

who is in charge

The pre-hearing conference will be led by someone called a facilitator. Facilitators are not allowed to give legal advice, and are a neutral party. Facilitators are employed by the courts for the purpose of guiding the PHC. They make sure you and everyone else in the room can speak openly and honestly about the pending case.

where will it be

The pre-hearing conference will be held remotely by video conference, or will take place in a jury room or conference room at the courthouse.

who should participate

The following people are encouraged to participate in a PHC:

- + Parents
- + Child and Family Services Division (CFSD) Child Protection Specialists (CPS)
- + Attorneys
- + Tribal Representatives
- + Court Appointed Special Advocates (CASA) volunteers
- + Treatment providers
- + Foster parents
- + Family members and friends
- + Children (if appropriate)
- + Law enforcement (if necessary)



PLEASE CONTACT YOUR ATTORNEY
WITH QUESTIONS ABOUT YOUR PRE-HEARING CONFERENCE

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understanding PRE-HEARING CONFERENCES

TIMELY REUNIFICATION OF FAMILIES

COURT IMPROVEMENT PROGRAM
MONTANA SUPREME COURT

what is a pre-hearing conference (PHC)

You, the parent, have the opportunity to participate in a Pre-Hearing Conference (PHC). The PHC should take place before an Emergency Protective Services Hearing.

The purpose of a PHC is to talk about important issues related to you and your children early in the child abuse and neglect case.

At the pre-hearing conference, you will have a conversation with the Child Protection Specialists, the state's attorney, your attorney, and your child's attorney and/or Court Appointed Special Advocate (CASA) volunteer or Guardian ad Litem to talk about four main issues of the case:

1. Your child's placement
2. Improving family time between you and your child
3. Treatment services for you and your family
4. Conditions of return

The main goal of the pre-hearing conference is to begin working as a team toward reunifying your family.

what happens during the pre-hearing conference (PHC)

At the beginning of the PHC, the facilitator will ask everyone a few questions to identify important information about the current status of the case. After these questions have been discussed, the facilitator will work with the group to address four important issues:

1 PLACEMENT

Have you met the foster parents? Are you OK with your child's current placement? If not, do you have relatives or friends who might be good choices?

2 FAMILY TIME

Do you agree with the current family time plan? If not, what would you like to change? Do you have a friend or relative without criminal or CPS issues who could help with family time? Can family time be improved or increased? How much supervision is needed to keep your children safe?

3 SERVICES/TREATMENT

Has the Child Protection Specialist (CPS) talked to you about possible services or treatment for you? What has been discussed? Will you agree to begin those services? Have you started any of those services? What services will your child need? Can you participate in services with your child? If not, how will you learn how your child is doing?

4 CONDITIONS OF RETURN

Can your children safely return home?
If not, what conditions must be met before they can safely return home?

what happens at the end of a PHC

The facilitator will review the basic plan as agreed to by you and the other parties, reminding you of upcoming court dates, follow up meetings, and dates agreed upon to finish tasks. The facilitator will also note areas where more work needs to be done or where you do not agree.

After the PHC, the goal is for the conversation to continue among the parties, working towards timely reunification of families.