

Chapter 10 – Disposition Hearing

10.1 Overview

In the timeline of dependency proceedings, the disposition hearing occurs immediately after adjudication. The adjudication and disposition are separate processes and serve two different purposes. The majority of jurisdictions in Pennsylvania hold these hearings consecutively for timeliness and convenience. This occurs for several reasons: many, if not all, of the parties are the same at both hearings, much of the evidence presented is similar, it helps to expedite the process, and many times the outcomes overlap. When these hearings are held jointly, the judge or hearing officer should ensure that all necessary findings for each hearing are included in the final order.

A disposition hearing is not a permanency hearing. In the juvenile court process, disposition is the stage at which the court determines who shall have custody of the child in question and what services should be provided to the child and family. In the interest of protecting the child from further neglect or abuse, the court must decide whether to remove the child from the home, continue out-of-home placement, review safe alternatives to placement, or return the child to the home.

In cases where information is incomplete at the time of adjudication (i.e., Family Service Plans/Child Permanency Plans, professional reports, or evaluations are not available), the court may adjudicate the child and schedule a separate disposition hearing. If the child has been removed from the home, the disposition hearing must be held within 20 days after adjudication. See Pa.R.J.C.P. 1510 and 42 Pa.C.S.A. § 6341(c). In these circumstances, the child is typically ordered to remain in the current placement setting until the disposition hearing. Bifurcating the process in this manner allows more time to obtain information on the case, including family finding, and aids the judge or hearing officer in making the most appropriate decision on the custody and placement of the child. This also allows the agency to fully engage the family in identifying the most appropriate services.

10.2 Preliminary Matters

As with other dependency hearings, notice must be provided to all parties before the dispositional hearing. Notice of the hearing must also be provided to the agency solicitor; the child's GAL and/or legal counsel; the guardian's attorney; the parents, the child's foster parent, pre-adoptive parent, or relative providing care for the child; the Court-Appointed Special Advocate, if assigned; the educational decision-maker, if applicable; and any other persons as directed by the court. Pa.R.J.C.P. 1501.

*** Best Practice — Frontloading Services***

Identifying appropriate services to families early in the process is imperative. Whether the adjudication and disposition hearings are held simultaneously or separately, the judge or hearing officer should take this opportunity to order the agency to provide immediate services to alleviate the circumstances necessitating placement. The court can order the agency to do an exhaustive search for absent or putative fathers and kin resources or offer the families some type of Alternative Dispute Resolution (including FGDM, mediation or facilitation). The provision of these services prior to disposition or at an expedited review after disposition promotes timely permanency for the child.

Likewise, parties at the dispositional hearing are entitled to be represented by counsel, as discussed more fully in Chapter 5: Right to Legal Representation. Counsel for the parties, as well as the GAL, should come to court fully prepared, having reviewed all pleadings and reports, having met with their client on a date prior to the scheduled hearing, and having identified and prepared all witnesses and evidence. (See The Legal Representation Workgroup, Pennsylvania State Roundtable, *Standards of Practice for Parents' Attorneys, Guardians Ad Litem & Legal Counsel for Children in Child Welfare Dependency Cases in Pennsylvania* 12-17 (2014), <https://ocfcpacourts.us/wp-content/uploads/2020/06/Final-Standards-Of-Practice-Letter-Size-001686.pdf>.)

In addition, the rules governing discovery and inspection in dependency cases discussed in Chapter 7: Adjudication also apply prior to disposition hearings. (See Pa.R.J.C.P. 1340.)

10.3 Reports

At the disposition hearing, the court may consider various written reports that may not have been allowable or available previously. Reports can include but are not limited to, results of examinations, written reports by experts regarding the case, and the Family Service Plan/Child Permanency Plan. (See Pa.R.J.C.P. 1509 and 42 Pa.C.S.A. § 6341(d).)

