

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(10) Foster Care	Effective Date:	January 2022
	Policy Title:	Permanency Planning		
	Policy Number:	10.22	Previous Policy #:	N/A

CODES/REFERENCES

O.C.G.A. §15-11-2 Definitions
 O.C.G.A. §15-11-202 Reasonable Efforts to Preserve or Reunify Families
 O.C.G.A. §15-11-204 Non-Reunification Hearing
 O.C.G.A. §15-11-211 Relative Search by DFCS
 O.C.G.A. §15-11-215 Notice of Change in Placement Hearings
 O.C.G.A. §15-11-232 Permanency Plan Hearings; Findings
 O.C.G.A. §15-11-240 Appointment of a Permanent Guardian; Jurisdiction; Findings
 Adoption Assistance and Child Welfare Act (Public Law 96-272)
 Adoption and Safe Families Act of 1997 (Public Law 105-89)
 Title IV-E of the Social Security Act Sections 471(a) (15) (E) (i); 471(a) (29); 475(5) (C) and (D); and 475(7)
 45 CFR Part 1356.21(b) (3), 1356.21(h), 1356.21(h) (2), 1356.2(h)(3), 1356.21(h)(4)
 Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183)

REQUIREMENTS

- The Division of Family and Children Services (DFCS) shall:
1. Promote positive permanency outcomes for children in foster care by ensuring the permanency planning process includes:
 - a. A thorough assessment of the child and family’s circumstances;
 - b. Family engagement throughout the permanency planning process;
 - c. Early identification of the permanency plan or concurrent permanency plan;
 - d. Determining what is in the child’s best interest;
 - e. Decisive, individualized, and time-limited outcome-oriented activities to achieve the permanency plan outcomes;
 - f. Consideration of the need to minimize trauma for children in foster care.
 2. Maintain a sense of urgency to achieve a permanent living situation for every child in foster care.
 3. Begin the discussion of the permanency plan options and timeframes with the family during the joint visit with Child Protective Services (CPS) staff or sooner when possible.
 4. Discuss the Permanency Timeline with the family and provide the them with a copy.
 5. Conduct a diligent search to locate absent parents and kin to serve as permanency resources or supports including, *seeking the services of the Federal Parent Locator Service to search for absent parents at any point in order to facilitate a permanency plan* (see policy 19.20 Case Management: Diligent Search).
 6. Comply with all requirements of the Indian Child Welfare Act (ICWA) (see policy 1.6 Administration: Indian Child Welfare Act (ICWA) and Transfer of Responsibility for Placement and Care to a Tribal Agency).

7. Identify the permanency plan (as part of the initial case plan) for each child, in partnership with the family within 30 days of the child's entry into foster care. In order of preference, the permanency plan options are:
 - a. Reunification: The return of a child in the temporary custody of DFCS to the legal and physical custody of the parent, guardian or legal custodian. Custody to a non-custodial parent is also deemed reunification.
 - b. Adoption: Adoption establishes a new legal family giving adoptive parents and children the same rights and benefits of those who are born into a family.
 - c. Permanent Guardianship (*legal guardianship*): *A judicially created relationship between the child and kinship caregiver which is intended to be permanent and self-sustaining as evidenced by the transfer to the kinship caregiver of the following parental rights with respect to the child:*
 - i. *Protection*
 - ii. *Education*
 - iii. *Care and control of the person*
 - iv. *Guardianship of the person*
 - v. *Decision making*

NOTE: *Georgia has opted out of the Title IV-E Kinship Guardianship Assistance Program.*
 - d. Another Planned Permanent Living Arrangement (APPLA): DFCS maintains care and custody of the youth who has attained 16 years of age and arranges a living situation in which the youth is expected to remain until adulthood. APPLA is only appropriate in rare circumstances and when the court finds and documents a compelling reason that reunification, adoption or permanent guardianship are not in the best interest of the child.

