

# DISPOSITION HEARING

La. Ch. C. arts. 678-686

BENCH  
CARD



## PURPOSE

Court shall make its post-Adjudication ruling regarding the Disposition (i.e., custody to parent, custody to relative/suitable person, guardianship to nonparent, custody to DCFS, etc.), address case plan and goal if required, and make reasonable efforts findings.

## Prior to Hearing

ARTICLES 424.7, 668-70, 673-4, 676, 688-9

- (1) **CASE PLAN:** DCFS shall file at least 10 days before hearing; upon filing provide copies to counsel by mail/email and unrepresented parties by certified mail/email per Article 674. Any party may file written response.
- (2) **DCFS COURT REPORT:** DCFS policy requires reports beginning at Disposition, even though Children's Code is silent on submission; DCFS file at least 10 days before hearing with copies to counsel, unrepresented parties, and CASA.
- (3) **CASA COURT REPORT:** If appointed, CASA shall file before hearing; distribute copies per Article 424.7.
- (4) **PREDISPOSITION REPORT:** If previously ordered, shall be submitted to court prior to hearing.
- (5) **PHYSICAL/MENTAL EVALUATIONS:** If previously ordered, shall be submitted to court, Petitioner, and counsel.

## Timing and Continuances

ARTICLE 678, LA. SUP. CT. RULE XXXIII, PART II, SEC. 1-2

- (1) **TIMING:** May hold immediately after Adjudication and shall hold within 30 days of Adjudication. See Article 114.
- (2) **CONTINUANCES:** Allowed with notice and good cause if in child's best interest and Order cites facts and mover. Court shall report continuance exceeding maximum allowed within 10 days to Louisiana Supreme Court, with reasons and copy of Judgment.

## Appearances

ARTICLES 575, 607-8, 623, 679, 684

- (1) **ONLY ADMIT PERSONS WITH PROPER INTEREST/NECESSARY:** Including parents, child, attorneys for child and parents, DA/ADA/DCFS attorney (BGC), DCFS representatives, CASA, foster caregivers, and relatives/persons seeking or being considered for custody.
- (2) **CHILDREN ARE PARTIES:** 12 years or older, shall be present unless waived upon motion of child's attorney; include if waived or not in Judgment. Under age 12, shall be present upon request of child's attorney or court.
- (3) **PARENTS ARE PARTIES:** If absent, hearing may only proceed if established on record that parent served but not in attendance/efforts to serve have been unsuccessful; enter findings regarding diligent efforts by curator/DCFS/others to locate that parent. In absence of findings to contrary, efforts to locate parent shall be presumed sufficient; if determine additional search efforts needed, specifically identify those efforts. If incarcerated, verify writ/motion to guarantee parent's attendance filed and Order issued/served timely on facility.

- (4) **ATTORNEYS:** Child shall have attorney appointed and present (Article 607); indigent and absent parents shall be provided representation (Articles 575 and 608) unless right waived by parent per Article 608.

### ESSENTIAL JUDICIAL FUNCTION | Assistance and Accommodations:

Court responsible for providing interpretation, translation, language assistance services, and/or reasonable accommodations for parties.

### PRACTICE TIP | Foster Caregivers (Foster Parents, Pre-Adoptive Parents, and Relatives):

Are not parties but have legal right to notice and opportunity to be heard at any hearing involving a child in their care. If they do not appear, DCFS shall report whether notice given/diligent efforts made to locate and notify caregiver; hearing may be held in their absence even if notice not given by DCFS. (Articles 623 and 679; 42 U.S.C. § 675(5)(G); 45 C.F.R. § 1356.21(o)).

**PRACTICE TIP | Coordinating Services:** Louisiana Department of Health (LDH), Office of Juvenile Justice (OJJ), Louisiana Department of Education (LDOE), and other agencies may be helpful to have at hearing. Especially critical for youth who may have mental health concerns, delinquency matters, and/or disabilities and may benefit from coordinated services and supports.

## Notice

ARTICLES 623, 679, 684

- Court shall determine if proper notices of hearing were made to all parties, counsel, and foster caregivers; enter required findings in Judgment.

