PARENT COUNSEL NO REUNIFICATION DESIGNATION HEARING CHECKLIST

A.C.A. ' 9-27-327; -329; -303; -337

Purpose:
To determine whether DHHS should provide reunification services to the parent.

Time Constraints:
≅ DHHS, the attorney ad litem, or the court can make a "no reunification services" recommendation at any time following a d-n adjudication.

≅ DHHS, the attorney ad litem, or the court shall provide written notice to the defendants of a recommendation of no reunification services at least 14 calendar days before the hearing.

≅ Court shall conduct and complete the hearing within 50 days of the date of written notice.

≅ Upon a no reunification finding, the court shall hold a Permanency Planning Hearing within 30 days of the determination.

Notice:
✓ Shall identify, in sufficient detail to put the family on notice, the grounds for no reunification services.
✓ Shall be provided at least 14 days prior to hearing.

Present at Hearing:
✓ Judge;
✓ Parties, including children, unless excused for good cause by court;
✓ Attorneys for all parties;
✓ CASA volunteer, if appointed;
✓ Foster parents or relative caregivers;
✓ Investigator, case worker, and relevant witnesses; and
✓ Court Reporter.

Burden of Proof:
The burden of proof (clear and convincing evidence) and is on the party requesting the no reunification finding.

No Reunification Grounds:
The parent has:

¬ subjected the child to aggravated circumstances as defined in §9-27-303(6) including:
- < abandonment;
- < chronic abuse;
- < extreme or repeat cruelty;
- < sexual abuse; or
- < judicial determination that there is little likelihood that services will result in successful reunification;

∧ committed murder or voluntary manslaughter of any child ;

∨ aided, abetted, conspired or solicited such a murder or voluntary manslaughter;

⇔committed felony battery or assault resulting in serious bodily injury to any child;

⇐had parental rights involuntarily terminated as to a sibling of the child; or

⇑ abandoned an infant as defined in §9-27-303(1).

Court Findings:
✓ Whether or not reunification services shall be provided to the family;
✓ Basis/grounds for decision; and
✓ The child=s best interest.

Best Practice for pre-trial preparation
- ***Review notice for sufficiency.***
- ***Do discovery and make sure you have all medical records and talk to all relevant witnesses prior to the hearing.***
- ***Request that the time to respond to discovery be shortened if necessary.***
- ***Talk to your client about possible placements for the child (relatives or others).***
- ***Ensure that your client receives services up until the day of the no reunification services hearing, and if your client complies with those, argue that continued services could result in reunification.***

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- ***Discuss with your client the possibility of voluntarily relinquishing parental rights. Make sure they know the future impact of an involuntary termination of parental rights.***

Other Best Practice notes:

- ***The Rules of Evidence apply. Make sure they are followed by all parties and object when appropriate.***
- ***Remember that if your client is facing criminal charges, his or her testimony may be used against him or her in a criminal case.***

Best Practice: Preparing for appeals

- ***Make sure all issues for appeal are properly preserved by objecting at all necessary times, being sure to get a ruling from the court on each objection.***
- ***Expect that the case is headed to TPR and preserve the record accordingly.***
- ***Request findings of fact and conclusions of law to know exactly why the no reunification services order is being issued.***