

POLICY ATTACHMENT 903.1 DES/DCYF CHILD WELFARE TIMEFRAMES

Based on the results of the CPS safety assessment/investigation and the results of the Strength and Risk Assessment, DES determines whether to 1) close the case 2) offer voluntary CPS services or 3) open a case for ongoing services. If the case is going to be open for ongoing services the worker must determine if the services can be provided through a voluntary relationship with DES, if a petition for in-home intervention is sufficient or if an In home or Out of Home Dependence Petition must be filed. If a child is in danger of imminent abuse or neglect, the department provides emergency intervention to ensure the child's safety.

Temporary Custody Notice (TCN)

If a child has been removed from home on an emergency basis, a dependency petition must be filed within **72 hours**, excluding Saturdays, Sundays and holidays, or the child should be returned to the parent's custody.

The following will occur when Temporary Custody of a child(ren) occurs within the **72 hours**:

- **Team Decision Making** meeting – discuss placement options
- **Removal Review Team** conference-when the removal is expected to result in the filing of a dependency petition.
- **Family Advocacy office**- will upon request of the parent, guardian or custodian, review the removal of the child before DES files a dependency petition.

The DES will recommend the filing of a dependency petition when a child is at risk of imminent or potential abuse or neglect and cannot be protected through the use of voluntary protective services or an in-home dependency petition.

CASE PLAN STAFFING

A case plan staffing is required whenever the case plan is being developed or revised, and at specified key decision points in the case. Policy states staffings must be held:

- within **60 days** of case opening for all cases open for more than 60 days or within **10 working days** of a child's placement into voluntary foster care;
- at least every **six months** after the initial staffing;
- whenever a change in permanency goal is being considered;
- whenever there is a significant change in case circumstances; and
- when a decision to remove a young adult (age 18 or older) from continued placement is under consideration, to discuss the appropriateness of ending the DES care and supervision of the young adult and review the existing discharge plan.

PROPOSED CASE PLAN

For dependency cases, including in-home intervention, in-home dependency and out-of-home dependency, a **proposed** case plan must be developed and submitted to court prior to the first scheduled hearing. This is developed with limited information about the family's strengths and needs and should be revised during the process of creating the permanent plan with the family and service team, within **60 days** of case opening and within a case plan staffing.

PERMANENT CASE PLAN

Every child and family receiving ongoing services from DCYF shall have an individualized family centered case plan, consistent with the requirements of federal and state law. Must be completed within **60 days** of case opening for all cases open for more than **60 days** or within **10 working days** of a child's placement into voluntary foster care.

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HEARINGS

At any dependency hearing, the court's first priority is the protection of the child from abuse or neglect. Some of the hearings that affect DCYF cases and timeframes they occur as follows:

- Pre-hearing conference:**
This is a mandatory meeting of all parties to the dependency and other persons permitted by the court. It is held immediately before the preliminary protective hearing to attempt to reach an agreement about temporary custody and placement of the child, services to be provided to the child, parent or guardian and visitation of the child.
- Preliminary protective hearing:**
This hearing is held on each case, **no less than 5 and not more than 7 working days**, excluding Saturdays, Sundays and state holidays, after the child is taken into custody and a dependency petition is filed. The court may grant one continuance not to exceed five days.
- Initial dependency hearing:**
The initial dependency hearing must be held **within 21 days** of the date on which the dependency petition was filed as to a parent or guardian not present at the preliminary protective hearing. The court may stay the proceeding and order In-Home Intervention.
- Emergency extension hearing:**
This hearing is held only if a child must remain in a receiving foster home or shelter facility for a period of **more than three weeks**. The court must review the case at least once a week, beginning from the date of the first order extending the placement.
- Status conference or pre-trial conference:**
This is an optional hearing that may occur after an initial dependency hearing and prior to a contested dependency adjudication hearing.
- Settlement conference or mediation:**
The settlement conference or mediation is set when the parent or guardian denies the allegations in the petition and must occur prior to the pre-trial conference or dependency adjudication hearing.
- Contested dependency adjudication hearing:**
This hearing must be completed **within 90 days** of service of the dependency petition on the parent or guardian. If critical circumstances exist, the court may extend this deadline **by 30 days**. At this hearing, the court determines whether the allegations of dependency are sustained by a preponderance of the evidence. If the allegations are sustained, the court may either proceed with a disposition hearing or set the disposition hearing **within 30 days**.
- Disposition hearing:**
This hearing must be held at **the same time of or within 30 days** of the dependency adjudication hearing. The purpose of this hearing is to obtain specific orders regarding the child's placement, services and appropriateness of the case plan.
- Report and review hearings:**
These hearings are held at least once **every 6 months** after the disposition hearing to review the dispositional orders of the court. They may be either contested or uncontested.

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Return of the child hearing:

This hearing is held after the preliminary protective hearing and as ordered by the court upon a motion by a parent or guardian for return of the child.

Permanency hearing:

This hearing is held:

- o **within 30 days** of the disposition hearing if reunification services were not ordered, or
- o **within 12 months** of the child's removal from the home, or
- o for children under 3 years of age, **within six months** of the child's removal from the home.

The court will determine the permanent plan for the child and order the plan to be accomplished within a specified period of time. If the court finds that termination of parental rights or permanent guardianship is in the child's best interest, the court will order a motion to terminate parental rights or for permanent guardianship be filed **within ten days**.

Initial hearing on motion for permanent guardianship:

This is held **within 30 days** after the permanency hearing. If the guardianship is contested, the court shall set a date for the trial on the motion for permanent guardianship **within 90 days** after the permanency hearing.

Review hearing after permanency hearing:

This hearing must be held at least once a year if the court determines the child should remain in out-of-home care **more than 18 months** from the date of the permanency hearing.

Foster Care Review Board hearings:

These are held **within 6 months** of out-of-home placement and at least **once every 6 months** thereafter to review the case of every child who is the subject of a dependency action and remains in out-of-home care **at least 6 months**.

Termination of parental rights hearing:

This hearing applies to termination of parental rights petitions filed on behalf of children entering out-of-home care prior to July 1, 1998. That parent may request this hearing be tried to a jury. At this hearing, the court determines whether there are sufficient grounds to terminate the parent-child relationship. It is also known as a severance hearing.

Initial hearing on motion to terminate parental rights:

This hearing applies to children entering out-of-home care on or after July 1, 1998. The hearing is held **within 30 days** of the permanency hearing when the court orders the filing of the motion to terminate parental rights. That parent may request this hearing be tried to a jury. If the parent contests the motion, the court must set a date for trial **within 90 days** of the permanency hearing.

Hearing on a Petition to Adopt:

At this hearing, the court determines whether to grant the adoptive parent(s)' petition to adopt.

Removal from a certified adoptive home hearing:

This hearing is necessary to remove a child who is placed in a certified adoptive home prior to finalization of the adoption.

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Expedited adoption hearing:

This hearing is held when the court determines, based on a sworn affidavit filed with the court, that the hearing is in the best interests of the child and the child is diagnosed as suffering from a debilitating, progressive or fatal disease or the prospective adoptive parent is diagnosed as terminally ill, or the court finds other compelling reasons relating to the special needs and welfare of the child.

