

Seventeenth Judicial District



District Plan for Handling Dependency and Neglect Cases

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CASA MEMORANDA OF UNDERSTANDING

APPROVED FORMS AND ORDERS

SEVENTEENTH JUDICIAL DISTRICT PLAN FOR HANDLING DEPENDENCY AND NEGLECT CASES

INTRODUCTION

The Seventeenth Judicial District Plan for Handling Dependency and Neglect Cases was developed through consultation with the Seventeenth Judicial District Dependency and Neglect Steering Committee. The Seventeenth Judicial District Dependency and Neglect Steering Committee includes the Presiding Juvenile Judge and Juvenile Court Magistrate, the Dependency and Neglect Court Facilitator, as well as representatives from the following groups of interested parties: the Adams County Attorney's Office, the City and County Attorney of Broomfield, the Adams County Children and Family Services Department, the City and County of Broomfield Department of Health and Human Services, guardians ad litem, respondent parents' counsel and CASA.

The plan which follows is designed as a model case process, outlining major case events in terms of purpose, process, and benefits. The district plan incorporates the requirements of Chief Justice Directives 96-08, 04-05, 04-06 and 98-02, the recommendations contained in the *Child Abuse and Neglect Cases in the Colorado Courts* report dated June 27, 1996, the case management, practice and procedure recommendations contained in *Resource Guidelines, Improving Court Practice in Child Abuse and Neglect Cases, and Adoption and Permanency Guidelines, Improving Court Practice in Dependency and Neglect cases, National Council of Juvenile and Family Court Judges*, the requirements of Colorado Statutes and Case Law, the experience of other jurisdictions in expediting Dependency and Neglect cases, the Juvenile Court's findings and conclusions in the administration of the Family Court Program, and The Seventeenth Judicial District Plan for Handling Dependency and Neglect Cases: An Assessment and Evaluation; A Report to the Chief Justice of the Colorado Supreme Court Pursuant to Chief Justice Directive 98-02..

The purpose of the District Plan for Handling Dependency and Neglect Cases is to create a process to expeditiously resolve the issues which bring families before the court. It is the intent of this plan to provide all participants in the process with a clear set of guidelines upon which they can rely in assisting the court in meeting its role in meeting this objective. All professionals and participants should clearly understand that the statutory deadlines for accomplishing permanency planning are the outermost limits for establishing permanency for children who are brought within the court's jurisdiction. The statutory deadlines are not intended to be the generally accepted standard for meeting the objective of permanency planning. Early permanency planning is encouraged in every case in order to promote a clearly defined set of goals for the parties to achieve. Such permanency planning permits a more efficient and directed treatment plan implementation. Early intervention by the professionals involved in the case and case management structure is promoted by the plan. In every case the plan is calculated to promote prompt provision of services so that the treatment plan objectives have a greater likelihood of success.

The differentiated case management model is central to the plan's operation. Early intervention by all professional groups will assist the court and parties in more clearly determining which cases will require more intensive services and court intervention. Additionally, cases which require less intensive supervision will be screened out as well. This will promote a more efficient use of resources and promote a higher rate of successful reunification of families, where appropriate.

To the extent that any prior directive or order of this court is in conflict with or inconsistent with the provisions, guidelines, goals or objectives of the Seventeenth Judicial District Plan for Handling Dependency and Neglect Cases, such directives or orders are superceded by the adoption of this plan. The Exhibits attached to the district plan set forth performance standards which must be adhered to by Respondents' counsel and Guardians ad Litem as well as a flow chart identifying the critical stages in a Dependency and Neglect case. In addition to the Exhibits expressly referenced in this plan, the attached Appendix is incorporated into this plan by reference as if set forth in full herein. The Appendix contains the operative Chief Justice Directives upon which the plan is based, the Court Appointed Special Advocates Memorandum of Understanding, and approved forms for use in Dependency and Neglect cases.

This introduction is intended to be a general statement of policy. The general policy statement set forth herein shall be considered in interpreting and implementing the Seventeenth Judicial District Plan for Handling Dependency and Neglect Cases which is hereby adopted by the Order of the Chief Judge.

