



POLICY

SUBJECT: Permanency Hearing Policy
NUMBER: CJ-01-11
APPLICABLE TO: All DJS Employees
EFFECTIVE DATE: January 7, 2011

APPROVED: */s/ signature on original copy*
Donald W. DeVore, Secretary

1. POLICY

Permanency plans shall be developed for all youth in DJS committed residential care to ensure that all youth leaving an out-of-home placement exit to a safe and stable living arrangement. The required judicial findings must include a permanency plan for the youth and indicate whether DJS has made reasonable efforts to achieve the components of the plan.

DJS staff shall take all steps necessary including notification to the court and preparation of the permanency plan to ensure that the court holds a permanency hearing within eleven months of a youth's entrance into committed residential care and every eleven months thereafter while the youth remains in residential care. Permanency hearings may be held along with other scheduled review hearings.

Because permanency hearings are a requirement of Title IV-B and Title IV-E, federal financial reimbursement for the cost of providing residential care to DJS youth will be forfeited if the court does not complete a permanency finding. The case remains ineligible for federal reimbursement until a judicial permanency determination is made. To ensure the Department does not forfeit eligibility for federal reimbursement, all staff shall be responsible for completing and presenting permanency plans to the juvenile court within the required timeframes.

In Maryland, the established permanency goals for a child, in order of preference, are:

1. Return to parent(s) or guardian(s) (i.e., reunification);
2. Adoption by relative;
3. Custody or guardianship by relative;
4. Adoption by non-relative;
5. Custody or guardianship by non-relative; or
6. Another planned permanent living arrangement (APPLA), i.e., independent living.

2. AUTHORITY

- a. 42 USC § 671 and §675.
- b. 45 CFR § 1356.21(b).
- c. Maryland State Title IV-E Plan.
- d. Memorandum of Agreement for the Implementation of Title IV-E Foster Care Program between DHR and DJS, Section II, paragraphs 5 and 6, page 6.

3. DIRECTIVES/POLICIES RESCINDED

- a. None.

4. FAILURE TO COMPLY

Failure to comply with a Secretary's Policy and Procedure shall be grounds for disciplinary action up to and including termination of employment.

5. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed and are attached to the policy.



PROCEDURES

SUBJECT: Permanency Planning Procedures
NUMBER: CJ-01-11
APPLICABLE TO: All DJS Employees
EFFECTIVE DATE: January 4, 2011

1. PROCEDURES

A. ALL DJS COMMITTED YOUTH:

1. The DJS Case Management Specialist (CMS) shall complete permanency planning for each youth in DJS committed out-of-home placement.
2. The CMS shall request that the court hold a permanency hearing within eleven months of a youth's entrance into committed out-of-home care. The CMS shall request that the court hold a permanency hearing every eleven months after the first hearing provided the youth remains in out-of-home care..
3. The CMS shall properly complete the DJS Recommendation for Permanency Hearing Court Report (Appendix 1) and submit it to the court for all permanency hearings.
4. At least ten (10) calendar days prior to the hearing, the CMS shall provide a copy of the youth's permanency plan to all parties, including the youth, parent(s), guardian or custodian, the youth's attorney, and the court.
5. The DJS Case Management Specialist Supervisor (CMSS) must ensure during each case review that all permanency plans and scheduled permanency hearings are completed and copies of the plan and court order are in the case file.
6. The IV-B Reviewer shall ensure during the six month IV-B review that all permanency plans and scheduled permanency hearings are completed and copies of the plan and court order are in the case file.
7. The CMS shall complete all permanency plans and all scheduled permanency hearings before the CMSS transfers the case to a new CMS.

B. CO-COMMITTED YOUTH:

When a youth is co-committed to DJS and the local department of social services (LDSS) or the Department of Health and Mental Hygiene (DHMH), the DJS Case Management Specialist shall work with the LDSS or DHMH caseworker to ensure that each agency provides the youth and the youth's family with the appropriate services and resources to help resolve the difficulties that led to out-of-home placement.

The CMS, CMSS, or Title IV-B reviewer shall complete the following procedures to ensure the achievement of a permanent living arrangement for a co-committed youth:

1. The CMS shall contact the caseworker assigned to the child by the LDSS or DHMH immediately following the order establishing the co-commitment.
2. The CMS and the LDSS or DHMH caseworker shall jointly request that the court hold a joint permanency hearing within eleven months of the youth's entrance into committed out-of-home care. The case managers for each agency shall continue to coordinate efforts to request a permanency hearing every eleven months after the first hearing.

