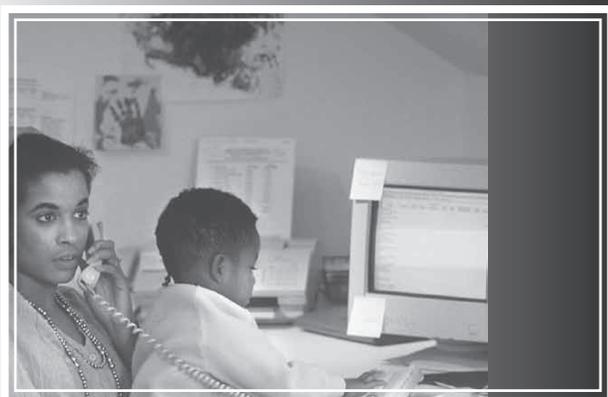


Children and Family Services

Practice Guide for

Concurrent Permanency Planning



Concurrent Permanency Planning Practice Guide

Table of Contents

I. Introduction.....	1
II. Purpose of Concurrent Permanency Planning	1
III. Target Populations	2
IV. Guiding Principles	3
A. Engaging parents and Full Disclosure	3
B. Assessments	4
C. Permanency.....	5
V. Guidelines for Concurrent Permanency Planning.....	5
A. Case Planning.....	5
B. Resource Families.....	6
1. Recruitment of Resource Families.....	6
2. Consider Relatives	7
3. Placement Decisions	8
4. Prepare and Approve Resource Families for Both Resource Care and Adoption	8
C. Visitation.....	9
D. Placement.....	9
E. Permanency.....	11
F. Reunification is the First Consideration	11
G. Permanency Options	11
VI. References.....	12
Attachment A: Full Disclosure Statement about Concurrent Permanency Planning	13

I. Introduction

Minnesota is committed to improving permanency for children.

The federal Adoption and Safe Families Act (ASFA) of 1997 (Public Law 105-89) recognized each child’s need for stability and permanency by requiring timely decisions about permanency. An approach to improve permanency outcomes is Concurrent Permanency Planning.

This guide promotes best practice in permanency planning by describing a step-by-step approach to working with families in the child welfare system.

II. Purpose of Concurrent Permanency Planning

Concurrent Permanency Planning is an approach that emphasizes reunification and establishes an alternative permanency plan if a child cannot return home.

Concurrent Permanency Planning simultaneously provides:

- Services to a child’s parents to improve the conditions which lead to the child removed from the home so the child can safely return home, and
- Placement of the child with a resource family that will:

- Assume care of the child
- Assist or support reunification
- Commit to being the legal parents or guardian in the event the child cannot return to their parents.

It is widely acknowledged that all children require security, love, acceptance, connectedness, moral/spiritual framework and lifetime families to promote health, growth and development. Resource care is a temporary setting, not a place to grow up. Children need stable families and supportive communities, especially during their early years, to form the secure attachments vital to positive self-esteem, meaningful relationships, school achievement and success in the adult world. The child welfare system has an uneven history of meeting children's developmental needs for stability and continuity in family relationships. The uncertainty and unpredictability of resource care has the potential to work against children's healthy growth and development.¹

Concurrent, rather than sequential, permanency planning offers a model that is family-centered, child-focused and community-based to move children from the uncertainty of resource care to the security of a permanent family.

III. Target populations

Concurrent planning can be used for all children in resource care. Children and families for whom Concurrent Permanency Planning is appropriate include:

- Children involved in a permanency case until the court relieves the agency of the responsibility of providing reunification services.
- Indian children who are involved in a permanency action.²
- Children who are under age 8 at the time they enter out-of-home placement and their siblings, if, based on the thorough assessment of the parents, it appears likely that the children will continue in care for more than 90 days, or the agency assesses each parent's prognosis as poor.³
- Children under age 8 and their siblings who remain in out-of-home care for more than 90 days, regardless of the determinations made by the agency in its thorough assessment of the parents.⁴

Concurrent Permanency Planning can also serve:

- Older children and youth in out-of-home placement solely because of their developmental disability or emotional disturbance. The first responsibility is to help the child return home.

¹ National Resource Center for Permanency Planning at the Hunter School of Social Work of the City University of New York. (1998). Tools for Permanency: Concurrent Permanency Planning.

² Indian child is defined in the Minnesota Indian Family Preservation Act, Minnesota Statutes, section 257.351, subdivision 6.

³ Siblings should be kept together in placement. Minnesota Statutes, section 259.58 and 260C.212, subdivision 2(d).

⁴ Siblings should be kept together in placement. Minnesota Statutes, section 259.58 and 260C.212, subdivision 2(d).

The family is offered help and support to care for their child. When a child with disabilities is in placement for 14 months, a permanency hearing is required.⁵

- Family and youth as they develop an adoption plan.

