

# **Catalog of Standards for Judicial Practice in Child Welfare**

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*Produced by*  
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*for the*  
**Wisconsin Supreme Court  
Director of State Courts Office  
Children's Court Improvement Program**

**In partial compliance with project:  
Reassess State Court Performance in Children in Need of Protection or Services Cases**

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**January 2005**

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## Catalog of Standards for Judicial Practice in Child Welfare

### Part 1. Federal Statutes

Statute	Section	Provision	Parties Affected	Notes <sup>1</sup>
<b>Adoption and Safe Families Act of 1997 (PL 105-89) amendments to Title IV-E</b>	<b>Section 101</b>	Conditions under which “reasonable efforts to preserve and unify families” are not required: <ul style="list-style-type: none"> <li>• Parent has subjected the child to aggravated circumstances such as but not limited to abandonment, torture, chronic abuse and sexual abuse</li> <li>• Parent has committed murder</li> <li>• Parent has committed voluntary manslaughter of another child of the parent</li> <li>• Parent has aided or abetted, attempted, conspired or solicited to commit such a murder or manslaughter</li> <li>• Parent has committed a felony assault that results in serious bodily injury to the child or another child of the parent</li> <li>• Parental rights of the parent to a sibling have been terminated involuntarily</li> </ul>	Court, Agency, Child, Parent	Wisconsin Statute, Chapter 48: The Children’s Code Subchapter VI 48.355
	<b>Section 101 (ASFA)</b>  <b>45 CFR 1356.21 (h)(2)</b>	Permanency hearing must be held within 30 days after a determination that reasonable efforts are not required to preserve or reunify the family when there are aggravated circumstances as in the criteria above (otherwise at 12-month point; see next item) unless permanency hearing requirements were met at time of determination	Court, Agency, Child, Parent	Wisconsin Statute, Chapter 48: The Children’s Code Subchapter V 48.355 (2d)
	<b>Section 103</b>	State must file a TPR petition to the court (with certain exceptions) for children: <ul style="list-style-type: none"> <li>• In foster care for 15 of the past 22 months</li> <li>• Determined to an abandoned infant</li> <li>• Whose parent has committed murder</li> </ul>	Court, Agency, Child, Parent	Wisconsin Statute, Chapter 48: The Children’s Code Subchapter VII 48.417

<sup>1</sup> This column is used in part to note comparable sections in state code.

Statute	Section	Provision	Parties Affected	Notes <sup>1</sup>
		<ul style="list-style-type: none"> <li>• Whose parent has committed voluntary manslaughter of another child of the parent</li> <li>• Whose parent has aided or abetted, attempted, conspired or solicited to commit such a murder or manslaughter</li> <li>• Whose parent has committed a felony assault that resulted in serious bodily injury to the child or another child of the parent</li> </ul>		
<b>Social Security Act Title IV-E</b>	<b>45 CFR 1356.21 (c)</b>	<p>Judicial determination that remaining in the home is "contrary to the welfare" (CTW) must be made in first court order sanctioning a child's removal from the home</p> <p>Court orders containing the "CTW" judicial determination or transcripts of court proceedings reflecting this are acceptable documentation</p>	Court, Agency	Wisconsin Statute, Chapter 48: The Children's Code Subchapter III Section 48.21 (5)(b)
	<b>45 CFR 1356.21 (d)</b>	Judicial determinations must be documented on a case-by-case basis and so stated in the court order	Court, Agency	Wisconsin Statute, Chapter 48: The Children's Code Subchapter III Section 48.21 (5)(b)
	<b>45 CFR 1356.21 (d)(1)</b>	If no reasonable efforts and contrary to welfare judicial determinations are included, a court transcript may be used to verify required determinations	Court, Agency	
	<b>45 CFR 1356.21 (d)(2)</b>	Affidavits or nunc pro tunc orders are not acceptable verification of judicial determinations	Court, Agency	
	<b>45 CFR 1356.21 (d)(3)</b>	Court orders referencing State law to substantiate judicial determinations are not acceptable	Court, Agency	
	<b>45 CFR 1356.21 (1)(i)</b>	Judicial determination of reasonable efforts to prevent placement must be made no later than 60 days from child removal date. (Actual removal date is the date child is removed from home; a child enters foster care the earlier of the date the court found the child neglected or abused or 60 days after the child's actual removal).	Court, Agency, Child, Parent	Wisconsin Statute, Chapter 48: The Children's Code Subchapter V 48.315(2m)

<b>Statute</b>	<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>	<b>Notes<sup>1</sup></b>
	<b>45 CFR 1356.21 (2)(i)</b>	Judicial determination of reasonable efforts to finalize the permanency plan must be made within 12 months of foster care entry; permanency hearing is a state plan requirement not a Title IV-E eligibility requirement (45 CFR 1356.21(h))	Court, Agency, Child, Parent	Wisconsin Statute, Chapter 48: The Children's Code Subchapter V 48.315(2m)  Wisconsin Statute, Chapter 48: The Children's Code Subchapter VII 48.38(5)
	<b>45 CFR 1356.21 (3)</b>	Otherwise, judicial determination must be made that reasonable efforts determination was not required; court may find the lack of efforts is reasonable such as when there is no safe way to make efforts to prevent removal	Court, Agency, Child, Parent	Wisconsin Statute, Chapter 48: The Children's Code Subchapter V 48.355 (2d)
	<b>45 CFR 1356.21 (h)(4)</b>	An administrative body appointed or approved by the court may conduct a permanency hearing	Court	Wisconsin Statute, Chapter 48: The Children's code Subchapter V 48.38 (5) (ag)(am)
	<b>45 CFR 1356.21 (e)</b>	Trial home visits may not exceed six months unless court ordered; the time a child is home does not count toward the 15 of 22-month requirement referenced below	Court, Agency Child, Parent	
	<b>45 CFR 1356.21 (h)(3)</b>	State must document to the court reasons for an alternative permanency plan; court may determine at a permanency hearing that there is a compelling reason the reunification, adoption or guardianship and relative placement are not in the child's best interest and may order another planned permanent living arrangement.	Court, Agency Child, Parent	
<b>Social Security Act Title IV-B</b>	<b>Section 1357.15</b>	Consultation process for the Child and Family Services Plan should include, among others, the courts	Court, Agency, Child, Parent, Providers,	
	<b>Section 1356.21(o)</b>	State must send notice of reviews and hearings to foster parents, preadoptive parents or relatives caring for a child and to be given an opportunity to be heard	Court, Agency, Foster parent, Preadoptive parent, Relative	Wisconsin Statute, Chapter 48: The Children's Code Subchapter VII 48.38(5m)
<b>Indian Child Welfare Act of 1978 (PL 95-608, Title 25, Chapter 21)</b>	<b>Section 1911(a)</b>	Indian tribe has primary jurisdiction over child custody proceedings for children on reservations	Parent, Tribe, Tribal Court, Child	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028

<b>Statute</b>	<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>	<b>Notes<sup>1</sup></b>
	<b>Section 1911(b)</b>	Indian tribe has primary jurisdiction over Indian child custody proceedings for children on reservations	Parent, Tribe, Tribal Court, Child	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1911(c)</b>	State courts will transfer jurisdiction over custody proceedings to tribe upon the petition of the child's parent or tribe and agreement of tribal court	Court, Tribe, Tribal Court, Child, Parent	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1912(a)</b>	In state court proceedings involving foster care placement of an Indian child, the party seeking the placement must provide notification to child's parents and child's tribe by registered mail	Child, Court, Foster Parent, Tribe	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1912(b)</b>	Court must appoint counsel for parents of indigent Indian child	Court, Parent, Child	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1912(e)</b>	Foster care placement may not be ordered without a court determination that continued custody by current custodian would result in serious emotional or physical damage	Court, Parent, Child	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1912(f)</b>	Termination of parental rights may not be ordered without a determination supported with evidence beyond a reasonable doubt	Court, Parent, Child	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1913(a)</b>	Parental consent to foster care placement or voluntary termination of parental rights shall not be valid unless executed in writing and recorded before a judge of a court of proper jurisdiction	Court, Parent, Child	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1913(d)</b>	Parent may withdraw consent in cases of voluntary termination of parental rights or adoptive placement	Court, Parent, Child	
	<b>Section 1914</b>	Upon showing of certain violations of sections 1911, 1912 and 1913 of this title the Indian child's tribe may petition for invalidation of foster care placement or voluntary termination of parental rights	Court, Tribe, Child, Foster Parent	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1916(a)</b>	Whenever a final decree of adoption has been vacated or set aside a biological parent or prior Indian custodian may petition for return of custody	Adoptive Parent, Child, Court, Parent	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028

<b>Statute</b>	<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>	<b>Notes<sup>1</sup></b>
	<b>Section 1917</b>	Court must provide to an Indian individual that was adopted and has reached the age of eighteen information about the individual's biological parents	Court, Child, Parent	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1920</b>	Court must return any child that has been improperly removed to the child's custodian	Court, Child, Child Custodian	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1921</b>	Higher of State or Federal standards to protect rights of Indian custodians are to be applied in state and federal courts	Court, Child, Indian Custodian	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
	<b>Section 1951(a)(4)</b>	Any state court that finalizes an adoption after November 8, 1978 involving an Indian child must provide to the Secretary the following information: <ul style="list-style-type: none"> <li>• Name and tribal affiliation of the child</li> <li>• Names and addresses of the biological parents</li> <li>• Names and addresses of the adoptive parents</li> <li>• Identity of any agency with information that relates to the adoptive placement</li> </ul>	Court	Wisconsin Statute, Chapter 48: The Children's Code Subchapter I 48.028
<b>Multi-Ethnic Placement Act of 1994 (PL 103-382, Title V, Part E)</b>	<b>Section 553</b>			
	<b>(a)(1)</b>	Expressly prohibits the delay or denial of adoption and foster care placements because of race, color, or national origin of either prospective custodians or child	Agency	
	<b>(a)(2)</b>	Cultural, ethnic or racial background of child may be considered along with other factors as part of "best interests of child"	Agency	
	<b>(e)</b>	Noncompliance with provisions of this section is deemed a violation of Title VI of the Civil Rights Act of 1964	Agency	
	<b>Section 554</b>	State must provide for the "diligent recruitment" of potential adoptive and foster families that reflects the ethnic and racial diversity of the state	Agency	

Statute	Section	Provision	Parties Affected	Notes <sup>1</sup>
Interethnic Placement Act of 1996 (PL104-188, Section 1808)	Section 1808(a)	Requires that language of Multiethnic Placement Act of 1994 be included in IV-E State Plans	Agency	

