

Required Participation in Services Hearing Checklist

15 minutes; up to 25 suggested best practice

Statutory

Prior to the Hearing:

- Hearing within 14 days of petition unless good cause for extension
- Child's GAL/AAL appointed
- Parents' AAL appointed
- Parties served

At the Hearing:

- Identify parties present and served
- Determine indigence
- Determine need for language interpretation
- Determine good cause if AAL has not seen child
- Ensure services are specific and narrowly tailored

Court Findings

At the End of the Hearing:

- Determine if sufficient evidence to order participation in services by parent(s) or caregiver(s) for the child; if not, deny required participation in services. Evidence sufficient to satisfy a person of ordinary prudence and caution that:
 - Abuse or neglect occurred, or
 - Substantial risk of abuse or neglect, or
 - Continuing danger to the physical health or safety of child caused by an act or failure to act by named party/parties; and
 - Services necessary to ensure the physical health or safety of child.
- ISSUE COURT ORDER
 - State findings;
 - Make appropriate temporary orders under Chapter 105 to ensure safety of the child, excluding orders that place the child outside the child's home or in the conservatorship of DFPS;
 - Order the participation in services narrowly tailored to address court findings;
 - Set dismissal deadline of 180 days; and
 - Schedule review hearing within 90 days.

Review Hearings:

- Address continued need for temporary order and dismiss if no longer a continued need.
- Set review hearing within 90 days if temporary order continued.
- Determine if good cause to extend dismissal deadline if DFPS shows continued need for services beyond original 180-day dismissal deadline.

Best Practices [BP]

- Engage parties with direct questions
- Review services with parents
- Set Review Hearing date within 90 days
- Give notice in open court
- Engage parties with direct questions:
 - *Do you understand the purpose of the court ordered services?*
- Ask the following questions:
 - *How are these services specific to this family and child?*
 - *Are there cultural issues we need to understand?*
 - *Is there a need for ongoing services or can we dismiss today?*