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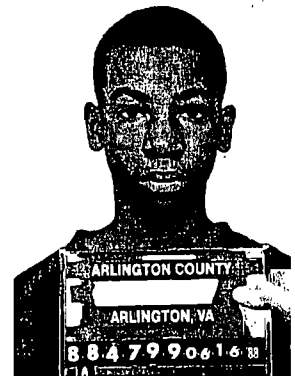
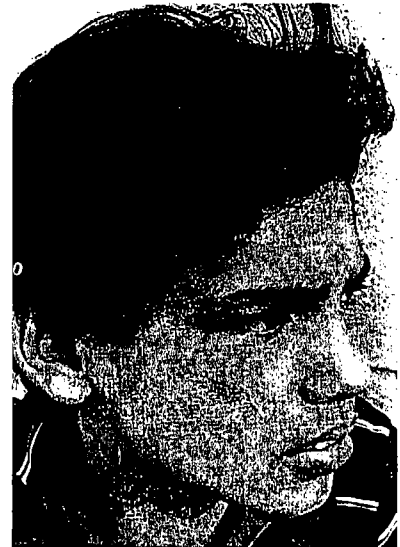
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A Call For JUSTICE

*An Assessment of Access
to Counsel and Quality
of Representation in
Delinquency Proceedings*



Mark Hardin, ABA Center on Children and the Law
Talk to National Grantees Conference,
W.K. Kellogg Foundation Families for Kids Initiative
December 4, 1995
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BUILDING COURTS THAT WORK IN CHILD PROTECTION CASES

I. INTRODUCTION

In the next few minutes, I am going to briefly cover four things:

First, I'll explain why it is very difficult for courts to do a good job in child abuse and neglect cases.

Second, I'll explain what is so special about the court in Grand Rapids -- and a few things that are special about the child welfare agency.

Third, I will give you some specifics about how your court is probably different than Grand Rapids Court.

Fourth, I will offer a few ideas about how to get your community where they are.

By the way, when I refer to juvenile courts or juvenile judges, I am referring to those courts and judges to here child abuse and neglect and foster care cases, whatever they are called in your state.

II. WHY IT IS DIFFICULT FOR COURTS TO DO A GOOD JOB IN CHILD ABUSE AND NEGLECT CASES

Now, before I launch into why it is difficult for courts to perform well in child abuse and neglect cases, I would like to know how many of you have already seen my charts and graphs that illustrate the new demands on court systems?

[IF NOT SKIP OVER QUICKLY]

In the last fifteen years or so, the pressures on judges handling child welfare cases has been building up.

While the numbers of juvenile court judges has stayed more or less the same in most places, demands on judges in child maltreatment cases have exploded.

As far as we can tell, the number of new abuse and neglect petitions roughly doubled from about 1985 to 1993.

Increases in termination of parental rights cases were similar.

But the numbers of cases is just the tip of the iceberg.

If the problem was only that the numbers of cases per judge had sharply increased, that would be a real problem in itself.

What has really dramatically increased are other demands upon the courts.

What are these other demands?

They are new duties imposed by state legislatures and the Congress.

These new duties have arisen from the concept of permanency planning for foster children.

Back in the mid 1970's, basically, all that juvenile and family courts were expected to do in cases involving abused and neglected children was to decide whether the children needed to be removed from home for their own safety.

Just that one decision was usually enough and the court was done.

But in the late 1970's, we began to focus on permanency planning.

We would no longer accept children were being moved from foster home to foster home and growing up without stable family ties.

As you know, the concept of permanency planning was soon reflected in state and federal legislation, especially the federal Adoption Assistance and Child Welfare Act, P. L. 96-272.

Under these laws, to help achieve permanency for foster children, courts were assigned many new functions:

- . to make sure that there were proper plans for children,
- . to oversee case progress, and
- . to make sure that foster children would have a legally secure permanent placement before too much time passed.

The first chart illustrates the expansion of court functions in foster care cases -- that, is the many new issues that the courts had to decide.

[ALLOW THEM TO LOOK]

In deciding all of these issues, many more court hearings were required.