## Evidence and Testimony

ARTICLES 424.5, 424.7, 622(D), 623, 631, 679-81, 683, LA. SUP. CT. RULE XXXIII, PART III, SUBPART II

- (1) **EVIDENCE:** Shall consider report of Predisposition Investigation, case plan (including Youth Transition Plan "YTP," if applicable), mental evaluations, other evidence offered.
- (2) **PARENTS/CHILDREN:** Right to testify, confront and cross-examine adverse witnesses, present evidence and witnesses.
- (3) **CASA:** May be called as witness by any party/court; may request opportunity to appear as witness.
- (4) **RELATIVES/OTHER PERSONS:** Parties may call as witnesses relatives/persons being considered/seeking to be considered for custody/guardianship.
- (5) **FOSTER CAREGIVERS:** Right to be heard regarding child in their care. If attend, court shall ask if they would like to speak regarding care and treatment of child (Articles 623 and 679; 42 U.S.C. § 675(5)(G); 45 C.F.R. § 1356.21(o)).

**PRACTICE TIP | Engagement:** Court should do all it can to support and encourage meaningful engagement of families. Court is intimidating for most individuals, and stakes could not be higher for parents and children. Be mindful that both parents and children likely have their own history of trauma.

**PRACTICE TIP | Child's Wishes:** Whether present or not, child's attorney shall ensure court hears child's wishes (i.e., custody, placement, case plan, etc.). If child wishes to be heard but is not able/does not want to be present in courtroom, consider other methods of communication (i.e., audio or visual conferencing, videotaped interview, etc.).

**PRACTICE TIP | Foster Caregivers Progress Form:** Foster caregivers can give to DCFS, who will submit form to court, parties, and CASA (if appointed) before hearing. Form contains hearsay and should be treated as information about child in same way DCFS provides other information to court. As child's day-to-day caregiver, they likely have valuable information to share with court.

## Judgment of Disposition

ARTICLES 681, 683-4, 686

### Court shall make the following written rulings and findings with reasons in the Judgment and minutes:

- (1) **NATURE OF DISPOSITION:** Court shall impose least restrictive Dispositional alternative enumerated in Article 681:
  - a. **Remain/Reunify with Parent:** If safe for child to be in custody of a parent, court should so order, with/without continued supervision (i.e., DCFS supervision, in-home safety plan), Protective Order (PO), and/or other terms and conditions.
  - b. **Continue/Grant Custody to Relative/Suitable Person:** If custody not returned/granted to a parent, court shall grant custody to relative unless make specific finding not in best interest of child. If not granted to relative, court shall consider a suitable person (i.e., family friend, teacher, coach, etc.). May order either with/without continued supervision, PO, and/or other terms and conditions.
  - c. **Guardianship to Nonparent:** Court has authority to grant guardianship of child to nonparent if custody to parents or relative/suitable person not appropriate; governed by Title VI of Chapter 19 of Children's Code.
  - d. **Continue/Grant Custody to DCFS (Foster Care):** If above dispositions are not appropriate/available, court can order custody of child to private/public institution (generally DCFS).
  - e. **Commit to Institution for Mental Illness/Intellectual Disabilities:** Court can commit child found to have mental illness to public/private institution for persons with mental illness/intellectual disabilities.
  - f. **Combination:** Court may make such other Disposition/combination of above in child's best interest.
- (2) **OUT-OF-STATE PLACEMENT:** Make finding as to why placement safe, appropriate, and in child's best interest.
- (3) **SET MAXIMUM DURATION:** Disposition shall remain in force until child's 18th birthday, or may expire earlier by own terms or if modified/vacated.
- (4) **SERVICES TO CHILD:** Specify agency, institution, or person to whom child is assigned to secure/provide needed services to child, including, if appropriate, coordination with LDH, OJJ, LDOE, and/or other agencies.
- (5) **TERMS AND CONDITIONS:** Specify other terms and conditions applicable to legal custodian.

**ESSENTIAL JUDICIAL FINDING | Disposition:** Court shall impose least restrictive Dispositional alternative enumerated in Article 681 consistent with the circumstances of case, health and safety of child, and best interest of society; child's health and safety shall be paramount concern.

**ESSENTIAL JUDICIAL FINDING | Contrary to Welfare:** Per Federal law, if removing child from his/her home for first time at Disposition, court shall make a contrary to welfare finding in first written court order removing child. See Disposition Hearing Benchbook Section G and 45 C.F.R. § 1356.21(c).

**PRACTICE TIP | Child Welfare Assessment And Decision Making Model (CWADM):** Court should insist on clear articulation of current safety threat keeping child in an out-of-home placement. Child is considered safe: (1) when there are no threats of danger; (2) if there is a threat of danger, child is not vulnerable to threat of danger; or (3) if there is a threat of danger, parents/caretakers possess sufficient protective capacities to manage the threat and keep child safe. See Child Welfare Assessment and Decision Making Model (CWADM) Benchbook Section 11.