POLICIES AND PROCEDURES FOR THE HANDLING OF DEPENDENCY AND NEGLECT CASES

I. Shelter/Advisement Hearing

A. Purpose. To promote an earlier identification of the factual and legal issues which bring the participants before the Court, to make a determination as to temporary custody and appropriate placement of the child, to ensure that all respondent parents are identified, represented by counsel and understand the Dependency and Neglect process (including potential consequences of the Dependency and Neglect petition and permanency options), and to facilitate early case assessment and provision of services.

B. Process.

1. Timing. A Shelter/Advisement Hearing is to be held in every case within 48 to 72 hours of the date of intervention (exclusive of weekends and holidays), unless an earlier hearing is mandated by statute. **For all purposes set forth in this district plan, the "Date of Intervention" is defined as the date on which the child**

is removed from the home, the Dependency and Neglect petition is filed, or the department requests protective supervision, whichever first occurs.

2. Critical Tasks. The following critical tasks are to be completed at or before the Shelter/Advisement Hearing:
 - a. Filing of the Petition in Dependency and Neglect.
 - b. The Magistrate shall appoint the Guardian ad Litem at the Shelter/Advisement Hearing. The procedures for the appointment of a Guardian ad Litem shall be in compliance with those set forth in the attached Exhibit "A".
 - c. Appointment and notification of respondent parents' counsel:
 - (1) Respondent counsel shall be appointed at the Shelter/Advisement Hearing. The procedures for appointment of respondent counsel shall be in compliance with those set forth in Exhibit "B".
 - (2) Respondent parents' counsel should be available to meet with parents at least 30 minutes prior to the Shelter/Advisement Hearing.
 - (3) Applications for court-appointed counsel should be made available to respondents in sufficient time to be completed prior to the Shelter/Advisement Hearing.
 - d. The party responsible for the identification and notification of all respondent parents, including putative fathers, is the Department of Health and Human Services.
 - e. Identification of potential relative placements (if child has been removed):
 - (1) The department shall be responsible to identify potential relative placements. Respondent parents' counsel and the Guardian ad Litem should also inquire as to

possible relative resources and communicate such information immediately to the department.

(2) The department shall provide copies of the "Affidavit of Possible Relatives" to the respondent parents at the shelter hearing. The parties shall be under a Court Order to fill out and submit the form with as much of the information as possible prior to leaving court. The complete form is to be submitted at the next court hearing.

- f. Preparation and filing of reports by the department is not necessary for the Shelter/Advisement Hearing where a petition in Dependency and Neglect is filed which sets forth the factual basis necessitating the filing of the petition. However, if a preliminary treatment plan has been drafted, it should be filed with the court when practicable.
- g. Preparation and filing of the petition or Motion for Informal Adjustment is the responsibility of the County Attorney.

3. Actions to be Taken at Shelter/Advisement Hearing. The following actions are to be taken at the Shelter/Advisement Hearing:

- a. File and serve Dependency and Neglect petition;
- b. Appointment of the Guardian ad Litem;
- c. Determination of right to court appointed counsel and appointment of respondent parents' counsel, if eligible;
- d. Advisement of respondents as to rights, potential consequences of the Dependency and Neglect petition and permanency options;
- e. Determine need for continued placement, if removal of the child or children has occurred;
- f. Enter orders regarding temporary custody, visitation, necessary evaluations and services;

- g. Enter protective orders, if necessary; including Title 13 protection orders when appropriate.
- h. Inquire as to the identity and location of respondent father(s) if not named in the petition and direct amendment of the petition accordingly;
- i. Inquire as to the whereabouts of non-appearing parents and efforts to locate and notify them;
- j. Authorize service by publication, if appropriate;
- k. Inquire as to potential relative placements and status of investigations. This order should be flexible enough to permit change of placement or custody to a relative prior to the next scheduled hearing upon agreement of the Guardian ad Litem and caseworker;
- l. Inquire as to applicability of the Indian Child Welfare Act (ICWA);
- m. Rule on Motion for Informal Adjustment, if appropriate; and
- n. Set the next appropriate hearing. *See*, Exhibit "C" Flow Chart of judicial proceedings:
 - (1) Except where an admission is entered at the Shelter/Advisement Hearing, a Pre-Trial Conference shall be set within fourteen (14) days. In those instances in which an admission is entered, then a dispositional hearing shall be set within thirty (30) days if a dispositional order is not entered at the time of the Shelter/Advisement Hearing.
 - (2) Where an informal adjustment is approved by the Court, an appearance review hearing shall be set;
 - (3) A continued Advisement Hearing shall be set for non-appearing respondents. This should be combined with the next scheduled

hearing for other appearing respondents, where practicable.

