

Time Line and Related Forms Juvenile and Domestic Relations District Courts—Child Dependency Cases								
STAGE 1 PRE-DISPOSITION TO DISPOSITION								
COURT EVENT	<i>Abuse or Neglect and At-Risk of Abuse or Neglect</i>				<i>Entrustment Agreement</i>	<i>Relief of Custody</i>	<i>Initial Foster Care Review - Disposition</i>	
	Ex Parte Hearing for: Preliminary Child Protective Order or Emergency Removal Order	Hearing for: Preliminary Child Protective Order (PPO) or Preliminary Removal Order	Adjudication	Disposition	Disposition	Disposition	Abuse or Neglect; At-Risk of Abuse or Neglect; Entrustment Agreement; Relief of Custody; <i>or</i>	<i>When child enters care dispositionally as a result of Child in Need of Services/ Supervision; Status Offense; or Delinquency</i>
STATUTES	§§ 16.1-253; 16.1-251	§§ 16.1-253; 16.1-252	§§ 16.1-253 F; 16.1-252 G	§ 16.1-278.2	§§ 16.1-277.01; 16.1-278.2	§§ 16.1-277.02; 16.1-278.2; 16.1-278.3	§ 16.1-281	§§ 16.1-278.4, .5, .6, or.8; 16.1-281
TIMING	Upon filing of Petition (DC-511)	Within 5 business days: After issuance of ex parte PPO. After physical removal of the child.	Within 30 days of preliminary hearing, if no adjudication at time of preliminary hearing.	Within 60 days of preliminary hearing.	Within 45 days (75 days for Order of Publication) of filing of petition to approve an entrustment agreement.	Within 60 days of initial hearing on petition for relief of custody.	At time of disposition on underlying petition.*	Within 60 days of child's placement into foster care.
FORMS	DC-511; DC-527; DC-526; DC-514; DC-620	DC-527; DC-528; DC-508	DC-527; DC-561	DC-553, pp. 1, 2, A, 3, 4, 5, and 6 ; DC-532; DC-552	DC-511; DC-553, pp. 1, 2, B, 3, 4, 5, and 6; DC-534; DC-559; DC-514; DC-620; Entrustment Agreement (DSS Form)	DC-511; DC-553, pp. 1, 2, C, 3, 4, 5, and 6; DC-534; DC-559; DC-514; DC-620	DC-552; Foster Care Plan (DSS Form)	DC-562; DC-553, pp. 1, 2, 3, 4, 5, and 6; DC-552; Foster Care Plan (DSS Form); DC-545; DC-546; DC-514; DC-620
REQUIRED STATE AND TITLE IV-E FINDINGS	<ul style="list-style-type: none">● <i>Continued placement in the home would be contrary to the welfare of the child.</i> This finding must be in the first court order placing the child in foster care, even temporarily, or the child's entire stay in foster care will be ineligible for federal financial participation. Language in § 16.1-251 that a "child would be subject to an imminent threat to life or health" satisfies this requirement in federal law.● <i>Reasonable efforts to prevent removal.</i> This finding must be obtained by the local agency within 60 days of the child's physical removal from the home.						* Exception - Abuse or Neglect & At-Risk cases: If child's custody is transferred for 1st time at disposition, initial foster care review is within 60 days of placement into foster care.	Make required state and Title IV-E findings referenced to the left.
STAGE 2 FOSTER CARE REVIEW								
COURT EVENT	Foster Care Review							
STATUTES	§ 16.1-282							
TIMING	Within 4 months of dispositional hearing at which the initial foster care plan was reviewed.							
FORMS	DC-552; DC-554; DC-555; DC-559; DC-620							
REQUIRED STATE AND TITLE IV-E FINDINGS	<p>The reasonable efforts finding must correspond with the goal approved in the order.</p> <ul style="list-style-type: none">● If the foster care plan goal is return home: <i>Reasonable efforts to reunite the child with his parents, guardian or other person standing in loco parentis to the child.</i>● If the foster care plan goal is relative placement, adoption, or permanent foster care: <i>Reasonable efforts to place the child in a timely manner in accordance with the foster care plan and to complete the steps necessary to finalize the permanent placement of the child.</i>● If the foster care plan goal is another planned permanent living arrangement (APPLA): <i>Reasonable efforts to place the child in a timely manner in accordance with the foster care plan and to monitor the child's status in another planned permanent living arrangement; OR reasonable efforts to place the child in a timely manner in accordance with the foster care plan and to complete the steps necessary to finalize the permanent placement of the child.</i>							
STAGE 3 PERMANENCY PLANNING								
COURT EVENT	Initial Permanency Planning If interim plan is approved, comply with provisions of § 16.1-282.1 B.			Termination of Parental Rights If no termination of parental rights at initial permanency planning hearing.		Second Permanency Planning		
