

**"MODEL SCRIPT"**  
**ADMIT/DENY HEARING – CHIPS PROCEEDING**

**1. INTRODUCTORY MATTERS**

- (a) This is **case file number** \_\_\_\_\_ in the Matter of the Welfare of the Child(ren) of \_\_\_\_\_ and \_\_\_\_\_.
- (b) The **name(s) and date(s) of birth of the child(ren)** who is/are the subject of this proceeding is/are:  
\_\_\_\_\_ (name) who was born on \_\_\_\_\_  
\_\_\_\_\_ (name) who was born on \_\_\_\_\_  
\_\_\_\_\_ (name) who was born on \_\_\_\_\_
- (c) This is the Admit/Deny Hearing regarding the **Petition filed on \_\_\_\_\_, 200\_\_**, alleging that the child(ren) is/are in need of protection or services.

**2. PURPOSE OF HEARING**

The purpose of this Admit/Deny Hearing is to determine whether the **parent [legal custodian] admits or denies** the statutory grounds in the Petition. In a few minutes we will discuss the details of the allegations stated in the Petition.

**OR**

The purpose of this Admit/Deny Hearing is to determine whether the **child admits or denies** the statutory grounds in the Petition because the child's behavior is alleged as the underlying cause of the petition. In a few minutes we will discuss the details of the allegations stated in the Petition.

**3. IDENTIFICATION OF PARTIES**

For our information and the record, we need to **identify who is present today** at this hearing. Starting on that side of the courtroom, will **each attorney and party** involved in this hearing please stand and **state your name** loudly and clearly so that the court reporter and Court Clerk can record it, and also tell us **how you are involved** in this case.

**4. IDENTIFICATION OF PARTICIPANTS AND AUDIENCE MEMBERS**

Is there **anyone in the audience who wishes to be identified** because of an interest regarding the child(ren) or family? If so, please stand and state your name loudly and clearly so that the court reporter and clerk can record it, and also tell us how you are involved in this case.

## 5. CHILD'S PRESENCE/ABSENCE

*(Note: In cases where the child's behavior is the underlying cause of the petition, such as when the petition alleges that the child is a runaway, truant, delinquent under age 10, or has chemical use, the child must be present in court to admit or deny the allegations of the petition. In all other circumstances, it is up to the court to decide whether the child's presence is in the child's best interests.)*

**Child's Presence discretionary:** I see that the child(ren) is [is not] present today. Does anyone object to the child(ren) being present [not being present]?

**OR**

**Child's Presence required:** I see that the **child(ren) is/are NOT present** today, despite the fact that the child's behavior is the underlying cause of the petition. We are **unable to continue today** with this hearing because, based upon the allegations in the petition, the child(ren) is/are required to be present to admit or deny those allegations. The **hearing is rescheduled for** \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 200\_\_.

## 6. PRELIMINARY INFORMATION

- (a) Will the Court Clerk [County Attorney] please report on whether all **parties have been served with a summons** and copy of the **petition** at least 3 days before this hearing?
  - If you are a party and **did not receive the petition** at least three 3 days before this hearing, **do you want to proceed** with this hearing today **or** would you **like some additional time** either today or before a rescheduled hearing **to review the petition** and/or talk with an attorney before proceeding?
- (b) Will the Court Clerk [County Attorney] report on whether all **participants have been served with notice** of the hearing and a copy of the **petition**?
- (c) Does any know of **anyone else, including any relatives, who should be included as a party or participant** in this proceeding and notified of the next hearing?
- (d) Does anyone know the whereabouts or have the **address of \_\_\_\_\_ who is not here today?** *(Use this option only if one of the parties (e.g., the father) or participants (e.g., a grandparent) isn't at the hearing because the person wasn't notified due to lack of contact information.)*
- (e) Would \_\_\_\_\_ (social worker or county attorney) please **confirm the name, date of birth, race, and current address of the child(ren)?**

- (f) Is the child an **Indian child**?
- If so, has the child's **parent or Indian custodian AND Indian tribe** been **notified** of this hearing by **registered letter, return receipt** requested?
  - Upon review of the court file, I find that it **contains [does not contain] a registered return receipt** indicating that the **child's parent or Indian custodian AND Indian tribe** have each been notified. *(Note: If a return receipt for each is not in the file, direct that it be filed immediately or there could be significant due process consequences.)*

#### 7. **VIEWING OF "IN THE BEST INTERESTS OF YOUR CHILD" ORIENTATION VIDEOTAPE**

Have you **seen the videotape** entitled "*In the Best Interests of Your Child*," which is an orientation about juvenile court and child protection proceedings?