## Part 2. Wisconsin Statutes

Statute	Section	Provision	Parties Affected	Notes
Wisconsin Statute, Chapter 48: The Children's Code	Section 48.06	Chief judge of the judicial administrative district formulates written judicial policy governing intake and court services for child welfare matters	Court, Agency	
	Section 48.06	Chief judge directs and supervise the work of all personnel of the court, except the work of the district attorney or corporation counsel assigned to the court	Court, Court staff	
	Section 48.067	Intake workers conduct intake services and interviews, make determinations and referrals for services, and make interim recommendations to the court	Court, Agency, Child, Parent	
	Section 48.069	Agency staff provide dispositional services and prepare reports for the court	Court, Agency, Child, Parent	
	Section 48.07(5)	"Court-appointed special advocates" (CASA) are permitted in juvenile court proceedings	Court	
	Section 48.10	Judge may act as "intake worker" at his or her discretion	Court	
	Subchapter III	Courts have exclusive original jurisdiction over children alleged to be in need of protection or services (CHIPS cases defined in Section 48.13)	Court, Child	
	Section 48.19	Child may be taken into custody under: <ul style="list-style-type: none"> <li>• A warrant</li> <li>• A capias issued by a judge</li> <li>• An order of the judge</li> </ul>	Court, Child Law enforcement	
	Section 48.208	Child may be held in a secure detention facility if so ordered by the judge in a protective order	Court, Child	
	Section 48.209	Judge must review status of child held in county jail every three days	Court, Child	
	Section 48.21	Petition must be filed and hearing must be held within 48 hours of decision to hold a child	Court, Agency, Child, Parent	
	Section 48.235	Court is allowed to appoint "guardian ad litem" if: <ul style="list-style-type: none"> <li>• Minor parent petitions for voluntary TPR</li> <li>• Child is subject of TPR proceedings</li> <li>• Minor is making an abortion decision</li> </ul>	Court, Child, Guardian ad litem	

<b>Statute</b>	<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>	<b>Notes</b>
		<ul style="list-style-type: none"> <li>• Child or unborn child is in need of protection</li> </ul>		
	<b>Section 48.235(7)</b>	Appointment of guardian ad litem terminates upon final order of the court or upon termination of appeal in which guardian ad litem participates	Court, Child, Guardian ad litem	
	<b>Section 48.236</b>	Court may appoint a court-appointed special advocate	Court, Child CASA	
	<b>Subchapter V</b>	Specifies intake and hearing procedure for CHIPS cases	Court, Agency, Child, Parent	
	<b>Section 48.27</b>	Court may issue a summons requiring person with legal custody of child to appear in court after a petition has been filed	Court, Parent, Legal custodian	
	<b>Section 48.299</b>	Court may exclude temporarily or in full a child from a hearing on a petition alleging the child is in need of protection or services	Court, Child	
	<b>Subchapter VI</b>	Specifies procedures for conducting “dispositional hearings”	Court, Agency, District attorney	
	<b>Section 48.33</b>	Prior to disposition of child in need of protection or services, court will designate an agency to report the child’s social history, recommended plan of treatment and care, and objectives of the plan	Court, Agency	
	<b>Section 48.33(4)</b>	If an out-of-home placement is recommended, agency must file a written report with the court that includes a “permanency plan”	Agency, Court	
	<b>Section 48.355</b>	Court shall conduct a hearing to determine the disposition of a case in which a child is judged to be in need of protection or services	Court, Child	
	<b>Section 48.345</b>	Judge shall enter an order of disposition if a child is determined to be in need of protection or services	Court	
	<b>Section 48.35</b>	Judge shall enter a judgment of findings and disposition of the proceeding	Court	
	<b>Section 48.355</b>	Judge shall decide on a placement and course of treatment based on evidence received	Court, Agency	
	<b>Section 48.355 (2c)</b>	Judge must determine if agency has made reasonable efforts to prevent the child’s removal, unless not required, and if visitation plans have been implemented	Court, Agency	

<b>Statute</b>	<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>	<b>Notes</b>
	<b>Section 48.356</b>	Court must communicate orally and in writing the reasons for child's removal, denial of visitation, and/or grounds for TPR	Court, Parent	
	<b>Section 48.365</b>	Court must notify child, child's parent, guardian and legal custodian, foster parent and those present at original hearing of an order for an extension	Court, Agency, Child, Parent, Caregiver	
	<b>Subchapter VII</b>	Specifies requirements for "permanency plans" for children in out-of-home placements	Court, Agency, Child, Parent	
	<b>Section 48.38(3)</b>	Department must file permanency plan with court within 60 days of child's removal from home	Court, Agency	
	<b>Section 48.38(5)</b>	Court must review permanency plan within six months of removal and every six months thereafter for as long as child is removed from the home Permanency hearing must be held within 12 months of child's removal and every 12 months thereafter for as long as child is removed	Court, Agency, Child, Parent	
	<b>Section 48.38(5)(ag)(am)</b>	Court may appoint a panel to review the permanency plan	Court	
	<b>Section 48.38(5)(b)</b>	Court must notify parents, child if 12 years of age or older, and foster care provider of the hearing and the opportunity to be heard within 10 business days of the review	Court, Agency, Child, Parent, Caregiver	
	<b>Section 48.38(5)(c)</b>	Court shall determine: <ul style="list-style-type: none"> <li>• Necessity for continued safety and appropriateness of placement</li> <li>• Compliance with permanency plan</li> <li>• Efforts to involve service providers</li> <li>• Progress toward eliminating reason for removal</li> <li>• Reasonable efforts to achieve the permanency plan</li> </ul>		
	<b>Section 48.38(5m)</b>	Court must hold a permanency plan hearing within 12 months of child's removal from home and every 12 months thereafter for as long as child is removed from the home	Court, Agency, Child, Parent	

<b>Statute</b>	<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>	<b>Notes</b>
	<b>Section 48.38 (5m)</b>	Court must notify child; parent and guardian; agency; foster provider; child's counsel, guardian ad litem and CASA; an person representing interests of the public of the hearing within 30 days	Court, Agency, Child, Parent, Foster provider, Counsel	
	<b>Section 48.38 (5m)</b>	Court shall make written findings of fact and conclusions of law on a case-by-case basis	Court, Agency, Child, Parent, Foster provider, Counsel	
	<b>Section 48.396 (2)</b>	Records of the court shall be entered in books or deposited in files kept for such purpose; Court shall open such records for the parent, guardian or legal custodian such records unless the child would be placed in imminent danger; Court shall open such records to the agency or federal agency for purpose of monitoring and period evaluation	Court, Parent, Agency	
	<b>Subchapter VIII</b>	Specifies requirements and procedures for "Termination of Parental Rights" (TPR)	Court, Agency, District Attorney	
	<b>Section 48.41</b>	Court may accept a "voluntary consent to termination of parental rights"	Court, Child, Parent	
	<b>Section 48.415</b>	Court may make a finding that grounds for termination of parental rights exist at fact-finding hearing	Court, Child, Parent	
	<b>Section 48.417</b>	Agency, district attorney, counsel or other appropriate official may file or join in a petition for TPR	Court, Agency, Child, Parent, District attorney	
	<b>Section 48.42</b>	Court shall give foster provider an opportunity to be heard in TPR hearing	Court, Foster provider	
	<b>Section 48.422</b>	Hearing on the petition for TPR shall be held within 30 days after petition is filed	Court, Agency, Child, Parent, Foster provider, Counsel	
	<b>Section 48.422</b>	Court shall determine if any party wishes to contest petition and inform such party of its rights; Fact-finding hearing will be held within 45 days of the hearing to petition	Court, Agency, Child, Parent, Foster provider, Counsel	

<b>Statute</b>	<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>	<b>Notes</b>
	<b>Section 48.423</b>	Court shall set a paternity hearing if a man alleges he is the father of the child at the hearing	Court, Child Father	
	<b>Section 48.425</b>	Agency must file a report with the agency which includes social history, medical record, efforts to remedy need for agency intervention, services which may be considered and permanency plan for child.	Court, Agency	
	<b>Section 48.427</b>	Court shall enter one of the dispositions within 10 days of receiving evidence related to the disposition	Court, Agency, Child, Parent	
	<b>Section 48.428</b>	Court may place a child in sustaining care if TPR has been granted and it is found unlikely that child will be adopted or adoption is in the best interests of the child	Court, Agency, Child	
	<b>Section 48.43</b>	Court shall enter a judgment setting forth its findings and disposition. If court dismisses the petition, reasons for dismissal must be disclosed.	Court	
	<b>Subchapter XIX</b>	Specifications for Adoptions, Guardianship	Court, Agency	
	<b>Section 48.83</b>	Court of the county where the proposed adoptive parent or child resides, upon filing of a petition for adoption or adoptive placement, has jurisdiction over the child	Court	
	<b>Section 48.83</b>	If adoption is denied, jurisdiction over the child will revert to court which appointed guardian, unless the appointing court is of another state or foreign jurisdiction	Court, Child	
	<b>Section 48.831</b>	Court shall hold a fact-finding hearing on a petition for appointment of a guardian. Dispositional hearing shall be held by the court if it is found the child has no living parent.	Court, Child, Guardian	
	<b>Section 48.837</b>	Parent having custody of a child and proposed adoptive parent may petition the court for placement of the child for adoption in home of a licensed foster home or treatment home	Court, Child, Parent	
	<b>Section 48.837</b>	Court shall hold a hearing within 30 days after the date of filing the petitions, unless it will be held before the birth of the child	Court, Child, Foster provider	

<b>Statute</b>	<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>	<b>Notes</b>
	<b>Section 48.837</b>	Court shall order the agency to investigate the proposed adoptive placement and report its recommendation at least five days before the hearing on the petition	Court, Agency, Child, Adoptive parent	
	<b>Section 48.88(1m)</b>	Court shall schedule adoption hearing within 90 days of the filing of a petition for adoption; Notice should be sent to parties no later than three days from the date of the order for hearing and investigation	Court, Agency, Child, Adoptive parent	
	<b>Section 48.88(2)</b>	Court will order an investigation to determine the appropriateness and suitability of the prospective adoption home	Court, Agency, Adoptive parent	
	<b>Section 48.91</b>	Court will establish whether rights of any persons who have declared paternal interest have been acknowledged	Court, Child, Parents	
	<b>Section 48.93</b>	Court shall provide the adoptive parents with a copy of the child's medical record once the order to grant adoption has been entered	Court, Child, Adoptive parent	
	<b>Section 48.94</b>	Court shall mail a copy of the new birth certificate to the bureau of vital statistics upon granting of the adoption	Court, Child, Adoptive parent	
	<b>Section 48.977</b>	Court may appoint a child's relative as its "guardian"	Court, Agency, Child, Parent, Relative	
	<b>Section 48.977 (cm)</b>	Hearing will be held within 30 days of filing the petition for a relative to be the child's guardian	Court, Agency, Child, Parent, Relative	
	<b>Section 48.977 (d)</b>	Court shall hold a fact-finding hearing on the petition for a relative to serve as the child's guardian	Court, Agency, Child, Parent, Relative	
	<b>Section 48.977 (e)</b>	Court shall order the person or agency responsible for providing services to file a summary report at least 48 hours before the date of the dispositional hearing	Court, Agency	
	<b>Section 48.977 (fm)</b>	Court shall hold a dispositional hearing	Court	

