry	
	DFPS asked parents to provide locating information for absent parents, alleged fathers, or relatives	
	If parent is unrepresented, inform of right to counsel, determine indigency, and appoint attorney	
	Need for language interpretation	
	Inquire about Indian/Native American Heritage	
	Address citizenship issues	
	Compliance with orders/Service Plan and progress made	
	Parties and those present heard and provided opportunity to present evidence	
	If caregiver is present, must be given opportunity to provide information about the child	
	Review efforts to place child with a relative	
	If child with relative, inform about Permanency	
	Care Assistance	
	Review Permanency Progress Report:	
	Safety and well-being of child	
	Child's needs (medical/special)	
	Child's placement Full damage as the other BEBS is able to place	
	 Evidence as to whether DFPS is able to place with relative 	
	 Child's primary and alternative permanency goals 	
	 DFPS reasonable efforts to finalize permanency 	

• Child provided opportunity to express opinion

• Child provided opportunity to provide information

about possible relative or other caregiver

- Child's Permanency Plan
- Summary of Medical Care

The court file includes:

- Notification of Medical Consenter Form 2085-B
- Education Decision-Maker Form 2085-E
- Visitation Plan
- For child receiving psychotropic medication, whether child has:
 - been provided non-pharmacological interventions.
 - seen prescribing physician every 90 days for review
- Child's Education Decision-Maker identified, education needs and goals identified and addressed, and major changes in school performance or disciplinary events
- If 14 or older, transition services to assist from care to independent living
- For child with goal of APPLA:
 - o child's desired permanency outcome; and
 - whether APPLA best permanency plan; if so, provide compelling reasons why not in child's best interest to:
 - return home.
 - adoption,
 - placed with legal guardian, or
 - placed with a fit and willing relative
 - whether DFPS has conducted an Independent Living Skills (ILS) assessment for all youth 16 and older in TMC
 - whether DFPS has addressed the goals identified in the youth's permanency plan
 - if 16 or older, whether DFPS provided required documents
 - if 18 or older, or the disabilities of minority were removed, whether DFPS provided youth with required documents and information

If the child	is placed in	an	RT(C or Q	RT	P, wheth	ner
continued	placement	in	an	RTC	or	QRTP	is
appropriate	Э						

Child receiving appropriate medical care
Child has regular, ongoing opportunities for age-
appropriate normalcy activities, including those
not in child's service plan

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☐ If AAL hasn't seen client, determine good cause

Permanency Hearing Before Final Order Checklist

Where child wants to attend school

Whether records/credits transferred

• Whether change coordinated with grading and

How child will be transported

testing periods

Court Findings	
At the End of the Hearing: Return the child to the parent or parents unless, with respect to each parent, there is a continuing danger to the health and safety of the child and returning home is contrary to the welfare of the child. Advise/warn custodial rights and duties subject to restriction or termination	 Incorporate changes or modifications to Service Plan into order Likely date child returned home, placed for adoption, or placed in PMC Set next PH within 120 days or sooner Announce dismissal date and any upcoming hearings
Best Practices	
 □ If lack of notice, consider resetting hearing to secure attendance □ Engage parties with direct questions □ Engage youth □ Ask DFPS direct, child-specific questions about reasonable efforts towards primary and concurrent goal □ If not moving to positive permanency, set timelines and tasks to be completed prior to next hearing □ AAL knowledgeable about child's needs and legal objectives □ Set next PH at 90 instead of 120 days □ For Older Youth: ● Family Group Decision Making 	 Preparation for Adult Living (PAL) If will turn 18 while in foster care: discuss extended foster care and trial independence ensure referrals to Texas Workforce Commission ensure appropriate documents in possession before leave care Consider 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 issues impacting this family that we need to understand?
Well-being Issues	
 Medical and Mental Health Care □ Summary of medical care: Nature of emergency medical care All medical and mental health treatment receiving and progress Any medication prescribed/progress Caregiver compliance with treatment plan 	 Adverse reaction or side effects Diagnosis or diagnostic tests Activity to avoid that affect effectiveness of treatment Other info required
Education and Educational Decisions □ Enrolled and in appropriate grade	☐ If 0-3, child assessed for developmental milestones
 □ Remain in current school, even if placement changes □ If change placement, determine: 	through ECI ☐ If 0-5, enrolled in Early Head Start, Head Start, or Pre-Kindergarten
 Where child wants to attend school 	☐ Education Decision-Maker Form 2085-E on file

