Required Participation in Services Hearing Checklist

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?*