**HELPFUL GUIDANCE | Granting Custody to Parent:** Court may "return" child to a parent's custody or "grant" custody to another parent who did not have custodial rights to the child and/or was not previously legally filiated with the child.

**HELPFUL GUIDANCE | DCFS Involvement:** When court returns child to his/her parents or grants custody to relative/individual, DCFS is generally no longer involved in the case. However, court can order DCFS continue to monitor/supervise family and/or provide services (i.e., DCFS Family Services).

**PRACTICE TIP | Modification:** If child is removed from parents and placed in legal custody of an individual, inform parents of their legal right to motion for Modification of Judgment per Articles 713-717.

**HELPFUL GUIDANCE | Granting Guardianship:** Is a "permanent placement," eliminating further periodic case or permanency reviews. Judgment remains in force until child reaches 18th birthday unless another duration is set by court/modified by law. Court shall retain jurisdiction to enforce, modify, or terminate guardianship. See Article 724.

**HELPFUL GUIDANCE | Financial Support:** Relatives/individuals granted custody/guardianship of child may be eligible for financial support (i.e., Kinship Care Support Program (KCSP), Supplemental Nutrition Assistance Program (SNAP), Family Independence Temporary Assistance Program (FITAP), Child Support Program (CSP), survivor benefits owed to child, child's disability benefits, etc.).

**HELPFUL GUIDANCE | Foster Care Certification/Subsidy:** DCFS provides "child specific" foster care certification for relatives/individuals with whom child is placed or being considered for placement by DCFS and/or guardianship. Requires fewer classes than general foster care certification and allows relative/individual to receive board rate (monthly financial support) like a certified foster parent. If relative/individual is interested in becoming child's legal guardian, foster care certification must be completed (along with other DCFS requirements) to receive a subsidy after granted guardianship. Court may want to request updates on status of certification to ensure timely completion.

**PRACTICE TIP | Siblings:** Per Federal law, DCFS shall make reasonable efforts to place siblings removed from their home in same foster care, guardianship, or adoptive placement, unless DCFS documents that such joint placement would be contrary to safety/well-being of any siblings; and if siblings not so jointly placed, to provide frequent visitation/other ongoing interaction between siblings, unless DCFS documents frequent visitation/other ongoing interaction would be contrary to safety/well-being of any siblings. Court's role is to hold DCFS accountable to showing evidence of such reasonable efforts. 42 U.S.C. § 671(a)(31)(A and B).

**HELPFUL GUIDANCE | Transitions:** When a child will experience a transition of any kind (i.e., change in custody, placement, etc.), be cognizant of impact transition may have on child and consider including transition plan in best interest of child in the Judgment. Regardless of reason for transition, it is critical to child's well-being for judges to collaboratively strategize with all involved to reduce trauma experienced by child. See [Disposition Hearing Benchbook Section G](#).

**PRACTICE TIP | Religious Affiliation/Culture:** If custody granted to anyone other than a parent, court shall, whenever practicable, select individual, agency, or institution of same religious affiliation as child or parents (Article 683(D)). Consider child's culture, heritage/customs, traditions, etc. as well in determining placement/custody options.

**HELPFUL GUIDANCE | Specific Term:** In certain situations, it is helpful for court to set a specific term for Disposition, such as when court grants custody/guardianship to a relative/suitable person.

## Reasonable Efforts (RE) Finding

ARTICLES 672.1, 682, 684(C), 45 C.F.R. § 1356.21, 42 U.S.C. § 671(A)(15)

**If child removed, court shall make the following written, separate, and individualized findings for each child:**

**(1) IF REMOVED BEFORE DISPOSITION:**

- DCFS Made RE to Reunify:** Parents and child; provide brief description of what reunification efforts were made.
- DCFS Failed to Make RE to Reunify:** Provide brief description of further efforts that could/would have shortened separation of family and why. » This finding does not preclude court's other findings and/or orders.

**(2) IF REMOVED AT DISPOSITION:**

- DCFS Made RE to Prevent Removal:** Of child from his/her parents; provide brief description of what preventative efforts were made.
- DCFS Failed to Make RE to Prevent Removal:** Provide brief description of further efforts that could/would have prevented separation of family and why. » This finding does not preclude court's other findings and/or orders.

