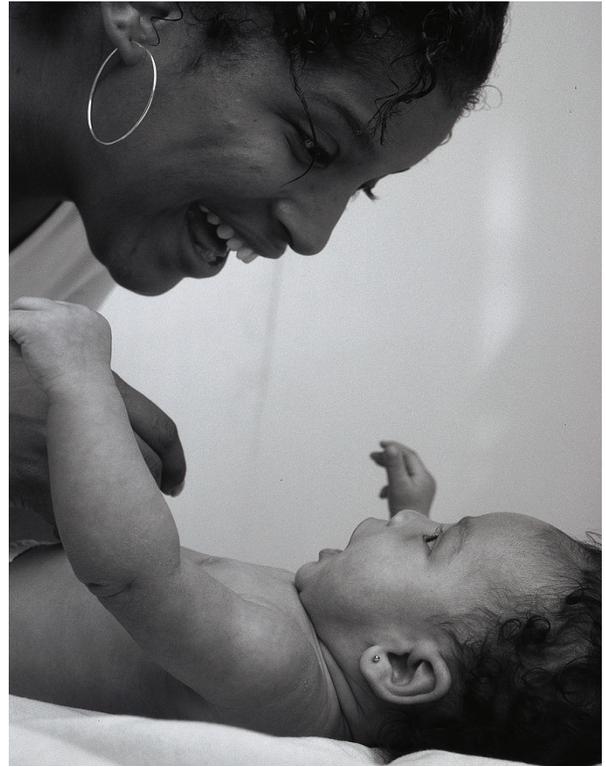


PERMANENCY PLANNING PRACTICE GUIDE FOR SOCIAL WORKERS



Children's Administration
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Permanency Planning Practice Guide for Social Workers

Table of Contents

Permanency Planning Options	Page 3
Permanent Plans and Shared Planning	Page 3
Reunification Guidelines	Page 7
Adoption Guidelines	Page 7
Third Party Custody Guidelines	Page 8
Dependency Guardianship Guidelines	Page 9
Long-term Care Agreement Guidelines	Page 10
Reasonable Efforts	Page 11
Timeframes for Permanency	Page 14
Termination of Parental Rights	Page 14
Compelling Reasons	Page 16
Concurrent Planning	Page 17
Guiding Principles in Permanency for Youth	Page 20
Strategies for Effectively Engaging Youth in Permanency Planning	Page 21
Strengths in Families (Attachment A)	Page 23
Poor Prognosis Indicators (Attachment B)	Page 25
Legal Framework-Federal Law (Attachment C)	Page 27
Permanency Planning Matrix (Attachment D)	Page 28

PERMANENCY PLANNING PRACTICE GUIDE FOR SOCIAL WORKERS¹

In addition to safety and well-being, Children's Administration is tasked with permanency planning for children in their care. The goal of permanency planning is to provide a child with a safe, stable environment in which to grow up, while in the care of a nurturing caregiver, who is committed to a life long relationship with that child. A sense of urgency exists for every child who is not in a permanent home. Permanency Planning:

- Starts at first contact;
- Continues throughout the lifetime of the child's case until permanency is achieved;
- Secures a safe, stable, and permanent home for the child as soon as possible;
- Protects the child developmentally;
- Protects primary attachments, or
- Creates new attachments; and
- Preserves cultural and family connections.

PERMANENCY PLANNING OPTIONS

- A. The social worker must identify one of the following permanency planning options as a primary goal and may concurrently identify other permanency options as alternative goals. It is encouraged that permanency planning for children occur in the context of the Shared Planning Meeting process. These options are Permanent Legal Arrangements and include, in order of legal preference, and when in the best interest of the child:
1. Return to home of a parent, guardian, or legal custodian;*
 2. Adoption;*
 3. Third party custody with someone other than the parent (permanent legal custody);*
 4. Dependency Guardianship.
- B. There may be "compelling reasons" that the permanency plan for a child is not one of the above permanent legal plans but is "another planned permanent living arrangement."² A **long term care agreement** between CA and the caregiver³, in which the child remains in foster care status until the child reaches age 18, is another planned living arrangement with the intention of being stable and enduring. The child should be age 14 or older when considering a long term care agreement.

PERMANENT PLANS and SHARED PLANNING⁴

- A. Permanency planning for the child is a joint responsibility, and the social worker should encourage parents to help plan for the child. Shared planning meetings assist

¹ This Permanency Planning Practice Guide should be used in conjunction with CA Practices and Procedures Guide, section 4305.

* When these permanency options are achieved, the dependency action is dismissed.

² Adoption and Safe Families Act, where amending the Social Security Act. Title III; Sec. 302. Permanency Hearings.

³ Caregiver may be a licensed foster parent or unlicensed relative of specified degree.

⁴ Refer to Shared Planning Policy.

social workers in identifying, developing and assessing permanency plans. Permanency planning should be addressed at each shared planning meeting held within 30 days of OPD⁵, within 180 days of OPD, between 9 and 11 months OPD and every 12 months thereafter, until permanency is achieved or the dependency is dismissed.

The social worker will:

1. Schedule a shared planning meeting.
 2. Discuss with the parents the child's need for permanency, the role of the parent in permanency planning, the role of the caregiver, the role of the CASA/GAL, and the roles of Children's Administration and the court in permanency planning.
 3. Discuss concerns and issues about permanency with the child, when appropriate, according to the child's age and developmental capacity.
 4. Engage the child, according to the child's age and developmental capacity, in identifying permanency options among his/her existing network of supportive adults. The child's views should be sought and considered.
- B. If a child's placement episode has been interrupted and the child returns to out-of-home care and has been in out-of-home care for six months or more of the previous 12 months, the social worker will schedule a shared planning meeting. The social worker will document the meeting in the case file in accordance with the CA *Operations Manual*, chapter 13000, section 13100.
- C. CA staff must include in the shared planning meetings for permanency the following:
1. At minimum, the following people must attend the shared planning meeting:
 - a. The child's social worker;
 - b. Supervisor assigned to the case; and
 - c. Supervisor, or designee, of the adoption unit.
 2. The social worker must invite the following additional participants:
 - a. The parents, if appropriate.
 - b. Child, if over 12 years of age or as developmentally appropriate;
 - c. Other supportive adults identified by the child;
 - d. Extended family/relatives or kin, if appropriate;
 - e. Tribal worker or LICWAC, if applicable;
 - f. Treatment Providers;
 - g. Other professionals who play a significant role with the family;
 - h. Individuals with responsibilities identified in the safety plan;
 - i. Foster Parent/Resource/Caregiver Family
 - j. The *Guardian Ad Litem* (GAL) or Court Appointed Special Advocate (CASA), as appropriate;
 - k. The foster home licenser.
 3. Meetings that include the child should be arranged at a time and

⁵ OPD is the "Original Placement Date", which is the date of the child's most recent removal from the child's home and placement under the care and responsibility of Children's Administration, either voluntarily, police custody, or court ordered.

location that accommodates the child's schedule and comfort level, whenever possible.

