

Minnesota Judicial Branch

Minnesota Department of Human Services

CJI

Children's Justice Initiative

Permanency Values & Best Practices

Sept./Oct. 2010

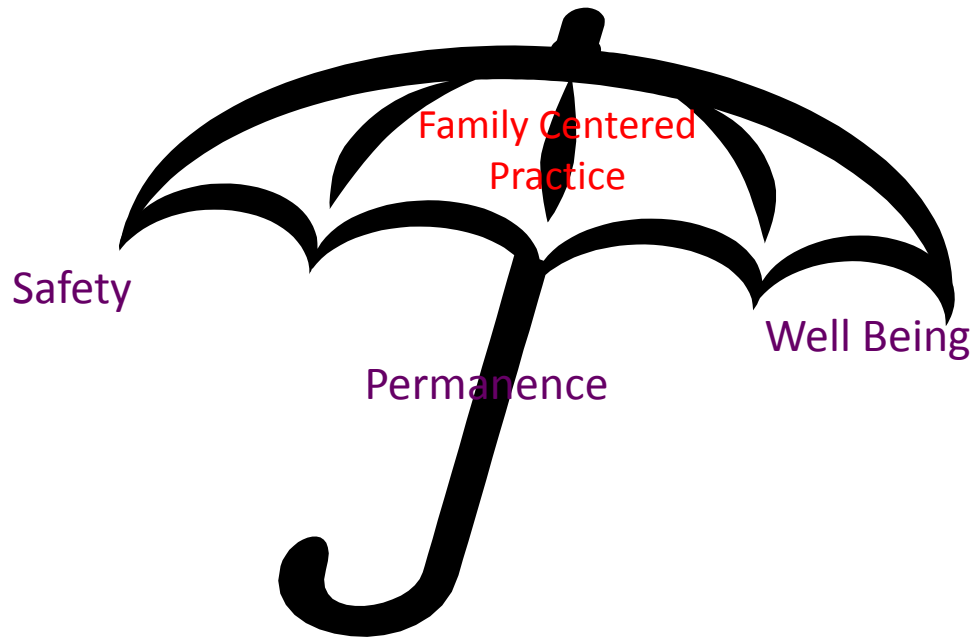


National Resource Center for
Permanency and Family Connections

at the Hunter College School of Social Work



*A Service of the Children's Bureau
& A Member of the T/TA Network*



Family Engagement

Clinical Supervision

Family Team Meetings

Community Partnerships

Legal Collaboration

Diligent Search

Targeted Recruitment

Staff/FP Retention

Visitation

Concurrent Planning

Birth/Foster Parent
Relationships

Concurrent Planning Definitions

- Working towards reunification while at the same time, establishing and implementing an alternative permanency plan.
- Concurrent rather than sequential planning efforts to more quickly move children from the uncertainty of foster care to the security of a permanent family.



Permanency Planning

VS.

Concurrent Permanency Planning

Permanency Planning

- Necessary for all children regardless of permanency goal & prognosis
- Is an ongoing process through out the life of the case
- Requires numerous types of placement options and life long connections

Concurrent Planning

- Designed as a specific type of Perm Planning for children with a primary goal of reunification
- Is determined within the first 60 days of a child's placement
- Requires specific types of relative and non-relative placement options

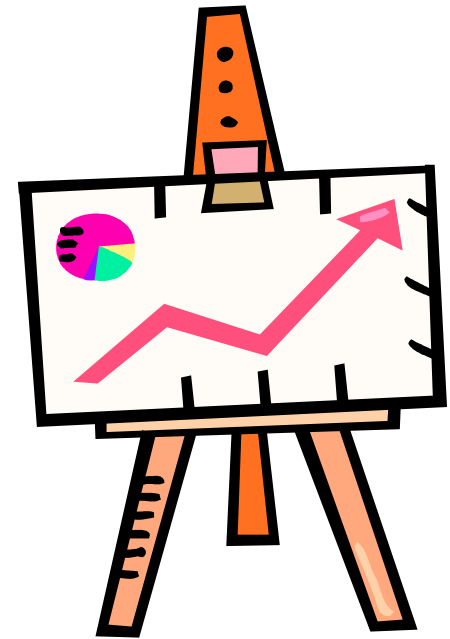
Concurrent Planning

- Kinship placements have shown us that people can care for and make life-long commitments to children, while at the same time, encouraging and supporting reunification.
- It is the intent of concurrent planning to develop these kinds of relationships for birth families who do not have appropriate kin networks of their own.



