

# SHELTER CARE COURT OBSERVATION TOOL

Observer name	County	Hearing date	Scheduled time	Start	End	Date coded
JO						
Continued <input type="checkbox"/> Yes <input type="checkbox"/> No		Case #		<input type="checkbox"/> Agreed <input type="checkbox"/> Contested		
Petition Filed by <input type="checkbox"/> The Department <input type="checkbox"/> Other						

## PARTIES PRESENT

<input type="checkbox"/> Par 1	<input type="checkbox"/> Par 1 Atty	<input type="checkbox"/> Foster parent	<input type="checkbox"/> Caregiver/relative representation
<input type="checkbox"/> Par 2	<input type="checkbox"/> Par 2 Atty	<input type="checkbox"/> Social worker	<input type="checkbox"/> Tribal representation <input type="checkbox"/> CASA/GAL rep
<input type="checkbox"/> Par 3	<input type="checkbox"/> Par 3 Atty	<input type="checkbox"/> State attorney	<input type="checkbox"/> Interpreter <input type="checkbox"/> Other _____
<input type="checkbox"/> Par 4	<input type="checkbox"/> Par 4 Atty	<input type="checkbox"/> P4P	
<input type="checkbox"/> Child(ren) _____ <small>(Number) (Ages)</small>		<input type="checkbox"/> Child(ren) attorney (type: <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/> C <input type="checkbox"/> Other _____)	

## JUDICIAL ENGAGEMENT: JUDICIAL ENGAGEMENT

Does that judge...	Parent 1	Parent 2	Youth	Caregiver(s)
Explain hearing purpose and process?				
Ask about language preference?				
Speak directly to the person?				
Address the person by last name?				
Address the children by first name?	N/A	N/A		N/A
Ask if parents or youth have questions?				
Ask if parents or youth understand?				
Identify next steps?				
Not interrupt or talk over the person?				
Discuss parents' rights with them during hearing?				
Give persons an opportunity to be heard?				

## ICWA

The judge asks whether there is a reason to know the child is or may be an Indian child .....	Yes	No	UD
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If <u>Yes</u> , does ICWA apply? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent(s)/relatives acknowledge membership in federally recognized tribe(s) and ICWA could apply? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Active efforts were made to prevent the break-up of the family .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Efforts made to notify tribes through which the child is or may be affiliated .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The placement conforms with the placement preferences in ICWA/WICWA .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If <u>No</u> , why? <input style="width: 60%; border: 1px solid black;" type="text"/>			

**LEVEL OF DISCUSSION (0 = no discussion, 1 = one/two statements, 2 = more than two statements)**

The Following Topics were Discussed	Inquiry	Level of discussion
Child's current placement		
Child's educational needs and placement		
Child's physical health and development		
Child's mental health		
Nature, extent, and quality of family time		
Paternity or locating parents		
Relative resources (identification of kin)		
Child's cultural needs		
Agency's reasonable efforts to prevent removal (prevention ser)		
Safety threats leading to removal (imminent phys harm)		
Parent protective capacity		
Child's vulnerabilities		
Causal relationship b/w "iph" and conditions in the home		
What is preventing the child from returning home today		
Service needs for parents and children		
Safety planning		
Parents' access to and receipt of relevant services		

**JUDGE'S PRACTICE**

THE JUDGE ENSURES...	Yes	No	UD	N/A
Accommodations for incarcerated parents were made .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interpreter is provided .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Documents written in parents' primary language are provided .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The judge asks about parents' ability to attend the next hearing .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The judge discusses reasonable efforts to prevent removal verbally on the record .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The judge asks about potential harms of removal .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The judge asks whether the threat of "iph" outweighs the harms of removal ....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Yes, what was it:

**ATTORNEY'S PRACTICE**

	Yes	No	UD	N/A
The par atty tries to prevent a removal .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If <u>Yes</u> , were they successful? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The par atty advocates for the child's placement with a relative or a suitable adult.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is child currently placed with relative or non-related extended family member or a suitable adult?.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Yes, relation of family member to child:

**PLACEMENT DECISION**

Yes No UD N/A

Did the judge decide?  Yes  No  UD  N/A

If Yes, what was the outcome?  Child returned home  Child was never removed  Foster care

Relative placement, specify   Suitable other, specify

If placed with relative or suitable other did the judge inquire if they want to become a licensed foster parent? .....  .....  .....  .....

Was there a relative or suitable other who was declined as placement by the judicial officer? .....  .....  .....  .....

If Yes, explain why

Was the decision in line with the recommendation of DCYF/social worker .....  .....  .....  .....

Did the judicial officer ask the placement preference of the parents? .....  .....  .....  .....

Did the judicial officer ask the placement preference of the child(ren) .....  .....  .....  .....

Were conditions of shelter care specified? .....  .....  .....  .....

**VISITATIONS/FAMILY TIME**

Were visitations discussed during the hearing? Visits started within 72 hours after removal?

Yes  No  Yes  No, why

How soon after the hearing will visitation begin?

There are no court-ordered visits  Not discussed  Within two weeks

Within three weeks  Within 1 month or longer

How often will the visits be?

4+ times a week  3 times a week  2 times a week  Weekly  Monthly  UD

Which type of visitation was ordered?

Supervised  Non-supervised  Monitored  non-specific  other

**JUDICIAL DISCUSSION OF REASONABLE EFFORTS AND FINDINGS ON THE RECORD**

Topics	Inquiry observed
Does the judge state a reasonable/active effort finding?	
Reasonable efforts were made to prevent removal	
Reasonable efforts were made to serve the parents with papers	
Reasonable efforts were made to reunify	
Were services to prevent/eliminate need for removal ordered?	
Are orders provided to parents at the conclusion of the hearing?	

**DISCUSSION ABOUT FOSTER CARE, IF APPLICABLE**

The following topics were discussed during hearing	Inquiry	Level of discussion
Location of the foster home		
Distance between the foster home and the parent's home		
Whether siblings are placed together		
Whether it is the least restrictive home		
After these inquiries was the foster care order changed?		