4. Written reports shall be requested from any participants unable to attend.
5. If the family, the child or caregiver are not present, their views should be presented and considered.

D. Permanency Plan Development and Assessment in Shared Planning Meetings

In identifying, developing and assessing a permanency plan, participants should address the following topics during the shared planning meeting:

1. **Family functioning including strengths and prognosis for return home,⁶ (may use attachments A & B);**
2. The child's needs;
3. The child's cultural connections;
4. The child's Native American status and Tribal or LICWAC recommendations;
5. Sibling contact and placement;
6. Parent(s)' plan for the children including permanency;
7. Child's family and medical background and efforts needed to gather additional information or evaluation;
8. Disposition plan for return to the parent(s), including assessment of potential risk to the child;
9. Review of the reunification assessment if return home is being considered;
10. Reasonable efforts to return the child to the legal parents and if additional efforts are appropriate;
11. Reasonable efforts to achieve timely permanency, including efforts needed to locate a permanent placement resource if reunification is not possible. Discussion should include:
 - Whether both in-state and, where appropriate, out-of-state placement resources have been considered by the agency.
 - The appropriate permanent placement resource to best meet the child's needs with emphasis on relative placement;
 - Relative placement search efforts and results and if further efforts are needed to locate or further assess the appropriateness for placement with relatives already identified
 - The current resource/caregiver family's potential interest in being an adoptive resource for the child(ren) in their care;
 - The parents' ideas on potential adoptive resources (relatives, friends, etc.);
 - The child's registration with the Washington Adoption Resource Exchange (WARE) and Northwest Adoption Exchange (NWAE) if the child is legally free for adoption and the social worker has not yet identified a permanent placement resource;
12. Barriers to timely permanency.

⁶“Strengths in Families” and “Poor Prognosis Indicators” taken from Concurrent Planning-From Permanency Planning to Permanency Action, by Linda Katz, MSW; Norma Spoonemore, MSW; and Chris Robinson, MSW. 1994, revised 2000, Lutheran Social Services of Washington and Idaho.

13. Whether the child's case should be referred to the Office of the Attorney General to initiate proceedings to terminate parental rights, including whether compelling reasons exist not to refer to terminate parental rights. If it is determined that the child's case should be referred, the discussion should include:
 - What Termination of Parental Rights (TPR) means, the process, and why the department is making the recommendation;
 - CA's expectations of the parents; and,
 - How best to prepare the child/ren.
14. Compelling reasons for the choice of "Other Planned Arrangements," if the primary permanency goal is other than return home, adoption, third party custody or dependency guardianship;

E. Documentation of Decisions

1. The social worker will document in the SER's:
 - the date of the Shared Planning Meeting with a staffing code for "Staffing-Other" or "Staffing-Prognostic/Pre-Passport/ Permanency/ Adoption" and reference to the written shared planning form in the text of the SER;
 - the outcomes of the shared planning meeting
 - the discussion with the current resource/caregiver family regarding their interest in being an adoptive resource for the child(ren) in their care. This will include providing the current caregiver family with the CA written brochure, The Adoption Support Program, DSHS 22-705 (X).
2. The social worker will summarize in the court report submitted for the permanency planning hearing or next review hearing:
 - decisions made at the shared planning meeting. The social worker should not designate a permanent plan in the court report before a shared planning meeting has been held.
 - efforts to place the child in a safe and stable home in a timely manner when the primary or alternate plan is other than reunification, including:
 - efforts to find an appropriate relative placement;
 - whether both in-state and, where appropriate, out-of-state placement options have been considered.
 - whether or not the current resource/caregiver family is interested in being an adoptive resource for the child(ren) in their care;
 - a description of the plans and actions for locating a permanent placement for the child(ren);
 - compelling reasons that may exist not to file for termination of parental rights; and
 - compelling reasons to choose a permanency plan other than return home, adoption, third party custody or guardianship.

3. The social worker must record any new or revised permanency plan in CAMIS and the court report within 30 days of the recommendation or modification. The social worker should not wait until the court review of the new or revised permanency plan to make updates.

F. To assist social workers in making recommendations for primary and alternate permanency plans, the following guidelines are provided:

1. Reunification Guidelines

- The parent has participated, has engaged and made documented progress in services to address issues that lead to the removal of the child from the parent's care.
- Participants in a shared planning meeting determined that reunification is in the best interest of the child. All participants, including but not limited to the GAL/CASA, Tribe, LICWAC members, parents, caregiver family and child, have had the opportunity for input.
- The Tribe, in applicable cases, supports reunification.
- The child (as age and developmentally appropriate), has been involved in the case planning process.
- A reunification assessment has been completed and indicated return home.
- When a CPT is required, the CPT recommended return home.
- The child has had unsupervised transition visits in the parents' home, including overnight visits and visits that have lasted several days spread over a period of time (determined by the age of the child and adjustment).
- During transition visits, the parents have demonstrated their ability to meet full caregiving responsibilities that keep the child safe, and address health and well-being needs. (For example: The parents are involved in school conferences, educational planning, medical appointments, and counseling appointments with the child.)
- A safety and transition plan has been completed in collaboration with the parents, caregivers, service providers and natural supports for the parent(s).

2. Adoption Guidelines

- Participants in a shared planning meeting determined that adoption is in the best interest of the child. All participants, including but not limited to the GAL/CASA, Tribe, LICWAC members, parents, caregiver family and child, have had the opportunity for input.
- The Tribe, in applicable cases, supports adoption as the permanency plan.
- It is likely the parents' rights will be terminated by the court.

- Reasonable efforts have been made to reunify the family, but the parent has not made sufficient progress to safely return the child now or in the foreseeable future, or
- Aggravated circumstances existed and reasonable efforts to reunify with the family were not required or the family refuses services and wants to relinquish the child and CA agrees with this plan.
- Continuation of the parent and child relationship diminishes the child's prospects of early integration into a stable and permanent home.
- After discussion with the child (as age and developmentally appropriate), of the potential benefits/risks of other permanency plans, the child has a stated preference for adoption.
- If the child is age 14 or older, the child agrees to sign a consent for the adoption finalization.
- The child has a sibling in the same placement and consideration of the permanent plan for the sibling is included in the consideration of selecting the preferred plan of adoption.

