

**Appendix B: Children's Court Initiative Court File Review and Court Observation Instruments**

**Children's Court Initiative  
CHIPS Court File Review Instrument**

**General Case Information**

Notes/Comments

1. CHIPS Case Number:		Notes/Comments
2. Child's Initials:		
3. Date of Birth:	_____ / _____ / _____	
4. Date CHIPS Petition Filed:	_____ / _____ / _____ <input type="checkbox"/> No petition found in the file ( <i>move to Question 6</i> )	
5. According to the CHIPS petition, is the child subject to ICWA?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Unascertainable <input type="checkbox"/> 4 = Nothing checked/indicated	

**Child's Removal**

6. Was child removed from his/her home?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No ( <i>move to Question 16</i> ) <input type="checkbox"/> 3 = Can't determine ( <i>explain</i> )	Notes/Comments
7. Date of most recent removal:	_____ / _____ / _____ <input type="checkbox"/> Can't determine ( <i>explain</i> )	
8. Date of associated TPC Hearing: <i>(if removal occurred at a different hearing type, such as disposition or change of placement, still answer this question and Questions 12-15)</i>	_____ / _____ / _____ <input type="checkbox"/> No indication hearing ever occurred <i>(check this box, move to Question 12 and answer Questions 12-15 "No")</i> <input type="checkbox"/> Can't determine date ( <i>explain</i> ) <input type="checkbox"/> Occurred at different hearing type:	
9. Was GAL or adversary counsel for the child present at the TPC hearing?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't Determine <input type="checkbox"/> 4 = N/A	
10. Temporary physical custody order used:	<input type="checkbox"/> 1 = Standard form ( <b><i>JD-1711: 08/06, 10/07, 04/08, 04/09, 02/10</i></b> ) <input type="checkbox"/> 2 = Standard form, but old version <input type="checkbox"/> 3 = Non-standard form <input type="checkbox"/> 4 = No order found in the file ( <i>answer Questions 11-15 "No", then move to Question 16</i> )	

11. Was the order filed within 30 days?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't Determine	Date filed: _____/_____/_____
12. Was <b>contrary to the welfare</b> finding made on the written order?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No	
13. Was the <b>contrary to the welfare</b> finding on the written order sufficiently detailed, child-specific?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No	
14. Was there a <b>reasonable efforts to prevent removal</b> finding made on written order?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No	
15. Was the <b>reasonable efforts to prevent removal</b> finding on the written order sufficiently detailed, child-specific?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No	

### Disposition

16. Was a contested fact-finding hearing conducted in the CHIPS case?	<input type="checkbox"/> 1 = Yes, to the court <input type="checkbox"/> 2 = Yes, to a jury <input type="checkbox"/> 3 = No <input type="checkbox"/> 4 = Can't Determine <input type="checkbox"/> 5 = N/A (still pending)	
17. Date the court report filed:	_____/_____/_____ <input type="checkbox"/> No court report found in the file <input type="checkbox"/> N/A (consent decree, dismissed, still pending)	
18. Date of CHIPS dispositional hearing or hearing approving consent decree: <i>(If consent decree without a hearing, answer Question 18 and move to Question 31.)</i>	_____/_____/_____ <input type="checkbox"/> Case dismissed prior to disposition: _____/_____/_____ <i>(move to Question 31)</i> <input type="checkbox"/> Case still pending <i>(move to Question 31)</i>	
19. Was notice of the dispositional hearing given/sent to the <b>mother</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (deceased, already TPR) <input type="checkbox"/> 5 = Address Unknown	
20. Was notice of the dispositional hearing given/sent to the <b>father</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (deceased, already TPR, name father unknown) <input type="checkbox"/> 5 = Address Unknown	