It wasn't enough -- as was typical in the mid 70s -- just to have one single combined adjudication and disposition hearing

This was a single hearing where the judge would decide both whether the child was abused and neglected and, if so, who will get custody.

In many states, courts are expected to hold emergency placement hearings, pretrial conferences, hearings to rule on case plans, periodic court reviews, permanency planning hearings, termination of parental rights hearings, and others.

The second chart illustrates this change.

[ALLOW THEM TO LOOK]

At the same time, more persons are involved in foster care litigation -- more attorneys and more parties.

The third chart illustrates this.

[ALLOW THEM TO LOOK]

And if all this were not enough, many of the cases themselves are more challenging -- seriously drug exposed children, more severe neglect, and maltreated children who are also handicapped.

Of course, we needed many more judges to meet these new demands and to handle the increased numbers of cases.

Unfortunately, as I explained before, judicial caseloads have not kept up.

The fourth chart how judicial caseloads have often actually deteriorated in the face of these escalating demands.

[ALLOW THEM TO LOOK]

So, to sum up, the courts find themselves in a vise -- more cases per judge, harder cases, and far more hearings and functions per cases.

Why is it important to be aware of these recent trends?

These trends explain much about why trial courts are handling child abuse and neglect

cases the way that they are.

Our juvenile courts are not the way they are today by design.

Rather, we have arrived at our current situation through a lack of judicial planning and design.

Foster care reformers envisioned the courts as bulwarks against foster care drift.

Obviously, they did not picture our current system.

The authors of the federal Adoption Assistance and Child Welfare Act did not picture judicial 18 month permanency planning hearings lasting five minutes each.

They did not picture caseworkers spending hours in the hallways of juvenile courts, waiting for five minute hearings to begin.

They did not picture years passing by between the first initiation of court proceedings and the termination of parental rights.

... Instead, they expected the courts to make thoughtful, timely, and decisive decisions concerning each child's situation.

When I visit juvenile and family courts, I see attorneys and judges around the country who are working hard to try to make correct and timely decisions under difficult conditions.

But the escalating demands upon courts, together with the lack of needed resources, make it impossible really to fulfill foster care reforms as they were intended.

The new demands are straining many courts because court systems have not made corrections in staffing and resources and have not adopted new procedures to help them meet the escalating demands.

This is a key reason why many courts are inclined to cut corners, such as conducting perfunctory periodic reviews, granting repeated continuances, making caseworkers wait around, and delaying and delaying decisions.

So we need to improve the conditions that judges and attorneys work under while we reform the way that they operate.

III. WHAT IS SPECIAL ABOUT THE KENT COUNTY JUVENILE COURT

Yet there are courts that have surmounted these problems.

In the Kent County Juvenile Court in Grand Rapids, Michigan, we have a court that has not had to cut corners.

It conducts thorough review hearings.

It does not grant frequent or long continuances.

It does not make caseworkers, parents, and witnesses sit around for hours waiting for hearings.

It makes final case decisions before too much time has passed.

A. How I Became Interested in Studying the Kent County Juvenile Court

Before I go into detail about how the court works in Grand Rapids, I would like to explain how I came to study that court in the first place.

A number of years ago, Ron Apol and I got to talking at a conference in which we were both speakers.

Ron told me some impressive things about Kent County Juvenile Court.

Here is what he told me:

He mentioned that they had a strong program of intensive in-home services to families to prevent needless placement of children in foster care.

He said that for children in foster care who couldn't be returned home, it took a relatively very short time from the point that a child entered foster care until the point that the child was freed and then placed for adoption.

Repeat: Not much time was passing from the time that children went into foster care until either they were returned home or parental rights were terminated.

But here was something even more interesting: He said that in Kent County over half of the cases in which children had to be placed into foster care ended up with the termination of parental rights.

Here is why found this so impressive and interesting.

I have long believed that a large percentage of children who really must be placed in foster care should not be returned home, but should be placed in new permanent families.

I am not saying that I don't believe in family preservation -- far from it.

I am saying that most family preservation efforts should happen when the child is still in the home.

That is the best time to help.

But if we really provide the best family preservation efforts and that can't help the child to stay at home, then there is a strong chance the child won't be able to safely return home in the near future either.

