

AAL NO REUNIFICATION HEARING CHECKLIST

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

Purpose:

To determine whether DHHS should provide reunification services to the parent. This is also called a 'Fast Track' and can be used to more quickly move the case toward any permanency outcome except reunification.

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. **A.C.A. '9-27-327(a)(2)(A)(i), - 327(2)(C-D); A.C.A. '9-27-329(c)(2)(A), - 329(c)(4); '9-27-337(d)**

≡ 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. **A.C.A. '9-27-327(a)(2)(A)(ii); - 329(c)(2)(B)**

≡ Court shall conduct and complete the hearing within 50 days of the date of written notice; however, the court upon good cause shown may continue the hearing an additional 20 days. **A.C.A. '9-27-327(a)(2)(E)(i); - 329(c)(5)(A)**

≡ Upon a no reunification finding, the court shall hold a Permanency Planning Hearing within 30 days of the determination. **A.C.A. '9-27-327(a)(2)(E)(i)(b)(ii); - 329(c)(5)(C)**

Notice:

Shall identify in sufficient detail to put the family on notice the grounds for no reunification services and shall be provided at least 14 days prior to hearing. **A.C.A. '9-27-327(a)(2)(A)(ii-iii); - 329(c)(2)(B-C)**

Pre-trial Preparation:

- Attend all staffings
- If the moving party, file and serve the motion for no reunification efforts
- Ensure all parties have written notice of hearing at least 14 calendar days before hearing
- Ensure that parent counsel executes a transport order for any incarcerated parents
- Interview client and all witnesses and issue subpoenas as needed
- Share all evidence with opposing counsel
- Ensure that the caseworker has provided notice of hearing to the foster parent or custodian

Present at Hearing:

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

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No Reunification Grounds:

The parent has:

- ⊖ subjected the child to aggravated circumstances as defined in 9-27-303(6) including:
 - < abandonment;
 - < chronic abuse;
 - < subjected to extreme or repeat cruelty;
 - < sexual abuse; or
 - < judicial determination that there is little likelihood that services will result in successful reunification;
 - < child who has been removed from the custody of the parent and placed in foster care or custody of another person more than 3 times in the last 15 months.
- ∧ 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) **A.C.A. '9-27-303(46)(C)**

Burden of Proof:

The burden of proof is on the party requesting the no reunification finding and the standard is clear and convincing evidence. **A.C.A. '9-27-303(46)(C); A.C.A. '9-27-327(a)(2)(B)(ii); - '329(c)(5)(B)**

Court Findings:

- Court should enter findings as to the child's best interest; and
- Court should enter order on whether or not reunification services shall be provided to the family.

Best Practice: The AAL should request that the court make findings concerning the child's best interest. The AAL should also request specific findings of fact and conclusions of law based on the statutory grounds.

If the court grants the no reunification motion, the court shall hold a Permanency Planning Hearing within 30 days and explain to the parties the purpose of the next hearing. Best practice is to hold a simultaneous TPR hearing.

Hearing Issues:

- Prove one or more grounds for no reunification
- Prove that reunification services are not in each child's best interest.

Post-Trial Activities:

- Review court order for accuracy and completeness.
- AAL must monitor compliance with court orders.
- AAL must explain to age-appropriate clients the hearing outcome and its meaning.
- Permanency planning must be held within 30 days of the determination that no reunification services will be provided.