<b>Statute</b>	<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>	<b>Notes</b>
	<b>Section 48.977 (h)</b>	Court shall enter a disposition within 10 days of the dispositional hearing	Court	
	<b>Section 48.977 (7)</b>	Court shall hold a hearing for termination of guardianship	Court, Child, Guardian	
	<b>Section 48.977 (d)</b>	Court shall notify persons at least seven days prior to hearing	Court, Child, Guardian	
	<b>Section 48.891(3)</b>	Specifies procedures for referral and investigation of suspected incidents of abuse and/or neglect; the department must initiate a “diligent investigation” within 24 hours of receipt of report, to be completed within 60 days of report	Court, Agency, Child, Adoptive parent	

### Part 3. Other State Mandates Affecting Courts

Source	Section/Reference	Provision	Notes	Corresponding Standard
Child and Family Services Review (CFSR)	Section I. Outcomes Permanency Outcome I	Child welfare agency and courts maintain goal of reunification when parent's progress is poor		
	Section I. Outcomes Permanency Outcome I, Item 7	Courts appear biased toward reunification		
	Section I. Outcomes Permanency Outcome I, Item 9	There are insufficient attorneys in District Attorney's office to process TPR petitions		
	Section I Outcomes Permanency Outcome I, Item 9	Courts permit time extensions when parents appear interested		
	Section II Systemic Factors Item 28	Child welfare agencies and courts do not file TPR petitions until adoptive resources are identified		
	Section II Systemic Factors Item 29	Process for notifying foster parents, pre-adoptive parents and relative caretakers about reviews and hearings is not timely		Children's Code and Juvenile Justice Code mandate such caregivers should be notified at least 10 days before hearing date.
	Section II Systemic Factors Item 29	Notification of reviews and hearings to Tribes is not timely		

<b>Source</b>	<b>Section/Reference</b>	<b>Provision</b>	<b>Notes</b>	<b>Corresponding Standard</b>
<b>CFSR Program Enhancement Plan</b>	<b>Performance Item 28</b> <b>Action Step 14</b>	Agency should improve the process for determining when TPR is appropriate and facilitating TPR.		
	<b>Performance Item 29B</b> <b>Benchmark 16.2</b>	Process needed for judges to seek input from foster parents and other physical custodians in court hearings.		
	<b>Performance Item 29c</b> <b>Action Step 17</b>	Agency should assure that all actors in the child welfare system are aware of and are acting in compliance with the requirements of the Indian Child Welfare Act.		
<b>Madison Wisconsin's Title IV-E Foster Care Program Eligibility Review, March 2002</b>		Child must be in foster care for the time period as defined in this statute.	Timeliness of hearings affected annual disposition orders. The time between court hearings and care orders caused continued eligibility for placements to lapse.	45 CFR 1355.20
		Reasonable efforts determination on finalized permanency plan must be in effect within 12 months of foster care entry.	A judicial determination of reasonable efforts to finalize the permanency plan must be made within the required timeframe.	45 CFR 1356.21 (b)(2)
		Judicial determination of reasonable efforts to prevent removal from the home, unless aggravated circumstances exist, must be made no later than 60 days from the child's date of removal.		45 CFR 1356.21 (1)(i)
		Court orders must be explicitly documented in meeting reasonable efforts to finalize the permanency plan.	Court order must state the required language.	45 CFR 1356.21 (d)

<b>Source</b>	<b>Section/Reference</b>	<b>Provision</b>	<b>Notes</b>	<b>Corresponding Standard</b>
		Judicial determination regarding the child's best interest must be made within 180 days of the date of the voluntary placement if the child is to remain in care.		45 CFR 1356.22(b)
<b>Title IV-E Program Improvement Plan</b>	<b>Permanency Plans, Page 8</b>	Judicial determination of reasonable efforts to finalize the permanency plan will be made timely using the proper format for all children in out-of-home care.		
	<b>Contrary to Welfare, Page 10</b>	For all children entering out-of-home care, the first court order sanctioning the child's removal from the home will contain an appropriate "contrary to the welfare" finding.		45 CFR 1356.21(c)
	<b>Removal Finding, Page 11</b>	For all children entering out-of-home care, the reasonable efforts to prevent removal finding will be made within 60 days of the removal date.		45 CFR 1356.21 (1)(i)
	<b>Voluntary Placement Case, Page 13</b>	All children entering out-of-home care through a voluntary placement will have a judicial finding regarding the child's best interest within 180 days of voluntary placement		45 CFR 1356.22(b)
	<b>Agency Responsibility, Page 14</b>	The child welfare agency will have continuous legal responsibility for all children in out-of-home care for the full duration of their placement.	Agency will educate court staff regarding the time periods for legal responsibility	
	<b>State Technical Needs, Page 16</b>	Agency will work with the Court Improvement Program to develop reference materials and training curriculum for court staff to improve their understanding of Title IV-E requirements.		

## Part 4. National Organizations' Standards

### A. Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases (National Council of Juvenile and Family Court Judges)

Section	Provision	Parties Affected
<b>Section II. General Issues</b>		
(A)/page 18	Juvenile and family courts must protect the rights of parties before the court and ensure safe, permanent homes for abused and neglected children	Court
(A)/page 18	Judges should encourage those who serve in the court system to continue education	Court
(A)/page 18	Court must oversee all proposed plans and/or dispositions to ensure that they are complete	Court
(C)(1)/page 20	Court must demonstrate commitment to timely decisions in child abuse and neglect cases	Court
(C)(2)/page 20	Explicit deadlines for each preliminary protective, adjudication, disposition, review and permanency planning hearing must exist	Court
(C)(4)/page 20	Trial dates are to be held firm in the great majority of cases	Court
(C)(5)/page 21	Continuances should not be allowed because hearing dates prove inconvenient for attorneys and parties	Court
(C)(5)/page 21	Administrative personnel should not be authorized to grant continuances	Court
(D)/page 21	Abuse and neglect cases should be heard by a judge	Court
(D)/page 21	Cases should not be shifted between judges and hearing officers at different stages of the proceedings	Court
(E)/page 22	Courts should take steps to ensure that the parties in child abuse and neglect cases have access to competent representation	Court, Child, Parent
(F)/page 24	Courtroom should be separate and apart from courtrooms used for adult criminal and civil cases	Court
(F)/page 24	Persons not directly involved in court proceedings are not to be permitted to be present in the courtroom	Court
(F)/page 24	There should be no side discussions permitted while the court is in session	Court
(G)/page 25	Use of voluntary agreements should be limited and should automatically expire at a given time	Court
(F)/page 25	Voluntary agreements must always be in writing and contain explanations of the parental rights to visitation, consultation on decisions in regards to placement and	Court

<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>
	care, and the right to revoke the agreement with proper notice	
<b>(F)/page 25</b>	Judges should review each agreement when cases that involve them become active with the court	Court
<b>(H)(1)/page 25</b>	In cases that involve emergency orders the court must act quickly to ensure the protection of the child, provide prompt procedural protection for parents, move proceedings forward as quickly as possible	Court
<b>(H)(2)/page 26</b>	Police or child protection should have virtually instant access to the court in emergency situations	Court, Agency, Police
<b>(H)(3)/page 26</b>	In emergency situations that occur on evenings, weekends, or holidays the court may issue orders about which parents are not notified (ex parte) by telephone	Court, Agency, Police
<b>(H)(4)/page 26</b>	In the event that an ex parte order must be issued the court must: Review agency's efforts to notify the parents Counsel should be provided as soon as parents are notified Preliminary protective hearing should immediately be scheduled	Court, Agency, District Attorney, Parent
<b>(H)(5)/page 27</b>	Ex parte hearings should be brief proceedings in which a caseworker testifies concerning the immediate danger to the child	Court, Agency
<b>(H)(5)/page 27</b>	Ex parte hearings should be recorded and the recording should be preserved as a part of the court record	Court
<b>Section III. Preliminary Protective Hearings</b>		
<b>(A)/page30</b>	Preliminary protective hearing must occur within one to three judicial working days after the child has been removed from the home	Court, Agency Child, Parent
<b>(A)/page30</b>	Court must evaluate the likelihood and severity of harm if the child is returned to the home	Court, Agency Child, Parent
<b>(A)/page30</b>	Court must evaluate whether the need for immediate placement can be eliminated by providing additional services or by implementation of court orders concerning the conduct of the child's caretaker	Court, Agency
<b>(A)/page30</b>	Court must evaluate the appropriateness of the placement and seek the least disruptive alternative	Court, Agency
<b>(A)/page31</b>	Court should insist that adequate services are delivered to prevent the need for placement of the child	Court
<b>(A)/page31</b>	Court should ensure that appropriate efforts are made by the agency to provide for the needs of the family in a timely manner	Court, Agency
<b>(A)/page31</b>	Court is to ensure that the agency takes steps toward family reunification	Court, Agency Child, Parent
<b>(A)/page31</b>	Court is to take steps to ensure that there is no delay in litigation	Court
<b>(A)/page32</b>	Due to time constraints the court should:	Court, Agency,

Section	Provision	Parties Affected
	Decide all issues that can be immediately resolved at the current preliminary protective hearing Provide specific guidance as to persons who must present and the issues to be decided at the subsequent hearing Continue the preliminary protective hearing for no more than 24 hours	Child, Parent
<b>(B)/page 33</b>	Persons who should always be present at the preliminary protective hearing: Judge or judicial officer Parents whose rights have not been terminated, including putative fathers Relatives with legal standing or other custodial adults Caseworker Attorney for parents Legal advocate for the child Court reporter or suitable technology Security personnel	Court, Agency, Counsel, Child Parent, Relative, Court staff
<b>(B)/page 34</b>	Persons whose presence may also be needed at the preliminary protective hearing: Age-appropriate children Extended family members Adoptive parents Judicial case management staff Law enforcement officers Service providers Parole officers Other witnesses	Court, Agency, Child, Relative, Child Custodian, Providers, Adoptive parent, Law enforcement
<b>(B)/page 36</b>	Courts should require caseworkers to exert their best efforts to have parents and other necessary witnesses attend the preliminary protective hearing	Court, Agency

