

AAL CHECKLIST FOR ALL HEARINGS

PRE-TRIAL ACTIVITIES

- Explain the role of the AAL to the client and assure that the client has all contact information to be able to reach the AAL.
- Discuss in detail with age appropriate clients the purpose of the upcoming hearing and its likely outcome. Determine the clients wishes and explain your 'best interest' recommendation.
- Attend staffings and request court ordered staffings if they are not being regularly held.
- Carefully consider all services necessary for the family to achieve the case goal and the concurrent goal .
- No ex parte communication with court.
- Ensure all parties have been properly served with all notices, subpoenas, and transport orders.
- Conduct a meaningful contact with clients prior to each hearing and prepare clients for court.
- Consider whether the client's best interest is better served by attending or not attending court. If the client will not be attending, request the court to excuse the client and notify all parties. This request should be made at the end of the prior hearing for the court date from which the client is to be excused.
- Consider whether the client's best interest is better served by waiting outside the courtroom during parts of the hearing where the evidence can be upsetting.
- If the client does not attend all or part of the hearing, explain to the child what happened at the earliest opportunity.
- Talk to foster parents or custodians and service providers prior to each hearing. Assure that foster parents or custodians have received notice of the hearing and have an opportunity to be heard.
- Request that a CASA volunteer be appointed to the case when appropriate and share with opposing counsel and the parties the concerns prompting the request.
- Collect and review all service provider reports, case plans, court reports, and any other evidence to be presented at the upcoming hearing.
- Review all evidence, share all evidence, and prepare all witnesses.
- Monitor progress toward concurrent goal.
- Monitor progress of compliance with prior court orders and case plans.
- Attend and participate in all case staffings and discuss the goal and concurrent goal for the case.
- Require timely court reports from DCFS, CASA, and service providers and subpoena persons who fail to provide reports in the time prescribed by law.

HEARING ISSUES

- Attorney does not testify.
- Request time-specific hearings.
- If the child is present but will be excused from the courtroom during part of the hearing, assure that there is a safe and appropriate place for the child to wait.
- Request to close the courtroom.
- Assure that witness are identified and sworn before testifying.
- Object to any Motions to Intervene. Party status

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is not required for others to be considered for custody and visitation.

- Assure that evidence is properly admitted.
- Advocate for specific services with due dates.
- Ask the court to hold DCFS accountable for notifying the AAL of placement changes; for meeting all statutory requirements concerning placement changes; for making placements appropriate for the child and the foster home; and which are in close proximity and are the least restrictive.
- If the rule is invoked, call the CASA volunteer as the first witness and then ask that the volunteer be allowed to remain in the courtroom for the rest of the case.
- Request that the court make specific findings and assure that all orders are complete and accurate.
- Bring calendar to court to set next hearing date and staffing dates.
- Make objections when needed.
- Assure that the foster parent or custodian has an opportunity to share information with the court.
- Ask the court to make findings about credibility of witnesses who testify.
- Ask the court to make findings about whether or not the family has complied with the case plan and the orders of the court.
- Legally establish paternity as soon as possible.
- If there is reason to transfer a case, the court may order the transfer even if DCFS objects because the DCFS area managers have not agreed to the transfer.

CONTINUANCE OF HEARING

- Request only when absolutely necessary and

notify all parties of the request and provide them an opportunity to respond.

- Ensure notice of continuance and new hearing date provided to:
 - Parties and their attorneys,
 - Caseworker,
 - Witnesses,
 - Foster parent or placement provider, and
 - CASA.

POST-TRIAL ACTIVITIES

- Obtain signed, filed order within 30 days of hearing.
- Assure that the order is complete and correct.
- Discuss order with age appropriate clients.
- Monitor the order and case plan for compliance and progress toward the case goals.
- Unless an alternative resolution can be achieved, file motions and/or request special hearings at any time obstacles arise that hinder progress toward the case goals.

IV-E FINDINGS

- A “Contrary to the Welfare” finding must be in the very first order removing the juvenile from the custody of the parent or guardian.
- Within 60 days after removal, the court must find that DHHS made reasonable efforts to prevent removal.
- Within 12 months after removal, and annually thereafter, the court must find that DHHS has made reasonable efforts to achieve the permanency plan.

MEDICAL RECORDS

ACA 16-46-301 to 16-46-308

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- Subpoena duces tecum does not include X rays, electrocardiograms and similar graphic matter unless specifically referred to in the subpoena.
- Custodian of records of any hospital can comply with subpoena duces tecum for records if the custodian tenders record by hand or registered mail to court. The custodian of the record shall include an affidavit that the copy is a true copy of all records, etc.
- Copy of medical records shall be separately sealed in an inner envelope, with the title and number of the action, the name of the custodian of the record, and the date of subpoena clearly inscribed thereon. Sealed envelope is then enclosed in an outer envelope and sent to the clerk or judge of the court.
- Copy of records remains sealed and shall be opened only at the time of trial upon the direction of the judge conducting the proceeding in the presence of all parties. The copy of the record is admissible in evidence to the same extent as though the original record was offered and the custodian had been present and testified to matters in the affidavit.
- If personal attendance of the custodian is desired, the subpoena duces tecum shall contain a clause which reads: “The personal attendance of the custodian of records is necessary.”