



# FOSTER CARE



# COURT PROCESS

## Review of the Judicial Process in Foster Care Cases



### 1. Probable Cause

A probable cause hearing must be held within 5 working days of issuing the emergency order. The court will decide if the child should be returned home, stay in the temporary custody of DCFS, or live with someone else until the adjudication hearing. The court has the authority to place children with relatives at this hearing, if the court is given evidence and it is in the child's best interest.



### 2. Adjudication Hearing

Within 30 to 60 days of the probable cause hearing, an adjudication hearing will be held to decide if the child is dependent/neglected (this means abused or neglected). If it is determined that the child is not dependent/neglected, the child will be returned home, and there will no longer be a court case or involvement with DCFS.



### 4. Permanency Planning Hearing

The court must decide on a plan for permanent placement for the child. These options include in the order of preference: (1) returning the child to his parents or guardians (or putting a short-term plan in place to return the child home), (2) terminating the parental rights so that the child can be adopted by someone else, or (3) giving guardianship or permanent custody to another adult. The hearing can be held at any time following the adjudication, but must be held within twelve months from the date the child was removed from the home.



### 3. Review Hearing

The court will continue to hold review hearings (at least every 6 months, but usually more often) throughout the case to make sure that everyone is following the court orders and DCFS case plans, to see how the child is doing, to find out what progress the family is making to improve the child's home situation, whether the right kind of services are being provided for the family and the child, and if the child can be returned home. These hearings will continue to be held until the child has a permanent home.

**TPR**

### 5. Termination of Parental Rights

The court may consider a petition to terminate parental rights (TPR) if the court finds that returning the child to the family home is contrary to the child's health, safety, or welfare, and that returning the child home cannot be accomplished in a reasonable period of time. TPR ends all of a parent's legal rights to his or her child. It is important to remember that you no longer have any legal rights if you are related to the child through the parents whose rights were terminated.