So what Ron was describing to me in Grand Rapids seemed to be a system working how I thought it should work.

The agency was working very hard to keep children at home.

It was removing children only when the abuse or neglect was serious and there was no safe way to keep families together.

After removal, except in hopeless cases, they would still work with the family.

But they had a speedy process for coming to a conclusion and finding a new family when reunification didn't work out.

And they didn't shrink from freeing the child for adoption if needed.

So what Ron was describing was a combination of really trying to help preserve families, but decisive action when such efforts did not succeed.

It was clear that what he was describing involved both a well functioning court and a well functioning agency.

These kinds of results are just not possible without both.

Well anyway, I kept that information filed away in my mind and felt that some time I should study and describe that court.

Meanwhile, we were working on a nationwide court reform effort.

We were working on proposed federal legislation to help courts improve.

Working in cooperation with the National Council for Juvenile and Family Court Judges, we were developing standards for juvenile courts.

When I finally got the opportunity to study Grand Rapids, I did it for two specific purposes:

First, I wanted to study how it works in order to use that knowledge to develop national

standards.

And that happened: I put the knowledge I gained from studying Grand Rapids into the Resource Guidelines of the National Council of Juvenile and Family Court Judges, which I helped write.

[I understand that] copies of the Resource Guidelines are being distributed at this conference.

Second, I wanted to provide a model for other courts just as they are in the midst of court improvement efforts.

I had already done a similar description of the court in Cincinnati, Ohio, in a book called "One Court That Works."

The book on that is being distributed at this conference is being released just as the state court systems throughout the United States are about to develop plans for improvement.

B. Some Special Attributes of the Court in Grand Rapids

When Ted Rubin (a noted authority on juvenile courts) and I visited and studied Grand Rapids, we were not disappointed with what we observed.

We found all of the ingredients of a high functioning court.

Here are some of the things that we found:

- (1) a court that made decisions in good time,
- (2) precise scheduling of each court hearing,
- (3) judges who had enough time to give proper attention to their cases,
- (4) judges who could keep the same case from start to finish,
- (5) judges and attorneys who know a great deal about child abuse and neglect cases,
- (6) collaboration and joint planning with other organizations.

1. Speedy Decision-Making

About the speediness of judicial decisions:

There should be strict time schedules for the completion of all stages of court proceedings, including shelter care, trial, reviews, and the termination of parental rights.

In Grand Rapids, the average time from removal of a child from home to the completion of the termination of parental rights was 15 months.

[REPEAT]

Caseworkers and attorneys who practice in other courts are very surprised to hear this statistic.

Tragically, other courts generally take two, three, or four times as long as Kent County to reach that decision.

How does Kent County achieve such timely decisions?

This court has strict time schedules for each stage of the case -- and measures the timeliness of its hearings.

Michigan has strict laws and court rules for when each of the steps of the court process is supposed to happen and this court enforces them.

For example:

A shelter care hearing takes place within 24 hours of an emergency foster placement.

Disposition happens within 42 days from the time the case is filed.

A review hearing is held once every three months.

And here is a key: a permanency planning hearing is held within a year of the child's placement, and at that time, either the child must be returned home or termination proceedings must be filed within six weeks.

Here is another key: the termination case must be decided within six weeks after the petition for termination is filed.

The court does not allow continuances (cancelled court dates) except when strictly necessary, and then only for a week or two.

So what you have is a situation where the court operates under a comprehensive set of tight deadlines and it is very strict about granting exceptions to those deadlines.

There is something else that I need to mention:

The child welfare agency (the Department of Social Services) provides on time services.

As I said earlier, before the case comes to court, its efforts to help the family are usually well under way, and this makes it possible easier to determine earlier whether the child can go home.

Further, there are not major delays in delivering services after the child goes into foster care.

In many other courts, delays in drug or alcohol treatment, counselling, and so forth make it very hard for judges to free children for adoption.

If the agency has not yet tried to help the parents, judges are often unable to decide whether the child will be able to safely be returned home.

So if you are going to have tough one year permanency planning hearings where the judge can make a real decision, it really helps to squeeze out delays in providing services.

Finally, in Grand Rapids, they are always measuring the speediness of their decisions for children.

