

**Timeline and Related Forms
Juvenile and Domestic Relations District Courts—Child Dependency Cases**

STAGE 1 PRE-DISPOSITION TO DISPOSITION								
COURT EVENT	Abuse or Neglect and At-Risk of Abuse or Neglect 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	Entrustment Agreement Disposition	Relief of Custody Disposition	Child in Need of Services/Supervision, Status Offense, or Delinquency Disposition (if the above-referenced petition results in the child entering foster care)	Initial Foster Care Review Disposition
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	§§ 16.1-278.4, .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 the 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, or within 60 days of child's placement into foster care if custody is transferred for 1st time at disposition.
FORMS	DC-511; DC-620; DC-514; DC-526; DC-527	DC-527; DC-528; DC-508	DC-527; DC-561	DC-540; DC-553; DC-532	DC-511; DC-620; DC-514; DC-540; DC-553; DC-534, Entrustment Agreement (DSS Form)	DC-511; DC-620; DC-514; DC-540; DC-553; DC-534	DC-562; DC-620	DC-552; DC-540; DC-553; Foster Care Plan (DSS Form)
REQUIRED STATE AND TITLE IV-E FINDINGS	<ul style="list-style-type: none"> Continued placement in the home would be contrary to the welfare of the child. 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. Reasonable efforts to prevent removal. This finding must be obtained by the local agency within 60 days of the child's physical removal from the home. 							
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-620; DC-540; DC-555; Foster Care Plan (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 return home: Reasonable efforts to reunite the child with his parents, guardian or other person standing in loco parentis to the child. If the foster care plan goal is relative placement, adoption, or permanent foster care: 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. If the foster care plan goal is another planned permanent living arrangement (APPLA): 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. 							
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; 16.1-277.01			§ 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-511; DC-620; DC-540; DC-557; DC-531; Foster Care Plan (DSS Form); if the petition seeks to place the child in permanent foster care, DC-558; Permanent Foster Care Placement Agreement (DSS Form)				DC-511; DC-531; DC-534, Entrustment Agreement (DSS Form)			See initial permanency planning.
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: Reasonable efforts to reunite the child with his parents, guardian or other person standing in loco parentis to the child. If the foster care plan goal is relative placement, adoption, permanent foster care, or another planned permanent living arrangement (APPLA): Reasonable efforts to achieve the permanent goal identified in the foster care plan. 				When a child has been in foster care for 15 of the most recent 22 months, federal and state law require that a petition for termination of parental rights be filed <u>or</u> that an exception to filing a petition for termination of parental rights be documented in the child's foster care plan. 42 U.S.C. § 675(5)(E); Va. Code § 63.2-910.2.			See initial permanency planning.
STAGE 4 POST PERMANENCY PLANNING								
COURT EVENT	Review of Foster Care If legal custody remains with public or private agency after a 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 a hearing held pursuant to § 16.1-281, § 16.1-282, or § 16.1-282.1 at which an order is entered: terminating parental rights, directing the filing of a petition for termination of parental rights, placing the child in permanent foster care, or directing the board or agency to provide the child who is age 16 or over and for whom the plan is independent living with services to transition from foster care. Adoption Progress Report is reviewed if plan is adoption.						Filed every 6 months from date of final order terminating parental rights.	
FORMS	DC-552; DC-554; DC-620; DC-540; DC-555; Foster Care Plan (DSS Form); 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: 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. If the foster care plan goal is another planned permanent living arrangement (APPLA): 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. 							