 $Updated\ September\ 2025$

 $\hfill \square$ School supports and disciplinary issues

☐ Evaluated for/receiving special education

☐ If 14 or older, postsecondary education plan

☐ Extracurricular activities/normalcy

Final Hearing Checklist for Non-Jury Trial

Statutory □ Legal relief properly plead Prior to the Hearing: □ Notice provided to parties within 45 days of trial Compliance with Indian Child Welfare Act, if applicable All parties served At the Hearing: emotional and physical danger to child now □ Note appearances of all parties present and in future □ Take announcements about readiness to proceed parental abilities of individuals seeking to trial custody ☐ Rule on any pending pretrial motions programs available to assist those individuals to promote best interest of child Opening Statements, unless waived plans for child by these individuals or by □ Presentation of evidence agency seeking custody stability of home or proposed placement Evidence acts or omissions of parent which may Grounds for termination indicate that existing parent-child relationship • Best interest of the child; for factors see Holley not a proper one v. Adams: any excuse for acts or omissions of the parent desires of the child Reasonable efforts by DFPS emotional and physical needs of child now Closing arguments, unless waived and in future **Court Findings** At the End of the Hearing: Determine if met burden of proof: ☐ If no termination and DFPS awarded MC, consider whether: • Termination of Parental Rights: Clear and Convincing Evidence (Grounds + Best Interest + • The child will turn 18 in not less than 3 years; Reasonable Efforts) • The child is at least 12 years old or has Conservatorship: Preponderance of the Evidence continuously expressed a strong desire against If ICWA applies: Beyond a Reasonable Doubt being adopted; and Needs and desires of child ☐ If termination, appoint DFPS or individual as managing conservator (MC) □ Advise parties of right to appeal ☐ If no termination and DFPS awarded MC, must find ☐ Set Permanency Hearing After Final Order that: (PHAFO) within 90 days if MC granted to DFPS with termination Appointment of parent not in child's best interest because would significantly impair child's ☐ Set PHAFO within 180 days if MC granted to DFPS physical health or emotional development (Clear without termination and Convincing Evidence); and ☐ Continue appointment of child's attorney ad litem Not in child's best interest to appoint relative of (AAL), or guardian ad litem (GAL), or attorney in the child or another person as managing conservator dual role as long as the child is in the conservatorship

Best Practices

☐ Remind Parent Attorney of appellate duties

☐ Set initial hearings sooner than statutorily required to ensure progress toward child's permanency goal

of DFPS

Permanency Hearing After Final Order Checklist

15 Minutes; up to 25 suggested best practice

Statutory

Prior to the Hearing:

If parental rights terminated, first Permanency
Hearing (PH) within 90 days of final order
If parent rights not terminated, first PH within 180 days of final order
10 days' notice of hearing

At the Hearing:

Identify those present
Child in attendance
Review DFPS efforts to notify of hearing
Review Permanency Progress Report:

