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Purpose

To provide guidance about and an overview of permanence and permanency planning for children in custody.

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Policy

Permanence is achieved when a child or youth is living in a nurturing family setting that offers legal commitment and continuity of relationships. Permanence is an important goal for every child and youth in care. Legal permanence is achieved when the child is successfully reunified with the primary family or when the child is adopted.

Permanency planning guides casework practice from the first contact with a family. It is the process of developing and implementing strategies to achieve permanence within a reasonable amount of time.

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If the plan for the child cannot achieve the benefits of living in a legally permanent family unit, the plan that best approximates this should be implemented. That is, the child or youth should be living in a setting that feels secure to him or her, and have healthy, positive relationships with adults committed to him or her into adulthood. In some situations, the transfer of guardianship to relative or other caretakers with a significant relationship to the child can approximate permanence. Long-term substitute care does not usually facilitate permanence, and should be used when other options have been evaluated and found clearly not in the child's best interest.

Keeping Families Together and Safe


Because it is usually the child's primary family that can best offer positive continuity of relationships, the division offers a variety of services, both directly and by contract, designed to keep families together. These services help us to meet important goals:

- Protecting the health, safety and well-being of the child;
- Reinforcing or establishing a set of stable, nurturing relationships between the child and his or her primary family;
- Preserving the primary family.

Reasonable Efforts

Federal law and good casework practice require that division staff make reasonable efforts to ensure permanence for children. In making those efforts, the child's safety is always paramount. The division will make reasonable efforts to:

- Keep children and youth home whenever safely possible;
- Reunify children and youth with their families whenever safely possible; and
- For those children who cannot return home, achieve another permanent plan within a reasonable period.

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Children in DCF Custody Pursuant to a Probate Court Order

Any child subject to a termination order by the probate court that gave custody and parental rights to the Commissioner must receive the same protections as any child in custody, including administrative reviews and permanency hearings. If a petition to adopt such a child has not been filed by the time of the eleven month administrative review, the social worker will file a petition with the family court alleging that the child is in need of care and supervision because he or she is without proper parental care for their well-being (CHINS(B)).

Choosing an Appropriate Placement Setting

When a child will be separated from his or her family, it is important to assess the possibility of placement with a relative or other person familiar to the child. Division policy requires that active efforts be made to seek relatives that may be appropriate and available to care for the child (see Policy No. 91 on Kinship Foster Care).


When this cannot be achieved, a setting should be selected which is appropriate to the child's needs.

Whenever it meets the child's or youth's needs, we should strive for that setting to be:

- family-like;
- in close proximity to his or her family;
- within the child's school district;
- with siblings; and
- consistent with the child's cultural background.

Contact with Family

Separation of a family is usually a traumatic event for the child and family. When a child must be placed in out-of-home care, plans for the child and family should reflect this understanding. To support a plan for reunification, appropriate visits and contacts between the child and his or her family are critical. Unless there are substantial physical or

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emotional safety issues, the child should have an early opportunity to see his or her family. (See also Family Services Policy No. 124 on Family Visiting).

Case Planning

The development of a structured, clearly understood case plan should be initiated in consultation with the members of the treatment team, including parents, the child when appropriate, and foster parents or other care providers. The initial case plan must be completed ***within six weeks*** of custody. (See Family Services Policy No. 122)

The Early Reunification Worksheet (see Appendix) may assist the worker in considering important issues related to permanency planning.

Locating Absent Parents and Relatives

Immediate efforts must be made to identify and locate the child's absent parents (including any person married to the child's mother at the time of the child's conception or birth) and any relatives who might provide a safe home that will meet the child's short and long-term needs (see Family Services Policy No. 88).


Reunification

For most children entering custody, the goal of the case plan will be reunification with family. Children in custody will be reunified with their parents whenever it is in their best interest.

When a child is returned home, a specific plan should be made to support the family and monitor the child's safety. This plan should be made with the child's parents, the child if age appropriate, and other members of the child's treatment team. It should include actions to be taken if the child is abused or other risk factors increase.

