

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 6: Court	Effective Date: October 1, 2020
	Section 10: Permanency Plan	Version: 8

STATEMENTS OF PURPOSE

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). 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 \(SF 2956\)](#), 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](#) for additional guidance.

Note: The [Case Plan \(SF 2956\)](#) and a summary of CFT meeting notes, including a summary of all significant changes that may have been addressed, should be filed with the court.

DCS will make [Reasonable Efforts](#) to reunify the child 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.

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

DCS will discuss the [Permanency Plan](#) with the child in an age appropriate manner and document the child's views in the Permanency portion of the [Progress Report-Permanency](#). DCS will ensure all youth 14 years of age and older have the opportunity to participate in the development of [Permanency Plans](#) and in the Permanency Hearing. The youth's child representatives should also participate in the development of the [Permanency Plan](#).

Note: Youth 14 years of age 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 31-10-2-2 Consideration of the best interests of the child](#)
2. [IC 31-34-21-5.6: Exceptions to requirement to make reasonable efforts to preserve and reunify families](#)
3. [IC 31-34-21-5.7: Permanency plan; requirement; approval; reports and orders not required](#)
4. [IC 31-34-21-7: Permanency hearing](#)
5. [IC 31-34-21-7.5: Permanency plans prohibited if household contains certain individuals; exceptions](#)
6. [IC 31-34-21-7.7: Permanency plan; guardianship](#)
7. [45 CFR 1356.21: Application of the permanency hearing requirements](#)
8. [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](#)
9. [IC 31-9-2-22.1: "Concurrent planning"](#)
10. [42 U.S.C. 675a: Additional case plan and case review system requirements.](#)

PROCEDURE

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

1. Convene a CFT Meeting and/or Case Plan conference to review the [Permanency Plan](#), develop a [Case Plan \(SF 2956\)](#), and discuss the second [Permanency Plan](#), if [concurrent planning](#), (see policy [5.07 Child and Family Team Meetings](#)). Youth ages 14 years and older and their [child representatives](#) should be included in the CFT meeting and/or case conference (see exceptions under [Practice Guidance](#));

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](#)).

2. Ensure the [Permanency Plan](#) is discussed with the child in an age appropriate manner and that his or her views are shared with the court;

Note: Youth 14 years of age and older should participate in the Permanency Hearing to share his or her views with the court, unless he or she has been excluded from the hearing by a court order. Youth should complete and submit a [Youth Report to the Court](#) if he or she is unable to participate in the Permanency Hearing.

3. Discuss the [Case Plan \(SF 2956\)](#), [Permanency Plan](#), second [Permanency Plan](#) (if a [concurrent plan](#) was recommended), and any additional recommendations of the [CFT](#) with the FCM Supervisor;
4. Request approval by the Regional Permanency Team (RPT) for any decision to change the [Permanency Plan](#) to APPLA. A [Permanency Plan](#) of APPLA must also be approved by the Regional Manager (RM) and be referred for review at a Permanency Roundtable (PRT) (see policies [8.47 Permanency Roundtables](#) and [8.51 Regional Permanency Teams](#));

Note: APPLA is **only** available as a permanency option for youth 16 years of age and older.

5. Ensure [Reasonable Efforts](#) are made to implement the [Permanency Plan](#) and document those efforts in the [Progress Report-Permanency](#);
6. Attach a summary of the [CFT](#) notes, including any significant changes, to the [Progress Report-Permanency](#);
7. Submit the [Progress Report-Permanency](#) to the FCM Supervisor for approval;
8. Seek court approval of the [Permanency Plan](#) or any changes to an existing [Permanency Plan](#) (see policy [6.11 Permanency Hearing](#)); and
9. Enter the court findings of Reasonable Efforts to Finalize the Permanency Plan (REPP) in the case management system, if applicable.

The FCM Supervisor will:

1. Ensure the [Permanency Plan](#) is documented in the [Case Plan \(SF 2956\)](#) 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.

PRACTICE GUIDANCE

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.

