

FINS

Please read this material prior to filling out the FINS Affidavit

The juvenile must reside in Benton County Arkansas and be no older than 17 ½ years old.

“FINS” is an acronym for **Family In Need of Services**. FINS is a program run by the Juvenile Probation Office of Benton County under the authority of state law and the supervision of Circuit Court, District 19-West, Division III, Benton County Arkansas. The purpose of FINS is to provide services to the juvenile and his/her family in an effort to reunite the juvenile with the family or to prevent the juvenile from being removed from the family. FINS involves the Prosecuting Attorney’s Office, who alone decides if the matter will be prosecuted in Court or not. Please read the following information, it may answer any questions that you have about the FINS program. It also includes information about the FINS process and what happens once you file the affidavit.

1. FINS PETITIONS ARE FILED FOR ONE OR MORE OF THE FOLLOWING REASONS, BUT NOT LIMITED TO:

- a. Habitually and without justification absent from school while subject to the Arkansas Compulsory School Attendance law. Arkansas compulsory school attendance law covers students between the ages of five years and seventeen years (inclusive).
- b. Habitually disobedient to the reasonable and lawful commands of the parent, guardian or custodian. This may include the use of illegal substances, refusal to take medications, refusal to attend counseling, destruction of property, threats to family, attacks on family, disruptions, sexual promiscuity and other behaviors the family do not approve of.
- c. Having absented themselves from home without sufficient cause, permission or justification.

NOTE: The above lists are considered “status offenses” and the juvenile has not committed a crime, but their behavior is such that the family needs services or intervention.

Even if your juvenile’s behaviors are not listed above feel free to ask about the possibility of a FINS case. We cannot possibly list all of the reason for a FINS case in this material.

2. WHAT CAN A JUDGE DO WITH A FINS PETITION?

- a. Order family services. Some services may be ordered to be provided by the Department of Human Services (DHS).
- b. Transfer custody of a juvenile to a family member, to the Department of Human Services, or to another licensed agency responsible for the care of juveniles; or to a relative or other individual.
- c. The juvenile can be placed in a treatment facility if testimony or shows a need for this placement.

3. WHAT ARE FAMILY SERVICES?

- a. The Court ordered terms in a FINS case may include, but not limited to:
 - supervision for a minimum of six (6) months; cases close at 18.
 - school attendance, with absences to be for illness only with notes.
 - school work study time each school evening (1 hour).
 - curfew, determined by the age of the juvenile.
 - avoiding contact with individuals that the parents or custodians do not want their child to associate with and with those who use or possess illegal drugs, are involved with gangs or are too old for the juvenile to be around unless supervised by an adult.
 - assessment for services, including mental health counseling.
 - assessment for substance abuse issues, including counseling.
 - impatient treatment for drug use and/or mental health issues if such is recommended by a counselor after counseling has failed.
 - random drug tests at the discretion of the probation officer.
 - parenting classes, anger classes, other classes thought helpful.
 - home monitoring unit (house arrest), if needed.
 - assessment for services by the Department of Human Services.
 - juvenile may be ordered to gain employment and to pay all costs;
 - sanctions for failure to comply with court ordered terms. Such may include but is not limited to the following:
 - intensive supervision, community service, stricter curfew, extra chores, increased study time periods, attend summer school, go to AA/NA, read a book and give a book report, have a parent attend school with the juvenile, write sentences or essays and the like.

This is a potential list only. Change and modifications will be made to suit the individual circumstances and the people involved.

The Division of Human Services (DHS) may be ordered to become involved to provide services, including but not limited to: child care, homemaker services, crisis counseling, transportation, family therapy; physical, psychiatric or psychological evaluations of all family members (if needed, including parents), counseling or treatment.

4. WHY ARE FAMILY SERVICES PROVIDED?

- a. To prevent a juvenile from being removed from a parent, custodian, or guardian.
- b. To reunite the juvenile with the parent, etc.

5. WHO MAY FILE A FINS PETITION?

- a. Any adult member of the family.
- b. Any child of the family over the age of 10 years.
- c. Any adult.

6. WHAT INFORMATION IS NEEDED BEFORE FILING A FINS?

- a. name and address of both parents (even if divorced).
- b. name and address of the juvenile.
- c. name and address of people where the juvenile is residing.
- d. name and address of any agencies involved with family/child.
- e. school information.
- f. date of birth and Social Security number of the juvenile.

NOTE: Unless a Court has taken away from a parent their parental rights to the juvenile the parent's name and address (if known) must be on the FINS petition as they will be made a party to the case.

7. WHAT MUST ACCOMPANY A REQUEST FOR FINS PETITION?

A written affidavit of facts must be submitted with the petition stating the facts of the case. The person stating the facts must be available for the Court hearing to testify to the facts presented.

8. DOES A FINS CHANGE CUSTODY TO ANOTHER FAMILY MEMBER?

FINS is not used to change custody. Custody may be transferred to another person only after a full investigation has been conducted by the Department of Human Services or Juvenile Probation Office.

9. COST OF A FINS CASE:

There are no filing fees charged in Benton County on a FINS petition. However, the Court can order child support, reasonable attorney fees based upon family income, Court costs of \$35.00, a one-time drug testing cost of \$20.00, and monthly supervision fees of up to \$20.00 per month.