Success Redefined

- Timely Permanence via reunification or an alternative care giver
- Kinship as Family Preservation
- Diligent search vs. Why didn't "they" come forward sooner?



Key Components of Concurrent Planning



- Early Prognostic Assessment
- Full Disclosure/Parenting Options Counseling
- Diligent Search/Family Conferencing/Kinship Care
- Team decision making protocols
- Availability of Resource Families
- Case Plans which delineate compliance from success
- Strong collaboration with legal system
- Immediate access to services and collaborative relationships with service providers
- Frequent Visitation

Child's Name: _____

State I.D. Number _____

Date _____

Completed By: _____

CONCURRENT PLANNING GUIDE

GUIDELINES: This tool is designed to identify children in need of concurrent planning based on a family assessment as outlined in the Family Service Plan. The Guide should be completed within 60 days of case opening. This tool seeks to balance a child's need for permanency with recognition that the parents have the capacity for growth and change, and that reunification efforts continue in earnest. It is expected that some children involved with concurrent planning will reunify. *The tool is ideal for team decision-making, as well as supervisory conferences.*

SECTION I – EARLY REUNIFICATION PROGNOSIS INDICATORS

Prognosis indicators for early reunification – concurrent planning not needed

Parent-Child Relationship

The parent/s demonstrate:

- Ability to respond to child's cues.
- Empathy for child; balance between own needs and needs of child
- Ability to accept appropriate responsibility for problems that lead to abuse/neglect.
- Ability and willingness to modify parenting.
- Having raised the child for a significant period of time.
- Ability to meet child's special needs (medical, educational, social, cognitive, etc.)
- Evidence of previous effective parenting observed through child's development (age appropriate cognitive & social skills; conscience development; minimal behavior issues)

Parental History And Functioning

The parent/s demonstrate:

- Stable physical health.
- Stable emotional/mental health; any mental illness well-controlled
- Economic stability (employment, housing, and/or ability to live independently)
- Freedom from addiction/s (substances, gambling, violence, etc.)
- Consistent contact with child (visitation, parenting time, telephone contacts)
- Historical ability to meet child's needs despite impaired mental function.
- Problems leading to placement are of recent origin and situational rather than chronic in nature.

Support Systems

The parent/s demonstrate:

- Positive relationships supportive of safe parenting.
- Kin system providing mutual caretaking and shared parenting.
- Proximity of support system practical to family needs.
- A support system that recognizes strengths and limitations of parents/family.

SECTION II – POOR PROGNOSIS INDICATORS NEED FOR CONCURRENT PLANNING

Develop alternative plan (alternative placement as appropriate.)

Parent-Child Relationship

Factors Related To Abuse Or Neglect

- Serious physical abuse, such as burns, fractures, poisoning
- Non third party sexual abuse of child; prognosis likely to require lengthy foster care.
- Diagnosed failure to thrive infant
- Child drug-exposed at time of birth (cocaine, crack, heroin, alcohol, etc)
- Child has been victim of more than one form of abuse.
- Significant neglect

Factors Related To Ambivalence

- Previous placement of this child or other children
- Previous consideration of relinquishing this child; previous relinquishments of a child
- Repeated pattern of uncertainty as to desire to parent
- Inconsistent contacts with child
- Lack of emotional commitment to child; parent dislikes child due to child's paternity
- Parental mental illness not historically and/or currently well controlled.
- Parent/s consistently acknowledge ongoing problems with parenting.