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

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.

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 policies [5.08 Developing a Case Plan](#) and [6.10 Permanency 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.

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

The CFT should have a meaningful and informed discussion with the child/youth regarding his or her views on the Permanency Plan and how he or she 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 his or her 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 \(SF 2956\)](#) 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.

FORMS AND TOOLS

1. [Case Plan \(SF 2956\)](#)- Available in the case management system
2. [Progress Report-Permanency](#)- Available in the case management system

3. [Youth Report to the Court](#)

RELATED INFORMATION

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 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.

Child and Family Team

The CFT members (including formal and informal supports, youth 14 years of age and older, and the youth's child representatives) should participate in the development of the child's Permanency Plan. If the membership of the CFT does not include the resource parent and CASA/GAL, who are mandatory parties for the development of the [Case Plan \(SF 2956\)](#), a Case Plan Conference must be held in addition to the CFT Meeting. See policies [5.07 Child and Family Team Meetings](#) and [5.08 Developing the Case Plan](#) for additional information.

Concurrent Planning

Concurrent Planning requires the identification of two (2) [Permanency Plan](#) goals and simultaneous [Reasonable Efforts](#) toward both goals with all participants. The intent of Concurrent Planning is that both plans will be pursued simultaneously and aggressively. Concurrent Planning will be considered for all CHINS cases. Concurrent Plans require court approval in the same way that all Permanency Plans require court approval. See 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** is the process by which a child returns to live with a legal parent, guardian, or custodian without continued supervision and/or intervention by DCS. Typically, reunification is the most favorable permanency goal for a child as long as the parent, guardian, or custodian is able to provide a safe, nurturing, and stable home;

Note: Reunification must be the [Permanency Plan](#) until changed by the court when the child has a living parent, custodian, or guardian.

2. **Adoption** is the legal process when a child becomes the legal child of a person other than his or her biological parents. A child may be adopted by a relative, resource family, or unrelated person. Adoption offers stability for a child who is unable to reunify with his or her parent.

Adoption may be the most appropriate permanency goal when the child has been under a Dispositional Decree for at least six (6) months with no progress made toward a plan of reunification, when termination of parental rights (TPR) are filed, or when a judge rules that attempts to reunify the family are not necessary;

3. **Legal Guardianship** is 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.

The CFT should decide if guardianship is a more appropriate permanency goal than reunification or adoption. Guardianship may be an appropriate permanency goal for a child placed with a relative for at least six (6) months. See policy [14.01 Guardianship Assistance Program \(GAP\)](#) for GAP eligibility.

4. **Fit and Willing Relative** is 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.

Placement with a fit and willing relative may be an appropriate goal for a child who has been in placement with the relative for the past six (6) months and the relative has made a commitment to provide for the child. The CFT should decide if a fit and willing relative is a more appropriate permanency goal than adoption or guardianship;

5. **Another Planned Permanent Living Arrangement (APPLA)** refers to a situation in which DCS maintains care and custody responsibilities for the youth, but DCS places the youth in a setting in which the child is expected to remain until successful adulthood, such as:
 - a. With resource parents who have made a commitment to care for the youth permanently, but are not moving toward adoption;
 - b. In a residential facility (e.g., for youth with emotional or developmental disabilities who require long-term residential care); or
 - c. Receiving Older Youth Services (OYS) that will lead the youth to successful adulthood living after emancipation from the child welfare system.

APPLA may only be identified as a permanency plan for a youth 16 years of age and older, and must be supported and approved by the CFT. When a youth 16 years of age and older has a permanency plan of APPLA, documentation is required at each periodic case review hearing. The documentation should reflect current and ongoing intensive, 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. This includes efforts made that utilize search technology and 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 an alternative permanency plan such as [Reunification](#), [Adoption](#), [Legal Guardianship](#), or Placement with a [fit and willing relative](#) is not in the best interest of the youth.

Note: A child less than 16 years of age cannot have [APPLA](#) as his or her [Permanency Plan](#).