- o. Assess the appropriateness for the appointment of a Court Appointed Special Advocate (hereinafter referred to as "CASA"). CASA referrals should be made as early in the proceedings as practicable. Referrals should occur no later than a dispositional hearing and in all cases shall occur before the Permanency Planning Hearing. This referral can be made upon the motion of any interested party or upon the Court's own motion. The procedures for referral are contained in the CASA Memorandum of Understanding found in the Appendix to this Plan.

4. Non-Appearing Respondents. In the event a respondent parent is not notified or fails to appear at the Shelter/Advisement Hearing, a continued hearing is to be held at the next scheduled hearing for the purpose of advisement and appointment of counsel. Notice of the hearing and the Dependency and Neglect petition are to be served upon any non-appearing respondent by the department. Other notices are to be in conformity with the Colorado Rules of Juvenile Procedure and the Colorado Children's Code.

C. Benefits.

1. The procedures adopted herein eliminate one court hearing by combining the Shelter and Advisement Hearings, to promote a more efficient use of judicial resources and professionals' time;
2. Less delay resulting from unknown or missing respondent parents;
3. Early identification and assessment of potential relative placements (including early initiation of ICPC process) resulting in earlier placement of children with appropriate relatives on a temporary or permanent basis;
4. Engagement of interested family members in the Dependency and Neglect process (particularly permanency planning) from the beginning of the case;

5. A more timely notification as to steps in the process enhancing a clearer understanding of the process for the non-professional participants; and
6. Early referral of the case to CASA to facilitate developing more detailed, independent information regarding the child's or children's best interests for the court.

II. Differentiated Case Management. Not all Dependency and Neglect cases need to proceed along the same procedural track or within the same time frames. The Differentiated Case Management approach outlined herein is designed to expedite permanency in those cases that can or should proceed to permanency sooner than twelve (12) months and to reduce future delays in achieving permanency by pursuing concurrent permanency planning where appropriate. The parties should discuss and attempt to reach consensus as to the appropriate categorization of the case, course of action, and time frames based upon the facts and circumstances of the case at the Settlement Opportunity. The following guidelines will be utilized by the court in its case differentiation process and should be considered by the parties at the earliest stages of the case.

A. Informal Adjustments/Deferred Adjudications

1. Type of Cases. Uncontested cases in which the parties agree as to the treatment issues and the parents demonstrate a commitment to addressing such issues by cooperating with the department, voluntarily participating in recommended services designed to keep the child in the home or to return the child within six (6) months, and participating in regular visitation with the child, if removed from the home. In informal adjustments, the parents must admit the factual allegations underlying the departments intervention as required by statute at the Shelter/Advisement Hearing. In deferred adjudications, the parents must enter admissions to the petition at the Shelter/Advisement Hearing or Pre-Trial Conference but no adjudicatory order will enter at that time.
2. Treatment Plan Management Review Guidelines. An appearance review should be conducted no later than three (3) months from the date of intervention with a subsequent treatment plan management review no later than six (6) months from the date of intervention.

B. Protective Supervision Cases.

1. Type of Cases. Cases in which the child is not removed from the home but the department maintains protective supervision over the family.
2. Scheduling Permanency Plan Hearing Guidelines. A Permanency Planning Hearing should be conducted no later than ninety (90) days from the date of disposition.
3. Treatment Plan Management Review Guidelines. In cases where the child is not removed from the home and there is no review mandated by statute. The court shall review these cases every three (3) months following the entry of a permanency plan order to determine if continued supervision by the department and the court is warranted.

C. Reunification Cases

1. Type of Cases. Uncontested cases in which reunification with at least one parent is identified as the preliminary permanency goal and that parent agrees to a treatment plan reasonably calculated to achieve reunification within twelve (12) months from the date of intervention.
2. Scheduling Permanency Plan Hearing Guidelines. A Permanency Planning Hearing should be conducted no later than ninety (90) days from the date of disposition.
3. Treatment Plan Management Review Guidelines. At a minimum, a treatment plan management review should be conducted no later than three (3) months from the date of the entry of the Permanent Plan Order with at least an additional treatment plan management review hearing no later than six (6) months from the date of the entry of the Permanent Plan Order, unless otherwise ordered by the court.

