

Rule 12. Shelter Care Hearing or Initial Appearance; Matters Addressed in All Cases

(a) Inspection of reports. Prior to the shelter care hearing or initial appearance, the parties shall be permitted to inspect any reports or other written information that will be provided to the Court at the hearing or initial appearance.

(b) Inquiry as to notice and paternity status. At the beginning of the shelter care hearing or initial appearance the judicial officer shall determine the individuals and parties entitled to notice under Rule 10, and shall determine whether notice of the hearing has been provided to each in compliance with Rule 11 and what further efforts must be taken to notify all parties and individuals entitled to notice as rapidly as possible. At this or any subsequent hearing, an inquiry shall also be made as to the identity of the putative father and the status of efforts to establish paternity of the child.

(c) Absence of a party. The hearing shall not be postponed because of the absence of the parent, guardian or custodian, but if the child is ordered to be held in shelter care, the parent, guardian or custodian shall be notified by counsel of his or her right to apply for reconsideration of the order.

(d) Appointment of counsel. The judicial officer shall advise the parties of the right to counsel, and of the right to have counsel appointed if the party is eligible because of financial inability to retain counsel, as provided in D.C. Code § 16-2304 and Rule 42, and shall appoint counsel and a guardian ad litem in accordance with Rule 42.

(e) Informing parties of rights, contents of petition. At the beginning of the hearing, the Court shall advise the parties of their legal rights, including their rights to present evidence and cross-examine witnesses who are present. Unless reading is waived, the judicial officer shall read the petition to the parent, guardian or custodian. Each party may then admit or deny the allegations of neglect. The Court shall also explain the purpose and scope of the hearing and the possible consequences of the Court proceedings, including the possibility of termination of parental rights if children are removed from and not timely returned home.

(f) Permanency Planning Notice. The judicial officer shall provide parents with and explain to them a Permanency Planning Notice that advises them that if their child is removed from home and they are unable to safely assume care of their child within 12 months of an adjudication of neglect or within 14 months of the child's removal from the home, the Court must and will promptly consider permanent alternatives to returning the child home, including termination of parental rights.