



# MAKING THE MOST OUT OF THE INITIAL REVIEW HEARING

## MD CANI: THE FIRST 75 DAYS

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES AND  
GEORGIA SUPREME COURT COMMITTEE ON JUSTICE FOR CHILDREN



2022

# LEARNING OBJECTIVES

- Understand how to prepare for and conduct effective review hearings
- Discuss best practice strategies for improving review hearings



# BEFORE THE HEARING

- Review relevant documents
- Reflect on decision-making process to guard against institutional bias
- Determine whether there are any related matters in juvenile or other courts
- Determine who must be present

# CONDUCTING THE HEARING

- Open the Hearing
  - Identify persons present and explain purpose of hearing
- Engage parents, children, relatives and foster parents
- Due Process Considerations
  - Identification of Parents and Guardians
  - Notice
  - Representation (Present and prepared?)
  - Competency and Understanding
  - Applicability of other Federal Laws and Legislation

# PROCEDURAL ISSUES AND PARAMOUNT CONCERN

- What cases?
  - All children in DFCS custody.
- Time Frame?
  - 75 days following removal
- By whom?
  - The court.
- Paramount concern?
  - Child's health and safety

:

# OVERALL TASKS

- Approve the completion of the relative search
- Schedule the subsequent four-month review to be conducted by the court or a judicial citizen review panel
- Conduct the review



# KEY FINDINGS

## DEPENDENCY AND PERMANENCY GOAL

- Whether a child adjudicated as a dependent child continues to be a dependent child.
- Whether the existing case plan is still the best case plan for such child and his or her family and whether any changes need to be made to the case plan, including whether a concurrent case plan for nonreunification is appropriate.

# KEY DECISIONS – COMPLIANCE AND PROGRESS

- The extent of compliance with the case plan by all participants
- Whether appropriate progress is being made on the permanency plan





# KEY DECISIONS – CONTINUED PLACEMENT

- The appropriateness of any recommended changes to such child's placement;



# KEY DECISIONS – GLOBAL COMPLIANCE WITH LAWS

- Whether all legally required services are being provided to a child adjudicated as a dependent child, his or her foster parents if there are foster parents, and his or her parent, guardian, or legal custodian.



# KEY DECISIONS - FAMILY TIME

- Whether visitation is appropriate and, if so, approve and establish a reasonable visitation schedule consistent with the age and developmental needs of a child adjudicated as a dependent child.



# KEY DECISIONS – TRANSITION OF OLDER YOUTH

- Whether, for a child adjudicated as a dependent child who is 14 years of age or older, the services needed to assist such child to make a transition from foster care to independent living are being provided.



# KEY DECISIONS – REASONABLE EFFORTS

- Whether reasonable efforts continue to be made to prevent or eliminate the necessity of such child's removal from his or her home and to reunify the family after removal of a child adjudicated as a dependent child, unless reasonable efforts were not required.

# KEY DECISIONS – IMPORTANT LOOSE ENDS

- If at any review subsequent to the initial 75 day review the court finds that there is a lack of substantial progress towards completion of the case plan, the court shall order DFCS to develop a case plan for nonreunification or a concurrent case plan contemplating nonreunification.
- Special provisions for the review with respect to a child who remains placed in a qualified residential treatment program, :.
- DFCS shall notify the court whether and when it intends to proceed with the termination of parental rights.
- Clarifying language relative to hearsay evidence...any evidence that the court finds to be relevant, reliable, and necessary.

# SUBSEQUENT REVIEW HEARINGS

An additional periodic review shall be held within four months following the initial review and shall be conducted by the court or by judicial citizen review panels established by the court, as the court directs, meeting such standards and using such procedures as are established by court rule by the Supreme Court, with the advice and consent of the Council of Juvenile Court Judges. The court shall have the discretion to schedule any subsequent review hearings as necessary.



# NEXT STEPS

For the Agency  
For the other parties  
For the attorneys

For the CASA/GAL  
For the Court  
For anyone else





# QUESTIONS, PUSHBACK OR AFFIRMATIONS?