The Family Service Plan (FSP) is the plan developed for the family by the agency. The creation of this plan should be accomplished with the family's input. Under 55 Pa. Code § 3130.61, the FSP must include identifying information pertaining to the child and family members, the specific circumstances under which the case was accepted, service objectives for the family, services to be provided to achieve the objective of the plan, actions to be taken by the parents, children, the county agency or other agencies and the dates when these actions will be completed, placement amendments, and the results of

any family service plan reviews and placement reviews. In counties that use Family Group Decision Making (FGDM) to identify needed services, the FGDM plan is often incorporated into the FSP document. In these instances, the agency caseworker has accepted the family's plan as sufficient and appropriate. If the court disagrees with the caseworker's acceptance, the judge or hearing officer has various options ranging from asking the family to reconvene and develop a plan that addresses the unaddressed court concerns to rejecting the entire family plan. The latter option should be done only when there is no reasonable way to resolve the unacceptable elements identified by the judge or hearing officer.

The agency is required to complete a written FSP within 60 days of accepting a family for service. 55 Pa. Code § 3130.61. However, if a child is in emergency placement and continued placement is necessary, the agency has only 30 days from the time of placement to complete the FSP. 55 Pa. Code § 3130.66. If the agency has not completed the FSP by the time of the disposition hearing, it may be appropriate to bring the parties back for a post-hearing review of the completed FSP.

Best Practice — Family Service Plan Requirements

Judges and hearing officers should consider the requirements contained within the FSP, the feasibility of accomplishing the requirements, and the connection each requirement has to positively impact child vulnerability, parental protective capacity, and the reduction of specific child safety threats. FSPs should help guide needed change. Family Service Plans should be unique to the child and parent(s) and goals tied to the identified safety threats. Goals not addressing safety threats may inflate the plan and dilute the importance of goals addressing the safety threat.

Sometimes, the needs of a child or parent may require a multitude of services, which may feel overwhelming to a family. When this occurs, judges and hearing officers can help by providing guidance regarding which services are priorities for the court. At the end of each hearing, the court should address the parent(s) and orally explain to them what was ordered. It is helpful if the judge or hearing officer prioritizes the tasks for or with the parent(s) identifying which need to be worked on or accomplished by the next hearing.

Additionally, upon placement of a child, the agency is required to prepare a Child's Permanency Plan (CPP) (an amendment to the FSP) for each child. The CPP also provides a wide variety of information for the courts and should be provided to all parties. The CPP includes specific information regarding the child, such as circumstances that made placement necessary, health and educational information for the child, the child's

permanency goal and concurrent planning goal, the placement type and location, appropriateness of the placement, justification for the placement's level of restrictiveness, and anticipated duration of the placement. 55 Pa. Code § 3130.67.

The services provided in any plan should be tailored to meet the specific needs of each child and parent. The court should ensure that the recommended services are appropriate for the family and include any modifications to the FSP in the court order. Every family with whom the system works is different, and therefore, the services needed are likely to be different and must be tailored to each family's individual needs. As such, the identification and delivery of services is best accomplished by engaging in a collaborative process with the family.

10.4 Stipulations

When the parties admit the allegations or stipulate to a set of facts as to dependency, they often agree to a disposition order at the same time. Stipulations are a very efficient and valuable way to reach the necessary outcome because the parties are taking part in resolving the issues instead of simply acquiescing in a court-imposed ruling.

Best Practice — Active, Ongoing Court Oversight

Once the court is certain that a stipulated agreement is well-considered and within the abilities of the parties, it would be prudent to set a review in three or four weeks to be sure all of the services are in place and all parties are moving towards the goal and cooperating with each other. Agency case workers and service providers should participate in the review. The review notice should be given at the conclusion of the disposition hearing.

Particular emphasis should be placed on the facts that led the agency to initiate dependency proceedings, and the court must be sure the parties understand the serious nature of the situation and the applicable law. At this stage, it is imperative that the judge or hearing officer inform the parents of what improvement must be shown on their part before the child can come home.

10.5 Conduct of the Hearing

The judge or hearing officer sets the stage for what happens in the courtroom, starting with an introduction, an explanation of the judicial role, and a description of what will happen in the courtroom. Before proceeding, the court should likewise ask those in the courtroom to introduce themselves and identify their relationship to the child.

