

PERMANENCY PLANNING

In the course of a dependency and neglect case,
the Department of Human Services (DHS) is required to develop and implement a permanency plan for the long-term placement of the child who has been placed out of the home.

C.R.S. 19-3-702, Colo. DHS Regulations, 7.301.2, 7.301.21, 7.301.23(A), 7.301.23(M) and 7.301.24(G)



The definition of permanency planning is found at 7:4 of the Child Welfare Practice Handbook.



“Permanency Planning” is defined as:

...the process of taking **systematic, prompt** and **decisive action** to maintain a child in a permanent and stable living arrangement with his or her own family, or if that is not possible, to secure for the child a permanent living arrangement through placement with relatives or placement into an adoptive family.

Permanency planning recognizes and responds to the critically important need of children to establish permanent bonds and nurturing family relationships (Horejsi, 1996, p.1).

A permanent family provides a child a lifelong sense of personal identity, and is a place to go in times of crisis as well as times of joy.

(Digre, 1996)



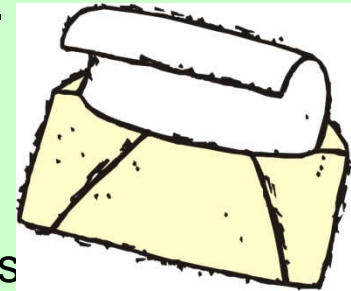


the HEART of
MEANINGFUL
PERMANENCY

FOSTERING CONNECTIONS

FEDERAL

Within 30 days after the removal of a child from custody of the parent or Parents of the child, the State shall exercise **due diligence to identify and provide notice** to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents) subject to exceptions due to family or domestic violence.



Contents of Notice –

- (A) Specifies child has been or is being removed from parents
- (B) Explains options for relatives under Federal, State and local law to participate in care and placement, including options that may be lost by failing to respond to the notice;
- (C) Describes requirements to become a foster family home and additional services and support available for children placed in their home; and
- (D) Description of how relative guardian may obtain kinship guardian assistance

[42 U.S.C. 671(a)]

FOSTERING CONNECTIONS

STATE [CRSA §19-3-403]

Temporary Custody – hearing – time limits – restrictions – rules

Parent is required to list names, addresses, phone numbers and comments concerning appropriateness of child's Potential placement with, grandparents, aunts, uncles, brothers, sisters, half-siblings and first cousins ...other relatives/kin with A significant relationship with the child...(3.6)(a)(I)(B)

The court shall order human or social services to exercise **due diligence** to contact all grandparents and other adult Relatives within **30** days following the removal of the child and to inform them about:

- That child having been removed;
- Placement possibilities for the child (subject to DV exception)
- Options under federal, state and local law to participate in the child's care or placements....(3.6)(a)(I)(g)(IV)

Due Diligence: [Rule 7.304.52]: is the timely, good faith effort to locate and contact any noncustodial parent, all grandparent(s) and other adult relatives and is to extend beyond the US, its territories or Puerto Rico as appropriate.

Search shall be...

- Commenced for noncustodial parent within 3 working days;
- Completed for grandparent(s) & other adult relatives within 30 days.
 - Parents are consulted regarding their suggestions for appropriate caretakers;
 - Children and youth are consulted as appropriate regarding their suggested relatives (subject to DV exception)
- Shall occur for all children, including Native American children at least every six (6) months throughout the life of the case until the child has achieved permanency...
- County shall document all efforts in service plan and in contact notes.
- Initial and ongoing results shall be reviewed and documented during 90 day supervisory reviews.

DILIGENT SEARCH

Major reasons for initiating a diligent search for family connections at the **onset of opening** a case:

1. IT IS THE LAW
2. Access to information regarding family connections tends to be much higher at the onset of a case than at the point towards termination.
3. Allows time to explore both maternal and paternal sides of family for all available family connections.
4. Having all available and viable family connections and supports is in the best interest of the child.

