

## Dispositional Hearing

This is the hearing where the Judge decides what will happen with your child. The Judge must decide on a plan to help a child have a safe home. If a child remains in out of home care, the judge will provide parents with “Conditions of Return”. These are the things you will have to do in order to have your child safely returned to you.

Before the Dispositional Hearing, the Social Worker will, with your help, create a **Dispositional Report**, which tells the judge about the family and includes recommendations to the court on what services the child or family needs.

At the **Dispositional Hearing**, the Judge has several options available in deciding what happens with you and your child. The judge can order your child placed in your home or outside of your home. She or he may also order that you have to do certain things to get your kids back, such as:

- Participating in counseling
- Cooperate with DCFS Supervision
- Participate in Educational programs.
- Complete Alcohol and Drug Treatment; submit to drug tests to ensure you are not using drugs / alcohol.
- Complete parenting classes and successfully use what you’ve learned when parenting your kids.
- Visiting with your kids.

**This brochure was prepared to help parents gain a better understanding of what to expect in CHIPS cases.**

Parents: it is important to understand this information so that everyone can work together to ensure children are safe.

**This brochure is NOT intended as legal advice. This brochure is NOT intended to take the place of an attorney.**

**If you would like an attorney, you have the right to hire an attorney on your own, or you can ask the court for a court-appointed lawyer to help you.**

If the court appoints an attorney for you, you may be required to repay the attorney’s fees to the County.

This brochure is general information and does not cover everything that can happen in court.

# A PARENT’S GUIDE TO CHIPS CASES

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*CHIPS stands for “Child in Need of Protection or Services.”*

These cases come about when there is a concern that a child may not be receiving proper care or protection.

THIS IS  
**NOT**  
A CRIMINAL CASE.

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## TPC Hearing

Oftentimes the first step in a CHIPS case is a **Temporary Physical Custody (TPC) Hearing**. At this hearing, the Court is told why a child was taken out of the home, why we are in court, and where the child is now. At this hearing, the Court can place your child someplace other than your home.

The State has 72 hours (not including weekends and holidays) from the TPC Hearing to file a petition.

- The petition is a formal request for the Court to do something. The petition tells the court what may have happened.
  - Some examples of what may have happened include abuse, neglect, or abandonment.
  - **CHIPS cases are NOT criminal cases.** In CHIPS cases, the Court is focused on making sure children are safe and is less focused on blaming any specific person.

After the TPC Hearing, the matter is set for a Review and/or a **Plea Hearing**. Before the Plea Hearing, be sure to **read the petition**. The judge will ask you questions about it.

## Plea Hearing

At the Plea Hearing, the parties will enter a plea. This means that each party will tell the court if they will contest the petition.

There are three types of pleas:

**ADMIT:** You agree with the information in the petition.

**NO CONTEST:** You believe the State could prove the allegation(s) in the petition. You are not admitting to them, but you are also not denying them.

**DENY:** You disagree with the information in the petition, or you want to make the State prove the allegations at a trial.

- If all parties **ADMIT** or plead **NO CONTEST** to the allegation(s), then the next hearing is typically a **Dispositional Hearing**.
- If one or more parties **DENY** the allegation(s), then the next hearing is typically a **Fact-Finding Hearing**.

## Fact-Finding Hearing (aka Trial)

If one or more of the parties **DENY** the allegations in the petition, the court will schedule a Fact-Finding Hearing. The law typically requires that this be done within 30 days of the Plea Hearing

- The **Fact-Finding Hearing** is often in front of a judge unless one of the parties requests a jury.

At the **Fact-Finding Hearing**, the State must show that the child is in need of protection or services.

- At the Fact-Finding Hearing the State, the children (by their attorney or guardian ad litem) and the parents all have the right to call witnesses to testify.

After the parties present their evidence, the Judge or Jury will decide if the allegations are proven.

- If the court finds that the child is **NOT** in need of protection or services, the case is concluded.
- If the court finds that the child **IS** in need of protection or services, then the court will schedule a **Dispositional Hearing**.