

CASE MANAGEMENT CHECKLIST

IMPORTANT TIME PERIODS IN CHIPS CASES

Basic CHIPS Timelines

1. A hearing must be held for a child held in custody within 48 hours of taking the child in custody, excluding Saturday, Sundays, and holidays. See §48.21(1)(a).
2. If a petition has not been filed by the time of the hearing for temporary placement, it must be filed within 72 hours from the time of the hearing. See §48.21(1)(b).
3. A plea hearing must take place within 30 days of the filing of a petition, but within 10 days if child in secure custody. See §48.30(1) and §48.30(9).
4. A fact-finding hearing must take place within 30 days after the plea hearing if the petition IS contested. See §48.30(7).
5. If the fact-finding hearing results in a finding that the child is in need of protection or services, a dispositional hearing must take place within 30 days after the fact-finding hearing. See §48.31(7)(a).
6. A dispositional hearing must take place within 30 days after the plea hearing if the petition IS NOT contested, but within 20 days if child in secure custody. See §48.30(6)(a).
7. Court's failure to act within any time period in Chapter 48 does not deprive the court of personal or subject matter jurisdiction or of competency to exercise that jurisdiction. See §48.315(3).
8. A dispositional order that places or continues the placement of a child in the home, terminates one year after its entry, unless a shorter period is specified. See §48.355(4).
9. Unless a shorter period is specified or the order is terminated sooner, a dispositional order that places a child outside the home or continues the placement of a child outside the home, terminates the later of the following:
 - a. Date the child turns 18.
 - b. One year after the date of entry of the order.
 - c. If the child is a full-time student in high school or its equivalent and is reasonably expected to complete the program before

reaching 19, the date on which the child reaches 19 or graduates, whichever comes first.

- d. Date child turns 21 or graduates high school, whichever comes first, if child is a full-time student in high school or its equivalent, has an individualized education program (IEP) in effect, is at least 17 years old when the order is entered, and child or child's guardian agrees to the order. See §48.355(4).

Continuances

1. Some time periods, including continuances under §48.315(2), are excluded when computing time periods under Chapter 48. See §48.315(1).
2. A continuance can be granted only upon a showing of good cause and only for so long as is necessary under the circumstances. See 48.315(2).

Post-Disposition

1. An emergency extension up to 30 days can be granted by court if request is made prior to termination of the order, but the court is not able to conduct a hearing on the request prior to termination date. See §48.365(6).
2. An order under §48.365 for extension of a dispositional order that places or continues the placement of a child in the home, terminates one year after its entry, unless a shorter period is specified. See §48.355(4).
3. Unless the court specifies a shorter period of time, an order under §48.365 for extension of a dispositional order for a child placed outside the home terminates the later of the following:
 - a. Date the child turns 18.
 - b. One year after the date of entry of the order.
 - c. If the child is a full-time student in high school or its equivalent and is reasonably expected to complete the program before reaching 19, the date on which the child reaches 19 or graduates, whichever comes first.
 - d. Date child turns 21 or graduates high school, whichever comes first, if child is a full-time student in high school or its equivalent, has an individualized education program (IEP) in effect, is at least 17 years old when the order is entered, and child or child's guardian agrees to the order. See §48.365(5).

4. An order under §48.357 for a change of placement of a child that places or continues the placement of a child in the home, terminates one year after its entry, unless a shorter period is specified. See §48.355(4).
5. Unless the court specifies a shorter period, an order under §48.357 that changes the child's placement from in-home to out-of-home terminates the later of the following:
 - a. Date the child turns 18.
 - b. One year after the date of entry of the order.
 - c. If the child is a full-time student in high school or its equivalent and is reasonably expected to complete the program before reaching 19, the date on which the child reaches 19 or graduates, whichever comes first.
 - d. Date child turns 21 or graduates high school, whichever comes first, if child is a full-time student in high school or its equivalent, has an individualized education program (IEP) in effect, is at least 17 years old when the order is entered, and child or child's guardian agrees to the order.See § 48.357(6)(a).
6. An emergency in-home to out-of-home change in placement hearing must be held within 48 hours after the removal, excluding Saturdays, Sundays, and legal holidays. See § 48.357(2)(b).
7. A revision of a dispositional order cannot extend the effective period of the original order. See §48.363(1)(b).
8. An order for a trial reunification must be for a period of not less than 7 days and not more than 150 days. Initial orders for less than 150 days can be extended but the total trial reunification period cannot exceed 150 total days. See §48.358.

Permanency Planning

1. Permanency plan must be filed within 60 days from date the child first removed from home. See §48.38(3).
2. Permanency plan must be reviewed by court or panel within 6 months after child first removed from home and every 6 months thereafter for as long as child is placed outside home. See §48.38(5)(a).
3. Within 12 months after child first removed from home and every 12 months thereafter for as long as child is placed outside the home, court shall conduct a permanency hearing under §48.38(5m). See §48.38(5)(a) and §48.38(5m)(a).

BASIC ELEMENTS OF CASE MANAGEMENT -- PRACTICAL

Exercise effective judicial leadership

1. As the judge, you set the tone in the courtroom.
2. Your initial contact with the parties is very important.
3. Treat parties, attorneys, witnesses with respect.
4. The parties, attorneys, GAL, and all other participants must know you are in control.
5. Have knowledge of Chapter 48 and local court rules, if any.
6. Be prepared for each hearing.
7. Use checklists and standardized forms as templates.
8. Maintain control over the courtroom and the court process.