21. Was notice of the dispositional hearing given/sent to the <b>caregiver</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A	
22. Was notice of the dispositional hearing given/sent to the <b>tribe</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A	
23. Did the GAL or adversary counsel for the child appear at disposition for the child?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A	
24. Dispositional order or consent decree order used:	<input type="checkbox"/> 1 = Standard form ( <i>JC-1611: 8/06, 10/07, 04/08, 02/10, 04/10; JD-1784: 6/03; or JD-1785: 10/07, 04/08, 02/10</i> ) <input type="checkbox"/> 2 = Standard form, but old version <input type="checkbox"/> 3 = Non-standard form <input type="checkbox"/> 4 = No order found in the file ( <i>answer Question 26 "No", then move to Question 31</i> )	
25. According to the CHIPS dispositional order, the provisions of ICWA?	<input type="checkbox"/> 1 = Do not apply <input type="checkbox"/> 2 = Have been followed <input type="checkbox"/> 3 = Nothing checked/indicated <input type="checkbox"/> 4 = N/A (consent decree, new form)	
26. Was the order filed within 30 days?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't Determine	<i>Date filed:</i> ____ / ____ / ____
27. Was <b>contrary to the welfare</b> finding made on written order?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = N/A (child placed with parent) ( <i>move to Question 31</i> )	
28. Was the <b>contrary to the welfare</b> finding on the written order sufficiently detailed, child-specific?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No	
29. Was there a <b>reasonable efforts to prevent removal</b> finding made on written order?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No	
30. Was the <b>reasonable efforts to prevent removal</b> finding on the written order sufficiently detailed, child-specific?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No	

## Permanency Reviews and Hearings

<p>31. Was the child out of the home 6 months or longer?</p> <p>Please note the date the child was removed from the home. If removed via a VPA or a different case, use that date.</p>	<p><input type="checkbox"/> 1 = Yes  <input type="checkbox"/> 2 = No, never placed out of home or placed out of home less than 6 months  <i>(move to Question 45)</i></p>	<p><i>Removal:</i> _____</p> <p><i>6 months:</i> _____</p> <p><i>12 months:</i> _____</p>
<p>32a. Was a permanency plan review/hearing conducted within 6 months of removal?</p>	<p><input type="checkbox"/> 1 = Yes  <input type="checkbox"/> 2 = No (# days late: _____)  <input type="checkbox"/> 3 = Can't determine (<i>still answer 33 a. and b. "No"</i>).</p>	<p><i>Date occurred:</i>          _____ / _____ / _____</p>
<p>32b. How was the review conducted?</p>	<p><input type="checkbox"/> 1 = Court  <input type="checkbox"/> 2 = Panel, summary filed within 30 days  <input type="checkbox"/> 3 = Panel, summary filed after 30 days  <input type="checkbox"/> 4 = Panel, no summary found in the file  <input type="checkbox"/> 5 = Can't determine if court or panel</p>	
<p>33a. Was permanency plan reviewed a minimum of two times within 12 months of removal where at least one of the reviews was heard by the court?</p>	<p><input type="checkbox"/> 1 = Yes  <input type="checkbox"/> 2 = No (# days late: _____)  <input type="checkbox"/> 3 = Can't determine  <input type="checkbox"/> 4 = N/A (child out of home less than 12 months)</p>	<p><i>Date occurred:</i>          _____ / _____ / _____</p>
<p>33b. How was the second review conducted?</p>	<p><input type="checkbox"/> 1 = Court  <input type="checkbox"/> 2 = Panel, summary filed within 30 days  <input type="checkbox"/> 3 = Panel, summary filed after 30 days  <input type="checkbox"/> 4 = Panel, no summary found in the file  <input type="checkbox"/> 5 = Can't determine if court or panel</p>	
<p>34. Looking at the most recent out-of-home episode in its entirety, was the permanency plan reviewed at least every six months of each other?</p>	<p><input type="checkbox"/> 1 = Yes  <input type="checkbox"/> 2 = No  <input type="checkbox"/> 3 = N/A (only one review occurred)  <i>(If no, please provide specifics.)</i></p>	
<p>35. Date of <b>most recent</b> permanency plan <b>hearing</b>:</p>	<p>_____ / _____ / _____  <input type="checkbox"/> None occurred (<i>move to Question 45</i>)</p>	
<p>36. Was notice of the permanency plan hearing given/sent to the <b>mother</b>?</p>	<p><input type="checkbox"/> 1 = Yes  <input type="checkbox"/> 2 = No  <input type="checkbox"/> 3 = Can't determine  <input type="checkbox"/> 4 = N/A (deceased, already TPR)  <input type="checkbox"/> 5 = Address unknown</p>	
<p>37. Was notice of the permanency plan hearing given/sent to the <b>father</b>?</p>	<p><input type="checkbox"/> 1 = Yes  <input type="checkbox"/> 2 = No  <input type="checkbox"/> 3 = Can't determine  <input type="checkbox"/> 4 = N/A (deceased, already TPR, name of father unknown)  <input type="checkbox"/> 5 = Address unknown</p>	

