

## OCC SIX MONTH REVIEW HEARING CHECKLIST

### 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 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 juvenile is in an out-of-home placement until permanency is achieved. 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. 9-27-337(c)

#### Pre-trial Activities:

- Attend staffings
- Ensure that the responsible attorney has obtained a transport order for incarcerated parents
- Ensure all parties have been properly served
- Ensure all parties have notice of hearing
- Communicate with caseworker about case and obtain witness list and exhibits
- Read court report at least two weeks prior to hearing in order to timely issue subpoenas for witnesses. Obtain witness fee check.
- Identify and contact witnesses to discuss testimony
- Contact service providers and obtain reports, if needed, to introduce into evidence at hearing
- Mark and copy each exhibit
- 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
- Determine if juvenile has been excused from attendance at hearing
- File court report and certificate of service and distribute court report at least 7 business days prior to the hearing
- Ensure that the caseworker has provided notice of hearing to the foster parent or custodian
- Ask client to keep OCC informed when change in caseworker or change in the placement of foster child and ensure proper notice of placement change has been given to the court and attorney ad litem.

#### Hearing Issues:

- Whether the juvenile's needs are being met if the juvenile is in the out of home placement
- Whether sibling groups are placed together, and if not, what is the sibling visitation plan and the plan to place the siblings together, unless it is contrary to the welfare of the siblings to be placed together
- Whether the parents have complied with the case plan and orders of the court
- Whether the court orders need to be amended
- Whether the juvenile can safely be returned to the custody of the parent
- Whether DHHS has made reasonable efforts to provide services to the family to achieve the goal of the case
- Whether the goal is still appropriate
- Whether the parents are complying with the visitation schedule and how visitation effects the child
- Is the family availing themselves of DHHS services?
- Are the services for the family remedying the problems which caused removal
- Ask the court to orally assess where the case is going (praise and/or correct)
- Determine if concurrent goal has been determined and if activities are taking place to achieve the concurrent goal and if the concurrent goal is appropriate

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### Exhibits:

- Court Report
- Case Plan (if amended)
- Reports from Service Providers

### Court Findings & Evidence to be Considered:

The court shall determine and include in its orders the following:

- ① 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; 9-27-337(e)(1)(B) (i)(a)
- ② Whether the state has made reasonable efforts to provide family services; 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. 9-27-337(e)(1)(C)(i)
- ③ Whether the case plan is moving toward an appropriate permanency plan pursuant to 9-27-338; and 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.
- ④ Whether the visitation plan is appropriate for the parents and the siblings, if separated. 9-27-337(e)(1)(B)(i)(d)

### 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.
- Distribute a filed copy of the order to all parties, CASA and CFS within 30 days.
- Inform caseworker of date and time of next hearing (Pulaski staff add to docket calendar)
- Key data in legal screens on CHRIS
- Monitor compliance with court orders and case plan
- If CFS staff are non-compliant with court orders or case plan, notify supervisors, area manager and your Managing Attorney.
- Continue attempts to locate putative fathers and monitor establishment of paternity for identified putative fathers.