

# Six Month Permanency Progress Review Hearing: Making Concurrent Permanency Planning Work

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# Minnesota Permanency Quiz

1. Permanency does not include reunification.
2. Six month permanency progress review hearing requires establishing permanency for children under 8.
3. Concurrent permanency planning is required for all children in foster care.
4. When a child cannot return to a parent's care, adoption and transfer of permanent legal and physical custody to a relative are equally preferred permanency dispositions.

# Minnesota Permanency Quiz

## Answers

1. Permanency does not include reunification.

Answer: Yes, it does.

2. Six month permanency progress review hearing requires establishing permanency for children under 8.

Answer: No, it does not.

3. Concurrent permanency planning is required for all children in foster care.

Answer: Yes, pretty much.

4. When a child cannot return to a parent's care, adoption and transfer of permanent legal and physical custody to a relative are equally preferred permanency dispositions.

Answer: No, adoption is preferred.

# Minnesota Permanency Planning Requirements

- (7) to ensure appropriate permanency planning for children in foster care including:
- (i) unless reunification is not required under section 260.012, developing a permanency plan for the child that includes a primary plan for reunification with the child's parent or guardian and a secondary plan for an alternative, legally permanent home for the child in the event reunification cannot be achieved in a timely manner;
  - (ii) identifying, locating, and assessing both parents of the child as soon as possible and offering reunification services to both parents of the child as required under sections 260.012 and 260C.219;
  - (iii) identifying, locating, and notifying relatives of both parents of the child according to section 260C.221;
  - (iv) making a placement with a family that will commit to being the legally permanent home for the child in the event reunification cannot occur at the earliest possible time while at the same time actively supporting the reunification plan; and
  - (v) returning the child home with supports and services, as soon as return is safe for the child, or when safe return cannot be timely achieved, moving to finalize another legally permanent home for the child.

# Six Month Permanency Progress Review Hearing

- ✓ Hold it:
- ✓ Plan for it from the very beginning to help address the trauma experienced by the child and family and to honor and effectuate the permanency planning process
  - \* Plan A
  - \* Plan B
- ✓ Leave the hearing with all parties and participants knowing and understanding the outcome

# Hold the Hearing

## ✓ When:

- \* 6 months from removal

## *Related timing information:*

- \* Not dependent on being in foster care
- \* Not cumulative
- \* This is not the first check on progress

# Hold the Hearing

## ✓ Who:

1. Both parents of the child
  - \* Custodial
  - \* Noncustodial/nonresident – see *Minn. Stat. 260C.101, subd. 4*, jurisdiction over parents
2. Relatives who:
  - \* Responded to agency notice regarding the child being in foster care
  - \* Asked the court to be notified of court proceedings

*Importance of relatives:* Early planning with relatives helps with continuity of relationships which helps reduce trauma to the child.
3. All other parties: agency, GAL tribe, child if age appropriate

# Hold the Hearing

## ✓ What

- \* Full disclosure: review the progress towards permanency so far

# Hold the Hearing



- \* A planned stop to make sure there is progress, or if not, why not, and what the plan going forward will be

# Plan for the Hearing

- ✓ Review the progress of the case so far:
  1. The parent's progress on the case plan or Out-of-Home Placement Plan
  2. Agency's reasonable or active efforts for reunification
  3. Agency's reasonable efforts to finalize the permanent plan for the child
  4. Agency's placement in a home that will commit to being the legally permanent home in the event the child cannot return home according to timelines

# Reasonable efforts to finalize the permanent plan for the child

Means due diligence by the agency to:

1. Reunify the child and parent;
2. Assess and deliver services to the noncustodial parent;
3. Conduct a relative search and provide notice of the need for a foster home for the child;
4. Place siblings together;
5. Plan for and finalize a safe and legally permanent alternative home for the child, and consider permanent alternative homes for the child inside or outside of the state, preferably through adoption or transfer of permanent legal and physical custody of the child

# Agency's placement

- (a) The authorized child-placing agency shall place a child in a family foster home selected by considering placement with relatives and important friends in the following order:
- (1) with an individual who is related to the child by blood, marriage, or adoption; or
  - (2) with an individual who is an important friend with whom the child has resided or had significant contact.

# Agency's placement

Among the factors the agency shall consider in determining the needs of the child are the following:

- (1) the child's current functioning and behaviors;
- (2) the medical needs of the child;
- (3) the educational needs of the child;
- (4) the developmental needs of the child;
- (5) the child's history and past experience;
- (6) the child's religious and cultural needs;
- (7) the child's connection with a community, school, and faith community;
- (8) the child's interests and talents;
- (9) the child's relationship to current caretakers, parents, siblings, and relatives; and
- (10) the reasonable preference of the child, if the court, or the child-placing agency in the case of a voluntary placement, deems the child to be of sufficient age to express preferences.

