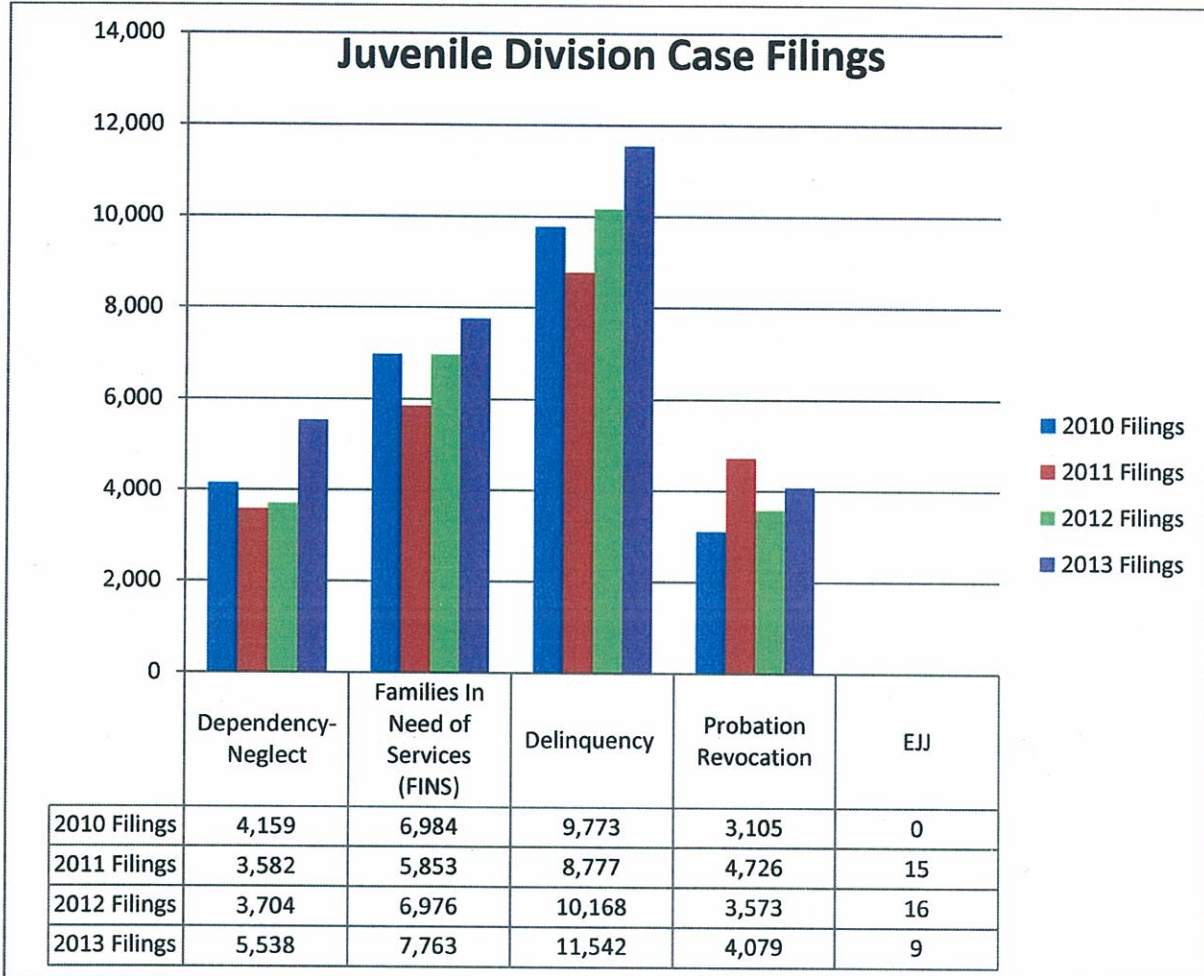


ATTACHMENT #1



CIRCUIT COURT JUVENILE DIVISION JURISDICTION

The assignment of juvenile cases to the juvenile division of circuit court shall be described by Supreme Court Administrative Order Number 14. The circuit court shall have exclusive original jurisdiction and shall be the sole court for the following proceedings, including but not limited to:

Delinquent Juveniles

Proceedings in which a juvenile is alleged to be delinquent, including juveniles ages ten (10) to eighteen (18); however, the court may retain jurisdiction up to the age of twenty-one (21) if the juvenile committed the delinquent act prior to the age of eighteen (18). Ark. Code Ann. § 9-27-306(a)(1)(A).