Parental History and Functioning

- Parent continues to reside with someone dangerous to the child
- Parent/s raised in foster care.
- Recent or perpetual history of parental criminal involvement.
- Documented history of domestic violence
- Parent has degenerative or terminal illness
- Previous reunification has disrupted
- Intergenerational abuse with lack of historical change in family dynamics
- Parent/s engage in high-risk relationships (drugs, criminal activity, alcohol)
- Progressive signs of family deterioration due to personality disorder/s
- Previous interventions and/or treatment unsuccessful; uncooperative with treatment plan
- Parent/s restricted in ability to parent due to developmental disabilities
- Lifestyle and support system choices place child at risk through inappropriate caregivers
- Visible means of financial support derived from prostitution, drugs, or other crime
- Failure to respond to multiple forms of treatment/intervention despite acceptable participation levels

What Types of Homes do Our Children Need?

- Homes that reflect their culture and ethnicity
- Homes that allow them to stay connected to their families, siblings, schools and communities
- Homes that will take the emotional risk so that the children don't have to
- Homes that understand children's developmental needs and recognize their grief as a normal reaction to the loss of their family





Implementing Plan A & B:

- With few exceptions, the contingency plan/placement is implemented as soon as it is determined
- Partnerships between birth parents and foster parents are encouraged and facilitated by the agency
- Options counseling is available when ambivalence factors are present

Reasonable Reunification Efforts



- Always provided unless case has been judicially determined not to require them
- The placement of a child into a concurrent planning resource family does not imply that reunification efforts will not be provided
- Parents should always be given the opportunity to develop a relationship with the resource parents

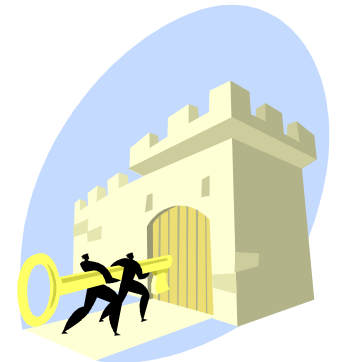
The Compatibility of CP and ICWA



- A family centered approach which respects and engages extended family including “fictive kin.”
- Recognizes the child’s need to maintain connections with family, culture, community.
- Seeks placement with relatives who can provide permanency before using unrelated resources.

Diligent Efforts to Identify Parents

- The social services agency shall make diligent efforts to identify and locate both parents of any child who is the subject of proceedings under this chapter.
- *Minn. Stat. § 260C.150, subd. 3(a).*



Court Inquiry Regarding Identities of Both Parents



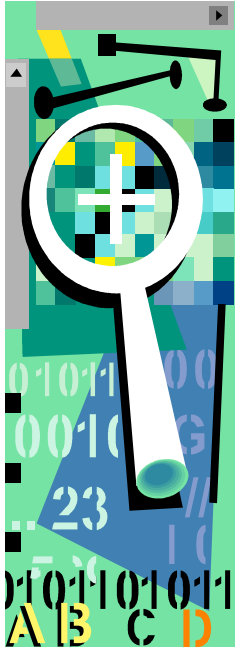
- At the first hearing regarding the petition and at any subsequent hearings, as appropriate, the court shall inquire of the parties whether the identities and whereabouts of both parents of the child are known and correctly reflected in the petition filed with the court.
- If either the identity or whereabouts of both parents is not known, the court shall make inquiry on the record of any party or participant present regarding the identity and whereabouts of the unknown parent of the child.
- *Minn. Stat. § 260C.150, subd. 4.*

Diligent Search for & Engagement of Fathers & Kin



- Should occur **immediately**, Family Connections legislation now orders it to occur within first 30 days
- There are numerous reasons why birth parents may be resistant to cooperate with locating the child's relatives, including; anger and fear over the removal, not wanting the relatives to know due to embarrassment, resentment towards the other parent and fear that the child will be lost to them, etc.
- But few of these reasons truly put the child's needs first and therefore, a judge's order may be required to allow us to search for relatives without the parent's cooperation.