With the help of DSS' computers, they can identify the cases that seem to be the most stuck.

They can compare the speediness of decisions by different judges.

They continuously see how speedily, overall, they are making decisions.

This spotlight really helps cases to move ahead.

2. Scheduling Cases

Another thing that they do very well in the Kent County Juvenile Court is scheduling cases.

While hearings cannot last exactly the length of time for which they are scheduled, some courts are far better than others about making people wait.

In Grand Rapids, each and every hearing is set for a specific time and the vast majority actually start at or near that time.

By comparison, in many other courts, caseworkers needlessly sit around for hours waiting for hearings.

The first thing that Ted Rubin noticed when we entered the court house was a sign on the receptionist's desk.

It said: "If you have been waiting more than 15 minutes, please come up to the desk and

bring it to our attention."

That is the court's attitude and what waiting for hearings is like there.

Court waiting time can be incredibly costly for agencies, witnesses, and others who come before the court.

The book *How to Work With Your Court* shows you how to calculate and document the costs of making agency caseworkers waiting for court hearings.

(SHOW THE BOOK)

Showing the costs to agencies of court waiting time, is one of the ways of showing the cost effectiveness of court reform.

The other is showing how reducing delays in decision-making will reduce children's length of stay, and therefore the cost, of foster care.

3. Judicial Caseloads

How is it that the Kent County Court has tight timetables for hearings and hearings that proceed on schedule each day.

Part of it is good organization.

But another factor is reasonable judicial caseloads.

In Grand Rapids, each full time judge gets about 180 new abuse and neglect cases per year.

This allows the hearings to be scheduled for an early date, hearings to begin on time, and hearings to be completed after they have begun.

In other courts, when you have judges who have to handle too many cases, that is part of the reason why you have to wait months and month for hearings.

When judges have too many cases, cases keep being continued.

When the judges have too many cases, hearings can't be kept on schedule and why people are waiting for hours in the hall ways.

High caseloads also degrade the quality of the hearings.

Where judges have too many cases that they have fallen into bad habits like scheduling 50 hearings for one afternoon.

On the other hand, if you improve judicial caseloads, there can be a lot of bad judicial habits to break.

So, while caseloads aren't a panacea, they need to be focused on as a source of difficulties.

The chart showed you how out of whack judicial caseloads are.

To really be able to perform functions given to the courts, judges' caseloads need to come way down in many courts.

By the way, this is highly cost effective if it can shorten children's length of stay in foster care.

There need to be scientific caseload standards for judges, based upon how many cases judges can handle properly, without delays and without making caseworkers wait around.

To create new caseload standards, we need to make comparisons and conduct studies.

The legal community has a lot to learn from the use of caseload standards for child welfare caseworkers.

Agencies haven't always succeeded in meeting the standards of the Child Welfare League of American or the American Humane Association, but the existence of the standards have been a real spur toward improvement.

Now in rural areas where there are non specialized courts, the issue isn't entirely caseloads, but also how much time is set aside for our cases.

It isn't unusual for attorneys to be able to get an afternoon to squabble about how the furniture will be distribute or to assess blame for a minor care accident, but our cases -- actually involving just as much money -- get five minutes.

This happens because the private bar doesn't demand the time in our cases -- so we have to see that someone does.

4. Individual Judicial Calendars

Another thing that added to the speediness and quality of court decisions in Kent County was the fact that the same judge would keep the case virtually from beginning to end.

Having the same judge retain a case is sometimes called having individual judicial calendars.

This is very important.

With individual calendars where the case keeps coming back to the same judge:

- The judge feels more personal control, responsibility, and ownership of each case.
- The family and judge get to know each other better.
- The parents and agency can't keep recycling the same excuses or arguments every time they appear in court.
- The judge can grasp what is happening far better at each hearing.
- Because the judge knows the case better and has been personally involved in the earlier decisions, the judge will be more decisive.

When you don't have individual calendars -- when the same case goes to a different judge every time -- you can imagine how effective and penetrating are the judicial review hearings.

Imagine a judge seeing the case for the first time and then having 5 minutes for a review.

5. Specialized Practitioners Who are Experts in Child Abuse and Neglect Cases

Another factor in the success of the Kent County Juvenile Court that I want to mention is the quality of the judges and attorneys.