Although dependency court is a less formal setting than many civil proceedings, some decorum and formality should be observed, and all parties should show consideration for the seriousness of the matter at hand. This includes how parties are addressed. By addressing parties by their proper names, as opposed to their roles as guardian, dad, and mom, the court conveys a tone of respect for both the proceeding and those involved. This culture of caring and collaboration sets a positive tone for the hearing and can ensure that the child and the family leave the hearing with hope.

In all cases where children are removed from the home, the agency is required to implement concurrent planning. Concurrent planning is the practice whereby the agency simultaneously establishes and executes one permanency goal along with a concurrent plan for the child. If, for any reason, the permanency goal does not work out for the child, the concurrent plan can be immediately effectuated. Concurrent planning can significantly shorten the length of time a child remains in care since virtually no time is lost in shifting from the initial permanency plan to the concurrent plan.

The court's role in concurrent planning is to determine that both the permanency goal and concurrent plan are appropriate and are established in a timely manner. The court reviews the status of the concurrent plan at future hearings, but the concurrent plan should initially be established at disposition.

All procedures and rules of evidence applicable to adjudication hearings apply to disposition hearings, except that "helpful" evidence that would not be competent in an adjudication hearing may be considered to the extent of its probative value in a dispositional hearing (i.e., hearsay). 42 Pa.C.S.A. § 6341(d). The court may entertain both testimonial evidence and documentary evidence during the proceeding. All persons and agency representatives with current knowledge of the child and the family may offer testimonial evidence so the court can use this relevant knowledge in making permanency decisions for the child.

Counsel and the *Guardian Ad Litem* should secure documentary evidence from the agency, private providers, schools, and health care providers and provide it to all parties in advance of the hearing. Written reports can directly assist a judge in reaching a decision and give caseworkers additional perspective concerning the needs of a child and family. Further, where concerns regarding child safety can be clearly identified, necessary services can be implemented, and clear objectives for family members can be set, providing touch points for later reviews.

"I felt fortunate to have been placed with my aunt, someone I've known my whole life, someone I can have fun with, laugh with. I felt really blessed when she came and got us that night."

- D.S., 18, Former Pennsylvania Foster Youth

The key discussion in a disposition hearing is whether it is **clearly necessary** that the child be placed or continue in placement away from home and which services should be provided at the early stages of the case. If initial placement is clearly necessary, the court should prioritize the placement of the child and his/her siblings, if possible, with safe

relatives or kin to reduce potential trauma. Each child has a family, immediate and extended. Each child also has a network of non-related people with whom they are close and who could provide support in addition to possible placement. Locating members of that extended family and kinship network widens the circle of caring adult relationships for the child and permits meaningful connections, which help the child develop a sense of belonging. The court should inquire into the county agency's family finding efforts and inquire of the parties and the child to identify family and kin.

The single most identified factor contributing to positive outcomes for children is the maintenance of meaningful connections and relationships with safe, supportive family members and kin. In fact, the county agency has a legislative mandate to conduct family finding pursuant to 67 Pa.C.S. A. §§ 7501-7509. Accordingly, it is important to transform the ideology of courts and agencies from providing placements with licensed strangers to finding and connecting children with safe family members and kin. By doing that, we honor positive family and kinship relationships, give a family the opportunity to heal and develop trust with the agency, and provide a child with a much-needed sense of belonging.

The court has great latitude in imposing conditions and limitations that serve the best interest of the child. Often, a discussion on disposition is necessary before significant planning can begin, bearing in mind the goal of arriving at an appropriate long-term plan for the child's future, one that speaks to the needs and problems of the child and parents.

Depending on the nature of the case, a judge or hearing officer may consider asking the family to engage in FGDM if one has not yet been undertaken. Although a judge or hearing officer should not order a FGDM conference, as this is a voluntary practice, the judge or hearing officer can order the agency to provide information regarding the practice and order the family to meet with a facilitator who can explain the process of FGDM clearly in order to help the family make an informed decision. Alternatives to proceedings in front of a judge, like FGDM, mediation, and facilitation, can lessen the stress on a family and be quite helpful. With the parties working together to find solutions in a non-adversarial environment and focusing on the family's strengths, the parties and the caseworkers can make a huge difference in successfully resolving cases. (For more information on FGDM, see Chapter 20: General Issues, Section 20.4: FGDM.)