Diligent Search for & Engagement of Fathers & Kin



- Cooperative agreements with the divisions or agencies that operate **child support enforcement, TANF, social security** and other programs that require identification of fathers, documentation of previous addresses, social security numbers, dates of birth, which can be useful when initiating an Internet search.
- Subscription to an **internet search engine** can empower workers to use them routinely to seek out relatives of the child.

Diligent Search for & Engagement of Fathers & Kin



- Seeking out the child's family can be useful not only for placement resource purposes, can also be a valuable source of information, support for the family as well as a life long connection for a child.

Diligent Search for & Engagement of Fathers & Kin



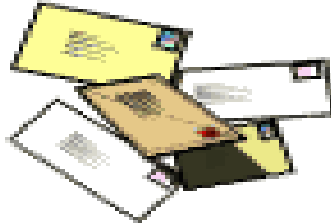
- Don't take mom's word for it
- Unfortunately the child welfare roles have an overrepresentation of folks with personality disorders who express anger, fear and rejection by cutting off relationships. The mother who claims the child's father is a "dead beat" may or may not be telling the truth. We need to find the uninvolved father's and their relatives so that we may
- Assess the current situation & reasons for lack of involvement.

Diligent Search for & Engagement of Fathers & Kin

- **Talk to the children about important people in their lives;** ask them where they spent holidays or celebrations, trips they may have taken, etc.
- **Identify fictive kin as well as relatives;** who babysits for them, anybody they call auntie or Godmother, people their parents have gone to when they needed help.
- **Ask known kin about other kin;**
- **Do an immediate ICWA determination;**
- **Have paternity testing available**



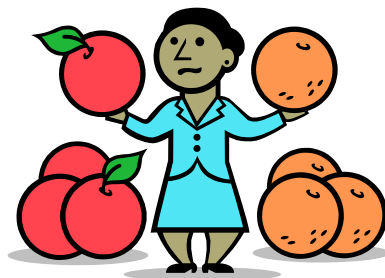
Diligent Search for Fathers & Kin



- Family Search and Engagement is not just about finding family. “Finding” or locating family members, while essential, is just the tip of the iceberg and is often one of the easiest components.
- Inviting, engaging and sustaining family connections tends to require the most highly developed skills (1)

Diligent Search for & Engagement of Fathers & Kin

- Part of the art of engagement involves withholding judgment as well as appreciating and enjoying differences among family members and friends.
- Successful engagement comes from a strength-based perspective





“If you cannot get rid of the family skeleton, you may as well make it dance.”

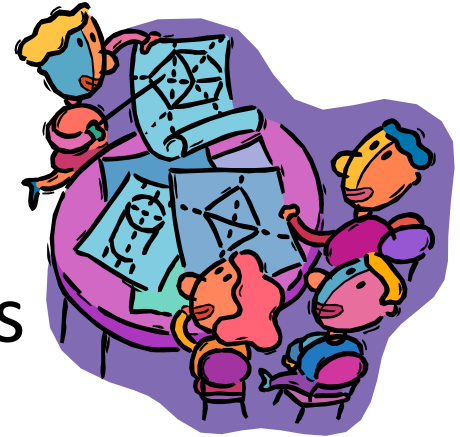
George Bernard Shaw



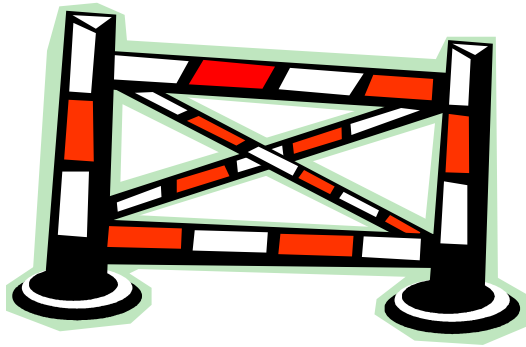
Initial Placement

- Balancing the need for crisis response with permanency issues
- What are relatives being told about their immediate and long term responsibilities?
- If we place for crisis reasons, how quickly do we assess for permanency and stability issues?

