**SHELTER CARE CHECKLIST FOR JUDICIAL OFFICERS**

**Petition:**

□ A verified Dependency Petition has been filed with the court and given to all parties.

□ An order to take child into custody has been filed if presented to the court, and copies to all parties.

**Timing:**

□ The hearing was held within 72 hours of removal, excluding Saturdays, Sundays, and Holidays.

**Notice:**

□ Notice has been given to all parents, legal custodians, guardians that their child has been taken into custody, the reasons why, and their legal rights, including the right to a shelter care hearing as soon as possible. – RCW 13.34.062

□ If a parent, guardian or custodian is not present, testimony is taken from the social worker or CPS worker regarding reasonable efforts to notify the parents. Notice may be given in any means reasonably certain of notifying the parent including, but not limited to, written, telephone, or in person oral notification.

□ Notice has been given to the appropriate tribe if it is an ICWA case.

□ If notice was not given order DCYF to continue efforts to notify the parent(s).

**Rights:**

□ Parents, guardians, custodians have been advised of their rights under RCW 13.34.090. Their right to have counsel appointed, their right to discovery, their right to a shelter care hearing, and for the court to make a fair and unbiased decision based only on the facts produced at the hearing.

**Attorneys:**

□ Indigency has been determined for parents, guardians, custodians – attorneys appointed.

□ If any child is aged 12 or above appoint an attorney for the child.

**ICWA:**

□ Sworn testimony has been taken from the parents, guardians or legal custodians regarding membership in Indian Tribes, whether they reside on a reservation, and whether the child is a member or eligible for membership in an Indian Tribe.

**Discovery:**

□ Confirm that the pleadings and the discovery from DCYF has been given to the parent’s representatives and that they received it within a reasonable amount of time to proceed.

**Reasonable Efforts:**

□ DCYF has made reasonable efforts to prevent the removal of the child and to make return of the child to the parent possible. (Example include offering of services such as UA, chemical dependency treatment, the use of a safety plan, a Family Action Response, the parents entered into a Voluntary Service Agreement and/or a Voluntary Placement Agreement with the department. If Homelessness is the main cause of the removal, what efforts the department has made to assist with housing.)

□ ICWA – The department has made active efforts – higher burden than reasonable efforts.

**Risk:**

□ There is a serious risk of substantial harm to the child if returned home.

□ Or There is not a serious risk of substantial harm to the child if returned home – sign order returning child to his or her home.

**Placement:**

□ The child can be returned home with appropriate conditions and/or protective orders.

□ The child cannot be returned home safely, and

□ The department has asked the parents for names of relatives or other suitable persons with whom the children can be placed.

□ The proposed placement is the least disruptive and most family like setting that meets the child’s needs, including education and health.

□ Consider the child’s placement preferences if age appropriate and represented by counsel or has GAL.

□ Determine if it is in the child’s best interest to remain enrolled in his or her school of origin RCW 13.34.065(4)(f). Transportation to school – McKinney-Vento Act; CA Policy §4538.

□ Educational liaison appointed (presumption if parent) RCW 13.34.136.

**GAL CASA:**

□ An order has been signed appointing a GAL or CASA, or the GAL / CASA program.

**Visitation:**

□ The frequency, duration and level of supervision has been ordered and is in the child’s best interest. Visitation is the right of the family. Early, consistent, and frequent visitation is crucial to maintaining the bond between the parent and the child.

**Services:**

□ DCYF has offered services to the parents pending fact finding.

□ Parents have voluntarily agreed to services – agreed services are written into the shelter care order.

**ORDER:**

□ Settlement Conference and 30-day status have been set. □ Fact finding date if customary.

□ Order paternity testing if paternity has not been established.

□ Sign orders for child’s health care.