YOU ARE THE JUDGE. IT'S YOUR COURTROOM.

Treat each case as unique

1. Have knowledge of the file.
2. Ask for a recent picture of the child/children to place in the file to be seen as soon as the file is opened. Remind yourself that this is a real living person with whom you are dealing: someone who has a life and dreams and ambitions. This is not just a case file.
3. Become familiar with the specific needs of the child/children and family.
4. Tailor orders and services to those needs.

Exercise early and continuous control of case progress

1. Keep in mind the causes of delay:
 - Failure to identify necessary parties
 - Failure to provide timely notice
 - Unadjudicated fathers
 - Genetic testing for alleged fathers



- Incarcerated parents
 - Unprepared counsel, GALs, social workers
 - Out of state parties
 - WICWA
 - Competency issues
 - Need for psychological, psychiatric, physical or AODA evals
 - Requests for time to hire counsel
2. Take early control of the case management. Refuse to accept routine “waivers of time limits” by the party. Let the parties know you expect them to comply with the statutory time limits absent *exceptional* circumstances.
 3. Early court intervention as necessary – appointment of counsel, GAL; paternity issues, expedite under §48.299(6); interpreter; evaluations/assessments under §48.295.
 4. What is the problem? How can we solve it?
 5. Ask for names of relatives and extended family members who can assist with placement, if necessary.
 6. Schedule early and meaningful pre-trial conferences. However, if pre-trial conferences seem to be just another “status conference” so as to kick the case down the road further, refuse to schedule such useless proceedings. Schedule only substantive hearings (plea hearing, motions, trials, dispositions, etc.—that is, hearings at which things actually are expected to get done). Let the parties conduct their own “status conferences” outside the court without your involvement. Create the expectation that when they come to court, *things will get done!*
 7. Maximize opportunities to resolve the case. At every hearing, ask the parties “what has to be done to resolve this case?” At every hearing, ask “what is the safety issue that prevents this child from returning home?”
 8. Order parties to appear and cooperate with counsel.
 9. Consider using one family, one judge practice.
 10. Continually monitor progress of the case. Ensure that every case has a next court date scheduled.
 11. Enforce local rules.

- Provide timely hearing dates**



1. Schedule future hearings in court and provide written notice.
2. Schedule one case at a time. Do not stack cases.
3. Tailor scheduling to each individual case.
4. Allow adequate time for future hearings.
5. Grant reasonable accommodations to counsel.
6. Consider the use of expedited hearings for single issues.
7. Do not let counsel do an “end run” around you to your judicial assistant or scheduling clerk in order to schedule outside your time frames.

Develop and meet appropriate time expectations

1. Early identification of principal factual and legal issues.
2. Require early exchange of discovery.
3. Order timely provision of court reports.
4. Start hearings on time.
5. State your expectations that scheduled hearings will take place as scheduled, be started on time and that the court orders will be followed.

Grant continuances sparingly

1. Remember primary goals are: Safety, Permanence, Timeliness, and Due Process
2. Don't grant continuances for convenience.
3. Don't grant continuances based on stipulations of the parties.
4. If you must grant a continuance, state your good cause findings on the record and grant the continuance only for the actual time needed. Do not allow “open ended” continuances; every case must have a date certain for the next event.

Issue timely orders

1. Make decisions in a prompt and timely manner. Do not take cases under advisement; render all of your decisions orally from the bench.



Writing decisions only takes more time and holds no greater weight with the court of appeal.

2. State adequate and complete findings of fact and conclusions of law on the record. Use the standardized forms as your templates for your decision.
3. Make and issue detailed orders in a timely manner.

BASIC ELEMENTS OF CASE MANAGEMENT -- VISIONARY

Exercise effective judicial leadership

1. Think outside the box.
2. Develop a vision of the future.
3. Develop a mission and goals statement.
4. Establish a partnership with other stakeholders.

Consult with stakeholders

1. Identify the stakeholders:
 - Court staff
 - Human Service Agency
 - School system
 - Local Bar Association
 - District Attorney/Corporation Counsel
 - Public Defender
 - Juvenile Supervision
 - Probation
 - Foster Parents
 - County Administration
 - Law Enforcement
 - The judicial assistant or other scheduling person
2. Schedule regular meetings.
3. Purpose is to have a dialogue and gain input.
4. Prepare agendas for the meetings.
5. Familiarize yourself with local resources and programs.
6. Barriers to communication and cooperation

- a. Ego and turf issues
- b. Lack of mutual respect
- c. Absence of standard protocols
- d. Competition for shrinking and/or limited dollars by all parties.

Develop local rules

- 1. Local rules help maintain the goals of safety and welfare of the child.
 - a. Local rules reduce unnecessary delays.
 - b. Create the expectation that local rules will be enforced.

Provide ongoing training

- 1. Used to improve knowledge of legal proceedings by staff, counsel, foster parents, and social services.
- 2. Used to maintain knowledge of local rules and resources by judges, staff, counsel, foster parents, and social services.