

How You Can Help Make Sure Key Parties and Participants Are Present

Below are tips for helping ensure all parties are present during a court hearing.

- Contact all parties when the clerk of court notices the date.
- Inform all parties on how the court proceeding will take place, any questions they may be asked and if they should bring any other parties or materials with them.
- Remind all parties the day before of the hearing time, location and any other pertinent information.
- Provide information on transportation options for all parties in order to arrive on time.
- If necessary and available, help facilitate telephone or video conferencing appearances at the hearing.

What to Know About the Child

The questions below may be asked of you or others present during a hearing. Please review them and ensure you are familiar with the correct answer or that there will be another party present who can respond.

Trauma Information

- Has the child been assessed for trauma impact?
- Has the child been diagnosed with any trauma - impacted physical, mental or emotional challenges?
- Was trauma impact considered as a result of out-of-home removal, choice of out-of-home placement, day care or school placement, separation from family and friends, or visitation?
- Are foster parents, therapists, teachers, daycare workers, etc. trauma-informed and capable of dealing with a trauma-impacted child(ren), especially the severely trauma-impacted?

Physical Health

- Has the child received a comprehensive health assessment since entering out-of-home care?
- Are the child's immunizations complete and up-to-date for his or her age?
- Has the child received a hearing and vision screening?
- Has the child been screened for lead exposure?
- Has the child received regular dental services?
- Has the child been screened for communicable diseases?
- Does the child have a "medical home" where he or she can receive coordinated, comprehensive and continuous health care?
- Is the child on psychotropic medications? If so, what medications and prescribed dosage? What are these medications prescribed for?
- Is the child Native American?

Developmental Health

- Has the child received a developmental evaluation by a provider with experience in child development?
- Are the child and his or her family receiving the necessary early intervention services, e.g., speech therapy, occupational therapy, educational interventions, family support?

Mental Health

- Has the child received a comprehensive behavioral health analysis? What are the recommendations? What have they been referred for?
- Is the child receiving necessary mental health services? What does the most recent progress report say or recommend? Has there been follow-up on those recommendations?

Educational/Childcare Setting

- Is the child enrolled in a high-quality, early childhood program?
- Is the early childhood program knowledgeable about the needs of children in the child welfare system?
- Does the child have an Individualized Education Plan (IEP)? What are the recommendations? Has the child been referred for what is recommended in the IEP?

Placement

- Is the child placed with caregivers knowledgeable about the cultural, social and emotional needs of infants and toddlers in out-of-home placements, especially young children who have been abused, exposed to violence or neglected?
- Are the caregivers able to identify problem behaviors in the child and seek appropriate services?
- Are all efforts being made to keep the child in one consistent placement?
- In your opinion is today the day the child should go home? Why or why not?

Recent Visits

- When was the child's last visit? (sibling and parent)
- What is the frequency of visits? (sibling and parent)
- Was the parent(s) present at the previous visit or all previous visits? If not, why?
- How did the visits go? (Interactions between the siblings and between the parent(s) and child.)

Parent(s)/Guardian(s)

- Is the parent(s) making progress on their case plan?
- When was your last communication with him/her/them?
- How are you assisting the parent/guardian with the completion of their case plan?



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Judicial Guide



Types of Dependency Court Hearings

Shelter Hearing

- Within 24 hours of the Department of Children and Families (DCF) and/or a child protective investigator taking a child into custody, a shelter hearing must take place in a circuit court to determine whether there is probable cause to believe that the child is dependent, abused, abandoned, neglected or at-risk, whether reasonable efforts were made to prevent removal and to determine if continued placement is necessary and in the best interest of the child.
- Family visitation time, medical needs, educational needs and other concerns are addressed during this hearing.
- DCF must show probable cause that the child has suffered abuse and/or neglect or is in danger of suffering abuse and/or neglect.
- An Emergency Shelter Petition is drafted by the Department that outlines allegations, services offered, recommendation for parental visits and proposed placement.
- A case manager may or may not be present at these hearings as the case has not been assigned at this point. A child protective investigator is responsible for testifying at shelter hearings.

