

## OCC PERMANENCY PLANNING HEARING CHECKLIST

### A.C.A. 9-27-338

#### Purpose:

Court shall finalize a permanency plan for the juvenile based on the juvenile's best interest. 9-27-338(a) &(c)

#### Time constraints:

The Permanency Planning Hearing shall be held to finalize a permanency plan for the juvenile:

- 12 months after the date the juvenile enters an out of home placement
- After a juvenile has been in an out of home placement for fifteen of the past 22 months or
- No later than 30 days after a hearing granting no reunification services.

The permanency planning hearing shall be held annually each year thereafter to reassess the permanency plan for the juvenile. 9-27-338(a)(1)

⌚ Nothing shall prevent the DHHS from filing a petition for termination, guardianship or permanent custody prior to any hearing. 9-27-338(b)(1)

⌚ If DHS failed to provide services, court shall continue the PPH no longer than 6 months. 9-27-338(c)(2)(C)(i)

#### Pre-trial Preparations:

- Ensure foster parent or temporary custodian has been provided with notice of hearing by caseworker
- Provide notice of hearing to parties
- Communicate with counsel for all parties to see if any facts can be stipulated
- Ensure that the responsible attorney has obtained a transport order for incarcerated parents
- Request time specific hearing
- Provide written notice of the PPH Hearing to the caseworker if written notice not given at last hearing.
- Pulaski staff add PPH Hearing Date to Outlook Court Docket.

- Identify witnesses for PPH Hearing and issue subpoenas. Obtain witness fee check.
- Try not to be repetitive with testimony.
- Communicate with all witnesses prior to PPH hearing regarding their testimony.
- Identify, copy and mark each exhibit.
- Share exhibits counsel prior to hearing.
- Attend PPH staffing.
- Bring calendar to court.
- File PPH court report and certificate of service and distribute court report at least 7 business days prior to the hearing

*Best Practice: If the agency recommendation will be to TPR, then file the TPR and serve parents prior to PPH hearing and proceed with the TPR before the PPH hearing. If agency recommendation is TPR and you don't want to have the TPR hearing before the PPH hearing, you can prepare the TPR petition and summons and be prepared to serve parents at the end of the PPH hearing if the court adopts DHHS' recommendation.*

#### Exhibits:

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

### IV-E COURT FINDING REQUIRED

At every permanency planning hearing, the court shall make a finding on whether DHHS has made reasonable efforts and shall describe the efforts to finalize the permanency plan for the juvenile. **Ark. Code Ann. § 9-27-338(d)**

*Note: If a reasonable efforts to finalize the permanency plan is not made within the 12 months of the date the child comes into care, the child becomes ineligible for IV-E funding from the end of the 12<sup>th</sup> month following the date the child is considered to have entered foster care or the end of the month of the most recent judicial determination to finalize permanency was made and remains ineligible until such a determination is made. 45 CFR Sec. 1356.21(b)(2)(i)*

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### Hearing Issue:

The court shall enter one of the following permanency goals, listed in the order of preference, in accordance with the juvenile's best interest:

- **Returning the Juvenile to the parent, guardian or custodian at the PPH hearing** if it is in the best interest of the juvenile and the juvenile's health and safety can be adequately safeguarded if returned home;
- **Authorizing a plan for the termination of parental rights** so the juvenile is available to be adopted unless:
  - Juvenile is being cared for by a relative and TPR is not in the juvenile's best interest
  - DHHS has documented in the case plan a compelling reason why TPR is not in the best interest of the juvenile and the court approves the compelling reason
  - DHHS has not provided to the family of the juvenile, consistent with the time period in the case plan, such services as DHHS deemed necessary for the safe return of the juvenile to the juvenile's home (if reunification services were required to be made to the family)
- **Authorizing a plan to obtain a guardian for the juvenile**
- **Authorizing a plan to obtain a permanent custodian, including permanent custody with a relative, for the juvenile**
- **Continuing the goal of reunification** only when the parent is complying with the established case plan and orders of the court, making significant measurable progress towards achieving the goals established in the case plan and diligently working toward reunification. Reunification must be expected to occur within a time frame that is consistent with the juvenile's developmental needs. A parent's resumption of contact or overtures towards participating in the case plan or orders of the court in the months or weeks immediately preceding the PPH are insufficient grounds for retaining reunification as the permanency plan.
- **Authorizing a plan for another planned permanent living arrangement** that includes a

permanent planning living arrangement and addresses the quality of services, including, but not limited to, independent living services, if age appropriate, and a plan for the supervision and nurturing the juvenile will receive. APPLA shall be selected only if the juvenile cannot be reunited with his family, another permanent plan isn't available and either a compelling reason exists why TPR isn't in the juvenile's best interest or the juvenile is being cared for by a relative and TPR is not in the juvenile's best interest.

### Post-Trial Activities

- Upon the court's determination that the goal is termination of the parental rights, DHHS shall file a TPR petition within 30 days of the order.
- 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, whichever is sooner.
- **Distribute a copy of the order to all parties, CASA and CFS within 30 days.**
- **Inform investigator and caseworker of date and time of next hearing (Pulaski staff add to docket calendar).**
- **Key data in legal screens on CHRIS.**