	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
INDIANA DEPARTMENT OF CHILD SERVICES	**Chapter 6:** Court	**Effective Date:** July 1, 2015
	Section 10: Permanency Plan	**Version:** 5

POLICY [REVISED]

The Indiana Department of Child Services (DCS) will identify and recommend to the court a Permanency Plan and a Concurrent or Alternative Plan for every child/youth adjudicated as a Child in Need of Services (CHINS). See separate policy, 5.15 Concurrent Planning.

The Permanency Plan will be identified in the Case Plan no later than 45 days after the date the child/youth is removed from the home or date of disposition, whichever comes first.

DCS will make reasonable efforts to reunify the child/youth with his or her 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.

> **[NEW] Note:** The Permanency Plan of Another Planned Permanent Living Arrangement (APPLA) is **only** available to youth 16 and older.

[NEW] DCS will inform the child/youth and document the child/youth's views in the Permanency portion of the Progress Report-Permanency. DCS will ensure all youth age 14 and older have the opportunity to participate in the development of Permanency Plans and to participate in court hearings. The youth's child representatives may participate in the development of the Permanency Plan.

> **[NEW] Note:** A summary of all significant changes that may have been addressed during a Child and Family Team (CFT) meeting is sufficient as opposed to attaching the entire CFT Notes document for the court. Youth age 14 and older should have a Youth Report to the Court completed and submitted to the court by the youth if the youth is unable to attend the court 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; repots and orders not required
3. 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

4. IC 31-34-21-7 Permanency Hearing
5. IC 31-34-21-7.5 Permanency plans prohibited if household contains certain individulas; exceptions
6. IC 31-34-21-7,7 Permanency plan, guardianship
7. 45 CFR 1356.21: Application of the permanency hearing requirements

PROCEDURE

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

1. **[REVISED]** Discuss with the Child and Family Team (CFT), including youth ages 14 and older (See exceptions under Practice Guidance) and his or her child representatives, the potential Permanency and Concurrent Plans or any changes to existing plans, which are no longer in the child/youth's best interest during CFT Meeting.

   Note: If a CFT is not convened, a Case Conference must be held. See separate policy, 5.8 Developing the Case Plan. 5.7 Child and Family Team Meetings

2. Make reasonable efforts to implement the Permanency Plan;
3. Seek court approval of the Permanency Plan or any changes to existing Permanency Plan. See separate policy, 6.11 Permanency Hearing;
4. Have the Regional Permanency Team approve all decisions to change the Permanency Plan to APPLA. A Permanency Plan of APPLA must be approved by the Regional Manager and be referred for a Permanency Round table.

   [NEW] Note: APPLA is only available as a permanency option for youth ages 16 and older.

5. Document for the court the reasonable efforts that have been made to implement the plan (see Related Information);
6. Ensure that within nine (9) months from the child/youth's removal from the home or from the date of the original Disposition Decree, a finding of reasonable efforts to finalize the Permanency Plan is obtained in a court order; and
7. Update the court findings of Reasonable Efforts to finalize the Permanency Plan in the Management Gateway for Indiana's Kids (MaGIK).

The FCM Supervisor will ensure that the Permanency Plan is documented in the Case Plan.

PRACTICE GUIDANCE

[NEW] Child Representatives

Beginning at the age of 14, 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 his or her 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.

[REVISED] Child and Family Team

The CFT members (including formal and informal supports, youth ages 14 and older and their child representatives) should participate in development of the child/youth's Permanency Plan.

[NEW] Exceptions to Youth (Ages 14 and older) Participation in the Permanency Plan
If DCS determines that 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.

FORMS AND TOOLS

1. Case Plan-Available in MaGIK
2. Progress Report-Permanency- Available in MaGIK
3. Youth Report to the Court

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/youth. 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/youth

1. Reunification;
2. Adoption;
3. Guardianship;
4. APPLA; or
5. **[NEW]** APPLA may only be identified as a permanency plan for a youth age 16 and older, and must be supported and approved by the CFT. When a youth age 16 and older has a permanency plan of APPLA, documentation is required at each periodic case review hearing. The documentation should reflect intensive ongoing, and current unsuccessful efforts to return the child home or secure placement with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find relatives for the youth. DCS must document compelling reasons why it continues to be in the best interest of the youth to have APPLA as a permanency plan and why alternative permanency plans such as Reunification, Adoption, Legal Guardianship, or Placement with a Fit and Willing Relative are not in the best interest of the child.
6. 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/youth's health and safety are of paramount concern.

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

1. If a child/youth has not been removed from the child/youth's home, efforts to prevent or eliminate the need for removing the child/youth from the child/youth's home;
2. If a child/youth has been removed from the child/youth's home, efforts to make it possible for the child/youth to return safely to the child/youth's home as soon as possible; or
3. **[REVISED]** 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 nine (9) months. Reasonable Efforts to finalize a Permanency Plan are required to assure that a child/youth continues to be eligible for federal funding to reimburse the costs of substitute 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.