**(3) RE NOT REQUIRED TO PREVENT REMOVAL OR REUNIFY FAMILY:**

If a judicial determination was made prior to or at Disposition Hearing per Article 672.1 that DCFS was not required to make RE to reunify parents and child, include reason why RE not required in Judgment.

**ESSENTIAL JUDICIAL FINDING | Reasonable Efforts:** If a child is removed from their home, courts and DCFS have ongoing RE obligations under State and Federal law until child is reunified or achieves permanency. DCFS has burden of demonstrating the RE they made to: (1) prevent or eliminate the need for removal; (2) reunify the family; and/or (3) achieve timely permanency for the child. Court shall make these RE findings for each child accordingly in its Orders; thus, holding DCFS accountable. In all RE findings, each child's health and safety shall be paramount concern and should be based on facts and circumstances of each individual case and child. 45 C.F.R. § 1356.21 and 42 U.S.C. § 671(A)(15)).

**PRACTICE TIP | Reasonable Efforts Not Required:** DCFS should not change case plan goal (or permanency goal) from reunification to adoption, guardianship, or custody to relative in the case plan until the court has either made a RE to reunify finding or determination that RE to reunify were not required per Article 672.1.

## Case Plan Content

ARTICLES 673, 675, 677, 685, 42 U.S.C. § 671(16), 42 U.S.C. § 675(1)

**Court shall approve or not approve case plan, which if it is a DCFS case, shall at least include the following:**

- PLACEMENT:** Appropriateness of placement; if substantial distance from parents, reasons why in best interest of child; placement shall be in least restrictive, most family-like setting available in close proximity to parents' home, consistent with best interests and special needs of child.
- CARE, SERVICES, AND ACTIVITIES:** Plan for providing services to parents, child, and foster parents to improve conditions in parents' home, facilitate safe return of child to own home or other permanent placement, or both; plan for child to receive safe and proper care and be afforded greatest opportunity for normalcy through age or developmentally appropriate activities.
- VISITATION/FAMILY TIME:** Ensure plan for visitation with parents, siblings (half-siblings and those the child considers siblings), relatives, and other important individuals, which shall include preserving child's valuable relationships and connections by considering frequency and type of visitation.
- EFFORTS TO RETURN CHILD/FINALIZE PLACEMENT:** Ensure documentation of efforts DCFS is making to safely return child home or finalize child's placement in accordance with permanent plan.
- ASSESSMENT OF RELATIONSHIPS:** Assess child's relationships with parents, grandparents, and siblings, and develop plan for assuring continuing contact with those whom child has significant relationships; ensure preserved while in foster care.
- YOUTH 14 AND OLDER:** Shall include written description of programs and services that will help youth prepare to transition from foster care to independent living, i.e., Youth Transition Plan (YTP).
- OBLIGATION TO CONTRIBUTE:** Shall recommend amount parents are obligated to contribute for cost of care and treatment of child in accordance with Article 685.
- TERMINATION OF PARENTAL RIGHTS (TPR):** If not filing for TPR, DCFS shall provide documentation of compelling reasons.

**PRACTICE TIP | Paramount Concern:** Health and safety of child shall be the paramount concern in development of the case plan.

**PRACTICE TIP | Shortage of Placements:** Does not justify an assertion that it is in the best interest of child to be placed a substantial distance from his/her parents' home or out-of-State.

**PRACTICE TIP | Disapprove Placement:** Judge cannot choose child's specific placement when he/she is in DCFS custody. However, court has authority to disapprove case plan, in whole or part, which includes child's placement. Judge has separate authority to disapprove placement chosen by DCFS when requirements of Article 672(A)(2) are met.

**PRACTICE TIP | Reasonable and Prudent Parent:** Recognizing greatest opportunity for normalcy lies in the day-to-day decisions affecting child's activities, child's caregiver should be supported in making those decisions through use of reasonable and prudent parent standard as set forth in La. R.S. § 46:283.

**HELPFUL GUIDANCE | Child's Relationships:** Maintaining child's relationships to minimize trauma is an important aspect of case work, especially during time of insecurity while permanent plans have not yet been finalized.

**PRACTICE TIP | Youth Transition Plan (YTP):** Per Federal law, YTP shall be updated every 6 months. Development and implementation of YTP should be considered in RE to achieve permanency for youth. Every child in foster care, age 14 and older, should be actively involved in case planning. 42 U.S.C. § 673(b) and 675.