38. Was notice of the permanency plan hearing given/sent to the <b>caregiver</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine	
39. Was notice of the permanency plan hearing given/sent to the <b>tribe</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A	
40. Did GAL or adversary counsel for the child appear at the most recent permanency plan hearing?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A	
41. Permanency plan hearing order used:	<input type="checkbox"/> 1 = Standard form ( <b>JD-1791: 08/06, 04/07, 04/08, 02/10, 04/10</b> ) <input type="checkbox"/> 2 = Non-standard form <input type="checkbox"/> 3 = No order found in the file	
42. Was the order filed within 30 days?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't Determine	<i>Date filed:</i> ____ / ____ / ____
43. Was there a <b>reasonable efforts to achieve goal(s) of permanency plan</b> finding made on written order?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No	
44. Was the <b>reasonable efforts to achieve goal(s) of permanency plan</b> finding on written order sufficiently detailed, child-specific?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No	

### Change of Placement Requests and Hearings

45. Number of changes in placement that occurred <u>after disposition</u> : <i>(If zero, move to Question 58.)</i> <i>(Include all changes of placement, even if done without notice or hearing to the court. Look at permanency plans.)</i>	0	1	2	3	4	5	Total number of changes of placement: _____
46. Did the change of placement occur <u>with</u> notice or hearing to the court?							Total number of "yes" answers: _____
47. Was there an associated order for change of placement in the file? <i>(Still answer yes if a different type of order was used instead of an Order for Change of Placement, but make a note of it.)</i>							Total number of "yes" answers: _____

48a. Is it a non-emergency change of placement?						Total number of “yes” answers: _____
48b. For non-emergency changes of placement, did the agency wait to move the child until after the hearing or 10 days after the notice of change of placement was received?						Total number of “yes” answers: _____
49a. Is it an emergency change of placement? <i>(If don't agree it's an emergency, still treat as emergency but make a note of it and explain.)</i>						Total number of “yes” answers: _____
49b. For emergency changes of placement, did the agency send notice or have hearing within 48 hours?						Total number of “yes” answers: _____
50. Date of <b>most recent</b> change of placement hearing:	_____ / _____ / _____ <input type="checkbox"/> None occurred ( <i>move to Question 58</i> )					
51. Was notice of the change of placement hearing given/sent to the <b>mother</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (deceased, already TPR) <input type="checkbox"/> 5 = Address unknown					
52. Was notice of the change of placement hearing given/sent to the <b>father</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (deceased, already TPR, name of father unknown) <input type="checkbox"/> 5 = Address unknown					
53. Was notice of the change of placement hearing given/sent to the <b>caregiver</b> (the caregiver the child is being removed from)?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A					
54. Was notice of the change of placement hearing given/sent to the <b>tribe</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A					
55. Did GAL or adversary counsel for the child appear at the most recent change of placement hearing?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A					

56. Change of placement order used:	<input type="checkbox"/> 1 = Appropriate standard form ( <i>JD-1789: 10/07, 4/08, 02/10, 04/10; JD-1790 08/06, 4/08, 02/10, 04/10; JD-1792: 8/06, 4/08; JD-1793: 8/06</i> ) <input type="checkbox"/> 2 = Standard form, but old version <input type="checkbox"/> 3 = Non-standard form <input type="checkbox"/> 4 = No order found in the file ( <i>answer Question 57 "No"</i> )	
57. Was the order filed within 30 days?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't Determine	<i>Date filed:</i> _____ / _____ / _____

