

Case Management Checklist

Basic Elements of Case Management - Practical

☐ Exercise Effective Judicial Leadership

- As the judge, you set the tone in the courtroom.
- Your initial contact with the parties is very important.
- Treat parties, attorneys, witnesses with respect.
- The parties, attorneys, GAL, and all other participants must know you are in control.
- Have knowledge of each case, Chapter 48 and local court rules, if any.
- Be prepared for each hearing.
- Use checklists and standardized forms as templates.
- Use CCIP E-Learning website (<https://wicciptraining.com/>).
- Maintain control over the courtroom and the court process.

YOU ARE THE JUDGE. IT'S YOUR COURTROOM!

☐ Treat Each Case as Unique

- Ask for a recent picture of the child/children to place in the file to be seen as soon as the file is opened. Remind yourself that this is a real living person with whom you are dealing: someone who has a life and dreams and ambitions. This is not just a case file.
- Become familiar with the specific needs of the child/children and family, and tailor orders and services to those needs.

☐ Exercise Early and Continuous Control of Case Progress

- Keep in mind the causes of delay:
 - ❖ Failure to identify necessary parties
 - ❖ Failure to provide timely notice
 - ❖ Unadjudicated fathers
 - ❖ Genetic testing for alleged fathers
 - ❖ Incarcerated parents
 - ❖ Unprepared counsel, GALs, social workers
 - ❖ Out of state parties
 - ❖ WICWA
 - ❖ Competency issues
 - ❖ Need for psychological, psychiatric, physical or AODA evaluations
 - ❖ Request for time to hire counsel

- Take early control of the case management. Refuse to accept routine “waivers of time limits” by the party. Let the parties know you expect them to comply with the statutory time limits absent *exceptional* circumstances.
- Early court intervention as necessary – appointment of counsel, GAL; paternity issues, expedite under §48.299(6); interpreter; evaluations/assessments under §48.295.
- What is the problem? How can we solve it?
- Ask for names of relatives and extended family members who can assist with placement, if necessary.
- Schedule early and meaningful pre-trial conferences. However, if pre-trial conferences seem to be just another “status conference” so as to kick the case down the road further, refuse to schedule such useless proceedings. Schedule only substantive hearings (plea hearing, motions, trials, dispositions, etc.—that is, hearings at which things actually are expected to get done). Let the parties conduct their own “status conferences” outside the court without your involvement. Create the expectation that when they come to court, *things will get done!*
- Maximize opportunities to resolve the case. At every hearing, ask the parties “what has to be done to resolve this case?” At every hearing, ask “what is the safety issue that prevents this child from returning home?”
- Order parties to appear and cooperate with counsel.
- Consider using one family, one judge practice.
- Continually monitor progress of the case. Ensure that every case has a next court date scheduled.
- Enforce local rules.

□ Provide Timely Hearing Dates

- Schedule future hearings in court and provide written notice.
- Schedule one case at a time. Do not stack cases.
- Tailor scheduling to each individual case.
- Allow adequate time for future hearings.
- Grant reasonable accommodations to counsel.
- Consider the use of expedited hearings for single issues.
- Do not let counsel do an “end run” around you to your judicial assistant or scheduling clerk in order to schedule outside your time frames.

❑ **Develop and Meet Appropriate Time Expectations**

- Early identification of principal factual and legal issues.
- Require early exchange of discovery.
- Order timely provision of court reports.
- Start hearings on time.
- State your expectations that scheduled hearings will take place as scheduled, be started on time and that the court orders will be followed.

❑ **Grant Continuances Sparingly**

- Remember primary goals are: Safety, Permanence, Timeliness, and Due Process.
- Don't grant continuances for convenience.
- Don't grant continuances based on stipulations of the parties.
- If you must grant a continuance, state your good cause findings on the record and grant the continuance only for the actual time needed. Do not allow "open ended" continuances; every case must have a date certain for the next event.

❑ **Issue Timely Orders**

- Make decisions in a prompt and timely manner. Do not take cases under advisement; render all of your decisions orally from the bench. Writing decisions only takes more time and holds no greater weight with the court of appeal.
- State adequate and complete findings of fact and conclusions of law on the record. Use the standardized forms as your templates for your decision.
- Make and issue detailed orders in a timely manner.

❑ **ALWAYS REMEMBER**

- THE PARAMOUNT CONSIDERATION IS THE BEST INTERESTS OF THE CHILD

BASIC ELEMENTS OF CASE MANAGEMENT – VISIONARY

❑ **Exercise Effective Judicial Leadership**

- Think outside the box.
- Develop a vision of the future.
- Develop a mission and goals statement.
- Establish a partnership with other stakeholders.

□ Consult with Stakeholders

- Identify the stakeholders:
 - ❖ Court staff
 - ❖ Child Welfare Agency
 - ❖ School system
 - ❖ Local Bar Association
 - ❖ District Attorney/Corporation Counsel, GALs, and Public Defender
 - ❖ CASA
 - ❖ Juvenile Supervision
 - ❖ Probation
 - ❖ Foster Parents
 - ❖ County Administration
 - ❖ Law Enforcement
 - ❖ Judicial assistant or other scheduling person
- Schedule regular meetings.
- If you have a Criminal Justice Coordinating/Collaborating Council in your county, consider making it a Community Justice Coordinating/Collaborating Council to include oversight of child welfare system/cases.
- Purpose is to have a dialogue and gain input.
- Prepare agendas for the meetings.
- Familiarize yourself with local resources and programs.
- Barriers to communication and cooperation
 - ❖ Ego and turf issues
 - ❖ Lack of mutual respect
 - ❖ Absence of standard protocols
 - ❖ Competition for shrinking and/or limited dollars by all parties

□ Develop Local Rules

- Local rules help maintain the goals of safety and welfare of the child.
 - ❖ Local rules reduce unnecessary delays.
 - ❖ Create the expectation that local rules will be enforced.

□ Provide and Participate in Ongoing Training

- Used to improve knowledge of legal proceedings by staff, counsel, foster parents, and social services.
- Used to maintain knowledge of local rules and resources by judges, staff, counsel, foster parents, and social services.