Any juvenile ten (10) years or older who has committed an act other than a traffic offense or game and fish violation that, if such act had been committed by an adult, would subject such adult to prosecution for a felony, misdemeanor, or violation under the applicable criminal laws of this state. Ark. Code Ann. § 9-27-303(15)(A)(i).

Note: No juvenile under the age of ten (10) can be alleged or adjudicated a delinquent.

A juvenile under the age of ten (10) can be brought before the juvenile court as a FINS for delinquent acts. Byler v. State, 306 Ark. 37 (1991).

Any juvenile (no age limit) charged with capital murder or murder in the first degree is subject to extended juvenile jurisdiction. Ark. Code Ann. § 9-27-303(15)(B).

Any juvenile who has violated Arkansas Code Annotated section 5-73-119 (Minor in Possession of a Handgun or Possession on School Property). Ark. Code Ann. § 9-27-303(15)(A)(ii).

Criminal and Juvenile Division Transfers

Prosecutor Charging Discretion: A prosecuting attorney may charge a juvenile in the criminal division or in the juvenile division when the juvenile is age fourteen (14) or fifteen (15) at time of alleged act, if the alleged act constitutes:

- Capital murder;
- Murder in the first degree;
- Kidnapping;
- Aggravated robbery;
- Rape;
- First-degree battery; or
- Terroristic act. Ark. Code Ann. § 9-27-318(c)(2).

A prosecuting attorney may charge a juvenile at least sixteen (16) years old when he or she engages in conduct that, if committed by an adult, would be any felony. Ark. Code Ann. § 9-27-318(c)(1).

If a prosecuting attorney can file charges in the criminal division of circuit court for an act allegedly committed by a juvenile, the state may file any other criminal charges that arise out of same act or course of conduct in the same division case if, after a hearing before the juvenile division of circuit court, a transfer is ordered. Ark. Code Ann. § 9-27-318(d).

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

The state may file a motion in juvenile division to transfer a case to the criminal division if a juvenile is fourteen (14) or fifteen (15) years old when he or she engages in conduct that if committed by an adult would be as follows:

- Second-degree murder;
- Second-degree battery;
- Possession of a handgun on school property;
- Aggravated assault;
- Unlawful discharge of a firearm from a vehicle;
- Any felony committed while armed with a firearm;
- Soliciting a minor to join a criminal street gang;
- Criminal use of prohibited weapons;
- First-degree escape;
- Second-degree escape; or
- A felony attempt, solicitation, or conspiracy to commit any of the following offenses:
 - Capital murder;
 - First-degree murder;
 - Second-degree murder;
 - Kidnapping;
 - Aggravated robbery;
 - Rape;
 - First-degree battery;
 - First-degree escape; and
 - Second-degree escape. Ark. Code Ann. § 9-27-318(b)(1).
- Possession of handgun on school property if it constitutes a felony under Arkansas Code Annotated section 5-73-119(a). Ark. Code Ann. § 9-27-318(b)(2).
- At least fourteen (14) years old when engaged in conduct that, if committed by an adult, constitutes a felony and who has, within the preceding two (2) years, three (3) times been adjudicated as a delinquent juvenile for acts that would have constituted felonies if they had been committed by an adult. Ark. Code Ann. § 9-27-318(b)(3).

Upon a finding by clear and convincing evidence that a case should be transferred to another division of circuit court, the judge shall enter an order to that effect. Ark. Code Ann. § 9-27-318(h)(2).

Upon a finding by the criminal division of circuit court that a juvenile ages fourteen (14) through seventeen (17) should be transferred to the juvenile division of circuit court, the criminal division of circuit court may enter an order to transfer the juvenile as an extended juvenile jurisdiction offender. Ark. Code Ann. § 9-27-318(i).

If a juvenile age fourteen (14) or fifteen (15) is found guilty in the criminal division for an offense other than an offense in subdivision (b) or (c)(2), the criminal division shall enter a juvenile delinquency disposition pursuant to Arkansas Code Annotated section 9-27-330. Ark. Code Ann. § 9-27-318(j).