DISTRICT COURT FORMS	DC-531 ORDER FOR INVOLUNTARY TERMINATION OF RESIDUAL PARENTAL RIGHTS	DC-553 DISPOSITIONAL ORDER FOR UNDERLYING PETITION, FOSTER CARE PLAN	DC-561 ADJUDICATORY ORDER FOR ABUSE OR NEGLECT CASES	DC-5063 PETITION FOR QUALIFIED RESIDENTIAL TREATMENT PROGRAM-CONTINUED PLACEMENT
DC-508 ACKNOWLEDGEMENT OF NEXT HEARING DATE	DC-532 CHILD PROTECTIVE ORDER-ABUSE AND NEGLECT	DC-554 PETITION FOR FOSTER CARE REVIEW HEARING	DC-562 ORDER FOR CUSTODY TRANSFER TO AGENCY	
DC-511 PETITION	DC-534 ORDER FOR VOLUNTARY TERMINATION OF RESIDUAL PARENTAL RIGHTS	DC-555 FOSTER CARE REVIEW ORDER	DC-593 SUPPLEMENTAL SHEET (DC-553, DC-555, and DC-557)	DC-5065 MOTION TO REVIEW INITIAL FOSTER CARE PLAN
DC-514 ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM	DC-540 GUARDIAN AD LITEM CERTIFICATION	DC-556 PETITION FOR PERMANENCY PLANNING HEARING	DC-620 AFFIDAVIT (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)	
DC-526 EMERGENCY REMOVAL ORDER	DC-545 PRELIMINARY CHILD PROTECTIVE ORDER	DC-557 PERMANENCY PLANNING ORDER	DC-5060 PETITION FOR QUALIFIED RESIDENTIAL TREATMENT PROGRAM-PLACEMENT	SELECTED FORMS FOR APPELLATE PROCESS
DC-527 PRELIMINARY CHILD PROTECTIVE ORDER-ABUSE AND NEGLECT	DC-546 CHILD PROTECTIVE ORDER	DC-558 PERMANENT FOSTER CARE PLACEMENT ORDER	DC-5061 QUALIFIED RESIDENTIAL TREATMENT PROGRAM ORDER-PLACEMENT	DC-581 Notice of Appeal-Juvenile Civil Cases
DC-528 PRELIMINARY REMOVAL ORDER	DC-552 FOSTER CARE PLAN TRANSMITTAL	DC-559 SUPPLEMENT TO ORDER TRANSFERRING CUSTODY	DC-5062 QUALIFIED RESIDENTIAL TREATMENT PROGRAM ORDER-CONTINUED PLACEMENT	CC-1345 Notice of Appeal from Trial Court



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. Clarify matters regarding a child’s native heritage at the beginning of each case proceeding 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 implemented.

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 on the appropriateness of the placement.

If 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 to enter an Order for an Expedited Placement Decision in specified circumstances.

Additional information about the ICPC is available through the Virginia Department of Social Services online at dss.virginia.gov or the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) at aphsa.org/AAICPC/default.aspx.

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 an affidavit with the court:

1. Stating whether or not the respondent is in military service and showing the necessary facts to support the affidavit; or
2. Stating 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 scra.dmdc.osd.mil/scra/#/home.

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 representing 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 timeline when the court enters an appealable order. The DC-40 should be processed within 30 days of the local court certifying the amount for payment and submitting it to the Office of the Executive Secretary of the Supreme Court of Virginia. The *Court-Appointed Procedures and Guidance Manual*, available at vacourts.gov/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 petitions for foster care review and permanency planning while prior 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 pursuant to § 16.1-283, the circuit court is to hold a hearing on the merits of the case within 90 days of the perfecting of 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
- DC-5061, FOSTER CARE PLACEMENT ORDER, QUALIFIED RESIDENTIAL TREATMENT PROGRAM

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 a child dependency petition is filed. This allows the most time for the GAL and attorney(s) to contact their clients before the preliminary hearing and prepare 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 that may be held within the first 60 to 180 days. Relatively accurate estimates of subsequent hearing dates can be made using the timeline on the reverse of this document.

Note: Parents should complete district court forms DC-606, FINANCIAL STATEMENT FOR ASSESSMENT OF GUARDIAN AD LITEM COSTS, and DC-333, FINANCIAL STATEMENT-ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES. The former is reviewed by the court to determine responsibility for the GAL’s fee. The latter is reviewed by the court to determine eligibility for court-appointed parents’ counsel.



SUPPORT QUALITY CASE PROCESSING BY...

KNOWING THE TIMELINE. State and federal law require child dependency hearings be held within specified time frames, which are outlined in the timeline on the reverse of this document. These time frames are essential to ensuring that permanency is achieved for the child 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 timeline provides.
2. Disapproval of a foster care plan does not extend the date of the next required foster care plan review hearing on the timeline (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 timeline 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 timeline provides to allow time for a necessary continuance.

ENSURING THAT REQUIRED STATE AND FEDERAL FINDINGS ARE MADE.

In addition to time frames, state and federal law 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). The timeline on the reverse of this document provides the findings necessary at each stage of the child dependency case process.

In 2018, the Family First Prevention Services Act (Public Law 115-123) expanded the availability of federal Title IV-E funds

to pay for certain services to prevent placements of children in foster care and restricted federal financial participation for children in foster care who are placed in congregate/group home settings. Congregate/group home placements eligible for Title IV-E reimbursement are:

- Settings for teen moms receiving prenatal, postpartum, or parenting supports
- Supervised setting for youth 18 or older (Fostering Futures)
- “High quality residential services” for youth who are victims of human trafficking
- Juvenile justice
- Qualified Residential Treatment Programs (QRTP) (defined in Va. Code § 16.1-228)

Court orders must be entered timely, accurately, and completely. For purposes of compliance with federal law, including funding, timeliness depends on the date the order is signed, not the date of the hearing.

It is important to review court orders to ensure that the proper findings have been made. Nunc pro tunc orders will not resolve problems with timeliness or documentation.

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 (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 information such as the court case number, are properly completed.