



# Washington State CHILD ABUSE AND NEGLECT INSTITUTE

—Improving Outcomes for Children and Families

## EFFECTIVE PERMANENCY HEARINGS

### National Council of Juvenile and Family Court Judges



SPRINGFIELD, ILLINOIS  
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# LEARNING OBJECTIVES



- Understand the importance of permanency
- Understand the “best practice” tasks, roles and responsibilities at the Permanency Hearing stage of child protection cases
- Know strategies that to improve system handling of the Permanency Hearing stage of child protection cases



# WHY TIMELY PERMANENCY



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## Defining Permanency

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# DEFINITION OF 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
- Home intended to last indefinitely
- Family with commitment to continuity for the child/youth
- Gives young person a sense of belonging and a definitive legal and social status

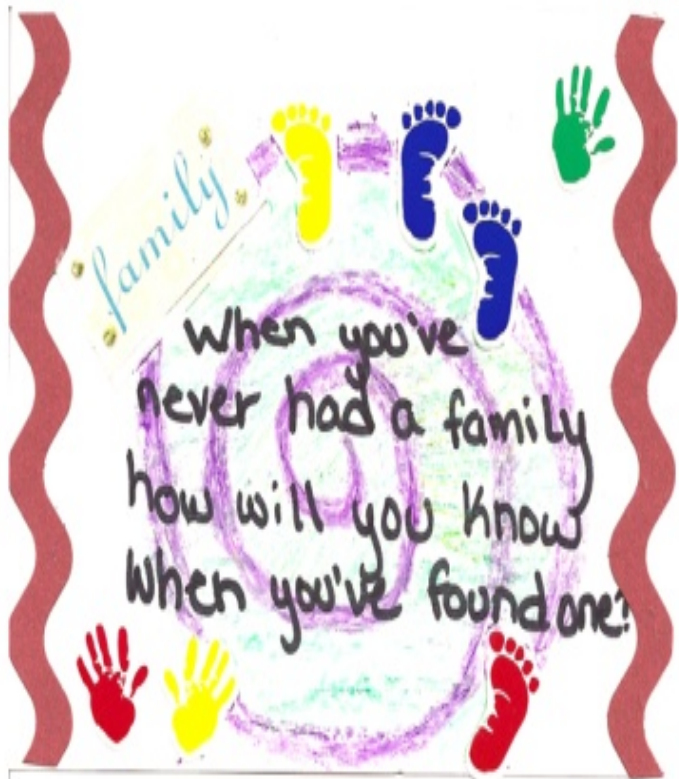
# DEFINING PERMANENCY



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



# DEFINING PERMANENCY



- 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

*Monica , Age 15*

# 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*

# 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



# ETHICS AND PERMANENCY PRACTICE



- Professionals working in child welfare must recognize that the legal, psychological, and social needs of the family are intertwined and are best addressed through a timely, coordinated, interdisciplinary approach.
- To be effective, interdisciplinary collaboration should take place within the context of mutual respect.
  - members of different professions in child welfare should respect the expertise, responsibilities and ethical duties of other professions.

# 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**

*Eduardo, Age 16*

# ENHANCING PERMANENCY HEARING BEST PRACTICES



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## The Permanency Hearing Case Scenario

## Review of the Permanency Hearing Bench Card

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# THE PERMANENCY HEARING



## The Permanency Hearing

- Dispositional hearing under 96-272
- Deadline to determine final permanency plan for child—move out of foster care into safe, permanent home
- Must be held within **12** months after child enters foster care

# KEY CONSIDERATIONS AT THE PERMANENCY HEARING



- Permanent Plan Determination
- What is the agency recommended permanency plan?
- When is the plan expected to be finalized?
- Are any parties advocating for an alternate plan?
- Is the agency required to file a termination of parental rights petition? Child in care 15 out of 22?

# PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT OF 2014 (PUBLIC LAW 113-183)



- Promotion of child “normalcy”
- Use of the APPLA permanency goal is prohibited for any child under age 16
- Mandates that for every Permanency Hearing the agency must document on the record “intensive, ongoing, unsuccessful efforts for family placement”
- During review of an APPLA plan, child must now be asked about their desired permanency outcome
- If APPLA remains the goal, in every case there must be a judicial determination at that hearing of compelling reasons why APPLA remains best permanency plan for that child

# PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT OF 2014 (PUBLIC LAW 113-183)



- Empowers transitioning foster youth at the earlier age of 14
  - May select up to 2 individuals to be involved in developing the case plan
  - Requires case plan includes a “rights document”
- Mandates receipt of key documents upon leaving foster care at 18 or later
- Encourages sibling placements

# THE PERMANENCY HEARING



## ■ Who should be present

- What can be done to ensure/facilitate attendance and participation at the Permanency Hearing?





# THE PERMANENCY HEARING



- Review documents required
- Related matters?
- Due process considerations
- Engage parents, children, relatives, foster parents present



# THE PERMANENCY HEARING



## KEY INQUIRIES, ANALYSES, DECISIONS, FINDINGS

- ICWA inquiry and determination
- Determine the permanency plan

42 U.S.C. 675(5) (c)

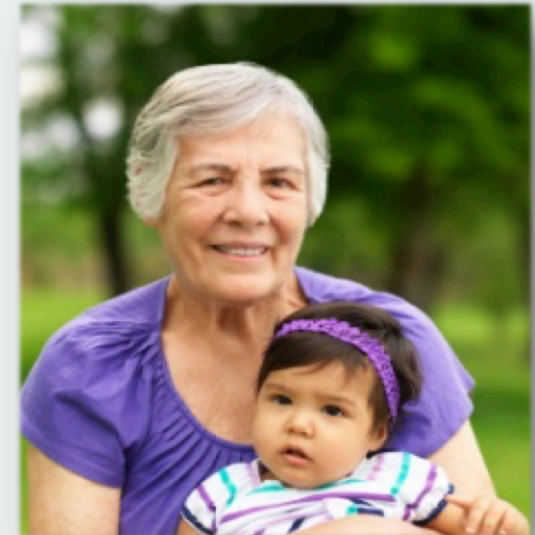
- What plan does the agency recommend?
- How was the plan determined and who was involved in developing the plan?
- What is the child's position? How was the child consulted?
- What is the concurrent plan? What efforts are being made to implement it?

# THE PERMANENCY HEARING



## In determining the permanency plan ...

- Review of family time (if applicable)
- Review of current placement
- Review and address the needs of the child (child well-being)
- The 5 plan analysis



# REUNIFICATION



- Why is reunification in the best interests of the child?
- Can the child be safely reunified today?
- 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?

# 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?

# 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?

# 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?

# PERMANENT GUARDIANSHIP



- How is permanent guardianship rather than reunification or adoption in the best interests of the child?
- What is the relationship between proposed permanent guardian and child?
- Has the Agency identified, and is it able to assist in securing resources proposed guardian will need to support child thru age of majority?



# 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 interests?
- Are the relatives fully informed about the benefits of adoption and/or permanent guardianship?

# 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?

# APPLA



- Is there a compelling reason for this plan?
- What is the child's position on the plan?  
How was he/she consulted?
- 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?

# APPLA



- What 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?
- 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?

# APPLA



- **If the child is 14 years old or older, is the Agency providing services needed to assist the child to make the transition from foster care to successful adulthood (P.L. 113-183 475(5)(I))?**



# SUMMARY: KEY FINDINGS AND ORDERS



- IF child has been in foster care 15 of the past 22 months, has a termination of parental rights petition been filed? If not, is there a compelling reason not to file a TPR petition? 42 U.S.C. 675(5)(E)
- HAS the agency made REASONABLE EFFORTS to finalize the permanency plan? 45 C.F.R. 1356.21(b)(2).
- The Court's determination of the permanent plan for the child and why the plan is in the child's best interests. The order should state the steps to be taken and timelines for accomplishing the permanent goal.

