

DIVISION 7 CINC PROTOCOL

This document is intended to inform parties and stakeholders of Division 7's protocol for CINC proceedings.

Courtroom Culture:

I want to foster a culture of compassion and collaboration, when possible, within CINC proceedings. At a minimum, I will require courtesy and respect to parents, respondents, family members, placement, attorneys, agency workers, CASA workers and CSOs, even if it is not deserved. I will hold myself to these same standards.

Court Reports:

Agency court reports are due two weeks prior to a docket hearing, unless otherwise expressly provided. CSO reports are currently due one week prior to the docket, unless otherwise expressly provided.

Absent compelling reasons, failure to submit timely court reports, and upon request by a party, may result in the Court finding the Agency failed to make reasonable efforts in the case.

Status Reports:

Every panel attorney and the State shall submit a status report to the Court, by email, no later than 5 p.m. on the Friday immediately preceding the docket.

The report shall also be provided to the Petitioner, GAL, parents' attorneys; and Agency overseeing the case.

The form of the status report is at the attorney's discretion, but the report shall inform the Court: (1) whether the attorney has recent contact with their client; (2) whether the attorney has received the court report prepared for the docket hearing, and (3) whether the attorney anticipates any issues that will need to be addressed at the hearing, as well as a brief description of any noted issues that are not readily apparent in the court report. If a party is appearing by zoom, this should be noted under issue. If a parent is in Shawnee County jail and being brought over for in person attendance, this should be noted in issues. Please put the name of the parent being brought over from Shawnee County jail so Diane can have a quick access for calling holding.

Some additional issues I am interested in knowing prior to docket are lack of contact with or inability to reach Agency, completed case plan tasks not acknowledged by the Agency; type of contact with Respondents; and/or lack of parental visits.

Earlier submission of the status report is encouraged so all parties are aware of any potential issues and work to resolve them, if able, prior to docket.

If you want me to address the issue at the docket, be prepared to provide me a concise statement of facts/law and want you want me to do.

If the issue will require evidence and argument unable to be presented within a 15-minute docket hearing, the party should be prepared to request a motions hearing setting at docket with a motion deadline.

Motions:

Motion hearings shall normally be held the First Tuesday of each month at 9:00; 10:30; 1:30 and 3:00. Only contested motions shall be set for hearing.

See Local CINC rule for other particulars, such as chambers copy and response time.

Zoom Appearances:

Due to the nature of CINC proceedings, the Court's first preference is that all parties and agency workers appear in person. "Non-participatory" parties may appear by zoom. All zoom appearances are subject to the following requirements:

1. TCO Hearings:
 - a. Attorneys may appear by Zoom, but the Court requires duty counsel and GALS to attempt contact with parents and/or Respondent prior to the TCO hearing so they can properly advise the Court at the TCO hearing.
 - b. Absent compelling reasons, Parents must appear in person so they can meet with Agency/CSO after hearing. If parents need to appear by Zoom, prior permission from the Court must be requested.
 - c. Absent compelling reasons, DCF/KVC must appear in person so they can meet with parents after the hearing and/or administer any UAs ordered by Court at the hearing.
 - d. If Petitioner is requesting CSO oversight, should advise CSO prior to TCO so they will be present at the hearing to meet with parents immediately afterward.

2. All other hearings:
 - a. Prior permission must be requested.
 - b. If Parent is requesting to appear by zoom, attorney should provide compelling reason why, which could include, but is not limited to out of state location, incarceration, in-patient treatment, work, lack of transportation, and/or sickness. Attorney should also advise the Court if parent is in good contact with them and Agency/CSO; and whether parent is current on all UA requirements.
3. Zoom protocol:
 - a. If a party is allowed to appear by Zoom, they must put the Respondent's last name and their name and/or title as their Zoom name identifier. E.g., "Baby Doe: Placement"; "Baby Doe: KVC Case Manager Jane Smith;" and/or "Baby Doe: Father John Smith"
 - b. All parties appearing by zoom must comply with all in-person court protocol including appropriate attire, quiet and secure location; no smoking, drinking, or eating; no unauthorized persons present; and no other distractions.

Domestic Orders:

When a CINC case is ready for dismissal or termination and parents reside in Shawnee County, but no domestic case is on file, the Court will not terminate or dismiss the CINC action until a domestic case is filed for the CINC custody and parenting time order to be filed within. The parent's attorney may open the case, or assist their client in opening the domestic case, but the case will remain on court's docket until domestic case is opened and the custody and parenting time order is filed.

TCO Hearings:

Attorneys should make every attempt to contact Parents/Respondents prior to the TCO to discover any pertinent information including, but not limited to paternity, ICWA, and whether parents intend to request court-appointed attorney. If parent wants court-appointed attorney, then begin the process of having parent complete the financial affidavit so it can be turned in immediately after the hearing.

Docket:

It is vital for all attorneys to be on time, but preferably early, for docket. I strive to keep us running on time and the less time we make parents wait, the less stressful it is for them.

If you haven't had contact with a client prior to the hearing, and your docket schedule allows, see if they are in the hall prior to their hearing so you can update contact information, etc. **If you get updated contact information – provide to Diane at docket – she generates NOH as soon as hearing date scheduled on docket.**

Adjudication Trials:

I would like to know as early as the first pretrial set after a TCO, if a parent is going to request an adjudication trial so we can get them set quickly. If possible, all stakeholders should have a conversation about whether a no contest to one statutory subsection and/or stipulation to any facts that would support any subsection is agreeable.

At end of adjudication and/or PRT trials – please be prepared to give a closing argument that provides a concise statement of facts and law to support your position. If you prefer to submit written argument, please advise the Court before the end of the trial.

PRT:

Court will take up proffers on PRT at first docket when parent has not appeared or instructed attorney to object to proffer. Good cause to hold proffer should be requested.

Final pretrial orders are not required. Witness and exhibit lists should be provided by parties before the final pretrial, which are set the Thursday before the trial at 4 pm.

At final pretrial, attorneys should be prepared to give a short summary of the main issues to be addressed at trial.

I will keep trials moving along. If parties need to take a break, just let me know.