

# Achieving Timely Permanency for Children in Out-of-Home Placement



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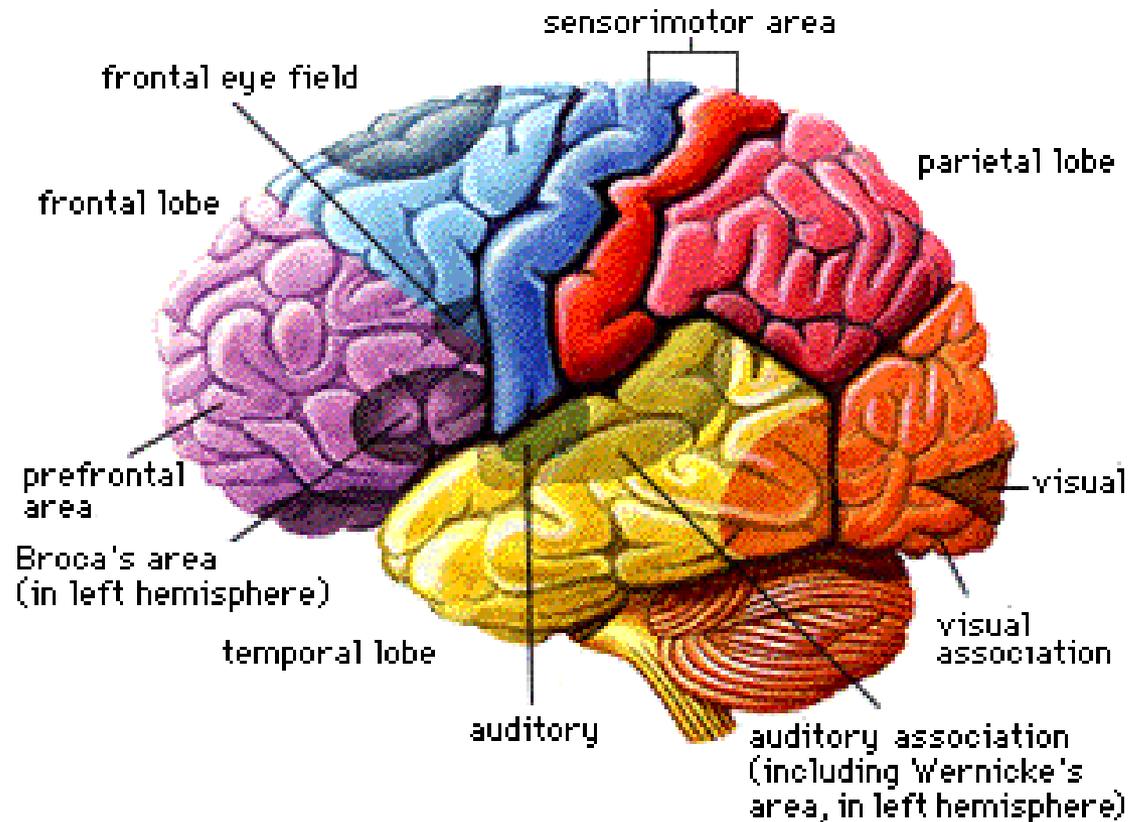
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# Training Overview



- **Foundation of the 12-Month Permanency Timeline**
- **12-Month Permanency Timeline**
- **Required Judicial Findings**
- **Your Responsibilities Regarding Permanency**
- **Your County's Data Related to Permanency Timeline**

# The 12-Month Permanency Timeline – It's Based on the Healthy Development of Children



# How the Brain Develops



**Our brains function on an incredibly complex network of connections that often is referred to as the brain's "circuitry" or "wiring."**

**Most of the brain's cells are formed before birth, but most of the connections or between the cells are made during infancy and early childhood.**

# How the Brain Develops



**A child's daily experiences shape the way the connections and pathways are made in the child's brain.**

**Experiences that are repeated, either good or bad, have a permanent effect on brain development.**

# How the Brain Develops



**Learning continues throughout life.**

**However, "prime times" or "windows of opportunity" exist when the brain is a kind of "supersponge," absorbing new information more easily than at other times and developing in major leaps.**

# How the Brain Develops



**A key “prime time” with a remarkable increase in connections occurs during the first few years of life.**

**By the time a child is age 3, a baby's brain has formed about 1,000 trillion connections — about twice as many as adults have.**

