

## Child Welfare Court Proceedings for Foster Parents

### 72-Hour Hearing Checklist

**What:** Hearing for a child taken into protective custody

**When:** Within 72-hours, excluding Saturdays, Sundays and holidays, after child is taken into custody

**Who Should be Present:**

- Judge or Master/Special Master appointed by the Judge
- Parent or other person responsible for the child's welfare
- Division Caseworker and/or Supervisor

**Who May be Present:**

- Local District Attorney
- Attorneys for parents
- Witnesses

**Notice of Hearing:**

- Personal service of written notice
- Orally (also requires mailing to last known address); or
- Posting on door the parent's residence if parent cannot be located after a reasonable effort (also requires mailing to last known address)

**Key Inquiries the Court Should Make:**

- Was proper notice given to parties of the hearing
- Advise parties of right to be represented by an attorney
- Advise parties of right to present evidence
- Determine whether there is *reasonable cause* to believe that it would be: (1) contrary to the welfare of the child for the child to reside at his or her home; or (2) in the best interests of the child to place the child outside of his or her home
- Determine whether child under 6 is placed in a home or facility in compliance with NRS 432B.3905 (placed with siblings and no children under 6 may be placed in a child care facility unless there are no foster care options available in the county)
- Approve or disapprove placement of child

## Adjudicatory Hearing Checklist

**What:** Hearing to determine whether child is a child in need of protection

**When:** Within 30 days of filing of Petition for Child in Need of Protection

**Who Should be Present:**

- Judge or Master/Special Master appointed by the Judge
- Parent or other person responsible for the child's welfare
- Division Caseworker and/or Supervisor
- Local District Attorney
- Witnesses

**Who May be Present:**

- Attorneys for parents
- CASA
- Foster Parents
- Child (depending on child's age)
- Relatives of the child

**Notice of Hearing:**

- Summons stating the date and time of hearing of the Petition along with a copy of the Petition must be personally served on the parents or person responsible for the child's welfare if the person resides in Nevada
- Summons must be served by registered or certified mail to the last known address of the parent or person responsible for the child's welfare if the person cannot be found within Nevada or does not reside in Nevada
- Summons may be served by publication for 3 consecutive weeks in a newspaper published in the county if the child was delivered to an emergency care provider (Safe Haven Baby) or the location of the parent is unknown

**Key Inquiries the Court Should Make:**

- Was proper notice given to the parties
- Advise parties of the allegations in the Petition
- Give parties an opportunity to admit or deny the allegations
- If the parties deny the allegations then the court must hear evidence on the Petition
- Offer the parties and their attorneys an opportunity to examine and contest written reports and cross-examine individuals who made the reports

- Determine whether allegations in the Petition are supported by a *preponderance of the evidence* (more likely than not)
- Dismiss the Petition if the allegations are not established and order the child to return home

## Disposition Hearing Checklist aka Case Plan Hearing

**What:** Hearing to determine placement for child(ren) (may be combined with adjudicatory hearing)

**When:** Within 15 working days of the Adjudicatory Hearing

**Who Should be Present:**

- Judge or Master/Special Master appointed by the Judge
- Parent or other person responsible for the child's welfare
- Division Caseworker and/or Supervisor
- Local District Attorney

**Who May be Present:**

- Attorneys for parents
- CASA
- Foster Parents
- Child (depending on child's age)

**Notice of Hearing:**

- Within 72 hours before hearing to parent and parents' attorneys
- Mail

**Key Inquiries the Court Should Make:**

- Approve or disapprove of Division's report concerning condition of parent's residence, child's school, mental, physical and social background of the child and family, etc...
- Approve or disapprove of Division's plan for placement of the child considering whether it is safe, near the residence of the parents and consistent with best interests and special needs of the child
- Approve or disapprove Division's plan for services to be provided to the child and parent to facilitate the return of the child
- Determine whether Division made reasonable efforts to prevent removal or whether no such efforts were required due to exigent circumstances (if not made at prior hearings)(must be determined within 60 days of child's removal)
- Whether child needs medical, psychiatric, psychological or other care or treatment
- Whether visitation with parents is in best interest of child
- Order parent to pay child support while child is in custody of the Division

## Semi-Annual Review Hearing

**What:** Hearing to evaluate progress of the child and the family

**When:** within 90 days after a request by a party

**Who Should be Present:**

- Judge or Master/Special Master appointed by the Judge
- Parent or other person responsible for the child's welfare
- Division Caseworker and/or Supervisor
- Local District Attorney

**Who May be Present:**

- Attorneys for parents
- CASA
- Foster Parents
- Child (depending on child's age)

**Notice of Hearing:**

- Within 72 hours before hearing to: parents, attorneys, CASA, any person planning to adopt the child, sibling of the child, relatives or foster care parents currently providing care to the child
- Registered or certified mail

**Key Inquiries the Court Should Make:**

- Determine whether child was placed together with siblings or actions by the Division to ensure that the child has contact with siblings
- Approve or disapprove academic plan for the child
- Determine the continued necessity and appropriateness of child's placement
- Determine the parties' compliance with the plan approved at the Dispositional or Case Plan hearing
- Approve or disapprove of the date the child may be returned home or placed for adoption or under a legal guardianship
- Determine parents' rights to visitation

## Permanency Hearing

**What:** Hearing to determine permanent placement of a child

**When:** not later than 12 months after the initial removal of the child from the home and annually thereafter

**Who Should be Present:**

- Judge or Master/Special Master appointed by the Judge
- Parent or other person responsible for the child's welfare
- Division Caseworker and/or Supervisor
- Local District Attorney

**Who May be Present:**

- Attorneys for parents
- CASA
- Foster Parents
- Relatives of the child
- Prospective adoptive parents

**Notice of Hearing:**

- Within 72 hours before hearing to: parents, attorneys, CASA, any person planning to adopt the child, sibling of the child, relatives or foster care parents currently providing care to the child
- Or, within 30 days of a finding by the Court that no more reasonable efforts are required
- Registered or certified mail

**Key Inquiries the Court Should Make:**

- Approve or disapprove Division's plan for permanency for the child, including whether it is in best interests of child to: 1) return the child to the parents; 2) initiate TPR proceedings; 3) initiate proceedings to establish guardianship; or 4) whether there are compelling reasons for placement of child in another permanent living arrangement
- Determine whether the Division has made reasonable efforts to establish permanency for the child
- If the child is 16, determine whether the child will receive the services needed to assist the child in transitioning to independent living
- If the child is placed outside the State, whether that placement continues to be appropriate
- Whether attorneys should be appointed to expedite the proceedings if termination of parental rights is determined to be in the best interest of the child