Section	Provision	Parties Affected
<b>(D)/page 36</b>	<p>Key decisions the court should make at the preliminary protective hearing:</p> <ul style="list-style-type: none"> <li>• Should child be returned home immediately or kept in foster care prior to the trial?</li> <li>• What services will allow the child to remain safely at home?</li> <li>• Will the parties voluntarily agree to participate in such services?</li> <li>• Has the agency made reasonable efforts to avoid protective placement?</li> <li>• Are responsible relatives or other responsible adults available?</li> <li>• Is the placement proposed by the agency the least disruptive and most family-like setting available to meet the needs of the child?</li> <li>• Will implementation of the service plan and the child's continued well-being be monitored by a GAL/CASA?</li> <li>• Are restraining orders or orders expelling an allegedly abusive parent from the home appropriate?</li> <li>• Are orders needed for examinations, evaluations, or immediate services?</li> <li>• What are the terms and conditions for parental visitation?</li> <li>• What consideration has been given to financial support of the child?</li> </ul>	Court
<b>(E)/page 39</b>	<p>Additional activities at the preliminary protective hearing are:</p> <ul style="list-style-type: none"> <li>• Reviewing notice to missing parties and relatives</li> <li>• Serving parties with a copy of the petition</li> <li>• Advising parties of their rights</li> <li>• Accepting admissions to allegations of abuse or neglect</li> </ul>	Court
<b>(F)/page 40</b>	<p>Court should require of agency and/or law enforcement reports at least one hour prior to the preliminary hearing which describe the circumstances of removal, allegations of abuse or neglect, and efforts made to ensure safety and prevent need for removal</p>	Court, Agency, Law enforcement
<b>(G)/page 40</b>	<p>Court's written findings of fact and conclusions of law at the preliminary protective hearing should:</p> <ul style="list-style-type: none"> <li>• Be written in easily understandable language that can be fully understood by all parties</li> </ul> <p>If the child is placed outside of the home:</p> <ul style="list-style-type: none"> <li>• Describe who is to have custody and where child is to be placed</li> <li>• Specify why continuation of child in the home would be contrary to the child's welfare</li> <li>• Specify whether reasonable efforts have been made to prevent placement</li> <li>• Specify the terms of visitation</li> </ul> <p>Whether or not the child is returned home:</p> <ul style="list-style-type: none"> <li>• Provide further directions to the parties</li> </ul>	Court

<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>
	<ul style="list-style-type: none"> <li>Set date and time of next hearing</li> </ul>	
<b>Section IV. Adjudication Hearings</b>		
<b>(A)/page 47</b>	Adjudication determines the precise nature of the abuse or neglect	Court
<b>(B)/page 47</b>	Court rules or guidelines need to specify a time limit within which the adjudication must be completed	Court
<b>(B)/page 47</b>	Adjudication should be completed within 60 days of the removal of the child with exceptions allowed only in cases of newly discovered evidence, unavoidable delays in notification of parties and unforeseen personal emergencies	Court
<b>(C )/page 47</b>	Adjudicatory findings of abuse and neglect should be the benchmark against which progress is measured	Court, Agency
<b>(C )/page 48</b>	Accuracy of adjudicatory findings should not be bargained away and judges should discourage this practice	Court
<b>(C )/page 48</b>	Allegations of abuse should be pursued unless otherwise indicated by the prosecutor, or cannot be proved with the child's in-court testimony and this testimony would be traumatic to the child (as indicated by experts)	Court, Prosecutor, Child
<b>(C )/page 48</b>	Before accepting a stipulation or admission, the court should determine that the parties understand the content and consequence of their actions	Court, Agency, Parent, Adoptive parent
<b>(D)/page 48</b>	<p>The following should be present at the adjudication hearing:</p> <ul style="list-style-type: none"> <li>Judge or judicial officer</li> <li>Parents whose rights have not been terminated, including putative fathers</li> <li>Relatives/Custodians of legal standing Caseworker</li> <li>Agency Attorney</li> <li>Attorney for parents</li> <li>Legal advocate for the child and/or GAL/CASA</li> <li>Court reporter or suitable technology</li> <li>Security personnel</li> </ul>	Court, Agency, Parent, Counsel, Court staff
<b>(D)/page 49</b>	Judges must require noncustodial parents and putative fathers to be present at the adjudication	Court, Parent
<b>(E)/page 49</b>	<p>Court must make the following decisions at the adjudication hearing:</p> <ul style="list-style-type: none"> <li>Which allegations have been proved or admitted?</li> <li>Is there a legal basis for continued court and agency intervention?</li> <li>Have reasonable efforts been made to prevent the need for placement?</li> </ul>	Court
<b>(F)/page 50</b>	<p>If the disposition hearing will not happen in a short time after the adjudication, the judge will need to make the following temporary decisions:</p> <ul style="list-style-type: none"> <li>Determine where the child's temporary placement will be</li> <li>Order further testing or evaluation</li> </ul>	Court, Agency, Child, Parent, Perpetrator

Section	Provision	Parties Affected
	<ul style="list-style-type: none"> <li>• Ensure that the agency is in preparation for the deposition and taking the necessary steps to evaluate relatives as possible caretakers</li> <li>• Order the alleged perpetrator out of the home and to refrain from contact with the child</li> <li>• Direct the agency to continue efforts to notify noncustodial parents</li> </ul>	
<b>Section V. Disposition Hearings</b>		
<b>(A)/page54</b>	Court decides whether or not to continue out-of-home placement or to remove the child	Court, Agency Child, Parent
<b>(A)/page54</b>	When the court decides to place a child outside the home the court should: <ul style="list-style-type: none"> <li>• Ensure that the agency and court do not work at cross purposes</li> <li>• Set the terms for appropriate visitation and parent child communication</li> </ul>	Court, Agency Child, Parent
<b>(B)/page54</b>	Disposition is to be considered separately from adjudication	Court
<b>(B)/page54</b>	Hearing process must be structured so that disposition issues are explicitly addressed	Court
<b>(C)/page55</b>	Disposition should occur within 30 days after adjudication	Court
<b>(D)/page55</b>	When a combined adjudication and disposition is stipulated the judge is to ensure that it is complete and well-considered	Court
<b>(D)/page55</b>	When disposition is stipulated the court is to ensure that the issues have been thoroughly considered by all parties	Court, Agency Child, Parent
<b>(D)/page56</b>	The following may be required to be present at disposition hearings: <ul style="list-style-type: none"> <li>• Judge or judicial officer</li> <li>• Parents whose rights have not been terminated</li> <li>• Relatives with legal standing or other custodial adults</li> <li>• Caseworker</li> <li>• Agency attorney</li> <li>• Attorney for parents</li> <li>• Legal advocate for the child and/or GAL/CASA</li> <li>• Court reporter or suitable technology</li> <li>• Security personnel</li> </ul> The following may be required to attend: <ul style="list-style-type: none"> <li>• Age-appropriate children</li> <li>• Extended family</li> <li>• Other witnesses</li> <li>• Adoptive parents</li> <li>• Judicial case management staff</li> <li>• Law enforcement</li> </ul>	Court, Agency, Counsel, Child, Parent, Court staff

<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>
	<ul style="list-style-type: none"> <li>• Service providers</li> <li>• Probation/Parole Officer</li> </ul>	
<b>(F)/page56</b>	Court should set rules or develop forms in regards to both timing and content of agency predisposition reports	Court, Agency
<b>(F)/page57</b>	Court should regulate the content of predisposition reports	Court, Agency
<b>(F)/page57</b>	Court rules and forms should be designed to assist judges to prepare written findings of fact and conclusions of law	Court
<b>(G)/page57</b>	<p>Key decisions the court should make at the disposition hearing:</p> <ul style="list-style-type: none"> <li>• What is the appropriate statutory disposition of the case and long term plan for the child?</li> <li>• Where should the child be placed?</li> <li>• Does the agency proposed plan address the needs of the child?</li> <li>• Has the agency made reasonable efforts to eliminate or prevent the need for placement?</li> <li>• What, if any, child support should be ordered?</li> <li>• When will the case be reviewed?</li> </ul>	Court, Agency, Child, Parent
<b>(H)/page61</b>	<p>Courts written findings of fact and conclusions of law at the disposition hearing should:</p> <ul style="list-style-type: none"> <li>• Determine legal disposition of the case including custody</li> <li>• State long-term plan for the child</li> <li>• Specify why continuation of child in the home would be contrary to child's welfare</li> <li>• Where charged under state law approve, disapprove or modify agency plan</li> <li>• Determine if there is a plan to monitor implementation of the service plan</li> <li>• Specify evidence or legal basis used when services or placements are ordered that were not agreed upon</li> <li>• Specify whether reasonable efforts have been made to prevent or eliminate need for placement</li> <li>• Specify terms of parental visitation</li> <li>• Be written in language that is easily understandable to all parties</li> <li>• Set date and time of next hearing</li> </ul>	Court
<b>Section VI. Review Hearings</b>		
<b>(A)/page 66</b>	Review hearings should re-examine long-term case goals	Court, Agency
<b>(B)/page 68</b>	Review hearings are to be held every two or three months at critical stages of the case	Court, Agency
<b>(C)/page 68</b>	Court should ensure that all review issues have been thoroughly considered by all parties	Court, Agency Child, Parent

Section	Provision	Parties Affected
<b>(D)/page 68</b>	<p>Persons who should always be present at review hearings:</p> <ul style="list-style-type: none"> <li>• Judge or judicial officer</li> <li>• Parents whose rights have not been terminated</li> <li>• Relatives with legal standing or other custodial adults</li> <li>• Caseworker</li> <li>• Agency attorney</li> <li>• Attorney for parents</li> <li>• Legal advocate for the child and/or GAL/CASA</li> <li>• Court reporter or suitable technology</li> <li>• Security personnel</li> </ul> <p>The following may be required to attend:</p> <ul style="list-style-type: none"> <li>• Age-appropriate children</li> <li>• Extended family</li> <li>• Other witnesses</li> <li>• Adoptive parents</li> <li>• Judicial case management staff</li> <li>• Law enforcement</li> <li>• Service providers</li> <li>• Probation/Parole Officer</li> </ul>	Court, Agency, Counsel, Child, Parent, Court staff, Providers
<b>(E)/page 70</b>	<p>Key decisions court should make at the review hearing:</p> <ul style="list-style-type: none"> <li>• Is there a need for continued placement of the child?</li> <li>• Is the agency making reasonable efforts to rehabilitate the family and eliminate the need for placement?</li> <li>• Do the services and responsibilities called for in the case plan require modification?</li> <li>• Are the placement meets the needs of the child?</li> <li>• Do the terms of visitation need to be modified?</li> <li>• Do the terms of child support need to be adjusted or set?</li> <li>• Are any additional court orders needed?</li> <li>• What time frame should be followed?</li> </ul>	Court, Agency Child, Parent
<b>(G)/page 73</b>	<p>Court's written findings of fact and conclusions of law at the review hearing should:</p> <ul style="list-style-type: none"> <li>• Set forth findings as to why child needs continued out-of-home placement</li> <li>• Set forth findings as to whether and why reunification and an end to court supervision continue to be a goal</li> </ul>	Court, Agency Child, Parent