**A baby's brain is superdense and will stay that way throughout the first decade of life.**

# Impact of Abuse and Neglect on Healthy Development of Child



**The experiences of infancy and early childhood provide the organizing framework for children's intelligence, emotions, and personalities.**

**When those experiences are primarily negative, children may develop emotional, behavioral, and learning problems that persist throughout their lifetime, especially in the absence of targeted interventions.**

# Impact of Abuse and Neglect on Healthy Development of Child



**Child maltreatment during infancy and early childhood has been shown to negatively affect child development, including brain and cognitive development, attachment, and academic achievement.**

**Child abuse and neglect at anytime during a child's life can have enduring physical, intellectual, and psychological repercussions into adolescence and adulthood.**

# Impact of Abuse and Neglect on Healthy Development of Child



**A child's health development can be impaired by:**

- **Instability, including entry and re-entry into foster care and moves between foster homes.**
- **Lack of timely permanency, including safe, permanent caregivers – a “forever family.”**



# 12-Month Permanency Timeline



## PERMANENCY TIMELINE FOR CHILDREN IN OUT-OF-HOME PLACEMENT

(Timeline shows maximum days for each event)

### CHIPS Proceeding

0	3	3-13	28	30	53	63	103	123	180	193	283	335*
Child Removed from home	Petition Served <sup>1</sup> & EPC Hearing <sup>2</sup>	Admit/Deny Hearing <sup>4</sup> (ADH)	Sched. Order Filed <sup>5</sup>	Out of Home Place. Plan Filed <sup>6</sup>	Pretrial Hearing <sup>7</sup>	Trial <sup>8</sup>	Disp. Rev. Hearing if Adj. & Disp. at ADH <sup>11</sup>	Adjud. Dispo. <sup>10</sup>	Perm. Progress. Rev. Hearing <sup>12</sup>	Disp. Review Hearing <sup>11</sup>	Disp. Rev. Hearing <sup>11</sup>	Perm. Petition Filed

If child not removed from home: Protective Services Case Plan<sup>3</sup>

### Permanency Proceeding

#### Termination of Parental Rights (TPR)

335	365*	415	425	485	575
TPR Petition Filed <sup>13</sup>	Admit/Deny Hearing <sup>14</sup>	Pretrial Hearing <sup>15</sup>	Trial <sup>16</sup> Comm.	Findings Decision Filed <sup>17</sup>	Post-TPR Review Hearing <sup>18</sup>

#### Transfer of Permanent Legal and Physical Custody to a Relative (TLC)

335	365	415	425	485	575
TLC Petition Filed <sup>19</sup>	Admit/Deny Hearing <sup>20</sup>	Pretrial Hearing <sup>21</sup>	Trial <sup>22</sup> Comm.	Findings Decision Filed <sup>23</sup>	Post-TLC Review Hearing <sup>24</sup>

#### Long Term Foster Care (LTFC)

335	365	415	425	485	575
LTFC Petition Filed <sup>25</sup>	Admit/Deny Hearing <sup>26</sup>	Pretrial Hearing <sup>27</sup>	Trial <sup>28</sup> Comm.	Findings Decision Filed <sup>29</sup>	Annual Review Hearing <sup>30</sup>

#### Foster Care for a Specified Period of Time (FSPT)

335	365	415	425	485	575
FSPT Petition Filed <sup>25</sup>	Admit/Deny Hearing <sup>26</sup>	Pretrial Hearing <sup>27</sup>	Trial <sup>28</sup> Comm.	Findings Decision Filed <sup>29</sup>	Annual Review Hearing <sup>30</sup>

#### Guardianship and Legal Custody to Comm. of Human Services (GLCHS)

335	365	415	425	485	575
GLCHS Petition Filed <sup>31</sup>	Admit/Deny Hearing <sup>32</sup>	Pretrial Hearing <sup>33</sup>	Trial <sup>34</sup> Comm.	Findings Decision Filed <sup>35</sup>	90-Day Review Hearing <sup>36</sup>

365\* (Permanency Proceeding Commenced)

\* If multiple CHIPS petitions filed for the child over the past 5 years, and child has already been in out-of-home placement for at least 365 days, then if the agency establishes compelling reason the court may extend the commencement of the permanency proceeding (the Admit/Deny Hearing on the permanency petition) for up to 6 months.

