

13.12 Checklist

CUSTODY HEARING CHECKLIST

- Preliminary matters
 - Appearances
 - Manner and date of service
 - Notice of hearing
 - Appointment of counsel; opportunity to consult
 - Language or cognitive challenges
- Inquiry regarding
 - Absent parents
 - Tribal affiliation
- Indian child
 - Notice to tribe
 - Domicile/residence of child
- Advisement of rights
 - Allegations of petition
 - Right to hearing on merits of petition
 - Right to an attorney
 - Possible consequences if allegations are found to be true, including termination of parental rights
- Continuing counsel's appointment
 - Indigency determination
 - Interest of justice
- Use immunity, if requested
- Stipulations of parties, if any
- Probable cause determination
 - Rules of Evidence do not apply
- Reasonable efforts to prevent removal
- Custody pending adjudicatory hearing
 - Any conditions, if child is with respondent
- Assessments and evaluations
- Scheduling of further proceedings
 - Pre-adjudicatory meeting
 - Pretrial conference
 - Adjudicatory hearing