In Grand Rapids, all of the judges spend a substantial amount of their time on these cases.

They also meet regularly among themselves, with others in the community, and participate in training.

They were selected for their knowledge of family and juvenile law.

Attorneys must receive training and are required to first assist an experienced attorney on a child abuse case before being permitted to handle a case on their own.

To ensure proper judicial specialization and expertise we at the ABA strongly favor specialized family courts.

But I can tell you that that alone is not enough.

In some family courts, they still give to the youngest and most inexperienced judges the child abuse and neglect cases.

That is exactly backward -- child abuse and neglect cases are the hardest family cases and should go to senior judges.

If you combine this practice with a system where the same judge doesn't hear all stages of the case, a family court isn't much of an improvement.

In Kent County, they have specialized judges who get regular training and keep the case from beginning to end.



6. Collaboration and Joint Planning with Other Organizations

A final really outstanding characteristic about the Kent County Court is its high level of collaboration and joint planning with other organizations.

The court meets regularly with Department of Social Services administrators, private agency administrators, and many other agencies in the community.

This educates the court, educates the other agencies, and helps to work out issues of mutual concern.

What the court does not and cannot do is to discuss individual cases in these meetings.

This would be unethical -- judges and court employees are not allowed to discuss the substance of a case unless both sides have been notified and have the opportunity to be present.

But what the court can do and does is discuss recurring issues and problems.

Among other things, at these meeting, judges discuss the performance of agency staff in court.

Agencies describe how court operations and procedures affect them.

There are many, many, more examples of what happens at these meetings, and perhaps other speakers in this panel will share some of them with you.

IV. HOW TO HELP YOUR COURT BECOME MORE LIKE THAT OF KENT COUNTY

There are things that you can do to help improve your own courts.

First, you should be aware of the statewide court improvement projects underway.

These exist in every state except Wyoming, Idaho, and Pennsylvania -- and I believe Pennsylvania is about to begin.

State court systems are in the process of conducting self evaluations of how they are handling child abuse and neglect cases.

You can participate in several ways, depending how far they are along in the study.

While these projects are under the control of the courts, most of the courts are fairly open to the participation and help of others.

Here are some ways to assist the courts:

- Perhaps you can offer to assist with the assessments.

For example, you might help by conducting gathering information, you might help distribute questionnaires, or you might help publicize the project.

- You can also provide suggestions concerning the plan for improvement at the end of the assessment process.

You want to be sure that the court is focused on the most critical problems.

You want to encourage the court to aim high -- to work toward major rather than superficial improvements as some might be inclined to do.

Use the Resource Guidelines as a tool: ask the courts to do things that are called for in the Resource Guidelines.

Check their plan against what is proposed in the Resource Guidelines.

If you recommend something to be added to the plan, point out that it is recommended by the Resource Guidelines.

Remember, the Resource Guidelines has been endorsed by the ABA, the National Conference of Chief Justices, and the National Council of Juvenile and Family Court Judges.

- After self-improvement plans are developed, you can lend crucial backing for the plans.

For example, if the court's plan calls for more judicial staffing and for better legal representation, your support may be critical in the state legislature or before the county commissioners.

Generally speaking, the courts need your help if they are really going for major improvements.

- After self-improvement plans are developed, you may be able to offer help in the actual implementation of court improvement.

For example, you might help in the development of videos to explain the legal process in child abuse and neglect cases to parents and children.

But, if you are going to help the court get additional resources, it is reasonable to expect the court

to spell out exactly how those resources will be used.

- If you are going to help them get more judges, the court should commit itself to put all of the new judges entirely to work on child abuse and neglect cases.

In many places, local governments control part of the budgets of courts.

If you are going to fight for additional resources for your court and the court views your help as critical, it is reasonable for you to ask the court exactly what reforms it plans if the resources are forthcoming.

Hopefully, with better resources, your court will agree to such reforms as individual calendars, tighter deadlines for hearings, better training, etc.