# Petition Content

- Mother's and father's name and address**
- Foster parent's name and address**
- Child's name and current address in foster care**
- County must immediately notify court and parties of child's return home or change of foster care**

# Service of Summons and Petition

- Personal service on mother AND father (except alleged fathers)**
- Service by publication, if parent's name or address unknown**
- County pays for cost of service of process**

# County's Notice to Tribe

- ICWA requires the petitioner to notify the tribe of state court action
- Notice must be by registered mail, return receipt requested or personal service
- Green “receipt” or copy must be filed in court file

# EPC Hearing

## Critical Attendees Often Missing

- Child's guardian ad litem
- Attorney for child
- Attorney for parents (law changing August 1 - one attorney for both parents unless exceptional circumstance)
- Child
- Foster parent

# New Law: SF 1678

## Counsel for Parents

**(f) Court-appointed counsel for the parent, guardian, or custodian under this subdivision is at county expense.**

**If the county has contracted with counsel meeting qualifications under (g), the court shall appoint the counsel retained by the county, unless a conflict of interest exists. If a conflict exists, after consulting with the chief judge of the judicial district or the judge's designee, the county shall contract with competent counsel to provide the necessary representation. The court may appoint only one counsel at public expense for the first court hearing to represent the interests of the parents, guardians, and custodians, unless, at anytime during the proceedings upon petition of a party, the court determines and makes written findings on the record that extraordinary circumstances exist that require counsel to be appointed to represent a separate interest of other parents, guardians, or custodians subject to the jurisdiction of the juvenile court.**

**Counsel retained by the county under paragraph (f) must meet the qualifications established by the Judicial Council in at least one of the following: (1) has a minimum of two years' experience handling child protection cases; (2) has training in handling child protection cases from a course or courses approved by the Judicial Council; or (3) is supervised by an attorney who meets the minimum qualifications under clause (1) or (2).**

# EPC Hearing Findings

- Prima Facie Case Established (PFCE)**
- Endangerment - child or others endangered if child returns home**
- Best interests – out of home placement is in child’s best interests**
- Reasonable or Active Efforts**
  - To prevent removal**
  - To reunify child (later stages of case)**

# Trial

- Commenced within 60 days of EPC or ADH, whichever is earlier
- Held over consecutive days
- Completed within 30 days
- Findings issued within 15 days of last person who testified (court may add 15 days, for total of 30)

# Adjudication and Withholding Adjudication

- Adjudication may be withheld for up to 90 days
- Orders distributed to parties
- Recommend also distributed to participants (at least parents)

# Dismissed, Termination of Jurisdiction, Reunified



**Dismissed**

**Termination of Jurisdiction**

**Reunified**

# Out-of-Home Placement Plan

- OHPP must be prepared for each parent, including incarcerated unless court finds that reasonable efforts are not required
- OHPP must be filed within 30 days of child's court-ordered placement (ex parte order or EPC order)

# Out-of-Home Placement Plan Critical Components

- Safety risk for this child in this case**
- Parent's "task list"**
- Behavioral change that parent must demonstrate and sustain**
- Agency's responsibilities (efforts)**

# Out-of-Home Placement Plan Critical Components



- Child and Family Services Review (CFSR) findings**
- High foster care re-entry rate**
  - Caused when reunification is not yet safe??**

# Permanency Progress Review Hearing

- For children under age 8 (August 1 – for all children regardless of age)
- Parent making progress on case plan – demonstrating behavioral change?
- Parent maintaining regular contact with child?

# Permanency Progress Review Hearing

- If making progress and maintaining contact – court can continue case for up to 6 months
- If not making progress OR not maintaining contact, court may direct county to file a permanency petition within 30 days

# Exceptions to Filing of Permanency Petition



- Child is on Trial Home Visit – court may continue permanency proceeding for time child is in THV (6 months)
- Prior CHIPS petition(s) during last 5 years for which child in OHP for 365 days or more – upon showing of compelling reasons, court may extend permanency proceeding up to 6 months

# Reunification Options

## Trial Home Visit

- Return only to custodial parent
- Permanency clock continues
- Legal custody retained by county
- County may remove child without court order
- Maximum 6 months

## Protective Supervision

- Return to custodial or noncustodial parent
- Permanency clock continues if noncustodial but stops if custodial
- Legal custody returned to parent
- County may remove child only with court order
- Indefinite

**Your  
County's  
Data Related  
to  
Permanency**





# Questions and Wrap Up



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