



## Permanency Pre-Hearing Conferences

Judge Randin Roland, Ceri Artzer, and J Leef

2009 Nebraska Children's Summit

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## ADR in Abuse/Neglect Cases

- Pre-Hearing Conferences at Protective Custody Hearing (first 2 weeks)
- Family Group Conferencing (all stages)
- Settlement conferences (all stages)
- TPR settlement conferences (when TPR petition is filed)
- Permanency Pre-Hearing Conferences

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## The Permanency Hearing

- Required to be held within 12 months of child entering foster care
- Not a standard review hearing
- PURPOSE: To determine what the permanency goal will be:
  - Reunification
  - Adoption
  - Guardianship
  - Independent Living

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## The Permanency Hearing

- The Court must make findings as to what reasonable efforts are being made to accomplish the permanency goal
  - I.e., if reunification is the goal, what reasonable efforts are being made to reunify the child with the parent?
- In the past, permanency hearings have been treated as review hearings only
- The parties have not submitted sufficient information to the judge in which to make a decision as to the permanency goal

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## The Permanency Pre-Hearing Conference

Brings parties together to gather information and discuss issues so that the Court has sufficient detailed information in which to make a decision as to the permanency goal

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## Permanency Pre-Hearing Conference

- Structured
- Facilitated by a neutral party
- Held prior to the permanency hearing
  - Protocol: 6-8 weeks
  - Our practice: 1 week

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### Who Attends?

- Parents and their attorneys
- Older youth
- Caseworker
- Guardians ad litem
- County attorney
- Relatives and foster parents
- Family support worker

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### The Facilitator

- Neutral party (especially important at this stage in the case)
- Understands of abuse/neglect cases
- Reviews case prior to PHC
- Manages time well
- Has good judgment and problem-solving skills
- Is able to focus on important issues and move conversation along

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### The Structure

1. Introductions and explanation of the process
2. Updates on the children
  - a. Health and educational
  - b. Current placement and behavior
  - c. Services provided, progress made and remaining issues
  - d. Sibling contact and placement

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### The Structure

- 3. Updates on the parents
  - a. Services provided, progress made and issues needing to still be addressed

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### The Structure

- 4. Discussion of Permanency Plan recommendations
  - a. Caseworker presents DHHS recommendation and why
  - b. Remaining parties discuss agreement/disagreement with DHHS recommendation

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### The Structure

- 5. Addressing Permanency Plan questions
  - a. Parties work through questions based on recommendations
  - b. If only 1 recommendation, only one set of questions

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**Example: Reunification as permanency plan recommendation**

1. How have conditions leading to removal been corrected?
2. Why is this plan in child's best interests?
3. How often is visitation occurring, where?
4. What is the date and detailed plan for children's return to home?
5. What are plans to continue necessary services to family?

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**The Structure**

6. Discussion of next steps
  - a. Clarification of info still missing or services not yet provided.
  - b. Discussion of other activities/plans to occur prior to hearing

\*\*Designate responsible person for

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**The Structure**

7. Facilitator drafts report and submits to parties.
  - a. The county attorney offers report to judge\*

\*Verify prior to ending PHC

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**How is a PPHC different than a Family Team Meeting (FTM)?**

- ❖ Neutral party leads discussion
- ❖ Set agenda with clear, specific goals
- ❖ The issue of permanency is primary focus
- ❖ Report of PPHC is drafted and submitted to court, i.e., the information is directly conveyed to the judge

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