NOTE: Although "Permanent Placement with a Fit and Willing Relative" is a permanency option outlined in the Adoption and Safe Families Act (ASFA), effective 01/01/14, Georgia law no longer recognizes it as a permanent placement for a child.
8. Assess and identify a concurrent permanency plan within 30 days of a child entering care. Simultaneously implement a concurrent permanency plan of either adoption or permanent guardianship with a primary permanency plan of reunification, if determined to be in the best interest of the child.
9. Select reunification as the preferred permanency plan, and make reasonable efforts to reunify the child with his/her family, unless the court has ordered that reunification services are not required (see policy 9.5 Eligibility: Reasonable Efforts).
10. Determine in consultation with the Special Assistant Attorney General (SAAG) whether adoption or guardianship is appropriate as the initial permanency plan when it is assessed that reunification is not in the child's best interest at the onset of the case based on conditions outlined in policy 17.11 Legal: Termination of Parental Rights (TPR) and/or policy 9.5 Eligibility: Reasonable Efforts.
11. Ensure the following prior to recommending adoption as a permanency plan to the court:
 - a. Reunification is not in the child's best interest (see policy 9.5 Eligibility: Reasonable Efforts and Practice Guidance: Adoption for additional considerations when recommending adoption as a permanency plan); or
 - b. Reunification is not required as outlined in policy 9.5 Eligibility: Reasonable Efforts.
12. Ensure the following prior to recommending permanent guardianship to the court:

- a. Obtain a non-reunification court order finding that reasonable efforts to reunify the child with their parent is detrimental and is determined not to be in the best interest of the child;
 - NOTE:** Only pursue an order of non-reunification when selecting permanent guardianship as the permanency plan (see Practice Guidance: Non-Reunification).
 - b. Determine that termination of parental rights and adoption is not in the best interest of the child (see policy 17.11 Legal: Termination of Parental Rights (TPR));
 - c. Monitor the child's placement with the caregiver for at least six months and determine whether they can provide a safe and permanent home for the child.
 - d. Determine that the caregiver is the individual most appropriate to be the child's permanent guardian taking into consideration that guardianship is in the best interest of the child. For children 14 years of age and older, determine the appointment of a permanent guardian is in the best interest of the child and the individual chosen by the child is the most appropriate to be the child's permanent guardian taking into consideration the best interest of the child.
 - e. Verify that there is an approved Kinship Assessment unless the proposed guardian is an approved foster home.
13. Explore and eliminate all other permanency plans (reunification, adoption, and guardianship) prior to selecting APPLA as the permanency plan.
 - a. Only select APPLA as a permanency plan for children age 16 years and older, if appropriate.
 - NOTE:** State and federal law provide no exceptions for selecting APPLA as a permanency plan for a child under the age of 16.
 - b. Document a compelling reason for choosing APPLA as the permanency plan in the Case Plan in Georgia SHINES.
 14. Ensure the case plan outcomes and tasks support achievement of the selected permanency plan and any concurrent permanency plan.
 15. Make reasonable efforts to finalize the permanency plan and any concurrent permanency plan by working actively and collaboratively with the family, children, providers and family supports to implement case plan activities.
 16. Obtain a judicial determination regarding "reasonable efforts to finalize the permanency plan" at each permanency plan hearing, but no later than 12 months of the date the child is considered to have entered care and at least every 12 months thereafter as long as the child remains in care (see policies 9.5 Eligibility: Reasonable Efforts and 17.1 Legal: The Juvenile Court Process).
 17. Obtain court approval via a court order whenever the permanency plan is changed.
 18. Refrain from requesting, pursuing, suggesting or consenting to a temporary guardianship of a child in DFCS custody.
 19. Obtain a recommendation from the State Office Placement and Permanency Section before proceeding with the adoption of any child by a caregiver who is the subject of a Child Protective Services (CPS) investigation.
 20. Adhere to confidentiality and Health Insurance Portability and Accountability Act (HIPAA) provisions outlined in policies 2.6 Information Management: Confidentiality/Safeguarding Information and 2.5 Information Management: Health Insurance Portability and Accountability Act. Obtain a signed Authorization for Release of Information (ROI), when applicable.
 21. Document all permanency activities in Georgia SHINES within 72 hours of occurrence, including:

- a. Updating the Case Plan whenever there is a change in the permanency plan.
- b. Documenting permanency planning discussions with the family, caregivers, children and others in the Contacts/Summaries.
- c. Updating the Legal Status.
- d. Uploading court orders in External Documentation, when applicable.