3. Third Party Custody Guidelines (Non-Parental Custody)

- Participants in a shared planning meeting determined that 3rd party custody is in the best interest of the child. All participants, including but not limited to the GAL/CASA, Tribe, LICWAC members, parents, caregiver family and child, have had the opportunity for input.
- The Tribe, in applicable cases, supports 3rd party custody as the permanency plan.
- After discussion with the child (as age and developmentally appropriate) of the potential benefits/risks of other permanency plans, the child has a stated preference for 3rd party custody.
- Reunification and adoption have been ruled out as permanent plans. (Reasons must be documented in SER's and court report.)
- The proposed custodian(s) has made a commitment to parent the child until adulthood with the intention of lifelong commitment.
- The proposed custodian(s) understand their responsibilities to the child.
- The proposed custodian(s) has the financial means and personal abilities to support the child and any special needs the child may have without on-going CA support.
- Cultural preferences are documented as a factor in the decision.

- The child has a sibling in the same placement and consideration of the permanent plan for the sibling is included in the consideration of selecting the preferred plan of third party custody
- Continued contact with the parents is not detrimental to the child or the stability of the placement.
- Parental rights are not terminated.
- The child has significant ties to the family of origin and this is not detrimental to the child or the stability of the placement.

4. Dependency Guardianship Guidelines

- Participants in a shared planning meeting determined that dependency guardianship is in the best interest of the child. All participants, including but not limited to the GAL/CASA, Tribe, LICWAC members, parents, caregiver family and child, have had the opportunity for input.
- The Tribe, in applicable cases, supports dependency guardianship as the permanency plan.
- After discussion with the child (as age and developmentally appropriate) of the potential benefits/risks of other permanency plans, the child has a stated preference for dependency guardianship.
- Reunification, adoption and third party custody have been ruled out as permanent plans. (Reasons must be documented in SER's and ISSP)
- The proposed guardian(s) has made a commitment to parent the child until adulthood with the intention of lifelong commitment. The proposed guardian(s) has agreed to the requirements stated in the Declaration of the Proposed Guardian.
- The proposed guardian has completed a home study to assess his or her personal circumstances and abilities to support the child and any special needs the child may have within the available supports for guardianship.
- The child is 12 years or older, unless extraordinary circumstances are present.
- The child has been in this placement for at least 6 months.
- If cultural preferences are a factor in the decision, they are documented in the SER.
- The child has a sibling in the same placement and consideration of the permanent plan for the sibling is included in the consideration of selecting the preferred plan of dependency guardianship.
- Continued contact with the parents is not detrimental to the child and does not disrupt the stability of the dependency guardianship.

- If parental rights are terminated, compelling reasons exist for not pursuing adoption as the permanent plan. These compelling reasons are documented in the SER.
- The child has significant ties to the extended family and these ties do not disrupt the stability of the dependency guardianship.
- The Regional Administrator or designee must approve the proposed dependency guardianship.
- ▶ Dependency Guardianship is not a step toward adoption or delayed reunification. It is intended to be permanent.

5. Long-term care agreement Guidelines⁷

- Participants in a shared planning meeting determined that a long-term care agreement with a foster parent or relative is in the best interest of the child. All participants, including but not limited to the GAL/CASA, Tribe, LICWAC members, parents, caregiver family and child, have had the opportunity for input.
- The Tribe, in applicable cases, supports the long-term care agreement as the permanency plan.
- Compelling reasons exist to support a court finding that it is not in the best interest of the child to pursue reunification, adoption, 3rd party custody or guardianship, and further, that it is unlikely that these options would be available in the foreseeable future. (Reasons must be documented in the ISSP and available for each court review.)
- The child has been in this identified home for a minimum of 6 months.
- The child is 14 years or older and after discussion with the child (as age and developmentally appropriate) of the potential benefits/risks of other permanency plans, the child prefers a long-term care agreement as the plan.
- The caregiver(s) has made a commitment to care for the child until age 18 and to transition the child into adulthood, utilizing the available ILS services.
- The caregiver(s) has shown an ability to meet the child's special needs and has agreed to sign the long-term care agreement.
- The caregiver(s) agrees to cooperate with Children's Administration in shared planning for the child regarding services, visits with biological family, Tribes, and other cultural connections.
- The child has a significant connection to the caregiver(s) and this is a reciprocal connection.

⁷ Long-term care agreement may be with a licensed foster home or unlicensed relative of specified degree.

- The child's special needs warrant on-going case management by Children's Administration and/or contracted provider.
- The child's special needs require a high level of financial and agency support, including respite care that can not be met in an adoption, third party custody, or dependency guardianship.

REASONABLE EFFORTS

The Adoption and Safe Families Act requires that reasonable efforts be made to prevent placement of a child in out-of-home care, unless the child is at risk of imminent harm, and reasonable efforts be made to achieve timely permanency for a child who is placed in out of home care. "Reasonable efforts are to be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child." (RCW 13.34.134)

For children protected under the Indian Child Welfare Act (ICWA), active efforts must be made. (See Indian Child Welfare Manual, Chapters 5 and 14 for detailed information.)

Reasonable Efforts to Prevent Placement

- A. The social worker must identify appropriate available services for the family to address issues identified in the assessment; with a primary focus on the central issues that put the child at risk;
- B. The social worker must develop a written service plan with the parent(s) and child with specific time-lines for demonstration of parental improvement and specific behavioral indicators of desired progress to alleviate risk and lessen parental challenges to parenting safely.
- C. The social worker must consider the following:
 1. Parental input in determining services to pursue; including motivation to pursue services.
 2. Cultural issues and availability of services offered in the native language and culture of the family.
 3. Distance of the family from services and transportation available to the family.
 4. Financial ability to pay for services, on the part of both CA and the family.
- D. The social worker must regularly review the service plan with parents, children, supervisor and the court, if applicable. The review of the service plan should include progress made, changes needed in the plan, resistance to the service plan and alternative approaches such as court action that may be needed.

Reasonable Efforts to Return a Child Home

- A. The social worker must offer reunification services to the family in an attempt to eliminate the need for placement, unless aggravated circumstances exist. In ICW cases, active efforts must be made.
- B. A Safety Assessment and Safety Plan must be completed prior to the reunification for children reuniting with a parent following placement in out-of-home care less than 60 days, due to abuse or neglect. Supervisors must review the Safety Assessment

and Safety Plan as part of the decision-making process to reunify the child with his/her family.