D. Concurrent Permanency Planning Cases

1. Type of Cases. Uncontested cases in which: (a) at least one parent has appeared; (b) expressed a desire to work toward reunification; and (c) agreed to a treatment plan but which also presents certain risk factors that suggest reunification may not be successful.

- a. Risk factors include, but are not limited to:
- (1) a history of prior involvement with the department or some other comparable agency for similar issues;
 - (2) history of severe physical abuse or habitual pattern of physical injury towards a child or sibling;
 - (3) history of sexual abuse where the perpetrator is in denial;
 - (4) chronic substance abuse where prior treatment efforts have been unsuccessful;
 - (5) adolescent parent functioning at a low level;
 - (6) custodial parent's inability to identify and meet the child's needs due to a developmental disability, mental illness, or physical or mental incapacity; and
 - (7) removal or termination of parental rights as to other children.
- b. Pursuant to Section 19-3-312(5), C.R.S., concurrent permanency planning is required if the petition that the child is dependent or neglected under Section 19-3-102(2), C.R.S. (habitual pattern of physical or sexual abuse involving another child). In these cases, the department is to explore alternative permanency plans concurrently with reunification. The use of family engagement and a diligent search process to develop an alternative plan with the family is encouraged. Efforts should be made to place the child in a potentially permanent relative placement or foster/adopt home.
2. Scheduling Permanency Plan Hearing Guidelines. A Permanency Planning Hearing should be conducted no later than ninety (90) days from the date of disposition.
 3. Treatment Plan Management Reviews. At a minimum, treatment plan management reviews should be conducted

no later than three (3) months from the date of entry of the Permanent Plan Order with a subsequent treatment plan management review no later than six (6) months from the date of the Permanent Plan Order, unless otherwise ordered by the court.

E. Expedited Permanency Planning Cases.

1. Type of Cases. Cases in which at least one child is under the age of six (6) years and has been removed from the home.
2. Scheduling Permanency Plan Hearing Guidelines. A Permanency Planning Hearing should be conducted no later than ninety (90) days from the date of disposition.
3. Treatment Plan Management Review Guidelines. The initial treatment plan management review hearing should be conducted no later than three (3) months from the date of intervention and the Permanency Planning Hearing conducted no later than six (6) months from the date of intervention, unless otherwise ordered by the court.

F. Accelerated Permanency Planning Cases.

1. Type of Cases. Uncontested cases in which the parties agree to a permanency plan (other than reunification) and there is no reason to delay the adoption of the permanency plan. Examples include cases where the child cannot be maintained in a family setting and requires long-term residential care due to the mental, physical, psychological or cognitive condition of the child or cases in which neither the parents nor a child who is at least sixteen (16) years of age is willing to work toward reunification and emancipation is appropriate.
2. Treatment Plan Management Review Guidelines. The initial treatment plan management review hearing should be conducted no later than three (3) months from the date of entry of the Permanent Plan Order.

G. Early Termination Cases

1. Type of Cases. Cases in which no appropriate treatment plan can be developed due to abandonment under Section 19-3-604(1)(a), C.R.S. or due to parental unfitness under

Section 19-3-604(1)(b), C.R.S. The finding that no appropriate treatment plan can be developed should be made at the Shelter/Advisement Hearing or the Pre-Trial Conference. Efforts should be made to place the child in a potential permanent relative placement or foster/adopt home as soon as possible.

2. Permanency Placement Review Guidelines. The initial permanency placement review hearing should be conducted no later than three (3) months from the date of intervention. If there are interested family members, family group conferencing or a decision-making conference should occur no later than twenty (20) days prior to the review. If no alternative plan is developed by the family, the court shall order that a Motion to Terminate Parental Rights be filed and set the hearing no later than ninety (90) days from the date of service upon the respondent parents and all other interested parties.

