COURT PROCESS

Occurs within 48 hours of a child being removed from their home. The judge decides if there is enough evidence to demonstrate probable cause and urgent and immediate risk of harm. CASA CAN BE
APPOINTED AT ANYTIME
DURING A CASE.

The time frame on this hearing is within 30 days of the First Appearance. It is at this hearing where it is decided if the parent or caregiver will plead guilty, or wishes to have an adjudicatory hearing.

This takes place within 30 days of adjudication. At disposition, the judge determines what should happen to the child, depending on the child's best interests, now that abuse or neglect has been decided. Disposition addresses such matters as placement, needed services, guardianship, and permanency planning. Permanency goals are set here.

This occurs at least 9 months – 1 year after adjudication. This hearing is to determine whether or not the parent(s) have corrected the conditions of why the children were brought into foster care. The State must show, by clear and convincing evidence, that the parent has not fixed what was wrong even with the help of the various agencies, and is therefore not fit to be a parent to the child (ren) in question.

Shelter Care Hearing

First Appearance

Appearance of Counsel

Adjudication Hearing Dispositional Hearing

Permanency Review Termination Hearing Best Interest Hearing

The time frame for this hearing is within 30 days of the Shelter Care Hearing. The parties involved – i.e., parents, Assistant State's Attorney – appear before the judge to determine if the parents have legal counsel, if they desire representation, or if there is a need for a public defender.

This usually occurs within 90 days of the Shelter Care Hearing. At this hearing, the judge is presented with the facts and circumstances surrounding the child's removal from the home. The judge may find that the facts outlined in the petition do not amount to abuse or neglect. If so, the judge dismisses the petition. If the judge finds that the facts in the petition do allege abuse or neglect, then the judge has to determine whether there was sufficient evidence to deem the child adjudicated and the date is set for the Dispositional Hearing. Otherwise, the petition is dismissed and the child is returned to the parents.

CASA always writes a report for these hearings. The initial permanency hearing must occur within 12 months of the initial removal of the child (ren), and must be at least every six months thereafter. At the permanency hearing, the judge must make a decision about the permanency plan for the child: reunification with a parent, termination of parental rights and adoption, or custody and guardianship to a relative or other suitable person. The judge also evaluates the efforts made by the agencies to implement the permanency plan for the child.

Once the Court has found a parent unfit, the Best Interest Hearing is held. It can occur immediately after the Fitness (Termination) Hearing, but usually occurs within 30 days after hearing. The Best Interest Hearing considers only the child's best interest – i.e.. what is best for the child? Should the parents' rights be terminated or not, from the point of view of what is best for the child (ren). This hearing also discusses the foster home and whether the child is placed in an adoptive placement or not.