Section	Provision	Parties Affected
	<ul style="list-style-type: none"> <li>• Set forth findings as to whether agency has made reasonable efforts to eliminate need for placement</li> <li>• Set forth detailed findings of fact and conclusions of law as to whether parents are in compliance with the case plan</li> <li>• Set forth orders for agency to make additional efforts necessary to move case to completion</li> <li>• Be written in language that is easily understandable to all parties</li> <li>• Approve proposed changes in case plan and set forth any court ordered modifications</li> <li>• Identify expected date for final reunification or other permanent plan</li> <li>• Make any other necessary orders</li> <li>• Set time and date of next hearing</li> </ul>	
<b>Section VII. Permanency Planning Hearings</b>		
<b>(A)/page 78</b>	When the decision at the permanency hearing is not to send the child home, court should choose among permanent alternatives	Court, Agency Child, Relative
<b>(A)/page 78</b>	Court should make permanent decisions as soon as possible	Court
<b>(A)/page 79</b>	Court must forego goal of reunification if family cannot be rehabilitated	Court, Agency Child, Parent
<b>(B)/page 80</b>	Permanency planning hearings should take place at least annually	Court, Agency Child, Parent
<b>(C)/page 80</b>	Court should not accept agreements by parties to a case unless it thoroughly questions both parties about the terms	Court, Agency Parties

Section	Provision	Parties Affected
<b>(D)/page 80</b>	<p>Persons who should always be present at permanency planning hearings:</p> <ul style="list-style-type: none"> <li>• Judge or judicial officer</li> <li>• Parents whose rights have not been terminated</li> <li>• Relatives with legal standing or other custodial adults</li> <li>• Caseworker</li> <li>• Agency attorney</li> <li>• Attorney for parents</li> <li>• Legal advocate for the child and/or GAL/CASA</li> <li>• Court reporter or suitable technology</li> <li>• Security personnel</li> </ul> <p>The following may be required to attend:</p> <ul style="list-style-type: none"> <li>• Age-appropriate children</li> <li>• Extended family</li> <li>• Other witnesses</li> <li>• Adoptive parents</li> <li>• Judicial case management staff</li> <li>• Law enforcement</li> <li>• Service providers</li> <li>• Probation/Parole Officer</li> </ul>	Court, Agency, Counsel, Child, Parent, Court staff, Providers
<b>(E)/page 80</b>	<p>Key decisions the court should make at the permanency planning hearing:</p> <ul style="list-style-type: none"> <li>• Child is to be returned home on a specific date</li> <li>• Child will be legally freed for adoption</li> <li>• Custody of child will be transferred to an individual or couple permanently</li> <li>• Child will remain in foster care on a permanent or long-term basis</li> <li>• Foster care will be extended for a specific time, with a continued goal of reunification</li> </ul>	Court, Agency Child, Parent
<b>(G)/page 83</b>	<p>Court's written findings of fact and conclusions of law at the permanency planning hearing should:</p> <ul style="list-style-type: none"> <li>• Be prepared within a reasonable time after the hearing;</li> <li>• Be written in easily understandable language;</li> <li>• Provide documentation for further proceedings;</li> <li>• Address the same issues as those to be addressed above;</li> <li>• Set date and time of next hearing</li> </ul>	Court

<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>
<b>Section VIII. Termination of Parental Rights Hearings</b>		
<b>(A)/page 88</b>	Termination proceedings must provide full procedural protections to parents and children	Court, Agency Child, Parent
<b>(A)/page 88</b>	Courts must take steps to identify and eliminate delays	Court
<b>(A)/page 88</b>	Appellate court should give priority to appeals of abuse, neglect and termination of parental rights cases	Court
<b>(B)(1)/page 89</b>	Court should require that the petition cite the statutory grounds and the facts in support of each statutory ground	Court, Agency
<b>(B)(2)/page 89</b>	Efforts required to identify or locate parents should be stricter than for adjudication	Court, Agency
<b>(B)(2)/page 90</b>	Courts should specify all steps and time frames to locate missing parents	Court, Agency
<b>(C)/page 90</b>	Judges should ensure parents understand the consequences of termination, their right to a trial and counsel, and available alternatives	Court, Agency Parent
<b>(C)/page 90</b>	Judge should verify that state requirements have been followed in cases involving voluntary written relinquishment of parental rights	Court, Agency Parent
<b>(C)/page 90</b>	In cases involving voluntary written relinquishment of parental rights, judge should inquire whether parents were advised of and understood consequences of TPR	Court, Parent
<b>(D)(1)/page 92</b>	Court must take steps to eliminate non-consecutive court days for TPR hearings	Court
<b>(D)(1)/page 92</b>	Courts must insist that trials begin on schedule	Court
<b>(D)(1)/page 92</b>	Substantial blocks of time must be left open for contested hearings	Court
<b>(D)(1)/page 92</b>	If delays persist, courts need to identify and discuss specific causes of delay	Court, Agency Child, Parent
<b>(D)(2)/page 92</b>	Counsel should be appointed immediately after a TPR petition is filed	Court, Counsel
<b>(E)/page 94</b>	Courts should announce and enforce timetables for TPR hearings	Court, Agency Parent
<b>(E)/page 94</b>	TPR trials should be set within 60 days after completion of the service process	Court, Agency Parent
<b>(F)/page 94</b>	Persons who should always be present at TPR hearings: <ul style="list-style-type: none"> <li>• Judge or judicial officer</li> <li>• Parents whose rights have not been terminated</li> <li>• Relatives with legal standing or other custodial adults</li> <li>• Caseworker</li> <li>• Agency attorney</li> <li>• Attorney for parents</li> <li>• Legal advocate for the child and/or GAL/CASA</li> <li>• Court reporter or suitable technology</li> <li>• Security personnel</li> </ul>	Court, Agency, Counsel, Child, Parent, Court staff, Providers

Section	Provision	Parties Affected
	The following may be required to attend: <ul style="list-style-type: none"> <li>• Age-appropriate children</li> <li>• Extended family</li> <li>• Other witnesses</li> <li>• Adoptive parents</li> <li>• Judicial case management staff</li> <li>• Law enforcement</li> <li>• Service providers</li> <li>• Probation/Parole Officer</li> </ul>	
<b>(G)/page 95</b>	Key decisions the court should make at the TPR hearing: <ul style="list-style-type: none"> <li>• Have statutory grounds for TPR been satisfied?</li> <li>• Is termination in the best interest of the child?</li> </ul>	Court, Agency Child, Parent
<b>(H)/page 95</b>	Court's written findings of fact and conclusions of law at the termination of parental rights hearing should: <ul style="list-style-type: none"> <li>• Indicate if TPR is granted</li> <li>• Address whether grounds for termination were satisfied and in best interest of the child</li> <li>• Be sufficient for purpose of appellate review</li> <li>• Set schedule for subsequent judicial review</li> </ul>	Court
<b>(I)(2)/page 96</b>	There should be periodic review to assure that reasonable efforts continue to place the child after TPR	Court, Agency Child
<b>Section IX. Adoption Hearings</b>		
<b>(B)/page 102</b>	Judge's key functions when hearing an adoption petition for a child in foster care are to: <ul style="list-style-type: none"> <li>• Ascertain that parental rights have been terminated and the appeals process is over or that parental rights have been voluntarily terminated</li> <li>• Make sure all required consents are provided</li> <li>• Review home studies or court-ordered reports</li> <li>• Make sure that adoptive parents understand that adoption is permanent and not reversible</li> <li>• Confirm in cases that involve children with special needs that parents understand all that is required</li> <li>• Resolve conflicts</li> </ul>	Court, Agency Child, Adoptive parent
<b>(B)/page 102</b>	Same court which terminated parental rights should handle the adoption proceedings	Court
<b>(C)/page 102</b>	Persons who should always be present at an uncontested adoption hearing:	Court, Agency,

Section	Provision	Parties Affected
	<ul style="list-style-type: none"> <li>• Judge or judicial officer</li> <li>• Adoptive parents</li> <li>• Caseworker</li> <li>• Legal advocate for the child and/or GAL/CASA</li> <li>• Court reporter or suitable technology</li> <li>• The child</li> </ul>	Child, Adoptive parent
<b>(C)/page 102</b>	Child must be present at adoption hearings	Court, Agency, Child, Adoptive parent
<b>(C)/page 103</b>	Judge should ensure that adopting parents understand legal ramifications of adopting and that legal documents are in place	Court, Adoptive parent
<b>(C)/page 103</b>	<p>Persons who should always be present at contested adoption hearing:</p> <ul style="list-style-type: none"> <li>• Judge or judicial officer</li> <li>• Prospective adoptive parents</li> <li>• Caseworker</li> <li>• Agency attorney</li> <li>• Legal advocate for the child and/or GAL/CASA</li> <li>• Parties contesting the adoption</li> <li>• Attorneys for all parties</li> <li>• Court reporter or suitable technology</li> <li>• Security personnel</li> </ul> <p>Persons whose presence may also be needed at the contested adoption hearing:</p> <ul style="list-style-type: none"> <li>• Child</li> <li>• Judicial case management staff</li> <li>• Other witnesses</li> </ul>	Court, Agency Counsel, Adoptive parent, Child, Witness, Court staff

Section	Provision	Parties Affected
<b>(C)/page 103</b>	<p>Court's written findings of fact and conclusions of law at the adoption hearing should:</p> <ul style="list-style-type: none"> <li>• Determine if all of necessary consents have been provided</li> <li>• Describe conditions and circumstances under which parental consent to adoption was obtained</li> <li>• Determine whether consent was voluntary, informed and that all alternatives were explained</li> <li>• Determine that child is doing well in adoptive home and adoptive parents are committed to the child</li> <li>• Determine that parents fully understand legal and financial consequences of adoption</li> <li>• At contested adoption hearings, determine whether the adoption should be granted</li> <li>• Conclude proceeding without undue delay and apply the principles of case flow management</li> </ul>	<p>Court, Agency Child, Parent</p>

**B. Adoption and Permanency Guidelines “Improving Court Practice in Child Abuse and Neglect Cases”**

<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>
<b>Chapter II: The Permanency Hearing</b>		
<b>(A)/page 18</b>	At the permanency hearing, the judge must order one of the following permanent plans for the child and specify the date that the plan will be implemented: <ul style="list-style-type: none"> <li>• Return to the parent</li> <li>• Proceed with adoption by a relative, foster parent or other non-relative</li> <li>• Proceed with legal guardianship</li> <li>• Proceed with permanent placement with a relative, foster parent or other non-relative</li> <li>• Provide another specified permanent living arrangement, <i>if</i> there is a compelling reason why it would not be in the best interests of the child to proceed with one of the other options</li> </ul>	Court, Agency, Child, Parent
<b>(B)/page 19</b>	When the original court approved plan is reunification, the permanency hearing should be held as soon as it appears that reunification will not be achieved	Court, Agency, Child, Parent
<b>(C)/page 19</b>	If not specified in statute, court rules should state the number of days prior to the hearing by which the reports should be furnished	Court, Agency
<b>(C)/page 19</b>	Court is responsible to schedule and conduct the permanency hearing for a time and date that fall within the statutory maximum time frames	Court, Agency
<b>(C)/page 19</b>	Court must ensure that all parties have been provided notice of the hearing	Court, Attorney, Child, Agency, Parent, Foster providers, Relatives
<b>(C)/page 19</b>	Prior to the hearing, the judicial officer should review the court file	Court, Attorney
<b>(D)/page 19</b>	Court must make an independent finding concerning reasonable efforts as well as the child’s best interests	Court, Agency, Child
<b>(D)/page 20</b>	Court must ensure all opinions are heard because there may be differing opinions on the issues	Court, Agency, Child, Parent, Foster providers, Relatives, Counsel
<b>(D)/page 20</b>	Judge should not accept stipulations to the permanency plan or agreed orders without full examination of the parties to ensure their understanding of the issues	Court, Agency, Child, Parent
<b>(D)/page 20</b>	In order to determine the most appropriate permanent plan, the court must ensure that each of the following has been documented: <ul style="list-style-type: none"> <li>• Updates on health and educational information</li> </ul>	Court, Agency