## Case Plan Finding and Order

ARTICLE 677, 42 U.S.C. § 671(16), 42 U.S.C. § 675(1)

### After court considers content and implementation of case plan and any response filed, court shall:

- (1) **APPROVE:** If protects child's health and safety and in child's best interest; order parties comply therewith; OR
  - (2) **NOT APPROVE:** In whole or part, including reasons why case plan does not protect child's health and safety or not in child's best interest; order DCFS to revise accordingly.
- » **Depending on Disposition, there may not be a case plan to approve (i.e., if grant guardianship, etc.).**

**ESSENTIAL JUDICIAL ORDER | Approval of Case Plan:** Court shall approve or disapprove case plan per Article 677, based on arguments of parties and evidence presented, and enter it into Judgment.

**PRACTICE TIP | Specific Grounds:** Upon which child was adjudicated should guide formation, implementation, and approval of case plan.

**PRACTICE TIP | Case Plan:** Case planning is an integral element of the RE requirement. Make sure case plan: (a) includes elements designed to support increased protective capacities feasible within stated time limitations; and (b) identifies safety and risk issues and conditions for return before court's involvement ends. Proposed services and other case plan activities should address specific issues and be accessible and culturally and linguistically appropriate. Paramount for court to make sure parents and child are involved in case planning process. 42 U.S.C. § 671(16), 42 U.S.C. § 675(1).

**PRACTICE TIP | Disapprove Case Plan:** Court not authorized to revise case plan. If court disapproves case plan, it should enter disapproval in the Judgment and direct DCFS to make necessary revisions. DCFS will revise plan and submit to court until approved. Set deadline for submitting revision. Ideally, issues can be resolved while still at court; party may move to have plan amended during hearing and if DCFS and parties agree, court can approve updated plan.

## Advisements

ARTICLES 309, 623, 682, 684

- (1) **CONTINUED/PLACED IN CUSTODY OF DCFS:** Court shall advise parents:
  - Of procedures governing case plan, case review, and permanency review;
  - Of their obligation to: (a) cooperate with DCFS and comply with requirements of case plan; (b) keep DCFS and their counsel apprised in writing of their current whereabouts, including address, phone number, and any other contact information, of identity and contact information for an absent parent, and contact information for any relative/other individual willing to offer a wholesome and stable home for child; (c) correct conditions requiring child to be in care; and (d) support their child, including their obligation to contribute to his/her care and treatment per Article 685; AND
  - That a TPR Petition may be filed if parent fails to: (a) comply with case plan; (b) make significant measurable progress toward achieving case plan goals; and (c) correct conditions requiring the child to be in care or on any other ground authorized in Article 1015.
- (2) **CONTINUED IN CUSTODY:** Court shall advise all parties and persons before court:
  - Of procedures governing case plan, case review, and permanency review;

- If electronic mail address provided, all service/notice of future proceedings may be sent electronically until notice to court and all parties in writing/open court provided that no longer able to receive service/notice at address;
- Upon receipt of information regarding parent's change of address, DCFS and parent's counsel shall promptly inform court of new address;
- Identify name, address, and whereabouts of each parent and any relative/individual willing to offer stable home and all grandparents, parents of siblings, and all other adult relatives; AND
- Of their responsibility in achieving timely permanency for child.

## Further Findings and Orders

ARTICLES 102, 309, 318, 533, 601, 627, 672, 674, 685, 42 § U.S.C. 671

### Court may make additional orders in best interest of child, such as:

- (1) **PARENTS' CONTRIBUTION:** Parents contribute to cost of care and treatment of child per Article 685.
- (2) **FAMILY TEAM MEETINGS (FTM):** DCFS should propose tentative date for next FTM and court can provide notice and encourage participation.
- (3) **NOTIFICATION TO CHILD'S ATTORNEY:** DCFS must immediately notify child's attorney of change in placement (Article 553).
- (4) **POTENTIAL PERMANENT PLACEMENTS:** DCFS (a) explore all possible permanent placements with results/updates to be presented prior to or at next hearing; (b) initiate child welfare background clearance, criminal background check, and/or assessment of home/home study on potential permanent placements; (c) take necessary steps for potential caregiver to timely complete foster care certification (i.e., to receive guardianship subsidy if applicable); and (d) initiate Interstate Compact on the Placement of Children (ICPC) process with any potential out-of-State placements.
- (5) **OTHER ORDERS:** Orders related to maternity/paternity, PO, child's education, services, mental or physical health examinations, placement when child is in DCFS custody (See Article 672(A)(2)), etc.

