

# Initial Dispositional Hearing

MCR 3.973 | SCAO Form JC 17

*The purpose of the dispositional phase is to determine what measures the court will take regarding a child properly within its jurisdiction and, when applicable, against any adult, once the court has determined following trial, plea of admission, or plea of no contest that one or more of the statutory grounds alleged in the petition are true. The dispositional phase includes disposition, dispositional review hearings, permanency planning hearings, and termination of parental rights procedures.*

## Procedural Issues

A dispositional hearing may be held immediately after the adjudication (trial), or when the child is in placement the hearing must be held within 28 days of adjudication, unless good cause is shown for delay.

There is no right to a jury trial during the dispositional phase, even where a supplemental petition is subsequently filed containing new allegations of abuse or neglect. MCR 3.911(A)

Was legally sufficient notice given to the parties?

Has the LGAL contacted the child and complied with the statutory duties in MCL 712A.17d?

Is the child present in court? If not, why?

If a parent is in prison is he or she able to participate in person or via telephone/video conference?

If there is only one respondent parent, what is the status of the other parent? What specific steps has the agency taken to locate and engage the other parent?

## Reasonable Efforts to Prevent Removal

*Federal funding regulations require this finding to be made within 60 days of removing the child from the home.*

Has the agency provided reasonable efforts (or active efforts in the case of an Indian child) to prevent the child's removal from the home? (Reasonable efforts are not required if aggravated circumstances exist per MCR 3.965(D)(2)).

Were there any pre-hearing conferences or meetings that included the family?

What services were considered and offered to allow the child to remain at home? Were these services culturally appropriate? How are these services related to the safety threat?

What was done to create a safety plan to allow the child to remain in the home of another without court involvement?

## Review of Case Service Plan

*Before the court enters the order of disposition, it must consider the case service plan. MCL 712A.18f(4)*

Have the parents been assessed and offered appropriate services? Are they participating? Have they signed the treatment plan? Does the plan need to be modified?

Does the LGAL believe the services to the child are appropriate?

The case service plan must include:

- The type of home or institution in which the child is to be placed and the reasons for the selected placement.
- Efforts to be made by the child's parent, and the agency, to enable the child to return to his or her home.
- Schedule of services to be provided to parent, child, and if the child is to be placed in foster care, the foster parent, to facilitate the child's return to his or her home or to facilitate the child's permanent placement.
- A schedule for regular and frequent parenting time between the child and his/her parent (unless there is a Sex Offender Registry Act or safety exception).

The court should ensure that the plan is consistent with the specific needs of the family.

## Child's Placement

Have the non-custodial parent, putative father, or other relatives (paternal and maternal) been identified and considered for placement? If not, what efforts have been made to locate/engage them?

Has the child changed placements since the last court hearing? If so, what are the reasons for the move?

If the child is an Indian child, is the child placed in compliance with MIFPA placement preferences? Are the child's tribal connections being maintained? MCL 712B.23

*Continued on reverse*

# Initial Dispositional Hearing (cont.)

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## Safety and Permanency Issues

What prevents a safe return home with either parent today?

Have the caseworker and LGAL visited the home and found the child safe and well cared for?

Is the child placed in a safe home that meets the child's basic, medical, and special needs?

Have there been any instances of abuse/neglect while the child has been under court jurisdiction?

Has the LGAL talked to the child about his or her permanency wishes?

## Educational Well-Being

Is the child currently enrolled and attending school or a preschool program?

Are there any barriers to the child remaining enrolled at his or her current school?

Is the agency working with the school to eliminate any barriers, such as transportation?

If the agency is proposing a school change, does the case plan include factors considered by the agency in its determination?

If a school change is necessary, is the agency working with schools to minimize delays in enrollment/transfer of school records and credits?

Are complete and up-to-date educational records in the case file? Is a judicial order needed?

Is the child involved in any extracurricular activities? If so, are there resources available for the child to continue?

Are the parents engaged in promoting child's academic achievement?

## ★ Required Judicial Findings/Orders

The order of disposition may do any of the following:

- Remove the child from the home.
- Return or maintain the child in the home under the court's jurisdiction. The court must return the child to the parent unless the return would cause a substantial risk of harm to the child's life, physical health, or mental well-being.
- Terminate the court's jurisdiction.

The court may place a child into foster care if it finds all of the following conditions:

- Substantial risk of harm to the child's life, physical health, or mental well-being.
- No service or other arrangement is reasonably available to adequately safeguard the child from the substantial risk of harm.
- Continuing child's residence in the home is contrary to the child's welfare.
- Reasonable efforts were made to prevent/eliminate the need for removal.
- Conditions away from the parent are adequate to safeguard the child's health and welfare.

The order may require the friend of the court to redirect child support to a caretaker who does not receive foster care payments.

Determine if the LGAL has complied with the statute. MCL 712A.17d

Order specific evaluation and/or services to be provided to parent(s) and child.

Schedule next hearing.