

Status Hearing Checklist

15 minutes; up to 25 suggested best practice

Prior to Hearing, review court file to determine:

- Hearing set no later than 60 days after DFPS appointed TMC unless aggravated circumstances. [Tex. Fam. Code § 263.201](#)
- Persons entitled to notice given 10 days' notice of hearing. [Tex. Fam. Code § 263.0021](#)
- DFPS filed copy of Visitation Plan at least 10 days before Status Hearing. [Tex. Fam. Code § 263.107\(d\)](#)
- DFPS filed Family Plan of Service (Service Plan) not later than 45th day after appointed TMC. [Tex. Fam. Code § 263.101](#)
- Form 2085-E designating education decision-maker filed with court. [Tex. Fam. Code § 263.004](#)
- Notification regarding consent for medical care filed with the court. [Tex. Fam. Code § 266.004\(c\)](#)
- Parent attorneys appointed. [Tex. Fam. Code § 107.013](#)
- Dismissal date set. [Tex. Fam. Code § 263.401](#)
- Child received developmentally appropriate assessment by no later than 45th day after child entered TMC of DFPS. [Tex. Fam. Code § 266.012](#)

At Hearing:

Due Process and General Matters

- Identify those present, note those not present, determine service on parties, and swear witnesses. [Tex. Fam. Code § 102.009](#)
- Review DFPS due diligence to locate parties not present. [Tex. Fam. Code § 263.202\(a\)\(1\)](#)
- Confirm that DFPS notified relatives about removal. [Tex. Fam. Code § 263.007](#)
- Determine if language interpretation is needed. [Tex. Gov't Code § 57.002](#)

- Advise parents of right to counsel; determine indigence; appoint counsel. [Tex. Fam. Code § 263.203](#); [Tex. Fam. Code § 263.0061](#)
- Determine whether parent, alleged father, or relative before the court submitted Child Placement Resources Form. [Tex. Fam. Code § 263.201\(c\)](#)
- Determine status of paternity issues and whether Paternity Registry searched. [Tex. Fam. Code § 263.202\(a\)\(1\)](#)
- Determine status of initiated home studies. [Tex. Fam. Code § 262.114\(a\)\(b\)](#) [BP at Status Hearing]
- Review current and alternative placements. [Tex. Fam. Code § 263.002](#)
- Review the conservatorship appointment and substitute care of the child. [Tex. Fam. Code § 263.002\(1\)](#)
- Inquire about Indian/Native American Heritage. [25 U.S.C. Ch. 21](#); [Tex. Fam. Code § 263.202\(f-1\)](#)
 - Inquire of all parties if there's Indian heritage in the family.
 - Determine which tribes may be involved.
 - Ensure proper notice to parent, tribe, if known, and Secretary of the Interior and Bureau of Indian Affairs, if tribe unknown. **(See Topical Checklist: ICWA)**
- Determine if DFPS held or plans to hold Permanency Planning Meeting. [Tex. Fam. Code § 263.009\(a\)](#)
- Ask Child's Attorney Ad Litem if has seen client and when.
 - If AAL has not seen client, ensure form is provided. [Tex. Fam. Code § 107.004\(d\)\(2\)](#)
- Determine whether child or parent is a citizen of the United States. [8 C.F.R. § 204.11](#)
 - If not, determine if Special Immigrant Juvenile Status for the child (or teen

KEY: Statutory Court Findings Best Practices Well-Being

parent) is appropriate, and issue Order for DFPS to initiate the process.