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

Extended Jurisdiction Juveniles

Proceedings in which the juvenile is alleged to be an extended juvenile jurisdiction (EJJ) offender, pursuant to Arkansas Code Annotated sections 9-27-501 et seq. Ark. Code Ann. § 9-27-306(a)(1)(G).

Any juvenile age thirteen (13) and under and charged with capital murder or first-degree murder. Ark. Code Ann. § 9-27-501(a)(1)-(2).

Any juvenile ages fourteen (14) through seventeen (17) at the time of the alleged conduct and charged with the following crimes:

- Second-degree murder;
- Second-degree battery;
- Possession of handgun on school property;
- Aggravated assault;
- Unlawful discharge of a firearm from a vehicle;
- Any felony committed while armed with a firearm;
- Soliciting a minor to join a criminal street gang;
- Criminal use of a prohibited weapon;
- First-degree escape;
- Second-degree escape; or
- A felony attempt, solicitation, or conspiracy to commit any of the following offenses:
 - capital murder;
 - first-degree murder;
 - second-degree murder;
 - kidnapping;
 - aggravated robbery;
 - rape;
 - first-degree battery;
 - first-degree escape; and
 - second-degree escape. Ark Code Ann. § 9-27-501(a)(3)-(4); Ark Code Ann. § 9-27-318(b)(1).

Juveniles age fourteen (14) through seventeen (17) at the time of the alleged offense and charged with the following crimes:

- Capital murder;
- Murder in the first degree;
- Kidnapping;
- Aggravated robbery;
- Rape;
- First-degree battery; or
- Terroristic act Ark Code Ann. § 9-27-501(a)(3)-(4); Ark. Code Ann. § 9-27-318(c)(2).

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

The criminal division of the circuit court may enter an order to transfer the case as an EJJ case upon a finding that a juvenile ages fourteen (14) through seventeen (17) and charged with the crimes in Arkansas Code Annotated section 9-27-318(c)(2) should be transferred to the juvenile division of circuit court. Ark. Code Ann. § 9-27-318(i).

Family in Need of Services (FINS)

Proceedings in which a family is alleged to be in need of services as defined by this subchapter, which shall include juveniles from birth to eighteen (18), except for a juvenile who has been adjudicated a FINS and who is in foster care before age eighteen (18) may request the court to continue jurisdiction until the age of twenty-one (21): if the juvenile is engaged in a course of instruction or treatment, or is working at least eighty (80) hours a month toward self-sufficiency to receive independent living or transitional services. However, the court shall retain jurisdiction only if the juvenile remains or has a viable plan to remain in instruction or treatment to receive independent living services. The court shall dismiss jurisdiction upon request of the juvenile or when the juvenile completes or is dismissed from the instruction or treatment to receive independent living services. Ark. Code Ann. § 9-27-306(a)(1)(D).

The court acted without jurisdiction to hold the appellant in contempt for failure to abide by a no-contact order after the appellant reached the age of 18 because the court lacked jurisdiction related to the original FINS petition. Although punishment for contempt is an inherent power of the court, it must be based on a valid court order of a court having jurisdiction. Black v. State, 2010 Ark. App. 78.

FINS means any family with a juvenile who evidences behavior that includes, but is not limited to, being a truant, a runaway, or habitually disobedient to the reasonable and lawful commands of his parents. Ark. Code Ann. § 9-27-303(24).

Upon notification by the school district or adult education program that a student has exceeded the number of unexcused absences, the prosecuting authority shall:

- File a FINS petition pursuant to Ark. Code Ann. § 9-27-310; or
- Enter a diversion agreement pursuant to Ark. Code Ann. § 9-27-323. Ark. Code Ann. § 6-18-222(a)(6)(A).

FINS include delinquent acts of children under the age of ten (10). Byler v. State, 306 Ark. 37, 810 S.W.2d 941 (1991).

Dependent-Neglected Juveniles

Proceedings in which a juvenile is alleged to be dependent or dependent-neglected from birth to eighteen (18), except a juvenile adjudicated prior to the age of eighteen (18) may request the court to continue jurisdiction until the age of twenty-one (21) as long as the juvenile engages in a course of treatment or instruction, or is working at least eighty (80) hours a month toward gaining self-sufficiency. Ark. Code Ann. § 9-27-306(a)(1)(B)(i).