STATUTES	§§ 16.1-282.1; 16.1-281 B; 16.1-283			§ 16.1-283		§ 16.1-282.1		
TIMING	Within 5 months of foster care review; or within 30 days of finding reasonable efforts to reunite are not required. Petition for termination of parental rights may be filed after filing of plan documenting termination of parental rights is in child's best interest.			Upon filing of petition After filing of plan documenting termination of parental rights is in child's best interest.		Within 6 months of initial permanency planning hearing.		
FORMS	DC-552; DC-556; DC-557; DC-511; DC-531; Permanent Foster Care Placement Agreement (DSS Form); DC-558; DC-559; DC-620			DC-511; DC-531; DC-559		DC-556; DC-557; DC-511; DC-531; Permanent Foster Care Placement Agreement (DSS Form); DC-558; DC-559; DC-620		
REQUIRED STATE AND TITLE IV-E FINDINGS	<p>The reasonable efforts finding must correspond with the goal approved in the order.</p> <ul style="list-style-type: none">● If the foster care plan goal is return home: <i>Reasonable efforts to reunite the child with his parents, guardian or other person standing in loco parentis to the child.</i>● If the foster care plan goal is relative placement, adoption, permanent foster care or another planned permanent living arrangement (APPLA): <i>Reasonable efforts to achieve the permanent goal identified in the foster care plan.</i>							
STAGE 4 POST PERMANENCY PLANNING								
COURT EVENT	Review of Foster Care If legal custody remains with public or private agency after permanent goal is ordered.					Adoption Progress Report Filed until final order of adoption; hearing on motion of a party or the court.		
STATUTES	§§ 16.1-282.1 A1; 16.1-282.2					§§ 16.1-277.01 E; 16.1-277.02 D; 16.1-278.3 E; 16.1-283		
TIMING	Within 6 months of approving APPLA; or within 12 months of ordering permanent foster care or termination of parental rights. Adoption Progress Report reviewed, if plan is adoption.					Filed every 6 months from date of final order terminating parental rights.		
FORMS	DC-552; DC-554; DC-555; DC-620; Adoption Progress Report (DSS Form)					Adoption Progress Report (DSS Form)		
REQUIRED STATE AND TITLE IV-E FINDINGS	<p>The reasonable efforts finding must correspond with the goal approved in the order.</p> <ul style="list-style-type: none">● If the foster care plan goal is permanent foster care or adoption: <i>Reasonable efforts to place the child in a timely manner in accordance with the foster care plan and to complete the steps necessary to finalize the permanent placement of the child.</i>● If the foster care plan goal is another planned permanent living arrangement (APPLA): <i>Reasonable efforts to place the child in a timely manner in accordance with the foster care plan and to monitor the child's status in another planned permanent living arrangement; <u>OR</u> reasonable efforts to place the child in a timely manner in accordance with the foster care plan and to complete the steps necessary to finalize the permanent placement of the child.</i>							
DISTRICT COURT FORMS		DC-528 Preliminary Removal Order		DC-552 Foster Care Plan Transmittal		DC-558 Permanent Foster Care Placement Order		SELECTED FORMS FOR APPELLATE PROCESS
DC-508 Acknowledgement of Next Hearing Date		DC-531 Order for Involuntary Termination of Residual Parental Rights		DC-553 Dispositional Order for Underlying Petition, Foster Care Plan		DC-559 Supplement to Order Transferring Custody		DC-581 Notice of Appeal-Juvenile Civil Cases
DC-511 Petition		DC-532 Child Protective Order-Abuse and Neglect		DC-554 Petition for Foster Care Review Hearing		DC-561 Adjudicatory Order for Abuse or Neglect Cases		CC-1345 Notice of Appeal from Trial Court
DC-514 Order for Appointment of Guardian Ad Litem		DC-534 Order for Voluntary Termination of Residual Parental Rights		DC-555 Foster Care Review Order		DC-562 Order for Custody Transfer to Agency		
DC-526 Emergency Removal Order		DC-545 Preliminary Child Protective Order		DC-556 Petition for Permanency Planning Hearing		DC-620 Affidavit (Uniform Child Custody Jurisdiction and Enforcement Act) (UCCJEA)		CIP/OES/SCV—Version 3.0
DC-527 Preliminary Child Protective Order-Abuse and Neglect		DC-546 Child Protective Order		DC-557 Permanency Planning Order				Effective May 2016

PRACTICE TIPS



INQUIRE ABOUT...