Family Group Decision Making Meetings



- Placement Selection that includes concurrent planning issues
- Also identify other roles that relatives can play to support birth parents & children
- Identify strengths as well as concerns
- Outline treatment plan needs
- Schedule follow ups as need arises

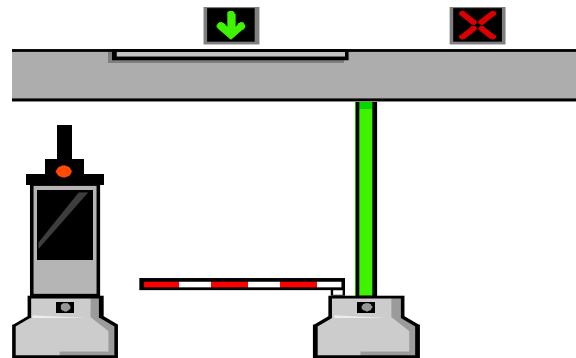


Possible Policy Barriers Effecting Practice

- Defining it as Concurrent Planning when applied to “immediate permanency” cases, in which no one honestly intends for reunification to happen. This can set up a false perception of concurrent planning which downgrades the importance of the reunification efforts.

Possible Policy Barriers Effecting Practice

- Matching child in a vacuum, without paying attention to attributes of the birth family that will help or hinder the ability for a relationship to be developed.



TEN TIME BOMBS IN YOUR CASE

1. Missing parents or putative fathers not adequately identified early; search not documented; no dependency established on fathers
2. Native American heritage not verified
3. Relative search not done thoroughly and early
4. Agreed orders that omit findings/admissions of abuse and neglect
5. Vague case plans





TEN TIME BOMBS IN YOUR CASE

6. Inadequate information about the child
7. Releases of information that are too narrow, or expire and not renewed
8. Available services not diligently offered/provided or not documented adequately
9. Documentation gaps or documentation on compliance only - not progress made
10. Repeat delays in making permanency decisions

Concurrent Planning Can Have Positive Effect on Disproportionality Issues

- Increased involvement of families in decision making including extended families by broadening the search and engagement of relatives, both maternal and paternal
- Building community supports and partnerships to increase family support services which keep children at home
- Targeted Recruitment based on type and location of children in care
- A Family Centered Practice approach which confronts biases and acknowledges power and authority dynamics





Out-of-Home Placement Plan Requirements

- An out-of-home placement plan shall be filed with the court within 30 days of the date the child is placed in foster care by court order or a voluntary placement agreement between the responsible social services agency and the child's parent under 260C.212 or voluntary foster care for treatment under Minn. Stat chapter 260D.
- *Minn. Stat. § 260C.212, subd. 1(a).*

Case Planning



- **Case planning for both parents**
- *Minn. Stat. § 260C.212, subd. 4(a).*
- **Engaging parent in case planning process**
- The parent may ask the court to modify the plan to require different or additional services requested by the parent, but which the agency refused to provide.
- The court may approve the plan as presented by the agency or may modify the plan to require services requested by the parent. The court's approval shall be based on the content of the petition.
- *Minn. Stat. § 260C.212, subd. 1(c).*

Case Plan Development

- Is taking information from the family meetings and assessments and turning it into a written family friendly case plan which can be **submitted to the court**, articulates clear **expectations** and **delineates compliance from success**.
- We need to focus on writing criteria of success statements that are **individualized** to a specific family and are **behavioral** in nature.



Criteria of Success Example

- **Instead of:** Mrs. Smith will successfully complete the above mentioned classes.
- **Use:** Upon completion of the classes, in interactions with her children, Mrs. Smith will be able to demonstrate the use of discipline techniques such as, time outs and giving choices. She will not yell at or hit her children. She will ask her children about topics such as school and their involvement in activities. She will not discuss her personal problems, such as money, boyfriends and the court process with them.

