

CHILD PROTECTION BEST PRACTICES BULLETIN

Innovative Strategies to Achieve Safety, Permanence, and Well-Being

PACING PERMANENCY

What is *Pacing Permanency*?

The pace towards permanency is rigorously scripted by State and federal law to ensure that children and youth do not languish in foster care. No later than 12 months after the child is removed from home, the Court must hold a Permanency Hearing to decide whether the child can safely be returned home or whether another permanency plan, such as adoption or permanent guardianship, should be pursued. Literally everything that happens prior to the Permanency Hearing is in service of accomplishing permanency, while simultaneously providing for safety and promoting well-being.

In order to keep the pace towards permanency, the case needs to be adjudicated in a timely manner. State law mandates that the adjudication *commence* within 60 days of the date the petition is served on the respondent and both state and federal law make the timely completion of the adjudication critical. Best practice is to *conclude* the adjudication when commenced, avoiding continuances whenever possible. Permanency will invariably be delayed if the case has only recently been adjudicated, or not adjudicated at all, by the time the permanency hearing is due. Without the adjudication and subsequent disposition, the Court cannot compel and the family cannot engage in treatment and other services. Jurisdiction may be lost and cases may be dismissed with prejudice.

BEST PRACTICE BULLETINS

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- WORKING WITH UNDOCUMENTED & MIXED STATUS CHILDREN AND FAMILIES

FIND ALL OF THE BEST PRACTICES AT [HTTP://WWW.NMCOURTS.COM/COURTIMPROVEMENT/](http://www.nmcourts.com/courtimprovement/)

What is *current practice*?

Many cases are commenced and continued, which allows more time to prepare the case, especially when there are problems with getting assessments and evaluations in a timely manner. Commencing and continuing is also a way to manage dockets, especially in light of increasing caseloads with no increases in judicial, attorney or child welfare resources. This practice, however, negatively impacts the pacing of permanency efforts.

Child Protection Best Practices Bulletin

What is *best practice*?

Best practice is to commence and conclude the adjudication and disposition within 60 days and in one setting. This requires:

- ◆ Judges who insist on timely adjudications, actively discouraging continuances in every case
- ◆ Mandatory pre-adjudicatory meetings that narrow the issues, clearly identifying those that need to go to adjudication
- ◆ Mandatory pre-adjudicatory meetings held at the courthouse, so that agreements to settle can be immediately filed with the Court
- ◆ Children's Court Attorneys who are ready for adjudication at 60 days in every case
- ◆ Arrangements and paperwork in place early enough to allow incarcerated parents to be present or otherwise participate in the adjudication
- ◆ Attorneys who ensure that sufficient and substantial evidence is available to conduct the adjudication
- ◆ Settings that allow sufficient time for the adjudication without over-setting (most adjudications can be concluded in a half-day bench trial)
- ◆ Attorneys who announce they are ready when the Judge commences the adjudication
- ◆ Protective Services staff who have secured the assessments and evaluations and prepared the information needed to complete the adjudication

What are the advantages of *Pacing Permanency*?

Pacing permanency by avoiding the delays created by commencing and continuing the adjudication helps ensure permanency for the child. Concluding the adjudication in a timely manner creates the widest window of opportunity to work with the child and the family. Timely adjudication also permits the Citizen Review Board to review the case in sufficient time to inform the permanency hearing.

Pacing Permanency

What is my ROLE...

As a *JUDGE*, you would exercise leadership in setting the climate and culture for timely conclusion of adjudicatory hearings; you would actively discourage continuances in all cases.

You would set adequate time for each adjudication and instruct the parties that they should be ready to commence and conclude the adjudication in one setting. You would set out expectations of the parties in terms of evaluations and assessments to be conducted, reports to be submitted, and other expectations. You would also set expectations for the mandatory pre-adjudicatory meeting.

You would *advance calendar* the adjudication and all subsequent events at the custody hearing.

As a *CASEWORKER*, you would have all assessments, evaluations, and other information prepared in a timely manner. You would arrange in advance for participation of incarcerated parents in the adjudication. You would be ready in every case for the adjudicatory hearing and all subsequent events.

As a *CHILDREN'S COURT ATTORNEY*, you would make sure that all information and evidence necessary for the adjudication have been prepared. You would be ready in every case for the adjudicatory hearing and all subsequent events.

As a *RESPONDENT ATTORNEY, YOUTH ATTORNEY* or *GAL*, you would make sure that all information and evidence necessary for the adjudication have been prepared. You would meet with your client in advance of the event to ensure that your client understands the issues and is prepared. You would make sure your client (including the child if age appropriate) participates in each scheduled event, including the mandatory pre-adjudicatory meeting. You would be ready in every case for the adjudicatory hearing and all subsequent events.