H. Contested Cases

1. Type of Cases. Cases in which no admission to the petition or default judgment is entered at the Pre-Trial Conference.
2. Contested Adjudicatory Trial Procedures. The contested adjudicatory trial is to be held no later than ninety (90) days of the Shelter/Advisement Hearing or forty-five (45) days of the Pre-Trial Conference, whenever possible. If the contested adjudicatory trial is not set within the ninety (90) day statutory period and the child has been removed from the home, a placement review must be held within ninety (90) days of the date of intervention. Expedited Permanency Planning cases are subject to a placement review within sixty (60) days of the date of intervention.
3. Dispositional and Permanency Plan Hearings. The parties should be ready to proceed to a dispositional hearing at the conclusion of the trial if the child or children are adjudicated as dependent and neglected. If the parties cannot proceed to a dispositional hearing, then the same should be set no later than thirty (30) days from the date of adjudication. In every instance where it is practicable to combine the Permanency Plan Hearing with the dispositional hearing, the same should be conducted simultaneously. If the Permanency Plan

Hearing must be heard separately from the dispositional hearing, the same shall occur no later than sixty (60) days from the date of adjudication.

4. Treatment Plan Management Review Hearing. The initial treatment plan management review hearing should be conducted no later than three (3) months from the date of the entry of the Permanency Plan Order and at intervals deemed necessary and appropriate by the court thereafter.

I. Intensive Supervision Cases. In all cases, the court may, at any stage of the proceedings, but particularly at the permanency planning hearing, determine that the case is an intensive supervision case. Intensive supervision cases are those cases in which the court has determined that additional judicial supervision will be necessary to insure that the probable or actual permanency goals are met. In such cases, the court will more closely monitor and, as necessary, modify the treatment plan of the parties to enhance the likelihood of successful achievement of the permanency goals.

J. Benefits.

1. Fewer contested adjudications and more dispositions;
2. Early development of treatment plans and provision of services appropriate to the specific case;
3. Fewer court appearances to achieve disposition resulting in more efficient use of judicial resources and professionals' time;
4. More efficient docket management and case tracking; and
5. Less delay in achieving permanency by identifying high risk cases early in the proceedings, proceeding with concurrent permanency planning or early termination as appropriate, and placing children in potentially permanent placements as early as possible.

III. Settlement Opportunity.

A. Purpose. To afford the parties and counsel an opportunity to meet face-to-face in a non-adversarial, problem-solving environment to share information, discuss issues, identify preliminary permanency goals, and to reach consensus on how to achieve those goals.

B. Process.

1. Timing. An informal Settlement Opportunity should occur at the Pre-Trial Conference in all cases except informal adjustments pursuant to Section 19-3-501, C.R.S. In contested cases, an additional Settlement Opportunity may be available to occur no later than twenty (20) days before an adjudicatory trial.
2. The Settlement Opportunity may take a number of forms. These include mediation, family group conferencing or decision-making. Any Settlement Opportunity should include the following elements:
 - a. The parents, caseworker, guardian ad litem, county attorney and respondent parents' counsel must participate. Other parties, including the child, service providers and CASA volunteers, may be included as appropriate.
 - b. The Settlement Opportunity is to be conducted in an environment which is conducive to and promotes joint problem-solving.
 - c. Any formal Settlement Opportunity Conference should be conducted by a neutral third-party, such as a trained Dependency and Neglect mediator, or Office of Dispute Resolution.
 - d. A consideration of the differentiated case management criteria set forth in the preceding section of the plan in formulating a resolution of the pending issues.

C. Benefits

1. Fewer contested adjudications and more dispositions; and
2. Greater "ownership" of treatment plan by respondent parents who have actively participated in developing the treatment plan.

IV. Pre-Trial Conference

- A. Timing. The Pre-Trial Conference is to be held not later than fourteen (14) days of the Shelter/Advisement Hearing, except in

the case of informal adjustments pursuant to Section 19-3-501, C.R.S.

B. Uncontested Cases

1. Purpose. To accept admissions to the petition, to enter the adjudicatory order, to adopt the treatment plan, enter a permanency plan whenever possible, and to establish the parents' commitment and ability to comply with the terms of the treatment plan early in the proceedings.