If a juvenile was adjudicated dependent or dependent-neglected, was in foster care at eighteen (18) years of age, left foster care but decided to return prior to the age of twenty-one (21) to

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

benefit from independent living or transitional services, or left foster care but decided to submit to the jurisdiction of the court and return to foster care to receive transitional services, the juvenile may contact his or her AAL to petition the court to return to the court's jurisdiction to receive independent living or transitional services. Ark. Code Ann. § 9-27-306(a)(1)(B)(ii).

Dependent-neglected juvenile means any juvenile who is at substantial risk of serious harm as a result of the following acts or omissions to the juvenile, a sibling, or another juvenile: abandonment, abuse, sexual abuse, sexual exploitation, neglect, parental unfitness, or being present in a dwelling or structure during the manufacturing of methamphetamine with the knowledge of the parent, guardian, or custodian. Ark. Code Ann. § 9-27-303(18)(A).

Abandonment means the failure of the parent to provide reasonable support and to maintain regular contact with the juvenile through statement or contact when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future, failure to support or maintain regular contact with the juvenile without just cause, or an articulated intent to forego parental responsibility. Ark. Code Ann. § 9-27-303(2).

Abandoned Infant means a juvenile less than nine (9) months of age whose parent, guardian, or custodian left the child alone or in the possession of another person without identifying information or with an expression of intent by words, actions, or omissions not to return for the infant. Ark. Code Ann. § 9-27-303(1).

Abuse means any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen (18) or older living in the home with a child, whether related or unrelated, or any person entrusted with the juvenile's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible for the juvenile's welfare:

- Extreme or repeated cruelty to a juvenile, Ark. Code Ann. § 9-27-303(3)(A)(i);
- Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ, Ark. Code Ann. § 9-27-303(3)(A)(ii);
- Injury to a juvenile's intellectual, emotional, or psychological development as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior, Ark. Code Ann. § 9-27-303(3)(A)(iii);
- Any injury which is at variance with the history given, Ark. Code Ann. § 9-27-303(3)(A)(iv);
- Any nonaccidental physical injury, Ark. Code Ann. § 9-27-303(3)(A)(v);

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

➤ Any of the following intentional or knowing acts, with physical injury and without justifiable cause:

- Throwing, kicking, burning, biting or cutting a child;
- Striking a child with a closed fist;
- Shaking a child; or
- Striking a child on the face. Ark. Code Ann. § 9-27-303(3)(A)(vi).

➤ Any of the following intentional or knowing acts, with or without physical injury:

- Striking a child age six (6) or younger on the face or head;
- Shaking a child age three (3) or younger;
- Interfering with a child's breathing;
- Urinating or defecating on a child;
- Pinching, biting, or striking a child in the genital area;
- Tying a child to a fixed or heavy object or binding or tying a child's limbs together;
- Giving or permitting a child to consume or inhale a poisonous or noxious substances not prescribed by a doctor that has the capacity to interfere with normal physiological functions;
- Giving or permitting a child to consume or inhale a substance not prescribed by a doctor that has the capacity to alter the mood including but not limited to: marijuana, alcohol (excluding alcohol recognized religious ceremony or service), narcotics, or over-the-counter drugs purposely administered as an overdose or inappropriately given so the child is detrimentally impacted;
- Exposing a child to chemicals that have the capacity to interfere with normal physiological functions, including, but not limited to, chemicals used during the manufacture of methamphetamine;
- Subjecting a child to Munchausen syndrome by proxy when reported and confirmed by medical personnel or a medical facility. Ark. Code Ann. § 9-27-303(3)(A)(vii).

“Abuse” shall not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. It is not abuse when a child suffers transient pain or minor temporary marks as the result of a reasonable restraint if:

- The person exercising the restraint is an employee of an a residential child care facility licensed or exempted from licensure under the Child Welfare Licensing Act;
- The person exercising the restraint is acting in his or her official capacity while on duty at a residential child care facility or the residential child care facility is exempt from licensure under the Child Welfare Agency Licensing Act;

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

- The agency has policy and procedures regarding restraints;
 - no other alternative exists to control the child except for a restraint;
 - the child is in danger of hurting himself or herself or others;
 - the person exercising the restraint has been trained in properly restraining children, de-escalation, and conflict resolution techniques;
 - the restraint is for a reasonable period of time; and
 - the restraint is in conformity with the training and agency policy and procedures. Ark. Code Ann. § 9-27-303(3)(C).

