



## **PRE-HEARING CONFERENCE PROTOCOL**

The following protocol is a flexible outline based on a determination of “best practices” and the best interests of children involved in the juvenile court system. This recommended protocol is drafted and approved by the *Through the Eyes of the Child Initiative* Protocol Development Committee.

**I. DEFINITION OF A PRE-HEARING CONFERENCE (“PHC”):** The PHC is an informal, facilitated meeting prior to appearing in court and held to gain the cooperation of the parties, to offer services and/or treatment, and to develop a problem-solving atmosphere in the best interest of the child(ren) involved in the juvenile court system.

### **II. INITIAL PROCEDURES**

- Clerk receives the juvenile petition and notifies parents, attorneys, DHHS, and facilitator of date and time of the PHC. Optional parties may be notified if deemed to be in the best interests of the child(ren).
- If there are safety issues, arrange for security to be present.
- Determine whether language interpretation or other special services are needed, and make arrangements as necessary
- A determination should be made whether the parents need separate attorneys and whether parents can be properly notified before attorneys are appointed. If a valid address or phone number for an absentee parent cannot be found, court appointment of counsel should be postponed to avoid requiring the attorney to advocate for his/her client from an unknown position.

### **III. GOALS OF CONFERENCE**

- A. To move the parties from an adversarial to cooperative role.
- B. Focus on the future, safety and best interest of the child(ren) in a climate of mutual respect.
- C. To clarify placement and visitation options, including possible relative and kinship placements.
- D. To determine if ICWA applies.
- E. Identify family needs and resources early in the case.

#### **ITEMS TO BE DISCUSSED IN CONFERENCE:**

- Placement
- Visitation
- Upfront services and/or treatment
- Allegations as they relate to services
- Safety plan

**IV. FACILITATOR:** The facilitator is a trained<sup>1</sup>, neutral party who does not serve in any capacity for any party connected with the case. The facilitator should have a basic understanding of juvenile court procedures.

**ROLE AND RESPONSIBILITY OF FACILITATOR:**

- Maintain orderly communication
- Encourage participation of all parties
- Focus discussion on relevant issues (facilitation not mediation)
- Deflect personal conflict

**TASKS OF THE FACILITATOR**

- Explanation of purpose, process and goals of conference
- Complete Attendance Sheet
- Introductions
- Clarify areas of agreement/disagreement.
- Monitor time frame
- Record, or confirm recording of, any agreements regarding placement, visitation, services, or other matters in the best interests of the child(ren)

**V. AGENDA**

1. IDENTIFY LEGAL PARENTS
  - Current address/phone
  - Paternity issues?
2. PRIOR ORDERS IN EFFECT
  - Are there prior dissolution/custody orders?
  - Are there domestic abuse or harassment protection orders?
  - Possible agreement to modify for visitation, communications, placement.
3. INDIAN CHILD WELFARE ACT (ICWA)
  - Does ICWA apply?
  - Identify the tribe
4. PLACEMENT OF CHILD
  - Current placement (Return home with safety plan)
  - Relative placement
5. VISITATION
  - Current unsupervised schedule
  - Supervised
  - Semi-Supervised
  - Possible additional visits?
  - Relative visitation
6. SERVICES FOR FAMILY
  - Any service the parents think would be helpful for their children or themselves (therapy, transportation, housing etc)
  - Relation to allegations in the petition
  - Identify possible evaluations that the parents/children would be willing to participate in

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<sup>1</sup> Best practices include a minimum of mediation training as required by N.R.S. 25-2913 and training in facilitative processes.

- Services that have already been identified that would be beneficial for the family
  - Safety plan
7. INFORMATION ABOUT THE CHILD(REN)
- Appointments Dr./ Dental
  - School needs or events
  - Medication
  - Behaviors or special needs
  - Child's favorite toy, blanket, etc

**VI. PARTICIPANTS**

**REQUIRED**

- Parents/ custodial stepparent/ guardian/ other custodian
- Attorneys
- GAL
- County Attorney
- DHHS protection and safety initial assessment worker and/or On-going case worker

**OPTIONAL**

- Children, if age appropriate
- Extended Family
- Family Friends
- DHHS Supervisor
- CASA
- Service providers or other advocates
- Law enforcement (if necessary for security)
- Foster Parents