PROCEDURES

When selecting an initial permanency plan, the Social Services Case Manager (SSCM) will:

1. Participate in the following:
 - a. Transfer staffing and joint visit with the Child Protective Services (CPS) SSCM (see policy 19.4 Case Management: Case Transfer).
 - b. Case Consultation/Multi-Disciplinary Team (MDT) Meeting.
 - c. Family Team Meeting (FTM) to develop the initial case plan (see policy 10.23 Foster Care: Case Planning).
2. Ensure an ongoing diligent search occurs in accordance with policy 19.20 Case Management: Diligent Search to locate possible placement or permanency resources.

NOTE: If a relative fails to demonstrate an interest in and willingness to provide a permanent home for a child within six months of receiving the required notice that the child is in foster care, the court may excuse DFCS from considering the relative as a placement. Such a finding does not excuse DFCS from continuing to search for relatives, which must continue throughout the life of the case. Even if a relative is not a proper placement option, finding those relatives may give the child the opportunity to form deeper family connections and sources of support later in life.
3. Thoroughly explore any information which suggests that a child is of Native American heritage in compliance with the Indian Child Welfare Act (see policy 1.6 Administration: Indian Child Welfare Act (ICWA) and Transfer of Responsibility for Placement and Care to a Tribal Agency).
4. Review and analyze the case history, Family Functioning Assessment, Comprehensive Child and Family Assessment (CCFA), other assessments completed on the child and family and any other background information in preparation for the meeting with the parents, guardian or legal custodian to develop the case plan (see policy 19.10 Case Management: Analyzing DFCS History).
5. Utilize the Concurrent Planning Assessment Guide within the first 30 days of a child entering foster care to determine the suitability of concurrent planning. If additional information is needed to make a determination, request that the CCFA include this information in the CCFA.
6. In a staffing with the Social Services Supervisor (SSS), review and consider the following when deciding on a possible permanency plan for the family:
 - a. All information gathered during the assessment.
 - b. Information from the Concurrent Planning Assessment Guide.
 - c. The best interests' determination factors considered by the court (see Practice Guidance: Best Interest Determination in policy 17.1 Legal: The Juvenile Court Process).
 - d. The parent/caregiver-child relationship:
 - i. The emotional commitment to the child.
 - ii. Empathy for the child.
 - iii. Ability and willingness to meet the child's needs.
 - iv. Realistic expectations of the child based on development and ability.

- e. The vulnerability of the child involved and the severity of the maltreatment:
 - i. Serious physical abuse (e.g., burns, fractures, poisoning).
 - ii. Caretaker(s)' sexual abuse of child.
 - iii. Significant neglect (e.g., child denied food, clothing or shelter and/or locked in a room for years).
 - iv. Diagnosed failure to thrive.
 - v. Child has been the victim of multiple forms of abuse.
 - f. The parents', guardian's or legal custodian's history:
 - i. Previous agency interventions (CPS history, law enforcement, mental health, family violence, etc.).
 - ii. Childhood and birth family history.
 - iii. Desire to parent (e.g., any prior abandonment of a child?) and the consensus reached on the needed outcomes.
 - iv. Degree to which contact was maintained with the child.
 - v. Ability to meet the child's needs.
 - vi. Any high-risk relationships (e.g., abusive, exploitive).
 - vii. Chronic substance abuse, physical health, and/or medical or mental health issues.
 - g. The behavioral, cognitive and emotional characteristics of the parents, guardians or legal custodians to assess their ability to care for and keep the child safe.
 - h. The most appropriate permanency plan based on the information gathered and assessed.
 - i. If reunification is assessed not to be in the best interest of the child, what case information supports this assessment; and what information supports the selection of adoption or guardianship as an appropriate initial permanency plan (see policy 9.5 Eligibility: Reasonable Efforts and 17.11 Legal: Termination of Parental Rights).
7. In partnership with the family and the child, when age and developmentally appropriate, determine the most appropriate permanency plan for the child including any concurrent plan. Thoroughly discuss the following with the family and child:
- a. The permanency outcomes being considered
 - b. Reasons for the possible permanency plan;
 - c. Permanency Timeline and provide them a copy (see Forms and Tools: Permanency Timeline);
 - d. Explain if a concurrent permanency plan is being considered, the reasons for the consideration, and the expectations and timelines with concurrent planning;
 - e. Their input or feelings regarding the possible permanency plan;
 - f. The urgency of meeting case plan outcomes as it pertains to the trauma of foster care on the child;
 - g. How their progress or lack of progress impacts the ultimate permanency outcome for their child.
- NOTE:** When a sibling group enters care, all permanency planning must include diligent efforts to ensure the children remain together in their placement and their permanent home.
- 8. Implement services for the primary and/or any concurrent permanency plan in accordance with policy 19.17 Case Management: Service Provision.
 - 9. Initiate a consultation with the SAAG in conjunction with the SSS, to discuss the selection of the permanency plan and case plan outcomes/tasks to achieve the permanency plan.