Should no agreement be reached, the court will determine whether the child can stay at home with safety measures in place or should be placed away from the home and where, specifically, the child is to reside. A child should be maintained with his or her parents whenever it is safe to do so. Children's Roundtable Initiative, Office of Children and Families in the Courts, *The Mission and Guiding Principles for Pennsylvania's Child Dependency System* 9 (2009). When considering placement outside the home, the court should consider the well-being of the child as well as safety. Does the placement promote the emotional and social needs of the child? Will the placement location create a barrier to visitation or contact between the child and other supports? How does the placement impact the child's education?

Whenever possible, the wishes of the child (if old enough) and parents regarding a safe and appropriate placement should be honored. When there is disagreement between the parties regarding the preferred placement, the court should ask each party their reason(s) for their preferred placement. In doing so, the court conveys a sense of fairness and concern for all. After hearing from all the parties, the court shall make the placement decision that is in the best interest of the child, explaining to the parties the rationale for the decision.

Best Practice — Educational Information

Each party should attempt to bring all of the child's current and relevant educational information including reports, report cards, attendance records, disciplinary records, and evaluations such as a copy of the child's Educational Screen or other educational assessments of the child to the adjudication hearing, the disposition hearing, and all subsequent hearings.

If the agency does not have the records, the court should direct the agency to immediately obtain the records of the child. In January 2013, the Family Educational Rights and Privacy Act (FERPA) was amended to ensure that child welfare agencies obtain immediate access to the education records of children in care.

Under the Uninterrupted Scholars Act (P.L. 112-278), agency caseworkers and private providers are authorized to obtain the education records of children in out of home care for whom they have legal responsibility, including children under a voluntary placement agreement and youth adjudicated dependent under shared case responsibility.

10.6 Educational Decision Makers (EDM)

It is presumed that a parent or guardian can make appropriate educational decisions to safeguard the child's best interests unless evidence is presented to the court to the contrary. When such evidence is presented, the court should hear from the parties.

10.6.1 When to Appoint an Educational Decision Maker

If the court determines that all parents and/or guardians are unable to fulfill the child's educational needs, the court may appoint an Educational Decision Maker (EDM) to safeguard the child's educational best interests. (See Pa.R.J.C.P. 1147.) If the court appoints an EDM, the court may wish to advise the parent/guardian to remain involved in the child's education to the extent that they are able. If appointed, the continued necessity of an EDM should be addressed at each subsequent hearing.

Best Practice — Hearings to Determine Whether Appointment of an Educational Decision Maker is Needed

When determining whether to appoint an Educational Decision Maker (EDM), a court should ascertain whether the parent or guardian can fulfill the child's ongoing educational needs. Judges should allow testimony from all interested parties and should make findings supporting the need for an appointment if one is necessary. The judge should consider various factors such as: (1) the permanency goal of child (*i.e.* reunification or adoption); (2) any unique circumstances of the child; (3) the complexity of the educational decisions that may need to be made; (4) whether the child has a disability and needs special education; (5) whether the parents are capable of making educational decisions for the child and readily available and willing to participate; (6) why the person to be appointed is appropriate for this child's needs; (7) how well the person to be appointed knows the child; and (8) the best interests of the child.

At each subsequent hearing, the court should determine whether an EDM continues to be necessary and whether the appointed EDM is meeting the needs of the child.

10.6.2 Person Eligible for Appointment

While not an exhaustive list, the following persons may be considered to serve as a child's EDM:

- A family member;
- A foster parent or former foster parent;
- A kinship provider;
- A Guardian *Ad Litem* (GAL);
- A Court Appointed Special Advocate (CASA);
- A family friend;
- A mentor;
- If special education is not an issue, a child welfare professional; or
- Any other person deemed appropriate by the court.