INDIAN CHILD WELFARE ACT (25 U.S.C. § 1901, ET SEQ.).

The Indian Child Welfare Act (ICWA) applies if (1) the proceeding is a child custody proceeding as defined in 25 U.S.C. § 1903(1); and (2) the child is an “Indian child.” An “Indian Child” is defined as an unmarried person under the age of 18 who is a member of an Indian tribe or who is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. Matters regarding a child’s native heritage need to be clarified at the beginning of all case proceedings to ensure that certain provisions of the law, such as notice to a tribe and active efforts to maintain or reunite an Indian child with his/her family, are properly and timely followed.

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN.

When a local department of social services proposes to place a child in foster care outside of Virginia, the Interstate Compact on the Placement of Children (ICPC) requires that the sending state (i.e. Virginia) request permission from the receiving state to make the placement. Permission must be received before making the placement. Following this procedure ensures compliance with the placement laws of the receiving state, and provides a determination as to the appropriateness of the placement.

Should an expedited placement decision be appropriate, ICPC Regulation 7 establishes a process for a sending state to request an expedited decision by a receiving state for the placement of a child with a parent, stepparent, grandparent, adult uncle or aunt, adult brother or sister, or the child’s guardian. Regulation 7 provides for the Court entering an Order for an Expedited Placement Decision.

Additional information about the ICPC is available through the Virginia Department of Social Services online at www.dss.virginia.gov or the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) at <http://icpc.aphsa.org/content/AAICPC/en/home.html>.

MILITARY SERVICE CONNECTIONS OF PARTIES AND CHILDREN BEFORE THE COURTS.

Virginia has a high concentration of residents who are active duty service members or military veterans. Knowledge of these connections can be critical to ordering effective services and interventions in juvenile and family law cases.



REMEMBER TO FILE...

FORM DC-620, AFFIDAVIT (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT).

This form should accompany all petitions, motions to amend, and motions for show cause filed with the Court.

Virginia Code § 20-146.20 requires that in a child custody proceeding, each party, in its first pleading or in an attached affidavit, provide the child’s present address or whereabouts, the places the child has lived during the past five years, and the names and present addresses of the persons with whom the child lived during that period.

FORM DC-418, AFFIDAVIT-DEFAULT JUDGMENT SERVICEMEMBERS CIVIL RELIEF ACT.

This form should accompany all petitions, motions to amend, and motions for show cause filed with the Court.

Virginia Code § 8.01-15.2 requires that before the Court enters a judgment by default against a respondent who does not make an appearance, the plaintiff must file with the Court an affidavit stating:

1. whether or not the respondent is in military service; or
2. that the plaintiff is unable to determine whether or not the respondent is in military service.

To obtain information about the active duty status of military personnel, please visit the Servicemembers Civil Relief Act (SCRA) Website at <https://www.dmdc.osd.mil/appj/scra/>.

FORM DC-40, LIST OF ALLOWANCES.

To receive payment for services and allowable expenses, guardians ad litem (GALs) and parent’s counsel submit to the Court an itemized statement of the dates, times and tasks performed during the representation of the child(ren) or parents by using form DC-40, LIST OF ALLOWANCES. The DC-40 is submitted following the completion of each discrete stage of the foster care time line when the Court enters an appealable order. It is to be processed within 30 days of the local Court certifying the amount for payment. The *Court-Appointed Procedures and Guidance Manual*, available at <http://www.courts.state.va.us/legal.html>, includes additional information about the payment of GALs.



NOTE THE FOLLOWING ABOUT...

APPEALS INVOLVING CHILDREN IN FOSTER CARE.

Virginia Code § 16.1-242.1 indicates that the Juvenile and Domestic Relations District Court retains jurisdiction to hear foster care review and permanency planning petitions while the earlier orders are pending appeal before the Circuit Court, the Virginia Court of Appeals or the Supreme Court of Virginia.

If the appeal is of a termination of parental rights case brought under § 16.1-283, the Circuit Court is to hold a hearing on the merits of the case within 90 days of perfecting the appeal. An appeal of the case to the Court of Appeals is to take precedence on the Court’s docket. See § 16.1-296 D.