- C. A Reunification Assessment will be completed before a reunification decision is made for *all* children in out-of-home care longer than 60 days, due to child abuse or neglect. The decision to reunify shall be documented in the Reunification Assessment and include why reunification is the case plan.
- D. A Transition and Safety Plan will be completed for all children in out-of-home care longer than 60 days due to child abuse or neglect, if reunification is indicated or if reunification is ordered by the court.
1. The Transition and Safety Plan will be completed prior to transitioning a child to the parent. If the Court orders the child returned immediately, then the Transition and Safety Plan will be completed as soon as possible after reunification is accomplished.
 2. The results of the Reunification Assessment shall be used in developing the Transition and Safety Plan.
 3. All Transition and Safety Plans shall include:
 - ongoing services that will be provided
 - a plan for monitoring the child's well being.
- E. The social worker's reasonable efforts to reunify a family must take the following factors into account:
1. Scheduling visits between parent and child based on the child's developmental level and the need to maintain or form an attachment, as long as visits are not harmful to the child or prohibited by the court.
 2. Offering services that are geographically accessible to the family.
 3. Offering services that are responsive to the family's cultural background and native language.
 4. Placing the child as close to the family home as possible while still meeting the needs of the child.
 5. Considering the parental wishes and opinions in the development of all case plans.
 6. Offering services related to identified risks and needs.
 7. Identifying clear timeframes for the completion of services.
 8. Documenting efforts to provide services and progress of court ordered services in the case plan.
 9. Timely monitoring and review of case plans at least every six months by courts, citizen review boards, and administrative review boards as required by state and federal law.

10. Reassessing families at least every six months to evaluate the risk to the child if the child were returned home.
 11. Referring the child's case to the SSI facilitator for review for possible application and benefits.
- F. The decision to reunify shall be documented in the file and in the court report, stating the reasons why reunification is the case plan, supported by the results of the reunification assessment.

Trial Home Visit Period

- A. The trial home visit period is to monitor the safety and well-being needs of the child after the child transitions home, and to support the parents and child in their efforts to achieve a successful reunification.
- B. In all dependency cases where a child is transitioned home there will be at least a six month period of CA supervision⁸ referred to as the trial home visit period.⁹
- C. Trial home visit services are provided in two phases:
 1. **Prior** to making the decision to return the child home, services include:
 - Completing the reunification assessment
 - Completing the transition and safety plan
 - Monitoring the parent-child visits
 2. **After** the child is placed back in the home, services include:
 - Visits every 30 days by the social worker
 - Ongoing safety and risk assessment
 - 90 day Health and Safety visits
 - Monitoring the child's well-being
 - Services identified in the Transition and Safety Plan, as well as shared planning meetings.
 - Revised trial home visit plan or case closure.
- D. The permanent plan of reunification is achieved when the dependency is dismissed.

Reasonable Efforts to Achieve Timely Permanency Other Than Return Home

Reasonable efforts will be made to achieve timely permanency including efforts to locate a permanent placement other than return home. This should include concurrent planning actions, when poor prognosis indicators are present. This does not negate the need or expectation to continue reasonable efforts to reunify simultaneously. Activities include, but are not limited to:

- A. A discussion with the parent(s) that includes:
 - The necessity, developmentally and legally, for permanency for the child.

⁸ RCW 13.34.138 (1)(a)

⁹ See Practices and Procedures Guide Section 43051A Trial Home Visit Support Policy

- What adoption, third party custody, and dependency guardianship means, the process, and why CA is making the recommendation;
 - The department expectations of parents; and,
 - How best to prepare the child/ren.
- B. Helping the parent identify appropriate relatives, kin or other persons who may be permanent resources for the child; both in-state and out-of-state placement resources shall be considered by the social worker.
- C. A discussion with the current foster parent/caregiver regarding their potential interest in being permanency resource for the child in their care;
- D. An adoptive home study on a relative caregiver or foster parent;
- E. An ICPC request for a home study on a relative in another state who appears to be an appropriate resource;
- F. A written recruitment/adoption plan including registering the child with the WARE (Washington Adoption Resource Exchange) or NWAE (Northwest Adoption Exchange);
- G. Identification of services for the child to stabilize placement; and
- H. A discussion with the child or youth regarding who they might identify as a potential permanent resource.
- I. The social worker shall continue reasonable efforts to reunify until the court has:
1. Terminated parental rights;
 2. Determined aggravated circumstances exist excusing CA from providing reasonable efforts;
 3. Established a dependency guardianship or third party custody order; or
 4. Determined that a long term care agreement is in the child's best interest as a permanency plan and a written agreement has been signed by the foster parent or relative caregiver and CA.

TIMEFRAMES FOR PERMANENCY

"Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. If the child is legally free for adoption and adoption is identified as the primary permanency planning goal, the adoption should be finalized within six months following the entry of the order of termination." (RCW 13.34.145)

- A. Permanency planning goals must be identified no later than 60 days from the Original Placement Date (OPD) and preferably no later than 30 days from OPD.
- B. A permanency planning hearing must occur if, following 90 days of service delivery after disposition, the parents have failed to make progress or engage in services in resolving the issues that brought the child into care,. This may coincide with the initial review hearing which is to be scheduled for in-court review six months from OPD or 90 days from the entry of the dispositional order, whichever comes first.
- C. Permanency planning hearings must occur for all children by the 12th month of out of home care. In aggravated circumstances cases, where reasonable efforts are not ordered under RCW 13.34.132, a permanency planning hearing shall be held within thirty days of the court order to file a petition to terminate parental rights.

- D. Permanency planning hearings must occur within one year of a previous permanency planning hearing until legal permanency is achieved.
- E. Adoptions are to be finalized by the 24 month of out of home placement and within 6 months of termination of parental rights.

TERMINATION OF PARENTAL RIGHTS¹⁰

If the primary permanent plan is adoption, the social worker must refer the case of any child to the Office of the Attorney General to initiate proceedings to terminate parental rights.¹¹

- A. The social worker must consider initiating a petition to terminate parental rights when any of the following conditions exist:
 - 1. The child has been in out-of-home placement for 90 days pursuant to an order of dependency disposition and the parents have failed to engage in services.
 - 2. The parents have failed to make any progress in a service plan following 90 days of service delivery from the dependency disposition order or a qualified expert has stated the parents are unable to make the changes required to safely parent the child.
 - 3. Aggravated circumstances exist, and the court has, at the request of Children's Administration, ordered the filing of a termination petition in the Disposition order of the dependency. In such cases, the social worker or legal representative must schedule a permanency planning hearing within 30 days of the finding of aggravated circumstances.