- If you **have not seen the video**, please **inform the court administrator** so that arrangements can be made for you to see it as soon as possible.

#### 8. **GENERAL "RIGHTS ADVISORY" FOR PARTIES AND PARTICIPANTS**

As I identify each of the 6 basic principles of child protection proceedings, please raise your hand if you have a question or do not fully understand what I'm saying:

(a) **Do you understand the possible consequences of failure to appear at future hearings?**

If you do not appear in court for future hearings, the court can still proceed without you and may issue orders affecting your child(ren) and you.

(b) **Do you understand the possible consequences of these child protection proceedings as they relate to your future custody of your child(ren)?**

If the court finds that your child(ren) is/are in need of protection or services and you do not follow the case plan ordered by the court, the court may permanently remove your child(ren) from your care, including terminating your parental rights or permanently transferring your child(ren)'s legal and physical custody to a relative.

(c) **Do you understand that you have the right to be represented by an attorney, and that if you are the child, child's parent, or child's legal custodian the court may appoint an attorney to represent you if you cannot afford one?**

The court may appoint an attorney to represent the child, child's parent, or child's legal custodian if you cannot afford an attorney and if the court determines that such appointment is appropriate.

(d) **Do you understand your basic procedural rights if you are a party to this case?**

Basic procedural rights of a party include the right to notice of all hearings, to be present in court, to conduct discovery, to bring motions, to participate in settlement agreements, to subpoena witnesses to testify on your behalf, to cross-examine other parties' witnesses; to make argument in support of or against the petition; to present evidence; to request review of the court's disposition; to bring post-trial motions, if there is a trial; and to appeal the court's decision.

(e) **Do you understand your basic procedural rights if you are a participant to this case?**

Basic procedural rights of a participant include the right to notice of all hearings; to attend all hearings, unless excluded; to receive a copy of the petition, and to present information at the discretion of the court.

(f) **Do you understand the 12-month and/or 6-month permanency timeline(s) under which this court is required to proceed in order to help ensure your' child(ren)'s safety, permanency, and well-being?**

For a child **under age 8**, a **Permanency Progress Review Hearing** must be commenced **within 180 days of your child(ren)'s removal from home**. The purpose of the hearing is to determine whether the parent [legal custodian] is complying with the case plan and maintaining regular contact with the child(ren).

- If the parent **is complying** with the case plan and maintaining regular contact with the child(ren), and if the court determines that the child(ren) would benefit from continuing this relationship, the court may either:
  - o Return the child home, if the conditions that led to the out-of-home placement have been sufficiently mitigated that it is safe and in the child's best interests to be returned home; **or**
  - o Continue the matter up to a total of six (6) additional months, at which time the court must conduct a Permanent Placement Determination Hearing if the child has not been safely returned home
- If the parent **is not complying** with the case plan or not maintaining regular contact with the child as required in the case plan, the court may order the responsible social services agency to file a petition for the child's permanent placement away from the parent.

**AND**

If your child(ren), regardless of age, remain(s) in out-of-home placement, a **Permanent Placement Determination Hearing** must be commenced **within 365 days of your child(ren)'s removal from home**. The purpose of the hearing is to review the parent's [legal custodian's] progress on the case plan and the services provided by the agency. The court shall determine whether the child(ren) can be safely returned home or, if not, order permanent placement consistent with the child(ren)'s best interests, including terminating your parental rights or permanently transferring your child(ren)'s legal and physical custody to a relative.

9. **PETITION – STATUTORY GROUNDS AND FACTUAL ALLEGATIONS**

(a) Have you read the Petition?

(b) Do you understand the statutory grounds and the factual allegations set forth in the Petition, including why your child was removed from home? *(Note: If not understood, explain or have the county attorney the statutory grounds and factual basis.)*

10. **MOTIONS**

- (a) Before we proceed to the admission or denial, are there any motions claiming that the Petition is not sufficient or that the court is without jurisdiction to proceed?
- (b) Are there any motions where anyone is seeking to intervene as a party?