### **Judicial Officers**

58. Number of different judicial officers that presided over the hearings in this CHIPS case:	<input type="checkbox"/> 1 = One <input type="checkbox"/> 2 = Two <input type="checkbox"/> 3 = Three or more	
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### **Continuances/Delay**

59. Were there any continuance or delay issues/patterns that stood out in the CHIPS case? ( <i>If yes, explain.</i> )	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3= Can't determine	
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# Children's Court Initiative

## TPR Court File Review Instrument

### General Case Information

Notes/Comments

1. TPR Case Number:		
2. Child's Initials:		
3. Date of Birth:	____ / ____ / ____	
4. Date TPR petition filed:	____ / ____ / ____ <input type="checkbox"/> Can't determine, not file stamped <input type="checkbox"/> No petition found in the file ( <i>move to Question 6</i> )	
5. According to the TPR petition, is the child subject to ICWA?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Unknown <input type="checkbox"/> 4 = Nothing checked/indicated	
6. Was notice of the hearing on the petition given/sent to the <b>mother</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (deceased, already TPR)	
7. Was notice of the hearing on the petition given/sent to the <b>father</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (deceased, already TPR, name father unknown)	
8. Was notice of the hearing on the petition given/sent to the <b>caregiver</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (group home, RTC, etc.)	
9. Was notice of the hearing on the petition given/sent to the <b>tribe</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A	
10. Did GAL for the child appear at the hearing on the petition?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine	

***Disposition for the Mother***

N/A (TPR not filed on the mother, mother deceased, etc.) (*move to Question 21*)

11. Was a contested fact-finding hearing conducted in the TPR case (Phase 1)?	<input type="checkbox"/> 1 = Yes, to the court <input type="checkbox"/> 2 = Yes, to a jury <input type="checkbox"/> 3 = No <input type="checkbox"/> 4 = Can't Determine <input type="checkbox"/> 5 = N/A (case still pending)	
12. Date of dispositional hearing:	_____ / _____ / _____ <input type="checkbox"/> Case dismissed prior to disposition: _____ / _____ / _____ <i>(move to Question 21)</i> <input type="checkbox"/> Case still pending, hasn't occurred yet <i>(move to Question 21)</i>	
13. Was notice of the dispositional hearing given/sent to the <b>mother</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (deceased, consented to TPR, already TPR)	
14. Was notice of the dispositional hearing given/sent to the <b>father</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (deceased, consented to TPR, already TPR, name of father unknown)	
15. Was notice of the dispositional hearing given/sent to the <b>caregiver</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (group home, RTC, etc.)	
16. Was notice of the dispositional hearing given/sent to the <b>tribe</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A	
17. Did GAL for the child appear at the TPR disposition?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine	
18. Order concerning termination of parental rights used:	<input type="checkbox"/> 1 = Standard form ( <i>JC-1638: 08/06, 10/07, 04/08, 02/10 or JC-1639: 08/06, 10/07, 04/08, 02/10</i> ) <input type="checkbox"/> 2 = Standard form, but old version <input type="checkbox"/> 3 = Standard form, but wrong one used <input type="checkbox"/> 4 = Non-standard form <input type="checkbox"/> 5 = No order found in the file ( <i>move to Question 21</i> )	

19. According to the TPR order, the provisions of ICWA:	<input type="checkbox"/> 1 = Do not apply <input type="checkbox"/> 2 = Have been followed <input type="checkbox"/> 3 = Nothing checked/indicated	
20. Was the order filed within 30 days?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't Determine	<i>Date filed:</i> ____ / ____ / ____

***Disposition for the Father***

Same as above (*move to Question 31*)

N/A (TPR not filed on the father, father deceased, etc.) (*move to Question 31*)

