

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 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
- If parent is unrepresented, inform of right to counsel, determine indigency, and appoint attorney
- 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
- 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

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 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