

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 family and child?*
 - *Are there cultural issues we need to understand?*
 - *Is there a need for ongoing services or can we dismiss today?*

Adversary Hearing Checklist

15 Minutes; up to 25 suggested best practice

Statutory

Prior to the Hearing:

- Hearing within 14 days of removal unless temporary order extended
- Child's GAL/AAL appointed
- Parties served
- CCEJ identified

At the Hearing:

- Determine need for language interpretation
- Identify parties present and served
- Inform parents of right to attorney
- Determine indigence
- 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 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 cultural issues 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

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