21. Was a contested fact-finding hearing conducted in the TPR case (Phase 1)?	<input type="checkbox"/> 1 = Yes, to the court <input type="checkbox"/> 2 = Yes, to a jury <input type="checkbox"/> 3 = No <input type="checkbox"/> 4 = Can't Determine <input type="checkbox"/> 5 = N/A (case still pending)	
22. Date of dispositional hearing:	____ / ____ / ____  <input type="checkbox"/> Case dismissed prior to disposition: ____ / ____ / ____ ( <i>move to Question 31</i> )  <input type="checkbox"/> Case still pending, hasn't occurred yet ( <i>move to Question 31</i> )	
23. Was notice of the dispositional hearing given/sent to the <b>mother</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (deceased, consented to TPR, already TPR)	
24. Was notice of the dispositional hearing given/sent to the <b>father</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (deceased, consented to TPR, already TPR, name of father unknown)	
25. Was notice of the dispositional hearing given/sent to the <b>caregiver</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A (group home, RTC, etc.)	
26. Was notice of the dispositional hearing given/sent to the <b>tribe</b> ?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine <input type="checkbox"/> 4 = N/A	
27. Did GAL for the child appear at the TPR disposition?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine	

28. Order concerning termination of parental rights used:	<input type="checkbox"/> 1 = Standard form ( <i>JC-1638: 08/06, 10/07, 04/08, 02/10 or JC-1639: 08/06, 10/07, 04/08, 02/10</i> ) <input type="checkbox"/> 2 = Standard form, but old version <input type="checkbox"/> 3 = Standard form, but wrong one used <input type="checkbox"/> 4 = Non-standard form <input type="checkbox"/> 5 = No order found in the file ( <i>move to Question 31</i> )	
29. According to the TPR order, the provisions of ICWA:	<input type="checkbox"/> 1 = Do not apply <input type="checkbox"/> 2 = Have been followed <input type="checkbox"/> 3 = Nothing checked/indicated	
30. Was the order filed within 30 days?	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't Determine	<i>Date filed:</i> _____ / _____ / _____

### Judicial Officers

31. Number of different judicial officers that presided over the hearings in this TPR case:	<input type="checkbox"/> 1 = One <input type="checkbox"/> 2 = Two <input type="checkbox"/> 3 = Three or more	
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### Continuances/Delay

32. Were there any continuance or delay issues/patterns that stood out in the TPR case? ( <i>If yes, explain</i> )	<input type="checkbox"/> 1 = Yes <input type="checkbox"/> 2 = No <input type="checkbox"/> 3 = Can't determine	
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## Children's Court Initiative Court File Review ICWA Supplement

Notes/Comments

1. Case Number:		Notes/Comments
2. Child's Initials:		
3. Tribe(s):		
4. According to the petition, is the child subject to ICWA?	1 = Yes 2 = No 3 = Unascertainable/unknown 4 = Nothing checked/indicated	
5. According to the dispositional order, the provisions of ICWA:	1 = Do not apply 2 = Have been followed 3 = Nothing checked/indicated 4 = N/A (consent decree, dismissed, hasn't gone to disposition)	
6. Were the ICWA versions of the circuit court forms used (petition, orders, etc.)? <i>If no, please explain.</i>	1 = Yes 2 = No 3 = N/A (prior to creation of ICWA forms, 04/08)	
7. Did the mother have an attorney?	1 = Yes 2 = No 3 = Can't determine 4 = N/A (deceased, already TPR)	
8. Did the father have an attorney?	1 = Yes 2 = No 3 = Can't determine 4 = N/A (deceased, already TPR)	

**CHIPS Case (and child was removed from the home)**

Case being reviewed is not a CHIPS case (move to Question 24).

9. Was the tribe(s) or Secretary of Interior sent notice of the pending CHIPS proceeding?	1 = Yes 2 = No (move to Question 11) 3 = Can't determine	
10. If yes, was it sent via registered mail with return receipt?	1 = Yes 2 = No 3 = Can't determine	