11. **ADMISSION OR DENIAL**

- (a) Has any **agreement** been reached about which, if any, of the **statutory grounds** in the Petition will be **admitted or denied**?
- (b) I will now ask the parent [or legal custodian] [or child, only if the child's behavior is the underlying cause] to admit or deny the statutory grounds in the Petition: **Do you admit or deny the statutory allegations set forth in paragraph \_\_\_\_\_ of the Petition?** *(Note: If admission entered, proceed to number 12 "Questioning of Persons Making Admission"; if denial entered, proceed to number 13 "Procedure if Denial.")*

12. **QUESTIONING OF PERSON MAKING ADMISSION**

- (a) Please raise your right hand to take the oath. *[Note: Administer oath or affirmation.]*
- (b) *[If unrepresented:]* Do you understand that you have the right to be represented by an attorney before you proceed to admit or deny the petition?
- (c) Do you understand that if you do not want to admit or deny the petition today, you have the right to a trial where the county attorney would be required to prove the allegations in the petition by clear and convincing evidence [if **Indian** child, beyond a reasonable doubt] before I could issue any order affecting you or your child(ren)?
- (d) Do you understand that if you decide you want to go to trial, you would have the right to testify, call witnesses to testify on your behalf, and cross-examine any witnesses called by the county?
- (e) Do you understand that if you admit the statutory allegations, or if they are proven at a trial, and if you fail to comply with your case plan that will be ordered by the court, a possible consequence may be the permanent removal of your child(ren) from your care, including permanent transfer of legal and physical custody of your child(ren) to a relative or termination of your parental rights to your child(ren)?
- (f) Do you understand that, if your child(ren) is/are under 8 years of age and has/have not returned home within 6 months, a hearing to review your progress on your case plan will be held within 6 months of the date of your child(ren)'s out-of-home placement. If your child(ren), regardless of age, continue(s) in out-of-home placement, a hearing to determine the permanent placement of your child(ren) will be held within 12 months of the date of the child(ren)'s out-of-home placement?

- (g) Do you understand and admit that your child(ren) is/are in need of protection or services because \_\_\_\_\_ *(state the statutory ground(s) being admitted)?*
- (h) Will the [county attorney] [public defender] please establish the factual basis for the admitted statutory grounds?
- (i) I accept [do not accept] the admission of the parent(s) [legal custodian] [child(ren)].  
*(Note: If admission is accepted, proceed below to number 15 "Procedure if Admission Entered".)*

13. **PROCEDURE IF DENIAL ENTERED**

- (a) A denial to the allegation(s) has been entered.
- (b) Will the social worker please **identify the agency's recommendations** regarding the **services, treatment, evaluations, examinations, and visitation** with the parent(s) and siblings needed by the child(ren) and family?  
*(Note: Even though a denial has been entered, the court has authority to order services, treatment, exams, etc., for the child, but may only order services, treatment, exams, etc., for the parent if the parent agrees or if the court grants a discovery request of another party.)*
- (c) The **following services, treatment, evaluations, and examinations**, will be **provided** to the **child(ren)** by the following person/agency \_\_\_\_\_ and the report shall be filed and served by \_\_\_\_\_.
- (d) Despite the denial that has been entered, does anyone have **any objection to my ordering the parent(s) to comply** with any of the recommended services, treatment, evaluations, examinations, or visitation?
  - The **parent(s) object(s) to receipt of any services**, treatment, evaluations, and examinations, so **none will be ordered** at this time.
  - OR**
  - The parent(s) does not object and, therefore, **the following services, treatment, evaluations, and examinations** will be **provided to the parent(s)** by the following person/agency \_\_\_\_\_ and the report shall be filed and served on or before the following date\_\_\_\_\_.
- (e) The following **visitation** will take place **between the child(ren) and parent(s)** pending the next hearing in this matter: \_\_\_\_\_ *(describe specific visitation schedule, including who is responsible for transportation).*
- (f) The following **visitation** will take place **between the child(ren) and other siblings** also in foster care but not placed with this child(ren) pending the next hearing: \_\_\_\_\_ *(describe specific visitation schedule, including who is responsible for transportation).*