- Reasonable and moderate physical discipline inflicted by a parent or guardian shall not include any act that is likely to cause, and which does cause, injury more serious than transient pain or minor temporary marks. Ark. Code Ann. § 9-27-303(3)(C)(iii).

The age, size, and condition of the child and the location of the injury and the frequency or recurrence of injuries shall be considered when determining whether the physical discipline is reasonable or moderate. Ark. Code Ann. § 9-27-303(3)(C)(iv).

Neglect means those acts or omissions of a parent, guardian, custodian, foster parent, or any person who is entrusted with the juvenile's care by a parent, custodian, guardian, or foster parent including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible under state law for the juvenile's welfare, that constitute:

- Failure or refusal to prevent the abuse of the juvenile when the person knows or has reasonable cause to know the juvenile is or has been abused;

- Failure or refusal to provide the necessary food, clothing, shelter, or medical treatment necessary for the juvenile's well-being, except when the failure or refusal is caused primarily by the financial inability of the person legally responsible and no services for relief have been offered;

- Failure to take reasonable action to protect the juvenile from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness when the existence of such condition was known or should have been known;

- Failure or irremediable inability to provide for the essential and necessary physical, mental, or emotional needs of the juvenile, including failure to provide shelter that does not pose a risk of health or safety to the juvenile;

- Failure to provide for the juvenile's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care;

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

- Failure, although able, to assume responsibility for the care and custody of the juvenile or to participate in a plan to assume the responsibility; or
- Failure to appropriately supervise the juvenile that results in a juvenile being left alone at an inappropriate age or in inappropriate circumstances, creating a dangerous situation or a situation that puts the juvenile at risk of harm.
- Failure to ensure a child between six (6) years of age and seventeen (17) years of age is enrolled in school or is being legally homeschooled; or as a result of the acts or omissions by the juvenile's parent or guardian, the juvenile is habitually and without justification absent from school. Ark. Code Ann. § 9-27-303(36)(A).

Neglect shall also include causing a newborn to be born with:

- an illegal substance (a drug prohibited to be used or possessed without a prescription under the Arkansas Code Annotated section 5-1-101 et seq.) present in the child's bodily fluids or bodily substances as a result of the pregnant mother knowingly using an illegal substance before the birth of the child; or
- an illegal substance in the mother's bodily fluids or bodily substances as a result of the pregnant mother's knowingly using an illegal substance before the birth of the child.

A test of the child's or mother's bodily fluids or bodily substances may be used as evidence to establish neglect pursuant to this subsection. Ark. Code Ann. § 9-27-303(36)(B).

Sexual abuse means:

- Sexual intercourse, deviant sexual activity, or sexual contact by forcible compulsion (including attempted), indecent exposure, or forcing the watching of pornography or live human sexual activity by a person fourteen (14) years of age or older to a person younger than eighteen (18) years of age. Ark. Code Ann. § 9-27-303(52)(A).
- Sexual intercourse, deviant sexual activity or sexual contact (including attempted and solicitation) by a person eighteen (18) years or older to a person not his or her spouse who is younger than fifteen (15) years of age. Ark. Code Ann. § 9-27-303(52)(B).
- Sexual intercourse, deviant sexual activity, or sexual contact (including attempted and solicitation) by a person twenty (20) years of age or older to a person who is younger than sixteen (16) years of age who is not his or her spouse. Ark. Code Ann. § 9-27-303(52)(C).

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

- Sexual intercourse, deviant sexual activity, or sexual contact (including attempted), forcing or encouraging the watching of pornography, forcing permitting or encouraging the watching of live sexual activity, forcing listening to phone sex line, or an act of voyeurism by a caretaker to a person younger than eighteen (18). Ark. Code Ann. § 9-27-303(52)(D).
- Sexual intercourse, deviant sexual activity, or sexual contact by forcible compulsion (including attempted) by a person younger than fourteen (14) to a person younger than eighteen (18). Ark. Code Ann. § 9-27-303(52)(E).

Caretaker means a parent, guardian, custodian, foster parent, significant other of the child's parent, or any person fourteen (14) years or older entrusted with a child's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person responsible for a child's welfare. Ark. Code Ann. § 9-27-303(8).

Forcible compulsion means physical force, intimidation, or threat, express or implied, of death, physical injury to, rape, sexual abuse, or kidnapping of any person. If the act was committed against the will of the juvenile, then forcible compulsion has been used. Ark. Code Ann. § 9-27-303(27)(A)-(B).