11. Was a qualified expert witness used for a determination of damage to the child (at a pre-disposition hearing or the dispositional hearing)?	1 = Yes (Who? _____) 2 = No 3 = Can't determine (explain) 4 = N/A (dismissed or returned home before dispo.)	
12. Was there an <b>active</b> efforts finding made on the order?	1 = Yes 2 = No, but in the minutes 3 = No 4 = Can't Determine (order not in file) 5 = N/A (dismissed or returned home before dispo.)	
13. Were ICWA or tribal placement preferences used in determining placement?	1 = Yes 2 = No 3 = Can't Determine	
14. Was notice of the <b>plea hearing</b> given/sent to the tribe?	1 = Yes 2 = No 3 = Can't determine 4 = N/A (child not subject to ICWA at the time)(placed in the home) (move to Question 16)	
15. Was the notice sent at least 10 days prior to the plea hearing?	1 = Yes 2 = No 3 = Can't determine	
16. Was a representative from the tribe present at the plea hearing?	1 = Yes 2 = No 3 = Can't Determine	
17. Was notice of the <b>dispositional hearing</b> given/sent to the tribe?	1 = Yes 2 = No 3 = Can't determine 4 = N/A (hearing hasn't occurred, dismissed before disposition)(move to Question 21)	
18. Was a representative from the tribe present at the dispositional hearing?	1 = Yes 2 = No 3 = Can't Determine	
19. Was notice of the most recent <b>change of placement hearing</b> given/sent to the tribe?	1 = Yes 2 = No 3 = Can't determine 4 = N/A (none occurred) (move to Question 21)	

20. Was a representative from the tribe present at the most recent change of placement hearing?	1 = Yes 2 = No 3 = Can't Determine	
21. Was notice of the most recent <b>permanency plan hearing</b> given/sent to the tribe?	1 = Yes 2 = No 3 = Can't determine 4 = N/A (none occurred) (skip Questions 22-23)	
22. Was a representative from the tribe present at the most recent permanency plan hearing?	1 = Yes 2 = No 3 = Can't Determine	
23. Was there an <b>active</b> efforts finding made on the permanency plan hearing order?	1 = Yes 2 = No, but in the minutes 3 = No 4 = Can't Determine (order not in file)	

### **TPR Case**

Case being reviewed is not a TPR case. Stop.

24. Was the tribe(s) or Secretary of Interior sent notice of the pending TPR proceeding?	1 = Yes 2 = No (move to Question 25) 3 = Can't determine	
25. If yes, was it sent via registered mail with return receipt?	1 = Yes 2 = No 3 = Can't determine 4 = N/A (filed as voluntary TPR)	
26. If involuntary TPR, was a qualified expert witness used for a determination of damage to the child?	1 = Yes (Who? _____) 2 = No 3 = Can't determine (explain) 4 = N/A (TPR did not occur, voluntary TPR) (move to Question 28)	
27. If involuntary TPR, was there an <b>active</b> efforts finding made on the TPR order or in the jury's answers? <i>(If yes, make note whether made by court or jury.)</i>	1 = Yes 2 = No, but in minutes 3 = No 4 = Can't Determine (order not in file)	

28. If voluntary TPR, did the file contain the parent's written consent and a judge's certificate that terms and consequences fully explained and understood?	1 = Yes 2 = No (note if consent in writing) 3 = N/A (involuntary TPR, still pending)	
29. Was notice of the <b>hearing on the petition</b> given/sent to the tribe?	1 = Yes 2 = No 3 = Can't determine	
30. Was the notice sent at least 10 days prior to the hearing on the petition?	1 = Yes 2 = No 3 = Can't determine	
31. Was a representative from the tribe present at the hearing on the petition?	1 = Yes 2 = No 3 = Can't Determine	
32. Was notice of the <b>dispositional hearing</b> given/sent to the tribe?	1 = Yes 2 = No 3 = Can't determine 4 = N/A (move to Question 34)	
33. Was a representative from the tribe present at the dispositional hearing?	1 = Yes 2 = No 3 = Can't Determine	
34. Was notice of the most recent <b>permanency plan hearing</b> given/sent to the tribe?	1 = Yes 2 = No 3 = Can't determine 4 = N/A (none occurred in the TPR case) (Stop.)	
35. Was a representative from the tribe present at the most recent permanency plan hearing?	1 = Yes 2 = No 3 = Can't Determine	

## **Children's Court Initiative Court Observation Instrument**

### **General Information**

- |  |                                |
|--|--------------------------------|
| 1. Case No. _____                              | 5. Scheduled Start Time: _____ |
| 2. Date of Hearing _____                       | 6. Start Time: _____           |
| 3. Judge/Commissioner _____                    | 7. End Time: _____             |
| 4. Number sibling cases heard same time: _____ |                                |

