

# PRE-HEARING CONFERENCE (PHC) FACT SHEET

As of July 1, 2023, pre-hearing conferences (PHC's) must be available when a child has been removed from their home in a DN case. (MCA 41-3-307)

PHC's must be made available to parents, guardians, and other custodians. They must be held within five days of the child's removal and before the Emergency Protective Services (EPS) hearing. The EPS hearing is required to occur within five business days of removal.

PHC's work best in districts that have preset days and times. Reserving two days and times a week is best, with at least one day between the two. This ensures a PHC can be held within five days of removal.

To ensure the process for scheduling PHC's is efficient, the following three steps should be taken:

1. At or before the removal, CPS emails the Department's attorney, OPD (at [opdeps@mt.gov](mailto:opdeps@mt.gov)), the Court, CASA/GAL, and the PHC scheduler to notify them of the removal.

2. The PHC scheduler, who has previously been provided with the preset days and times each jurisdiction sets aside for PHC's, locates a facilitator, and confirms that person's availability. At the same time, the judge or clerk of court sets the EPS hearing, and OPD appoints counsel for the children and parents. (MCA-41-3-425)

3. The PHC scheduler sends a second email to the Department's attorney, CPS/CPSS, CASA/GAL, and OPD with the name and Zoom link of the facilitator.

The purpose of a PHC is to talk about important issues related to parents and their children early in a child abuse and neglect case, with the goal of beginning to work as a team towards reunifying the family.

### **PHC's should address four main issues:**

1. Placement – are parents ok with their children's current placement? If not, are there relatives or friends who might be appropriate?
2. Family time – can family time be improved or increased? How much supervision is needed to keep the children safe?
3. Services/treatment for parents and family – what services are needed for parents and their children, and will parents agree to begin them?
4. Conditions of return – can the children safely return home? If not, what must be done before that can occur?