

Adversary Hearing Checklist

15 Minutes; up to 25 suggested best practice

Statutory

Prior to the Hearing, review court to determine:

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

At the Hearing:

- Identify parties present and served
- Inform parents of right to attorney
- Determine indigence
- DFPS provided notice to relatives
- Need for language interpretation
- Child Placement Resources Form/efforts to identify/locate parties not present
- Child provided opportunity to provide information about possible relative or other caregiver
- Determine if child can be placed with relative and note evidence
- CPS and criminal background checks conducted and home studies initiated
- If child with relative, inform about Permanency Care Assistance (PCA)
- Inquire about Indian/Native American Heritage
- Temporary Family Visitation Plan
- Determine good cause if AAL has not seen child

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
- If child victim of human trafficking, placement in secure agency foster or group home
- 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 [BP]

- Engage parties with direct questions
- Review services with parents
- Set Status Hearing date
- Open court notice
- 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

- 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

Updated October 2023