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	<ul style="list-style-type: none"> <li>• Description of the child’s current placement and behavior</li> <li>• Description of the services that have been provided, progress the child has made and issues that still need to be addressed, including cultural needs</li> <li>• If a member of a sibling group, information on the status of the relationship and contact between siblings</li> </ul>	
<b>(D)/page 20</b>	<p>If reunification is recommended the following questions must be answered:</p> <ul style="list-style-type: none"> <li>• How have the conditions or circumstances leading to the removal of the child been corrected?</li> <li>• Why is this plan in the best interests of the child?</li> <li>• How often is visitation occurring and what is the impact on the child?</li> <li>• What is the date and detailed plan for the child’s safe return home and follow-up supervision after family reunification?</li> <li>• What are the plans to continue any necessary services to the child?</li> <li>• What are the plans to continue any necessary services to the family?</li> </ul>	Court, Agency, Child, Parent
<b>(D)/page 21</b>	<p>If termination of parental rights and adoption are recommended the following questions must be answered:</p> <ul style="list-style-type: none"> <li>• What are the facts and circumstances supporting the grounds for termination?</li> <li>• What reasonable efforts were made to reunify?</li> <li>• Why is this plan in the best interests of the child?</li> <li>• Has the petition been filed and if not, what is the date it will be filed?</li> <li>• Are there relatives who will adopt the child if TPR is granted? If so, is the child living with the relative? If not, why not? If there are no relatives willing and able to adopt, why not?</li> <li>• If relative adoption is not the plan, is adoption by the foster parents the plan? If not, why not?</li> <li>• If an adoptive home must be recruited, what efforts are being made to identify potential adoptive homes both locally and in other jurisdictions? Are there adults with whom the child has or has had a positive relationship and are they potential adopting families?</li> <li>• Will adoption with contact be recommended and why or why not?</li> <li>• What counseling will be provided to assist the child to deal with this change of plan?</li> <li>• If the child is an Indian child, have ICWA requirements been met?</li> </ul>	Court, Agency, Child, Parent
<b>(D)/page 21</b>	<p>If permanent guardianship or permanent custody is recommended the following questions must be answered:</p> <ul style="list-style-type: none"> <li>• Why is this option preferable to TPR and adoption? Why is it in the best interests</li> </ul>	Court, Agency, Child, Parent

Section	Provision	Parties Affected
	<p>of the child?</p> <ul style="list-style-type: none"> <li>• What reasonable efforts were made to reunify?</li> <li>• What are the facts and circumstances demonstrating the appropriateness of the individual or couple to serve as permanent family to the child? Is there another person who spends significant time in the home, and if so, has that individual been interviewed for appropriateness?</li> <li>• Has there been full disclosure to the family of the child's circumstances and special needs?</li> <li>• What is the plan to ensure that this will be a permanent home?</li> <li>• What contact will occur between the child and parents, siblings and family members?</li> <li>• What financial support will be provided by the biological parents?</li> <li>• What are the plans to continue any necessary services to the child?</li> <li>• How will these services be funded after guardianship or custody has been granted?</li> <li>• If the child is not already placed in this home, why not? : <ul style="list-style-type: none"> <li>○ How often is visitation occurring and what is the impact on the child?</li> <li>○ What is the date and detailed plan for the child's placement in this home and follow-up supervision after placement?</li> <li>○ If a change of school will occur, what will be done to prepare for the transition?</li> </ul> </li> </ul>	
<b>(D)/page 21</b>	<p>If another plan is recommended the following questions must be answered:</p> <ul style="list-style-type: none"> <li>• What are the compelling reasons not to proceed with reunification, TPR, permanent guardianship or permanent custody? What is the plan, and why is this plan in the child's best interests?</li> <li>• What reasonable efforts were made to reunify the child with the parents?</li> <li>• How will this plan provide stability and permanency for the child?</li> <li>• What contact will occur between the child and parents, siblings and family members?</li> <li>• What are the plans to continue any necessary services to the child?</li> <li>• If the child is a teenager, what is the plan to prepare the child for independent living?</li> <li>• If the child is not already placed in this home, why not and: <ul style="list-style-type: none"> <li>○ How often is visitation occurring and what is the impact on the child?</li> <li>○ What is the detailed plan for the child's placement in this home and follow-up supervision after placement?</li> <li>○ If a change of school will occur, what will be done to ease the transition?</li> </ul> </li> </ul>	Court, Agency, Child, Parent

Section	Provision	Parties Affected
<b>(E)/page 22</b>	<p>Court's findings and conclusions should be set out in writing and made available to all parties. They should include:</p> <ul style="list-style-type: none"> <li>• Persons present at the hearing and whether absent parties were provided with appropriate notice. It should also be verified that reports offered into evidence have been provided to all parties in advance of the hearing.</li> <li>• Finding as to what reasonable efforts the agency has made to reunify the family and to finalize a permanent plan. A well designed, appropriate case plan and meaningful case reviews should prevent unexpected findings of "no reasonable efforts" at this stage of a case. Should it be found that additional remedial steps are necessary, specific expectations should be set out in a detailed order, with a short time frame for holding the follow-up permanency hearing. A copy of the order should be forwarded to the head of the social services agency.</li> <li>• Statement addressing special factors or conditions of the child that are identified as special needs, what services are to be provided to address the needs and who is responsible for providing the services.</li> <li>• Court's determination of the permanent plan for the child and why the plan is in the best interests of the child. The order should state the steps to be taken and time lines for accomplishing the permanent goal. If the plan is reunification, the date for reunification should be stated.</li> <li>• If the plan is termination of parental rights and the petition has not yet been filed, the order should state the expected time frame for filing a petition for termination of parental rights that must be within 30 days. If the petition has been filed, the court should proceed to schedule pre-trials, mediation and trial dates.</li> <li>• If the plan is termination of parental rights, and a parent wishes to relinquish parental rights at the permanency hearing, the court should be prepared to accept the relinquishment and include the relinquishment in the order.</li> <li>• For any plan, a next hearing date and purpose should be stated. The exception is if all court and agency involvement is terminated.</li> </ul>	Court, Agency, Child, Parent, Counsel, Relatives, Foster provider
<b>Chapter IV. The Appeals Process</b>		
<b>(A)/page 38</b>	Appellate court should ensure that appeals from adoption and termination cases are given priority and heard on a timely basis	Court, Attorney
<b>(A)/page 38</b>	Appellate court is to ensure that no obstacles arise to hinder expediency	Court, Attorney, Child, Court Services, Agency
<b>(B)/page 38</b>	Appellate court must by court rule or by legislation have a system streamlining any appeal from an adoption or termination case	Court, Attorney, Child, Court Services, Agency
<b>(B)/page 38</b>	Scheduling orders should be given to ensure the case is not delayed	Court
<b>(B)/page 38</b>	Only in extraordinary circumstances should the appellate court grant an extension of	Court, Agency,

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	time to any party	Child, Parent, Counsel
(B)/page 39	Appellate court should hear oral argument at the earliest possible time	Court
(B)/page 39	Appellate court's decision and written opinion must be released promptly after consideration of the case	Court
(B)/page 39	Decisions in adoption and termination appeals must be given priority above all other pending decisions	Court
(C )/page 39	Appellate court administrators must establish a system to prioritize appeals in adoption and termination cases	Court
(C )/page 39	Appellate court should seek to establish methods that will ensure that the transcript is not delayed	Court, Court staff
(D)/page 39	Appellate court should seek to reduce the time frame in which the appeal must be heard	Court
(E)/page 39	Appellate court should have all information pertaining to the timing of an appeal	Court, Agency, Counsel
(F)/page 40	After the record has been transmitted and all briefs filed, the court should be responsible for enabling the case to be heard at the earliest time	Court
(F)/page 40	Court should grant no continuances, except in the most extraordinary cases	Court
(G)/page 40	Appellate court should issue a decision very soon after hearing the case or reviewing the briefs	Court
(H)/page 40	<p>The following represents maximum best practice recommended timelines for the appellate process:</p> <ul style="list-style-type: none"> <li>• Trial court's order terminating parental rights is distributed to the parties.</li> <li>• Appeal is filed <i>within a maximum of 30 days</i>.</li> <li>• Record is transmitted from the trial court to the appellate court <i>within a maximum of 30 days</i>.</li> <li>• Appellant brief is filed <i>within a maximum of 20 days</i>.</li> <li>• Appellant brief is filed within a maximum of 10 days.</li> <li>• If oral arguments are required, appellate court sets the hearing <i>within a maximum of 30 days</i>.</li> <li>• Appellate court entry of judgment is completed and distributed to parties <i>within a maximum of 30 days</i> from either the filing of appellant briefs when oral arguments are not required, or from the hearing on oral arguments.</li> </ul>	Court, Agency, Counsel

Section	Provision	Parties Affected
<b>Chapter V. Adoption Issues Judges Must Understand</b>		
<b>Page 42</b>	<p>In order to conduct thorough and effective review hearings judges must understand the following issues:</p> <ul style="list-style-type: none"> <li>• Multiethnic Placement Act</li> <li>• Adoption Recruitment Best Practices</li> <li>• Inter-jurisdictional Adoptions and Interstate Compact on the Placement of Children</li> <li>• Adoption assistance subsidies</li> <li>• Non-Recurring adoption and medical expenses</li> <li>• Post-adoptive services</li> <li>• Adoption Assistance Agreements</li> </ul>	Court
<b>Chapter VI. (A)/page 52</b>	If permanence has not been fully achieved the court is to continue the case	Court
<b>Chapter VI. (B)/page 53</b>	Court must ensure in the case of Indian children that the agency seeks the help of the tribe in identification and investigation of interested adoptive families	Court, Tribe
<b>Chapter VI. (C)/page 54</b>	<p>Judicial officer should review the court file and the reports provided and the judicial officer should pay particular attention to:</p> <ul style="list-style-type: none"> <li>• Date the child was first removed from the home, age at removal and circumstances surrounding the removal</li> <li>• Placement history, status of the child's health and well-being, current photo of the child, and known needs, including cultural needs</li> <li>• Findings of fact and conclusions of law from the permanency hearing, TPR hearing, or the previous review hearing</li> <li>• Details of the permanent plan</li> <li>• Specific progress toward the permanency plan</li> <li>• Whether social services agency staff assigned to the case have changed</li> <li>• Listing of parties, attorneys and other representatives, and current care providers (foster parent/adoptive parent)</li> <li>• Recent progress reports and evaluations</li> </ul>	Court, Agency, Child, Parent