3. The CMS shall meet with the LDSS or DHMH caseworker, the youth, the youth's family and caregivers and counsel for the parties and agree upon a joint permanency recommendation to be approved and presented by all involved State agencies. The CMS shall then properly complete the DJS Recommendation for Permanency Hearing Court Report and submit it to the court for all permanency hearings.
4. At least ten (10) calendar days prior to the hearing, the CMS shall provide a copy of the youth's permanency plan to all parties, including the LDSS or DHMH caseworker, the youth, parent(s), guardian(s) or custodian(s), the youth's attorney, the parents' attorney, and the court.
5. The CMSS must ensure during the case review that efforts have been made to coordinate the development of the permanency plan and hearing schedules with the LDSS or DHMH and that all permanency plans and scheduled permanency hearings are completed and copies of the plan and court orders are in the DJS case file.
6. The IV-B Reviewer shall ensure during the six month IV-B review that all permanency plans and scheduled permanency hearings are completed and copies of the plan and court order are in the case file.
7. The CMS must complete all permanency plans and all scheduled permanency hearings before the CMSS transfers the case to a new CMS.

C. STAFF TRAINING:

1. DJS staff shall provide permanency hearing training to new CMS as part of DJS Entry level training curriculum and to existing CMS/CMSS as part of in-service training.
2. All CMS and CMSS are required to complete permanency hearing training.
3. Title IV-E and IV-B staff shall ensure that all training is based on current best practices and existing federal and state laws.
4. DJS staff shall ensure the current DJS Permanency Hearing training presentation; the DJS Permanency Recommendation for Permanency Hearing Court Report; and the DHR Out-of Home Placement Manual, Permanency Hearing section are posted on the DJS Intranet.
5. All CMS and CMSS are required to review the Permanency Hearing section on the DJS Intranet (found here at: <http://intranet/youth-assistance-unit.htm>) and sign an Acknowledgment of Review form (Appendix 2) every 12 months.

3. DIRECTIVES/POLICIES REFERENCED

None

4. APPENDICES

1. Recommendation for Permanency Hearing Court Report
2. Acknowledgment of Review

To:

From:

Date:

Re: Report and Recommendation for Permanency Hearing

Child: _____ ASSIST# _____ D.O.B. _____
Court ID# _____ Petition (s)# _____

_____ was committed to the care and custody of the Department of Juvenile Services on _____. For purposes of this Permanency Hearing, the Department recommends that:

_____ the child be returned home to _____

_____ the child be continued in out of home placement for up to ___ months with a goal of returning home.

_____ the child be permanently placed with a relative(s)/ non-relative(s).

_____ the child be placed in another planned permanent living arrangement (APPLA)

_____ termination of parental rights be initiated, followed by adoption.

In support of this recommendation, the Department submits the following explanation:

Where the recommendation is return home, complete the following six points:

1. The Department recommends that the child be returned home.
2. The following is the Department's plan for the child's return home and for follow-up supervision after the child's return home. (Note: The plan should specify a schedule for the child's return home, including a schedule for phased-in extended visits, and any other steps needed to ease the transition back home. The plan should specify services to the family, terms for continued monitoring, and supervision of the home until the child's safety is certain).
3. The following efforts were made, following the placement of child into out of home placement, to achieve the child's permanency plan: (Note: Briefly describe the problems causing continued separation of the child and parents. Describe the services that have been offered or arranged by the Department to address the problems. Describe the Department's continued efforts to arrange or provide services.)
4. If the child is 14 or older, the child needs the following services to make the transition from out of home placement to living independently. (Note: If the child

is 14 or older, list and explain the services the child needs to transition from foster care to living independently.

5. If the child has been in a DJS out of home placement for 15 of the most recent 22 months, termination of parental rights (TPR) as a concurrent plan:
- a. **is in the best interest of the child** for the following reasons. (Note: The plan should state the reasons why TPR is appropriate, and indicate the agencies unsuccessful efforts, consistent with the time period in the case plan, to provide services to the family that the State deems necessary for the safe return of the child to the home of the parent or a relative. The plan should also indicate any coordination with the Department of Social Services in the TPR planning for this youth.)

