

Adversary Hearing Checklist

15 minutes; up to 25 suggested best practice

Prior to Hearing:

- Hearing within 14 days of removal unless temporary order extended
- Child's GAL/AAL appointed
- Parties served
- CCEJ identified
- Hearing within 30 days of petition filed if non-emergency under 262.113

At 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
- CPS and criminal background checks conducted and home studies initiated
- Indian/Native American Heritage
- Temporary Family Visitation Plan
- AAL form provided if client not seen

At the End of the Hearing:

- Determine sufficient evidence to grant DFPS TMC of child; if not, return child
- 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 child with noncustodial parent or 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

Best Practices:

- 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 at Adversary Hearing:

- 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