

OCC 20 DAY PETITION CHECKLIST

A.C.A. 9-27-303(18)

Statutory Authority:

A “dependent-neglected juvenile” means any juvenile who is at substantial risk of serious harm as a result of:

- Abandonment;
- Abuse;
- Sexual Abuse;
- Sexual Exploitation;
- Neglect;
- Parental unfitness to the juvenile, a sibling or another juvenile; or
- Being present in a dwelling or structure during the manufacturing or methamphetamine with the knowledge of his or her parent, guardian, or custodian.

Notice:

All juvenile defendants age ten (10) years and above, any persons having care and control of the juveniles and all adult defendants shall be served with a copy of the petition and either a notice of hearing or order to appear in the manner provided by the Arkansas Rules of Civil Procedure. 9-27-312.

Commencement of Proceedings:

- Proceedings shall be commenced by filing a petition in circuit court. 9-27-310(a).
- Venue is in the county in which the juvenile resides or where the alleged act or omission occurred. 9-27-307.
- No fees shall be charged or collected by the clerk or the sheriff in juvenile cases filed by DHHS. 9-27-310(e).
- Ask the court to set a timely adjudication hearing date.

Petition shall include:

- Name, address, gender, social security number and date of birth of each juvenile subject of the petition.
- Name and address of each of the parents or the surviving parent of the juveniles.
- Name and address of the person, agency, or institution having custody of the juveniles.

- Name and address of any other person, agency or institution having a claim to custody or guardianship of the juveniles.
- Name and address of a putative parent, if any.
- Petition shall set forth, in plain and concise words, facts which, if proven, would bring the family or juvenile within court’s jurisdiction; section of the subchapter upon which jurisdiction is based; and relief requested.
- Petition shall be supported by an affidavit.
- If name or address is unknown or cannot be ascertained with reasonable diligence, allege such in petition and petition shall not be dismissed for insufficiency but court shall direct appropriate measures to find and give notice to the persons.
- Single petition shall be filed which includes all siblings who are subjects of the petition. **9-27-311.**

Best Practice: Thoroughly review affidavit and edit to ensure legible with specific facts and not legal conclusions. Inquire about applicability of ICWA.

Pre-Trial Preparations:

- If needed, include a HIPAA order with the Petition for Dependency-Neglect.
- Request that the Court appoint an Attorney Ad Litem and Parent Counsel when the petition is filed.
- Ensure AAL and Parent Counsel are notified of appointment.
- Distribute a copy of the Petition, Affidavit, HIPAA Order (if needed) to CFS, the Attorney Ad Litem and Parent Counsel.
- Serve parents in accordance with the Rules of Civil Procedure.
- Include an Affidavit of Background Information and Affidavit of Financial Means in the service on parents.
- Provide written notice of the Adjudication Hearing to the investigator and caseworker. Pulaski staff add Adjudication Hearing Date to Outlook Court Docket.
- Key data in legal screens in CHRIS.

OCC 20 DAY PETITION CHECKLIST

- Identify witnesses for Adjudication Hearing and issue subpoenas. Obtain witness fee check.
- Communicate with all witnesses prior to adjudication hearing regarding their testimony.
- Identify, copy and mark each exhibit. Share with counsel prior to hearing.
- Attend pre-adjudication staffing.
- Remind client to file case plan no later than thirty days after the petition was filed.

NOTE: No probable cause hearing. First hearing will be the adjudication hearing.