

Indicators of a Quality Hearing

The below is a list of elements that if included in court hearings and reviews, may increase the likelihood that a quality court hearing or review will occur. For purposes of this PI, a quality hearing or review is one in which: due process rights are protected for all parties; high quality legal representation is provided to parents, children, and the title IV-E/IV-B agency and the tribe (if applicable); all parties are actively engaged; all important judicial inquiries are made and adequately answered; and all required judicial determinations are made as a result of the review of evidence and meaningful discussion of case specific facts.

Hearings and reviews are critical opportunities for quality assurance on both the individual case and systemic level. Pro-forma hearings in which little or no evidence is heard or discussion held are missed opportunities to keep families safe, together and strong. Moreover, pro forma hearings fall short of the judicial oversight required by statute and may contribute to child safety concerns, prolonged foster care stays, delays in reunification, adoption and other permanency outcomes, poor child and youth well-being outcomes, and unnecessary financial costs to the state and local government.

Legal Representation and Engagement

Parents are present.

Child/Youth is present.

Legal counsel for all parent(s) is present

Legal counsel for child/youth is present.

Legal counsel for parents, youth/child all demonstrate familiarity with their client and all important elements of the case.

Parent's legal counsel makes contributions to hearing (i.e. introduces evidence, examines or cross examines witnesses, advocates for client's position orally).

Legal counsel for child/youth makes contributions to the hearing (i.e., introduces evidence, examines or cross examines witnesses, advocates for the client's position orally).

Parents feel that their voice has been heard.

Child/youth feel that her/his voice has been heard and that he/she was included in the decision making process.

In ICWA cases, legal counsel for the tribe is present.

In ICWA cases tribes feel that their voice has been heard.

Collateral Information Reviewed

Foster or kinship care provider is present.

Foster parent or kinship provider perspective is sought.

CASA or lay guardian ad litem is present and makes contributions (i.e. meaningful information presented on the safety, permanency and well-being of the child).

Court requested reports meaningfully reviewed and discussed (including the most recent mental health, substance abuse, domestic violence and commercial sexual exploitation screening and assessment reports, treatment reports, education reports and updates, medical reports and updates, and any other specific screening, assessment or update reports that are pertinent to the specific child and family needs).

Judicial Inquires and Discussion

Child safety has been specifically discussed, with safety concerns specifically identified.

Where concerns have been identified, meaningful discussion has occurred regarding how those concerns may be or are being addressed.

A safety plan has been discussed, created, or reviewed.

An Indian Child Welfare Act (ICWA) inquiry has been made in every hearing and review. This should be an ongoing, active inquiry that seeks to understand the efforts taken and if additional information has been gained that may indicate that the child may be an Indian child.

Meaningful discussion of family time/visitation has occurred.

For each parent, the judge specifically asks for updates on all needs and concerns contributing to the potential removal of a child from the home or standing in the way of reunification.

The specific service needs and progress of each parent is meaningfully discussed, including what is going well and where barriers to progress may lie.

For each child or youth, the judge specifically asks for updates on well-being and normalcy.

The specific efforts to address child and youth well-being and normalcy are meaningfully discussed, including what is going well and where barriers to progress may lie.

Judicial Determinations

Agency efforts to prevent removal have been meaningfully discussed and evidence has been provided that clearly shows reasonable efforts have been made.

A finding that reasonable efforts to prevent removal has been made on the record and is included in the court order.

Meaningful discussion has occurred addressing whether it is contrary to the welfare of the child to remain in the home and evidence has been provided to support the determination.

A finding that it is contrary to the welfare of the child to remain in the home has been made on the record and is included in the court order.

Reasonable efforts to finalize the permanency plan have been meaningfully discussed and evidence has been provided that clearly shows reasonable efforts have been made.

A finding that reasonable efforts to finalize the permanency plan has been made on the record and is included in the court order.

Where Another Planned Living Arrangement (APPLA) is the permanency goal for a youth, the agency has provided a compelling reason to the court demonstrating that all other permanency goals are not in that youth's best interest.

All parties leave the courtroom with copies of court orders clearly identifying all necessary services, actions and plans.