Concurrent Case Planning

Plan A Reunification

- A plan collaboratively developed with the birth parents, extended family, service providers, GAL, foster parents etc.
- Contains tasks, time frames and criteria of success, not just compliance.
- Includes anything necessary to identify and engage absent parent.

Plan B Adoption

- If a resource family is available, this plan is fairly simple and may involve pre-placement visits, visitation and parenting time and completion of a life book with the birth family.
- It may also contain paper work tasks to ensure adoption completion.

Concurrent Case Planning

Plan A Reunification

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- Contains tasks, time frames and criteria of success, not just compliance.
- Includes anything necessary to identify and engage absent parent.

Plan B Adoption

- If there is not a viable relative or resource home, this plan concentrates on the child specific recruitment that will need to occur to develop the resource.
- It may include an internet search but should also include interviews with child, birth parents, others.

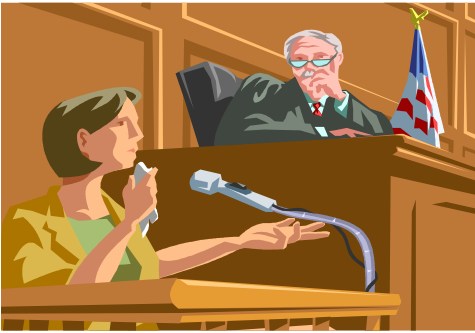
Concurrent Case Planning

Plan A Reunification

- A plan collaboratively developed with the birth parents, extended family, service providers, GAL, foster parents etc.
- Contains tasks, time frames and criteria of success, not just compliance.
- Includes anything necessary to identify and engage absent parent.

Plan B Guardianship with Kin

- If the relative is local and known, this would be the same as Adoption plan.
- If there are potential family members scattered about, this plan is about ICPC, relationship development with the child and choosing the most appropriate relative.



Role of Judges at Hearings

- Ensure that reasonable efforts are being made
- Inquire about the need for concurrent planning
- Fully explore all possible placement resources, including maternal & paternal relatives & their viability as a permanent option
- Establish and/or approve specific permanency plans for foster children understanding when TPR petitions are required and the exceptions to such requirements.

Role of Judges at Hearings

- Address visitation in court orders
- Request information about the nature and quality of foster children's visits, contacts, and relationships with parents and siblings
- Require case plans to be submitted to and reviewed by the courts
- Address barriers to service provision



Also.....



- Consider more frequent perm hearings
- Support foster parent involvement at hearings
- Aggressive efforts to keep siblings together; sibling visitation
- Review educational and medical needs of each child
- Input from the child
- Do not “reset” the bar for reunification

Ongoing Permanency Planning for Older Youth



- **Review Hearing for Youth age 16 or older**
- the court shall review the independent living plan and the provision of services to the child related to the well-being of the child as the child prepares to leave foster care.
- The review shall include the actual plans related to each item in the plan necessary to the child's future safety and well-being
- The agency shall establish that it has given the notice re. the right to continued access to services past age 18 and of the right to appeal a denial.
- If the agency is unable to establish that the notice has been given, the court shall require the agency to give it.
- The court shall make findings regarding progress toward or accomplishment of the goals listed in the statute: *Minn. Stat. § 260C.212, subd.7(d)*.