10.6.3 Special Rules for Students with Disabilities

When dealing with children who need special education services, there are additional requirements under the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C.A.1400-1482)*. Thus, when the court appoints an Educational decision-maker for a child who is or may be eligible for special education, the court's order should state that:

- (1) The EDM meets the requirements of the IDEA.
- (2) The parents are not “attempting to act” in the special education process, or the court has determined the parent’s authority to make decisions should be limited and has appointed an EDM for the child.
- (3) Like all other parents under the IDEA, the EDM appointed by the court has all of the rights of an IDEA parent, including the right to access educational records, request and consent to evaluations, disagree with the recommendations of the school, and request mediation or a due process hearing.

**A court-appointed EDM for a child with disabilities cannot be an employee of the state education agency, the local education agency, or any agency involved in the education or care of the child, including the local child welfare agency. 34 C.F.R. § 300.519(d)(2)(i).*

10.7 Findings and Orders

In its written findings of fact and legal conclusions, a court must address both the immediate and long-term plans for the maintenance of the child, including the nature of the placement and why it is necessary and appropriate under the circumstances. Additionally, the court should determine whether the child is safe in the placement.

The court must also review the case plan and the concurrent plan proposed by the agency to determine whether it is appropriate as is or with modification and whether it can be implemented, monitored, and followed by the family. The findings and conclusions must include the services ordered and the corresponding needs to be met.

***Best Practice — Active, Ongoing Court Oversight ***

When placement out of the home is necessary, the court should include the type of placement and the specific name and location of the placement, whenever possible. This should include the names of kin, foster families, or facility names. Circumstances may arise when it is not appropriate to identify the name or address of a resource family. In such a case, it may be appropriate to use *confidential* in the court order to protect that information.

In addition, it is sometimes not possible for the agency to identify a specific placement location immediately. In these instances, the placement type should be identified generally with the judge or hearing officer requesting the case be returned to the court within 30 days to determine the actual placement of the child and issue a new order.

Pursuant to Pa.R.J.C.P. 1514(a), the court must find in open court or enter into the record through the dispositional order a finding if the child is placed that:

- (1) remaining in the home would be contrary to the welfare, safety, or health of the child;
- (2) the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available;
- (3) if the child has a sibling who is subject to removal from the home, whether reasonable efforts were made prior to the placement of the child to place the siblings together or whether such joint placement is contrary to the safety or well-being of the child or sibling;
- (4) the county agency has reasonably satisfied the requirements of family finding under Pa.R.J.C.P. 1149;
- (5) one of the following (unless the court has previously found aggravated circumstances exist and that reasonable efforts to remove the child from the home or to preserve and reunify the family are not required. (See Pa.R.J.C.P. 1514(b) and Chapter 20; Section 20.2 Aggravated Circumstances)):
 1. Reasonable efforts were made prior to the placement of the child to prevent or eliminate the need for removal of the child from the home, if the child has remained in the home pending such disposition; or
 2. If preventative services were not offered due to the necessity for emergency placement, whether such lack of services was reasonable under the circumstances; or
 3. If the court previously determined that reasonable efforts were not made to prevent the initial removal of the child from the home, whether reasonable efforts are under way to make it possible for the child to return home; and
- (6) the county agency has provided a permanency plan and services pursuant to 67 Pa.C.S. § 7504.

Under Pa.R.J.C.P. 1512(D), the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Pa.R.J.C.P. 1515. On the record in open court, the court shall state:

- a) its disposition;
- b) the reasons for its disposition;
- c) the terms, conditions, and limitations of the disposition;
- d) the name of any person or the name, type, category, or class of agency, licensed organization, or institution that shall provide care, shelter, and supervision of the child;
- e) whether any evaluations, tests, counseling, or treatments are necessary;
- f) the permanency plan for the child;
- g) the services necessary to achieve the permanency plan;
- h) whether the county agency has reasonably satisfied the requirement of Rule 1149 regarding family finding, and if not, the findings and conclusions of the court on why the requirements have not been met by the county agency;
- i) any findings necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision-maker pursuant to Rule 1147;
- j) any findings necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed; and
- k) a visitation schedule, including any limitations. (Though the rule does not specify what the visitation must be, guidance on this can be found in Chapter 8: Visitation)

Pa.R.J.C.P. 1512(D)(1)

In Pennsylvania, dependency findings and orders for dispositional hearings are contained within the Common Pleas Case Management System, Dependency Module. These court forms contain the information needed to assist the court in asking the necessary questions, managing the case, meeting federal requirements, and capturing statewide data. The forms also allow for the entering of detailed text, which can outline the court's specific directives.

