

Rule 19. Fact-finding Hearing

(a) Time of hearing. When a child is in shelter care, the fact-finding hearing shall be held within 105 days following the date of removal from the child's home or within such shorter period of time as may be specified by Administrative Order. When a child has not been removed from his or her home, the fact-finding hearing shall be held no later than 45 days after the filing of the petition.

(b) Preliminary inquiries.

(1) The judicial officer shall begin the fact-finding hearing by determining whether notice of the fact-finding hearing has been given to all parties.

(A) If service pursuant to Rule II has not been effected on a party and that party fails to appear, the judicial officer shall order that an appropriate means of service be directed to the absent party.

(B) If such service has not been effected, but the party is present, the judicial officer may proceed with the hearing if the judicial officer finds that the party received actual notice of the date of the hearing sufficiently in advance of the hearing to prepare for it.

(C) If the judicial officer finds that service has been effected upon a party, but that the party is not present, the judicial officer may proceed with the hearing only if counsel for the party is present.

(2) If a party entitled to counsel pursuant to D.C. Code § 16-2304 and Rule 42 is present but is not represented by counsel and has not waived his or her right to counsel, the judicial officer may continue the hearing to a date certain in order that counsel may be retained or appointed as appropriate.

(c) Standard of proof. The standard of proof required to support a finding of neglect and/or abuse shall be proof by a preponderance of the evidence.

(d) Evidence. The law of evidence governing civil proceedings in the Superior Court shall apply.

(e) Findings of fact and conclusions of law. The judicial officer shall issue written findings of fact and conclusions of law following the conclusion of the fact-finding hearing.

(f) Additional orders. When a finding of neglect has been made, the judicial officer shall enter orders on the following matters if disposition will not be held on the day of the fact-finding hearing, pursuant to Rules 20 through 25:

(1) Date and time of disposition hearing;

(2) Date and time for filing of the disposition report and case plan pursuant to Rule 21;

(3) Placement of the child pending the disposition hearing. If placement outside the home is ordered pending the disposition hearing, the judicial officer shall order placement with a specified relative, a specified private placement, or placement in shelter care, as well as any conditions related to placement. If the child is returned home pending the disposition hearing, conditions of release shall be imposed if required to protect the child;

(4) Visitation. The terms of visitation, including visitation with siblings and other relatives, shall be specified when the child is placed in shelter care or in a private placement. A copy of the visitation order shall be provided to the shelter care provider or custodian. If visitation is prohibited or suspended, the reasons shall be specified in the findings and order;

(5) Stay-away orders or no-contact orders required to protect the child or a caretaker or parent from the perpetrator of neglect and/or abuse;

(6) Further actions to be completed prior to the disposition hearing, including further testing or evaluation of the child or parents, and additional efforts to investigate additional relatives as potential caretakers for the child;

(7) Child support.