

Dispositional Hearing

Learning Objectives

- Effectively advocate at Dispositional hearings
- Understand the importance of timely permanency for children
- Know the timing and purpose of permanency hearings and post dispositional hearings.
- Effectively prepare for permanency hearings and post dispositional hearings

Dispositional Hearing



- Child must be adjudicated CHIPS before disposition entered
- Dispositional Hearing is mandatory
- Time Limits – Within 30 days of Fact-Finding Hearing or admission

Dispositional Hearing



Question.....

What is the purpose of a Dispositional Hearing?

Dispositional Hearing



The purpose of a Dispositional Hearing is for the court to determine the proper placement, treatment, and services to order in the case, based on the evidence presented to the court at the hearing.

CCIP Dispositional Hearing E-Learning Activity

Court Report



- Required prior to disposition in all CHIPS cases
 - Available to parties at least 48 hours before hearing – Sec. 48.293(2) unless a different local rule
 - Ch 48 requires written report if out-of-home placement is recommended for child
- Contents of Court Report: Sec. 48.33(1), which includes the “case plan”

Dispositional Hearing Procedures



- Hearing must be recorded
- Common law and statutory rules of evidence not binding
- Under Ch 48, child must be present unless
 - Court finds it in best interest of child with counsel's and GAL's consent to exclude
 - Court finds child under 7 too young to comprehend and in child's best interest

CHIPS Dispositions (48.345)



- Court may counsel child, parent, guardian, or legal custodian
- Court may place child under supervision of DCF (if it approves), an agency, or suitable adult
- Court may place child at home under supervision of DCF (if it approves) or an agency and order agency to provide services

CHIPS Dispositions, con't



- Designate one of the following as placement:
 - Home of parent, relative, non-relative (less than 30 days)
 - Foster home
 - Guardian home
 - Group home
 - Residential Treatment Center
 - Supervised independent living arrangement

CHIPS Dispositions, con't



- Court may transfer legal custody if rehabilitation or treatment cannot be accomplished voluntarily by parent or guardian
- Court may order special treatment and care to be provided to:
 - Parent
 - Guardian
 - Legal custodian

CHIPS Dispositions, con't



- Order the Division to provide Services
- Establish Conditions of Return
 - Specific to the Case
 - Realistic and Attainable
 - Understood by the Parents and the Division

CHIPS Dispositions, con't



- Out of Home date of expiration of order, shall be later of:
 - At end of one year after entry of order
 - When child reaches 18
 - When child reaches 19 if qualified full-time student
 - When child reaches 21 if qualified full-time student
 - Must have an IEP
 - Child must be 17 or older when the order is entered
 - Child or child's guardian must agree
 - OR Judge can specify earlier date
- In Home: 1 year maximum

Importance of Post-Disposition Hearings

- Provide opportunity to examine case progress
- Provide opportunity for correction and revision of the case plan
- Keep cases moving toward timely and successful permanency
 - **Helps a case progress by requiring the parties to set timetables, take specific action, and make decisions**