2. Process

a. In uncontested cases, the parties should be prepared to proceed to adjudication at the pre-trial conference in every case, and to the entry of an initial assessment plan whenever possible. A dispositional hearing must be scheduled to be heard no later than thirty (30) days from the date of the adjudication.

b. A written report and treatment plan is to be prepared by the department. This plan shall be filed with the court and served upon the parties or their counsel no later than five (5) days prior to the hearing, unless otherwise ordered by the court. If a disposition is not to occur at this hearing, an initial assessment plan must be filed with the written report.

c. The following actions are to be taken by the court at the Pre-Trial Conference:

(1) Accept admissions to the petition;

(2) Enter a default judgment as to any non-appearing respondent who has been served;

(3) Review the terms of the initial assessment plan with the parents and inquire as to the parents' willingness and ability to comply with the terms of the treatment plan;

(4) Advise the parents as to the potential consequences of not complying with the initial assessment plan, including termination of parental rights;

- (5) Adopt the initial assessment plan;
- (6) Set a Dispositional Hearing, when necessary, within thirty (30) days of the Adjudication; and
- (7) Where a disposition has been ordered, set a Permanent Plan Hearing no later than ninety (90) days from the date of the hearing.

3. Benefits.

- a. Earlier adoption of initial assessment plans and provision of services;
- b. Fewer court appearances by combining adjudication and disposition into a single hearing and entering a permanent plan order whenever possible; and
- c. Greater “buy-in” by all parties, but particularly respondent parents.

C. Contested Cases.

1. Purpose. To enter a denial of the petition and move the litigation forward.
2. Process
 - a. In contested cases, the Pre-Trial Conference should be used to identify and narrow the legal and factual issues to be litigated, to enter such orders as are necessary to expeditiously conduct the trial, and to set specific deadlines for accomplishing tasks necessary to accommodate and efficient and expeditious trial.
 - b. The court should take the following actions at a Pre-Trial Conference:
 - (1) Set the case for a contested adjudicatory trial within the ninety (90) day statutory period in non-Expedited Permanency Planning cases and within the sixty (60) day statutory

period in Expedited Permanency Planning cases;

- (2) If requested, set the matter for a Settlement Opportunity Conference no later than twenty (20) days prior to the trial date;
- (3) Order the parties to participate in a Status Conference to be held no later than fifteen (15) days prior to trial; and
- (4) Enter such case management orders, scheduling orders and protective orders as are necessary and appropriate under the facts and circumstances of the case.

3. Benefits.

More productive use of judicial and professionals' time by utilizing the Pre-Trial Conference to define, schedule and expedite the litigation.

V. Contested Adjudicatory Trial

A. Purpose. To determine whether the allegations in the petition have been proven.

B. Process.

1. Timing. A Contested Adjudicatory Trial is to be held within the sixty (60) to ninety (90) day time frame from the Shelter/Advisement Hearing as required by statute. The court will set the trial at the earliest practicable date. Continuances are disfavored and will not be granted except upon a showing of extraordinary circumstances which would constitute good cause. Continued trials will be reset on an expedited basis.
2. The parties may participate in a Pre-Trial Conference. Additionally, a Settlement Opportunity may be held in the manner set forth in Part III of this plan no later than twenty (20) days prior to the contested adjudicatory trial. A draft treatment plan must be distributed by the department to the parties and counsel at least one week prior to the Settlement Opportunity.

3. If all issues are resolved at the Settlement Opportunity, the parties should be prepared to proceed to adjudication and disposition on the scheduled trial date. The department shall notify the court that the trial date can be vacated. If the parties desire and the court can accommodate an earlier adjudicatory hearing date at which the parties appear, they need not appear on the trial date.
4. If all issues are not resolved at the Settlement Opportunity, contested issues shall be governed by the procedures established for the scheduled adjudicatory trial date.
5. The parties shall be prepared to proceed to both adjudication and disposition on the date of the contested adjudicatory trial. If the petition is sustained at the trial and if a treatment plan is not available or adopted at the trial, a dispositional hearing must be set no later than thirty (30) days from the date of adjudication.

C. Benefits.

Expediting permanency for children while simultaneously expediting the litigation and continuing to provide reasonable opportunities for the parties to resolve issues prior to trial in a non-adversarial, problem-solving environment.

VI. Dispositional Hearing

- A. Purpose To adopt a treatment plan (family services plan) for the respondents and their child(ren).
- B. Process
 1. Timing The dispositional hearing is to be held no later than thirty (30) days following the adjudication.
 2. A written treatment plan for all of the respondents, special respondents and children must be filed with the court by the department 5 days prior to the dispositional hearing.
 3. The treatment plan will have a statement of the issues faced by the family, the changes needed to correct the problem and a timeline for accomplishing these changes. The treatment plan will also include the specific actions

to be taken by the respondents, special respondents and children to correct the identified problems. It will also have specific services that are to be provided by the department or another entity identified by the plan to assist the family in taking these actions.