The decision to reunify is not related to the standard for taking the child into custody. In determining the appropriate time to reunify the child, the social worker should evaluate the extent to which:

- the safety of the child and community can be assured;

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- the family has achieved the goals of the case plan;
- the youth in custody as a delinquent or CHIN(c) has achieved the goals of the case plan;
- other service providers and involved parties support the plan for reunification.

Reunification Not Required

For some children, it may be clear from the beginning that reunification with family is contrary to the child's best interest. Reunification efforts are not required by either state or federal statute. Examples of situations in which termination for parental rights should be considered at the time of initial custody include but are not limited to:


- the parent has been convicted of a murder or voluntary manslaughter of another of his or her children;
- the parent has aided or abetted, attempted, conspired or solicited to commit murder of voluntary manslaughter of his or her child; or
- the parent has committed a felony assault that results in serious bodily injury of his or her child.

When it is not in the child's best interest to make reunification efforts, the Permanency Planning Consultant should be contacted to discuss a petition to terminate parental rights.

Federal Requirements to File Petition to Terminate Parental Rights

For children and youth who must be removed from their homes, federal and state statute requires that the division address permanence promptly. For children who have been in care for ***fifteen out of the last twenty-two months***, the division must file a petition to terminate parental rights unless the case plan documents a compelling reason why such an action is not in the child's best interest.

It is important that social workers inform the parents of children in care of this possibility from the very beginning, while at the same time working diligently towards reunification when there is a possibility that it can be safely achieved within a reasonable period, based on the child's age and developmental stage.

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In determining whether there is a compelling reason why a petition to terminate parental rights is not appropriate plan for a child or youth, the safety and wellbeing of the child are the primary consideration. Also, in determining the child's best interests, we will consider criteria in 33 VSA, Chapter 55, §5540:

- the interaction and interrelationship of the child with parents, foster parents if any, siblings, and any other person who may significantly affect the child's best interest;
- the child's adjustment to home, school, and community;
- the likelihood that the parent will be able to resume parental duties within a reasonable period of time; and
- whether the parent has played and continues to play a constructive role, including personal contact and demonstrated love and affection, in the child's welfare.

The Vermont Supreme Court has determined that the most crucial criterion is the likelihood that the child's parent will be able to resume parental duties within a reasonable period.

In evaluating this, it is important to consider the child's age, emotional stability, total length of time in out-of-home care, circumstances which caused separation from the family placement, the extent to which risk factors in the home have been reduced and the child's relationship with his or her substitute care provider. Special attention should be given to cases in which mental illness, substance abuse, sexual abuse, and severe physical abuse or neglect are factors.

Options for Permanence

For children up to age thirteen, only the most unusual of circumstances should prevent achieving permanence through reunification or adoption. The permanency planning consultant will review case plans for this age group that have other goals; the consultant will contact the Family Services Supervisor to discuss any concerns about the appropriateness of the goal. The final decision about the goal normally rests with the district office.

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For youth age thirteen and older who cannot return home or be adopted, transfer of guardianship to a relative or to foster parents may also be considered. When reunification, adoption or transfer of guardianship cannot be achieved because:

- diligent, but unsuccessful efforts have been made to achieve one of these options; or,
- another plan is in the child's best interest;

The youth's significant relationships should be evaluated to determine what other options might be available to ensure continuity of relationships and support of the youth into early adulthood.


Options to consider include:

- Continued kinship foster care or foster care with a family that has a strong commitment to provide a home for the youth until emancipation;
- Shared parenting models in which the primary parents and kinship or foster parents are actively involved in sharing responsibilities of parenting a youth with serious physical or emotional disabilities;
- Preparation for independent living, or interdependent living for those who cannot live independently. When appropriate, youth in independent living should be assisted in developing a relationship with an adult to provide advice and assistance into early adulthood.

Permanency Planning Consultation

The district office will send a copy of all initial disposition reports to the permanency planning consultant.