II. Guiding Principles

Concurrent Permanency Planning is based on the guiding principles of full disclosure, assessment and permanency. Concurrent planning engages parents with a supportive relationship to help them understand full disclosure and uses comprehensive assessments to identify their needs and strengths. These elements are essential to achieve permanency within the required time frames.

A. Engaging Parents and Full Disclosure

Full disclosure is a respectful, candid discussion that begins when the child is initially placed, is offered to all team members, and continues throughout the life of the case. Team members include parents, resource families, child (when appropriate), attorneys, tribal representatives (when appropriate), guardian ad litem and other service providers.⁶

Full disclosure involves the social worker providing the following information, both verbally and in writing:

- Explaining that foster care is temporary, and it is not good for children to grow up without permanent parent(s).
- Providing information about the parents' rights and responsibilities, including: the need to share information about the child's needs, a search for and consideration of relatives who may be able to care for the child, participation in the case planning process and the involvement of the court system.
- Discussing the support services available to help the child's parents.
- Providing information about the goals of Concurrent Permanency Planning, time frames and permanency options. The social worker must explain to the parents that developmental and emotional harm can result from a child placed in foster care and the urgency to get the child out of foster care, either through reunification with the parent(s) or into a legally permanent home.
- Informing the parents about the consequences of not following through with the case plan.⁷

Concurrent Permanency Planning requires full disclosure. Many county agencies have developed brochures to assist with this conversation. Attachment A is an example of a written full disclosure statement.

The social worker also needs to provide both verbal and written information to relative and non-relative resource families, including:

- Explaining that resource care is temporary and it is not good for children to grow up without permanent parent(s).

⁵ Minnesota Statutes, section 260C.141, subdivision 2.

⁶ Full disclosure to persons who are not the subject of the data can only be achieved if the subject of the data signs a release of information as required in Minnesota Statute sections 13.04, or the juvenile court orders it. Apply this to Minnesota Statute, section 260C.212, subdivision 1.

⁷ Minnesota Statutes, section 260C.213, subdivision 3.

- Providing information about permanency planning time frames
- Explaining the legal requirement to search for relatives who would be able to care for the child. (If a non-relative placement)
- Providing information about the goals of Concurrent Permanency Planning, time frames and permanency options. The social worker must explain that developmental and emotional harm can result from a child placed in resource care and the urgency to get the child out of foster care, either through reunification with the parents or into a legally permanent home.
- Discussing the support services available to help resource families.
- Providing information about licensing requirements, training and responsibilities of the resource family.

Minnesota Rules, part 2960.2080, subpart 4, requires that written information about the child be provided to the resource family, either before placement or within five days following placement. Updates are to be provided as new information becomes available. This information includes:

- The child's placement history summary.
- The child's name, gender and date of birth.
- The name, address and phone number of the child's parents.
- The child's race, cultural heritage, and if the child is Native American, the child's tribal affiliation.
- The child's spiritual or religious affiliation.
- A description of the child's presenting problems, including medical problems, the circumstances that lead to placement, mental health concerns, safety concerns, including assaultive behaviors and victimization concerns.
- A description of the child's assets and strengths.
- Contact information for the child's last educational program.
- Information about the child's medications, dietary needs, and the name, address and phone number of the child's most recent health care providers.

B. Assessments

Agencies assess a family's strengths and needs to identify families for concurrent planning services. When a child is in foster care placement, time is critical. Comprehensive family assessments should occur early in the case. Assessments include the parent's strengths and needs, and what conditions must be corrected to achieve reunification.

When conducting a thorough assessment of the parents, the social worker must have knowledge and appreciation of the parents' cultural background. Ideally, the social worker will be able to communicate with the parents in their first language.

Assessment tools available to help determine the strengths and needs of the parents and child include:

- Structured Decision Making: family strengths and needs assessment
- Structured Decision Making: child well-being tool
- Children's Mental Health Screening Tool
- Structured Decision Making Reunification Tool.

These assessment tools can be used to determine the need for more comprehensive assessments and services.

If chemical dependency, mental health, or other issues are present, social workers or other agency staff arrange for a referral and consultation with qualified professionals in the appropriate fields. This helps to ensure that appropriate diagnoses and determinations are made about the level of services necessary to assist the parents in making needed changes. This information also meets the forensic needs of the case, having a qualified expert testify about subject matter requiring particular levels of education and experience. Additionally, when chemical dependency or mental health is a problem for the parents, the relative search needs to begin immediately. Prompt identification and placement with a relative as the resource family ensures ongoing connections with family and kin as permanency options are developed and finalized.

All steps taken in concurrent planning must be documented and judgments made about the family must be admissible in court. The social worker should consult with the county attorney about the appropriate level of qualifications necessary for the diagnosis to be admissible in court.

