

## REVIEW HEARING SHORT CHECKLIST

### I. Preliminary Procedures

#### A. Persons present/absent

1. Child's presence and participation
2. Adequate notice to parties and participants – identify
3. Any new persons identified or contacted?
4. ICWA – notice to tribe?

#### B. Reports received

1. Identify by author and date
2. Confirm that all parties received copies or resolve
3. Confirm out-of-home placement (OHP) days

#### C. Conduct hearing in informal manner

1. Relevant reliable hearsay and opinion evidence admissible – Rule 41.04 RJPP
2. Privileged communications – see M.S.A. 626.558, Subdivision 8

### II. Disposition Review Procedures – Rule 41.06 RJPP

#### A. Legal custody to social services agency – review at least every 90 days – OHP necessary and appropriate or return child home

#### B. OHP review shall include:

1. Is OHP relevant to safety and best interests of child?
2. Reasonable/active efforts to implement OHP plan
3. Progress to alleviate cause of OHP
4. Visitation with child
5. Are child's services appropriate?
6. Siblings issues
  - a. Reside together or
  - b. Efforts to place together; and
  - c. Visitation between siblings
7. Alternative placements
  - a. Was relative search adequate under 260C.212, Subdivision 5?
  - b. ICWA – are placement preferences met under 25 U.S.C. § 1915?
8. Concurrent planning placement – efforts of agency
9. Permanency timelines – specific dates identified

#### C. Protective supervision of child in home – review at least every six months

#### D. Protective supervision review shall include:

1. Case plan served and filed?
2. Plan still relevant to safety and best interests of child?
3. Agency efforts to implement plan?
4. Access to child by agency, GAL, attorney
5. Parent/custodian able to utilize services in plan
6. Are child services in best interests of child?
7. Are any other services appropriate?

### III. Modification of Disposition

- A. Agreement to modify in best interests of child; and**
    - 1. Change in circumstances requires modification; or
    - 2. Disposition is inappropriate
  - B. Objection to modification**
    - 1. Schedule hearing ASAP to review case plan – if substantial change shown
    - 2. Court may also order:
      - a. Relative placement if agency failed; or
      - b. No further efforts to locate relative required.
      - c. Compliance with ICWA placement preferences – 25 U.S.C. § 1915
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### IV. Review Hearing Findings and Order – See Rule 41.05 RJPP

- A. Written findings required:**
  - 1. Best interests and safety of child
  - 2. Alternative dispositions considered
  - 3. Factors supporting disposition – whether change or not
  - 4. Reasonable/active efforts to reunify the family
  - 5. If concurrent planning – reasonable/active efforts to identify and place
- B. Order one of the following – to continue or as a change**
  - 1. Protective supervision of child in the home of parent/custodian
  - 2. Transfer legal custody to agency for foster care
  - 3. Treatment and care for child if parent/custodian is unable to provide
  - 4. Independent living for child 16 years or older with appropriate supervision
- C. Additional order items**
  - 1. Visitation – approve or modify  
Parent/custodians – siblings – relatives
  - 2. Confirm or modify case plan
  - 3. Order compliance with approved plan  
Incorporate by reference or attach if modified
  - 4. Notice of permanency requirements – date for permanency hearings
  - 5. Next hearing date – more frequent review?

### V. Permanency Progress Review for Children Under 8 – M.S.A. 260C.201, Sub. 11a; Rule 42.01, Sub. 2 RJPP

- A. Required findings**
  - 1. Has parent/guardian maintained contact with the child?
  - 2. Is parent/guardian complying with the OHP Plan?
  - 3. Would child benefit from reunification?
- B. If yes, Court may either**
  - 1. Return child home if safe and in best interest; or
  - 2. Continue for up to six months
- C. If no, order agency to develop permanency plan and file a petition**