

PERMANENCY OPTIONS

OVERVIEW

Georgia law defines permanent placement as the return of legal custody to a parent (reunification), placement with an adoptive parent following a final order (adoption), or placement with a permanent guardian (permanent guardianship). A child's permanency plan must identify one of these outcomes or, for youth age 16 and older when compelling reasons exist, Another Planned Permanent Living Arrangement (APPLA).

When advocating for permanency, a CASA volunteer should prioritize the most permanent, appropriate option based on the child's circumstances and the strength of the child-parent relationship. The permanency plan should be continually evaluated to ensure it remains suitable for a child and family. Preference should be given to relatives before non-relative placements when appropriate.

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. Return to a non-custodial parent is also considered reunification.

Reunification is the most preferred permanency outcome and is appropriate when services support the safe return of the child home. Reunification may be achieved even when a parent has not completed their entire case plan, provided there are no remaining safety threats in the home, proper support services are in place or other responsible adults live in the home, and the parent can provide a minimum sufficient level of care.

KEY CONSIDERATIONS

- Whether the parents can provide a minimum sufficient level of care
- What conditions should exist for return to the home prior to case plan completion
- Whether remaining safety threats have been adequately addressed
- Whether support services are in place to sustain reunification



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permanency outcome.



PRACTICE POINTS

- Drive best interest advocacy by prioritizing the guiding principle that children grow and develop best with their family of origin when it is safe to do so.
- Advocate for frequent, meaningful, and consistent family time, as family engagement is a critical contributor to successful reunification.
- Suggest that a Peer Navigator be engaged to support the parent in their reunification case plan whenever possible.
- Recommend transitional home visits and time-limited aftercare services to maintain stability and prevent re-entry into care. Ensure the parents have support systems to sustain permanency preservation.

ADOPTION

Adoption is the legal process of assuming parental rights and responsibilities for a child. Through adoption, the child gains the same legal rights and benefits as if born into the family. Adoption following termination of parental rights (TPR) is appropriate when reunification is not possible and maintaining the parent-child relationship would be harmful to the child.

KEY CONSIDERATIONS

- Whether the child can be safely returned home
- Whether the parent-child relationship is irretrievably broken and no meaningful bond exists between the parent and child
- The child's sense of family and need for continued connections
- The child's ability to adjust to an adoptive placement
- Whether a youth 14 years old and older will consent to adoption as required



PRACTICE POINTS

- Evaluate the prospective adoptive caregiver's commitment to maintaining connections, ability to meet the child's needs, and understanding of the child's background and culture.
- Advocate for the timely filing of TPR petitions and expedited permanency.
- Ensure families are informed about and connected to adoption subsidies when available.
- Support development of voluntary post-adoption contact agreements and the ability to maintain familial connections whenever possible and appropriate.
- Strongly encourage the adoptive family to engage in family therapy and other services with the child to sustain permanency preservation.

PERMANENT GUARDIANSHIP

Permanent guardianship creates a stable, court-ordered relationship between a child and a caregiver, relative or non-relative. It may be established with or without termination of parental rights and remains in effect until the child turns 18, with limited circumstances under which it may be modified or vacated. Permanent guardianship is appropriate when both reunification and adoption have been ruled out as not in the best interest of the child.

KEY CONSIDERATIONS

- Permanent guardianship allows the child to maintain ongoing relationships and connections with their family, including contact and visitation.
- The child must be placed with the caregiver for at least six months prior to DFCS recommendation in order to access subsidies.
- Guardianship subsidies may be available to support the relative or non-relative caregiver.
- The court must make a non-reunification determination.
- If a parent's circumstances change so much so that it results in a change in circumstances for the child, future reunification remains possible.



PRACTICE POINTS

- Clearly articulate in the court report and oral advocacy why TPR and adoption are not in the child's best interest. For example, address relevant factors like the strength of the parent-child relationship and bond, the child's need for Medicaid, or a parent's SSI benefits that would be lost through TPR.
- Assess whether the proposed guardian is best positioned to provide a safe, permanent home in the child's best interests.
- Ensure the caregiver has been fully informed of the legal rights and responsibilities of guardianship and that their decision to serve is free from coercion or influence.
- Advocate for the caregiver's access to financial and supportive resources like guardianship subsidies when available.
- Encourage the permanent guardian to maintain connections with the biological family and former foster placements whenever possible, and ensure the permanent guardianship order includes a reasonable visitation schedule or plan for meaningful contact between the child and their parent.

ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT

APPLA occurs when DFCS retains custody while placing a youth in a stable living arrangement expected to continue into adulthood. APPLA is permissible only for youth age 16 and older and is appropriate only when all other permanency options have been ruled out and compelling reasons exist why achieving permanency through another option is not in the child's best interests. APPLA should never be a default outcome and should always be accompanied by ongoing efforts to identify a permanent option.

KEY CONSIDERATIONS

- The youth must be in a safe, stable placement with a committed adult.
- The youth must be meaningfully engaged in the decision and understand their options.
- The youth may have significant needs requiring continued state-funded support.
- Compelling reasons must be documented explaining why reunification, adoption, and permanent guardianship are not in the youth's best interests.



PRACTICE POINTS

- Advocate for a youth's well-being needs (such as ongoing opportunities to participate in activities) to engage in as much normalcy as possible.
- Promote lasting connections with caring adults to support relational permanency.
- Ensure access to services and resources needed for a successful transition to adulthood.
- Engage the youth in decision-making and revisit legal permanency options regularly.

KEY PRACTICE NOTES

UNDERSTAND A CHILD'S REACTION TO FAMILY TIME

Keep in mind that a child's negative behaviors before or after a visit with their parent does not necessarily mean visiting should be suspended or maintaining a bond should be discontinued. In fact, the behaviors often signal that the child is bonded with their parent and is having difficulty processing the situation. Predictable transition rituals and a positive approach from their temporary caregiver can help a child prepare for family time.

PERMANENCY IS NOT GUARANTEED BY LEGAL STATUS

While legally permanent, adoptions can still disrupt or dissolve, leaving a child without their forever family. Before finalizing an adoptive placement, ensure the prospective caregiver is fully informed about the child's needs, history, and what to expect.

RELATIONAL PERMANENCY IS CRITICAL

Challenge situations in which a youth risks aging out of care without achieving legal permanency, but recognize that relational permanency offers the most reliable sense of belonging and connection into adulthood.

"BETTER OFF" IS NOT THE LEGAL QUESTION

When deciding whether to sever the natural parent-child relationship, the court does not consider whether a child would be better off with a foster family. CASA advocacy should focus on the child's best interests and the legal standards for TPR and not on comparisons between the birth family and the prospective adoptive family.

TEMPORARY CUSTODY IS NOT PERMANENCY

Georgia law permits courts to grant temporary legal custody to a relative or third party until the child turns 18, but temporary custody is not considered a permanent placement under federal or state law. It provides no financial assistance to the custodian and lacks the legal safeguards of permanent guardianship. When temporary custody is proposed, CASA should advocate for permanent guardianship instead.