C. Permanency

Concurrent Permanency Planning utilizes timelines and the crisis of the placement to motivate the parents to engage in planning. Permanency timelines are set forth in Minnesota Statutes, section 260C.201, subdivisions 11 and 11a. The court reviews permanency at six months of placement for children under age 8, and permanency decisions are required for all children at 12 months of placement.⁸

V. Guidelines for Concurrent Permanency Planning

Achieving permanency outcomes for the child requires that a resource family be identified, concurrent efforts are made to support reunification and a permanent placement is supported with the resource family.

A. Case Planning

Concurrent Permanency Planning means that tasks are done concurrently rather than sequentially. The tasks to achieve both reunification and the alternative permanency plan are identified and they begin with the initial out-of-home placement plan. At the beginning of placement, primary efforts are going to be directed toward assessment and reunification. The plan would also include early efforts toward an alternative permanency plan, which would include:

- Conducting a comprehensive search for relatives; work with parents to complete a genogram.
- Arranging a Family Group Decision Making conference to engage the parents and extended family in permanency planning.
- Initiating regular contact with the child's tribe for Indian children; include them in all facets of permanency planning.

⁸ An overview of permanency timelines and the court process is available on the Social Service Information System in Help under Court/Placement Review Timelines.

- Initiating Interstate Compact on the Placement of Children (ICPC) if the identified alternative plan is a relative or kin in another state; or if the relative lives in a different Minnesota county, initiate contact with that social service agency to coordinate services.
- Identify resource family (relative or non-relative) and plan the child's placement with pre-placement visits and opportunities for the parents and resource family to share information about the child.
- Ensure that the child's well-being needs are assessed, services identified and provided to support placement stability with the resource family.
- Gather information needed from parents, relatives, tribe and others to complete the child's medical and social history. (DHS 3235)
- Read the resource family's written home study to review their strengths and needs, and ensure that needed services are incorporated into the out-of-home placement plan.

When permanency timelines are approaching:

- Include a social worker with adoption knowledge on the placement team.
- Continue working with the tribe in cases that involve Indian children. Working with the tribe does not end at the permanency disposition, but is continuous throughout the life of the case.
- Update the child's medical and social history, (DHS 3235 and/or DHS 3205).
- Explore permanency options and discuss with team members.
- Determine who will complete the child's life book, assist with the process, and ensure that the work is completed.

Behavior, not promises, is a concept of Concurrent Permanency Planning that challenges social workers to work with the families to identify changes that can be measured with outcomes connected to the parents' behavior, not services. Social workers are challenged to help the family with services and measure the family's capacity to provide a safe home, restore stability, and their ability to provide for the child's needs.

There are three stages of Concurrent Permanency Planning case management:

- In the beginning of the case the social worker's efforts with the family will be very active. Example: they ensure that the family has transportation to services; they make appointments for the parents and arrange for the delivery of identified services.
- In the middle, the social worker's efforts would be less intensive and more encouragement for the parents to do more. The family would be prompted to be more independent. Example: the social worker would provide the phone number and expect the parents to make the call.
- In the final stage, if the family is meeting case plan goals, the social worker's efforts with the family changes. A partnership has been formed. The social worker meets with the family to update progress on their plan and discusses potential resources. Example: social worker calls the parents to talk about aftercare program plans.

D. Resource Families

1. Recruitment of resource families

Identify and retain relative and non-relative resource families that are willing to partner with parents(s) to achieve reunification, and if reunification is not possible, to become the child's

legal permanent family. Agency staff should support resource homes, especially those that want to care for young children, by preparing them to:

- Be a resource for children who need care for a short time, such as:
 - Immediate care until a relative can be found
 - Immediate care until the child can return home
 - Respite care for the child to support reunification.

and

- Be a resource for children who need care for a long period of time, such as:
 - Months of care until the child's parents can provide a safe home
 - Months of care until a relative is found.

and

- Be a permanent family to children, such as an adoptive family.

2. Relatives

Minnesota Statutes, section 260C.212, subdivisions 2 and 5, sections 260C.193 and 259.29, subdivision 2, requires the agency to identify and consider relatives and important friends to be the child's resource/adoptive family.

An American Indian Child must be placed according to the Indian Child Welfare Act and the Minnesota Indian Family Preservation Act.⁹

To support relative resource families, agency staff should:

- Provide information about the roles and responsibilities of the resource family
- Provide information about the child's needs
- Acknowledge the role shift the relatives will experience
- Respect the family's formal and informal support system
- Share information about services and supports that are available to help the relative care for the child
- Identify support services needed to promote stability
- Coordinate services and communicate to meet the needs of the resource children and relative resource family.