 - b. **is not in the best interest of the child for the following compelling reasons:** (Note: Compelling reasons for not filing a petition to terminate parental rights include, but are not limited to: the child is being cared for by a relative who is willing to provide the child with a permanent home; adoption is not the appropriate permanency goal for the child (state reasons why); no grounds to file a petition to terminate parental rights exist; the State agency has not provided, consistent with the time period in the case plan, services to the family that the State deems necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required; child by virtue of age and ability is able to opine on his/her permanency plan and does not wish to have his/her parental rights terminated)
6. **The following information and recommendations are also of interest to the court:** (Note: This allows the Department to provide any other information that is pertinent to its recommendation and any other recommended court actions or orders.)

When the recommendation is continued out of home placement with a goal of returning home, complete the following nine points:

1. The Department recommends that the child be continued in out of home placement for ____ months with a goal of returning home.

2. Safe return of the child home is highly likely in the next ____ months because: (Note: Explain why there is reason to believe the child can safely return home in a short time. For example, if there is strong reason to believe the parent(s) and/or child will be capable of making the required adjustments necessary to ensure the child's safe return within a short time.)

3. It is too early to set a specific date as a deadline for the child's return home because: (Note: It may not be easy to explain why, although parent(s) and/or child have made substantial progress toward the child's return, it is not yet possible to set a specific date.

Possible reasons might include logistical barriers (e.g., lack of a place to stay but realistic plans to obtain one in the near future) or additional evaluation is needed to set a specific plan and schedule for the transition.)

4. **The Department recommends the following plan to achieve the return home by the child within _____ months:** (Note: The plan should include specific goals, tasks, and timetables. At this point, the tasks and timetables should be for a plan already mostly completed. They should include final completion of services, transitional visitation, logistical steps to make possible the child's return, and plans for monitoring the placement after the child's return.)

5. **The following efforts were made, following the placement of the child into out of home placement, to achieve the child's permanency plan:** (Note: Briefly describe the problems causing continued separation of the child and parent. Describe the services that have been offered or arranged by the Department to address the problems. Describe the Department's continued efforts to arrange or provide services. Describe any efforts, if applicable, to arrange and finalize a new permanency plan for the child.)

6. **If the child is placed with an out of home placement provider in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons:** (Note: If the child is placed in the same state as one or both of the child's parents, leave this space blank. Otherwise, explain why it is necessary to place the child in a different state.)

7. **If the child is 14 or older, the child needs the following services to make the transition from foster care to living independently.** (Note: If the child is 14 or older, list and explain the services the child needs to transition from foster care to independent living.)

8. **If the child has been in a DJS out of home placement for 15 of the most recent 22 months, termination of parental rights (TPR) as a concurrent plan:**
 - a. **is in the best interest of the child** for the following reasons. (Note: The plan should state the reasons why TPR is appropriate, and indicate the agencies unsuccessful efforts, consistent with the time period in the case plan, to provide services to the family that the State deems necessary for the safe return of the child to the home of the parent or a relative. The plan should also indicate any coordination with the Department of Social Services in the TPR planning for this youth.)

 - b. **is not in the best interest of the child** for the following compelling reasons: (Note: Compelling reasons for not filing a petition to terminate parental rights

include, but are not limited to: the child is being cared for by a relative who is willing to provide the child with a permanent home; adoption is not the appropriate permanency goal for the child (state reasons why); no grounds to file a petition to terminate parental rights exist; the State agency has not provided, consistent with the time period in the case plan, services to the family that the State deems necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required; child by virtue of age and ability is able to opine on his/her permanency plan and does not wish to have his/her parental rights terminated

9. **The following information and recommendations are also of interest to the court:**
(Note: This allows the Department to provide any other information that is pertinent to its recommendation and any other recommended court actions or orders.)