Section	Provision	Parties Affected
<b>Chapter VI. (D)/page 55</b>	Persons who should always be present at review hearings following permanency hearings: <ul style="list-style-type: none"> <li>• Judge who has monitored the case from the first hearing</li> <li>• Child, unless inappropriate</li> <li>• Parents whose rights have not been relinquished or terminated</li> <li>• Attorney for the parent(s)</li> <li>• Caseworker</li> <li>• Prosecuting or agency attorney</li> <li>• Representative from the child’s tribe and tribal attorney, if any, if child is Indian</li> <li>• Guardian <i>ad litem</i> (GAL) for the child or CASA</li> <li>• Attorney for the child</li> <li>• Foster parent(s) or adoptive parent(s)</li> <li>• Relatives, other interested persons and witnesses</li> <li>• Court reporter or suitable technology</li> <li>• Court security and other court staff</li> </ul>	Court, Agency, Child, Parent, Foster provider, Counsel, Tribal representative, Court staff, Relatives
<b>Chapter VI. (D)/page 55</b>	Court must ensure that there is adequate documentation for the following: <ul style="list-style-type: none"> <li>• Updates on health and educational information</li> <li>• Updates on what is being offered to address the child’s cultural needs, if applicable</li> <li>• Description of the child’s current placement adjustment</li> <li>• Description of the services that are being provided to the child, progress made and issues that still need to be addressed</li> </ul>	Court, Agency
<b>Chapter VI. (D)/page 55</b>	Court must ensure that there is adequate information to answer the following questions if reunification is the permanent plan: <ul style="list-style-type: none"> <li>• What progress has been made on each issue that prevented implementation of this plan at the permanency hearing?</li> <li>• How often is visitation occurring and what is the impact on the child and family?</li> <li>• What is the date and plan for the child’s safe return home and follow-up after reunification?</li> <li>• What are the plans to continue any necessary services to the child?</li> <li>• What are the plans to continue any necessary services to the family?</li> <li>• If a change of school will occur, what will be done to prepare for the transition?</li> <li>• If the family has not made adequate progress to enable a safe return home, what is the alternate permanent plan?</li> </ul>	Court, Agency, Child, Parent
<b>Chapter VI. (D)/page</b>	Court must ensure that there is adequate information to answer the following	Court, Agency,

Section	Provision	Parties Affected
56	<p>questions if relative or foster home adoption is the permanent plan:</p> <ul style="list-style-type: none"> <li>• What progress has been made since the TPR hearing to approve the relative or foster home as the adoptive home and when will it be approved?</li> <li>• Has there been full disclosure regarding the child's history and current or potential disabilities?</li> <li>• If adoption with contact has been agreed upon, what contact is occurring between the child and parents, siblings, other family members or tribal and clan members, and is this contact working well for the child?</li> <li>• How soon can the adoption be finalized?</li> <li>• What specific steps must occur and what is the time frame?</li> <li>• Has the adoption assistance agreement been negotiated?</li> <li>• Have all appropriate subsidies been identified and has all paperwork been completed with regard to these subsidies? Will services follow the family if they move out of state? Is the adopting family aware of the details of all appropriate subsidy issues?</li> <li>• Has the relative or foster parent been made aware of ways to access needed services after the adoption is finalized? Has the relative or foster parent been given contacts for support groups or other adopting families who can serve as mentors and supports?</li> </ul>	Child, Relatives, Foster providers
Chapter VI. (D)/page 56	<p>The following questions must be answered if an adoptive home has been recruited since the last hearing but the child has not yet been placed in the home:</p> <ul style="list-style-type: none"> <li>• Is there another person who spends significant time in the home and if so, has this individual been interviewed for appropriateness?</li> <li>• If the child is an Indian child, does the home meet the placement preferences established in Indian Child Welfare Act (ICWA)? What efforts has the agency made to identify a placement under ICWA?</li> <li>• Has there been full disclosure to the adoptive family of the child's circumstances, history, special needs and potential disabilities?</li> <li>• Have all available subsidies been identified and discussed with the adopting family?</li> <li>• Is the adopting family aware of any adoption with contact agreement and are they accepting of the agreement?</li> <li>• What is the visitation and placement plan and time frame? If visits have begun, how has the child and the adoptive family adjusted?</li> <li>• If the home is out of state, have all interstate regulations and compacts been followed? Are there any known or anticipated issues relative to these compacts</li> </ul>	Court, Agency, Child, Adoptive home

Section	Provision	Parties Affected
	<p>that may cause delays and if so, what is being done to resolve or avoid the delays?</p> <ul style="list-style-type: none"> <li>• What remains to be done to process and approve the home and what are the time frames?</li> <li>• If the family's ethnicity is different from the child's, what efforts will be made to support relationships between the child and others of the same ethnicity? Does the adopting family understand the special aspects of the child's ethnicity?</li> <li>• If the home is in another locality from where the child currently lives, what are the plans to meet the child's educational and special needs for services? How will educational and service transitions occur?</li> <li>• After placement in the adoptive home, what contact will the child have with the prior caretaker and others with whom the child has had positive relationships?</li> </ul>	
<p><b>Chapter VI. (D)/page 57</b></p>	<p>The following questions must be answered if the child has been placed in an adoptive home since the last hearing:</p> <ul style="list-style-type: none"> <li>• Is there another person who spends significant time in the home and if so, has this individual been interviewed for appropriateness?</li> <li>• If the child is an Indian child, does the home meet the placement preferences established in ICWA? What efforts has the agency made to identify a placement under ICWA?</li> <li>• When was the child placed in the home and what was the pre-placement process? How is the child adjusting to the new home?</li> <li>• If the home is out of state, have all the ICPC (Interstate Compact on the Placement of Children) and ICAMA (Interstate Compact on Adoptions and Medical Assistance) regulations been followed? Are there any known or anticipated issues relative to these compacts that may cause delays and if so, what is being done to resolve or avoid the delays?</li> <li>• Has there been full disclosure regarding the child's background history and current or potential disabilities?</li> <li>• If the family's ethnicity is different from the child's, what efforts will be made to support relationships between the child and others of the same ethnicity? Does the adopting family understand the special aspects of the child's ethnicity?</li> <li>• If the home is in another community from where the child previously lived, what are the plans to meet the child's educational and special needs for services? How have or will the educational and service transitions occur?</li> <li>• If adoption with contact has been agreed upon, what contact is occurring between the child and parents, siblings or other family members and is this contact working well for the child and all involved individuals? What contact will</li> </ul>	<p>Court, Agency, Child, Adoptive parents</p>

Section	Provision	Parties Affected
	<p>the child have with the prior caretaker and others with whom the child has had positive relationships?</p> <ul style="list-style-type: none"> <li>• What is the time frame for adoption finalization? What specific steps must occur and what is the time frame for each of the steps?</li> <li>• When will the adoption assistance</li> <li>• agreement be negotiated? What plans are there to identify all appropriate subsidies and when will paperwork be completed with regard to these subsidies?</li> <li>• Will services follow the family if they move out of state? Is the adopting family aware of the details of all appropriate subsidy issues?</li> <li>• Has the adopting family been made aware of ways to access needed services after the adoption is finalized? Has the adopting family been given contacts for support groups or other adopting families who can serve as mentors and supports?</li> </ul>	
<p><b>Chapter VI. (D)/page 58</b></p>	<p>The following questions must be answered if the child has been in an adoptive home since the last hearing:</p> <ul style="list-style-type: none"> <li>• What progress has been made since the last hearing toward finalization? When will finalization occur? What specific steps must occur and what are the time frames for each step?</li> <li>• Have any new problems or issues occurred since the last hearing? What is the plan to address the problems or issues?</li> <li>• If full disclosure regarding the child's background history and current or potential disabilities had not yet occurred at the last hearing, has it now occurred?</li> <li>• If adoption with contact has been agreed upon, what contact occurs between the child and parents, siblings or other family members and is this contact working well for the child and all involved individuals?</li> <li>• Has the adoption assistance agreement been negotiated? Have all appropriate subsidies been identified and has all paperwork been completed with regard to these subsidies? Will services follow the family if they move out of state? Is the adopting family aware of the details of all appropriate subsidy issues?</li> <li>• Has the adopting family been made aware of ways to access needed services after the adoption is finalized? Has the adopting family been given contacts for support groups or other adopting families who can serve as mentors and supports?</li> </ul>	<p>Court, Agency, Child, Adoptive parents</p>

Section	Provision	Parties Affected
<b>Chapter VI. (D)/page 59</b>	<p>The following questions must be answered if another plan is the permanent plan:</p> <ul style="list-style-type: none"> <li>• What progress has been made since the permanency hearing and is the existing permanent plan still in the child’s best interests?</li> <li>• Do the compelling reasons not to proceed with reunification, TPR, permanent guardianship or permanent custody that existed at the permanency hearing still apply?</li> <li>• If they do not, what is the new permanent plan and how is it in the child’s best interests? What are the steps and time frames that have occurred, or still need to occur to fully implement this new plan?</li> <li>• What frequency and duration of contact is to occur between the child, parents, siblings and other family members, tribal or clan members or other significant adults? Is this contact working well for the child and all involved individuals?</li> <li>• What is the plan to prepare the child for independent living?</li> <li>• If a change of placement is planned: <ul style="list-style-type: none"> <li>○ Why is this change necessary and in the best interests of the child?</li> <li>○ What is the plan for pre-placement visits? Have they begun and how is the child responding? What is the detailed plan for the child’s placement in this home and follow-up supervision after placement?</li> <li>○ If a change of school or service providers will occur, what will be done to ease the transition?</li> </ul> </li> </ul>	Court, Agency, Child, Parent
<b>Chapter VI. (E)/page 59</b>	<p>The following questions must be answered if the agency is recruiting an adoptive home:</p> <ul style="list-style-type: none"> <li>• What efforts have been made since the termination of parental rights hearing or last review hearing to identify potential adoptive homes both locally and in other jurisdictions?</li> <li>• If the child is an Indian child, what efforts are being made to identify potential adoptive homes within the child’s tribal community?</li> <li>• What is the status of investigations of adults with whom the child has or has had a positive relationship with regard to their potential to become adopting families?</li> <li>• On what adoption exchanges and internet sites is the child listed?</li> <li>• How many potential families have expressed interest in the child and what is the status of the investigation of each family?</li> <li>• What efforts are being made by the agency to comply with ICWA placement preferences, if applicable?</li> </ul>	Court, Agency, Child
<b>Chapter VI. (E)/page 59</b>	Findings of fact and conclusions of law should be understandable by the parties and should create a definitive and legally sufficient record of what has occurred	Court

