



Basic and Best Practices in Conducting Permanency Hearings

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**Georgia Supreme Court Committee on Justice for Children
and
National Council of Juvenile and Family Court Judges**



**MD CANI
Part Three
2019**

LEARNING OBJECTIVES



- Understand how to prepare for and conduct effective permanency hearings
- Discuss best practice strategies for improving permanency hearings
- Understand everyone's role in permanency hearings
- Understand how to engage at permanency hearings, particularly with children



ENHANCED RESOURCE GUIDELINES BENCHCARD

- Before the hearing
- Conducting the hearing
 - Open the hearing
 - Due process considerations
 - Representation
 - Engage parents, children, relatives and foster parents
- Key inquiries
 - Reflective questions
 - ICWA
 - Determine the permanency plan
 - Four plan analysis
- Summary of key findings/orders
- Concluding the hearing



BEFORE THE HEARING

- Persons who should be present at the hearing
- Review the relevant documents
- Consider whether there are any related cases



CONDUCTING THE HEARING – OPENING THE HEARING

- Call the case
- Identify the people in the courtroom
- Swear in the parties, participants, and relatives
- Explain the type and purpose of the hearing
- State the number of days the child has been in care and the number of placements to date
- [RMK Note: Next best thing when someone can't be there]



CONDUCTING THE HEARING – DUE PROCESS CONSIDERATIONS

- Identity and location of all interested parties determined
- Parties notified of the hearing
- Notified in a language understandable to them
- Relatives who requested notice given notice
- Current caregiver notified
- Diligent search for missing parents or other parties
- Due diligent to notify relatives, including adult relatives of the child and their options to participate in the child's care and placement
- Notice to all parents of siblings who have custody of sibling
- ICWA
- Other federal laws apply



CONDUCTING THE HEARING – REPRESENTATION

- Provide attorney
- Make sure any waiver of counsel is understood and freely given
- Any language issues
- Has counsel had sufficient time to consult with client prior to the hearing
- Counsel for the children
- CASA or GAL



CONDUCTING THE HEARING – ENGAGEMENT OF ALL

- Language
- Understand what the hearing is about
- Sufficient time to speak to attorney
- ADA considerations
- What family members and/or other important people should be involved
- Consult with age-appropriate children



KEY INQUIRIES, ANALYSIS AND DECISIONS

Reflective questions



ICWA

KEY INQUIRIES, ANALYSIS AND DECISIONS- DETERMINE THE PERMANENCY PLAN

- Recommended plan
- How was it determined and who was involved
- Child's position and how was child consulted
- Concurrent plan and efforts made to implement it?
- Whether the court approved plan for the child remains the best plan for the child



KEY INQUIRIES, ANALYSIS AND DECISIONS- FAMILY TIME

- Type, frequency, duration and quality
- Milestones
- Sibling visitation
- Transportation
- Alternative forms of “visitation”
- DV considerations
- Supporting documentation
- Consistent to meet the developmental, emotional, and mental health needs of the child
- {Consistent with the Family Time Practice Guide}



KEY INQUIRIES, ANALYSIS AND DECISIONS- CURRENT PLACEMENT

- Safety still an issue or can the child go home today
- Changes or needed changes in living arrangements
- Sibling separation
- Explain placement options to child and caregivers
- Issues with current placement
- Child's preference
- Caregiver willing and able to meet child's needs
- Placement in close proximity to educational setting
- DV issues



KEY INQUIRIES, ANALYSIS AND DECISIONS- NEEDS OF CHILD

- Services, interventions, etc.
- Current health and educational records
- Mental, physical and dental, medication and reproductive health needs being met
- Parents participating in child's medical, educational, and other appointments
- Services tailored to address the child's unique issues
- Plan to ensure educational stability
- Transitional plan for child 14 or older
- Child 14 and older selected two members of planning team
- Child able to participate in age- or developmentally-appropriate activities

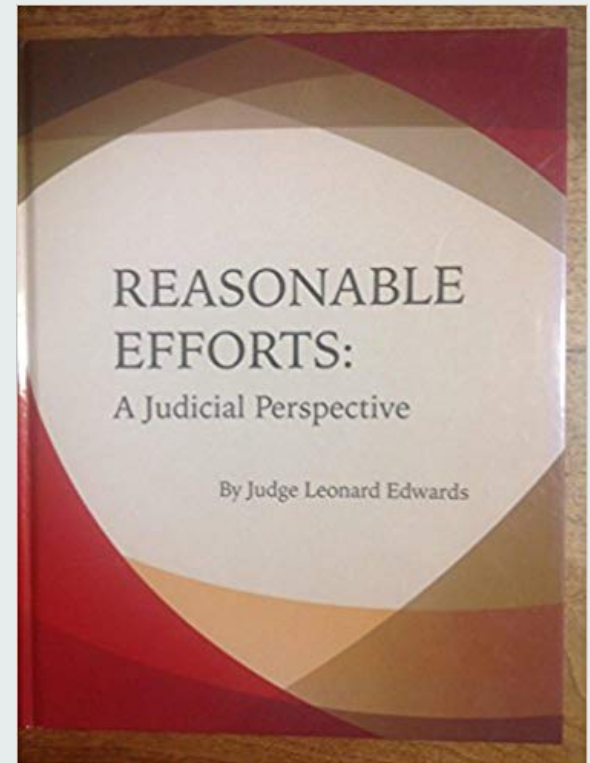
KEY INQUIRIES, ANALYSIS AND DECISIONS- FOUR PLAN ANALYSIS

- In Georgia:
 - Reunification
 - Adoption
 - Permanent guardianship
 - Another planned permanent living arrangement



KEY INQUIRIES, ANALYSIS AND DECISIONS-

- In care or 15 of the last 22 months
- Reasonable efforts



CONCLUDING THE HEARING

- Prepare for the next hearing
- Oral findings
- Set next review or hearing
- Articulate a date for permanency
- Identify who needs to be at next hearing
- Consider alternative dispute resolution
- Ensure parents, caregivers, etc., and children if they understand what happened by having them tell the court what happened
- Engage parents, caregivers, etc., and children if they understand next steps
- Stress rigorous time frames
- Contact information for casemanagers
- Any questions

ENGAGING CHILDREN AND YOUTH

- Children want to **KNOW** what is happening in their lives and most, if not all, want to have input into your decisions that will affect their family and their lives
- Establish a policy that **ALL** children **MUST** appear in your court for their hearings **UNLESS EXCUSED** by the court for an exceptional reason
- Give yourself the opportunity to **SEE** the children whose lives you will impact by your decisions, including development and interaction with parents and caregivers
- Don't rely on what others tell you the child wants. **Listen** to the kid!
- Give yourself the opportunity to **HEAR** from the children whose lives your decisions will change
- It should be the norm, not the exception, that children of all ages attend their hearing

QUESTIONS TO ANSWER

- Reasonable efforts
- Continuing necessity for and the safety of the placement
- Compliance
- [Progress?]
- Permanency plan
- Referred for TPR, guardianship or APPLA
- Date got permanency

SCENARIO



O.C.G.A. Section 15-11-232

O.C.G.A. SECTION 15-11-232

- Reasonable efforts.
- Continuing necessity for and the safety and appropriateness of the placement.
- Compliance with permanency plan by DFCS, parties and any service providers.
- Efforts to involve appropriate service providers to meet special needs of child and parent, guardian, or legal custodian.
- Efforts to eliminate causes for placement of child and toward achieving permanency.
- Anticipated date of achieving permanent placement.
- Relative search.

QUESTIONS

