

<b>1278 DISPOSITIONAL HEARING</b>	
Chapter: <b>Child Protective Field Services</b>	Section: <b>Working with Families in Court</b>
	New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: <b>06-10</b> Effective Date: <b>May 19, 2006</b> Scheduled Review Date:
	Approved:  Maggie Bishop, DCYF Director
Related Statute(s): <b><a href="#">RSA 169-C</a>, <a href="#">RSA 170-A</a>, and <a href="#">RSA 170-C: 5, V</a>          Related Admin Rule(s):          Related Federal Regulation(s):       </b>	Related Form(s): <b>FORM 2208</b> Bridges' Screen(s) and Attachment(s):

**Purpose**

The purpose of the [dispositional hearing](#) is to review the social study submitted by DCYF and to identify a specific plan, which will outline what each parent must do to correct the conditions that led to the finding of abuse and/or neglect.

**Definitions**

**"Concurrent Plan"** means the alternative or contingency plan for the child in placement that will achieve another permanent placement if reunification with a parent is not possible.

**"Permanent Plan"** means the current efforts being followed by DCYF staff, family members, attorneys, services providers, and residential care providers to achieve a safe and secure home for the child.

**"Reasonable Efforts"** mean measurable steps taken by DCYF staff and service providers to prevent a child's placement, return a child to his or her family, or achieve another permanent plan for the child.

**Policy**

- I. The initial [dispositional hearing](#) is held when the family or district court finds that a child has been abused and/or neglected.
- II. Prior to and in preparation for the initial dispositional hearing, the CPSW must consult with his or her Supervisor to review the case plan, the permanency plan, including the concurrent plan, and the report to be submitted to the court.
- III. [Submission of Court Reports](#): All court reports must be submitted no later than five business days before the dispositional hearing.
  - A. If the court finds that a child has been abused or neglected, the court shall order a [social study](#) to be performed by DCYF. This Social Study (form 2208) must be discussed and approved by the Supervisor prior to its submission to the court. The following information in regards to social studies shall also be considered:
    1. No initial dispositional order or consent order may be made by a court without first reviewing the social study.

2. The social study is used only after a finding of abuse or neglect and is used as a guide to the court in determining an appropriate disposition for the child. All parties involved must have a copy of the social study.
  3. Reports from the therapists and guardian ad litem are to be incorporated, if these were requested at the preliminary hearing.
  4. Any psychiatric report requested during the preliminary hearing can be used only after a finding of abuse or neglect, unless the report was submitted for the purpose of determining competence.
- B. Prior to the dispositional hearing, the CPSW must consider the safety and appropriateness of [placing the child with a relative](#). No child shall be placed with a relative as part of a dispositional order until a written social study of the relative's home is conducted by a child-placing agency. If a child is placed out-of-state, the provision of RSA 170-A, concerning the Interstate Compact must be followed.
- C. At the Dispositional hearing, the Division shall submit a [report](#) to the district or family court and copy to all parties no later than five business days before the dispositional hearing. This report shall also address proposed court orders, which include the following:
1. The proposed final court order is submitted in writing and must include the finding of abuse, and/or neglect. If the petition alleges severe abuse according to RSA 170-C: 5, V, the final order must include this determination.
  2. The proposed court order must include conditions to be met by the parents or household members before the child is safely returned home if out-of-home placement has been ordered. It must also include actions made by DCYF to ensure that [reasonable efforts](#) were made to prevent the child's placement and/or to reunify the family.
  3. If out-of-home placement has been ordered, the judicial determination must include a finding to the effect that continuation in the home would be [contrary to the welfare](#) of the child. Further, the court must make a determination that reasonable efforts were made to prevent the need for the child's removal
  4. If pre-placement, preventive services were not offered because they were considered inappropriate; the court must make a determination that the lack of preventive efforts was reasonable.
  5. A specific plan including, but not limited to, the services to be provided by DCYF or the child-placing agency to the child and family must also be stated in the proposed order. The recommendation for the plan must be submitted to the court no later than five business days before the dispositional hearing.
  6. The recommendations included in the "Social Study" (Form 2208) must be numbered, clearly stated, and specific, so that they can be incorporated in the final court order if the court so decides. These recommendations are to be detailed and time-limited so that there is a clear indication of what is expected over time. State how services will strengthen the family and outline steps the family must take to achieve stability.

7. Any party to the proceedings who alleges a change of circumstances requiring another disposition may make a motion to this effect. The court then conducts a hearing and may [modify the order](#) if the allegations are substantiated.
- IV. If the court finds that a child has been abused or neglected, the court's inquiry at the dispositional hearing should include the following:
    - A. Whether DCYF will be awarded [legal supervision](#) or [legal custody](#) of the child
    - B. Whether DCYF's proposed [case plan](#) addresses the problems and needs of the child and parent and whether an [order of protection](#) is needed.
    - C. Whether DCYF has made [reasonable efforts](#) to prevent the child's removal and placement.
    - D. What, if any, [resources](#) are available to help cover the cost of out-of-home care.
    - E. Consideration of which parties, in addition to the parents, should receive [notice of review hearings](#).
  - V. The family or district court must provide a [written order](#) following the dispositional hearing. If there is a delay between the initial dispositional court order and approval of the child's placement, interim placement plans must be arranged.
  - VI. [Appeal of decision](#)
    - A. Any party, including the State, within 30 days of the final dispositional order, may take an appeal to the Superior Court.
    - B. An appeal does not suspend the order or decision of the family or district court unless the court so orders. The Superior Court hears the case de novo, completely new from the start, and must give this appeal priority on the court calendar.