



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

**Chapter 6:** Court

**Section 10:** Permanency Plan

**Effective Date:** February 1, 2022

**Version:** 11

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### POLICY OVERVIEW

The Indiana Department of Child Services (DCS) believes children have the right to permanency. Therefore, a Permanency Plan is developed for every child adjudicated as a Child in Need of Services (CHINS) in order to identify a permanent or long-term arrangement for the care and custody of the child.

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### PROCEDURE

DCS will identify and recommend to the court a Permanency Plan for every child adjudicated as a CHINS. A second Permanency Plan will be identified if concurrent planning is appropriate (see policy 5.15 Concurrent Planning). All decisions made by DCS shall be made in consideration of the best interests of the child.

The initial Permanency Plan will be reviewed with the Child and Family Team (CFT) and/or at the Case Plan Conference and identified in the Case Plan/Prevention Plan, no later than 45 days after the date the child is removed from the home or date of disposition, whichever comes first. See policies 5.07 Child and Family Team Meetings and 5.08 Developing the Case Plan/Prevention Plan for additional guidance.

DCS will make reasonable efforts to reunify the child with the child's family unless the court finds that reasonable efforts to reunify are not required.

**Note:** If the court determines no reasonable efforts are required, a Permanency Hearing must be held within 30 days of the finding.

When reunification is not appropriate or possible, DCS will make and recommend to the court an alternate Permanency Plan in a timely manner. DCS will seek court approval of all Permanency Plans and subsequent changes.

**Note:** The Permanency Plan of Another Planned Permanent Living Arrangement (APPLA) is **only** available to youth 16 years of age and older. DCS must also be able to document in the Case Plan/Prevention Plan and/or provide testimony, at each hearing, the unsuccessful efforts made by DCS to return the child home or secure a placement for the child with a fit and willing relative, legal guardian, or adoptive parent, including efforts to locate relatives/kin through the use of technology, such as social media, to find

biological or adoptive family members for the child. See policy 5.23 Diligent Search for additional information on completing a search for relatives/kin.

As part of the permanency and case planning process, the Family Case Manager (FCM) will:

1. Ask if the parent, guardian, or custodian and/or the child needs a reasonable accommodation due to a disability;
2. Convene a CFT Meeting and/or Case Plan conference to review the Permanency Plan, develop a Case Plan/Prevention Plan, and discuss the second Permanency Plan, if concurrent planning is appropriate (see policies 5.07 Child and Family Team Meetings and 5.15 Concurrent Planning- an Overview). Youth ages 14 years and older and their child representatives should be included in the CFT meeting and/or Case Plan Conference unless the youth is unable to participate effectively in the development of the Permanency Plan due to a physical, mental, emotional, or intellectual disability;

**Note:** If a CFT Meeting is not convened or the CFT does not include the Court Appointed Special Advocate (CASA)/Guardian Ad Litem (GAL) and the resource parent, a Case Plan Conference must be held (see policy 5.08 Developing the Case Plan/Prevention Plan).

3. Ensure the Permanency Plan is discussed with the child in an age-appropriate manner and that the youth's views are shared with the court;

**Note:** Youth 14 years of age and older should participate in the Permanency Hearing to share their views with the court, unless they have been excluded from the hearing by a court order. Youth should complete and submit a Youth Report to the Court if the Youth is unable to participate in the Permanency Hearing.

4. Discuss the Case Plan/Prevention Plan, Permanency Plan, second Permanency Plan (if a concurrent plan was recommended), and any additional recommendations of the CFT with the FCM Supervisor;
5. Request approval from the Regional Manager (RM) for a Permanency Plan of APPLA;

**Note:** APPLA is **only** available as a permanency option for youth 16 years of age and older and cannot be a concurrent permanency plan. DCS must document why none of the other permanency plans are appropriate for the child prior to requesting that the court approve APPLA as the child's permanency plan.

6. Ensure Reasonable Efforts are made to finalize the Permanency Plan (REPP) and document those efforts in the Progress Report- Permanency;
7. Attach the Case Plan/Prevention Plan and a summary of the CFT notes, including any significant changes, to the Progress Report- Permanency;
8. Consult with the FCM Supervisor and DCS Staff Attorney to ensure appropriate documentation is submitted to the court;

**Note:** For a child admitted to a Qualified Residential Treatment Program (QRTP):

- a. The 30-Day Assessment must be completed within 30 days of admission in the QRTP, and the QRTP Determination Report must be reviewed by the court within 60 days. The QRTP Determination Report includes the outcome of the 30-Day Assessment regarding (see policy 5.24 Child Focused Treatment Review [CFTR]):
  - i. The most effective and appropriate level of care for the child;
  - ii. The least restrictive environment for the child; and

- iii. The short-term and long-term goals for the child, as specified in the Permanency Plan.
  - b. Document the specific treatment or service needs that will be met for the child in the QRTP and the length of time the child is expected to need the treatment or services, and
  - c. Document the efforts made to prepare the child to return home or be placed with a fit and willing relative, legal guardian, adoptive parent, or foster family home, and document a list of child-specific short- and long-term mental and behavioral health goals.
9. Submit the Progress Report- Permanency, including the Case Plan/Prevention Plan and a summary of CFT meeting notes, to the FCM Supervisor for approval, and upon approval, submit the documents to the DCS Staff Attorney to be filed with the court;
  10. Seek court approval of the Permanency Plan or any changes to an existing Permanency Plan (see policy 6.11 Permanency Hearing); and
  11. Enter the court findings of REPP in the case management system, if applicable.

