

## Concurrent Planning

Finding 7: Has DHS made sufficient efforts in developing the concurrent permanency plan?

## Overview

- Review ASFA
- Concurrent Planning Considerations
- Alternate Plans and Permanency Committee
- Current Caretaker
- Termination of Parental rights

• 15/22

## Adoption and Safe Families Act

- ASFA
- The law allows only a limited time to make changes so a child can be safely placed with a parent.
- The law requires a concurrent (or alternate) plan be made in case a child cannot be safely returned to a parent's home. This plan will be used if parents cannot provide a safe home for a child. Families should help build this plan, if possible.



## ASFA Timeline

- Time line starts at removal
- Within 24 hours: Shelter Hearing
- Within 60 days of the petition: Jurisdiction/Disposition
- Within 6 months of placement: CRB Review
- Within 12 months of placement: CRB Review
- No later than 12 months after jurisdiction or 14 months from placement, whichever is earlier, a Permanency Hearing is held.

## Concurrent Planning and Permanency Committee

We are obligated to seek Legal Permanency for the children we serve

- ◆ We must make reasonable or active efforts to preserve and reunify families
- ◆ Develop and Review the Permanency Plan and Concurrent Plan within 60 days of child's placement into substitute care and review the plan every 90 days.
- ◆ Work with the child's team to determine the plans

## Aggravated circumstances

- A court may decide that a parent has done something that seriously harms or results in the death of a child. If so, the court may say DHS does not have to work with the parent to return a child to the parent. Then DHS may look for another permanency plan for the child right away.
- ORS 419B.340(5)

## Concurrent Planning Considerations for Adoption.

- Jurisdiction/Allegations
- Court Orders
- ICWA
- Father/s
  - Paternity established
  - Notice sent to named fathers
- Relative Search
- Service Referrals
- Updated case plans
  - Conditions for return and expected outcomes have been reviewed with the parents
- Action agreements
  - Reflect the expected outcomes from the case plan

## Concurrent Planning Continued....

- Parent evaluation/s
  - Psychological when court ordered.
- Legal review
- 90 day staffing with supervisor
- Interstate Compact (ICPC)
  - Out of state relatives
- Sibling relationships
- Child evaluation/s
  - Best Interest evaluation
- Parent child evaluation
- Discuss alternate planning with parents, child's team, and child when appropriate
- Birth/Medical Records

## When do I go to Permanency Committee?

Permanency Committee must be held when:

1. The caseworker is seeking approval from the agency to change the permanency plan to guardianship
2. The caseworker is seeking approval from the agency to change the permanency plan to Placement with a Fit and Willing Relative.
3. The caseworker is seeking approval from the agency to change the permanency plan to APPLA.
4. A caseworker is considering the separation of siblings in adoption.
5. A caseworker is considering an individual known to the child for adoption.
6. A current caretaker or relative caregiver requests consideration for adoption prior to completion of adoption home study

## Plan Changes Without a Resource

A permanency plan may be changed to guardianship or placement with a fit and willing relative prior to a resource having been identified when:

1. The court changes a permanency plan for a child or young adult before DHS makes a recommendation.
  - The caseworker will change the plan and diligently recruit and identify a potential guardian or relative resource for placement with a fit and willing relative.
  - Once a resource is identified and meets criteria a Permanency Committee will be scheduled.

2. The Department must make a recommendation to change the permanency plan for the child or young adult to guardianship or placement with a fit and willing relative because a child or young adults current permanency plan is no longer in the best interest of the child or young adult.

- The caseworker will schedule a Permanency Committee.
- The plan change will be reviewed at a Court Hearing
- The caseworker will diligently recruit and identify the potential guardian or resource for fit and willing relative.
- Once a resource is identified and meets criteria the caseworker will schedule a second permanency committee to consider approving the proposed guardian or resource as a fit and willing relative.

## Guardianship

- ◆ Consult with the child age 14 or over (child does not have to consent but should be consulted with)
- ◆ Assess the parents acceptance of Guardianship as a plan and their desire for contact
- ◆ Document in Or Kids how these requirements were met
- ◆ Ensure diligent efforts have been made to identify, contact and place the child with relatives
- ◆ Ensure the potential guardian has a current Certificate of Approval to provide foster care, can function effectively without Department supervision, has an updated home study, has adequate financial support and connections to community support and has a strong commitment to caring for the child permanently.

## Guardianship Assistance

- ◆ If a child is not IV-E eligible, he or she can qualify for state funded guardianship as long as certain requirements are met. IV-E funding is always preferable, so please contact your IV-E eligibility specialist for re-determination.
- ◆ CANS level of care payment continues with Guardianship Assistance (GA) without negotiation
- ◆ The GA base rate is negotiated, however, and CANNOT exceed the foster care base rate payment.
- ◆ Child must be in the care of the relative for 6 consecutive months following full certification.
- ◆ Foster parents (FP) may be considered a relative under these rules when 1) adoption is not achievable plan; 2) they are currently caring for the child and the child's plan or concurrent plan is guardianship 3) FP has cared for the child at least 12 of the past 24 months and 4) Perm Committee has recommended FP for consideration as guardian

## Placement with a Fit and Willing Relative

- A child or young adult may be considered for this plan if:
  1. An eligible person makes a request
  2. DHS has determined the child or young adult is unable to safety return home.
  3. adoption or guardianship is determined not to be in the child or young adult's best interest.

