

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 6: Court	Effective Date: August 1, 2011
	Section 10: Permanency Plan	Version: 3

POLICY

[REVISED] The Indiana Department of Child Services (DCS) will identify and recommend to the court a Permanency Plan for every child adjudicated as a Child in Need of Services (CHINS). DCS will identify and recommend a Concurrent or Alternative Plan for children in certain cases. See separate policy, [5.15 Concurrent Planning](#) and Related Information for further details.

The Permanency Plan will be identified in the [Case Plan \(SF 2956/DCS0046\)](#) no later than 45 days after the date the child is removed from the home or date of disposition, whichever comes first.

If a temporary out-of-home placement is necessary to ensure the immediate safety of the child, DCS will make reasonable efforts to reunify the child with his or her family. However, there are certain instances where DCS is not required to make reasonable efforts to reunify. See Related Information for further details.

Note: If the court determines No Reasonable Efforts are required, a Permanency Hearing is to be held within 30 days of the finding.

When reunification is not appropriate or possible, DCS will make and recommend to the court alternate Permanency Plans in a timely manner. See Related Information for further details.

DCS will seek court approval of all Permanency Plans and subsequent changes.

DCS will consult with the age-appropriate child and document the child's views to be included in the Permanency portion of the [Progress Report](#). See Related Information for further details.

See separate policies, [5.8 Developing a Case Plan](#), and [6.11 Permanency Hearing](#).

Code References

1. [IC 31-34-21-5.6: Exceptions to requirement to make reasonable efforts to preserve and reunify families](#)
2. [IC 31-34-21-5.7: Permanency plan; requirement; approval; reports and orders not required](#)
3. [IC 31-34-21-7: Permanency hearing](#)
4. [IC 31-34-21-7.5: Permanency plans prohibited if household contains certain individuals; exceptions](#)
5. [IC 31-34-21-7.7: Permanency plan; guardianship](#)
6. [45 CFR 1356.21: Application of the permanency hearing requirements](#)
7. [31-34-21-5.8 Out-of-home or permanent placement; progress reports and case](#)

PROCEDURE

[REVISED] As part of the case planning process, the Family Case Manager (FCM) will:

1. Facilitate a Child and Family Team (CFT) discussion to help the team determine the Permanency and Concurrent Plans that are in the best interest of the child;
2. Make reasonable efforts to implement the Permanency Plan;
3. Seek court approval of the Permanency Plan. See separate policy, [6.11 Permanency Hearing](#);
4. Convene the CFT if at any point the current Permanency Plan is no longer in the child's best interest;

Note: If a CFT is not convened, a Case Conference must be held. See separate policy, [5.8 Developing the Case Plan](#).

5. Have the Regional Permanency Team approve all decisions to change to a Permanency Plan of Another Planned Permanent Living Arrangement (APPLA) based on the compelling reasons for using APPLA;
6. Seek court approval of the Permanency Plan or any changes to the plan;
7. If the court has already approved a Permanency Plan, document for the court the reasonable efforts that have been made to implement the plan;
8. Within 12 months from the child's removal from the home ensure that a finding of Reasonable Efforts to finalize the Permanency Plan is obtained in a court order; and
9. Update the court findings of Reasonable Efforts to finalize the Permanency Plan in the Indiana Child Welfare Information System.

The Supervisor will ensure the Permanency Plan matches the objectives of the [Case Plan \(SF 2956/DCS0046\)](#).

PRACTICE GUIDANCE

[NEW] If there is any indication that the court will not approve the permanency plan, the DCS should consider having an evidentiary hearing on the issue to present evidence (i.e. testimony, reports) to support the permanency plan recommended by DCS.

If the court denies the recommended permanency plan by DCS, and DCS was not aware of this in advance, DCS should request specific findings of facts and conclusions of law pursuant to Trial Rule 62 on the issue. The trial rule contemplates this request prior to the admission of evidence. DCS request the court to disclose the reasoning behind not approving the recommended permanency plan. DCS should be able to respond to the court's perception of the case.

FORMS AND TOOLS

1. [Case Plan \(SF 2956/DCS0046\)](#) - Available in the Indiana Child Welfare Information System
2. [Progress Report \(PermRptR1070108\)](#) - Available in the Indiana Child Welfare Information System

RELATED INFORMATION

Concurrent Planning

Concurrent Planning requires the FCM and CFT to plan and work towards both reunification and another permanency plan. The intent of Concurrent Planning is that both plans will be pursued simultaneously and aggressively. Concurrent Planning will be considered for all CHINS cases. See separate policy, [5.15 Concurrent Planning](#) for more information on when to use Concurrent Planning.

Permanency Plan

The Permanency Plan is the intended permanent or long-term arrangement for care and custody of the child. The Permanency Plan may include any of the following goals that the court considers most appropriate and consistent with the best interest of the child:

1. Reunification;
2. Adoption;
3. Legal Guardianship;
4. Another Planned Permanent Living Arrangement (APPLA); or
5. Placement with a Fit and Willing Relative.

Reasonable Efforts to Preserve and Reunify Families

In determining the extent to which reasonable efforts to reunify or preserve a family are appropriate, the child's health and safety are of paramount concern.

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

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

Exception: If the court finds Reasonable Efforts to reunify are not required due to certain circumstances, prior Involuntary Termination of Parental Rights (TPR) of a sibling in a CHINS, or the child having been an abandoned infant, the Permanency Plan must be developed prior to the Permanency Hearing.

Regional Permanency Team

Regional Permanency Teams are designed to ensure that all children live in a permanent, safe, and supportive environment after case closure. Permanency Teams are in place in each region to assist FCMs in achieving permanency for all children on their caseload. These teams are designed to supplement current existing practices. FCMs are expected to utilize all available permanency resources including Special Needs Adoption Program (SNAP).

Regional Permanency Team members can include: FCM, FCM Supervisor, Local Office Director, Regional Licensing Specialist, probation officer, CASA/GAL representative, and IL specialist. Cases reviewed by the team are specifically selected based on length of stay in care,

time of involvement, and severity of needs identified. The team reviews the case and develops plans to help move the child towards permanency. The team must also review and approve changing a child's permanency plan to APPLA.

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