# Plan for the Hearing

## Plan A

- \* What services have been provided
- \* What has the agency done to facilitate receipt of services
- \* Are the right services in place? If not, why not and what is the plan to correct?
- \* Has the parent been using services? If not, what are the barriers; what is the progress on the measureable goals?
- \* Who has been supporting the parent:
  - \* Relatives?
  - \* Foster parent?
  - \* Social worker – visits?
- \* Are the parents visiting the child?
- \* Would the child benefit from reunification?

# Plan for the Hearing

## Plan B

- \* Is the child with a relative? If not, why not?
- \* Does the relative search need to be revisited?
- \* Are siblings together?
- \* Are there out-of-state relatives who should be considered for permanent placement? If yes, refer for Interstate Compact.
- \* Is the child in a home that has committed to being the legally permanent home, if needed? To child and siblings?
- \* Would the child benefit from reunification?

# Other Issues?

- \* Are there relatives or the foster parent want to be considered for permanent placement in the event the child cannot return home?
  - \* Ask the court to order the agency to consider them
  - \* They must cooperate with licensing and background study requirements which is a foster care/adoption home study
- \* Court can order referral under the Interstate Compact on the Placement of Children (ICPC)
- \* Has the agency begun the child's social and medical history? *See, Minn. Stat. 260C.609 (b)*

# Leaving the Hearing Understanding what the Plan is or Plans are

- \* CPP principle: Full Disclosure
- \* If the court finds the parent has maintained contact with the child and is complying with the out-of-home placement plan, the court can:
  1. Return the child home if safe for the child; or
  2. Continue up to six more months

# Leaving the Hearing Understanding what the Plan is or Plans are

If the court determines the parent is not complying with the out-of-home placement plan or is not maintaining regular contact with the child, the court may order the agency to:

1. Develop Plan B for legally permanent placement away from the parent;
2. Consider multiple permanency resources for the child;
3. File a petition to support an order for the legally permanent plan.

# Required Court Findings

- \* The parent has or has not maintained regular contact with the child as required in the OHPP;
- \* The parent is or is not complying with the court-ordered OHPP:
- \* The child would or would not benefit from reunification

## Other findings:

- \* Agency is or is not making reasonable/active efforts to finalize the permanent plan for the child

# Order

(c)(1) If the parent maintained contact with the child and is complying with the court-ordered out-of-home placement plan, and if the child would benefit from reunification with the parent, the court may either:

(i) return the child home, if the conditions which led to the out-of-home placement have been sufficiently mitigated that it is safe and in the child's best interests to return home; or

(ii) continue the matter up to a total of six additional months. If the child has not returned home by the end of the additional six months, the court must conduct a hearing according to sections 260C.503 to 260C.521.

# Order

If parent is not complying with OHPP or is not maintaining regular contact with the child, the court may order the responsible social services agency:

(i) to develop a plan for legally permanent placement of the child away from the parent;

(ii) to consider, identify, recruit, and support one or more permanency resources from the child's relatives and foster parent to be the legally permanent home in the event the child cannot be returned to the parent.

- \* Any relative or the child's foster parent may ask the court to order the agency to consider them for permanent placement.

- \* The court may order the responsible social services agency to make a referral under the Interstate Compact on the Placement of Children; and

(iii) to file a petition to support an order for the legally permanent placement plan.

# Agency Responsibility after Hearing

- \* If child returned home or the matter continued up to 6 more months, continue services and supports;
- \* If court orders development of Plan B for permanent legal and physical custody to a relative, agency has 30 days to file petition and 60 days after filing the petition to come to trial;
- \* If court orders agency to file TPR, petition must be filed within 30 days and a trial held within 60 days of the filing of the petition.
  - \* Unless county attorney can show cause why a TPR petition should not be filed

# How Does this Hearing Make Concurrent Permanency Planning Work?

## Nine Core Principles:

1. Differential assessment; careful, timely assessment and case planning from the beginning of the child's placement
2. Full disclosure;
3. Family search and engagement;
4. Family group conferencing/teaming (potential reasonable effort element)
5. Parent-child visitation
6. Clear time limits for permanency decisions
7. Transparent written agreements and documentation
8. Collaboration
9. Recruitment of dual licensed resource homes (in Minnesota this means a home that has a single home study that is used for both foster care and adoption)

# Myths Revisited: The Facts

- ✓ Six month permanency progress review hearing is for all children in foster home or with a noncustodial parent
- ✓ Concurrent permanency planning is required for all children
- ✓ Permanency includes reunification and this is the permanency disposition that is most often achieved in Minnesota
- ✓ When a child cannot return home, adoption is the preferred permanency disposition
  - \* Consider what adoption means and doesn't mean
  - \* Consider when transfer of permanent legal and physical custody to a relative may be in the child's best interest

