

VI. REVIEW HEARINGS

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A. Introduction

Review hearings are the court proceedings which take place after disposition and in which the court comprehensively reviews the status of the case. Review is vital to cases involving each child within the court's jurisdiction, whether or not the child is in placement. At the conclusion of the disposition hearing the court identified a long-term goal for the child. If family reunification was the case goal, the original case plan approved at the disposition hearing should have identified behavioral changes required of the parents, services to be provided, a long-term plan for the child's future, and other appropriate details. Review hearings examine progress made by the parties since the conclusion of the disposition hearing. They also provide an opportunity for correction and revision of the case plan. The purpose of review hearings is to make sure that cases progress and that children spend as short a time as possible in temporary placement. No matter how carefully initial case planning is examined at the disposition hearing, periodic review is needed to keep cases moving toward successful completion.

Review hearings should re-examine long-term case goals and change any which are no longer appropriate. Just as review hearings should hasten family reunification when possible, they should also help identify cases in which reunification should be discarded as a goal because a child cannot safely be returned home in a timely fashion.

Review hearings are necessary because continuation of a child in foster care for an extended time has a negative affect on a child and family. A child in foster care forms new relationships which may weaken his or her emotional ties to biological family members. A child shifted among foster homes may lose the ability to form strong emotional bonds with a permanent family.¹ A careful decision concerning the future of every child is needed as soon as possible. Review hearings can help ensure that decisions concerning a child's future are made at regular intervals and implemented expeditiously.

Review hearings provide regular ju-

dicial oversight of children in foster care and can help judges identify inadequacies in government's response to child abuse and neglect. For example, incomplete case plans can prolong foster care placement by failing to clearly specify what each party must do to facilitate family reunification. Agency case plans may be based on boilerplate forms which fail to adequately document a case. A plan may be developed solely by agency staff, without the collaboration of parents or the child. A plan may fail to specify agency services or particular behaviors and changes expected of the parents.

Unresolved case disputes may block case planning progress. Each party may be proceeding unilaterally without confronting a disputed issue, although the dispute may constitute a roadblock to family reunification. When agency caseloads are high, cases may be neglected. If things are going "smoothly" in a child's foster home, appropriate attention may not be paid to family rehabilitation and progress toward reunification.

The agency may unnecessarily restrict parent-child contacts, accelerating breakdown of the parent-child relationship. Frequent parental visitation is essential but burdens agency caseworkers. Parents may be unaware that they can challenge visitation arrangements and may become discouraged by the terms imposed.

Agencies may fail to take timely action to move children out of foster care. Such inertia may be due to caution, indecision, or subtle incentives to maintain the legal status quo. Bringing a termination of parental rights proceeding is time consuming and may even appear forbidding to individual caseworkers. Without prodding by foster care review, workers may forego legal action.

Effective review hearings can address each of these problems and can improve planning for children. Judicial review helps a case progress by requiring the parties to set timetables, take specific action, and make decisions. Review hearings provide a forum for the parents, helping assure that their viewpoint is considered in case planning. Through

Careful scrutiny of the case plan by the attorneys and the court, case content and planning problems can be identified. Terms of the plan can be specified so that all parties understand their obligations and the court can assess progress.

Regular and thorough review hearings create incentives for the agency to make decisions concerning the permanent status of a child. When the review hearing is challenging and demanding, greater consideration is given to the examination of all placement options. Review hearings also create a valuable record of the actions of the parents and agency. Current information is put on the record and is more likely to be freely exchanged at a review than in proceedings to terminate parental rights or to compel family reunification.

Unfortunately, there are a number of formidable pitfalls that can thwart effective review hearings. Regular review hearings consume a great deal of time. Careful docket management and appropriate judicial caseloads are needed to prevent caseworkers, parents, attorneys, and other parties from having to spend long hours in the courthouse waiting for review.

Reviews can malfunction as a rubber stamp of agency recommendations or produce arbitrary decisions based on inadequate information. Effective review requires adequate court time and properly paid and trained lawyers to collectively determine what information comes before the court. Lawyers must be expected to do their job and come to court with a clear position on the case. If volunteers such as guardians ad litem or court appointed special advocates (GAL/CASAs) are assigned, they should be prepared to make a recommendation as to the best interests of the child.