Major reasons for continuing the diligent search process **throughout** the case to the point of conclusion:

1. IT IS THE LAW
2. Family members that are already involved in the diligent search process are more likely to contact extended family members that could provide support and a connection for the child.
3. Family members that were not available and/or viable supports to the child at the onset of the case, may be available and/or viable supports as the open case progresses.

For more information about the diligent search process:

**CATHOLIC COMMUNITY SERVICES OF
WESTERN WASHINGTON – Family Search and
Engagement – Free comprehensive practice guide
to family search and engagement**

<http://www.ccsww.org>

**SENECA CENTER – NATIONAL INSTITUTE
FOR PERMANENT FAMILY
CONNECTEDNESS**

<http://www.senecacenter.com>

WHAT IS A PERMANENCY ROUNDTABLE?

A professional case consultation that is:

- structured
- in-depth
- non-blaming AND
- relentless

ROUNDTABLE PHASES

- I. Welcome and overview
- II. Present the case
- III. Clarify and explore
- IV. Brainstorm
- V. Create permanency action plan
- VI. Debrief roundtable

PERMANENCY ROUNDTABLE VALUES

URGENCY

Relentless insistence on permanency – no excuses

TEAMING

team supports the worker to expedite permanency
solution-focused and NON-BLAMING
concrete assistance with implementing action plan tasks

OUTCOMES

learning and accountability leads to positive outcomes and
alternatives

OPTIMISM

developing creative strategies in a demanding, yet
supportive environment leads to increased hope and
energy for the child and family

PERMANENCY PLAN OPTIONS

Preference should be given to placements that are safe and stable and provide the child with a sense of family connection and belonging. There are several permanency plan options in the Colorado Law. C.R.S. 19-3-702(4) These options listed in order from most permanent to least permanent include:

PERMANENCY PLAN OPTIONS

(IN ORDER OF PREFERENCE)



1st Option: Reunification – return to the parent

2nd Option: Termination of parental rights followed by adoption (adoption by relative, kin-like or non-relative)

3rd Option: Legal guardianship or custody including placement with a fit and willing relative

4th Option: Another permanent living arrangement (APLA)

The preferred permanency plan options more fully embody the permanency characteristics found in the Adoption and Permanency Guidelines manual of the National Council of Juvenile and Family Court Judges (published in 2000 pages 14 and 15)

PERMANENCY CHARACTERISTICS

- A judicially created relationship that is intended to be permanent and self-sustaining: a relationship that will last through the child's minority and continue with lifetime family relationships;
- A legal relationship that is binding on the adults awarded care, custody and control of the child;
- The parents in the permanent family have the right to protect, educate, have care and control of the child, have decision making authority including medical and discipline and have the power to represent the child in legal proceedings;
- The family is free from supervision by the child welfare agency and monitoring by the court;
- Biological parents cannot petition the court to terminate the relationship; and
- The court will only consider change of custody if there is clear and convincing evidence that the custodian is unfit or has abused and neglected the child.

**JUDICIAL LEADERSHIP THE OVERSIGHT AND
FACT FINDING ROLE OF THE COURT.
COURT ORDERS MUST BE BASED ON
DOCUMENTATION AND SPECIFIC FINDINGS.**

The Court must base the permanency plan on specific findings and documentation presented to the court. C.R.S. 19-3-702(4)

The court is in a oversight and fact finding role at a permanency hearing in order to ensure that the most preferred permanency plan option that is possible is adopted.

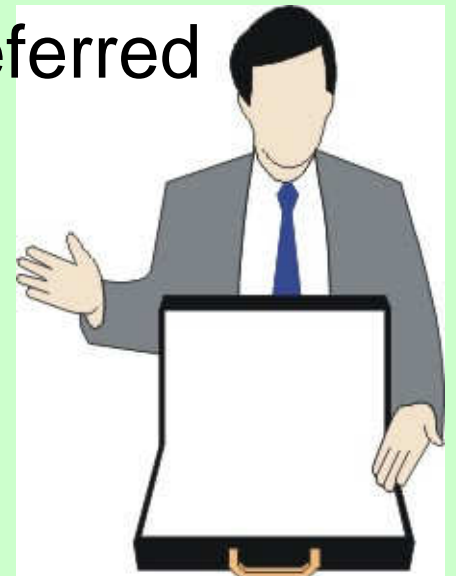


Bare conclusions are insufficient to support a permanency plan order.



