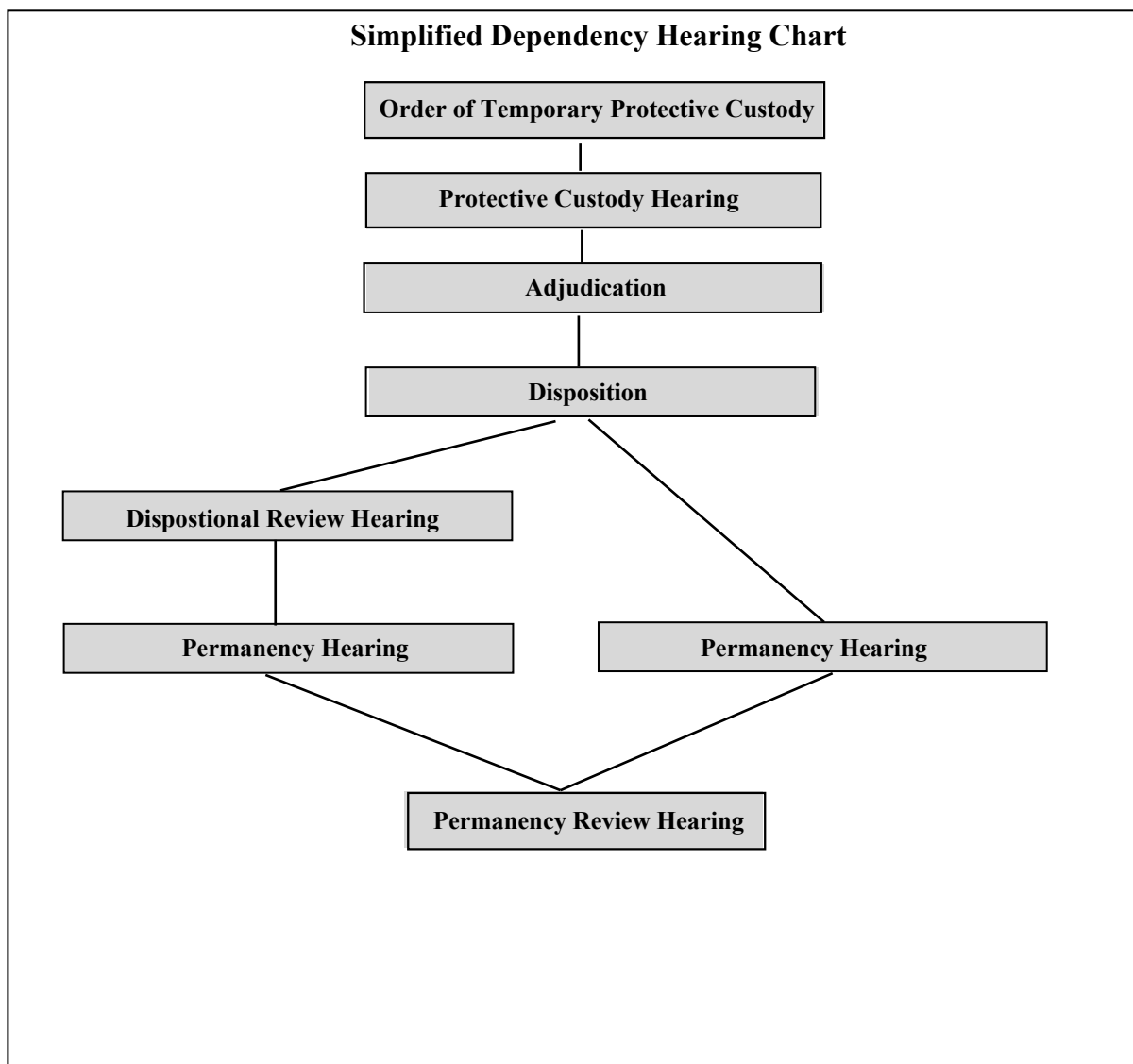


# The Juvenile Dependency Court Process

The Juvenile Office's filing of a petition for protective custody starts the process of court involvement. It is the judge's job to:

- 1) Determine if the child is safe in the home or whether the child should be removed until pending more information,
- 2) Determine whether the child is abused or neglected under the law,
- 3) Determine what should be done to help make the home safe, and
- 4) Determine when, and if, the child gets to return home or should live somewhere else, or even be adopted by a different family.

To do this, the court relies on information gathered from many sources, including the Children's Division caseworker, the attorneys, and from the CASA volunteer. The judge receives this information at different hearings.



## **A. The Court Process**

### **1. Order for Temporary Protective Custody (24 Hour Hearing)**

Physicians, law enforcement, juvenile officers, and court orders may bring children into protective custody. Within 24 hours of a child being brought into protective custody a judge must determine, in accordance with the best interest of the child, whether probable cause exists to believe (1) the child is without proper care, custody or support, and (2) conditions requiring protective custody continue to exist. The juvenile office files an order of protective custody; no formal hearing is required. The court will appoint a guardian ad litem (GAL) simultaneously to ordering protective custody.

### **2. Protective Custody Hearing (aka PC Hearing or 72-Hour Hearing)**

Held within three business days of a child being taken into protective custody. All parties to the case should be present at this hearing. The judge will, again, determine if it necessary for the child to remain out of the custody of the child's parents, guardian or custodian. Ideally, a CASA volunteer will be appointed at this hearing.

### **3. Adjudication Hearing**

Held within 60 days of a child being taken into judicial custody. The purpose is to determine if the parent/caregiver is going to admit to the allegations causing the removal of the child or if they will contest the allegations which would result in a trial.

### **4. Dispositional Hearing**

Held within in 90-120 days of a child entering protective custody. This is the hearing where the judge decides what is going to happen. The judge will determine:

1. The legal and physical custody of the child; and
2. Whether CD is required to engage in reasonable efforts to reunify the child and family and, if so, the reasonable efforts necessary to effect reunification.

### **5. Dispositional Review Hearing**

Held every 90-120 days following disposition. This is a hearing to review if the child can be safely returned home:

1. Have the conditions or circumstances that required the child to be in an out-of-home placement been corrected?
2. What is the risk of harm or neglect to the child in the home?
3. Can a parent, guardian, or custodian appropriately care for and protect the child?

### **6. Permanency Hearing**

Must be held within 12 months of a child coming into protective custody and must be held annually thereafter OR within 30 days of the court determining CD is not required to make reasonable efforts to reunify the family. The court will determine:

1. Whether CD has made reasonable efforts to finalize the permanency plan\* currently in effect;
2. Whether to maintain or change the permanency plan



## **7. Permanency Review Hearing**

Must be held within six months of a Permanency Hearing and at least every 6 months thereafter until the case has been officially closed. The court will determine if the permanency plan selected remains appropriate for the child.

### **Frequency of Hearings:**

The frequency your assigned child's case will be heard in court depends on numerous factors, but as a general rule, court hearings will be more frequent at the beginning of the case and less frequent as the case progresses. You can expect a court hearing, on average, every three months or so.