## Placement with a Fit and Willing Relative (Continued)

- To be eligible for consideration, a person must:
  1. Meet the definition of a relative (a)-(d) **or**
  2. Meet the definition of a caregiver relationship (12 consecutive months) while in the custody of DHS and be placed in foster care through DDS. In addition this person must have a strong commitment to caring permanently for the child or young adult. A Placement with a Fit and Willing Relative Agreement must be signed.

## Another Planned Permanent Living Arrangement (APPLA)

### 2 Types of APPLA

1. APPLA – Permanent Foster care  
Family enters into PFC agreement (1014)
2. APPLA – Permanent Connections and Support

Only a child 16 years or older is eligible for APPLA. It is the least preferred permanency plan per policy and may only be requested when Return to Parent, Adoption, Guardianship, or Placement with a Fit and Willing Relative cannot be achieved or it is not in the child's best interest

## APPLA Cont'd

- Before considering APPLA, the caseworker and supervisor must review diligent efforts to place with relatives and to place siblings together.
- Confirm no relatives are able or willing to be a permanent resource.

If considering APPLA-PFC:

- meet with substitute caregiver to assess interest in and commitment to the PFC agreement (CF 1014) reviewing the responsibilities and approval process
- Meet with the child or young adult, as developmentally appropriate, and, at his or her option, up to two chosen members of his or her case planning team to assess interest in PFC.
- Remember a child's or young adult's age or disability is never a disqualifier for a more preferred permanency plan.

## APPLA Cont'd

- The Permanency Committee must consider:
  - 1) How an APPLA plan meets the safety, wellbeing, and permanency needs of the child
  - 2) Whether the agency has provided the child and his/her parents an opportunity to identify permanent resources
  - 3) The parents acceptance of this plan and their desire for contact
  - 4) Whether the caregiver is able to meet the child's needs
  - 5) Consider the compelling reasons why the 4 more preferred permanency plans cannot be achieved
  - 6) The sufficiency of the plan for contact with siblings

## Sibling Planning



Permanency Committee is used to consider the permanent separation of siblings who each have a plan of adoption (if the children have different plans, sibling planning is not required)

Committee considers the best interests of each child and considers the following information:

1. Current and lifelong needs of each child
2. The existence of each child's significant emotional ties to siblings
3. The needs of each child

## Sibling Planning cont'd

- Permanency Committee recommends to the Program Manager:
  - 1. Separation of the child from the siblings is not in the best interest and CW must continue efforts to place sibs together;
  - 2. Separation of the child is in the child's best interest or;
  - 3. When there are multiple siblings, which siblings should remain together

## Consideration of an Individual Known to the Child for Adoption

- Consideration of an individual known to the child with no other recruited families is intended to occur when is it particularly compelling and in the best interests of the child. It is NOT a way to get early current caretaker status for a foster parent.

## Existing Relationship cont'd

- Permanency Committee assesses this relationship based on:
  - 1. The best interest of the child
  - 2. The strength of the relationship between the child and individual
  - 3. The likelihood the individual will have a positive home study
  - 4. The individual has demonstrated the knowledge, skills, abilities and commitment to raise the child; and
  - 5. The individual has the capacity to meet the current and lifelong safety, permanency and well being needs of the child

## Current Caretaker ORS 419A.004

- "Current caretaker" means a foster parent who:
- (a) Is currently caring for a ward who is in the legal custody of the Department of Human Services and who has a permanency plan or concurrent permanent plan of adoption; and

## Current Caretaker continued...

- (b) Who has cared for the ward, or at least one sibling of the ward, for at least the immediately prior 12 consecutive months or for one-half of the ward's or sibling's life where the ward or sibling is younger than two years of age.

## Relative Caregiver or Current Caretaker Consideration for Adoption

- A relative caregiver or foster parent with current caretaker status may request consideration as a potential adoptive resource
- There is no recommendation and decision that comes at the end of the committee process
- Staffing is intended to bring forth information from all parties to be used by adoption worker in completing a well-informed adoption study.
- Adoption Selection policy applies upon completion of an approved adoption study.

## Time lines After Permanency Committee

- Caseworker must notify the Court and request a hearing:
  - Within 30 days of the Permanency Committee approving the permanency plan
- Placement with a Fit and Willing Relative and APPLA plans:
  - are reviewed every 6 months which must take place in a face to face meeting with the child and up to two chosen members of the case planning team
  - Must be documented whether a more permanent plan is more appropriate

## ORS 419B.498 Termination of parental rights

- The department shall file a petition to terminate the parental rights of a parent when the child has been in substitute care under the responsibility of the department for 15 months of the most recent 22 months unless:
  - The child or ward is being cared for by a relative and that placement is intended to be permanent;
  - There is a compelling reason, which is documented in the case plan, for determining that filing such a petition would not be in the best interests of the child or ward. Such compelling reasons include, but are not limited to

## Termination Continued...

- The parent is successfully participating in services that will make it possible for the child or ward to safely return home within a reasonable time as provided in ORS [419B.476 \(Conduct of hearing\)](#) (5)(c);
- Another permanent plan is better suited to meet the health and safety needs of the child or ward, including the need to preserve the child's or ward's sibling attachments and relationships; or

## Termination continued...

The court or local citizen review board in a prior hearing or review determined that while the case plan was to reunify the family the department did not make reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to make it possible for the child or ward to safely return home; or

The department has not provided to the family of the child or ward, consistent with the time period in the case plan, such services as the department deems necessary for the child or ward to safely return home, if reasonable efforts to make it possible for the child or ward to safely return home are required to be made with respect to the child or ward.



## Questions?