**DISPOSITION CHECK LIST**

* **PURPOSE:** Determine placement, visitation (if necessary), and service plan. JuCR 3.8 and 13.34.130
* Hearing shall be no later than 14 days from the entry of Order of Dependency (unless good cause shown for longer delay after fact-finding)
* Persons who should be **notified** of the hearing:
	+ Parties
	+ GAL/CASA
	+ Indian child’s tribe
	+ Grandparents, siblings, stepparents, stepsiblings, aunts, uncles
		- If known to have been in contact with the family or children in past 12 months
		- Possible placement for the child(ren)

**EVIDENCE THE COURT MUST CONSIDER**

* Petitioner social study or court report
* GAL or CASA report
* Reports filed by any party
* Evidence produced at the fact-finding hearing
* Oral arguments or presentations at hearing

**KEY CONSIDERATIONS**

* Current **Assessment of Safety** in the home of each parent – as to each child individually
* Current **Safety Plan** requirements for each child
	+ Current **Conditions for Return** if child(ren) not placed in parents’ custody
* What services will be provided to address the safety threat, and promote reunification?
* Does ICWA Apply?
* Placement of child;
	+ If in home what protective supports are present to protect the child
	+ If out of home, Court must address whether the Department made reasonable efforts to prevent Removal and ensure the health, welfare and safety of the child

**REFERENCES**

25 U.S.C 1915

13.38.130

RCW 13.34.110 (4)

RCW 13.34.120

RCW 13.34.130

JUCR 3.8

ER 1101

SAFETY MANUAL

* Visitation Plan for the family.

**KEY DECISIONS**

* **Placement.**
* Child is maintained **in the home** – 13.34.130(1)(a)
	+ Program designed to alleviate the immediate danger to the child, mitigate or cure any damage, prevent future endangerment. **(“Safety Plan”)**
* Placement **out of home** – 13.34.130(1)(b)
	+ **Reasonable Efforts** to prevent or eliminate the need for removal of the child... and to make it possible for the child to return home… or the health, safety, and welfare of the child cannot be protected adequately in the home, and – 13.34.130(6)
		1. There is **no parent** available - .130(6)(a)
		2. The parent is **unwilling** - .130(6)(b)
		3. **Clear, cogent, convincing evidence a manifest danger** exists that the **child will suffer serious abuse or neglect if not removed**, and 26.44.063 order will not protect the child from danger. - .130(6)(c)
	+ Relative or other suitable person – preferred – 13.34.130(6)
	+ The department
		1. Shall consider the preferences of the parent – 13.34.130(2) and 13.34.260
		2. Court finds “best interest of child” – 13.34.103(3)
	+ Child *shall* be placed as close to the child’s home as possible, preferably in the child’s own neighborhood, unless the court find that placement at a greater distance is necessary to promote the child’s or parents’ wellbeing. – 13.34.136(2)b)(iv)
	+ **ICWA**
		1. **Clear, cogent, convincing evidence**
		2. Testimony of **Qualified Expert Witness** (see 13.38.130(4))
		3. Continued custody of the child by the parent or Indian custodian is likely to result in **serious emotional or physical damage to the child**.
		4. 13.34.130(1)(b)(i) and 13.38.130
		5. Court *shall* follow preferences in 13.38.180.
	+ Qualified Residential Treatment Program
		1. Set hearing within 60 days to approve or disapprove QRTP
			1. Consider assessment required in 13.34.420
			2. Consider if any other placement better serves child
	+ Determine whether contact with **siblings** is in best interests.
		1. Presumed to be in child’s best interests
		2. Include step siblings, where relationship exists
		3. 13.34.130(7)
	+ A child placed out of home and in non-relative care *shall* be allowed to remain in the same school as prior to dependency case, if in the child’s best interests. 13.34.130(8)
* **Permanency Plan of care** – 13.34.136 (Due 60 days from removal or at disposition, whichever is earlier).
	+ **Permanency Goal** – 13.34.136(2)(a) (“may identify… alternative goals..)
		- Return of child to parent, guardian, legal custodian
		- Adoption (including tribal customary adoption – 13.34.040)
		- Permanent legal custody
		- Long-term relative or foster care (if child 16 yrs or older)
		- Independent living skills program or independent living (16 yrs or older)
	+ **Service plan** – 13.34.136(2)(b)(i)
		- Placement of children
		- Plan to return child(ren) home
			* Services to be offered by department to enable parents to resume custody
			* Requirements of parents to resume custody **(Condition for Return)**
			* Time limit for each service plan and parental requirement
			* If parent eligible for Developmental Disabilities Administration services, consult for appropriate services, tailored to correct parental deficiencies and delivered appropriately for the parent. - .136(2)(i)(B)
		- Plan to promote sibling relationships
		- Plan to maintain parent-child ties.
			* Right of the family, including child and parent, where in the child’s best interests. - .136(2)(b)(iii) (“Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify.)
				+ The court shall order the maximum parent and child and sibling contact possible… including participation by the parents in the care of the child while in placement. - .136(2)(b)(ii)
				+ Is **Safety** assessed in the specific context of visitation?
* Aggravated Circumstances – 13.34.132
	+ Order petition to seek Termination, and no reasonable efforts to reunify, if
		- Child removed from parental custody at disposition
		- Termination recommended by department
		- Termination in best interests of child
		- Aggravated circumstances by CCC evidence (see list)
* **Engaging parents**
	+ Describe purpose of the hearing
	+ Address parties by name
	+ Check with parents about their understanding of the process, why we are here, what are the next steps toward their goals.
		- Ask parents “what do you need to accomplish your short- or long-term goals?”
	+ Clearly articulate Conditions for Return
	+ Encourage parents