IMPROVING THE COURT PROCESS IN CHILD PROTECTION CASES

- I. COMBATING DELAYS: STRENGTHENING JUDICIAL CASEFLOW MANAGEMENT
 - A. Need for Judicial Caseflow Management
 - B. Time Standards in Child Protection Proceedings
 - C. Active Involvement of the Court in Eliminating Needless Delays and Ensuring Firm Trial Dates
 - D. Strict Policies on Continuances
 - E. Waiting Time
 - F. Information Systems
- II. PERMANENCY PLANNING HEARINGS THAT WORK
- III. IMPROVING JUDICIAL STAFFING AND RESOURCES
 - A. Setting Judicial Caseload and Staffing Standards for Child Protection Cases
 - B. Judicial Assignments for Child Protection Cases
 - 1. Judicial Qualifications and Training
 - 2. Judicial Rotation and Calendaring
 - C. Legal Representation for the Parties
 - 1. Legal Representation of Child Welfare Agencies
 - 2. Attorneys for Parents
 - a. Management of Attorney Appointment Lists
 - b. Contracts for Legal Representation of Parties
- III. IMPROVING THE COURT PROCESS
 - A. Efficiency and Procedural Fairness
 - 1. Prompt Appointment of Counsel
 - 2. Notice to Parents and Attendance at Hearings
 - 3. Meetings in Advance of Court Hearings
 - 4. Judicial Findings
 - B. Conclusion

Mark Hardin, ABA Center on Children and the Law

**TIME STANDARDS FOR CHILD PROTECTION
LITIGATION: (ADAPTED FROM *RESOURCE
GUIDELINES*)**

REMOVAL THROUGH PERMANENCY PLANNING HEARING
(Times are measured from the removal of
the child, not the previous hearing.)

Removal	Temporary Removal	Adjudication
	(3 days)	(60 days)
Disposition	Review	Permanency Planning
(90 days)	(6 months or less, depending on case)	(1 year)

Mark Hardin, ABA Center on Children and the Law

**FILING OF TERMINATION PETITION THROUGH FIRST
POST-TERMINATION REVIEW HEARING
(Times are measured from the most recent hearing.)**

Petition	Pretrial	Second Pretrial (if needed*)	Trial	Adoption Plan	Review
	(30 days after filing)	(judge sets time based estimate of time needed to complete service)	(60 days after pretrial)	(30 days after TPR is final)	(6 months after TPR is final)

*A second pretrial hearing is needed only if service of process has not been completed at the first pretrial hearing.

UNITED STATES CODE ANNOTATED
TITLE 42. THE PUBLIC HEALTH AND WELFARE

§675. Definitions

As used in this part or part B of this subchapter:

* * *

(5) The term "case review system" means a procedure for assuring that--

(C) with respect to each such child, procedural safeguards will be applied, among other things, to assure each child in foster care under the supervision of the State of a dispositional hearing to be held, in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than eighteen months after the original placement (and not less frequently than every 12 months thereafter during the continuation of foster care), *which hearing shall determine the future status of the child (including, but not limited to, whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should (because of the child's special needs or circumstances) be continued in foster care on a permanent or long-term basis)* and, in the case of a child described in subparagraph (A)(ii), whether the out-of-State placement continues to be appropriate and in the best interests of the child, and, in the case of a child who has attained age 16, the services needed to assist the child to make the transition from foster care to independent living; and procedural safeguards shall also be applied with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents; and

* * *

ESSENTIAL ELEMENTS OF PREDISPOSITION COURT REPORTS

A proposed case plan, including:

- A statement of what parental improvements are needed;
- What services are going to be provided to the parents to help them improve;
- What actions the parents need to take; and
- A timetable for both the agency and parents.

Further recommendations and information, including:

- If the child is to be removed from home, the agency's efforts to prevent the need for placement;
- If the child is to be removed from home, any in-home services that have been considered and why they do not provide sufficient protection for the child;
- The location and type of placement for the child, including possible placement with relatives;
- Proposed arrangements for visitation;
- Placement of the child's siblings and, if they are to be apart, arrangements for visitation; and
- Proposed child support.

DISPOSITIONAL FINDINGS BY THE COURT

An approved case plan, including:

- A statement of what parental improvements are needed;
- What services are going to be provided to the parents to help them improve;
- What actions the parents are to take; and
- A timetable for both the agency and parents.