Transition Plan for Youth Age 17 or Older



- When a child is age 17 or older, during the 90-day period immediately prior to the date the child is expected to be discharged from foster care, the responsible social services agency is required to provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child.
- The transition plan must be as detailed as the child may elect and include specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services.
- The county shall also provide the individual with appropriate contact information if the individual needs more information or needs help dealing with a crisis situation through age 21.
- *Minn. Stat. § 260C.212, subd. 7(e).*

Permanency with Adolescents

- Dispel the myth of Independence & Recognize the Need for Interdependence



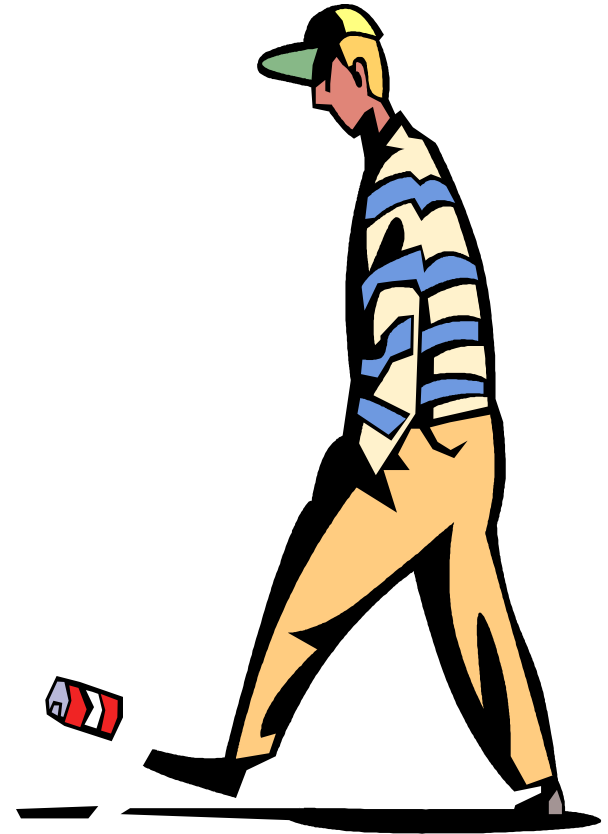
Who Wouldn't Want a Family?

Who wouldn't want a family?

Who wouldn't want to have a family to spend holidays with, to call when things don't go right, or to call when things are great to celebrate?

Who wouldn't want that?

- *Former Foster Care Youth*



Lifelong Family Connections

- An adolescent worker states, “I spend so much time putting back together relationships that previous workers tore apart.”



Principles of Youth Permanency



- Recognize that every young person is entitled to a permanent family relationship,
- Demonstrate that the agency is committed to achieving that goal, and
- Include multiple systems and the community at large in the effort to identify and support such relationships.

Principles of Youth Permanency



Are driven by the young people themselves, recognizing that young people are the best source of information about their own strengths and needs.

Permanence includes: a stable, healthy and lasting living situation; reliable, continuous and healthy connections with siblings, birth parents, extended family and a network of other significant adults; and education and/or employment, life skills, supports and services.



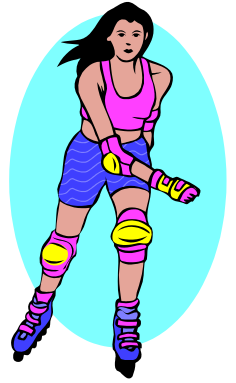
Adoption of Adolescents

- Re-conceptualization of adoption for older youth will require expanded permanent options that meet the youth's need for lifelong, meaningful relationships.
- Open adoption, shared parenting, and practices which permit the adopted youth to maintain contact with their birth family members are contemporary approaches which support permanency and may be useful for practitioners to consider in exploring the array of permanency options for youth.

Adoption of Older Adolescents



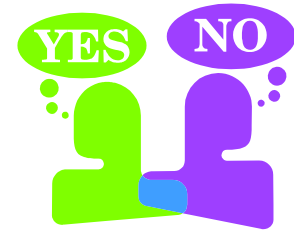
- ASFA explicitly rejects the notion that there is an “age limit” for adoption or that adolescents are “too old” to be adopted.
- Too often, it is the misplaced fear that adoption will lead to the severing of their emotional ties with members of their birth families that leads some adolescents to reject the idea of adoption for themselves.