Aggravated circumstances¹² may include, but are not limited to:

- Conviction of the parent of rape of the child in the first, second, or third degree.
- Conviction of the parent of criminal mistreatment of the child in the first or second degree.
- Conviction of the parent of assault crimes when the child is the victim.
- Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling or another child.
- Conviction of the parent of attempting, soliciting or conspiring to commit a crime listed above.
- A finding by a court that a parent is a sexually violent predator.

¹⁰ Refer to CA Practices and Procedures Guide, Section 4306.

¹¹ Parental rights must be terminated in order for adoption to occur except in circumstances in which a tribe has jurisdiction of the case and has tribal law allowing for "customary adoption."

¹² The social worker must consult with the assigned Assistant Attorney General or County Prosecuting Attorney whenever the social worker identifies circumstances that are similar to but not specifically those listed in the statute.

- Failure of the parent to complete available treatment ordered under the dependency, where such failure has resulted in prior termination of parental rights to another child and the parent has failed to make significant change in the interim.
 - An infant under three years of age has been abandoned; and/or
 - Conviction of the parent, when a child has been born of the sex offense or incest.
4. The child has been in out of home care for a total of 12 of the last 19 months, and the parents have not made sufficient progress to allow the child to be safely returned home in the near future.
- B. If a termination petition is to be filed in any other circumstance, a shared planning meeting should be held to approve the filing of a termination petition.
- C. The social worker must request the drafting and filing of a petition to terminate parental rights with the Office of the Attorney General or, if appropriate, the county prosecutor's office, according to local procedures.
- D. If the parents begin to make progress toward a permanency plan of returning the child home after filing of the termination petition, the petition may be dismissed at the request CA or the termination fact-finding hearing may be continued to allow the parents the opportunity to make the changes required.
- E. CA, represented by the Assistant Attorney General, or prosecutor's office, may ask for no more than two continuances of a trial for termination of parental rights. Such a request by the social worker for a continuance must include the written agreement of the assigned social worker's supervisor. Under extraordinary circumstances, and with prior approval by the Area Administrator, an additional continuance may be sought.
- F. The Social Security Administration does not recognize "termination of parental rights" with regard to survivor's benefits. A child remains eligible for said benefits due to the death or disability of a birth parent. These benefits may be paid even after a child is adopted, if the adoptive family so chooses.

COMPELLING REASONS¹³

- A. Compelling reasons may be identified that warrant not filing a termination petition when a child has been in out-of-home care 12 of the last 19 months. The compelling reasons not to file a termination petition must be considered on a case-by-case basis considering the individual circumstances of the child and family. Examples include, but are not limited to:
1. Adoption is not the appropriate permanency plan for the child.
For example:

¹³ Refer to CA Practices and Procedures Guide Section 43063.

- a. The child is age 12 or above, and, following a discussion of the alternatives with the social worker, opposes adoption as a permanent plan.
 - b. The relatives with whom the child resides have agreed to be a permanent placement resource but, after a discussion of the alternatives, have made an informed decision that they do not wish to adopt the child.
2. The parents are making significant progress in addressing the problems that brought their children into care, and the social worker expects reunification within six months;
 3. CA has not provided reasonable efforts to return the child to the legal parents unless the court has found aggravated circumstances exist, relieving the department of the requirement to provide reasonable efforts to reunify the family.¹⁴
- B. The existence of compelling reasons to not file a termination petition must be reviewed and documented in each subsequent court report. If compelling reasons no longer exist; the social worker must refer the child's case to the Office of the Attorney General or county prosecutor's office to initiate a petition to terminate parental rights.
- C. There may be compelling reasons identified to recommend "another planned permanent living arrangement" for the child other than return home, adoption, third party custody or dependency guardianship. These compelling reasons include, but are not necessarily limited to:
1. The child is age 14 or older and following a discussion of the alternatives with the social worker, opposes other legal plans as permanent plans.
 2. The criteria for choosing a long-term foster care/relative agreement have been reviewed and met.
- D. Documentation
1. If the social worker does not refer the child's case for filing of a petition to terminate parental rights, the social worker must document the compelling reasons for not doing so in the court report. The social worker must review this decision not to file a termination petition in each subsequent court report. If compelling reasons no longer exist, the social worker must refer the child's case to the Office of the Attorney General to initiate a petition to terminate parental rights.
 2. Compelling reasons for selecting a permanency plan other than return home, adoption, third party custody or guardianship, must be documented in the SER's, shared planning meeting form and the court report for the court's review. The social worker must review this decision in each subsequent court report.

¹⁴ RCW 13.34

CONCURRENT PLANNING¹⁵

Concurrent planning is a shared planning process with the parents, caregivers, extended family and the child(ren) that provides opportunities for children in out of home care to achieve permanency in a more timely manner through specific social worker actions.

- A. Concurrent planning should particularly be utilized in cases that meet the following criteria:
- Aggravated circumstances cases
 - Poor prognosis for return home¹⁶
- B. **Principles** of Concurrent Planning¹⁷
- **Differential Diagnosis:** Assessments of child, family, relatives/kinship networks, and community supports to determine culturally appropriate service plans are obtained to distinguish between resourceful, coping families and those who are so pathological and bereft of supports that intervention is unlikely to be meaningful.
 - **Inform families of the negative effects of substitute care and provide full disclose:** From the very first contact families must be informed of the potential harm of substitute care on their children and the necessity of early resolution of the problems that resulted in the placement. The social worker must inform families of the affects of abuse and neglect on their children and be candid with all parties about the reasons for concurrent planning.
 - **Redefine success:** The goal is to obtain permanency for children. Timely permanency means resolution of children's temporary legal status and includes family reunification, adoption, third party custody, or guardianship.
 - **Simultaneously offer services to families while exploring alternative permanent options:** The social worker explores relative/kinship placement options and/or identifies possible permanency planning families as back up plans if reunification is not possible.
 - **Increased use of permanency planning foster homes:** Homes with a potential for permanency are the first choice for children so they will not have to move if they are unable to be reunified with their family. If the case meets the criteria for concurrent planning, the social worker will take steps to place the child in a placement that can be permanent as soon as possible. This may be a

¹⁵ Adoption and Safe Families Act, where amending the Social Security Act. Title III; Sec. 302. Permanency Hearings, allows concurrent planning to achieve timely permanency.

