

SUMMARY OF REQUIREMENTS FOR LEGAL DOCUMENTS/REPORTS

Division staff prepares reports for the State's Attorney to initiate legal proceedings, reports to the court providing information and recommendations, and petitions to be filed with the court. This appendix identifies these documents and provides minimum guidelines for their contents. (See also other appendices for more specific content.)

Affidavit

A sworn statement that presents information that forms the basis for a juvenile petition. The information must rise above suspicion, sufficient for the court to find "probable cause" to proceed to a hearing on the merits of a juvenile petition. However, it need not be conclusive.

Investigative Report

Prepared for the State's Attorney in a case alleging a child to be in need of care and supervision, this report outlines information used for proving the allegations in the petition. The report (see 33 VSA § 5517) contains:

- the names of all witnesses;
- the information each can testify to; and
- the course of the witnesses' information (e.g., personal observation, statement by a party, information received from another person not a party).

Disposition Report

A report prepared for the Family Court that includes, as appropriate:

- an assessment of the child's medical, psychological, social, educational and vocational needs;
- a description of the resources in the child's home, school and community;
- a statement of the goals and objectives of treatment;
- a recommendation for child support;
- a recommendation as to the disposition of the case, including the case plan and, if possible, the length of time the child may benefit from the plan. (see 33 VSA § 5527 and Appendices 3, 4a and 4b of this manual.)

Reasonable Efforts Affidavit

The affidavit (DCF-602) submitted to the court at the time of the initial removal of a child from the home and at permanency reviews. It describes the services provided to the family to prevent the need for separation of the child from the family, or to make it possible for the child to return home.

Request of Judicial Approval: Voluntary Care Extension Beyond 180 Days

A report to the Family Court when DCF wished to extend a Voluntary Care Agreement beyond 180 days, and beyond each 180 days after that. The report explains why it is necessary to extend the voluntary care, why the voluntary care is in the child's best interest. The Voluntary Care Agreement and the child's current case plan are attached to the report.

Permanency Review Report

A report (DCF-311) submitted to the court at the time of the permanency review by the court. The report is submitted after the in-office permanency review meeting has been held. If the department's recommendation is contested, a supplemental disposition report (see below) should be prepared. The social worker should be prepared to support the department's position through witnesses and exhibits.

Supplemental Disposition Report

A report prepared for the court prior to hearing on a motion to modify or contest the disposition order (including a petition to terminate parental rights):

This report should contain:

- information about prior court proceedings regarding the child;
- when appropriate, a history of DCF involvement with the family and child before court intervention;
- progress made toward achieving the goals of the case plan since the child was placed in the department's custody;
- information to assist the court in considering the best interests of the child (see 33 VSA § 5531, 5532 and 5540) in accordance with:
 - the interaction and interrelationship of the child with his/her parents, foster parents, if any, his/her siblings, and any other person who may significantly affect the child's best interests;
 - the child's adjustment in his/her home, school and community;
 - the likelihood that the parent(s) will be able to resume parental rights within a reasonable period of time; and
 - whether the parent has played and continues to play a constructive role, including personal contact and demonstrated love and affection, in the child's welfare.
- a recommendation for an appropriate disposition order;
- if the recommendation is for termination of parental rights or discharge from DCF custody, a request that any order for child support to DCF be vacated.

Medical, psychological, psychiatric or other appropriate reports may be attached, and the latest case plan.

Petition to Vacate

The petition filed with the Juvenile Court whenever DCF requests that the court vacate a prior disposition order in part or in full, or that the court terminate jurisdiction over the child. DCF-312A is used when all parties agree with the petition; DCF-312B is used when all parties do not agree.

Petition for Termination of Parental Rights

The formal petition, filed by the Assistant Attorney General for DCF, or the social worker after consultation with the Permanency Planning Consultant, requesting that the residual parental rights of an individual to his

or her child be terminated and that the Commissioner of DCF be awarded custody and guardianship without limitation to adoption.