APPEALABLE ORDERS.

- Appealable orders include:
- DC-532, CHILD PROTECTIVE ORDER-ABUSE AND NEGLECT
 - DC-553, DISPOSITIONAL ORDER FOR UNDERLYING PETITION, FOSTER CARE PLAN
 - DC-555, FOSTER CARE REVIEW ORDER
 - DC-557, PERMANENCY PLANNING ORDER
 - DC-531, ORDER FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

APPOINTMENTS OF GUARDIANS AD LITEM AND PARENT’S COUNSEL.

It is recommended that guardians ad litem (GALs) and parent’s counsel be appointed at the time the child dependency petition is filed. This provides the greatest amount of time for the GAL and attorney(s) to contact their clients before the preliminary hearing and be prepared to represent them in the proceeding. If at any stage a parent chooses to retain counsel, the parent’s court-appointed counsel can submit a DC-40, LIST OF ALLOWANCES, for time expended on the case.

When accepting an appointment as a GAL or parent’s counsel, the attorney should ensure his availability for subsequent hearing dates, particularly those which are to be held within the first 60 to 180 days. Relatively accurate estimates of subsequent hearing dates can be made using the Time Line on the reverse of this document.

Note: When a GAL for a child or parent’s counsel is appointed, the parent(s) should complete the DC-333, FINANCIAL STATEMENT-ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES, to determine whether they will be responsible for the GAL fee and whether they qualify for court-appointed counsel. The GAL fee assessment should be made at the entry of each appealable order.



SUPPORT QUALITY CASE PROCESSING BY...

KNOWING THE TIME LINE. State and federal law require child dependency hearings be held within specified time frames, all of which are outlined in the time line located on the reverse of this document. These time frames are essential to ensuring that children achieve permanency as quickly as possible. Thus, it is important that paperwork be filed with the court and that hearings be scheduled in a timely manner.

When scheduling hearings, note the following:

1. Hearings are to be held within the specified time frames. Nothing prohibits the scheduling of a hearing earlier than the time line requires.
2. Disapproval of a foster care plan does not extend the date of the next required foster care plan review hearing on the time line (i.e. foster care reviews, initial permanency planning or second permanency planning). If a foster care plan is disapproved:
 - a. A subsequent hearing to review a new foster care plan should be held within 30 days of the hearing at which the foster care plan was disapproved.
 - b. The next event on the time line should be scheduled to occur from the date of the originally scheduled hearing at which the foster care plan was disapproved — not from the date of any subsequent hearing(s) to review and approve the foster care plan.
3. Requests to continue a hearing should only be made and granted when there is an emergency or extraordinary circumstance. To avoid hearings being held outside of the required time frames, schedule them earlier than the time line requires to allow time for a continuance, should a continuance become necessary.

ENSURING THAT REQUIRED STATE AND FEDERAL FINDINGS ARE MADE.

In addition to time frames, state and federal law also require that certain findings be made to support a child’s entry into and continued placement in foster care. Not making the proper findings can impact whether the child’s foster care placement is eligible for reimbursement through Title IV-E — the federal funding program that assists states with providing safe and stable out-of-home care to children in foster care pending permanent placement (such as returning the child home, placing the child with a relative, or adoption). Therefore, it is important to review court orders to ensure that the proper findings have been made.

Court orders must be entered timely, accurately, and completely. For purposes of compliance with federal law, including funding, timeliness is dependent upon the date the order is signed — not the date of the hearing. Additionally, no error or omission can be corrected through the later entry of a “corrected” or nunc pro tunc order.

The time line located on the reverse of this document provides the findings necessary at each stage of the child dependency case process.

USING THE DISTRICT COURT FORMS. It is recommended that only District Court Forms designed for use in child dependency proceedings be completed in these matters. These orders contain the language necessary to ensure that required state and federal findings are made.

These forms are available to the Court through the Juvenile Case Management System (JCMS).

Attorneys may access these forms online through the Members Area of the Virginia State Bar’s website (www.vsb.org). Forms provided on this site are updated on a regular basis, can be filled out online, and may be printed for submission to the Court.

REVIEWING COURT DOCUMENTATION FOR ACCURACY.

Documents filed with or submitted for entry by the Court should be reviewed for accuracy. For example, always assure that the child’s name, date of birth and other identifying information such as the court case number, are properly completed.