

14-DAY ADVERSARY HEARING

Role	Name	Attorney	Served
Child			
Father			
Mother			
GAL			
Dept			

Before the Hearing:

- Roll call - confirm that everyone has been served, counsel appointed, interpreter present if necessary
- If citation by publication is needed, the court may render a temporary order at any time without regard to whether publication has occurred. 262.201(o)
- Ask whether there is a court of continuing, exclusive jurisdiction? If so, will the case be transferred to the court of continuing exclusive jurisdiction? 262.202 and 262.203
- Ask whether parents have completed indigency paperwork. 262.201(d)
- Inform each parent: you have the right to be represented by an attorney and if you are indigent, you have the right to a court-appointed attorney. 262.201(c)
- A parent may ask to postpone the hearing for 7 days. 262.201(e), 262.201(e-1)
- Ask whether the child has Native American heritage and identify any tribe. 262.201(f)

After the hearing:

- Ask why a child can't return home today.
- Ask why a child can't be with a relative today.

At the conclusion of the full adversary hearing, the court shall order the return of the child

unless the court finds sufficient evidence to satisfy a person of ordinary prudence and caution that:

- (1) there was a danger to the physical health or safety of the child and for the child to remain in the home is contrary to the welfare of the child;**
- (2) the urgent need for protection required the immediate removal of the child and reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to eliminate or prevent the child's removal; and**
- (3) reasonable efforts have been made to enable the child to return home, but there is a substantial risk of a continuing danger if the child is returned home. 262.201(b)**

Admonishments:

- Ask whether each parent, alleged father, and relative has completed and filed the child placement resources form. 262.201(l) (Form 2625)
- Inform each person: your failure to submit the proposed child placement resources form will not delay any court proceedings relating to the child. 262.201(l)
- Ask all parties whether the child has had the opportunity, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child 262.201(l-1)
- Ask all parties if each individual identified by the child as a potential relative or designated caregiver is listed on the proposed child placement resources form 262.201(l-1)
- Inform each parent: your parental and custodial rights and duties may be subject to restriction or to termination unless you are willing and able to provide the child with a safe environment. 262.201(m)
- Ask whether the child has been placed with a relative and whether the relative is present.
- Inform the relative (or order the Department to inform the relative) of the option to become verified by a licensed child-placing agency to operate an agency foster home. 262.201(n-1)
- Inform the relative (or order the Department to inform the relative) of the permanency care assistance program under Chapter 264. 262.201(n-1)

Actions:

- Sign orders re-appointing counsel for parents who are indigent or notify that the attorney will be discharged tomorrow unless the parent is found indigent.
- Sign scheduling order with all dates.