While respecting the role of the social worker and the supervisor in the case planning process, it is expected that we work as a team to achieve permanence for children and youth. As such, we have a legal and ethical responsibility to consider all opinions and thoughts to achieve this goal. All districts are expected to develop a local process through which the expertise of the permanency planning consultant can be regularly solicited.

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The permanency planning consultant will provide consultation in each district bi-monthly or at another agreed-upon interval. Following each consultation, the consultant will debrief each supervisor or send a memorandum regarding consultation.


The permanency planning consultant will assist the social worker, supervisor and assistant attorney general in preparing cases that will be presented to the court for termination of parental rights.

Children Freed for Adoption

Any child in custody who is freed for adoption should receive services centered on achieving a timely adoption. For any child who is not living with a family willing to adopt, the district office, in partnership with Project Family, will make diligent efforts to locate an adoptive family. (Project Family is a joint DCF and Lund Family Center program that finds adoptive families for legally-freed children in foster care.)

The child's permanency issues will be discussed at a district permanency team meeting. During the meeting, the team will decide upon a specific strategy (including clear tasks and time frames) to recruit an adoptive family for the child. Project Family will assist with specific strategies that may include the following:

- Photolisting the child on the AdoptUSKids website;
- Listing the child's profile on the Project Family website;
- Sending the child's profile to private adoption agencies throughout Vermont and New England as well as the Adopt America Network and the ODS Adoption Community of New England;
- Referring an older child with multiple special needs to a specialized adoption agency;
- Developing a child-specific recruitment plan for children who require a more targeted approach to recruitment, based on the child's particular interests and special needs. This may include placing child-specific public service announcement in newspapers, magazines, and newsletters that reach an audience appropriate for that particular child's interests and/or special needs and sending the child's profile to groups related to the child's special needs;
- Establishing a recruitment team for a children who is especially difficult to place

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because of his or her age and/or high level of special needs. The team, which can include a child's birth parents and former and current workers, therapists, doctors, foster parents, and respite providers, will help us identify potential adoptive families and lifelong connections for the child as well as the best recruitment methods to find a family that meets the child's needs.

The Project Family permanency worker will follow up on all inquiries about the child. Once an appropriate family is identified, the Adoption Social Worker will assist the child with the transition to the adoptive family and provide casework support to the family until the adoption is legally finalized.

The district must consider homes in other districts and in other states that can meet the needs of the child. This is consistent with best practice and federal statute, which does not allow states to reject adoptive families simply because they live in another jurisdiction.

Case Plan Goal for Children Freed for Adoption

When a child is freed for adoption, the case plan goal will be adoption except under unusual circumstances. For a small number of children, adoption may not be the best plan due to their extraordinary needs. In addition, there may be some children for whom an adoptive family cannot be found. Even in these situations, the division has a continuing responsibility to ensure the child's need for permanency is considered and addressed in the case plan.

When the child's social worker is considering a change from adoption to another permanency goal, the child's treatment team, including the regional adoption worker and the Project Family permanency worker, will review that decision. The permanency planning consultant will also be invited. At minimum, the following issues will be discussed in that decision-making process and addressed in the child's case plan:

- Have efforts been made to identify an adoptive family for the child? If they have not, those efforts should be made unless it is clearly not in the child's best interest.
- Is the child living with a foster parent or kinship foster parent willing to assume guardianship?
- Is there a member of the child's extended family that might not have been previously

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identified or considered who might now be appropriate to assume the child's care?

- What is the plan for the child once he or she reaches the age of eighteen? Does he or she have the capacity to be live independently and support him or herself? If not, what adult services will assist the individual? If continuing education is appropriate, how will that be financed?
- Who will provide the concrete emotional supports needed by young adults? Does the child have meaningful relationships with adults that will last into adulthood? If not, how can they be developed and nurtured?

The final decision about the case plan goal is normally made by the social worker in conjunction with his or her supervisor. If the plan is adoption, and the child is not living with an adoptive family, the child should be referred promptly to Project Family for an adoption match and related services.