

AAL POST TERMINATION OF PARENTAL RIGHTS HEARING CHECKLIST

Statutory Authority A.C.A. '9-27-360

Purpose:

- Court shall determine if case plan, services and placement meet the special needs and best interest of the child.
- Court shall determine if DHHS has made reasonable efforts to finalize an appropriate permanent placement for the juvenile.
- Court shall determine if the case plan is moving toward an appropriate permanency plan for the juvenile. **A.C.A. '9-27-360(b)**

Time constraints:

- ⌚ Shall be held at least 3 months following an order for termination of parental rights when the goal is adoption and in all other cases 6 months until permanency is achieved. **A.C.A. '9-27-360(a)**
- ⌚ DHHS shall file a court report with the court, 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. '9-27-360(d)**

Present At Hearing:

- ✓ Judge;
- ✓ Remaining Parties (agency and child). Child must be present unless excused for good cause by court;
- ✓ Attorneys for remaining parties;
- ✓ CASA volunteer, if appointed;
- ✓ Case worker, adoption specialist, and relevant witnesses;
- ✓ Foster parents or relative caregivers; and

- ✓ Court Reporter.

Issues:

- Are the child's needs being met?
- Party's compliance with case plan and court orders.
- Appropriateness of case plan goal reviewed.

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.

Court Findings:

In its review orders the court shall determine and include in its orders the following:

- Whether the case plan, services and current placement meet the special needs and best interest of the juvenile, with the juvenile's health, safety and education specifically addressed; **A.C.A. '9-27-360(b)(1)**
- Whether DHHS has made reasonable efforts to finalize a permanency plan for the child; and **A.C.A. '9-27-360(b)(2)**
- Whether the case plan is moving toward an appropriate permanency plan pursuant to A.C.A. '9-27-338. **A.C.A. '9-27-360(b)(3)**
- Court shall consider extent of parties' compliance with case plan and court orders to finalize the permanency plan. **A.C.A. '9-27-360(c)**

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Best Practices:

- ✓ *Investigate agency's efforts to find adoptive placements. DCFS is required to run matching data within 5 days of the termination.*
- ✓ *Investigate the status of any subsidy applications.*
- ✓ *Assure that APPLA and ILP services are provided for age appropriate children.*
- ✓ *Assure that adoption specialist and ILP specialist, when assigned to the case, attend all hearings.*
- ✓ *Counsel the child as to the advantages of staying in foster care past age 18.*
- ✓ *Counsel clients on the process to opt back into to ILP services should they chose to leave foster care at age 18.*
- ✓ *Assure that their clients have signed permission to appear on the adoption web site.*
- ✓ *Assure that they receive and review the entire adoption packet prior to adoption. AAL should ensure that their age appropriate clients sign adoption consent forms.*

Best Practice: An adoption should not be completed until any appeals are exhausted. The adoption can be completed as soon as the appeal mandate is issued.

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.