- (g) **Paternity needs to be established** for the father \_\_\_\_\_ (*name*) and paternity testing will take place and the report will be filed and served on or before the following date: \_\_\_\_\_.
- (h) The **social worker shall file with the court and serve upon all parties the out-of-home case plan or protective services case plan** by \_\_\_\_\_ (*within 30 days of the child(ren)'s removal from home*) and the following persons should be involved in its development \_\_\_\_\_ (*i.e., parent(s), child, guardian ad litem, attorneys, etc. This is an opportunity for an attorney to object to the client meeting with the social worker without the attorney present.*)
- (i) Pending the next hearing, the following **conditions will be imposed upon the parent(s)**: \_\_\_\_\_.
- (j) Given the expedited timelines designed to ensure the safety, permanency, and well-being of your child(ren), this court intends to stay on a rigid schedule designed to comply with those timelines. As a result, a **scheduling order** setting forth the details about the pretrial conference, trial, and related issues will be issued [today] [within 5 days of this hearing].  
A **pretrial conference** will be held on \_\_\_\_\_ at \_\_\_\_\_ o'clock (*must commence at least 10 days prior to trial*).  
**AND**  
A **trial** will commence on \_\_\_\_\_ at \_\_\_\_\_ o'clock (*must commence within 60 days of the date of the EPC Hearing or Admit/Deny Hearing, whichever is earlier*). Sufficient time shall be set aside to avoid interruption, continuation, or adjournment of the trial. It is expected that \_\_\_ days will be needed to complete the trial.

15. **PROCEDURE IF ADMISSION ENTERED AND DISPOSITION NOT DELAYED TO NEXT HEARING**

- (a) An admission to the statutory grounds and factual allegations has been entered and accepted.
- (b) Based upon the information contained in the petition and the answers to the questions upon admission, I find that the **child(ren) is/are in need of protection or services**.  
**OR**  
I find that it is in the best interests of the child(ren) to **withhold adjudication** for up to 90 days and, therefore, adjudication is withheld pending the next hearing. (*Note: The maximum number of days for which adjudication may be withheld is 90 days – no additional continuances or withholding of adjudication is permitted.*)
- (c) Will the social worker please **identify the agency's recommendations** regarding the **services, treatment, evaluations, examinations, and visitation** with the parent(s) and siblings needed by the child(ren) and family?
- (d) The **following services, treatment, evaluations, and examinations**, will be **provided** to the **child(ren)** by the following person/agency \_\_\_\_\_ and the report shall be filed and served on or before the following date: \_\_\_\_\_.

- (e) **The following services, treatment, evaluations, and examinations** will be **provided to the parent(s)** by the following person/agency \_\_\_\_\_ and the report shall be filed and served on or before the following date: \_\_\_\_\_.
- (f) The following **visitation** will take place **between the child(ren) and parent(s)** pending the next hearing in this matter: \_\_\_\_\_ (*describe specific visitation schedule, including who is responsible for transportation*).
- (g) Pending the next hearing, the following **visitation** will take place **between the child(ren) and other siblings** also in foster care but not placed with this child(ren): \_\_\_\_\_ (*describe specific visitation schedule, including who is responsible for transportation*).
- (h) **Paternity needs to be established** for the father \_\_\_\_\_ (*name*) and paternity testing will take place and the report will be filed on or before the following date: \_\_\_\_\_.
- (i) The **social worker shall file with the court and serve upon all parties the out-of-home case plan or protective services case plan** by \_\_\_\_\_ (*within 30 days of the child(ren)'s removal from home*) and the following persons should be involved in its development \_\_\_\_\_ (*i.e., parent(s), child, guardian ad litem, attorneys, etc. This is an opportunity for an attorney to object to the client meeting with the social worker without the attorney present.*)
- (j) Pending the next hearing, the following **conditions will be imposed upon the parent(s)**: \_\_\_\_\_.
- (k) Given the expedited permanency timelines designed to ensure the safety, permanency, and well-being of your child(ren), this court intends to stay on a rigid schedule designed to comply with those timelines.
- (l) The **next hearing** will be a **Disposition Review Hearing** that will be held on \_\_\_\_\_, 200\_\_\_\_, commencing at \_\_\_ a.m./p.m. You are **required to attend that hearing**. Remember that the court may make decisions about you and your child(ren) even if you fail to attend that hearing.

#### 16. CONCLUSION OF HEARING

A **written Order**, including the date of the next hearing, is now being generated and **will be provided to you before you leave the courthouse**.

**OR**

A **written Order will be mailed** to you within the next 10 days.