- Determine if notice given to appropriate Consulate.
- Review medical care provided child since last hearing. [Tex. Fam. Code § 266.007\(a\)](#)

Family Plan of Service

- Determine if:
 - Original Service Plan was developed jointly with child's parents. [Tex. Fam. Code § 263.103\(a\)](#)
 - Each term and element discussed and parents informed of rights in connection with service plan process. [Tex. Fam. Code § 263.103\(a-1\)](#)
 - If parent not able or willing to participate in development of Service Plan, it is noted in the plan. [Tex. Fam. Code § 263.103\(a\)](#)
 - Parents have reviewed and understand the plan. [Tex. Fam. Code § 263.202\(b\)2](#)
 - The plan has both a primary and a concurrent goal. [Tex. Fam. Code § 263.102\(e\)](#)
 - Plan is signed by parents and DFPS. [Tex. Fam. Code § 263.103\(b\)](#)
- Provide parent opportunity to comment on Service Plan. [Tex. Fam. Code § 263.202\(g\)](#)
- Court can modify service plan at any time. [Tex. Fam. Code § 263.105\(c\)](#)

Visitation Plan

- Review Visitation Plan and consider:
 - Age and safety of child at/during visitation;
 - Desires of each parent regarding visitation;
 - Location of each parent and child;
 - Transportation to/from visits; and
 - Resources available to DFPS, including transportation and those necessary to ensure visitation is properly supervised. [Tex. Fam. Code § 263.107\(c\)](#)

- Court may modify visitation plan at any time. [Tex. Fam. Code § 263.108\(b\)](#)
- If court finds visitation is not in child's best interest, include in order the reasons and the specific steps parent must take to have visitation. [Tex. Fam. Code § 263.109\(b\)](#)

At the End of the Hearing:

- Determine whether the Service Plan is reasonably tailored to address any specific issues identified by DFPS. [Tex. Fam. Code § 263.202\(b\)\(3\)](#)
- Determine whether any Service Plan that has the goal of reunification adequately ensures that reasonable efforts are made to enable the parents to provide a safe environment for the child. [Tex. Fam. Code § 263.202\(b\)\(1\)](#)
- Advise/warn parents and parties:
 - That custodial rights and duties may be subject to restriction or termination or child not returned unless parent demonstrates willingness and ability to provide child with safe environment. [Tex. Fam. Code § 263.202\(b\)\(2\)](#)
 - Progress under Service Plan is reviewed at all hearings, including review of newly acquired knowledge or skills. [Tex. Fam. Code § 263.203\(b\)](#)
- Incorporate Service Plan into the Court Order and render additional appropriate orders to implement or require compliance with the Service Plan. [Tex. Fam. Code § 263.106](#); [Tex. Fam. Code § 263.202\(b-1\)](#)
- ISSUE COURT ORDER** and include or address:
 - Dismissal date. [Tex. Fam. Code § 263.401](#)
 - Transfer to court of continuing, exclusive jurisdiction, if applicable. [Tex. Fam. Code § 262.203](#)

Best Practices:

- Set first Permanency Hearing Before Final Order and announce in open court. [Tex. Fam. Code § 263.304](#)
- Engage parties with direct questions.
 - *Do you understand the purpose of this hearing?*
 - *Do you understand the purpose of the Service Plan?*
 - *Were you given the chance to discuss or provide input into the Service Plan?*
 - *Do you understand what I've explained about your parental rights?*
- Ask direct and specific questions of the Department about reasonable efforts.
 - *What about this plan is reasonably tailored to address specific issues present in Ms. Smith's case?*
 - *What about this service plan will help Ms. Smith provide a safe environment for her child?*
- 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?*

- Young adult presence at hearing or opinion about education or medical care. [Tex. Fam. Code § 263.302](#) (BP at Status Hearing); [Tex. Fam. Code § 266.007\(c\)](#)

Well-being issues that may be pertinent at Status Hearing:

- Education Decision-maker, school stability, education goals, progress, school-related issues. [Tex. Fam. Code § 263.004](#); [Tex. Educ. Code § 25.001\(g\)](#); [Tex. Educ. Code § 25.001\(g-1\)](#)
- Medical Consenter may need to be identified or updated. [Tex. Fam. Code § 263.202\(e\)](#)
- Review psychiatric care, especially if child or youth prescribed psychotropic medication. [Tex. Fam. Code § 266.007\(a\)\(4\)](#)