The age, developmental stage, and stature of the victim and the relationship between the victim to the assailant, as well as the threat of deprivation of affection, rights, and privileges from the victim by the assailant, shall be considered in weighing the sufficiency of the evidence to prove compulsion. Ark. Code Ann. § 9-27-303(27)(C).

Sexual contact means any act of sexual gratification involving touching, directly or through clothing, of the sex organs, buttocks, or anus of a juvenile, or the breast of a female, encouraging the juvenile to touch the offender in a sexual manner, or the requesting the offender to touch the juvenile in a sexual manner. Evidence of sexual gratification may be inferred from the attendant circumstances surrounding the investigation of the specific complaint of child maltreatment. Nothing in this section shall permit normal affectionate hugging to be construed as sexual contact. Ark. Code Ann. § 9-27-303(53).

Deviant sexual activity means any act of sexual gratification involving:

- Penetration, however slight, of the anus or mouth of one (1) person by the penis of another person; or
- Penetration, however slight, of the labia majora or anus of one person by a body member or foreign instrument manipulated by another person. Ark. Code Ann. § 9-27-303(21).

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

Sexual exploitation includes allowing, permitting, or encouraging participation or depiction of the juvenile in prostitution, obscene photographing, filming, or obscenely depicting, obscenely posing or obscenely posturing a juvenile for any use or purpose. Ark. Code Ann. § 9-27-303(54).

Voyeurism means looking for the purpose of sexual arousal or gratification into a private location or place in which a juvenile is expected to be nude or partially nude. This definition does not apply to delinquency actions. Ark. Code Ann. § 9-27-303(62).

Dependent Juveniles

Dependent juvenile means:

- a child of a parent in DHS custody;
- a child whose parent or guardian is incarcerated and has no appropriate relative or friend willing or able to provide care for the child; however if the reason for incarceration is related to the health and safety of the child, the child is not dependent;
- a child whose parent or guardian is incapacitated so they cannot care for the juvenile, and they have no appropriate relative or friend to care for the child;
- a child whose custodial parent dies and no appropriate relative or friend is able to care for the child;
- a child who is an infant relinquished to the custody of DHS for the sole purpose of adoption;
- a safe-haven baby; or
- a child who has disrupted his or her adoption and the adoptive parents have exhausted resources available to them; or
- a child who has been a victim of human trafficking as a result of threats, coercion, or fraud. Ark. Code Ann. § 9-27-303(17).

Emergency Custody/72-Hour Hold

The circuit court shall have jurisdiction in proceedings in which emergency custody or a 72-hour hold has been placed on a juvenile, pursuant to Arkansas Code Annotated section 9-27-313 or the Child Maltreatment Act, pursuant to Arkansas Code Annotated section 12-18-101(a) et seq. Ark. Code Ann. § 9-27-306(a)(1)(C).

Termination of Parental Rights

A circuit court shall have jurisdiction for proceedings for termination of parental rights for a juvenile under this subchapter. Ark. Code Ann. § 9-27-306(a)(1)(E); Ark. Code Ann. § 9-27-341(a)(1)(A).

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

DHS Custody

Proceedings where custody of a juvenile is transferred to DHS or proceedings for which custodial placement proceedings are filed by DHS. Ark. Code Ann. § 9-27-306(a)(1)(F), (I).

When DHS exercises custody of a juvenile, pursuant to Arkansas Code Annotated section 12-18-101 (72-hour hold), and files an ex parte emergency order, or files a dependency-neglect petition concerning that juvenile, before or subsequent to the other legal proceeding, any party to that proceeding may file a motion to transfer any other legal proceeding concerning the juvenile to the court hearing the dependency-neglect petition. Upon such motion being filed, the other legal proceeding shall be transferred to the court hearing the dependency-neglect case. Ark. Code Ann. § 9-27-306(a)(3).

Adoption

The court shall retain jurisdiction to issue orders of adoption, interlocutory or final, if a juvenile is placed outside of the state of Arkansas. Ark. Code Ann. § 9-27-306(a)(4).

Adoptions may be filed in a juvenile court that has previously asserted continuing jurisdiction of the juvenile. Ark. Code Ann. § 9-27-307(a)(4).