NOTE: Consult with the Regional Field Program Specialist and Regional Adoptions Coordinator to provide guidance with the direction of the case prior to the staffing with the SAAG, if selecting adoption or guardianship as the initial permanency plan.

10. Document the following on the Case Plan in Georgia SHINES (see policy 10.23 Foster Care: Case Planning):
 - a. The initial permanency plan selected within 30 days and why the permanency plan selected is in the best interest of the child.
 - b. The reason a concurrent permanency plan was or was not utilized.
 - c. Any current services being provided to the family to achieve the permanency plan.
11. Document the exhaustive efforts to locate kin and other individuals who have demonstrated an ongoing commitment to the child and why placement with them is or is not possible in the Diligent Search tab in Georgia SHINES.
12. Present the selected permanency plan as part of the case plan to the court for approval and incorporation into a court order.
13. Assess progress towards achieving permanency outcomes in accordance with policy 10.23 Foster Care: Case Planning.
14. Assess continued appropriateness of the permanency plan and formally review at each case review (see policy 17.2 Legal: Case Review/Permanency Plan Hearings).

When a change to the initial permanency plan is necessary, the SSCM will:

1. Ensure the case plan supports the need for the change including:
 - a. The intensive efforts made towards the current permanency plan including efforts towards both reunification and any alternate plan if the current plan is a concurrent one.

NOTE: The agency should make reasonable efforts towards reunification unless the court determines reunification efforts are no longer necessary (see policy 9.5 Eligibility: Reasonable Efforts).
 - b. The family's response to reunification services as well as their progress in meeting case outcomes when reunification is the selected plan.
 - c. Reflecting updates on any outcomes or tasks that have been completed.
 - d. Any barriers to achieving the current permanency plan.
 - e. An explanation why the current permanency plan is no longer appropriate and in the best interest of the child.
2. Review the Visitation Plan in Georgia SHINES to determine the level of visitation by the parent/caregiver including all parent/child visits, attempts to schedule visitation and missed visits.
3. Review all purposeful contacts and correspondence with the parents, guardians or legal custodians, child, kin, placement resources, service providers, etc. in the narrative of the Contact Detail (see policy 10.18 Foster Care: Purposeful Contacts in Foster Care).
4. Discuss the concurrent permanency plan with the potential permanent caregiver and document the discussion, including:
 - a. Realistic expectations of the birth parent making behavioral changes to regain custody and the caregiver's plan to assure child safety in the future.
 - b. Their preparation to become a permanent resource.
 - c. All available permanency options and their responses.

