Adversary Hearing Checklist

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 End of 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
- ☐ 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
- ☐ Temporary Family Visitation Plan

Court Findings

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 genetic testing
  - Dismissal date
  - Transfer CCEJ, if applicable
  - Describe reasonable efforts

Adversary Hearing Checklist

continued

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

- ☐ School stability, education goals, progress, and issues, and Education Decision-Maker
- ☐ Medical care and behavioral or psychiatric care
- ☐ Young adult presence at hearing or opinion about education or medical care