

# **PRELIMINARY HEARING**

**Held within 72 hours of removal**

## **Probable cause:**

- **Child was abused/neglected and**
- **Child subject to**
  - **Immediate threat to health & safety and**
  - **Severe or irreparable harm**
  - **Or child may abscond or be removed from court's jurisdiction**

**AND no less drastic alternative to removal**

**T.C.A. § 37-1-114 & 117/TRJPP Rule 302**

# **ADJUDICATORY HEARING**

## **Time Limits**

- **Child placed out of home by court order, hearing held within 30 days**
- **Other cases held within 30 days if reasonable, but no later than 90 days**
- **Upon good cause may be continued to date certain**

**TN Rules of Evidence apply**

**Clear and convincing standard of proof**

**T.C.A. § 37-1-129/TRJPP RULE 307**

# **DISPOSITIONAL HEARING**

## **Time Limits**

- **Placed out of home held within 15 days of adjudication**
- **Other cases held within 90 days of adjudication if reasonable**
- **Held past 90 days for good cause and set for date certain**

**Separate from adjudicatory hearing**

**Judge must advise parties of the right to appeal**

**TN Rules of Evidence apply, except reliable hearsay is admissible**

**TRJPP Rule 308/T.C.A. § 37-1-130**

# **RATIFICATION HEARING**

**Purpose – approve initial and subsequent permanency plans in the best interest of child that outline responsibilities of each party to achieve permanency goal(s)**

**Initial plan – ratify within 60 days of custody**

**Ratified plan = court order**

**Evidentiary hearing: party's do not agree, GAL objects, DCS has not prioritized outcomes & action steps**

**Agreement – judge determines if in child's best**

**Abandonment Criteria**

**Rights of party not served**

**Findings/Order entered within 30 days**

**Subsequent plan – annually & include recommendations of FCRB**

**T.C.A. § 37-2-403/TRJPP RULE 401**

# **PERIODIC PROGRESS REVIEW HEARING**

**Completed by court**

**Review of:**

- **Child is safe**
- **Provisions are being made for child's wellbeing**
- **Permanency plan responsibilities and goal(s) remain in child's best interest**
- **Visitation schedule remains sufficient to maintain bonds**
- **Reasonableness of DCS to identify and locate parents**
- **Reasonableness of DCS's efforts based on prioritization of outcomes & corresponding actions steps**
- **Compliance of parents with responsibilities**
- **FCRB recommendations**

**If new plan ratified, hearing bifurcated**

**Findings**

**T.C.A. § 37-2-404/TRJPP RULE 402**

# **PERMANENCY HEARING**

**Review previous orders/FCRB recommendations**

**Separate and distinct from ratification and periodic progress review hearing or FBCR**

**Purpose – decide final permanency outcome for child based on best interest**

**Evidentiary hearing – child must be present with exceptions**

- **Reasonable efforts findings**
- **Compliance of parent**
- **Child's views on permanency plan provisions**
- **Independent living/transitional living plan appropriate**
- **Barriers/additional services to complete plan**
- **Youth 17 – testimony by DCS regarding extension of FC**

**Reasonable efforts finding as to permanency goal of reunification or other**

**Set permanency hearing for youth 17/older in DCS within 60 days of eligibility of EFC**

**Bifurcated permanency hearing and ratification hearing on new permanency plan**