When the recommendation is permanent placement with a relative(s)/ non-relative(s) complete the following eight points:

The Department recommends that child be permanently placed with a relative(s)/ non-relative(s), _____. In support of this recommendation, the Department presents the following explanation:

1. It is not and will not be safe to return the child home because: (Note: Explain why return home would be dangerous or harmful to the child or is, otherwise, impractical.)
2. The relative(s)/ non-relative(s) _____ is/ are fully capable of and committed to permanently caring for the child because: (Note: Explain why the Department believes that the relatives will be good caregivers and permanently committed to the child.)
3. The Department recommends the following plan to ensure the stability of the placement with the relative(s)/ non-relative(s) : (Note: This would include prominent statements in the Department's records that the placement is to be permanent. This might also include authorization for the relatives to confer directly with teachers and doctors, travel with the child on out-of-state vacations, make education decisions, and to arrange for non-major medical care.)
4. The following efforts were made, following the placement of the child into out of home placement, to achieve the child's permanency plan: (Note: Briefly describe the problems causing continued separation of the child and parents. Describe the services that have been offered or arranged by the Department to address the problem. Describe the Department's continued efforts to arrange or provide services to address the problems since the last findings of reasonable efforts. Describe the efforts, if any, to arrange and finalize a new permanency plan for the child.)

5. If the child is placed with an out of home placement care provider in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons: (Note: If the child is placed in the same state as one or both of the child's parents, leave this space blank. Otherwise, explain why it is necessary to place the child in a different state. Federal law requires the court to make findings regarding the continuing necessity for out-of-state foster placements.)

6. If the child is 14 or older, the child needs the following services to make the transition from out of home placement to living independently. (Note: If the child is 14 or older, list and explain the services the child needs to transition from foster care to living independently.)

7. If the child has been in a DJS out of home placement for 15 of the most recent 22 months, termination of parental rights (TPR) as a concurrent plan:
 - a. **is in the best interest of the child** for the following reasons: (Note: The plan should state the reasons why TPR is appropriate, and indicate the agencies unsuccessful efforts, consistent with the time period in the case plan, to provide services to the family that the State deems necessary for the safe return of the child to the home of the parent or a relative. The plan should also indicate any coordination with the Department of Social Services in the TPR planning for this youth.)

 - b. **is not in the best interest of the child for the following compelling reasons:** (Note: Compelling reasons for not filing a petition to terminate parental rights include, but are not limited to: the child is being cared for by a relative who is willing to provide the child with a permanent home; adoption is not the appropriate permanency goal for the child (state reasons why); no grounds to file a petition to terminate parental rights exist; the State agency has not provided, consistent with the time period in the case plan, services to the family that the State deems necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required; child by virtue of age and ability is able to opine on his/her permanency plan and does not wish to have his/her parental rights terminated)

8. The following information and recommendations are also of interest to the court: (Note: This allows the Department to provide the court with any other information that is pertinent to its recommendation and any other recommended court actions or orders.)

When the recommendation is some other type of APPLA (Another Planned

Permanent Living Arrangement), complete the following ten points:

(When using this option include the compelling reasons that make return home, adoption, and guardianship not in the child's best interests):

1. The Department requests that child remain in the Department's custody and to approve another planned permanent living arrangement for the child as follows:

2. It will not be safe to return the child to his/her biological parents or former legal caregivers within the next _____ months because: (Note: Explain why return home would be dangerous or harmful to the child or is otherwise impractical.)

3. The Department recommends the following plan to ensure the stability of the APPLA placement: (Note: This section should inform the court of any documentation in the Department's records that the placement is to be permanent. This might also include authorization for the relatives to confer directly with teachers and doctors, travel with the child on out-of-state vacations, make education decisions, and to arrange for non-major medical care.)

4. The APPLA placement for the child is permanent rather than temporary because: (Note: Describe the plan to ensure the permanency of the living arrangement. Explain why this living arrangement for the child is likely to be permanent.)

5. There will be stability, predictability, and continuity in the APPLA placement because: (Note: Describe additional plans to create stability and predictability in the child's life. There may be special assurances that specific professionals and volunteers will continue to work with the child indefinitely. Such arrangements may make it possible to avoid needless changes in placement.)

6. The following efforts were made, following the placement of the child into out of home placement, to achieve the child's permanency plan: (Note: Briefly describe the problems causing continued separation of the child and parents. Describe the services that have been offered or arranged by the Department to address the problems. Describe the Department's continued efforts to arrange or provide services since the last findings of reasonable efforts. Describe the efforts, if any, to arrange and finalize a new permanency plan for the child.)

7. If the child is placed with an out of home provider in a different state than the

home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons: (Note: If the child is placed in the same state as one or both of the child's parents, leave this space blank. Otherwise, explain why it is necessary to place the child in a different state. Federal law requires the court to make findings regarding the continuing necessity for out-of-state foster placements.)