Guardianship

If a juvenile is the subject matter of an open case filed under the Arkansas Juvenile Code, the guardianship petition shall be filed in that case if the juvenile resides in Arkansas. Ark. Code Ann. § 28-65-107(c)(1).

Guardianships may be filed in a juvenile court that has previously asserted continuing jurisdiction of the juvenile. Ark. Code Ann. § 9-27-307(a)(4).

Permanent Custody

Proceedings in dependency-neglect or family in need of services to set aside an order of permanent custody upon the disruption of the placement. Ark. Code Ann. § 9-27-306(a)(1)(J).

Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA)

The circuit court shall have jurisdiction to hear proceedings commenced in any court of this state or court of comparable jurisdiction of another state that are transferred, pursuant to the UCCJEA found at Arkansas Code Annotated section 9-19-101 et seq. Ark. Code Ann. § 9-27-306(d).

Arkansas Supreme Court Administrative Order No. 14

The assignment of cases to the juvenile division of circuit courts shall be described by Supreme Court Order No. 14.

The definitions of probate and domestic relations are not intended to restrict the juvenile division of circuit court from hearing adoption, guardianship, support, custody, paternity or commitment issues which may arise in juvenile proceedings. Supreme Court Administrative Order 14 (1)(b) (Adopted April 6, 2001; amended November 1, 2001).

CIRCUIT COURT JUVENILE DIVISION JURISDICTION

No Jurisdiction

In no event shall a juvenile remain under the court's jurisdiction past twenty-one (21) years of age. Ark. Code Ann. § 9-27-306(a)(2).

DELINQUENCY ADJUDICATION & DISPOSITION CHECKLIST

A.C.A. §9-27-310; -329; -330; -331

Petitioners:

- Only the prosecuting attorney can file a delinquency or probation revocation petition

Purpose of Adjudication & Disposition:

- To determine whether the allegations in the petition are substantiated by the evidence.
- To enter orders consistent with the disposition alternatives

Time Constraints:

- ⊗ If juvenile is in detention, the adjudication shall be held within 14 days from the date of the detention hearing unless waived by the juvenile or good cause shown for a continuance
- ⊗ Any predisposition reports shall be provided in writing to all parties and counsel at least 2 days prior to the disposition hearing.
- ⊗ If juvenile remains in detention following adjudication, the disposition hearing shall be held no later than 14 days following the adjudication hearing

Present at Hearing:

- ✓ Judge
- ✓ Prosecuting Attorney
- ✓ Juvenile's Attorney
- ✓ Parents/Guardians/Custodians
- ✓ Juvenile
- ✓ Service Providers
- ✓ Court Reporter

Adjudication Burden of Proof:

- ✓ Beyond A Reasonable Doubt

Issues:

- ✓ Have all the parties been identified and properly served?
- ✓ Have the allegations in petition been substantiated by the proof?
- ✓ Is child delinquent as defined at A.C.A. §9-27-303(15)?
- ✓ What services are needed to assist the juvenile and family?
- ✓ If the juvenile cannot remain at home, what are least restrictive disposition consistent with the welfare of juvenile and the public?

Court's Delinquency Disposition Options:

- Transfer custody to, licensed agency responsible for care of juveniles, relative or other individual;
- DYS Commitment indeterminate period not exceeding 2 years (can order additional time prior to expiration of commitment order);
- Place juvenile in juvenile detention for indeterminate period of time not to exceed 90 days;
- Place juvenile on probation not to exceed 2 years;
- Place juvenile on residential detention with electronic monitoring;
- Order physical, psychiatric or psychological evaluations of juvenile and/or juvenile's family;
- Grant permanent custody;
- Order parent/guardian to attend parental responsibility training;
- Order juvenile to perform up to 160 hours of community service;
- Order DF&A to suspend or restrict the juvenile's driving privileges;
- Order restitution up to \$10,000;
- Order probation fee up to \$20 a month
- Order court cost of \$35;
- Order fine up to \$500; or
- Order juvenile and/or juvenile's parents/guardians/custodian to be liable for cost of electronic monitoring, DYS commitment or juvenile detention

Dispositions for Weapon Delinquency Adjudication:

- DYS Commitment;
- Place juvenile in juvenile detention for indeterminate period of time not to exceed 90 days;
- Place juvenile on residential detention with electronic monitoring

