

DISPOSITION HEARING

TIMEFRAME

The disposition hearing is held at adjudication or no later than 30 days after its conclusion. The timeframe may be waived by the parties. If a social study (Comprehensive Child and Family Assessment (CCFA)) is ordered, it must be filed at least 48 hours in advance of the hearing along with the case plan. The diligent search must be filed within 30 days of removal.

PURPOSE

To determine the needs of a child adjudicated dependent and the most appropriate disposition, considering any evidence the court finds relevant, reliable, and necessary.

- ▶ Refer to the **At Every Hearing** guide for findings, practices, and considerations that apply across all hearings.



The court must address why the disposition and case plan ordered serve the child's best interests and safety.

COURT FINDINGS

In addition to the findings on the **At Every Hearing** guide, the court must address why the disposition and case plan ordered serve the child's best interests and safety, including:

- The interaction and relationship of the child with their parents, siblings, and others who significantly affect the child's best interests;
- The child's adjustment to placement, school, and community;
- The mental and physical health of all involved;
- The child's wishes regarding placement and the parent's wishes regarding custody;
- Whether there is a relative DFCS has qualified to receive and care for the child; and
- The ability of the parent, guardian, or legal custodian to care for the child at home without resulting harm to the child.

The court must also address:

- The availability of services recommended in the case plan;
- What alternative dispositions or services were considered and why they were not appropriate;
- The appropriateness of the placement made or to be made; and
- Whether reasonable efforts were made to prevent or eliminate the need for removal and to reunify the family, unless reunification efforts are not required.

POSSIBLE OUTCOMES

The court may:

- Permit the child to remain with the parent, subject to conditions and limitations the court prescribes, including supervision for the child's protection;
- Grant or transfer temporary custody to an individual, including a parent, found qualified to care for the child with priority given to a relative or fictive kin, a public or private agency authorized to provide care, or, with appropriate ICPC supervision, an individual in another state;
- Transfer jurisdiction over the child in accordance with ICPC;
- Order the child and parent to participate in a court-approved educational or counseling program, including parenting classes, designed to address conditions of dependency or harm and support proper parental care;
- Order DFCS to implement, and the parent to cooperate with, a court-approved plan; or
- Order temporary child support from individuals legally obligated to support the child.



Preparing for disposition means understanding what this child and family actually need.

PREPARING FOR THE HEARING

Preparing for disposition means understanding what this child and family actually need, so the CASA volunteer can recommend a case plan that addresses the root causes of removal rather than offering generic services.

QUESTIONS TO CONSIDER

- Will the case plan's services and goals address the issues that led to the child entering foster care?
- Is the placement meeting the child's needs?
- Are there relatives who should be considered for placement or support?
- Is the proposed visitation and family time sufficient for the parent and child to maintain their bond?
- Is the permanency plan realistic given the circumstances?



PRACTICE POINTS

- Talk to all parties and others involved in the case, including the child, DFCS, caregivers, parents, teachers, therapists and other providers, and the attorneys.
- Review the CCFA, diligent search results, and any other relevant evaluations.
- Identify the needs of the child and family to offer informed input as the case plan is drafted.
- Submit a court report that recommends services needed for the child and parents, identifies and recommends assessments or evaluations as needed, addresses whether the frequency and duration of family time will support timely reunification, and uses relevant best interest factors to support any recommendations.

KEY PRACTICE NOTES

SUBSTANCE USE CAN IMPACT CUSTODY TRANSFER

If dependency resulted from parental substance use, the court has discretion not to transfer custody back to the parent unless the parent completes treatment and random screenings remain negative for at least 12 consecutive months or the parent successfully completes Family Treatment Court programming.

CONCURRENT PLANS REQUIRE ACTIVE RECRUITMENT

When the case plan requires a concurrent plan, the court reviews DFCS's reasonable efforts to recruit, identify, and place the child with a relative, foster parent, or other individual who has demonstrated an ongoing commitment to the child and agreed to provide a permanent home if reunification is unsuccessful. The CASA volunteer should be prepared to speak to whether this recruitment is genuinely happening.

DISPOSITION ORDERS ARE NOT INDEFINITE

Disposition orders continue until their purpose is accomplished. When a child turns 18, all orders connected to the dependency proceeding expire, and the child is discharged from further obligation or control.



CASA

Court Appointed Special Advocates
FOR CHILDREN

GEORGIA