The FCM Supervisor will:

1. Ensure the Permanency Plan is documented in the Case Plan/Prevention Plan and all of the above steps are completed by the FCM;
2. Provide support to the FCM, as needed, in completing the steps; and
3. Approve the Progress Report- Permanency and submit it to the DCS Staff Attorney.

The DCS Staff Attorney will:

1. Review the Progress Report- Permanency and discuss with the FCM and/or FCM Supervisor, as needed;
2. Provide the court with the approved Progress Report- Permanency; and
3. Request that within 12 months from the child/youth's removal from the home or from the date of the original Dispositional Decree, a finding of REPP is obtained in a court order.

**Note:** The court must issue a finding that DCS has made REPP every 12 months. REPP is required for a child/youth to continue to be eligible for federal funding to reimburse the costs of out-of-home care and DCS's administrative expenditures.

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## RELEVANT INFORMATION

### **Definitions**

#### Child Representatives

Child representatives are selected by youth who are 14 years of age and older to advise the youth and advocate for/represent the child's best interests. The child representatives must be at least 18 years of age, members of the CFT, and may not be a foster parent or FCM.

#### Concurrent Planning

Concurrent Planning is considered for all CHINS cases and requires the identification of two (2) Permanency Plan goals that are approved by the court and simultaneous reasonable efforts are made toward both goals with all participants. The intent of Concurrent Planning is that both plans will be pursued by making reasonable efforts toward both plans simultaneously.

## Permanency Plan

The Permanency Plan is the intended permanent or long-term arrangement for care and custody of the child/youth. The Permanency Plan options are:

1. Reunification- the process by which a child returns to live with a legal parent, guardian, or custodian without continued supervision and/or intervention by DCS;
2. Adoption- the legal process when a child becomes the legal child of a person other than the child's biological parents;
3. Legal Guardianship- the transfer of parental responsibility and legal authority for a minor child to an adult caregiver who intends to provide permanent care for the child. Guardianship may be established with or without TPR. Transferring legal responsibility removes the child from the child welfare system, allows the caregiver to make important decisions on the child's behalf, and establishes a long-term caregiver for the child;
4. Fit and Willing Relative- a permanent placement who adequately provides for the child's needs and is willing to care for the child long-term. When a child is placed with a fit and willing relative, the CHINS case will remain open, typically until the child reaches the age of majority; and
5. Another Planned Permanent Living Arrangement (APPLA)- is only an option for youth 16 years of age and older and refers to a situation in which DCS maintains care and custody responsibilities for the youth, and DCS places the youth in a setting in which the child is expected to remain until transitioning to adulthood, such as:
  - a. With resource parents who have made a commitment to care for the youth permanently, but are not moving toward adoption, or
  - b. Receiving Older Youth Services (OYS) that will lead the youth to successful adulthood living after emancipation from the child welfare system.

## Qualified Residential Treatment Program (QRTP)

A Qualified Residential Treatment Program (QRTP) is a designation for a Child Caring Institution (CCI), Group Home (GH), or Private Secure Facility (PSF) which meets requirements specified by the Family First Prevention Services Act (FFPSA). Requirements a program must meet for this designation may be found in policy 17.03 Verification of QRTP Designation. A program which receives this designation may qualify for federal Title IV-E matching payments after a child's first two (2) weeks in the program. See policy 15.13 Title IV-E Eligible Placements for additional information regarding this eligibility.

## **Forms and Tools**

- Case Plan/Prevention Plan (SF 2956)- Available in the case management system
- Progress Report- Permanency- Available in the case management system
- Youth Report to the Court- Available in the case management system

## **Related Policies**

- [5.07 Child and Family Team Meetings](#)
- [5.08 Developing the Case Plan/Prevention Plan](#)
- [5.15 Concurrent Planning- An Overview](#)
- [5.23 Diligent Search for Relatives/Kin and Case Participants](#)
- [5.24 Child-Focused Treatment Review](#)
- [6.11 Permanency Hearing](#)
- [15.13 Title IV-E Eligible Placements](#)
- [17.03 Verification of QRTP Designation](#)