If a child is placed in foster care, the court should also order child support if the parents are able to help cover the costs of care, keeping in mind that child support obligations should not be unduly burdensome.

When possible, the order should also set the date for the Permanency Review Hearing (see Chapter 13: Permanency Hearing) and be distributed immediately to all parties.

Finally, pursuant to Pa.R.J.C.P. 1512(C), the court must determine on the record that the parties were advised of their appellate rights. The court should explain the right to appointed counsel for an appeal if a party is without counsel and without the financial resources or otherwise unable to employ counsel. The court should explain the right of any party who is indigent to proceed with an appeal without payment of costs.

DISPOSITION HEARING CHECKLIST

1. TIMELY HEARING:

___ **Date** child removed: _____
___ **Date** of disposition hearing: _____

(Note: The disposition hearing must take place no later than twenty days after the child is adjudicated dependent if the child has been placed.)

2. NOTICE OF HEARING:

___ Determine if written notice of time, place, and purpose of disposition hearing was issued to the child and the child's:

- | | |
|---------------------------------------|-------------------------|
| ___ Mother and attorney | ___ Father and attorney |
| ___ Guardians/custodians and attorney | ___ GAL and/or attorney |
| ___ Tribe (if ICWA applies) | ___ Forster Parent |
| ___ Pre-Adoptive Parent | ___ County Agency |
| ___ Relative Providing Care for Child | ___ CASA |

___ Determine the status of any absent parents/parties.

3. WHO SHOULD BE PRESENT:

- ___ Judge
- ___ Mother
- ___ Father
- ___ Guardians/Custodians
- ___ Child(ren)
- ___ Spouse of Child, if any
- ___ Parents' Attorneys
- ___ Guardian *ad litem*
- ___ Child's Attorney
- ___ Agency Solicitor
- ___ Caseworker
- ___ CASA
- ___ Court Reporter
- ___ Security Personnel

WHO MAY BE NEEDED:

- ___ Extended Family Members
- ___ Friends of the Family
- ___ Foster/Pre-adoptive Parents
- ___ Other Witnesses
- ___ Service Providers
- ___ Law Enforcement
- ___ Probation Officer

4. PROCEDURE:

___ Explain the purpose of the disposition hearing (which is to determine whether the child, who was adjudicated dependent, will remain in or be returned home or be placed in another setting).

- _____ Identify all parties present.
- _____ Advise parties of their rights, including the possibility of termination of parental rights if the child has been in foster care for fifteen of the last twenty-two months.
- _____ Determine whether timely service of process and notice of the hearing was given to the necessary parties.
- _____ Take testimony to determine if it is clearly necessary to remove the child from the home and determine the best placement; testimony shall be offered by the agency and fact witnesses, including parents; expert testimony, if needed, will be given; and aggravated circumstances testimony, if appropriate, shall be offered.
- _____ If not already determined, has the court made a determination as to whether the child is an Indian Child as defined by the Indian Child Welfare Act, 25 U.S.C. §§ 1901-1963 and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.2?

When alternatives to removal are not possible or practical, clear necessity is shown.

5. ISSUES RELATED TO DISPOSITION:

- _____ An agency's reasonable efforts regarding services which would permit reunification;
- _____ Family visitation if the child is placed outside the home;
- _____ Payment of child support if the child is placed outside the home;
- _____ Ongoing services and non-placement reviews if the child is placed in the home;
- _____ Educational needs of the child;
- _____ Long-term plan for the child;
- _____ Status of family finding process;
- _____ Ensure that frequency and duration are appropriate based on the age and needs of the child.
- _____ Ensure that oversight and location of visits are the least restrictive and provide for the most natural interaction to occur.

6. ISSUANCE OF ORDERS:

Orders shall address these points:

- _____ Disposition of the child, in home or out;
- _____ Services and assessments ordered for the child and the family;
- _____ Permanency Plan (goal) for the child;
- _____ Visitation schedule, including any limitations.