¹⁶ This should be reviewed initially at OPD and concurrent action taken no later than 30 days OPD. The "Poor Prognosis Indicators" form (Attachment B) may be used in making this assessment.

¹⁷ Modified from Concurrent Planning-From Permanency Planning to Permanency Action, by Linda Katz, MSW; Norma Spoonemore, MSW; and Chris Robinson, MSW. 1994, revised 2000, Lutheran Social Services of Washington and Idaho.

- permanency planning foster home, relatives, or kin who are licensed. The placement must be able to fulfill the permanent plan identified, committing to the permanency of the child, while providing for the child's well-being in a safe and stable home. Attachment and relative status should be weighed in selecting the placement, but are not the sole determinants and should not delay permanency.
- **Frequent, consistent, meaningful visits:** Frequent visits, when in the child's best interest, that maintains the parent/child connection also promotes more timely permanency, as well as improving the well-being of children. A written visit plan should be a part of the case plan/ISSP.
 - **Parents' behavior determines outcomes:** The agency must meet its obligation to accurately identify the risk factors, find and refer families to service providers, empower families to take responsibility for their own rehabilitation, and arrange for families to attend visits while assessing the parent's progress.
 - **Legal Support:** The design and implementation of the case plan should be done in collaboration with the agency attorney. A good social work plan is a good legal plan.
 - **Written service agreements:** Social workers, parents and children, when appropriate should develop written case plans (ISSP) together, when possible, in a shared planning meeting process. This helps speed case movement, clarifies expectations, and empowers parents to focus on tasks.
 - **Deal directly with ambivalence, indecision and inaction:** Parents need to know all of their alternatives from the outset. They can actively work towards reunification, do nothing and let the court decide, or relinquish.

C. **Steps to Concurrent Planning**¹⁸

- The first step is a thorough family assessment, sensitive to cultural differences, including psychosocial evaluation of the child, parents and family dynamics to identify risk factors, principle problem areas and strengths in the family. Included is a thorough interview of family members, including extended family, for the family history and their perception of challenges and strengths. The agency record is reviewed and information is sought from collateral sources such as drug treatment providers, schools, mental health centers, physicians. Tools used may include the *Strength in Families* and *Poor Prognosis* worksheets.

At minimum, the central problem requiring agency attention must be identified.

- Relatives and non-custodial parents are contacted, not just for information on family functioning, but also for their availability and suitability as a placement resource for the child. Diligent search efforts for absent or unknown fathers are

¹⁸ Modified from Concurrent Planning-From Permanency Planning to Permanency Action, by Linda Katz, MSW; Norma Spoonemore, MSW; and Chris Robinson, MSW. 1994, revised 2000, Lutheran Social Services of Washington and Idaho.

- pursued immediately and identities verified and documented. Family Group Conferences and Family Team Decision Meetings should be considered and utilized, where available.
- The child's race/ethnic heritage is determined early. Any possible Native American heritage must be documented and tribes notified and involved in case planning and decisions.
 - The findings of the social worker's assessment are shared with the family including the strengths and challenges of the family system, the effects of the abuse/neglect on the child, the negative effects of substitute care on the child and the need to determine a permanent plan in a timely manner. Again, input is requested from the parents and children, when appropriate.
 - A written service plan is established with the involvement of the parents, the child(ren) and other family members, through a shared planning meeting, if possible. The service plan is based on the identified strengths and challenges identified in the assessments. The parent's attorney should be consulted to ensure their rights are protected, as well as the guardian ad litem, CASA, or legal representative of the child and the Tribe.
 - The social worker refers the family for services whether or not they are cooperative. The social worker provides written referrals for services; provides funding,(when available), transportation and facilitation if required; obtains releases of information to monitor the parent's progress; supports the parent's involvement in services; and shares with the parent written documentation from service providers.
 - The social worker provides the opportunity for consistent, meaningful visits based on the child's developmental needs. The intention of visiting is to preserve the parent and the child connection, to assess their relationship, and, when possible, to assess parenting skills.
 - If the prognosis is poor, or if the parent fails to engage in the case plan, the social worker discusses with the parents alternative permanent plans, including adoption, third party custody, or guardianship. Services must continue, however, until the court orders otherwise.
 - Periodic court and administrative reviews are used to share Children's Administration and service providers' assessments with the parents. Progress and change to correct the central problem is the goal, not simply compliance.
 - Throughout the case, it is the responsibility of the social worker to re-evaluate progress made by the parties. If the parent's compliance or progress changes, steps are taken to alter the legal process. The social worker need not wait until the 15th month of placement to file a petition to terminate parental rights. (See Timeframes for Permanency, above.)

Guiding Principles in Permanency for Youth

- Youth deserve permanency regardless of age.
- Permanency is an unconditional life-long commitment by an adult who is nurturing, competent and accountable who can provide a youth with physical safety, emotional security and a sense of belonging.
- Youth provide essential information about their needs, strengths and desires.
- Youth are listened to and their input considered regarding all aspects of placement, permanency planning and decision making about their lives.
- Youth are engaged as true partners in facilitating their own permanency planning and decision making.
- Collaboration with youth and the youth's family, siblings, significant peers, caregivers, other significant adults, Tribes and the agency is essential in planning for their futures.
- Permanency planning begins at the time of first placement.
- Permanence is not limited to:
 - a stable, healthy, and lasting living situation in the context of a family relationship with at least one committed adult;
 - a lasting, nurturing relationship with at least one adult who will continue to be in a youth's life long after he/she leaves foster care;
 - healthy connections with siblings, peers, parents, extended family, Tribes and a network of other significant adults; and
 - education and/or employment, life skills, supports, and services.
- Multiple service systems, Tribes and the community at large play an important role in the effort to identify and support permanent relationships.
- Differences in youth and their families including cultural, Tribal, racial, ethnic, linguistic, religious/spiritual background, and sexual orientation are recognized and appreciated.
- The strengths and resilience of youth, their parents, their families, and other significant adults are identified and built upon.
- Services and supports are responsive and accountable to youth and their families.

Strategies for Effectively Engaging Youth in Permanency Planning

Empower youth through information, support, and training (including independent living skills) to be involved partners in facilitating their own permanency planning.

- Provide youth with opportunities to acquire the skills necessary to advocate for themselves, including driving discussions.
- Communicate with youth honestly, directly, respectfully and acknowledge them as partners in planning.
- Train and support staff in using specialized permanency planning skills that assist youth in addressing their fears, feelings, family issues, hopes, dreams, and aspirations.

From the beginning of placement, offer services and supports to provide youth and their families opportunities to achieve and maintain physical, emotional, and legal permanence.