Dependency Arraignment

- After the shelter hearing, DCF will file a Petition for Dependency and then serve it to the parent(s).
- An arraignment on the Dependency Petition must be held within 28 days after the shelter hearing or within 7 days after the filing of the Dependency Petition if a demand for early filing was made. At this hearing parents are expected to enter a plea to the petition, admitting, denying or consenting to the allegations.

Adjudicatory Hearing

- Law requires that an adjudicatory hearing be held 30 days from the date of arraignment on the Dependency Petition if the parent has entered a plea of Deny to the court. If the parent/guardian admits or consents to the petition, then the case can move forward.
- If a case plan is not accepted, DCF must prove with evidence that the child has been harmed or are in danger of harm and that a case plan or court order is required to protect them.

Disposition Hearing

- The court is required to hold a disposition hearing within 15 days of the arraignment hearing if the parent(s) admits or consents or 30 days from the adjudicatory hearing if the child is found dependent to determine case plan goals, and for the judge to decide the most appropriate placement, necessary protections and services needed for the child.
- This hearing is an opportunity for all parties to present evidence on what should be required of the parent(s) and what the court's plan for permanency should be.
- If there is a non-offending parent, the case may close at this hearing with the child being placed with the non-offending parent, and the offending parent having to complete services prior to bringing the case to family court at a later time for the purpose of adjusting custody.

Judicial Review

- A judicial review is required no more than 90 days after the court has accepted a case plan or disposition (whichever comes first), but in no circumstance, no more than 6 months after the child is removed.
- The judicial review is a chance for the court to get a status on the case, parent's compliance with the case plan, visitation, case plan goal and target completion date, as well as the child's health and well-being in care.

- Subsequent judicial reviews should be scheduled at least every 6 months to address the status of the case, and a Judicial Review Social Study Report (JRSSR) will be filed by DCF prior to the hearing.
- The case manager is responsible for collecting input forms and medical forms to compile the JRSSR report to send to DCF.

Permanency Judicial Review

- No more than 6 months after the child has been placed in shelter care should the court conduct a review as to the child's permanency goal as identified in the case plan.
- During the hearing the court is required to make specific findings as to the parent's likelihood of reunification within 12 months of the child's removal. The court oftentimes will begin concurrent planning prior to this review if the parent(s) is not on track for reunification and will consider amending the goal to Permanent Guardianship or Termination of Parental Rights and adoption.

Non-Required Hearings and Conferences

Case Plan Resolution Conference

- A meeting with the family and state to develop and review a case plan; also called mediation.
- This conference is not held before a court.

Dependency Pre-Trial Conference

- This is typically a short conference to address the status of the case.
- If there is agreement on a case plan prior to pretrial, then the hearing can be used to accept the case plan. If the parties do not agree, then the case plan will be discussed again at the adjudicatory hearing.

Status Hearing

- All parties will review the case plan, although not as in-depth as a case plan resolution conference.

- There are also not as many forms necessary.
- This type of hearing could also be held to hear the status of paternity results, ICPC home study, OTI, visitation, etc.

Persons Who Should Be Present at the Hearing

The clerk of court is responsible for notifying all mandatory parties, however a reminder sent to the below applicable parties may aid you in your case.

- Parents of each child whose rights have not been terminated;
 - Mothers, fathers (legal, biological, alleged, putative, named), non-custodial parents – all possible parents;
- Parent partners, parent mentors if assigned/available, substance abuse coach, DV advocate;
- Relatives – relatives with legal standing or other custodial adults, including adult half-siblings;
 - Paternal and maternal relatives;
- Non-related extended family, fictive kin (someone who is known and trusted by the families/godparents);
- Agency attorney;
- Attorney for each parent (if conflict exists);
- Treatment and/or service providers;
- All age-appropriate children;
- Foster parents;
- Caregivers;
- Education liaison/school representative;
- Psychiatrist/Doctor;
- Guardian ad Litem (GAL), GAL Attorney, Attorney ad Litem (required if appointed);
- Native American Custodian and ICWA Expert Witness.

Note: Ensure interpreter services or HOH services for all parties are set up in advance.

