

## Permanency Plans and Post-Dispositional Practice

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## Why Timely Permanency

Defining Permanency:

- A safe, nurturing and stable home environment and set of relationships
- Opportunity to live in a permanent home which can be returned to for support even as an adult
- Family with commitment to continuity for the child/youth
- Gives young person a sense of belonging and a definitive legal and social status

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## Defining Permanency

- Permanence is not a philosophical process, a plan or foster care placement
- Permanence is about locating and supporting a lifetime family



"Forever Family" – James, Age 16

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## Defining Permanency



Monica, Age 15

- Permanence should bring about physical, legal and emotional safety and security
- Permanence is achieved with a family relationship that offers safe, stable, and committed parenting, unconditional love and lifelong support

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## Defining Permanency

*"They're always talking about this Permanency stuff. You know social workers ... lawyers ... always using these big terms to talk about simple things.*

*One day one of them finally described what she meant by permanency.*

*After I listened to her description, which was the first time anyone ever told me what the term meant, I said,*

*"Oh, that's what you mean? Yeah, I want permanency in my life. I don't think I've ever had that!*

*How soon can I get it?"*

*Foster Care Youth*

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## What do we mean by permanence?

### A Youth Perspective:

- ❖ Permanency is a state of mind, **not a placement**
- ❖ Permanence is having the feeling that you are **connected**
- ❖ That there is someone who will **answer** your phone call in the middle of the night
- ❖ Or **miss you** when you don't show up
- ❖ PERMANENCE is **NOT** a place



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# PERMANENCY PLANS

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## Timely Permanency Planning

- Chart a course to get to the permanency goal in as short a time as possible
- Ensure the child is in an appropriate placement during the journey towards permanency

Time is a precious commodity in the life of a child



*"Looking for a Family" – Jane, Age 8*

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## Permanency Plan: What Is It?

- Plan designed to assure that children in out of home care quickly achieve permanency [48.38]
- Plan establishes:
  - what the permanency goal(s) is/are, and
  - how it will be timely achieved [48.38 (1) (b)]
- Plan is required for children in court ordered or authorized out of home care—yes, including delinquents
  - Except for kids in detention who will be going to LHS or in detention on sanctions and will return home on completion of sanctions [938.38 (3) (a)]
- Plan must be filed with the court **within 60 days of removal from home**

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### Statutory Permanency Goals: What Are They?

- Safe reunification [48.38 (4) (fg)]
  - If the goal is not safe reunification, the plan must explain the rationale for the alternative plan, i.e. why reunification is not safe and appropriate.
- Placement for adoption
- Placement with a guardian
- Permanent placement with a fit and willing relative

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### Permanency Goals: What Are They?

- Other Planned Permanent Living Arrangement (OPPLA) [48.38 (4) (fg)]
  - 16 years and over
  - If the plan is OPPLA, the permanency plan must document a compelling reason why one of the other permanency goals is not in best interests of the child
  - If OPPLA, the living arrangement must include an appropriate and enduring relationship with an adult
  - OPPLA goal must always have a concurrent goal (return home, adoption, placement with a guardian or placement with a relative) recommended by agency [48.38 (4) (fm)]

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### Concurrent Planning: What Is It?

- The permanency plan may have two goals: a permanency goal and a concurrent permanency goal. [48.355 (2b); 48.38 (4) (fg)]
- The plans can be contradictory to each other
- Neither goal is "primary" or "secondary;"
- Concurrent planning requires the Agency to simultaneously work through appropriate efforts to achieve **both** permanency goals. [48.355 (2b) (a)]
- Agency must determine under DCF guidelines if CC planning is appropriate and, if so, engage in CC planning *unless* court or review panel determine it is not appropriate. [48.355 (2b) (b); 48.38 (5) (c) 5m]

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## Concurrent Planning: Why?

Why two plans at once?

To move things towards permanency faster.

In the past, we've done one thing and only after that has failed have we moved on to an alternative goal.

That takes too long!

Meanwhile, a child languishes in impermanence!

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## Permanency Hearings and Reviews: When Must They Be Held?

- Court (or panel) must first review the plan not later than 6 months after the child was first removed from the home and every 6 months thereafter while the child remains in out of home care.
- Reviews must continue during periods child is in home on "trial reunification." [48.358 and 48.38 (5) (a)]
- Do any counties utilize a permanency panel review?

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## No Reasonable Efforts Cases

- If a court determines that the case is a no reasonable efforts case,
- **Then the court must hold a permanency determination hearing within 30 days of that finding.**

See s. 48.355(2d)(b))

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### Why Must Permanency Hearings Be Held?

- The simple answer is \$\$\$\$\$. If timely permanency hearings do not occur, the state will be deprived of foster care cost reimbursement. [45 C.F.R. sec. 1356.21]
- But the **REAL** answer: timely permanence is for the child.
  - Every piece of federal child welfare legislation since 1980 has emphasized the critical importance of timely permanence **to the child**.

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### Summary of Important Issues

- The plan and the permanency hearing will address all the important aspects of the child's life. [48.38 (4) & (5)]
  - When and why the child was removed from the home?
  - Is the child placed with relatives and siblings (if not, why not)?
  - Educational issues (including whether agency tried to keep child in same school)
  - Medical issues

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### Summary of Important Issues

- The **issue of relative placement is critical** **Strong preference for placement with fit and willing relatives**, including out-of-state relatives [48.355 (1)]
- What permanency goal(s) are the parties recommending?
- What is the child's position and how was the child consulted?
- Is there a concurrent goal? Should there be?