- Involve a wide-range of people in permanency planning, beginning with birth family and including extended family; tribal members; past, present, and future caregivers; other significant adults in the youth's life; and other professionals involved in the youth's life.
- Support youth in maintaining, identifying, seeking out, and developing lasting and healthy relationships, which may include maintaining connections with parents, siblings, paternal and maternal kin, Tribal communities and other significant caring adults, including relationships that may have occurred earlier in the youth's life.

Consider, explore, and implement permanency planning in a timely and continuous way.

- Begin concurrent planning for multiple options and relationships early, regularly, and continuously for all youth.
- Integrate a plan for permanency with a plan for the development of life skills and the provision of supports and services.
- Utilize shared planning meetings with the youth, family members, Tribal members (when applicable) and other significant adults to develop permanency plans that are:
 - ✓ based on the young person's individual situation, needs, and preferences;
 - ✓ represents the youth's best interests; and
 - ✓ reassessed regularly until a plan is achieved that includes a permanent family relationship as well as life skills, supports and services.

Continuously and concurrently seek permanency resources, including recruitment from a youth's existing network of connections and relationships.

- Ask youth regularly and systematically about people in their lives who could assist in helping them plan for their future and /or serve as permanent resources.

- Provide youth with an opportunity to learn the skills necessary to help build permanent relationships.

**Attachment A
STRENGTHS IN FAMILIES¹⁹**

Date:
Social Worker:
Parent (s):

Child:
(Use separate worksheet for each child)

Parent-Child Relationship

- | Name | Name |
|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> Parent shows empathy for the child. |
| <input type="checkbox"/> | <input type="checkbox"/> Parents responds appropriately to the child's verbal and non-verbal signals. |
| <input type="checkbox"/> | <input type="checkbox"/> Parent has the ability to put the child's needs ahead of his/her own. |
| <input type="checkbox"/> | <input type="checkbox"/> When they are together, the child shows comfort in the parent's presence. |
| <input type="checkbox"/> | <input type="checkbox"/> The parent has raised the child for a significant period of time. |
| <input type="checkbox"/> | <input type="checkbox"/> In the past, the parent has met the child's basic physical, emotional, & medical needs. |
| <input type="checkbox"/> | <input type="checkbox"/> Parent accepts responsibility for the problems that brought the child into care and is taking steps toward change. |

Parental-Support System

- | | |
|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> The parent has positive, significant relationships with other adults who seem free of overt pathology (partner, parents, friends, relatives). |
| <input type="checkbox"/> | <input type="checkbox"/> The parent has a meaningful support system that can help him/her now (church, job, neighbors, friends, AA/NA sponsor). |
| <input type="checkbox"/> | <input type="checkbox"/> The neighborhood provides stability and supportive resources. |

Past Support System

- | | |
|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> Extended family history shows family members able to help appropriately when one member is not functioning well. |
| <input type="checkbox"/> | <input type="checkbox"/> Extended family came forward to offer help when child needed placement. |
| <input type="checkbox"/> | <input type="checkbox"/> Extended family is nearby and capable of providing support. |

¹⁹ Concurrent Planning-From Permanency Planning to Permanency Action, by Linda Katz, MSW; Norma Spoonemore, MSW; and Chris Robinson, MSW. 1994, revised 2000, Lutheran Social Services of Washington and Idaho.

Permanency Planning Practice Guide

8-1-06

- There are significant other adults, not blood relatives, who have helped in the past.
- Extended family or significant other adults have followed through on commitments in the past.

Family History

- The family's ethnic, cultural, or religious heritage includes an emphasis on shared parenting in times of crisis.
- The parent's own history shows consistency of parental caregiver.
- The parent's history shows evidence of his/her childhood needs being met adequately.

Parent's Self-Care and Maturity

- Parent's general health is good.
- Parent uses medical care for self appropriately.
- Parent's hygiene and grooming are consistently adequate.
- Parent has a history of stability in housing.
- Parent has a solid employment history.
- Parents has graduated from high school or has a GED.
- Parent has employable skills.

Child's Overall Development

- Child shows age-appropriate cognitive abilities.
- Child is able to attend to tasks at an age-appropriate level.
- Child shows evidence of conscience development.
- Child has appropriate social skills.

Attachment B
POOR PROGNOSIS INDICATORS²⁰

Date:
Social Worker:
Parent (s):

Child:
(use separate worksheet for each child)

Catastrophic Prior Abuse

- | <u>Name</u> | <u>Name</u> |
|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> <i>Parent has killed or seriously harmed another child through abuse or neglect and no significant change has occurred in the interim.*</i> |
| <input type="checkbox"/> | <input type="checkbox"/> <i>Parent has repeatedly and with premeditation harmed or tortured this child.*</i> |
| <input type="checkbox"/> | <input type="checkbox"/> Child experienced physical or sexual abuse in infancy. |

Dangerous Lifestyle

- | | |
|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> <i>Parent's only visible support system and only visible means of financial support is found in illegal drugs, criminal activity and street life.*</i> |
| <input type="checkbox"/> | <input type="checkbox"/> Parent is addicted to debilitating illegal drugs or alcohol. |
| <input type="checkbox"/> | <input type="checkbox"/> Pattern of documented domestic violence and refusal to separate. |
| <input type="checkbox"/> | <input type="checkbox"/> Parent has a recent history of criminal activity and jail. |
| <input type="checkbox"/> | <input type="checkbox"/> Mother abused drugs/alcohol during pregnancy, despite medical advice to the contrary. |

Significant History

- | | |
|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> <i>Parental rights to another child have been terminated following a period of service delivery to the parent and no significant change has occurred in the interim.*</i> |
| <input type="checkbox"/> | <input type="checkbox"/> There have been three or more CPS interventions for separate incidents, indicating a chronic pattern of abuse or severe neglect |
| <input type="checkbox"/> | <input type="checkbox"/> In addition to emotional trauma, the child has suffered more than one form of abuse, neglect or sexual abuse |
| <input type="checkbox"/> | <input type="checkbox"/> Siblings have been placed in foster care or with relatives for periods |

²⁰ Concurrent Planning-From Permanency Planning to Permanency Action, by Linda Katz, MSW; Norma Spoonemore, MSW; and Chris Robinson, MSW. 1994, revised 2000, Lutheran Social Services of Washington and Idaho.

Permanency Planning Practice Guide

8-1-06

of time or have had placements by CPS.

[] [] This child has previously been abandoned with friends, relatives, or hospital; or once the child is placed in foster care, the parent does not visit of his/her own accord.

