CHAPTER 587A FLOWCHART (Yellow Highlights – Effective October 01, 2011)

INVESTIGATION [587A-11; -9(a)]

REPORT to HPD and/or DHS. Dept follows procedures pursuant to chapter 587A & Dept rules [350-2(a)]

POLICE PROTECTIVE CUSTODY WITHOUT COURT ORDER [587A-8]

TEMPORARY FOSTER CUSTODY (TFC) WITHOUT COURT ORDER [587A-9]

Resolve the matter in an informal fashion that is deemed appropriate under the circumstances. [587A-11(3)]

DHS assesses that child is residing with an appropriate caregiver who is willing and able to meet the child's needs & provide a safe and appropriate placement for the child. **CLOSE**. [587A-11(4)]

No **Petition** if agree to adoption or LG and hearing within 6 months [587A-11(5)]

Within 3 days, relinquish TFC, return child to parents and proceed pursuant to 587-11(3), (4) or (5) [587A-9(a)(5)(A)]

Within 3 days, secure a voluntary placement agreement from child's parents to place child in FC. Proceed pursuant to 587A-11(5) or (7) [587A-9(a)(5)(B)]

Immediately enter into a **SERVICE PLAN** to safely maintain child in the family home; **or** parent agrees, voluntarily and in writing, to place child in VFC. If VFC and **Service Plan** not successfully completed within three months, **Petition** filed. Petition not required if parents agree to adoption or LG and hearing is conducted within six months of the date the department assumed physical custody [587A-11(5)]

Within 3 days, file a **Petition** for TFC with the court [587-9(a)(5)(C)]

[During investigation] assume TFC and file a **Petition** for TFC within 3 days [587A-11(6)] OR file a **Petition** for FC or refer matter to another authorized agency. [587A-11(7)]

File **PETITION** [587A-12]
Once Petition is filed: 1) Court must conduct a **TFC Hearing** within 2 days [587A-12(c)(1)] **OR** 2) Court must conduct a **Return Hearing** within 15 days if the **Petition** is requesting FC or FS [587A-12(c)(2)]

TEMPORARY FOSTER CUSTODY HEARING [587A-26]
Conducted within 2 days after the **Petition** is filed; may be continued for a max of 15 days [58A7-26(a) & (b)] **Return Hearing** conducted within 15 days of the **TFC Hearing** [587A-26(d)]

Child is released from TFC; placed in temporary family supervision; & returned home with the assistance of services, upon finding that the child's family is able to provide a safe family home with services [587A-26(c)(1)]

Continue TFC [587A-26(c)(2)]

RETURN HEARING [587A-28]
Conducted within 15 days of the filing of the **Petition** [587A-28(a)(1)] **OR** within 15 days of the date a decision is announced by the court during a **TFC Hearing** [587A-28(a)(2)] **CONTINUED RETURN HEARING:** if a party required to be notified was not served, conduct within 21 days of service [587A-28(b)(2)]

Court does **NOT** find the child's physical or psychological health or welfare harmed or threatened with harm. **Petition Dismissed**. [587A-28(f)]

Service Plan Hearing: Conducted if parties do not agree or understand **Service Plan** [587A-27(c)]

JURISDICTION/ADJUDICATION [587A-28(e)(1)] Court finds that child's physical or psychological health or welfare has been harmed or is subject to threatened harm [587A-28(e)] If aggravated circumstances are NOT present, the DHS must make reasonable efforts towards reunification. **Service Plan** ordered [587A-24(e)(4)(B)].

Child placed in foster custody. Court finds child remaining in family home is contrary to the welfare of the child. Parents not willing and/or able to provide a safe family home even with the assistance of a **Service Plan** [587A-28(e)(3)(A)]

Child placed in Family Supervision. Parents are willing and able to provide a safe family home with the assistance of a **Service Plan** [587A-28(e)(3)(B)]

Aggravated circumstances (AC) present. **Permanency Hearing (PH)** conducted within 30 days [587A-28(e)(4)(A)(i)] Order the DHS to file, within 60 days of ACfinding, motion to **TPR** (unless compelling reason for no **TPR** is documented). [587A-28(e)(4)(A(ii)]

Court **may** conduct a **Status Conference** no later than 90 days after **Return Hearing** [587A-28(e)(10)]

CASE CLOSURE OR FS

PERIODIC REVIEW HEARING (PRH) [587A-30] Conducted no later than six months after the child's date of entry into FC. Subsequent **PRH** heard at maximum of six month intervals unless child is under PC, then **PH** at six month intervals [587A-30(a) &31(a)]. May be heard any time upon a party's motion [587A-28(e)(9) & 30(a)] May be held concurrently with a **PH** [587A-31(f)]

Prepare **PERMANENT PLAN** [587A-32]

PERMANENCY HEARING [587A-31]
Conducted within 12 months of the child's initial DOEFC **OR** 30 days after judicial determination that reasonable efforts not required because of aggravated circumstances or because child is an abandoned infant [587A-28(e)(4) & (9) & 587A-31(a)].

Subsequent **Permanency Hearings** held at least every 12 months, unless child is under PC, then **PH** every six months [587-30(a) & 31(a)] A **PH** may be held concurrently with a **PRH** [587-31(f)]

FILE MOTION TO TPR If the child has been in FC for an aggregate of 15 of the most recent 22 months from the date of entry into FC, dept shall file a motion to **TPR** [587A-30(c), 587A-31(g) & 587-33(i)] Motion to **TPR** if criteria for TPR is present [587A-30(d) & 587A-31(h)]

Reunification with parents [587A-31(d)(1)]

Continue FC with certain conditions present. See 587A-31(d)(2)(A) to (C) [587A-31(d)(2)]

Place child for **Legal Guardianship** [587A-31(d)(3)(B)]

TERMINATION OF PARENTAL RIGHTS HEARING [587A-33]

CASE CLOSURE

If TPR criteria not met then draft permanency plan; **PRH** & **PH** ordered [587A-33(h)]

PERMANENT CUSTODY to the DHS [587A-31(d)(3)(C) & 587A-33(b)]. Schedule **PH**

ADOPTION [587A-31(d)(3)(A) & 587A-33(b)]/Legal Guardianship/Age Out

NOTE: 1) Parties may **APPEAL** any order [587A-36]
2) Court may set a **SHOW CAUSE HEARING** at any stage of the proceeding. Child's parents have the burden of presenting evidence as to why case should not be set for TPR or legal guardianship [587A-29]
3) If parties do not agree or understand the **Service Plan**, a **Service Plan Hearing** may be conducted at any time [587A-27(c)]

REINSTATEMENT OF PARENTAL RIGHTS HEARING [587A-34] **PRELIMINARY HEARING** may result in trial home placement & temporary reinstatement. Prior award of permanent custody continued [587A-34(e)]

REINSTATEMENT OF PARENTAL RIGHTS HEARING – FINAL HEARING may result in reinstatement and termination of jurisdiction if trial placement successful [587A-34(h)] If preliminary and/or final hearing unsuccessful, continue with permanent custody

DOEFC = date of entry into foster care

Revised: 13 June 2011 (v39)