

OCC NO REUNIFICATION HEARING CHECKLIST

Statutory Authority: 9-27-327; 9-27-329; 9-27-303; 9-27-337

Purpose:

To determine whether DHHS should provide reunification services to the parent, that is, whether or not DHHS is relieved of the responsibility to provide reasonable efforts to reunite the child with his family.

Note: This is also called “fast tracking” and is used to provide a faster permanent outcome for the child.

Time Constraints:

- DHHS, the attorney ad litem, or the court can make a recommendation for no reunification services at any time. 9-27-327(a)(2)(A)(i), - 327(2)(C-D); 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. 9-27-327(a)(2)(A)(ii); - 329(c)(2)(B)
- The hearing on the request for no reunification services can be held concurrently with the hearing to adjudicate the juvenile dependent-neglected.
- 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 9-27-327(a)(2)(E)(i); - 329(c)(5)(A)
- Upon a determination that no reunification will be provided, 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. 9-27-327(a)(2)(A)(ii-iii); - 329(c)(2)(B-C)

Best Practice: Ensure client individually assesses each case to determine whether or not it is in the child’s best interest to reunite the child with his family. If the client recommends no reunification services and a goal change to termination of parental rights to free the child for adoption, then file the petition to terminate parental rights and serve the parents with the TPR petition along with the notice of no reunification services and only have one hearing.

Pre-Trial Activities:

- Attend Staffing
- Ensure that the responsible attorney has obtained a transport order for incarcerated parents
- Determine if juvenile has been excused from attendance at hearing
- Ensure all parties have written notice of hearing at least 14 calendar days before hearing
- Communicate with caseworker about case and obtain witness list and exhibits.
- Identify and contact witnesses to discuss testimony. Issue subpoenas for witnesses. Obtain witness fee check.
- Mark and copy each exhibits
- Share exhibits with counsel
- Determine if counsel objects to entry of an exhibit so that the witness can be present to introduce the exhibit
- Determine if any facts can be stipulated
- Ensure that the caseworker has provided notice of hearing to the foster parent or custodian

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No Reunification Grounds (9-27-303(46)(C)):

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)

Burden of Proof:

Clear and convincing evidence. 9-27-303(46)(C); 9-27-327(a)(2)(B)(ii); - 329(c)(5)(B)

Hearing Issues:

- Prove one of the grounds outlined above.
- Prove that reunification services are not in each child's best interest

Best Practice: Plead and prove as many grounds as possible.

Post Trial Activities:

- A written order shall be filed 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, which ever is sooner.
- Permanency planning must be held within 30 days of the determination that no reunification services will be provided.
- Distribute a copy of the order to all parties, CASA, and CFS
- Inform caseworker of date and time of next hearing (Pulaski staff add to docket calendar)
- Key data in legal screens on CHRIS