

## PERMANENCY HEARING

<b>Role</b>	<b>Name</b>	<b>Attorney</b>
Child		
Father		
Mother		
GAL		
Dept		

### **Before Evidence:**

- Roll call
- Child's attendance – each child shall attend each permanency hearing unless the court specifically excuses the child's attendance. **The court shall consult with each child** >4 in a developmentally appropriate manner regarding the child's permanency plan. 263.302
- Inform each parent: you have the right to be represented by an attorney and if you are indigent, you have the right to a court-appointed attorney. 262.201(c)
- Confirm that parents' indigency paperwork has been filed and orders re-appointing the parent have been signed if the parent is indigent.
- Inform each parent in open court that your parental and custodial rights and duties may be subject to restriction or to termination unless you are willing and able to provide the child with a safe environment. 262.201(m)
- ICWA - ask all parties present whether the child has Native American heritage and identify any tribe with which the child may be associated. 263.306(a-1)(3)

### **After Hearing Evidence:**

- Review the parties' compliance with temporary orders/service plan and their progress. 263.306(a-1)(4)
- Determine whether to return the child to the parents if the child's parents are willing and able to provide the child with a safe environment and the return of the child is in the child's best interest. 263.306(a-1)(6)
- Estimate a likely date by which the child may be returned to and safely maintained in the child's home, placed for adoption, or placed in permanent managing conservatorship. 263.306(a-1)(7)
- Announce in open court the dismissal date and the date of any upcoming hearings. 263.306(a-1)(8)

## Review of Permanency Progress Report:

- ❑ Department filed Permanency Progress Report at least 10 days before the hearing
- ❑ Whether the child has any medical or special needs and whether they're being adequately addressed. 263.306(a-1)(5)(A)
- ❑ Whether placement continues to be necessary, appropriate, and in the child's best interest, especially for out-of-state placements. 263.306(a-1)(5)(B)
- ❑ Whether the primary and alternative permanency goals are appropriate. 263.306(a-1)(5)(C)
- ❑ Whether the department has made reasonable efforts to finalize the permanency plan. 263.306(a-1)(5)(C)
- ❑ Whether the child had the opportunity to express his/her opinion on medical care. 263.306(a-1)(5)(D)
- ❑ Psychotropic medication - whether the child:
  - has been provided appropriate nonpharmacological interventions, therapies, or strategies to meet the child's needs; or
  - has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days. 263.306(a-1)(5)(E)
- ❑ Education – has an education decision-maker for the child been identified, have the child's education needs and goals been identified and addressed, and have there have been major changes in the child's school performance or serious disciplinary events. 263.306(a-1)(5)(F)
- ❑ 14 years or older – whether services are needed to assist the child in transitioning to independent living. 263.306(a-1)(5)(G)
- ❑ Whether the child has regular, ongoing opportunities to engage in normal, age-appropriate activities. 263.306(c)
- ❑ If the permanency goal is another planned permanent living arrangement. (263.306(a-1)(5)(H))
  - Ask the child whether another planned permanent living arrangement is the best permanency plan for the child
  - Provide compelling reasons why it continues to not be in the best interest of the child to:
    - return home;
    - be placed for adoption;
    - be placed with a legal guardian; or
    - be placed with a fit and willing relative;
  - Whether the department has conducted an independent living skills assessment
  - Whether the department has addressed the goals identified in the child's permanency plan, including the child's housing plan, and the results of the independent living skills assessment;
  - If the youth is 16 years of age or older, whether there is evidence that the department has provided the youth with the documents and information listed in Section 264.121(e) or (e-1)