10. ATTORNEYS:

The juvenile will be appointed an attorney to represent their best interest. Parents are allowed to hire an attorney, at their expense, for themselves.

11. WHEN THE COURT ORDERS A JUVENILE INTO A HOSPITAL FOR TREATMENT WHO IS RESPONSIBLE FOR PAYING THE BILLS?

The Court can order the juvenile a "family of one for purpose of treatment" and therefore request Medicaid to pay the expense of hospitalization. However, this does not guarantee that Medicaid will pay for everything. The parent/custodian is responsible for all expenses and should maintain contact with the hospital to be sure the expenses are being taken care of in the manner wished. The Court does not pay for any treatment and the Court cannot order treatment paid.

If counseling services are ordered by the Court, the family may be responsible for payment, based on a sliding scale. The Court has contracted with a provider for mental health and substance abuse counseling services. You are free to use another provider but the cost of such is not the Court's responsibility.

12. SOME BASIC RULES OF FINS:

The juvenile shall attend school (public, private, home) without fail. Parental notes covering illness by the juvenile are not accepted on FINS. It is highly recommended that the juvenile use the school nurse if possible. If sent home by the school nurse the absence will be excused. Illness is defined as vomiting, diarrhea and/or a temperature of 101 degrees. Curfew is based on age and is established by the program, not the parent.

The juvenile shall not be allowed overnights away from the home.
The study hours are set for Monday thru Thursday evenings.
All juveniles 13 and older shall be drug tested.
Juveniles must be drug free for 4 months before the case shall close.
Cases may be extended past the initial six month length if needed.
The Juvenile will not be allowed to associate with drug users, gang members or those believed to be associated with gangs or those on probation or supervised by the FINS program.
The Juvenile shall be seen by the JPO at the school unless you are willing to bring the Juvenile to the JPO's office.
Home school is allowed but there are many rules set by the court about it.
GED school is allowed in some cases but it is discouraged in most cases.
Not attending recommended counseling is not an option without a court hearing.
Not taking prescribed medications is not an option without a court hearing.
Parents/custodians may be court ordered to take drug tests.
Parents/custodians are required to advise if their Juvenile breaks the court's orders
Parents/custodians are required to maintain contact with the assigned JPO.
Parents/custodians may be required to attend individual and/or family counseling.
Parents/custodians may be required to attend parenting and/or other classes.

COMPLETION OF THE FINS AFFIDAVIT:

In order to file a FINS petition, you must complete the FINS Affidavit. You must write a statement regarding the problems that you are experiencing with your child for the last one, two or three months- do not include behaviors more than three months old. Please write legibly. You must then sign the affidavit and get it to the Intake Officer.

By completing the affidavit, you are requesting Court involvement / intervention and assistance with the supervision of your child. This is accomplished by going to Court and then having a probation officer assigned to the case to ensure the juvenile and the family obey the Court's orders and take advantage of the many services the Court is ordering.

The juvenile must meet with the assigned attorney at sometime prior to the Court date. The attorney will be in touch with you prior to Court to set up the meeting. Please call the attorney at least one week prior to Court should he not get in touch with you.

Should you have any questions about the program or if situations change such as the juvenile runs away, refuses to go to school, is involved in a family disturbance, etc, or you have a change in address/ telephone / school information please get in contact with the Intake Officer if such happens prior to the Court hearing.

There will be a Court hearing on this matter in Circuit Court. Please check in at the Juvenile Probation Office approximately 15 minutes prior to court. It is located in room 240 in the Benton County Courthouse in downtown Bentonville, Arkansas. Please dress appropriately for the court hearing. Allow 2-3 hours of time as there will be a meeting of

the juvenile and family with the assigned Juvenile Probation Officer (JPO) immediately after Court if the juvenile is adjudicated by the Court and placed into the FINS program.

After the Court hearing, please address all case issues to the assigned Juvenile Probation Officer. The Intake Officer will not be involved with the case in any way after Court.

Entering into the FINS program should not to be done without serious thought beforehand. It is a legal matter that involves no less than the Juvenile Probation Office, the assigned attorney, the Prosecuting Attorney's Office and finally the Circuit Court. The Court wants to be of help to the juvenile and his/her family but it must have your full cooperation in order to do so successfully. As such, if you feel the need to think about the matter first please do so for as long as you need to. Feel free to discuss the matter with the Intake Officer and to ask questions. It is hoped that you will read this material in full. Please be certain that you wish to participate in the FINS program before you file the petition. Once you file the petition you cannot halt the process.

THE FINS PROCESS

- 1- Complete the FINS Affidavit to include the written statement. Sign it.
- 2- Mail / fax / hand deliver the FINS Affidavit to the Intake Officer.
- 2- Sign for the certified mail containing the summons into court.
- 4- Meet with the juvenile's attorney prior to court.
- 5- Attend court- check in at room 240 fifteen (15) minutes prior to court.
- 6- Meet with the assigned Juvenile Probation Officer (JPO) after court.
- 7- Stay in touch with the JPO. We need your input to help your family.

IMPORTANT INFORMATION- PLEASE KEEP THIS MATERIAL:

Juvenile Probation Office
Courthouse
203 East Central
Bentonville, AR 72712

FINS Intake Officer: 479-271-1047 ext. 228