Irregular review may inhibit agency case planning. Long delays between court hearings and unnecessarily complex court orders may deprive the agency and the parents of the flexibility needed to move forward. For example, if a court orders parents to participate in a particular program which proves to be inappropriate, the parent is under a continuing obligation to remain in the

program until the case is brought back to court. Parties must have the means to obtain timely review.

Federal law requires that reviews be conducted by either a court or an “administrative body,” such as an agency team or a panel of volunteer citizen reviewers.²

It is optional under federal law whether courts conduct the routine review hearings.

Federal law contemplates a routine but thorough review of case progress to make sure cases are not neglected and, if necessary, to refine case plans. Specifically, review is:

...to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal custody.³

States that require courts to conduct periodic review hearings must make sure that courts are able to perform this function properly.

Some states have chosen not to have judges conduct reviews. The best alternative or complement to judicial review is review by panels of judicially appointed citizen volunteers. Whatever form of review is used, it is critical that the parties be present and that questioning is conducted with rigor. Members of citizen review panels should be carefully recruited, screened, trained and supervised by court personnel. Citizen review panels should be judicially appointed and supervised. There should be an adequate ratio of court staff to volunteers and there should be at least one panel per 100 children to be reviewed. A professional staff person should be present at all panel reviews.

B. Timing of Review

Timetables for review hearings are governed by both federal and state statute. Federal law specifies that review of children in foster care (by a court or administrative body) must occur at least once every six months.⁴ Some state stat-

utes require more frequent oversight and many courts conduct case review more frequently than statutes require.

Frequent review hearings require that courts have sufficient personnel to conduct the hearings properly. Whatever the frequency of mandatory review, the court should have the ability to conduct hearings more frequently than the minimum intervals. Where review hearings are mandated at least every six months, it should still be common to hold reviews at two or three month intervals at particularly critical stages of a case. In special circumstances, it also should be common to bring matters back to court on short notice.

C. Agreements by the Parties

Whenever issues presented at a review are stipulated rather than tried by the court, the court should take the time to thoroughly review the agreement with the parties. The court should ensure that all review issues have been thoroughly considered by all parties, especially both parents, if involved. If the parties' agreement is not comprehensive, the court may need to hear evidence to resolve disputes. The court might also adjourn the hearing to give the parties time to resolve issues or present them to the court for a decision.

If the court conducts frequent review hearings, any agreed statement of facts should convey the recent history of the case. The history should include an agreed statement concerning services provided to the child and family since the last hearing, actions taken by the parents in accord with the case plan, and progress made toward ending state intervention. This provides a definitive record of what has occurred since the previous disposition or review. This record will be invaluable later in the case when it is necessary to decide whether to reunite the family or terminate parental rights.

If the parties have reached agreement as to future steps to be taken, the court should either make sure that the agreement is comprehensive or resolve any issues not considered. A comprehensive agreement might include such issues as placement, services to the child,

services to the family, visitation (where applicable), agency oversight of the family, location of missing parents, determination of paternity. (For a more complete listing and discussion of issues to be addressed during a review, see Section E entitled "Key Decisions the Court Should Make at Review.")

D. Who Should Be Present

Persons who should always be present at review hearings:

- Judge or judicial officer
- Parents whose rights have not been terminated, including putative fathers
- Age-appropriate children
- Relatives with legal standing or other custodial adults
- Foster parents
- Assigned caseworker
- Agency attorney
- Attorney for parents (separate attorneys if conflict warrants)
- Legal advocate for the child and/or GAL/CASA
- Court reporter or suitable technology
- Security personnel

Judge or judicial officer

Although states can comply with the review requirements of federal law through a citizen or administrative review process, it is important that when review hearings are conducted by the court, they are conducted by the same judge or judicial officer who hears other stages of the proceedings. The involvement of one judge creates consistency in the directions given the family and agency, avoids rehashing old arguments, and allows the judge or judicial officer who presides over the review to be thoroughly familiar with the facts adduced from previous hearings.