- d. The available financial and non-financial supports (see policy 22.8 Kinship: Financial and Non-Financial Supports for Children in Foster Care or Who Have Achieved Permanency).
 - e. Their willingness to communicate with the birth family and/or to enter post adoption contact agreements, if applicable.
 - f. The reason for preferring guardianship rather than adoption, if applicable.
5. Consult with SSS to discuss:
 - a. The reasons a change in the permanency plan is needed.
 - b. The new recommended permanency plan.
 - c. The tasks needed to implement the change in the permanency plan.
 6. Staff the case with the SAAG if the plan is to pursue termination of parental rights (TPR) and document any legal barriers or concerns identified in accordance with policy 17.11 Legal: Termination of Parental Rights.
 7. Schedule and conduct a FTM with the family (see policy 19.3 Case Management: Solution-Focused Family Team Meeting).
 - a. Discuss the following:
 - i. The need to revise the permanency plan and related case plan to expedite permanency.
 - ii. The progress and barriers to achieving the current plan.
 - iii. The parent's, guardian's or legal custodian's, child's and caregiver's input, feelings and recommendations regarding a new permanency plan.
 - iv. The new permanency plan most appropriate and in the best interest of the child.
 - v. Tasks that are needed to achieve the new permanency plan.
 - b. Build consensus with the family around how the new permanency plan is in the best interest of the child.
 - c. Amend the permanency plan and case plan in Georgia SHINES (see policy 10.23 Foster Care: Case Planning).
 8. Present the newly revised permanency plan and case plan to the court (see policy 10.23 Foster Care: Case Planning).
 9. Document all permanency planning efforts in Georgia SHINES within 72 hours of occurrence.

The SSS will:

1. Review case documentation including DFCS history and the current assessment to ensure all information is considered when deciding on a permanency plan.
2. Discuss possible permanency plans including the appropriateness of concurrent planning with the SSCM upon assignment of the case.
3. Participate in FTMs conducted with the family to determine the permanency plan and address any concerns with the achievement of permanency outcomes.
4. Participate in the staffing with the SSCM, Regional Field Program Specialist and Regional Adoption Coordinator when a permanency plan other than reunification is selected at the onset of the case and/or when there needs to be a subsequent change to the permanency plan.
5. Participate in the staffing with the SSCM and SAAG regarding the permanency plan and related case plan outcomes and tasks.

6. Ensure contact standards (purposeful and collateral) are set at a level to sufficiently assess progress towards the permanency plan including the concurrent permanency plan, if one is selected.
7. Review the case record documentation to evaluate the quality and effectiveness of services being provided to the child and family, to ensure timely permanency.
8. Conduct a supervisory staffing with the SSCM to:
 - a. Assist him/her with evaluating and managing setbacks/relapses towards permanency.
 - b. Evaluate the appropriateness of the permanency plan and progress towards achieving permanency.
 - c. Discuss the need to change the permanency plan when appropriate, and the next steps to implementing a change in the permanency plan.

PRACTICE GUIDANCE

Assessing the Family

All children are entitled to a safe, permanent and nurturing home. In order to grow up to be healthy, self-sufficient adults, children need to experience stability and continuity in a lifetime relationship with a parent or other permanent caregiver. Permanency planning is the process of assessing and preparing a child for long term care when in out-of-home placements. Permanency planning must focus on what is in the child's best interests, and therefore requires an initial and ongoing assessment of the needs of the child and family.

A thorough understanding of the family is the foundation of all child welfare interventions. The assessment process is ongoing and involves gathering facts, observations and information about and from the family. The assessment should also involve:

1. Identification of the challenges the family faces with everyday life tasks.
2. Exploration of how these challenges create safety threats for the child.
3. Exploration of "exceptions" to the challenge or situations when the completion of the everyday life task went well.
4. Exploration of kinship connections including those that can provide placement, permanency and other types of support to the family.

Such information is then analyzed, and conclusions are drawn about family functioning, including family strengths and needs. The SSCM gains a better understanding of the family as a unique system. There is insight into how family members think, feel, behave, relate to others and respond to various situations, including the removal of the child.

Assessment results guide staff in making sound decisions about the best placement for the child, critical service needs of the child and family and the most viable plan for achieving permanency. Initially, the assessment assists staff in making a prognosis regarding the likelihood for reunification, the preferred permanency plan when safety can be assured. For some children in care (particularly young children and children whose families are less likely to respond to time-limited reunification services), a concurrent permanency plan may be developed. Concurrent planning allows for an alternative plan to be in place should reunification not be possible or safe. The plan may have to be continuously refined in partnership with the family to ensure achievement of permanency in the best interest of the child.

A fundamental principle of permanency planning is the understanding that when children are unable to live with their family, efforts to promote the connectedness of family and significant relationships with people who are important to them are essential to the child's culture, identity, and sense of belonging. Therefore, it is essential that diligent search efforts to locate kin and other committed individuals begin as early as possible to facilitate permanency for the child through adoption or guardianship, when reunification with one or both parents has been ruled out (see policy 19.20 Case Management: Diligent Search and 10.4 Foster Care: Selecting a Placement Resource).

