PARENT COUNSEL DEPENDENCY-NEGLECT SIX MONTH REVIEW HEARING CHECKLIST

A.C.A. '9-27-337

Purpose:

- Court shall determine if case plan, services, and placement meet the special needs and best interest of the child.
- Court shall determine if the state has made reasonable efforts to provide family services.
- Court shall determine if the case plan is moving toward an appropriate permanency plan for the juvenile.
- Court shall determine if the visitation plan is appropriate for the parents and siblings, if separated. **A.C.A. '9-27-337(e)**

Time constraints:

- Shall be held at least within 6 months of the original out-of-home placement and every six months thereafter while the child is in an out-of-home placement until permanency is achieved. **A.C.A. '9-27-337(a)(2)**
- The court may review prior to the 6 month review date, and any party may request such a review. The requesting party shall provide at least 14 days notice before the hearing. It is the petitioner's duty to request court to schedule review at least 60 days prior to the required time frame. **A.C.A. '§9-27-337(b)—9-27-337(c)**
- DHHS shall file a court report with the court, including a certificate of service that the report has been submitted to all parties and the CASA volunteer, if appointed, 7 business days prior to the scheduled review hearing. **A.C.A. '9-27-361(a)(1)**
- CASA volunteers shall provide written reports for the court and shall provide all parties or the attorney of record with a copy of the report 7 business days prior to the hearing. **A.C.A. '9-27-316(g)(3)(A)(iii); §9-27-361(a)(1)**
- A written order shall be filed and distributed to the parties within 30 days of the date of the hearing or prior to the next hearing, whichever is sooner. **A.C.A. '9-27-337(e)(2)**
- All studies, evaluations, or post disposition report shall be provided to all the parties at least 2 days prior to the review hearing. **A.C.A. '9-27-327(e)(1)(B)(i)(d)(ii)(b)**

Present at Hearing:

T Judge;
T Parties, including children, unless excused by the court;
T Attorneys for all parties;
T CASA volunteer, if appointed;
T Case worker and relevant witnesses;
T Foster parents or relative caregivers; and
T Court Reporter.

Best Practice:

- ***Request that hearings be scheduled as is appropriate for the case.***
- ***If a review is needed prior to the next scheduled hearing, file a motion requesting that a hearing be set or file a Motion for Contempt if DHHS has not provided the services ordered.***
- ***If additional services become necessary, request a staffing. If not provided, file a motion requesting that the services be ordered.***
- ***If progress is being made, file a motion requesting increased visitation. Work with the OCC attorney and attorney ad litem to reach agreements on visitation issues so that joint Motions for Increased Visitation can be presented to the court with an Agreed Order.***
- ***Ask the court to allow DHHS to increase visitation without a court hearing.***
- ***Request a date and time specific for the next review hearing, the PPH, and the next staffing.***

Issues:

- Parties= compliance with case plan and court orders
- Order clarification or modification needed
- Appropriateness of case plan goal reviewed
- Custody, support, and placement
- Are the parents complying with the visitation schedule and what is the effect on the child?
- Are the child=s needs being met?
- Is the family availing themselves of DHHS services?

- Are the services for the family alleviating the reason the child was removed from home?

PARENT COUNSEL DEPENDENCY-NEGLECT
SIX MONTH REVIEW HEARING CHECKLIST

A.C.A. '9-27-337
Court Findings & Evidence to be Considered:

In its review orders, the court shall determine and include the following:

❶ Whether the case plan, services, and placement meet the special needs and best interest of the juvenile. The juvenile's health, safety and education shall be specifically addressed; **A.C.A. '9-27-337(e)(1)(B) (i)(*a*)**

❷ Whether the state has made reasonable efforts to provide family services**; A.C.A. '9-27-337(e)(1)(B) (i)(*b*)**

- Court shall consider extent of compliance with case plan, including a review of the DHHS' care for the health, safety, and education of the juvenile while in the out of home placement. **A.C.A. '9-27-337(e)(1)(C)(i)**

❸ Whether the case plan is moving toward an appropriate permanency plan pursuant to A.C.A. '9-27-338; and **A.C.A. '9-27-337(e)(1)(B)(i)(*c*)**

- The extent of the progress toward alleviating or mitigating the cause of removal;
- Whether the juvenile can be returned to his/her parents and whether the juvenile's health and safety can be protected if returned home; and
- Appropriate permanency plan, including concurrent planning.

❹ Whether the visitation plan is appropriate for the parents and the siblings, if separated. **A.C.A. '9-27-337(e)(1)(B)(i)(*d*)**

Best Practices:

- ***Elicit testimony from sworn witnesses.***
- ***Make proper motions and objections to preserve the record for appeal.***
- ***Properly introduce exhibits into evidence.***
- ***Consider invoking the rule and closing the hearing.***
- ***If progress is being made, ask that the court implement a gradual increase in visitation, including unsupervised, overnight, and trial placements.***
- ***During testimony, go through the court order to establish what is completed and what is left to do.***
- ***Ask that referrals for any services ordered by the court be done by a date certain.***
- ***Ask that the court go over the orders and give the clock is ticking speech again.***
- ***Ask for a no reasonable efforts finding if it is appropriate.***
- ***If the case plan has been modified, make sure the updated case plan is introduced into evidence.***
- ***Request that the trial court make specific findings regarding what DHHS has failed to do during the review period. This will help you make your record later in the case if reunification is not recommended.***
- ***Emphasize again to your client that last minute compliance isn't sufficient. He or she needs to be following court orders NOW.***