7. SCHEDULE NEXT HEARING:

_____ Three-month review hearing **Date:** _____
_____ Six-month review hearing **Date:** _____
_____ Permanency hearing **Date:** _____

8. ADVISE PARTIES ON THE RECORD OF THE FOLLOWING:

_____ Right to appeal within thirty days;
_____ Right to proceed without payment of costs if unable to afford to pay costs;
_____ Right to appointed counsel if unable to afford to retain counsel.

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DISPOSITION HEARING BENCHCARD



Relevant Statutes	42 Pa.C.S. § 6351 (a) and (b) Pa.R.J.C.P. 1340, 1501, 1509, 1510, 1512, 1514, and 1515.
Purpose of Hearing	A hearing at which the judge considers all the evidence, such as reports and recommendations, regarding the child's placement. The judge also reviews the case plan developed by the parties to determine if it addresses all of the child's identified needs.
Time Frame	Not later than 20 days after adjudication if the child has been removed from the home.(42 Pa.C.S. § 6341(c). The court may continue the hearing for a reasonable time to receive reports and other evidence bearing on the disposition or the need for treatment, supervision, or rehabilitation. 42 Pa.C.S. § 6341(e). <i>Dependency proceedings cannot be deferred.</i>
Rules of Evidence	In disposition hearings, all evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and relied upon to the extent of its probative value. Thus, hearsay may be considered. 42 Pa.C.S. § 6341(d).
Next Hearing	<p><u>Permanency Hearing to determine or review the child's permanency plan:</u> within 6 months of the date the child was removed from the home or date of disposition, whichever is earlier. 42 Pa.C.S. § 6351(e).</p> <p><u>Permanency Hearing:</u> Or within 30 days if there is an allegation of aggravated circumstances or the court finds that reasonable efforts are not required to reunify the family. 42 Pa.C.S. § 6351(e).</p> <p>The best practice is to conduct review hearings a minimum of every 3 months.</p>
Appeal Rights	On the record to all parties



DISPOSITION HEARING



SUMMARY OF KEY QUESTIONS/DETERMINATIONS

- What is the appropriate disposition of the case and long-term plan for the child? (i.e., What disposition does the predisposition report recommend?)
- Where should the child be placed?
- Is this the least restrictive, most appropriate, most family-like placement option?
- Does the agency-proposed case plan reasonably address the identified needs of the child and parent? Have both the father and mother been included in the development of the plan?
- Has the father been identified? Has paternity been established? If not, what specific actions have been taken or are needed?
- What is the concurrent plan for the child? Was the concurrent plan established in a timely manner? Is it appropriate to the child's circumstances?
- Are any evaluations, tests, counseling, or treatment necessary?
- What services are necessary to achieve the permanency plan? Are services specific to the needs of the father, the mother, and the child(ren)?
- Has the agency made reasonable efforts to eliminate the need for placement or prevent the need for placement?
- What, if any, child support should be ordered?
- What visitation with parents is appropriate? Have relatives or kin resources been exhausted for visitation location and oversight? Has a visitation plan been presented to the court that outlines details of the visitation plan, including assistance to the parent, such as transportation?
- What visitation with siblings is appropriate?
- When will the case be reviewed?
- Has family finding been done to identify all possible family and caregivers?
 - Has any possible kinship placement been identified?
 - What, if any, are the obstacles to placing the child with family/kin?
- Has the family been offered a Family Group Decision Making conference?
- Does the family understand what Family Group Decision Making is?
- Remember to advise all parties of the following:
 - Right to appeal within thirty days;
 - Right to proceed without payment of costs;
 - Right to appointed counsel.
- If not already determined, has the court made a determination as to whether the child is an Indian Child as defined by the Indian Child Welfare Act, 25 U.S.C. §§ 1901-1963 and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.2?

These questions are adapted from the text of this chapter, the *Mission and Guiding Principles for Pennsylvania's Dependency System* and the Disposition Hearing Benchcard provided in the Gatowski, S. et al., *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases 244-249* (National Council of Juvenile and Family Court Judges 2016).