As a *CASA VOLUNTEER*, you would visit the child regularly, speak to others associated with the case, and evaluate parent participation in the Treatment Plan. You would prepare your report and recommendations for timely submission to the Courts.

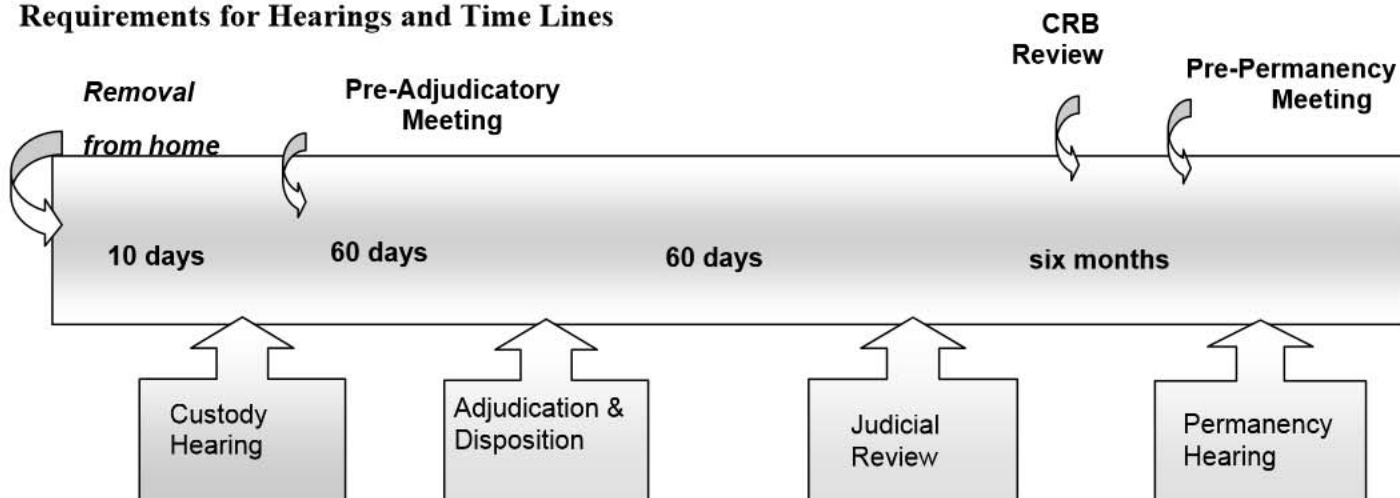
As a *CRB MEMBER*, you would monitor pacing and point out timeline inconsistencies and barriers when making recommendations.

As a *PARENT*, you would participate in your scheduled pre-adjudicatory meeting and adjudicatory hearing. Before the event, you would meet with your attorney to make sure you understand the issues and what is expected of you and to make sure your attorney understands your wishes.

As a *FOSTER PARENT*, you would keep track of the hearings scheduled in the case and plan to participate if possible and appropriate. If your foster child is supposed to receive any evaluations or assessments or participate in any other services before the hearing, you would do your part to make sure he or she receives those services.

As a *YOUTH*, you would keep track of your scheduled hearings and attend each one if possible. You would talk to your Youth Attorney to make sure you understand what is expected of you at each hearing, and do everything you can to meet those expectations.

Requirements for Hearings and Time Lines



The Custody Hearing

Within ten days of the petition being filed, the Judge will hold a Custody Hearing. At that hearing, the Judge will decide if the child should stay in the temporary custody of CYFD until the trial (adjudication) is held.

The Adjudication and Disposition

The Adjudicatory Hearing is a trial before the Judge on the allegations involved in removing the child from home. It must be commenced within 60 days of the date the petition was filed. At this trial, the Judge decides whether or not there is reason to find that the child has been abused or neglected. The Disposition Hearing is usually held at the same time as the Adjudication. If not, it must be held within 30 days of the conclusion of the Adjudicatory Hearing. At this hearing, the Judge orders the treatment plan that the parents must follow in order to have the child returned home.

The Initial Judicial Review

Within 60 days of the Disposition, there will be an Initial Judicial Review. At that time, the Judge will review the case and make sure the treatment plan is being followed and that the parents and CYFD are doing what has been ordered. The Judge may order changes in the treatment plan at that time.

The Permanency Hearing

The Permanency Hearing is an extremely important event. It is held within six months of the initial Judicial Review or within twelve months of a child entering foster care, whichever occurs first. Before the case goes to the Permanency Hearing, the local Citizens Review Board (CRB) meets to review the case and make recommendations to the Judge. At the Permanency Hearing, the Judge hears from CYFD, the GAL or Youth Attorney, the respondent's attorney, and possibly the Court Appointed Special Advocate (CASA) and others about whether or not the child can be safely returned home.

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