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## LEGAL REFERENCES

- [IC 31-9-2-22.1: "Concurrent planning"](#)
- [IC 31-10-2-2: Consideration of the best interests of the child](#)
- [IC 31-10-2-3: Rights of persons with a disability](#)
- [IC 31-17-2-8.1: "Disability"; custody](#)
- [IC 31-34-21-5.6: Exceptions to requirement to make reasonable efforts to preserve and reunify families](#)
- [IC 31-34-21-5.7: Permanency plan; requirement; approval; reports and orders not required](#)
- [IC 31-34-21-5.8: Certain reasonable efforts required if preservation and reunification inconsistent with permanency plan; progress reports, case reviews, and postdispositional hearings not required](#)
- [IC 31-34-21-7: Permanency hearing](#)
- [IC 31-34-21-7.5: Placement prohibited in residence of individual who has committed certain acts or offenses; criminal history check, contents of permanency plans](#)
- [IC 31-34-21-7.7: Permanency plan; guardianship; requirements and terms and conditions in order; jurisdiction](#)
- [42 USC 672: Foster Care Maintenance Payments Program](#)
- [42 USC 675a: Additional case plan and case review system requirements](#)
- [42 USC 12102: Definition of disability](#)
- [45 CFR 1355.20: Definitions](#)
- [45 CFR 1356.21\(b\): Reasonable efforts](#)

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## PRACTICE GUIDANCE- DCS POLICY 6.10

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Child's/Youth's Voice in the Permanency Plan**

The CFT should have a meaningful and informed discussion with the child/youth regarding the child's/youth's views on the Permanency Plan and how the child/youth feels about reunification, adoption, guardianship, APPLA, or placement with a fit and willing relative. Although the child's/youth's views may be contrary to the recommendation to the court for permanency, it is necessary to present those views during the planning process. The child's/youth's views on the Permanency Plan should be presented to the court in the Progress Report-Permanency and may be expressed by an attorney for the child/youth, the FCM, or the GAL/CASA at the Permanency Hearing.

**Note:** Youth 14 years of age and older are to participate in the development of the Permanency Plan. If DCS determines the youth is unable to participate effectively in the development of the Permanency Plan due to a physical, mental, emotional, or intellectual disability, DCS may excuse the youth from the planning process by documenting in the Case Plan/Prevention Plan the reason for the youth's inability to participate. If the youth refuses to participate in the Permanency Plan development, DCS must record the refusal and document efforts made to obtain the youth's input or participation in the development of the plan.

### **Exceptions to Youth (14 Years of Age and Older) Participation in the Permanency Plan**

If DCS determines the youth is unable to participate effectively in the development of the Permanency Plan due to a physical, mental, emotional, or intellectual disability, DCS may excuse the youth from the planning process by documenting in the plan the reason for the youth's inability to participate. If the youth refuses to participate in the development of the Permanency Plan, DCS must record the refusal and document the efforts made to obtain the youth's input or participation in the development of the plan.

### **Preparation for the Permanency Hearing**

The following are factors to discuss during the CFT Meeting and/or Case Plan Conference to Prepare for the Permanency Hearing:

1. Identify the child's/youth's Permanency Plan (e.g., reunification, continue in out-of-home care; adoption; placed with an appointed legal guardian; placed with a fit and willing relative; or under Another Planned Permanent Living Arrangement [APPLA]) and second Permanency Plan, if Concurrent Planning;
2. Determine whether it is in the child/youth's best interest for the juvenile court to retain jurisdiction;
3. Determine whether an existing Permanency Plan should be modified, taking into account the recommendations of individuals who have a significant relationship with the child/youth (see policy 5.08 Developing a Case Plan/Prevention Plan);
4. Evaluate whether continuation of the decree with or without modification has a reasonable chance of success;
5. Identify procedural safeguards used by DCS to protect parental rights;
6. Determine whether DCS has made REPP;

7. Determine whether responsibility for Placement and Care (PC) of the child/youth should remain with DCS; and
8. Identify objectives of the Dispositional Decree that have not been met.

### **Reasonable Efforts**

In determining the extent to which Reasonable Efforts to reunify or preserve a family are appropriate, the child's/youth's health and safety are of paramount concern. DCS will exercise due diligence to identify all adult relatives and adult siblings of the child/youth and document all due diligence efforts.

DCS will make Reasonable Efforts to preserve and reunify families as follows:

1. Reasonable Efforts to prevent or eliminate the need for removing the child/youth from the child's/youth's home if a child/youth has not been removed from the child's/youth's home; or
2. Reasonable Efforts to make it possible for the child/youth to return safely to the child's/youth's home as soon as possible if a child/youth has been removed from the child's/youth's home; or
3. If a Permanency Plan has been approved, REPP is required. The court must issue a finding that DCS has made REPP every 12 months. REPP is required to assure that a child/youth continues to be eligible for federal funding to reimburse the costs of out-of-home care and DCS's administrative expenditures.

**Note:** The FCM should work to complete the Permanency Plan prior to the Permanency Hearing. However, the Permanency Plan may not always be complete prior to the hearing.

### **Selecting Child Representatives**

Beginning at 14 years of age, youth may select up to two (2) child representatives. The child representatives must be at least 18 years of age, members of the CFT, and may not be a foster parent or FCM. The youth may select one (1) of the child representatives to also be an adviser, and if necessary, advocate for age-appropriate activity. Child representatives are subject to the approval of DCS, and they may be rejected if there is cause to believe that they would not act in the best interest of the child.

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