[] [] CPS preventive measures have failed to keep the child with the parent.

[] [] Parent is under the age of 16 with no parenting support systems, and placement of the child and parent together has failed due to the parent's behavior.

[] [] Parent grew up on foster care with multiple placements or in a family of intergenerational abuse.

[] [] Parent has asked to relinquish the child following initial intervention.

Parental Conditions

[] [] *Parent diagnosed with a severe mental illness (psychosis, schizophrenia, borderline personality disorder, major depression, sociopathy) which has not responded to previous mental health services.**

[] [] Parent diagnosed with a severe mental illness that responds slowly or not at all to current treatment modalities.

[] [] Parent is developmentally disabled, has shown significant self-care deficits, and has no kinship support system able to share parenting.

**Characteristics written in italics indicate the poorest prognosis*

Attachment C **LEGAL FRAMEWORK-FEDERAL LAW**

Indian Child Welfare Act (1978) was passed in response to concerns that Native American children were being taken from their cultural connections and Tribes. The ICWA protects Tribes and children who are members of tribes or eligible for membership in a Tribe by requiring:

- Early determination of Native status
- Notification to tribes when a child is placed.
- Preference for placement with relatives, Tribal members, or other Tribes
- Active efforts to reunify
- Higher standards for court processes
- Opportunities for Tribes to take jurisdiction
- Tribal participation in case planning.

PL 96-272 The Adoption Assistance and Child Welfare Act of 1980 gave structure to our child welfare system. The impetus for this law was to address foster care drift. The primary goal was to ensure permanence, while providing for reasonable efforts to prevent removal of the child from the home and reasonable efforts to reunite the child with the family.

Multiethnic Placement Act of 1994 & Interethnic Placement Act of 1996 (MEPA-IEPA) were passed to remove barriers to permanency (does not impact ICWA requirements) by:

- decreasing the length of time that children wait to be adopted;
- facilitating the recruitment and retention of foster and adoptive parents who can meet the distinctive needs of the children awaiting placement; and
- eliminating discrimination on the basis of race, color, or national origin of the child or prospective parent.

The key elements of the two acts are:

- States receiving federal funding cannot delay or deny child's foster or adoptive placement on basis of child's or prospective parents race, color or national origin.
- States are prohibited from denying any individual the opportunity to become foster or adoptive parent on basis of prospective parent's or the child's race, color, or national origin.
- States are required to recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in state care.

Adoption and Safe Families Act (ASFA) (1997) was passed to add emphasis to the safety of children and achieving timely permanency. States must make reasonable efforts to achieve timely permanency. The act shortened the time for permanency planning hearings, required states to file termination of parental rights petitions when the child has been in out of home care for 15 of the past 22 months, unless compelling reasons exist to

Permanency Planning Practice Guide

8-1-06

not file the petition. Washington State statute requires a shorter time frame. If a child has been in out of home placement 12 of the past 19 months, a termination of parental rights petition must be filed, unless compelling reasons exist.

**Attachment D
PERMANENCY PLANNING MATRIX**

	ADOPTION	3RD PARTY CUSTODY (Non-Parental Custody)	DEPENDENCY GUARDIANSHIP	LONG TERM FOSTER CARE/RELATIVE Agreement
FINANCIAL				
Monthly Maintenance Available to Caregiver	Possible through adoption support program	Custodian may receive TANF, child-only grant.	Possible through CA if caregiver is a licensed foster home. Non-licensed homes may receive TANF, child-only grant.	If caregiver is a licensed foster home they receive foster care rate per assessment. Non-licensed homes may receive TANF, child-only grant.
Medical Coupons	Possible w/adoption support	Yes	Yes	Yes
Psychological/MH Counseling	Possible w/adoption support	With medical coupons	With medical coupons	With medical coupons
Child IV-E Eligible	Yes, if qualify	No	No, unless SSI eligible	Yes, if qualify
Child Receives SSI	Yes, if child is eligible and family qualifies	Yes, if child is eligible	Yes, if child is eligible Paid to DSHS if paying subsidy through SSPS	Yes, if child is eligible. Paid to DSHS if paying foster care
Child receives SSA if birthparent dies	Yes-and also receives SSA if adoptive parent dies	Yes	Yes	Yes
Birthparent is financially responsible for child	No	Birthparent may be ordered to pay child support	Birthparent may be ordered to pay child support	Birthparent may be ordered to pay child support
LEGAL				
Parental Rights Terminated	Yes ²¹	No	No	No

²¹ Parental rights must be terminated in order for adoption to occur except in circumstances in which a tribe has jurisdiction of the case and has tribal law allowing for “customary adoption.”

Permanency Planning Practice Guide
8-1-06

Caregiver liable for child's misconduct	Yes	Yes	Yes	No
Caregiver has total legal rights and responsibility	Yes	As specified in order, cannot consent to adopt	As specified in order, cannot consent to adopt	No
Birthparents have visiting rights	No (Possible with open communication agreement)	As specified in order	As specified in order	Yes
Birthparents can petition the court for modification	No	Yes (DCFS does not become involved)	Yes (in doing so DCFS, GAL, AAG and Public Defender become involved)	Yes
Caregiver can petition the court	No	Yes (DCFS does not become involved)	Yes (in doing so DCFS, GAL, AAG and Public Defender become involved)	Yes
Agency supervision continues	No	No	Not required, unless ordered by the court	Yes
Dependency review continues	No	No	Not required	Yes
Child is legal heir of caregiver	Yes	No	No	No
Child takes family's surname	Generally Yes	Possible, usually No	Possible, usually No	No
OTHER CONSIDERATIONS				
Age	Age not a consideration	Age not a consideration	Generally over 12 years	Generally over 14 years
Bond with birth parents	Bond with adoptive	Bond w/ caregiver is	Bond w/ caregiver is	Bond w/caregiver and

Permanency Planning Practice Guide

8-1-06

	family	shared w/birth parent	shared w/birthparent	birthparent
Legal/emotional security	Child benefits from complete legal & emotional security of being a permanent member of adoptive family	Child benefits from intact legal relationship w/birthparent	Child benefits from legal relationship w/ birth parent if not legally free	Bond with birth family is maintained
Youth preference (Usually 12 years or older)	Youth's informed preference is adoption and if age 14 or older, must give legal consent for adoption to finalize	Youth's informed preference is 3 rd party	Youth's informed preference is guardianship	Compelling reasons exist to rule out other permanent legal options

**Although return home is a permanent plan, it does not require further definition of the above categories as the financial, legal, and other considerations are understood.