4. If the children are in foster care or relative care, the plan will have specific steps for the parents to establish visitation with the children or if visitation is not appropriate, why it is not appropriate.
5. Information about family engagement efforts shall be provided to the court.

C. Benefits

1. Provides a comprehensive case plan which addresses the issues in need of resolution and identifies the responsibilities, concerns and interests of all parties. This careful case planning increases the likelihood that the plan will be successfully implemented in a timely manner.
2. Provides an opportunity to ensure that the plan is written in easily understandable language so that parents and all parties fully understand the court's order.
3. Detailed dispositional findings can help to structure the court's decision-making, establish a more complete record, and encourage more thorough consideration of the decision to place a child out of the home.

VII. Permanency Planning Hearing

A. Purpose. To adopt a specific permanency plan for the child or children and to take significant steps toward implementing the permanency plan in all cases at the earliest possible stage of the proceedings.

B. Process.

1. Timing. The permanency planning hearing is to be held no later than ninety (90) days of a disposition hearing.
2. A written report that includes the recommended permanency goal and any proposed amendments to the treatment plan must be filed by the department and

provided to the parties or their counsel at least five (5) days prior to the permanency planning hearing, unless otherwise ordered by the court.

3. The permanency planning hearing is not to be treated as simply a treatment plan management review hearing. The permanency planning hearing is intended to establish a definitive, long-term resolution regarding the permanent placement of the child or children. Accordingly, the parties should be prepared to take whatever steps are necessary to litigate and implement the permanency plan at the permanency planning hearing.

a. Reunification at or before Permanency Planning Hearing. If reunification occurs at or before the permanency planning hearing, the court should set a time period for reviewing the necessity of continued supervision by the department. A treatment plan management review should be scheduled after the date of the hearing to determine if continuing supervision is necessary or if the court's jurisdiction can be terminated.

b. Reunification on a Date Beyond the Permanency Planning Hearing, Not to Exceed Six (6) Months From the Date of the Permanency Planning Hearing. The court must make specific findings as to the circumstances of the continued permanency goal. If the plan continues to be reunification, the court must find:

(1) that the parents have made significant progress on the treatment plan;

(2) that there is a substantial probability that the child will be returned home within six (6) months; and

(3) that reunification is in the best interests of the child.

The court should adopt amendments to the treatment plan, as necessary. The case should be set for an appearance treatment plan management review after the scheduled return date. If the child is returned home by the treatment plan management

review date, the court should determine whether continuing supervision is required or if the court's jurisdiction can be terminated. If the child is not returned home by the scheduled treatment plan management review date, an amended permanency plan must be adopted and implemented at the hearing.

- c. Termination. The Motion to Terminate Parental Rights should be filed at a permanency planning/review hearing and set for hearing pursuant to statute. The court should authorize service by publication to missing parents at the permanency planning hearing.
- d. Relinquishment. If all the statutory requisites to relinquishment have been met, the relinquishment petition may be heard at the permanency planning hearing. If the foregoing schedule cannot be met, then the relinquishment hearing should be established at the permanency planning hearing and the relinquishment hearing should be held no later than sixty (60) days after the filing of the relinquishment petition.
- e. Permanent Allocation of Parental Responsibilities. The permanent allocation of parental responsibilities motion should be filed before a permanency planning hearing. If uncontested, the motion may be resolved at the permanency planning hearing. Approved forms pertaining to Stipulations and Agreements Regarding Allocation of Parental Responsibilities and forms of Order which should be utilized to finalize the allocation of parental responsibilities at such hearings when practicable. The parties shall compute child support, if any, and include the same in the agreement and order at such time. Otherwise, the matter should be set for a contested hearing at the earliest available date. Final APR orders are to be certified to domestic court pursuant to statutory procedure.
- f. Guardianship. The guardianship motion should be filed at the permanency planning hearing. If uncontested, the motion may be heard at the permanency planning hearing. Otherwise the

matter should be set for hearing as soon as practicable.

- g. Independent Living. The case should be transferred to the appropriate unit within the department, if this has not already been done, at the permanency planning hearing. The child should be in a placement with an emancipation component or receiving services to develop independent living skills. Reviews of placement should be conducted every six (6) months unless the circumstances warrant more frequent reviews.
- h. Long-Term Foster Care. Placement reviews should be conducted every six (6) months unless the circumstances warrant more frequent reviews.