Foster care is a temporary setting and not a place for children to spend any more time than is necessary. It is critical to begin planning for permanency from the time children enter care and to keep the family actively involved in permanency decisions for the children. Regardless of the permanency plan, the safety and well-being of the children must be reasonably assured.

Permanent Placement

Georgia law defines a permanent placement as:

1. Return of the legal custody of a child to his/her parent.;
2. Placement of a child with an adoptive parent pursuant to a final order of adoption; or
3. Placement of a child with a permanent guardian.

The Adoption and Safe Families Act (ASFA)

The Adoption and Safe Families Act (ASFA) includes a number of provisions that are intended to move children more quickly through the foster care system into safe, permanent families including:

1. A timeframe of 12 months to have a permanency plan in place for every child in foster care.
2. A permanency hearing and a judicial determination regarding "reasonable efforts to finalize the permanency plan" within 12 months of the child's removal (and every 12 months thereafter as long as the child remains in care).
NOTE: Georgia law requires the initial permanency plan hearing to be held within 9 months for children under seven years of age and within 12 months for children seven years of age or older.
3. Documentation of a compelling reason whenever DFCS recommends in its case plan a permanency plan other than reunification, adoption or guardianship or permanent placement with a fit and willing relative.
NOTE: Effective January 1, 2014, "live with a fit and willing relative" is no longer a permanent placement option in Georgia.
4. The mandatory filing of a petition to terminate parental rights whenever the court has determined the child to be abandoned or the parent has been convicted of certain felony offenses or the child has been in care 15 out of the most recent 22 months unless a compelling reason is documented.
5. Concurrent planning with respect to two practices:
 - a. The selection of dual permanency plans. And
 - b. The concurrent efforts to identify, recruit and approve a qualified family for a child at the same time that the County Department is providing reunification services.

Reunification

Reunification is the return of a child in the temporary custody of DFCS to the legal and physical custody of the parent, guardian or legal custodian from whom custody was removed. Custody to a non-custodial parent is also deemed reunification. Reunification is an appropriate permanency plan when the family requires time-limited reunification services (generally provided no longer than 12 to 15 months) to make it possible for the child to safely return home. When selecting reunification as a permanency plan, consideration should also be given to the following:

1. The parents, guardians, or legal custodians and the child's desire to be reunified.
2. The parent-child relationship and bond including any observable attachment.
3. The consensus built on the outcomes needed by the family and the readiness, willingness and ability of the family to participate in and benefit from time-limited reunification services.
4. The length of time needed to remedy the challenging life tasks that resulted in the child's removal.
5. Individual challenges the parents, guardians or legal custodians may have that cannot be addressed in the near future (e.g., lengthy period of incarceration; significant mental health or cognitive delays; chronic, un-rehabilitated substance use; etc.).
6. The formal/informal supports available to the family via extended family and/or community.

Adoption

Adoption is an appropriate permanency plan when the parents, guardians or legal custodians are unable to safely care for the child or reunification is not in the child's best interest. Kin may be selected as the adoptive resource. Children may be reluctant to consent to adoption due to not wanting to sever ties with their family. The Regional Adoption Coordinator (RAC) can assist in discussing adoption with the child and/or family or refer the child to a counselor specializing in adoption preparation.

When selecting adoption as a permanency plan, consideration should also be given to the following:

1. The determination of whether or not the child can be safely returned home.
2. The legal grounds for TPR including whether or not the child is or can become legally free.
3. The execution of voluntary surrenders.
4. The child's expressed wishes regarding adoption, and their ability to accept and respond to family life (if age 14 or older, the child must provide written consent to the adoption).
5. The child's sense of family, and their need and ability to maintain contact with the family.
6. The current caregiver's willingness to adopt, ability to meet the child's needs and the child's attachment to the current caregiver.

Guardianship

DFCS is charged with ensuring the safety, permanency and well-being of children. When a family becomes involved with DFCS, it is essential to fully assess and mutually determine the best interest of the children as it pertains to their safety, permanency and well-being, during and after DFCS involvement.