**ESSENTIAL JUDICIAL FINDING | Indian Child Welfare Act (ICWA):** At every CINC hearing, court shall ask each person whether they know or have reason to know child is a member of or eligible for membership in a Federally recognized Indian Tribe and biological child of a member of Federally recognized Indian Tribe. Advise all to inform court if any of above information is subsequently discovered. If know or have to reason to know, proceed per Articles 624, 624.1, 661.1, and 25 U.S.C. § 1901 et seq. Inquire as to DCFS's due diligence in locating and contacting Tribe. See [Indian Child Welfare Act \(ICWA\) Bench Card](#).

**PRACTICE TIP | Parents' Contribution:** Article 675(B)(4) requires DCFS to recommend amount for "parental contribution" (which is not child support per La. R.S. § 9:315 et seq.). Article 685 allows judge to determine and order parental contribution and ensures due process for parents prior to the order, specifies enforcement mechanisms available once order rendered, and distinguishes parental contribution from child support. Court should ask DCFS whether there is a child support order; if so, an order for contribution for cost and care shall not be made. If valid child support order is subsequently signed, previous order for parental contribution shall terminate by operation of law. Failure to significantly contribute towards child's care and support is one ground listed as basis for TPR (Article 1015). Thus, it is critical that parents understand consequences of failure to contribute per Articles 675(B)(4) and 685.



## Order of Notices and Future Hearings

ARTICLES 424.7, 623, 674, 688-9

### Court shall also make the following orders:

- (1) **PARTIES, COUNSEL, DCFS, AND CASA:** Be present at all future hearings;
- (2) **DCFS CASE PLAN:** Be filed at least 10 days before hearing; copies provided to counsel by mail/email and unrepresented parties by certified mail/email per Article 674;
- (3) **DCFS COURT REPORT:** Be filed at least 10 days before hearing; copies distributed to CASA prior to or at same time filed; served upon counsel by mail/email and certified unrepresented parties by certified mail/email per Article 689;
- (4) **CASA COURT REPORT:** Be filed before next hearing; copies distributed per Article 424.7;
- (5) **SET DATES/TIMES FOR NEXT HEARING(S):**
  - **Revised Case Plan/Status Hearing:** Set if court did not approve case plan or other issues to address or resolve;
  - **Case Review Hearing:** Shall be held within 3 months of Disposition if child removed before Disposition or within 6 months if child removed at Disposition; no more than 6 months after removal;
  - **Initial Permanency Hearing:** Shall be held within 9 months after Disposition Hearing if child removed before Disposition or within 12 months if removed at Disposition; but no more than 12 months after removal; if judicial determination made per Article 672.1, may be held immediately or shall be held within 30 days;
- (6) **SERVICE/NOTICE OF HEARINGS:** Service and notice be made on parties, counsel, CASA, and foster caregivers; AND
- (7) **ARRANGEMENTS FOR ANY INCARCERATED PARENT:** Be made to attend hearing, either in person or remotely.

## Case Management

- An attorney or the court is responsible for the completion of the Judgment. See [Judgment of Disposition Template](#).
- All attorneys and unrepresented parties should review Judgment before judge signs to ensure it accurately reflects proceeding.
- Time permitting, best practice is to sign Judgment on the same day as the hearing.
- Consider giving attorneys time to meet with clients after hearing to discuss questions and/or concerns.
- Provide parents with copy of Judgment immediately following hearing.

## Possible Next Steps

ARTICLES 330-8, 700, 710, 1004, 1004.1, 42 U.S.C. § 675(5)(E)(i)-(iii)

- (1) **APPEAL:** Any person directly affected may appeal findings or orders of court; shall be taken within 15 days from mailing of notice of Judgment.
- (2) **TPR Petition:** At any time, court on its own motion may order filing of the TPR Petition on any ground authorized by Article 1015. If the child is in DCFS custody for 17 of last 22 months, DCFS shall file a TPR Petition unless there is a compelling reason that is documented as to why it is not in the child's best interest. Court's role is to hold DCFS accountable to showing such compelling reasons.

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### CRITICAL CONSIDERATIONS FOR ALL AT EACH CINC HEARING:

Can the child safely go home today (*if reunification is still possible*)? If not, what needs to happen to make return possible? Who is responsible? What is the timeframe?