

PERMANENCY PLAN HEARING

TIMEFRAME

The permanency hearing must be held no later than 9 months after a child under age 7 entered foster care or no later than 12 months after a child age 7 or older entered foster care. If a sibling group entered care and any one of them was under age 7 at removal, the permanency hearing for the entire group must be held no later than 9 months after removal. A permanency hearing must also be held within 30 days of a non-reunification plan being approved by the court.

After the initial permanency hearing, subsequent hearings are held every 6 months or more frequently if the court deems necessary.

PURPOSE

To determine the future permanent legal status of each child in DFCS custody. The court must consult with the child, in an age-appropriate manner, regarding the proposed permanency plan.

- ▶ Refer to the **At Every Hearing** guide for findings, practices, and considerations that apply across all hearings.



The court must consult with the child, in an age-appropriate manner, regarding the proposed permanency plan.

DFCS'S PERMANENCY PLAN REPORT

At least 5 days before the hearing, DFCS must submit a written report detailing the steps it will take to achieve permanency. Understanding what this report must contain helps CASA verify it is complete and identify any gaps.

The report must include, at minimum:

- The child's name, date of and reason for removal, and current placement information;
 - Information on potential relative placements;
 - The permanency plan goal;
 - If a placement change has occurred or is contemplated: whether it would change the child's school enrollment, why a placement maintaining current enrollment could not be found, and why the new school would be in the child's best interests;
 - A detailed plan of services to be provided by DFCS, including why any services that were considered were not used; and
 - For all children age 14 and older, a detailed Written Transitional Living Plan (WTLP) including specific ILP services.
- ▶ See the **Older Youth in Foster Care** guide for what the WTLP must contain and CASA's role in monitoring it.

COURT FINDINGS

In addition to the findings on the **At Every Hearing** guide, the court must determine:

- The date by which it is likely the child will be returned home, placed for adoption, placed with a permanent guardian, or placed in another alternative permanent placement;
- If the child is placed out of state, whether that placement continues to be appropriate and in the child's best interests; and
- If the child is age 14 or older, the services needed to assist the child's transition from foster care to independent living and whether the permanency plan was developed in consultation with the child and, at the child's option, with up to two members of the permanency planning team selected by the child who are not a foster parent or caseworker for the child.

If APPLA is the permanency plan, the court must additionally determine all of the following:

- What the child's desired permanency outcome is, after asking the child directly;
- Whether DFCS has documented intensive, ongoing, and unsuccessful efforts to return the child home or to a placement with a fit and willing relative, legal guardian, or adoptive parent, including efforts using search technology and social media to find biological family members; and
- Whether DFCS has documented the steps taken to ensure the child's foster family or childcaring institution is following the Reasonable and Prudent Parent Standard and that the child has regular, ongoing opportunities to engage in age- or developmentally-appropriate activities, including consultation with the child about those opportunities.

If the child is placed in a Qualified Residential Treatment Program (QRTP), see the Juvenile Code for specific requirements.



Preparing for a permanency hearing means stepping back from considering individual case plan tasks to assess whether the overall trajectory of the case is still the right one for this child.

PREPARING FOR THE HEARING

Preparing for a permanency hearing means stepping back from considering individual case plan tasks to assess whether the overall trajectory of the case is still the right one for this child.

QUESTIONS TO CONSIDER

- Is the proposed permanency plan still realistic and achievable for this child and sibling group?
- If reunification is the goal, can the child be safely returned now or what risks remain?
- If there is a concurrent or adoption plan, has a prospective adoptive resource been identified? Is the proposed caregiver committed and capable of meeting the child's needs?
- If there is a concurrent plan, is DFCS making reasonable efforts to finalize both aspects of the plan?
- If the goal is permanent guardianship, what is preventing the petition from being filed?
- If the goal is APPLA, is there a current and comprehensive WTL? (WTLs are especially critical in APPLA cases.)



PRACTICE POINTS

- Make sure all information is current — the case plan, provider progress reports, school records, and medical and mental health updates.
- Review compliance with the case plan, the WTL, and any court orders.
- Continually assess whether the permanency plan remains appropriate, realistic, and in the best interests of the child as circumstances change. Do not assume a plan approved at an earlier hearing remains the right plan.
- Meet with the child to discuss their permanency plan and any relationships or connections with relatives, siblings, close family friends, or caregivers that need to be considered or preserved.
- Monitor whether each component of a concurrent plan is receiving meaningful attention. If one plan has stalled or is receiving little to no effort, discuss the barriers with DFCS or at court to ensure all viable permanency options remain available for the child.
- In an age-appropriate manner, ensure the child, especially if age 5 or older, understands their right to be heard in court and is prepared to attend in-person or virtually.
- Consult with the child's attorney and share your recommendations.
- Submit a court report that includes a recommendation for permanency and addresses every finding the court is required to make.

AT THE HEARING



PRACTICE POINTS

- Confirm the child is present (or has been consulted in an age-appropriate manner via video conferencing during the hearing), and ensure the court addresses the child directly about their permanency plan and wishes.

- If the child is not present, ask the court whether a child can participate via video conferencing so that the requisite findings can be made.
- For youth age 14 and older, ensure the WTLF is specifically discussed, including whether it is detailed and action-oriented rather than vague or boilerplate.
- Ask the court to state an estimated permanency date on the record, even if it may be adjusted at future hearings.
- If foster parents or caregivers are present, ensure they are acknowledged and given the opportunity to address the court.
- Advocate for a review hearing to be scheduled no more than 90 days later.

KEY PRACTICE NOTES

COURT FINDINGS ARE CRUCIAL

The Permanency Hearing requires the court to make numerous and specific findings to ensure permanency is not unreasonably delayed. In practice, many courts do not make all the required findings, which can itself cause delays. CASA's advocacy is critical to help ensure every required finding is addressed.

THE CHILD SHOULD BE IN COURT

The court is required to consult with the child about their permanency plan, and for children age 5 and older who can express their wishes in an age-appropriate way, this generally means the child should be present. If the child is not in court, the required consultation cannot happen, and the court cannot make this finding. For very young children or those whose conditions affect their ability to communicate, the child's attorney should convey the child's wishes based on observed behavior with parents and family, and for very young children, it can generally be presumed they would want to be with their parents.

PUSH FOR SPECIFICS IN WTLPS

It is common for the WTLF for youth 14 and older to be vague, incomplete, or missing entirely. Advocacy for a detailed, action-oriented WTLF is essential to ensure older youth have the skills they need when they leave care.

- ▶ See the ***Older Youth in Foster Care*** guide for a complete description of WTLF contents.

PUT A DATE ON PERMANENCY

The law requires DFCS to provide, and the court to incorporate into its order, an estimated date by which the child will achieve permanency. This requirement is frequently overlooked, but having the conversation about an estimated date, even if it is later adjusted, creates accountability and keeps the case moving.