# SETTING THE STAGE FOR SUBSEQUENT HEARINGS



- Trauma
- Child Well-Being Inquiry
  - Education
  - Physical Health Issues/Needs
  - Dental Health Needs
  - Mental/Developmental Health Needs



# CONCLUDING THE PERMANENCY HEARING



- **Case Management Tasks that Help Prepare for the Next Hearing**
  - Identify tasks to be accomplished by next hearing
  - Consider ADR
  - Ensure parties' understanding
  - Ensure parties have copies of orders
  - Determine who should be present at next hearing
  - Set date and time for next hearing
- **Engage parents, children, family members**



# BEST PRACTICE RESOURCES



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## Enhancing Permanency Hearing Practice: Best Practice Resources

*Frontloading*

*Post-Permanency Reviews*

*Older Youth*

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# PRIOR TO PERMANENCY HEARING



## Frontloading -

- Early identification and involvement of absent parents
- Early identification and involvement of relatives
- ICPC
- ICWA
- Ensuring availability of quality reunification plans and services

# PRIOR TO PERMANENCY HEARING



## Frontloading –

- Concurrent Planning
- Foster-Adopt Homes
- Family Group Decision-Making
- Child Protection Mediation
- Pre-Hearing Case Conferencing



# CONCURRENT PLANNING



- The permanency plan may have two goals: a permanency goal and a concurrent permanency goal.
- Concurrent planning is simultaneously working through appropriate efforts to achieve both permanency goals.
- The plans can be contradictory to each other (i.e., return home and TPR/Adoption)
- Neither goal is “primary” or “secondary;” they stand on equal footing

# 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 while a child languishes in impermanence!**

# PERMANENCY PRACTICE RESOURCES OLDER YOUTH



## Older Youth

- Benchmark Permanency Hearings
- Passport to Adulthood
- Voluntary Placement
- Chafee
- Cold Case Projects
- Collaborative Permanency Review
- Family Decision-Making
- Including the Voice of Youth



# ENGAGING CHILDREN AND YOUTH AT PERMANENCY HEARING



- Establish a policy that **ALL** children **MUST** appear in your court for their hearings **UNLESS EXCUSED** by the court for an exceptional reason
- Children want to **KNOW** what is happening in their lives and most, if not all, want to have input into your decisions that will affect their family and their lives

# ENGAGING CHILDREN AND YOUTH AT PERMANENCY HEARING



- Give yourself the opportunity to **SEE** the children whose lives you will impact by your decisions, including development and interaction with parents and caregivers
- Give yourself the opportunity to **HEAR** from the children whose lives your decisions will change.
- Don't rely on what others tell you the child wants. **Listen to the kid!**
- It should be the norm, not the exception, that children of all ages attend their hearing



# ENGAGING CHILDREN AND YOUTH AT PERMANENCY HEARING



**Youth involvement is their own  
case planning and advocacy is  
important**

***“Nothing about us without us”***



# POST-PERMANENCY HEARING REVIEWS



- Child in one of three circumstances
  1. Reunification or permanent guardianship plan but not fully implemented
  2. Parental rights terminated, child in adoptive home, but adoption not finalized
  3. Parental rights terminated and adoptive home being recruited for child
- Permanency has not been achieved, court must ensure reasonable efforts being made

# POST-PERMANENCY REVIEWS



- **If goal continues to be family reunification**, the focus of post-permanency reviews should be on the appropriateness of services offered to the parents and their progress on eliminating safety risks
- **If goal is no longer reunification**, the focus of post-permanency reviews will be on the agency's efforts to finalize the concurrent plan as the new permanency plan
- **If reunification is not possible**, the child well-being inquiry must go beyond basic questions of safety and physical health as the child welfare system is responsible for meeting the child's educational, emotional and social needs, including preparing the child for transition to an adult as appropriate.

# QUESTIONS