Prior to pursuing permanent guardianship as a permanency plan for a child in foster care,

DFCS must demonstrate reasonable efforts towards reunification unless circumstances exist where reasonable efforts for reunification are not required. Once reunification is no longer determined to be in the best interest of the child, adoption must be thoroughly explored and ruled out as a preferred permanency plan before selecting permanent guardianship as the plan. Permanent guardianship for a child in foster care may be granted by the juvenile court when it has been determined to be in the best interest of the child. The guardianship order establishes a permanent guardian and outlines the permanent guardian's rights and responsibilities concerning the care, custody and control of a child. Guardianship applies to the person(s) specified on the court order. The court may enter an order of support on behalf of the child against the parents. Permanent guardianships granted by the juvenile court may only be dissolved or modified if there is a material (important and substantial) change in the child's or guardian's circumstances. A change in the biological parents' circumstances may be construed by the court as a material change in the child's circumstances. Therefore, everyone must be informed that although the guardianship is intended to be permanent, it may not be.

Permanent guardianship is possible when a child is adjudicated dependent and the following exist:

1. Reasonable efforts to reunify the child with his/her parents would be detrimental to the child or the living parents have consented to the permanent guardianship.
2. Adoption has been thoroughly explored and not in the best interest of the child.
3. Non-reunification has been granted by the court.
4. The proposed guardian can provide a safe and permanent home for the child.
5. A permanent guardian is in the best interests of the child and the individual chosen to be the permanent guardian is the most appropriate person taking into account the child's best interest.

Non-Reunification

DFCS should only request a non-reunification determination when seeking permanent guardianship, as DFCS requires the non-reunification order as an eligibility criteria for the guardianship subsidy. In all other circumstances non-reunification should not be requested. It is important that DFCS continue to demonstrate reasonable efforts to reunify the family at all times during the dependency action, especially in circumstances where termination of parental rights is being pursued.

Another Planned Permanent Living Arrangement (APPLA)

Another planned permanent living arrangement (APPLA) is an appropriate plan when:

1. The child is at least 16 years of age.
2. Adoption and guardianship have been ruled out as not being appropriate or in the best interest of the child. And
3. A compelling reason is documented in the case plan and court order for choosing APPLA.

The two options that classify as APPLA include Long-Term Foster Care (LTFC) by Agreement and Emancipation. Long-term foster care is feasible when no other plan is appropriate, and the present caregiver is available and willing to provide a home for the child as long as foster care is needed. It should not be selected for a young child. With long-term foster care, in most instances, a child, the caregiver and the County Department sign an informal, non-legal agreement indicating the intention for the placement to last until the child no longer needs

foster care placement. If possible, the child's parents, guardians or legal custodians also sign. Limitations of long-term foster care include:

1. The lack of permanency.
2. The lack of a legal bond between the child and the caregiver; thus, allowing for either party to change their mind at any time.
3. The parent's, guardians or legal custodian's situation or attitude may change and they may choose to pursue custody at a later time that would prove harmful to the attachment between the child and the caregiver.
4. The placement may not meet the child's needs at a future time and/or the child may be placing such stress on the caregiver that another placement is needed.

Emancipation is feasible when no other plan is appropriate, there is no consistent adoptive or foster family for the child and the child requires foster care placement until age 18. Although the plan lacks permanence, its selection provides a planned living arrangement for maintaining the child in foster care until eventual emancipation to independent living or to a protective environment. For youth whose special needs or severe limitations will require some type of protective environment beyond age 18, planning must begin well in advance of the youth reaching age 18 due to the number of limited resources and the long waiting list for placement consideration.

Selecting Other Permanency Options from the Onset when a Child Enters Foster Care

While reunification should be the first permanency plan considered whenever it is in the best interest of the child, there are situations that allows DFCS to pursue adoption or permanent guardianship as the initial permanency option. In these circumstances (outlined in policy 17.11 Legal: Termination of Parental Rights (TPR) and/or policy 9.5 Eligibility: Reasonable Efforts), the SSCM and SSS should staff with the Regional FPS and RAC to obtain guidance regarding how to proceed with the most appropriate permanency option for the child. Further, a staffing with the SAAG should also occur to ensure DFCS is moving swiftly with legal permanence for the child.