The County Attorney has a Burden of Proof.

The court must make specific findings of fact based on documentation presented to the court that the more preferred permanency plan options have been fully explored and ruled out before approving a less preferred permanency plan option.



Permanency Planning

JUDGE

Review Documents
Findings of Fact to Approve
the Preferred Permanency Plan Option

#1 Reasonable Efforts

To Finalize the Permanency Plan

#2 Definition of Compelling Reason

Compelling Reasons are forceful,
driving and impelling reasons.

Office of County Attorney

Burden of Proof by
Documentation presented to the Court

1st Option

REUNIFICATION RETURN TO PARENT

MOST PREFERRED PERMANENCY PLAN OPTION

Must present a

COMPELLING REASON

in order to move to any option other than
REUNIFICATION

2nd Option

TERMINATION OF PARENTAL RIGHTS

Followed by Adoption (adoption by relative, kin-like or non-relative)
A PREFERRED PERMANENCY PLAN OPTION

3rd Option

LEGAL GUARDIANSHIP or CUSTODY

(including placement with a fit and willing relative)
A PREFERRED PERMANENCY PLAN OPTION

**TO PROCEED PAST THE 3RD OPTION: You must have a
Distinct Compelling Reason separate from above.**

The 4th Option is the least preferred Permanency Plan option.
Because it lacks the permanency characteristics of options 1, 2 and 3

4th Option

ANOTHER PERMANENT LIVING ARRANGEMENT (APLA)

LAST POSSIBLE PERMANENCY PLAN OPTION

PERMANENCY PLANNING/DILIGENT SEARCH DISCOVERY REQUEST

MAIL, FAX, or E-MAIL:

ATTN: Legal Records Technician
 Office of the County Attorney

____ Documents and notes related to any diligent search/relative search including the date of the last diligent search. (Notes or documents relating to the Relative Resource Sheet including contact with relatives for purposes of possible placement)

PERMANENCY PLANNING CHECKLIST

TRAILS Printout of Placement History

Documents and notes related to any diligent search/relative search including the date of the last diligent search. (Notes or documents relating to the Relative Resource Sheet including contact with relatives for purposes of possible placement)

Documents and notes related to any efforts to reunify the child with parents.

Documents or notes identifying the compelling reason or reasons to move to a permanency plan other than reunification with parents.

Documents and notes related to efforts to have the child adopted

Documents and notes related to efforts to have the child to have a permanency plan of Legal Guardianship or Custody

Documents or notes identifying the compelling reason or reasons to move to another permanency living arrangement permanency plan.

Any and all documents and notes related to a comprehensive assessment of the child/youth's strengths and needs referenced in the Permanency Planning Review Process Instructions.

Documents or notes related to a family-like network of significant people who will provide the child/youth with a sense of belonging and support expected to endure over a lifetime.

Family Service Plan special review section which documents the permanency review team's reasons for approving other planned permanent living arrangement permanency goal.

Family Service Plan – Independent Living and Chafee Foster Care Independence Programs 7.305

Independent Living Skills Assessment that the ILP is based upon

Independent Living Plan and addendums

Notes or documentation of independent living services for children who have reached the age of 16.

Independent living section (4D) of the Family Services Plan

Chafee Foster Care Independence Program (CFCIP) documents.

All documentation relating to Independent Living Services provided pursuant to the Independent Living Plan by Chafee, Teen Self-Sufficiency, Two Cor and any others who have provided ILP services, as well as any notes or documents related to progress made on the ILP.



