CHILD WELFARE COURT PROCESS – QUICK GUIDE FOR FAMILIES

Below is additional Information about the steps involved in Nevada Child Welfare Court proceedings. **NOTE: NOT EVERY ITEM SHOWN WILL APPLY IN EVERY CASE.**

1. PRELIMINARY PROTECTIVE HEARING (PPH) OR PROTECTIVE CUSTODY HEARING (PC)

When a child is placed into protective custody, a judicial officer must conduct a PPH or PC Hearing **within 72 hours** (excluding weekends and holidays). Based on the facts, the court decides if the child will remain in protective custody or be released to parent.

If the court decides child should remain in protective custody: A 10-day Protective Custody Order or Preliminary Protective Order is issued. A **Plea Hearing** or **Admit/Deny Hearing** (#2) is scheduled.

If noted problems are taken care of during the 10 days: The Agency* may return child to parent custody.

2. PLEA HEARING OR ADMIT/DENY HEARING

This hearing must be held after the filing of a petition alleging child needs protection. This hearing informs all parties of allegations in the petition showing why the Agency* thinks child is in need of protection and the family needs services. At this hearing, Parent/Party can either:

- **ADMIT** that all or some of the allegations are true - or -
- **SUBMIT/PLEAD NO CONTEST** that all or some of the allegations are true - or -
- **DENY** allegations and ask for an **Evidentiary Hearing**

If ADMIT/SUBMIT: a Disposition Hearing is set **(#4)**

If DENY: case goes to Trial **(#3)**

If parent/party fails to appear for this Hearing:
Court may proceed to hear evidence on the petition without parent/party present to determine if child is in need of protection.

3. EVIDENTIARY HEARING (TRIAL)

During this hearing, the court reviews evidence regarding the allegations in the petition (such as witness testimony, documents or other records). Parent/Party has a right to question the witnesses and evidence, and may present their own witnesses and evidence. Agency* must prove the allegations to the court by a *preponderance of evidence* – this means the Agency* needs to prove it is more likely the allegations are true than not true.

- **If court finds the allegations are true:**
  Matter is set for a Disposition Hearing (4)
- **If court finds the allegations are not true:**
  Petition is dismissed; child is returned home; case is closed
- **If parent/party fails to appear for this hearing:**
  Court may proceed to review the evidence without parent/party there

4. DISPOSITION HEARING OR REPORT & DISPOSITION (R&D) HEARING

This hearing is held within 15 business days after finding allegations are true and child is in need of protection. The court determines if case should remain open, who should have custody and control of the child, where the child should live, and reviews a **Case Plan** for services for the family. The court may also determine if reunification efforts are not required due to aggravated circumstances. The court may also set future court dates for periodic review the case.

5. SEMIANNUAL REVIEW HEARING

If case remains open after the Dispositional Hearing, the court must review the case AT LEAST EVERY six months after child is removed from home. (In some jurisdictions this review occurs every 90 days.) At this hearing the parties and relatives are given an opportunity to talk to the Judicial Officer and the court reviews:

- Necessity and appropriateness of the child's placement
- Needs of child (ie: education, medical, therapeutic, etc.)
- Visitation
- Progress of **Case Plan** objectives
- Whether child may be returned to a parent
- If appropriate, permanency plans may be discussed
- When case should be closed

6. ANNUAL PERMANENCY REVIEW HEARING

Annual Review Hearings must be held within 12 months from the date of removal or within 30 days following court findings of aggravated circumstances, then annually there after. This hearing covers the same topics as the Semiannual Hearing (#5), plus review and approval of a permanency plan(s) for the child.

7. STATUS OR INTERIM REVIEW HEARINGS

The court may schedule Status or Interim Review Hearings every 90 days or as needed in the case. These hearings allow the parties to provide an update to the court on the status or progress with regard to the **Case Plan** and take any actions that might be necessary to allow the case to progress to permanency.

WHAT IS A CASE PLAN?

A **Case Plan** is a court-approved document that includes goals for the parent/caregiver, goals for the child, and activities that the parent/caregiver and Agency* are responsible for achieving.

If child is still in the home: Parent/caregiver may be asked to complete a **Case Plan** to help the child remain safely at home.

If child is removed from the home: The **Case Plan** states why the child was removed and what needs to happen in order for the child to return home.

Once the **Case Plan** is signed, or when the court approves it, the parent/caregiver must to do what is being asked of him/her.

8. INITIAL TERMINATION OF PARENTAL RIGHTS HEARING

If paperwork to Terminate Parental Rights is filed, an Initial Hearing is set. The parent can ask for a trial or a mediation, whether or not they indicate that they wish to relinquish parental rights. If the parent does not have an attorney one may be appointed. **If a parent fails to appear for the Initial Termination of Parental Rights Hearing, their rights may be terminated at that time.**

9. MEDIATION OR INFORMAL SETTLEMENT CONFERENCE

Both **Mediations** and **Informal Settlement Conferences** can be helpful in resolving problems prior to going to court. Either can occur at any phase of a case, whether at the beginning or in the final stages to discuss the possibility of an open adoption agreement (if applicable).

- **Mediation** is a voluntary informal meeting with a court-appointed mediator who is present to ensure all parties are heard and remain respectful. The mediator helps guide the parties in negotiating a resolution to many different issues in the case. (A judge will not be at the mediation.)
- **Informal Settlement Conference** is an informal meeting between all parties and their attorneys to discuss or negotiate resolutions for some or all of the issues in a case. (Neither a judge nor mediator will be at the meeting).

10. TERMINATION OF PARENTAL RIGHTS TRIAL

At a Termination of Parental Rights Trial all parties have the opportunity to testify, call witnesses, question all witnesses and present relevant evidence to the court. The Agency must show by clear and convincing evidence that it is in the best interest of the child for parental rights to be terminated. At the conclusion of the trial, the court may issue a decision immediately, or take the matter "under advisement" and issue a written decision at a later date ("under advisement" means the court may take some time to review the evidence.)

11. GUARDIANSHIP HEARING

If a petition for guardianship is filed, a hearing is set to determine if the guardianship should be granted. **If parent does not consent/agree to the guardianship, parent must appear at the Guardianship Hearing to contest (oppose) it.** If guardianship is contested, an Evidentiary Hearing is scheduled to show why a guardianship is necessary and in the child's best interest. **If parent fails to appear at Guardianship Hearing (and has not yet agreed to guardianship) the court may grant the request for the guardianship.**

12. PERMANENCY

Once permanency is achieved, a case may be closed. Permanency options include: reunification, adoption, guardianship (placement with a fit and willing relative or non-family member who has a significant emotional and positive relation with the child) or another planned permanent living arrangement (APPLA) which means a child age 16-17 may live independently with assistance from the State.

More details can be found in the "Parent & Family Guide to the Nevada Child Welfare System" available at: cwcp.nvcourts.gov

***Agency = Child Welfare Agency**