

WHAT IS A FINS (FAMILY IN NEED OF SERVICES) PETITION?

1. A FINS petition is filed in Court on a juvenile who is:

- Habitually and without justification absent from school while subject to compulsory school attendance.
- Habitually disobedient to the reasonable and lawful commands of the parents, guardians or custodian.
- Absent from home without sufficient cause, permission or justification.
- In need of counseling or other services.

2. What can a Judge do with a FINS petition?

- Order family services.
- Place the juvenile in a treatment facility if testimony shows a need for this placement. The Court does not place juveniles into a facility unless an assessment recommends that the juvenile needs treatment.
- Place the juvenile in the Juvenile Detention Center for not following the Judge's orders.
- In certain cases, transfer the custody of a juvenile.

3. What are family services?

- Relevant services including, but not limited to random drug screens, drug and alcohol treatment, counseling, family therapy, psychological evaluations, DHS services.

4. Family services are provided in order to do what?

- Assist the family in getting necessary help for the juvenile and his/her family (counseling, drug and alcohol treatment, etc.)

5. Who may file a FINS petition?

- Any adult member of the family.
- Any child of the family over the age of 10 years.
- Any Law Enforcement Official that believes a FINS petition is appropriate.
- Any other adult.

6. Who must be told about a FINS petition when it is filed?

- Parents, or legal guardian, or custodian, and the person requesting the FINS petition.

7. What must accompany a request for a FINS petition?

- A written affidavit must be attached to the FINS petition stating the facts of the case. *By law, both biological parents must be notified of court proceedings (unless rights have been terminated) so correct contact information is required. Incomplete affidavits will not be accepted.*
- Any records that would substantiate the claims of the affiant. *The person stating the facts must be available for the first court hearing to testify to the facts presented.*

8. How often do FINS cases come to Court?

- A FINS case must be reviewed every 6 months by law and can be reviewed earlier at the request of any party.

9. Does it cost to file a FINS petition?

- Unless the Prosecuting Attorney files the petition, a filing fee may be charged.
- A supervision fee may also be charged.
- The Court can order parents or guardians to pay certain fees.

10. Do I need an attorney?

- The juvenile will be appointed an attorney, free of charge, who represents the best interests of the juvenile. Parents may want to hire an attorney for their own representation, but this is not required.

11. When the Court orders a juvenile into inpatient treatment who is responsible for paying the bills?

- The Court can make the juvenile "a family of one" for purposes of treatment, therefore, request Medicaid to pay the expenses. However, this does not guarantee that Medicaid will pay the expenses for anything. The parent or custodian is responsible for all expenses and should maintain constant contact with the medical provider to be sure the expenses are being taken care of in the manner wished.

12. When a FINS petition is requested, the FINS Intake Officer will request an intake interview with the juvenile and legal custodian.

- The juvenile and guardians do not have to speak to the Intake Officer. The intake interview is voluntary and anyone can refuse to participate at anytime.
- The juvenile and parent(s)/guardian(s) have the right to be represented at all stages of the proceedings by counsel, pursuant to Arkansas Juvenile Code §9-27-316.
- Any statements made to the intake officer during the intake interview shall not be used or admissible against the family at any stage of any criminal proceedings in juvenile court, pursuant to Arkansas Juvenile Code §9-27-321.
- The purpose of an intake interview is to gather information for the filing of a petition into court or to make referrals for necessary services without going into formal Court.
- For purposes of the interview, including discussing disposition options with the juvenile and legal custodian(s), the Intake Officer may interview complainants, victims, and witnesses, as well as review records of the Court, of law enforcement, of the public, or of any other agency. Any additional inquiries must be made only with the signed consent of the juvenile and his or her legal custodian.

13. What should we expect in court?

- Families should dress appropriately. "Church-type clothes" are preferred.
- In court, sworn testimony will be presented by the affiant, parents/guardians, juveniles, and other family members related to the case. Perjury laws will apply.

14. What will happen after adjudication?

- The family is now under the supervision of the court and will be expected to follow all court orders.
- It may be ordered that no family member may leave the county or state without the court's permission.
- The court has the authority to require random drug screening of parents and juveniles.
- The court has the authority to require weekly or monthly contact with a juvenile officer.
- The court has the authority to require weekly counseling and/or parenting classes.
- Parents or guardians can be ordered to attend school with their children or otherwise closely monitor school attendance.
- Other requirements may be assigned by the court.
- Failure to comply with the court orders may result in essay assignments, community service, fines of up to \$500, and ultimately jail or JDC. *This applies to both parents and juveniles.*