Parents whose rights have not been terminated, including putative fathers (or other persons with whom the agency is working toward reunification, such as potential adoptive parents)

If the court-approved plan is to re-

unify the child with a parent, whether or not the child lived with the parent prior to placement into foster care, it is essential for that parent to participate in the review. Parents can provide the court with important information concerning their perception of problems encountered in completing tasks or obtaining services, difficulties encountered in working with the agency, and concerns they may have regarding the care of their children. Such information is essential to the participation of parents in the case planning process. Parents must be present to receive information from the court and agency. At the review, the parents can receive important feedback from the court and agency as to what tasks must be completed and when.

Age-appropriate children

Children should be present at some point during the hearing to give the judge the opportunity to observe them. Age-appropriate children can provide the court with information as to their perception of their needs, interests and concerns. Older children will often have questions regarding their circumstances, the case plan, and projected time frames for achieving case plan goals. Their questions can be answered at review. A court may choose to have children present only during portions of a hearing. Special circumstances may infrequently justify the absence of children from an entire hearing.

Relatives with legal standing or other custodial adults

Relatives with legal standing, representatives of placement facilities where children are placed, or other custodial adults who work directly with children can often provide valuable information at review concerning adjustment of children to placement, their special needs, and additional services required.

Foster parents

Foster parents who care for and observe children on a daily basis are often in the best position to describe the present status of a child. Foster parents should be present both to make this information available to the judge, and to

give the judge the opportunity to observe the foster parents.

Assigned caseworker

The caseworker with primary responsibility for the case must be present to provide the court with complete, accurate, and up-to-date information at the hearing. Judges should not continue or delay a review hearing due to lack of information or case involvement by a caseworker. When important facts are not known, the hearing should be reset for an early date, and, if necessary, appropriate subpoenas should be issued.

Agency attorney

It is important that the agency have effective representation at the hearing because the court's decisions concerning the case plan are crucial to its success. Important information is elicited at the review hearing and the record established at that time can be critical to later case outcomes; an attorney is needed to help develop the record and note important evidence. The agency attorney also can further case progress by obtaining court ordered evaluations, excluding a perpetrator from a household, or obtaining information important to the case. Depending on the jurisdiction, the agency may be represented by an attorney employed by the agency, the state attorney general, the county attorney, or the county prosecutor.

Attorney for parents (separate attorneys if conflict warrants)

The presence of the parents' attorney at the review hearing is vital to make sure that the agency is carrying out its responsibility to assist the parents. The attorney needs to correct the record to avoid negative or inaccurate information about the parents. The attorney needs to make sure that the parents' interests and views are taken into account in all decisions on placement, visitation, services, and case plan modifications.

Legal advocate for the child and/or GAL/CASA

A well-trained legal advocate for the child and/or GAL/CASA must be

present to make sure that the child's interests are being protected and not being subordinated to the organizational needs of the agency or the convenience of agency personnel. The advocate also needs to ensure that the views of children are considered by the court.

Court reporter or suitable technology and Security personnel

As in other stages of the hearing process, these staffing and equipment resources should be available for all review hearings.

The following are persons whose presence may also be needed at reviews:

- Extended family members
- Adoptive parents
- Judicial case management staff
- Service providers
- Adult or juvenile probation or parole officer
- Other witnesses
- School officials

Service Providers

Persons who provide services to the parents and children, such as therapists, teachers, and parenting instructors, can often provide valuable information to the court concerning the family's progress and recommendations for additional services.

If a particular service provider is not available to attend the hearing, the court should make certain that the agency caseworker has obtained detailed information on the participation and progress of the parents in that service. Ideally, written reports from all service providers should be provided to the court.

It is often helpful for all persons who are involved with the family to meet with each other at the review so that everyone understands case plan goals and the treatment needs of the family. The involvement of service providers at reviews helps to coordinate services with court-approved treatment goals.

E. Key Decisions the Court Should Make at the Review Hearing

• Whether there is a need for continued placement of a child.

If a child is placed outside a parent's home, the court should determine the necessity of placement. In deciding whether the family can be safely reunited, the court should consider the extent to which the parents have engaged in and benefited from services outlined in the case plan; the capacity and willingness of the parents to care for the child; the extent to which changed parental behavior allows for the child's safe return home; the extent to which parental behavior may continue to endanger the child; the appropriateness of interactions between parents and children during visitation; and the recommendations of service providers. If the court determines that a child should not be returned home, the court should identify the additional progress which would allow a safe family reunification.