8. If the child is 14 or older, the child needs the following services to make the transition from out of home placement to living independently. (Note: If the child is 14 or older, list and explain the services the child needs to transition from foster care to independent living.)

9. If the child has been in a DJS out of home placement for 15 of the most recent 22 months, termination of parental rights (TPR) as a concurrent plan:
 - a. **is in the best interest of the child** for the following reasons. (Note: The plan should state the reasons why TPR is appropriate, and indicate the agencies unsuccessful efforts, consistent with the time period in the case plan, to provide services to the family that the State deems necessary for the safe return of the child to the home of the parent or a relative. The plan should also indicate any coordination with the Department of Social Services in the TPR planning for this youth.)
 - b. **is not in the best interest of the child for the following compelling reasons:** (Note: Compelling reasons for not filing a petition to terminate parental rights include, but are not limited to: the child is being cared for by a relative who is willing to provide the child with a permanent home; adoption is not the appropriate permanency goal for the child (state reasons why); no grounds to file a petition to terminate parental rights exist; the State agency has not provided, consistent with the time period in the case plan, services to the family that the State deems necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required; child by virtue of age and ability is able to opine on his/her permanency plan and does not wish to have his/her parental rights terminated.)

10. The following information and recommendations are also of interest to the court: (Note: This allows the Department to provide any other information supporting its recommendations for court actions or orders.)

When the recommendation is termination of parental rights followed by adoption complete the following eight points.

1. The Department recommends that termination of parental rights proceedings be initiated for the child.
2. It is not and will not be safe to return the child home because: (Note: Briefly describe the Department's reasons for concluding that the child cannot now or in the foreseeable future safely return home. Include such information as the Department's and other agencies' or provider's efforts to assist the family and the failure of the treatment services or other information relevant to grounds for termination of parental rights.)
3. Placing the child for adoption is an appropriate plan because: (Note: Specifically explain why adoption is an appropriate plan for the child. Include such information as the age of the child, the nature of the child's relationship with parents, and the child's need for a new permanent and secure parent-child relationship. If appropriate, include observations about the likely impact of parent-child contacts after the child is placed in a new permanent home.

Outline the Department's projected efforts to place the child for adoption and why it expects success. If the child is to be adopted by a foster parent or relative, state that the foster parent or relative is willing to adopt and describe the child's relationship with the foster parent or relative.)
4. The following is the Department's timetable to petition for termination of parental rights and its plan for the child's adoption. (Note: The plan should set forth specific tasks, times, and dates, to prepare for and initiate termination of parental rights proceedings. The plan should also indicate any coordination with the Department of Social Services in the TPR planning for this youth.)
5. The following efforts were made, following the placement of the child into out of home placement, to finalize the child's permanency plan: (Note: Briefly describe the problems causing continued separation of the child and parents. Describe the services that have been offered or arranged by the Department to address the problems. Describe the Department's continued efforts to arrange or provide services since the last findings of reasonable efforts. Describe the efforts, if any, to arrange and finalize a new permanency plan for the child.)
6. If the child is placed with an out of home placement provider in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons: (Note: If the child is placed in the same state as one or both of the child's parents, leave this space blank. Otherwise, explain why it is necessary to place the child in a different state. Federal law requires the court to make findings regarding the continuing necessity for out-of-state foster placements.)

- 7 .If the child is 14 or older, the child needs the following services to make the transition from out of home placement to living independently. (Note: If the child is 14 or older, list and explain the services the child needs to transition from foster care to independent living.

8. The following information and recommendations are also of interest to the court: (Note: This allows the Department to provide any other information supporting its recommendations for court actions or orders.)

This recommendation has been designed to utilize the least restrictive living arrangement consistent with the needs of the child, to meet the child's' service needs, and to promote a safe and permanent living arrangement.

I CERTIFY THAT ALL ABOVE STATEMENTS ARE TRUE:

_____ Date

Case Manager

_____ Date

Parent/ Guardian/ Legal Care giver

(Comments by parent/ Guardian/ Legal Caregiver)

(Provide explanation if unable to secure the signature of the Parent/ Guardian/ Legal Care Giver)

APPROVED

_____ Date

Case Manager Supervisor