Section	Provision	Parties Affected
<b>Chapter VI. (E)/page 59</b>	<p>The court's findings and conclusions should be in writing and made available to all parties at the conclusion of the hearing. They should include:</p> <ul style="list-style-type: none"> <li>• Who is present at the hearing and whether absent parties were provided with appropriate notice. If the child is an Indian child, the court should verify whether the child's tribe received notice and was offered an opportunity to participate. It should be verified that reports provided to the court were made available to all parties prior to the hearing.</li> <li>• A finding as to whether the agency has made reasonable efforts to finalize a permanent home, with detail to support the finding. If the child is in an adoptive home, the finding should state whether the agency is doing everything possible, as quickly as possible, to approve the home, complete all aspects of the adoption assistance agreement including subsidies and services, and move toward finalization.</li> <li>• If an adoptive home must be recruited, the finding should state if the agency is doing everything possible, as quickly as possible, to list the child on all appropriate exchanges, internet sites and with all appropriate private agencies, and to promptly screen and complete home studies on prospective adoptive parents.</li> <li>• If the child is an Indian child, a finding as to whether the agency has complied with the placement preferences within ICWA, and if not, the efforts made to comply.</li> <li>• If there are any changes or adjustments to the plan, a description, implementation time lines and the reasons these adjustments or changes are in the best interests of the child.</li> <li>• If visitation issues, including agreements for adoption with contact apply, are the terms and schedules of visitation being complied with and are they effective.</li> <li>• A statement addressing special needs of the child, what services are being provided to address the needs and the child's progress.</li> <li>• Any specific orders to be implemented.</li> <li>• Unless the permanent plan is finalized at the hearing, the date and time for the next review or the finalization hearing.</li> </ul>	Court, Agency, Child, Counsel, Indian tribe
<b>Chapter VII. Hearings to Formalize Case Closure</b>		
<b>(B)/page 62</b>	Final hearing should occur either at the permanency hearing or within 90 days for that hearing	Court, Agency
<b>(B)/page 62</b>	Judge must ensure that the final hearing to formalize case closure occurs at the earliest possible time	Court
<b>(C)/page 62</b>	Judge must ensure that all of the necessary preparation is completed before the final	Court, Agency,

Section	Provision	Parties Affected
	hearing	Counsel
<b>(C)/page 63</b>	When adoption, permanent custody or permanent guardianship is contested the court should order a settlement conference in advance of the final hearing	Court, Agency, Counsel
<b>(C)/page 63</b>	Prior to the hearing that formalizes case closure the court should review: <ul style="list-style-type: none"> <li>• Entry from the last hearing</li> <li>• Caseworker, GAL or CASA reports</li> <li>• Report from the child’s tribe, if applicable</li> <li>• Adoption assistance agreement, if applicable</li> </ul>	Court, Agency, Counsel, Indian tribe
<b>(C)/page 63</b>	Court should make a final review of the court file to confirm that all due process issues have been covered	Court
<b>(D)/page 63</b>	It is strongly preferred that the same judicial officer who ordered the neglected or abused child into temporary agency custody hold the final hearing	Court
<b>(D)/page 63</b>	If it is found that the adoption, custody or guardianship should be granted, the court should then proceed to finalization of the permanent plan	Court
<b>(D)/page 64</b>	Final hearing should include an explanation of the rights and responsibilities of the new parent-child relationship	Court, Child, Parent
<b>(D)/page 64</b>	The following people should be present at the hearing to formalize case closure: <ul style="list-style-type: none"> <li>• Judge who has monitored the case since the first hearing</li> <li>• Child</li> <li>• Child’s tribe, if applicable</li> <li>• Adoptive parents, permanent custodian or guardian</li> <li>• Parents whose rights have not been relinquished or terminated</li> <li>• Contestants of the action</li> <li>• Caseworker</li> <li>• Attorney, GAL or CASA for the child</li> <li>• Attorneys for the parties</li> <li>• Other interested parties and witnesses</li> <li>• Court reporter or suitable technology</li> <li>• Court security</li> </ul>	Court, Agency, Child, Parent, Adoptive parent, Indian tribe, Counsel, Relative, Foster provider, Court staff
<b>(E)/page 64</b>	The following questions must be answered at the hearing to formalize case closure: <ul style="list-style-type: none"> <li>• What is the child’s current adjustment in the home, school and community?</li> <li>• Why is finalization of this permanency plan in the best interest of the child?</li> <li>• Do the adopting parent(s), the permanent custodian(s) or the permanent guardian(s) understand the rights and responsibilities of this newly created parent-child relationship?</li> </ul>	Court, Agency, Child, Parent, Adoptive parent, Relative, Guardian

Section	Provision	Parties Affected
	<ul style="list-style-type: none"> <li>• Has there been full disclosure regarding the child’s background history and current or potential disabilities?</li> <li>• If required by law, does the child consent to the adoption?</li> <li>• If applicable, do the adopting parent(s), the permanent custodian(s) or the permanent guardian(s) understand and agree with ongoing contact that is proposed with the child’s biological family or other significant persons in the child’s life?</li> <li>• If this is an adoption finalization, has the adopting family signed the adoption assistance agreement and are there any questions regarding the agreement?</li> <li>• If this is a permanent custody or permanent guardianship, do all parties understand the residual rights of the parents? What are the arrangements for financial support from the biological parents to the custodians or guardians?</li> <li>• Are all necessary services and support systems in place?</li> <li>• Does the new family know whom to contact if they need assistance in the future?</li> <li>• Have all legal requirements been met?</li> </ul>	
<b>(F)/page 64</b>	Findings of fact and conclusions of law should be stated in language understandable by the parties and should create a definitive and legally sufficient record of what has occurred	Court
<b>(F)/page 64</b>	<p>The court’s findings and conclusions should be set out in writing and made available to all parties and should include:</p> <ul style="list-style-type: none"> <li>• Who is present at the hearing and whether absent parties were provided with legal notice, including the child’s tribe if an Indian child.</li> <li>• Verification that reports provided to the court were made available to all parties prior to the hearing.</li> <li>• Court’s decision and reasons for the decision on contested issues.</li> <li>• Finding as to why the adoption, permanent custody or permanent guardianship is in the best interests of the child.</li> <li>• Finding that full disclosure of the child’s history and current or potential problems has been made.</li> <li>• Finding that reasonable efforts were made to finalize a permanent home.</li> <li>• Statement and description of the new legal relationship and its terms and conditions, including any post-finalization contact agreements.</li> </ul>	Court

Section	Provision	Parties Affected
	<ul style="list-style-type: none"> <li>• If required by state law, a finding that the child consents to the adoption, custody or guardianship.</li> <li>• If an adoption finalization, a finding that all rights of birth parents have been relinquished or terminated and that any necessary consents to the adoption have been obtained.</li> <li>• If an adoption finalization, incorporation of the adoption assistance agreement by reference.</li> <li>• If custody or guardianship is granted, clear definition of visitation and support orders relating to the biological parent(s).</li> </ul>	

**C. Standards of Practice for Lawyers who Represent Children in Abuse and Neglect Cases (American Bar Association)**

<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>
<b>Part II/Section G</b>		
<b>G-1</b>	Child's attorney should be independent from the court, court services, the parties and the state.	Court, Agency, Child, Counsel
<b>Section G/G-2</b>	Court shall establish a set of uniform written rules and procedures for court-appointed lawyers for minor children	Court, Counsel
<b>Section G/G-3</b>	Court shall act to enhance attorney relationships with other court connected personnel	Court, Counsel
<b>Section H/H-1</b>	Appointment of attorney by the court shall be immediately after the earliest of: <ul style="list-style-type: none"> <li>• Involuntary removal due to maltreatment allegations</li> <li>• Filing of a petition alleging maltreatment</li> <li>• Allegations of maltreatment based on sufficient cause</li> </ul>	Court, Counsel, Child
<b>Section H/H-2</b>	Entry of compensation orders are to occur when court appoints the attorney	Court, Counsel
<b>Section H/H-3</b>	Provision grants immediate access to child and child's relevant information	Court, Counsel, Child, Agency
<b>Section H/H-4</b>	Before appointment is made court should ensure that the attorney is skilled in litigation and representation of children	Court, Counsel
<b>Section H/H-5</b>	Court should allow child to be represented by a retained private attorney	Court, Counsel, Child
<b>Section I/I-1</b>	Judicial involvement should occur in attorney training	Court, Counsel
<b>Section I/I-2</b>	Content of attorney training shall include: <ul style="list-style-type: none"> <li>• Relevant federal and state laws</li> <li>• Relevant court decisions and court rules</li> <li>• Overview of court process and personnel in child-related litigation</li> <li>• Applicable guidelines and standards for representation</li> <li>• Child development, needs and abilities</li> <li>• Multidisciplinary input requirement in child-related cases</li> <li>• Family dynamics and dysfunction including kinship care and substance abuse</li> <li>• Child welfare, family preservation, medical, educational and mental health resources for child clients and their families</li> <li>• Written material (e.g., representation manuals, checklists, sample forms)</li> </ul>	Court, Counsel
<b>Section I/I-3</b>	Court will provide continuing training for attorneys	Court, Counsel
<b>Section I/I-4</b>	Court will provide mentorship opportunities to attorneys that work in the court	Court, Counsel
<b>Section J/J-1</b>	Court will work to ensure adequate compensation of attorneys	Court, Counsel
<b>Section J/J-2</b>	Attorney should have access to or receive reimbursement for experts, investigative services, paralegal and other associated costs	Counsel

<b>Section</b>	<b>Provision</b>	<b>Parties Affected</b>
<b>Section J/J-3</b>	Judge should review payment requests for reasonableness	Court, Counsel
<b>Section J/J-4</b>	Court will keep compensation levels uniform for attorneys that work on same type cases	Court
<b>Section K/K-1</b>	Court should enter an order authorizing attorney access to child's privileged information	Court, Counsel
<b>Section K/K-2</b>	Authorization order granting access should include social services, psychiatric, psychological treatment, medical and other relevant records	Court, Counsel, Agency, Medical providers
<b>Section L/L-1</b>	Court should take steps to control attorney caseloads	Court, Counsel
<b>Section L/L-2</b>	<p>If judges become aware of attorneys are close to or do exceed caseload standards, they should take one or more of the following actions:</p> <ul style="list-style-type: none"> <li>• Expand size of the list from which appointments are made</li> <li>• Alert relevant administrators</li> <li>• Recruit law firms or special advocacy law programs to engage in child representation</li> <li>• Review any court contracts/ agreements for child representation and amend them accordingly to include compensation for additional attorneys</li> <li>• Alert state judicial, executive, and legislative branch leaders to the problem and seek funds to increase the number of attorneys</li> </ul>	Court, Counsel, Agency