

## 23.14 Checklist

### PERMANENT GUARDIANSHIP HEARING CHECKLIST

- Preliminary matters
  - Appearances
  - Service of motion
  - Notice of hearing
- Inquiry regarding:
  - Absent parents
  - Tribal affiliation
- Stipulations, if any
- Evidence on contested allegations
  - Rules of Evidence apply
  - Burden of proof: usually clear and convincing
  - Burden of proof: if Indian child, beyond reasonable doubt
- Findings
  - Child adjudicated abused or neglected
  - Reasonable efforts by CYFD; further efforts not productive
  - Reunification not in child's best interest
  - Likelihood of adoption remote; TPR not in child's best interest
  - Guardianship in child's best interest
- If 14 or older, has child nominated a person to be guardian?
- If an Indian child,
  - Notice to tribe and Indian custodian
  - Proof beyond reasonable doubt
  - Placement preferences
- Order
  - Visitation with parents, siblings, other relatives
  - Provisions for child's rehabilitation, safety, well-being.
- Scheduling of judicial review w/in 6 months