Dispositions for Escape Delinquency Adjudication:

- DYS Commitment with placement in a more restricted facility, or if escaped from the most restrictive facility the juvenile shall complete the remainder of his/her commitment in that or a similar facility

FINS ADJUDICATION & DISPOSITION CHECKLIST

**A.C.A. §9-27-310; §6-18-222; §9-27-327;
-329; -334; -335**

Petitioners:

- Any adult or any juvenile in the home age 10 years or older
- Upon notification by the school district or adult education program that a student has missed the number of excessive unexcused absences, the prosecuting attorney shall file a FINS (truancy petition) or diversion petition

Purpose of Adjudication & Disposition:

- To determine whether the allegations in the petition are substantiated by the evidence.
- To enter orders consistent with the goals of the case as determined by the court.

Time Constraints:

- ⌚ Any predisposition reports shall be provided in writing to all parties and counsel at least 2 days prior to the disposition hearing.

Present at Hearing:

- ✓ Judge
- ✓ Juvenile's Attorney
- ✓ Parents/Guardians/Custodians
- ✓ Juvenile
- ✓ Petitioner
- ✓ Service Providers
- ✓ Court Reporter

Burden of Proof:

Preponderance of the evidence

Issues:

- ✓ Have all the parties been identified?
- ✓ Have the allegations in petition been substantiated by the proof?
- ✓ Is child FINS as defined at A.C.A. §9-27-303(24)?
- ✓ What services are needed to assist the juvenile and family?
- ✓ If the juvenile cannot remain at home what is the best placement for the juvenile?

Court's Disposition Options:

- Order family services defined at A.C.A. 9-27-303(25);
- Transfer custody to DHS, licensed agency responsible for care of juveniles, relative or other individual;
- Grant Permanent Custody;
- Order parent/guardian/custodian to attend parental responsibility training;
- Place juvenile on residential detention with electronic monitoring;
- Order juvenile and/or juvenile's parents/guardians/custodians to perform up to 160 hours of community service
- Order truancy fine up to \$500
- Order court cost of \$35
- Order juvenile services fee up to \$20 a month

Disposition Limitations:

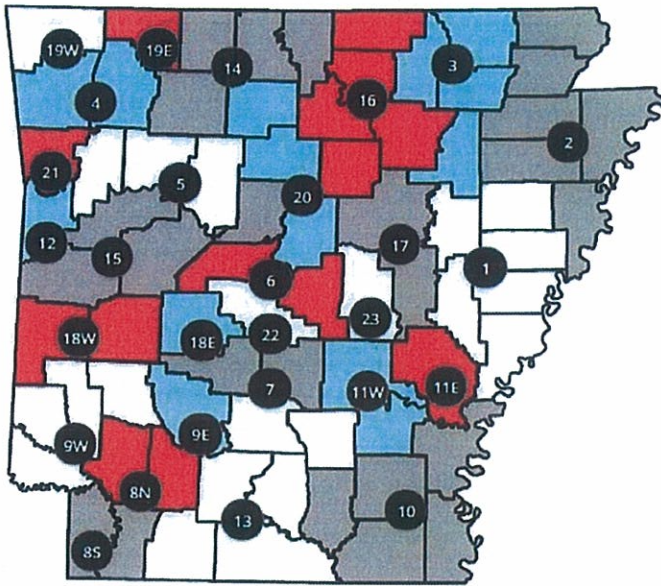
- Court shall not specify a particular provider for placement or family services
- If DHS is the provider for family services, services shall be limited to services by community based providers or family service to prevent removal and the court shall make written findings as to how each service is intended to prevent removal.
- If DHS is not a party, court shall provide DHS 5 days notice prior to ordering DHS to pay or provide for services, excluding community based providers
- Custody transfer only after home study and court determines placement in child's best interest
- Transfer of custody to DHS (foster care) is limited to a finding that it is in the juvenile's best interest and because of acts or omissions by the parent, guardian or custodian that removal is necessary to protect the juvenile's health and safety.



DIRECTORY OF JUVENILE JUDGES, ATTORNEY AD LITEM, PARENT COUNSEL AND CASA BY JUDICIAL CIRCUIT

CONTACT INFORMATION

Select one or more circuits by number



“ The Juvenile Division collects detailed data on dependency/neglect proceedings and is tracking permanency outcomes for children in these proceedings.”