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## REUNIFICATION

- Why is reunification in the best interests of the child?
- Can the child be safely reunified today?
- What is the specific safety issue preventing reunification this very minute? If a safety issue can't be articulated, send the child home NOW
- If the child cannot be returned home today, what specific steps will be taken to promote reunification within a reasonable amount of time?
- What is the child's position regarding reunification?

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## ADOPTION

- How is adoption rather than reunification in the best interests of the child?
- Has the agency filed a petition for termination of parental rights? If so what is the anticipated trial date? If not, when will the petition be filed?
- Are there relatives who will adopt the child if TPR is granted?

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## ADOPTION

- Is the child placed with relatives? If not, why not?
- If the child is not placed with relatives what efforts have been made to identify a willing *and able* relative to adopt the child?
- If there are no relatives willing and able to adopt, has the Agency identified a non relative adoptive family?
- If not, what efforts has the agency made to identify, recruit process and approve a qualified family to adopt the child?

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## ADOPTION

- Are there relatives interested in permanent guardianship, but not willing or able to adopt?
- If so why is non relative adoption preferable to permanent guardianship with a relative?
- If the child is an Indian Child does the tribe support the plan? If not, why not?
- What is the child's position regarding adoption?

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## PERMANENT GUARDIANSHIP

- How is permanent guardianship rather than reunification or adoption in the best interests of the child? What is the relationship between the proposed permanent guardian and the child?
- Is the child placed with the proposed permanent guardian? If not, what is the plan to place the child with the proposed permanent guardian?
- Is the proposed guardian willing to fill the parental role for the child beyond the age of majority and through adulthood?

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## PERMANENT GUARDIANSHIP

- Is the proposed guardian financially able to care for the child through the age of majority?
- If not, has the agency explored opportunities for relative caregiver payments (if a relative) and/or entitlements (e.g. subsidy, if available; Social Security payments; food stamps; Medicaid, etc.).
- If the child has special service needs, will these continue if this plan is finalized?

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## PERMANENT GUARDIANSHIP

- If the parents are not to have contact with the child, will the proposed guardian:
  - Actually be willing to keep the parents away?
  - Be able to protect the child from further maltreatment?
- What is the child's position regarding permanent guardianship and the proposed guardian?

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## PLACEMENT WITH A FIT AND WILLING RELATIVE

- How is placement with a fit and willing relative rather than reunification, adoption or a permanent guardianship in the child's best interest?
- **Are the relatives fully informed about the benefits of adoption and/or permanent guardianship?**

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## PLACEMENT WITH A FIT AND WILLING RELATIVE

- Have the relatives been offered assistance in answering any questions they may have about adoption or guardianship?
- What is the nature of the relationship between the relative and the child?
- What is the child's position on the placement?

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## OTHER PLANNED PERMANENT LIVING ARRANGEMENT (OPPLA)



Nathan, Age 17

- How will this plan provide stability and permanency for the child?
- What is the identified, specific, long-term placement for the child?
- Is the child already placed in this home?
  - If not, what is the plan for placement?

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## OPPLA

- If the child's placement includes a group facility or institutional setting, how is this the most home-like environment for the child based on her physical and/or mental health needs?
- What efforts have been made to provide additional services that would allow the child to reside in a more permanent family-like environment?

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## OPPLA

- What intensive and ongoing efforts has the agency made to identify, locate and contact relatives or non-relatives who may be able and willing to care for the child on a permanent basis?
  - Now includes utilizing social media to locate potential placements.

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## OPPLA

- What is the plan to prepare the child to transition to independent living?
- What is the child's position regarding OPPLA as the permanency goal?

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## Key Findings and Orders

- Clearly identify the permanency goal(s)
- If the agency made *reasonable efforts* to achieve the permanency goal---just the permanency goal---not any concurrent permanency goal
- Extent of compliance with permanency plan by parents and agency
- Efforts to involve service providers and staff to meet special needs of child and parents

See 48.38 (5) (c) and (5m) (e)

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## Key Findings and Orders

- The continuing necessity for, safety and appropriateness of the out of home placement
- The progress towards eliminating safety concerns necessitating out of home placement and safely reunifying or achieving alternative permanence
- A projected date by which safe reunification or other alternative permanence is likely to be achieved

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## Key Findings and Orders

- If child was out of home for 15 of the most recent 22 months, the appropriateness of the present permanency goal and the circumstances which prevent safe return or one of the alternative permanence goals
- If child has siblings in out-of-home care, whether agency made reasonable efforts:
  - to keep them together and
  - if they could not be safely placed together, made reasonable efforts to assure frequent sibling visits (unless visits are not safe)

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## Important Permanency Hearing and Panel Details

- Parents must be given the TPR warnings orally and the permanency hearing order must contain the TPR warnings. [48.356]
- If the review panel makes recommendations that conflict with the existing dispositional order or call for additional services, the agency must seek revision of the order. [48.38 (5) (f)]
- If court's findings and conclusion from permanency hearing conflict with existing order, "court shall revise the dispositional order ... or order a change in placement ... as appropriate." [48.38 (5m) (f)]

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