

Checklist for Preparation for Adjudicatory Trial

Adjudication Preparation

____ You have received all necessary information from CPS concerning relevant facts
____ The CASA volunteer believes there is evidence of abuse or neglect (circle those that apply) to support an adjudication.

State the specific language in the definition(s) of abuse or neglect that applies to the facts of the case:

____ You are aware of your client's feelings regarding this proceeding.

____ Your client will/ will not be present at the hearing.

____ Your client will/will not testify.

Paternity has/has not been established.

____ If not, a plan is in place for handling paternity.

____ A determination has been made regarding potential stipulations and issues in dispute.

____ You are aware of the CPS/DFS position in this case.

____ You are aware of parents' position in this case.

There is/is not a consent agreement in this case.

The Indian Child Welfare Act does/does not apply to this case.

____ You are aware of results of any prehearing evaluations of your client or his parents that have taken place. Those evaluations include

____ You have records in the file concerning all services that have been provided to your client or his parents, the results of those services, or state what is needed:

_____ You have records in the file concerning the case history and all relevant dates and events, or state what is needed: _____

_____ You have made efforts to determine the witnesses and exhibits intended to be presented by other parties.

_____ You have made a determination regarding evidence you will present on behalf of your client, if any.

_____ You have assessed the evidence to be presented by all parties for substance, value, and admissibility.

_____ You have dealt with any pretrial motions.

_____ You have researched and collected any applicable case law.

Key Decisions the Court Should Make at Adjudication:

Which allegations of the Petition have been admitted or proved by clear and convincing evidence, if any:

Additional Issues to Address at Adjudication (some of which will not apply when Disposition will take place immediately following Adjudication)

Where your client is to be placed prior to disposition:

Whether further testing or evaluation of your client or his or parents is necessary prior to disposition: _____

Whether CPS/DFS is taking prompt steps to evaluate relatives as possible caretakers (including relatives from another state) in preparation for Disposition:

When your client is placed with his parent(s), whether such placement is conditioned on no contact between your client and/or the parent(s) and any alleged perpetrator:

Whether CPS/DFS must be directed to continue its efforts to notify noncustodial parents, including unwed fathers:

If your client is in foster care prior to Disposition, set terms for the following:

Visitation: _____

Support: _____

Other communication between the parent(s) and your client or your client and his siblings: _____

The Court's written findings of fact and conclusions of law should

- accurately reflect the factual basis for an Adjudication of abuse or neglect
- accurately reflect the reasons for continued Court intervention
- state that the findings are by a preponderance of the evidence (unless ICWA applies, See Chapter 11 of the CAP Pro Bono Attorney Manual)
- provide sufficiently detailed information to justify CPS/DFS and Court choices for treatment and services
- provide a defensible basis for refusing to return your client home
- be written in easily understandable language so that all parties know how the Court's findings relate to subsequent case planning
- set the date and time of next hearing, if needed _____

Adjudicatory Trial Hearing Checklist

Persons who should be present:

Judge/Hearing Master _____

Parent(s) _____

Parent(s) Atty(s) _____

CPS caseworker(s) _____

CASA volunteer _____

DA/AG _____

Relatives with legal standing, other
custodial adults _____

Law Enforcement _____

Persons whose presence may be needed:

Child(ren) _____

Extended Family Members _____

Counselor/Therapist _____

Experts _____

Law Enforcement Officers _____

Foster Parents _____

Probation or Parole Officer _____

Anyone else with knowledge about the
family's situation _____

Key decision the Court should make at Adjudication:

_____ Which allegations of the petition have been admitted or proven by a preponderance of the evidence, if any.

Additional issues to address at adjudication (some of which will not apply when disposition will take place immediately following Adjudication):

_____ Where your client will be placed prior to Disposition

_____ Whether further testing or evaluation of your client or his parents is necessary prior to Disposition.

_____ Whether CPS/DFS is taking prompt steps to evaluate relatives (including those in another state) as possible caretakers in preparation for Disposition.

_____ When your client is placed with a parent, whether such placement is conditioned on no contact between your client and/or caregiver and any alleged perpetrator.

_____ Whether CPS/DFS must be directed to continue its efforts to notify noncustodial parents, including unwed fathers.

_____ When your client is ordered to be in foster care prior to disposition, terms for:

_____ Visitation

_____ Support

_____ Other communication between child and parent or siblings

The Court's written findings of fact and conclusions of law should

_____ accurately reflect factual basis for an adjudication of abuse or neglect.

_____ accurately reflect factual basis for continued intervention.

_____ state that the findings are by a preponderance of the evidence.

_____ provide sufficiently detailed information to justify DFS and Court choices for treatment and services.

_____ provide a defensible basis for refusing to return a child home.

_____ be written in easily understandable language so that all parties know how the Court's findings relate to subsequent case planning.

_____ set date and time of next hearing, if needed _____