• Whether the court-approved, long-term permanent plan for the child remains the best plan for the child.

Not every case requires the same period of time to determine whether family reunification is possible. In some cases, circumstances compel a case to proceed immediately from complaint or petition to termination of parental rights. At review, it may immediately become clear that the case plan being pursued for the family is no longer feasible. For example, a plan of reunification with a parent would no longer be feasible if the whereabouts of the parent were unknown for a substantial period of time, if the parent were subject to long-term incarceration, or if the parent failed continuously over an extended period to remedy the problems that caused a child to be placed. When it becomes apparent that the plan approved at the disposition hearing is no longer the best plan for the child, the court should direct the agency to present a new permanent plan.

Whether family reunification is possible becomes clear much sooner in some cases than in others. To avoid unnecessary foster care, judges should not continue a goal of reunification after it is apparent that the goal cannot be achieved or cannot assure safety of the child.

- **Whether the agency is making reasonable efforts to rehabilitate the family and eliminate the need for placement of a child.**

When the case plan goal is family reunification, the agency should be held accountable for meeting its obligation to provide services to the family. The court should make specific factual findings as to what efforts the agency is making to eliminate the need for placement of the child and whether such efforts are reasonable. The court should identify any areas in which agency efforts are inadequate and set forth orders to address these inadequacies.

- **Whether services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances.**

It often becomes obvious at a review that the case plan should be revised to reflect changed circumstances or new information. Additional or different services may be needed than those identified in the original case plan.

If the parents have not complied with a court-ordered case plan, the judge should consider whether the parents were capable of complying. If so, it may be necessary to remind them of the prior order and explain that their continued non-cooperation may lead to the termination of their parental rights. The judge should also consider initiating contempt of court proceedings.

At the review the court can correct any misunderstood expectations. Before making the decision whether and how to revise the case plan, the judge should question the parents. Parents should be asked whether they can meet the plan requirements. Parents should also be informed of the risk of termina-

tion of parental rights or other permanent loss of custody should they fail to meet their responsibilities under the plan.

As a case approaches successful reunification, the case plan may need to be amended to reflect family reunification.

- **Whether the child is in an appropriate placement which adequately meets all physical, emotional and educational needs.**

The court should review information on the behavior and overall adjustment of each child to his or her placement and school. The court should also be informed of the specific services being provided to meet each child's physical, emotional and educational needs.

At a review, the court may receive information indicating that the needs of a child are not being met in the child's placement. For example, if a child's behavior is causing the possible disruption of a third foster home placement, it may be necessary for the court to direct the agency to pursue placement at a more specialized therapeutic foster home.

In some cases, a child experiencing difficulty in placement may be successfully maintained in that placement if additional services are provided. The child may require mental health counseling, a special education program at school, or other specialized services. The foster parent may benefit from respite care or training in managing difficult behaviors. If such services were not identified in the initial case plan, they should be court-ordered at the review.

- **Whether the terms of visitation need to be modified.**

As parents successfully engage in services and modify their behavior, it may be appropriate to provide less restrictive, more extensive visitation. As the time for reunification approaches, there is a need to expand visits to include overnight visits in the parents' home. The court should review the terms of visitation at the review to determine whether terms and conditions of visits should be modified.

- **Whether terms of child support need to be set or adjusted.**

Parents who are able to pay should be expected to help cover the costs of foster care. Support amounts should either be reviewed or adjusted during review hearings. The court should take care to avoid financial burdens that interfere with family reunification. Particularly inexpedient are delays in setting support followed by retroactive lump sum support orders. These often make it impossible for parents to maintain or to obtain residential space in preparation for the child's return home.

- **Whether any additional court orders need to be made to move the case toward successful completion.**

Additional court orders may be needed to move the case toward successful completion. For example, if one parent has successfully completed services, but the other has not, it may be possible to return the children to the one parent who has completed the case plan with orders limiting the contact of the other parent.

- **What time frame should be followed to achieve reunification or other permanent plan for each child.**

At the conclusion of the review, the court should always determine what additional actions are necessary to successfully complete the case plan goals and set forth reasonable time frames in which such actions should be completed. By setting deadlines, the court emphasizes the importance of time in the lives of children and makes clear the court's expectations. The time frames set forth in the court's written findings of fact and conclusions of law can later be used by the court to hold all parties accountable by requiring explanations when reasonable deadlines are not met. The court must also set the time and date for the next review.