Concurrent Planning

Concurrent planning rather than sequential planning efforts help to move children more quickly from out-of-home care to permanency. Concurrent planning involves working towards a primary permanency plan of reunification while simultaneously working towards an alternative permanency plan of adoption or guardianship. The alternate plan is to prevent the child from lingering in out-of-home care and not an attempt to undermine the parent's, guardian's or legal custodian's efforts toward reunification. It is necessary to work towards both plans simultaneously in order to achieve timely permanency plan outcome. A concurrent plan should not be selected as a default plan, rather it should be selected based on an assessment of the family's circumstances and using the Concurrent Planning Assessment Guide (see Forms and Tools).

The following are critical when developing a concurrent plan:

1. Early exploration of non-custodial parents, kin and other persons committed to the child to ensure that all potential permanency options are explored.
2. Early identification of the permanency resource.
3. Intensive and time limited reunification efforts and documentation of such efforts and progress.

4. Effective building of the legal case for the alternate permanency plan, while reunification efforts are ongoing (i.e., collecting information required to pursue adoption or guardianship).

When it is determined that the primary permanency plan is no longer appropriate, in conjunction with the SAAG petition the court to move forward with the alternate permanency plan.

Early Assessment/Identification for Concurrent Planning

Information gathered before a child enters out-of-home care can make a significant difference in making an early determination of the likelihood of reunification and identification of alternate permanency options. The SSCM must understand the family functioning in order to develop an individualized case plan to ensure safety, well-being and timely permanency.

All cases should be assessed for concurrent planning services, but not all will be appropriate. For instance, cases with a non-reunification court order in place are not appropriate for concurrent planning. Use of the Concurrent Planning Assessment Guide in conjunction with a thorough review of the families' history and circumstances, will assist in determining the cases that are most appropriate for concurrent planning. When the family's circumstances indicate a poor prognosis for early reunification, then concurrent planning should be considered. In most cases, the decision to pursue a concurrent permanency plan will be made when the initial case plan is developed.

Concurrent Planning Assessment Guide

When assessing a family's suitability for concurrent planning services, the Concurrent Planning Assessment Guide is used to target the specific strengths and needs of the family. All case information should be thoroughly reviewed. The guide provides specific indicators for early reunification and indicators of poor prognosis for reunification. The guide is not a form but is rather a tool that should be used to help the agency make an informed decision regarding whether concurrent planning is appropriate in a case. The use of the Concurrent Planning Assessment Guide may be appropriate in the following situations:

1. When CPS Investigations or Family Preservation Services assessments determine a child will be placed in out-of-home care.
2. Within the first 30 days of a child entering out-of-home care.
3. Periodically during the first six months of a case, when a case is deemed not appropriate for concurrent planning during the initial assessment.
4. When additional information is received indicating a change in the family's circumstances during the initial six months of a case.

Finalizing the Permanency Plan

In accordance with ASFA, a permanency plan is to be finalized within 12 months of a child entering care. Once a concurrent permanency plan has been approved by the court, court approval is required for the agency to cease reunification efforts and focus solely on the alternate permanency plan of adoption and guardianship. Reunification services must continue until the court approves another permanency plan. A permanency plan is finalized when the permanency outcome has been achieved (i.e., child is reunified with parents, guardian or legal custodian; child's adoption is finalized; permanent guardianship is granted to another caregiver; etc.)

If the court finds that the child has been living in a stable home environment with the current caregiver(s) for the past 12 months and that removal from the caregiver(s) would be detrimental to the child's emotional well-being, the court may presume that continuation of the child's placement with the current caregiver is in the child's best interests and shall enter a finding that a change of placement is a failure by DFCS to make reasonable efforts to finalize the permanency plan in effect at the time of the hearing; provided however, that such presumption shall not apply to prevent the return of the child to his or her parent, guardian, or legal custodian.

FORMS AND TOOLS

Concurrent Planning Assessment Guide
Creating and Using Life Books
Critical Actions in Managing the Permanency Case
Long-Term Foster Care Agreement
Permanency Timeline