### **Type of Hearing**

8. Check the box(es) that describes the observed hearing type:

- |                            |                          |  |                          |
|----------------------------|--------------------------|--|--------------------------|
| Temporary Physical Custody | <input type="checkbox"/> | Permanency Plan Hearing                    | <input type="checkbox"/> |
| Plea Hearing (CHIPS)       | <input type="checkbox"/> | Jury Trial/Fact-finding Hearing            | <input type="checkbox"/> |
| Pretrial                   | <input type="checkbox"/> | Court Trial/Fact-finding Hearing           | <input type="checkbox"/> |
| Disposition                | <input type="checkbox"/> | Hearing on the Petition (TPR and Adoption) | <input type="checkbox"/> |
| Extension                  | <input type="checkbox"/> | Review/Status _____                        | <input type="checkbox"/> |
| Revision                   | <input type="checkbox"/> | Motion Hearing _____                       | <input type="checkbox"/> |
| Change of Placement        | <input type="checkbox"/> | Other _____                                | <input type="checkbox"/> |

9. Is the actual hearing type different from the scheduled hearing type?

- Yes     No     Can't Determine

If yes, please explain: \_\_\_\_\_

10. Is the current hearing a continuation of a previous hearing?  Yes     No     Can't Determine

If yes, please explain: \_\_\_\_\_

## **Participation and Representation**

11. Note which of the following persons were present at the hearing and if they were given the opportunity to participate:

	<u>Present</u>	<u>N/A</u>	<u>Participated</u>		<u>Present</u>	<u>N/A</u>	<u>Participated</u>
Prosecutor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Caseworker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mother's Attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child's Representative GAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adversary Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Father's Attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age_____							
Tribal Representative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Caregiver	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Others:_____							

12. If either the mother or father was not present, was there a discussion about his/her absence?

Yes     No     N/A

Was there any discussion about identifying the father, his legal status, etc.? \_\_\_\_\_

13. If the caregiver was not present, was there a discussion about whether notice was given?

Yes     No     N/A

14. Did the judicial officer acknowledge any written statement provided by the caregiver or give the caregiver an opportunity to make a statement during the hearing?

Yes     No     N/A

If yes, describe the caregiver's participation: \_\_\_\_\_

15. Did the court advise any non-represented party of his/her right to counsel, including the right to court-appointed counsel, or provide information on obtaining counsel?

Yes     No     N/A

16. Was any sworn testimony presented?  Yes     No

If yes, who called witnesses? \_\_\_\_\_

## **ICWA**

17. Was there a discussion about whether ICWA applies?

Yes, and it applies     Yes, and it doesn't apply     No     N/A (delinquency case)

## **Placement and Findings**

18. Is the child placed or being placed outside the parental home?  Yes     No     Can't Determine  
(if No, move to Question 25)

19. Did the court make an oral finding that it is **contrary to the welfare** of the child to remain in the home?

Yes     Yes, and it was detailed     No     N/A (finding not required at this hearing)

20. Did the court make an oral finding as to whether reasonable efforts were made to **prevent removal**?

Yes     Yes, and it was detailed     No     N/A (finding not required at this hearing)

21. Did the court make an oral finding as to whether reasonable efforts were made **to achieve the goal(s) of the permanency plan**?

Yes     Yes, and it was detailed     No     N/A (finding not required at this hearing)

22. Did the court give the parent(s) oral or written TPR warnings?

Yes     No     N/A (finding not required at this hearing)

23. Was there a discussion about attempts to locate/identify relatives for possible placement?

Yes     No     N/A (already placed with a relative, etc.)

24. Was there a discussion regarding visitation/family interaction?

Yes     No     N/A (explain: \_\_\_\_\_)

## **Orders and Scheduling**

25. Did the court schedule another hearing?  Yes     No     N/A (none to schedule)

If yes, were there any delays in scheduling the next hearing? \_\_\_\_\_

26. Did the parties receive a copy of the court order at the conclusion of the hearing?

Yes     No     Can't Determine     N/A (none to give)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_