- Child's safety and well-being
- Child's needs (medical/special)
- Child provided opportunity to provide information about possible relative or other caregiver
- Child's placement, noting evidence as to whether DFPS can place child with relative
- If in institutional care, efforts to ensure least restrictive environment
- Primary/alternative permanency goals
- DFPS reasonable efforts to finalize the permanency plan:
 - due diligence to place for adoption if rights terminated and child eligible; or
 - APPLA, including appointing relative as PMC or returning the child to parent, if appropriate for child
- For child with APPLA goal:
 - desired permanency outcome; and
 - whether APPLA best permanency plan; if so, compelling reasons why not in child's best interest to:
 - return home,
 - be placed for adoption,
 - be placed with legal guardian, or
 - Be placed with fit and willing relative.
 - whether DFPS has conducted an Independent Living Skills (ILS) assessment for all youth 16 and older in TMC or PMC
 - whether DFPS has conducted an ILS for all youth 14 and older in PMC
 - whether DFPS has addressed the goals identified in the youth's permanency plan

- □ DFPS Permanency Progress Report filed 10 days before hearing; includes
 - Summary of Medical Care
- ☐ The court file includes:
 - Notification of Medical Consenter Form 2085-B
 - Education Decision-Maker Form 2085-E
 - if 16 or older, whether DFPS provided required documents
 - if 18 or older, or disabilities of minority were removed, whether DFPS provided youth with required documents and information
 - If 14 or older, services to assist in transitioning from care to independent living in community
 - Receiving appropriate medical care and provided opportunity to express opinion on medical care
 - If receiving psychotropic medication:
 - provided appropriate non-pharmacological interventions, therapies, or strategies to meet needs; or
 - seen by prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days
 - Education Decision-Maker and education needs and goals identified, major changes in school performance or serious disciplinary events
 - For child in PMC without termination, whether DFPS to provide services to parent for up to 6 months after PH if:
 - child not placed with relative or other individual, including foster parent, seeking PMC; and
 - court determines further efforts at reunification with parent:
 - in best interest of child; and
 - likely to result in child's safe return to parent
 - DFPS identified family or other caring adult with permanent commitment to child
 - If the child is placed in an RTC or QRTP, whether continued placement in an RTC or QRTP is appropriate

Permanency Hearing After Final Order Checklist

Continued	
 Review DFPS efforts to ensure the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan. Address citizenship issues 	 Ensure those present given opportunity to be heard and if caregiver is present, must be allowed to provide information If child with relative, inform about Permanency Care Assistance Confer with child about permanency plan If AAL has not seen client, determine good cause
Court Findings	
At the End of the Hearing:	
☐ Issue court order	□ Set next PH within 180 days
Best Practices	
 If inadequate notice, consider resetting hearing to secure attendance Engage parties with direct questions Engage youth Ask DFPS direct, child-specific questions about both primary and concurrent goal Next PH by 90 or 120 instead of 180 days For youth who will turn 18 while in care: Discuss extended foster care and trial independence Ensure referrals to Texas Workforce Commission 	 Ensure delivery of documents before leave care Youth advised of eligibility for Family Group Decision Making or Circles of Support to discuss future plans Youth enrolled in PAL or provided transitional services after 14th birthday Consider the following questions: What is preventing this child from achieving positive permanency? How is my decision specific to this child and this family? Are there issues impacting this family that we need to understand?
Well-being Issues	
 Medical and Mental Health Care Summary of medical care: Nature of emergency medical care All medical and mental health treatment receiving and progress Any medication prescribed/progress Caregiver compliance with treatment plan 	 Adverse reaction or side effects Diagnosis or diagnostic tests Activity to avoid that affect effectiveness or treatment Other info required
Education and Educational Decisions Enrolled in school/in appropriate grade Remains in current school, if placement change If placement change, determine: Where child wants to attend school How the child will be transported Whether change coordinated with grading and testing periods	 □ If 0-3, child assessed for developmental milestones through ECI □ If 0-5, child enrolled in Early Head Start, Head Start, or Pre-Kindergarten □ Education Decision-Maker Form 2085-E on file □ School supports and disciplinary issues □ Extracurricular activities/normalcy □ Evaluated/receiving appeirs ad apprises
Whether records/credits transferred	 Evaluated/receiving special ed services If 14 or older, postsecondary education plan