

## AAL DEPENDENCY-NEGLECT SIX MONTH REVIEW HEARING CHECKLIST

### Statutory Authority: 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. It is the petitioner's duty to request court to schedule review at least 60 days prior to required time frame. A.C.A. § '9-27-337(b) -- 9-27-337(c)
- ≡ DHHS shall file a court report, 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 reports 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:

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

#### Pre-trial Preparations:

- Ensure that the foster parent or temporary custodian has been provided with notice of the hearing by DHHS.
- Interview client, caseworker, and all witnesses.
- Review all evidence to be submitted during the hearing.
- Share with opposing counsel all evidence to be submitted by AAL during the hearing.
- Attend and participate in any staffings and discuss case goal and concurrent goal.

#### Exhibits:

- Court report;
- Case plan (if amended); and
- Reports from service providers.

## AAL DEPENDENCY-NEGLECT SIX MONTH REVIEW HEARING CHECKLIST

### Issues:

- Are the child's needs being met?
- Are the parents complying with the visitation schedule and what is the effect on the child?
- Can the juvenile be safely returned to the custody of the parent?
- Parties' compliance with case plan and court orders.
- Order clarification or modification needed.
- Appropriateness of case plan goal and progress toward goal.
- Appropriateness of concurrent case plan goal and progress toward goal.
- Custody, support and placement.
- Is the family availing themselves of DHHS services?
- Are the services for the family alleviating the reason the child was removed from home?

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

#### Court Findings & Evidence to Consider:

In its review orders the court shall determine and include in its orders 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)**

#### 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.
- AAL must monitor activities between hearings to assure that reasonable efforts continue to be made.

***Best Practice: The AAL should closely monitor the case between hearings for compliance with court orders and case plan provisions. If failures are occurring, the AAL should not wait until the next hearing to call such failures to the court's attention. The AAL should file a motion for relief if unable to resolve otherwise and should not wait until the six month review to address issues that are hindering the progress of the case.***