

## CHECKLIST FOR ABUSE AND NEGLECT SHELTER CARE AND INTIAL APPEARANCE

CASE NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_

### INITIAL MATTERS

- ☐ A Petition alleging abuse or neglect was filed.
- ☐ For shelter care, the hearing is held within 48 hours of removal.
- ☐ Both parents of the child are identified. If a parent is not present, the prosecutor is directed to serve the parent immediately.
- ☐ A Guardian ad Litem is appointed.

### ADVISAL AND PROCESS

- ☐ Confidentiality of case
- ☐ Contempt sanctions – 90 days/\$500 fine
- ☐ Advisement of rights:
  - ☐ The contents of the petition and the nature of the allegations;
  - ☐ Each parent's right to counsel;
  - ☐ The right to confront and cross-examine witnesses or to present witnesses and evidence in their own behalf using subpoena authority of court;
  - ☐ The right to a jury trial, demand within 10 days;
  - ☐ The right to appeal;
  - ☐ The state's obligation to file a petition to terminate parental rights when a child has been placed in foster care under the responsibility of the state for 15 or the most recent 22 months;
- ☐ Inquire into ICWA;
- ☐ At an initial appearance, the possible liability for costs of treatment or services;
- ☐ Inform parents of central registry proceedings if appropriate.
- ☐ Parties are asked whether they would like an attorney.
  - Party 1: \_\_\_\_\_ Attorney Requested: ☐ Yes ☐ No
  - Party 2: \_\_\_\_\_ Attorney Requested: ☐ Yes ☐ No
- ☐ Evidence regarding the need for continued shelter care is taken.
  - Shelter Care continued: ☐ Yes ☐ No Clear and convincing evidence: \_\_\_\_\_

Notes

Next Hearing Date: \_\_\_\_\_

- ☐ Findings
  - ☐ Placement in the home ☐ **is** ☐ **is not** contrary to welfare of child, and is in child's best interest
  - ☐ Reasonable efforts to prevent removal were made OR reasonable efforts not possible due to emergent nature of situation
  - ☐ \_\_\_\_\_
- ☐ Additional terms and conditions are considered, including:
  - ☐ Potential family and kinship placements have been identified;
  - ☐ Conditions upon which the child can be returned to the home have been identified.
  - ☐ Additional terms and conditions ordered: \_\_\_\_\_

- ☐ Appoint MDT, order PDR and case plan started.