

PERMANENCY PLANS



Every child welfare case has a permanency plan. A "permanency plan" refers to one of five possible long-term goals for the case. The purpose of a permanency plan is to provide clarity about the goals of the case, guide the activities of the Court and parties, and ensure that the child welfare system is always working towards long-term stability for every child.

Oregon statute defines the "permanency plan" as "a written course of action for achieving safe and lasting family resources for the child or young adult. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume responsibility for the child or young adult during the remaining years of dependency and be accessible and supportive to the child or young adult in adulthood."

The permanency plan options are:

1. **Reunification (sometimes called "Return to Parent")**
2. **Adoption**
3. **Guardianship (permanent or durable)**
4. **Placement With a Fit and Willing Relative (PWFWR)**
5. **Another Planned Permanency Living Arrangement (APPLA)**



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Reunification

The research is clear: Children have much better life outcomes when they grow up with their own parents. This remains true even for children with parents who struggle with significant life issues. Parents, including those with disabilities or physical/mental illness, have a constitutional right to raise their own children. Children likewise have

a constitutional right to their own family. That right should only be interfered with in the most extreme circumstances, and only for the minimal amount of time necessary to ensure basic safety. Therefore, the permanency plan of reunification is always the highest goal of every child welfare case.

Adoption

Most people are familiar with adoptions. In order for the permanency plan of adoption to be implemented, there must be sufficient legal reason for both parents' parental rights to be permanently terminated. All legal rights of parentage are then transferred to the adoptive parent(s). Adoptions are permanent for life. Adoption provides children with the highest level of permanency available outside of reunification with their own family. If any parent's parental rights cannot/should not



be irrevocably terminated for life, perhaps due to the child's bond with the parent or other reasons, then adoption may not be the most appropriate plan. Children age 14+ must also consent to adoption; if the child does not consent, adoption is not possible.

Adoption is also typically not possible in ICWA cases (unless it is a tribal customary adoption, which can only be finalized by a tribe).

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Guardianship

Guardianship is a permanency plan in which a child is placed in a permanent home, the caregivers become legal guardians, and the child is no longer in foster care. Guardianships differ from adoptions in that they can be undone if needed and do not last through adulthood. In durable guardianships, a parent could petition the court to dissolve a guardianship if circumstances change. In permanent guardianships, the guardianship cannot be disrupted while

the child is still a minor. Guardianships end when the child turns 18.

Guardianships may seem like a subpar plan, but they can sometimes be the best option for a family. Here are some examples of cases where a guardianship *may* be the most appropriate plan for the child:

-A child's foster parent is their grandmother. Grandma is a permanent resource for the child but would like to remain "grandma" and not become "mom."

-A child is an Indian child and their tribe does not permit adoption.

-A child is bonded with their parent but their parent is struggling with a life issue such as addiction that will take more time to



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address than is permitted by ASFA (the Adoption and Safe Families Act).

Guardianship allows the possibility for the child to achieve safe permanency while the parent gets additional time to address their struggles. Contact between parent and child can continue, if appropriate. This prevents the child's primary attachments from being disrupted and allows for possible future reunification and healing for the family if and when circumstances change.

-This last example is a common one: A teen refuses to return to a parent despite the parents meeting conditions of return and ameliorating all safety threats. Guardianship allows the opportunity for stability through their teen years without permanently severing their biological relationships just because of a temporary issue. The guardianship holds space for future family healing and reconciliation.

In conclusion, guardianship is a forgiving, secure permanency plan that allows children to exit foster care, achieve permanency, and maintain family and tribal relationships with the hope for future family cohesion in adulthood.

Placement With a Fit and Willing Relative (PWFWR)

PWFWR is a permanency plan in which a child is placed in permanent foster care with a person who qualifies as a legal relative. Relatives include siblings,



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paternal family members, and maternal family members, regardless of whether the parents are involved or not, adoptive or biological, or deceased.

Other nonrelatives qualify as legal relatives for the purpose of PWFWR if the nonrelative person has been in a caregiving role for the child for at least 12 months before the case began, for at least 12 months during the child's time in foster care, or for at least half the child's life if the child is age six months or less.

In this permanency plan, the child remains in foster care and the resource parents/relatives continue to receive foster care payments every month depending on the child's needs. Parents retain the right to visit the child.

PWFWR is an uncommon permanency plan. Here is an example of a type of case where PWFWR may be the most appropriate plan for the child:

-A child has been living with her mother's friends for 13 months. There is no known father and the mother's whereabouts are unknown. The child needs expensive mental health or medical care that the friend's family cannot afford without assistance. The family is willing to provide the child with a permanent home if they can continue to receive ongoing support from ODHS to ensure the child has the complex care she needs.



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Another Planned Permanent Living Arrangement (APPLA)

APPLA is a permanency plan available only to teenagers age 16+. APPLA is permanent foster care or permanent connections and support with a committed adult and is the least preferred permanency plan.

APPLA allows a child to stay in foster care to age 18 (or, if the young adult chooses, to age 21). This may be beneficial for those who do not want to be adopted, have no identified legal guardian, or cannot be safely reunified with a parent or emancipated. APPLA allows a teenager in that position to continue to benefit from ODHS supervision, independent living options, services, and funding until adulthood (through age 21).

Children who age out of foster care without a permanent caregiver have statistically poor life outcomes with high rates of homelessness, incarceration, and early pregnancy. Human beings need families, not just in childhood. Therefore, APPLA is only the best plan if all other possible permanency plans are inappropriate or impossible.

