

## AAL FIFTEENTH-MONTH REVIEW HEARING CHECKLIST

### Statutory Authority: A.C.A. '9-27-359

#### Purpose:

To determine if DHHS shall file a TPR petition if the juvenile has been out of the home for 15 continuous months (excluding trial placements or run-away status) and the permanency planning hearing goal was either reunification or APPLA. A.C.A. '9-27-359(a)

#### Time constraints:

⌚ When the juvenile has been out of the home for 15 continuous months (excluding trial placements or run-away status). A.C.A. '9-27-338(a)(1)

⌚ A written order shall be filed and distributed to the parties by the court, or by a party or party's attorney as designated by the court, within 30 days of the date of the hearing or prior to the next hearing, whichever is sooner. A.C.A. '9-27-359(e)

⌚ If court approves permanency goal to terminate, DHHS shall file TPR petition no later than the 15<sup>th</sup> month of the child's entry into foster care. A.C.A. '9-27-359(c)

⌚ If court determines that the child should remain in an out-of-home placement the court shall review the case every 6 months with an annual permanency planning hearing until permanency is achieved. A.C.A. '9-27-359(d)

#### Pre-trial Preparations:

- Ensure that the foster parent or temporary custodian has been provided with notice of the hearing by DHHS.
- Attend and participate in any staffings and discuss case goal and concurrent goal.
- 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.

#### Present at Hearing:

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

#### Exhibits:

- Court Report;
- Case Plan (if amended); and
- Service Provider Reports.

#### Court shall authorize DHHS to file a TPR petition unless:

- Relative placement and TPR is not in child's best interest, or
- DHHS has documented in case plan a compelling reason why termination is not in child's best interest and court approves the compelling reason, or
- DHHS failed to provide services. A.C.A. '9-27-359(b)(3)

- ✓ Is TPR in the child's best interest?
- ✓ Is there an exception to not terminate?
- ✓ If allowed to file petition does DHHS have grounds for TPR?
- ✓ What specifically are the plans for the child to be adopted?
- ✓ If TPR, are there putative parents with rights?
- ✓ Can TPR be achieved without trial – voluntary relinquishment or mediation to avoid harm to child?

#### 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.