

PRE-HEARING CONFERENCE (PHC) FACT SHEET

Pre-hearing conferences (PHCs) **MUST** occur when a child has been removed from their home in a DN case. *SB 73 (2025); MCA 41-3-307(1)*.

PHCs must be held within five working days of the child's removal and before the emergency protective services (EPS) hearing. *SB 17 (2025); MCA 41-3-307(1)*. A parent, guardian, or other custodian can choose whether they want to participate in the PHC. *SB 73 (2025); MCA 41-3-307(2)*. The EPS hearing is also required to occur within five business or working days of removal. *SB 17 (2025); MCA 41-3-301(1); MCA 41-3-306(1)*.

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

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

1. At or before the removal, the Department emails their attorney, OPD (at opdeps@mt.gov), the Court, Special Advocates (CASA/GAL), and the PHC Scheduler to notify them of the removal. By law, PHC facilitators and OPD must receive notification of a child's removal within 24 hours of the removal. *SB 73 (2025); MCA 41-3-301(1)*.
2. The PHC Scheduler, who has previously been provided with the preset days and times each jurisdiction sets aside for PHCs, locates a PHC 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 and their attorney, Special Advocates (CASA/GAL), and OPD with the name and Zoom link of the facilitator assigned to the PHC.

PRE-HEARING CONFERENCE (PHC) FACT SHEET CONTINUED

The purpose of a PHC is to talk about important issues related to parents, guardians, other custodians 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.

PHCs should address four main issues:

1. Placement

Are parents, guardians, and other custodians okay 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, guardians, other custodians, 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 now? If not, what must be done before that can occur?