F. Submission of Reports to the Court

The submission of pre-review reports by the child welfare agency and GALs/CASAs can serve the same purpose as

predisposition reports. Report writing and submission assist the parties in analyzing the case, and help the judge reach a decision. It is important that reports be distributed to the parties well in advance of the review. This allows time for the parties to consider agency proposals, and allows the parties time to prepare for the hearing.

Rules or forms are needed regarding the timing and content of pre-review reports. Strict deadlines are needed to ensure that the report is submitted to the parties far enough in advance of the hearing to give them an opportunity to investigate its statements and propose alternatives.

When the agency recommends continued foster placement, an affidavit of reasonable efforts should be submitted to help ensure the reliability of the report.

The following are some key elements of the affidavit:

- A description of the efforts made by the agency to reunify the family since the last disposition or review hearing and an explanation why those efforts were not successful;
- An explanation why the child cannot presently be protected from the identified problems in the home even if services are provided to the child and family.

The affidavit or an accompanying report should address each of the issues discussed in Section E, entitled *Key Decisions the Court Should Make at Review*. Courts should review the format of current court reports to make sure that they call for that information.

Court rules and forms for pre-review reports should be carefully designed to assist judges to submit complete written findings of fact and conclusions of law. If judges are required to cover particular issues in orders or findings, the report should address each such issue. Accordingly, the form used for agency pre-review reports should be worded as precisely as possible to address the exact issues that need to be addressed by the judge. This will assist the court in preparation of its findings.

G. The Court's Written Findings of Fact and Conclusions of Law at the Review Hearing

- Set forth findings as to why the children are in need of continued placement outside the parents' home or continued cost of supervision, including the specific risks to the child;
- Set forth findings as to whether and why family reunification and an end to court supervision continues to be the long-term case goal;
- Set forth findings as to whether the agency has made reasonable efforts to eliminate the need for placement, with specific findings as to what actions the agency is taking;
- Set forth detailed findings of fact and conclusions of law as to whether the parents are in compliance with the case plan and identify specifically what further actions the parents need to complete;
- Set forth orders for the agency to make additional efforts necessary to meet the needs of the family and move the case toward completion;
- Be written in easily understandable language which allows the parents and all parties to fully understand what action they must take to have their children returned to their care;
- Approve proposed changes in the case plan and set forth any court-ordered modifications needed as a result of information presented at the review;
- Identify an expected date for final reunification or other permanent plan for the child; and
- Make any other orders necessary to resolve the problems that are preventing reunification or the completion of another permanent plan for the child.
- Set date and time of next hearing, if needed.

The issues to be addressed in the agency's predisposition report or petition should also be addressed in the court's written findings of fact and conclusions of law.

H. Conclusion

Judicial findings can strengthen the court's decision-making and create a more complete record. When there are detailed findings at adjudication, disposition, review hearings, and permanency planning hearings, it is far easier to move toward a permanent plan for each child. With a clear judicial record of repeated revisions in case plans, the agency's adherence to plans, and parental inaction, termination of parental rights proceedings become far less burdensome on the parties. When there were clear findings at the previous hearing, including instructions to the parties, there is far greater likelihood that there will be a consistent pattern of decisions in the case. Without a strong written record, there is a risk that the same issues and excuses for parental inactivity or agency indecision can be repeated.

The burden of preparing findings can be reduced by ensuring that the agency's report covers the same issues as those that are to be addressed in the court's findings. If the issues are the same and the report is well-prepared, the court can repeat, modify, or refer to portions of the report in its findings.

I. Resource Guideline

It is recommended that 30 minutes be allocated for each review hearing.