Further determinations, including:

- Custody of the child, and whether out of home placement is authorized;
- If the child is to be removed from home, what were the agency's prior efforts to prevent the need for placement, and whether they constituted reasonable efforts;
- If the child is to be removed from home, why in-home services cannot provide sufficient protection for the child;
- The location and type of placement for the child, including possible placement with relatives;
- Terms of visitation;
- Placement of the child's siblings and, if they are to be apart, arrangements for visitation; and
- Child support.

WHY IT IS IMPORTANT TO HAVE CASES KEEP COMING BACK TO THE SAME JUDGE

- The judge feels more personal control, responsibility, and ownership of each case.
- The family and judge get to know each other better.
- The parents and agency can't keep recycling the same excuses or arguments every time they appear in court.
- The judge can grasp what is happening far better at each hearing.
- Because the judge knows the case better and has been personally involved in the earlier decisions, the judge will be more decisive.

ASSURING QUALITY LEGAL REPRESENTATION FOR CHILDREN AND PARENTS: REFORMS FOR COURTS USING APPOINTMENT LISTS

Appointment of counsel before first court appearance.

Written guidelines concerning the responsibilities of counsel.

- Ethics guidelines
- Practice guidelines

Mandatory training of new counsel.

- Curriculum/videotapes
- Apprenticeship requirements for new counsel.

Limited numbers of attorneys on list.

Hourly open-ended fees.

Mark Hardin, ABA Center on Children and the Law
Talk to South Carolina Family Court Judges
June 27, 1996
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**NOTICE TO PARENTS PRIOR TO SHELTER CARE HEARING
(TO BE GIVEN WHEN CHILD IS REMOVED OR AS
SOON AS POSSIBLE AFTER REMOVAL)**

**PARENTS: YOUR CHILD IS IN FOSTER CARE AND A HEARING WILL SOON BE
HELD**

Your child or children _____ [names or ages] _____ have been placed in emergency foster
care by the ----- County Department of Human Services because _____

_____.

The social worker handling this case is _____ [name] _____.
He or she can explain why your child is in foster care. His or her telephone number is _____
_____.

There will be a court hearing at _____ [date and time] _____ at _____ [place] _____. At the
hearing the judge will decide whether to immediately return your child home or keep the
child in foster care until a full trial can be held.

You can and should bring a lawyer to help you at the hearing. If you can't afford a lawyer,
call John J. Johnson at 111-1111 during working hours. A lawyer can be appointed right
away.

[or]

An attorney has already been appointed to represent you. For the name and number of the
attorney, call John J. Johnson at 111-1111.

PREHEARING PROCEDURES: IMPROVED NOTICE AND ECONOMICAL USE OF COURT TIME

March 31, 1994	Sep. 30, 1994	Oct. 15, 1994	Nov. 30, 1994
Disposition or Review Hearing	Permanency Pl. Petition	Prehearing Meeting	Permanency Pl. Hearing
At the conclusion of the hearing, the court sets the dates for the filing of permanency planning petition, the prehearing meeting, and the permanency planning hearing. (September 1, September 15, and November 1)	Petition must be sent to parties and counsel.	Parties and counsel meet at agency office to try to reach a settlement. After the meeting the attorneys contact the court regarding whether a full settlement was reached and, if not, to give an estimate of the time needed for the hearing.	Hearing is held. It is relatively brief if a settlement was reached; otherwise it is conducted as a full evidentiary hearing.

COORDINATION IN THE PREPARATION OF FINDINGS

EXCERPT FROM AGENCY REPORT TO THE COURT

The following services have been provided to prevent the removal of the child from home and/or to make it possible for the child to return home _____

_____.

These services did not prevent the removal of the child from the home and/or enable the child to return home because _____

_____.

EXCERPT FROM THE FINDINGS OF THE COURT

The Department of Human Services made __ did not make __ reasonable efforts to prevent the removal of the child from the home and/or enable the child to return home.

The Department provided the following services to prevent the removal of the child from home and/or to make it possible for the child to return home _____

_____.

These services did not prevent the removal of the child from the home and/or enable the child to return home because _____

_____.