Adoption of Older Adolescents

- The participation of adolescents in planning for their own adoption is critical. Adolescents need to be actively involved in identifying past and present connections that can be explored as potential adoptive resources.
- Young people 18 and older should be informed by their caseworker that they can consent to their own adoption and that there is no need for legal proceedings to terminate their parents' parental rights.

How to Approach Adoption with Adolescents?



What do you say instead of accepting NO

- Who are the three people in your life with whom you have had the best relationship?
- Would it help to review where you have lived in the past to help you recall important adults in your life?
- To whom have you felt connected to in the past?
- Who from the past or present that you want to stay connected to? How? Why?
- How are you feeling about this process? What memories, fears, and anxieties is it stirring up?



Instead of Accepting NO

- Who cared for you when your parents could not? Who paid attention to you, looked out for you, cared about what happened to you?
- With whom have you shared holidays and/or special occasions?
- Who believes in you? stands by you? compliments or praises you? appreciates you?
- Who do you like? feel good about? enjoy being with? Admire? look up to? want to be like someday?
- Who can you count on? Who would you call at 2 am if you were in trouble? Wanted to share good news? Bad news?

TOP 10 REASONS TO ADOPT A TEENAGER



- No diapers to change.
- We sleep through the night.
- We will be ready to move out sooner... but we can still visit.
- You don't just get a child, you get a friend.
- We will keep you up to date with the latest fashion.
- No more carpools, we can drive you places.
- No bottles, formula or burp rags required.
- We can help out around the house.
- We can learn from you.
- We will teach you how to run your computer!

References and Resources

- Resources regarding Concurrent Planning from other sources and states can be found on the NRCPFC web-site,
http://www.hunter.cuny.edu/socwork/nrcpfc/info_services/concurrent-permanency-planning.html

References and Resources

1. Family Search & Engagement: A Comprehensive Practice Guide. 2008, Catholic Community Services of Western Washington and EMQ Children & Family Services

[http://www.ccsww.org/site/DocServer/Family Search and Engagement Guide CCS-EMQ.pdf?docID=641](http://www.ccsww.org/site/DocServer/Family_Search_and_Engagement_Guide_CCS-EMQ.pdf?docID=641) OR

http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/family-search.html

References and Resources

For other resources regarding Youth Permanency

- http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/youth-permanency.html#ppt
- **Engaging Nonresident Fathers in Child Welfare Cases: A Guide for Court Appointed Special Advocates**
http://www.fatherhoodqic.org/casa_brief.pdf

References and Resources



The Alliance *for* Children's Rights

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www.kids-alliance.org

References and Resources

- Implementing Concurrent Planning: A Handbook for Child Welfare Administrators, from the NRC for Organizational Improvement by Patricia Schene, Ph.D. Edited by Barbara Sparks May, 2001
<http://muskie.usm.maine.edu/helpkids/rcpdfs/concurrent.pdf>

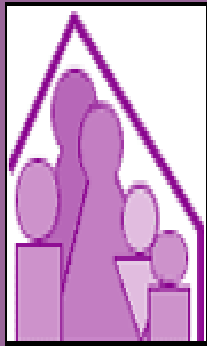
References and Resources

- Tool # 1: Concurrent Permanency Planning By Alice Boles Ott, Outlines fairly simply the intent, origination and importance of concurrent planning and how to “get started.”
<http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/tools/cpp-tool.pdf>
- Concurrent Planning Checklist for Counties Page 10
Concurrent Planning—Existing Challenges and New Possibilities *By Susan Brooks, Director, Northern California Training Academy, Center for Human Services, UC Davis Extension Spring/Summer 2009*
http://humanservices.ucdavis.edu/news/pdf/091_252_ro.pdf

References and Resources

CWLA Press, Toolboxes For Permanency Series, Toolbox # 2, **Expanding the Role of Foster Parents in Achieving Permanency**, by Susan Dougherty (2001) www.cwla.org

The National Resource Center for Family Centered Practice & Permanency Planning, **Preventing the Triangulation of the Triangle of Support**, by Lorrie Lutz, MPP http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/triangle_of_support.pdf



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