Hearing Activity	Time Estimate
1. Introductory Remarks <ul style="list-style-type: none"> • introduction of parties • advisement of rights • explanation of the proceeding 	2 Minutes
2. Adequacy of Notice and Service of Process Issues	3 Minutes
3. Case Status/Review of Case Plan <ul style="list-style-type: none"> • adequacy and appropriateness of current placement • progress toward long-term goal • continued need for current placement • new or changed case circumstances • additional services needed to achieve long-term goal • modifications needed regarding visitation and child support 	10 Minutes
4. Reasonable Efforts Finding	5 Minutes
5. Troubleshooting and Negotiations Between Parties <ul style="list-style-type: none"> • confusion regarding specifics of the case plan and what is expected of parents • visitation and child support issues • discuss need for additional orders to facilitate case progress 	5 Minutes
6. Issuance of Orders and Scheduling of Next Hearing <ul style="list-style-type: none"> • preparation and distribution of orders to all parties prior to adjournment 	5 Minutes
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Time Allocation	30 Minutes

J. Review Hearing Checklist

Persons who should always be present at the review hearing:

- Judge or judicial officer
- Parents whose rights have not been terminated, including putative fathers
- Age-appropriate children
- Relatives with legal standing or other custodial adults
- Foster parents
- Assigned caseworker
- Agency attorney
- Attorney for parents (separate attorneys if conflict warrants)
- Legal advocate for the child and/or GAL/CASA
- Court reporter or suitable technology
- Security personnel

Persons whose presence may also be needed at the review hearing:

- Extended family members
- Adoptive parents
- Judicial case management staff
- Service providers
- Adult or juvenile probation or parole officer
- Other witnesses
- School officials

Key decisions the court should make at the review hearing:

- Whether there is a need for continued placement of a child.
- Whether the court-approved, long-term permanent plan for the child remains the best plan for the child.
- Whether the agency is making reasonable efforts to rehabilitate the family and eliminate the need for placement of a child.
- Whether services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances.
- Whether the child is in an appropriate placement which adequately meets all physical, emotional and educational needs.

- Whether the terms of visitation need to be modified.
- Whether terms of child support need to be set or adjusted.
- Whether any additional court orders need to be made to move the case toward successful completion.
- What time frame should be followed to achieve reunification or other permanent plan for each child.

Submission of reports to the court:

Pre-Review Report

Pre-review reports by the child welfare agency and the GAL/CASA can serve the same purpose as predisposition reports. Pre-review reports should include:

- A statement of family changes needed to correct the problems necessitating state intervention, with timetables for accomplishing them;
- A description of services to be provided to assist the family; and
- A description of actions to be taken by parents to correct the identified problems.

Affidavit of Reasonable Efforts

When the agency recommends continued foster placement, an affidavit of reasonable efforts should be submitted. The following are some key elements of the affidavit:

- A description of the efforts made by the agency to reunify the family since the last disposition or review hearing and an explanation why those efforts were not successful;
- An explanation why the child cannot presently be protected from the identified problems in the home even if services are provided to the child and family.

The court's written findings of fact and conclusions of law at the review hearing should:

- Set forth findings as to why the children are in need of continued placement outside the parents' home or continued court supervision, including the specific risks to the child;
- Set forth findings as to whether and why family reunification and an end to court supervision continues to be the long-term case goal;
- Set forth findings as to whether the agency has made reasonable efforts to eliminate the need for placement, with specific findings as to what actions the agency is taking;
- Set forth detailed findings of fact and conclusions of law as to whether the parents are in compliance with the case plan and identify specifically what further actions the parents need to complete;
- Set forth orders for the agency to make additional efforts necessary to meet the needs of the family and move the case toward completion;
- Be written in easily understandable language which allows the parents and all parties to fully understand what action they must take to have their children returned to their care;
- Approve proposed changes in the case plan and set forth any court-ordered modifications needed as a result of information presented at the review;
- Identify an expected date for final reunification or other permanent plan for the child;
- Make any other orders necessary to resolve the problems that are preventing reunification or the completion of another permanent plan for the child; and
- Set date and time of next hearing, if needed.

K. Endnotes

1. M. Rutter, *Maternal Deprivation Reassessed*, 179-197 (England: Harmondsworth, Penguin, 1981); J. Bowlby, *Attachment and Loss* (New York: Basic Books, 1973); J. Goldstein, A. Freud and A. Solnit, *Beyond the Best Interest of the Child*, 2d ed. (New York: Free Press, Macmillan 1979).

2. See 42 USC §§ 675(5)(B), 675(6).

3. See 42 USC § 675(5)(B).

4. See 42 USC § 675(5)(B).