- 4. The court shall consult with the child in an age appropriate manner regarding the child's permanency plan.

C. Benefits.

- 1. Adoption of a permanency plan within twelve (12) months and achievement of the permanency goal within eighteen (18) months from the date of intervention, in most non-Expedited Permanency Planning cases;
- 2. Reduction of time spent in non-permanent, out-of-home placements;
- 3. Reduction in foster care costs; and
- 4. Earlier identification, initiation, and completion of termination proceedings in appropriate cases, making children available for adoption sooner.

VIII. Treatment Plan Management Reviews

- A. Purpose. To review the need for continuing placement of a child or children outside of the family home in those cases where a child has been removed from the home, monitor the family's progress with the treatment plan, and to assess and evaluate the appropriateness of the established permanency goal.

B. Process.

1. Timing. The initial treatment plan management review should be an appearance review held within ninety (90) days of the date of the permanent plan order. The type and timing of the subsequent reviews will depend upon the facts and circumstances of the case. As previously discussed, in certain circumstances, the case may proceed directly to permanency planning or termination.
2. Persons Involved. Respondent parents whose parental rights have not been terminated, the child, if age appropriate, and the hearing does not interfere with school or therapy, respondent parents' counsel, the guardian ad litem, the assigned caseworker or a representative from the department, the Assistant County Attorney, the CASA volunteer, if any, foster parents or other custodial adult, if any, and service providers, where possible. Service providers may submit a written report at least five (5) days prior to the hearing in lieu of an appearance.
3. The department shall send written notice of any subsequent treatment plan management review hearing to any interested party who does not appear at a treatment plan management review hearing.
4. The court should consider the following issues at every treatment plan management review hearing:
 - a. The need for continued out-of-home placement of a child or children and the appropriateness of the child's or children's current placement;
 - b. The appropriateness of the established permanency goal;
 - c. Whether the treatment plan or proposed services need to be modified in light of additional information or changed circumstances;
 - d. The family's progress on treatment plan goals; and
 - e. Parental involvement and interaction with the child or children.

5. A written report must be filed by the department and served upon the parties or counsel at least five (5) days prior to any scheduled treatment plan management review hearing, unless otherwise ordered by the court. The report should include a placement history and a discussion of case developments since the last hearing, the progress on the treatment plan, the continued appropriateness of the permanency goal, and the parents' participation in visitation and interaction with the child or children.

C. Benefits.

1. Early identification of problems in cases and opportunity to address problems through amendment to the treatment plan or permanency goal;
2. Accountability for agency action or inaction;
3. Continuing opportunity to assess parental involvement with the child or children and commitment to parenting.

IX. Termination of Parental Rights

A. Purpose. To determine whether there are statutory grounds to sever the parent-child legal relationship and whether termination is in the best interests of the child or children.

B. Process.

1. The Motion to Terminate Parental Rights is to be filed at a permanency planning / review hearing and set for trial pursuant to statute.
2. The Statewide Assessment Report contains a number of recommendations regarding termination proceedings. These recommendations are to be incorporated herein as follows:
 - a. Any motion for appointment of an expert witness is to be filed within ten (10) days of the date of filing and service of the motion to terminate parental rights.

- b. Expert reports are to be distributed to parties at least fifteen (15) days prior to the termination trial as required by statute unless otherwise modified by the court.
 - c. Continuances are disfavored and will be granted only upon a finding that manifest injustice will occur in the absence of a continuance and that a continuance is in the best interest of the child.
3. Upon termination of parental rights, the case is to be set for a post-termination appearance review within sixty (60) days for purposes of adopting a post-termination placement plan. A written report is to be filed by the department and the guardian ad litem. These reports are to be served upon the remaining parties and counsel at least five (5) days prior to the hearing date. Subsequent reviews will be set by the court based upon the facts and circumstances of each case.

C. Benefits

1. Earlier placement of children in permanent homes;
2. Reduction of time spent in foster care and corresponding costs; and
3. Greater judicial accountability for post-termination disposition, including adoption.

ADOPTED BY THE ORDER OF THIS COURT on the 10 day of January, 2011.

BY THE COURT:

