

## OCC

# FIFTEENTH-MONTH REVIEW HEARING CHECKLIST

### A.C.A. 9-27-359

#### Purpose:

To determine if DHHS shall file a petition to TPR if the juvenile has been out of the home for 15 continuous months (excluding trial placements or run-away status).

This hearing is only required if the goal at the PPH was either reunification or APPLA. 9-27-359(a)

#### Pre-trial Activities:

- Attend Staffings
- 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 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
- 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 placement of foster child

#### Hearing Issues:

The Court shall authorize DHHS to file to TPR unless:

- Child cared for by relative and TPR not in child's best interest
- DHHS has documented in the case plan a compelling reason why filing a petition is not in the best interest of the child
- DHHS has not provided services to family needed to safely return the child home consistent with the time period in the case plan

#### Exhibits:

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

#### Post-Trial Activities:

- If the court authorizes DHHS to file a petition to TPR, the petition must be filed no later than the 15<sup>th</sup> month of the child's entry into foster care.
- 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 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.**

*Best Practice: Schedule the 15<sup>th</sup> month hearing at the first part of the month because the TPR petition must be filed by the end of the month if the court changes the goal to adoption.*