When more than one family member has indicated an interest in caring for a child, Family Group Decision Making can be used. Offering and utilizing family decision making can increase the extended family's participation in and support of reunification efforts. If reunification is not

⁹ The Indian Child Welfare Act (ICWA) of 1978, title 25, section 1915 and Minnesota Indian Family Preservation Act, Minnesota Statutes, section 260.751 to 260.781, requires that if an extended family member is not available, in the absence of good cause to the contrary, placement must be made in the following order of preference:

- With a resource home licensed or approved by the tribe
- With an Indian resource home licensed by an authorized non-Indian organization
- With an institution approved by the tribe or operated by an Indian organization.

Minnesota Rules, Chapter 9560.0223 requires that if an American Indian child's tribe establishes a different order of placement preference by resolution, the local agency must follow that resolution.

successful, Family Group Decision Making can reduce further delays to achieving an alternative permanency goal for the child.

3. Placement decisions

The agency completes an individualized determination of the child's needs and makes a placement determination that will meet those needs and is consistent with the best interest of the child, according to Minnesota Statutes, section 260C.212, subdivision 2.

Placement decisions are very significant in the child's life; these decisions are best made as a team or in consultation with a supervisor. The focus should be on stability for the child so that they do not have to make multiple moves before achieving permanency.

4. Prepare and approve resource families for both foster care and adoption

Minnesota uses a combined resource care/adoption home study to allow for simultaneous preparation and approval for both resource care and adoption. Agency staff should prepare the resource family to care for a child temporarily, until reunification can be achieved or if reunification is not possible, to be the child's permanent parents.

Preparation includes:

- Use the home study assessment to prepare a resource family for their role and responsibilities. A home study is an individual assessment of the resource family's strengths and needs. Home studies take place in mutual conversations that helps the family explore, process and prepare to be a resource family.
- Provide relative resource families with the same level of preparation, services and support in the home study process as non-relative families. For relative providers, this mutual conversation may happen after the child is placed in the home.
- Provide a copy of the completed home study assessment to the county social worker responsible for the out-of-home placement plan and services. The home study is an assessment that can be used to inform case planning support placement stability and permanency planning.

All resource/adoptive families can be resource families. Questions that can be included in the home study to help families consider the role of a resource family include:

- How do you imagine sharing your resource child with other important people in their life?
- What would you say to parents who said they were sorry for abusing or neglecting their child?
- Is it important for you to be certain about the outcome of a placement? Why or why not?
- Would you like to share a little bit about your philosophical, spiritual or religious beliefs and how these could help you?
- Please describe how you have recovered after experiencing losses in your life.¹⁰

¹⁰ Mary Ford, *Three Concurrent Planning Programs*, North American Council on Adoptable Children. This publication is available on NACAC's Web site at: www.nacac.org/resources_publications.html).

Concurrent planning programs identify the role of the resource parents as nurturing the child, facilitating permanency and supporting the parent(s). The following definitions can be used to help resource families learn about their role:

Nurturer: As nurturers, the resource family works to diffuse the loyalty struggles the child feels when they have two sets of parents. When a foster child sees their parents and resource parents talking about the child, it is comforting to them. To nurture the child, resource families need to develop an inclusive approach to resource parenting. This means that the resource parents acknowledge the importance of the child's past relationships and encourages those relationships, because that will support the child's sense of self.

Permanency facilitator: Resource families help a foster child visit their parents. The resource parents plan for the visitation and work with the agency to help the parents and child connect. The resource family prepares the child for visitation, and helps the visits to be successful. These ideas may include having the child bring a selected activity to the visit, pictures for the child to use when talking about their daily activities, sending the child's homework along, or just sharing with the parents the times when the child misses or talks about them. Resource families talk with the parents and/or relatives. They share information; they talk about the child's needs and coordinate appointments.

Parents' supporter: Resource parents get to know parents. They empathize with struggling parents and model parenting skills. They communicate with the parents about the child's day-to-day life. Depending on the needs of the child and the nature of the case, resource parents may have more or less contact with parents.¹¹

E. Visitation

The purpose of visitation is to maintain the bonding and connection between the child and their parents; and to observe, teach and assess parenting skills.

Concurrent Permanency Planning places an extra emphasis on visitation. To support the child's need for a stable living environment, Concurrent Permanency Planning programs emphasize the need to support continuity in relationships, and offer case management that promotes successful visitation.

In 2004, the Minnesota Department of Humans Services developed *Pip Tip* 13 that offers helpful information about visitation.¹²

The resource parents' role is to nurture the child, facilitate permanency, and support the parents. Resource parents need to be actively involved in the visitation to carry out their role.

F. Placement

Extended family members, service providers, court officials and other agency staff are part of the placement team. The primary persons responsible to provide for the resource child's safety, permanency and well-being are the child's parents, resource family, county social worker, and for American Indian Children, a representative from the child's tribe. The partnership of the primary team is fundamental to successful concurrent planning, which includes developing:

¹¹ ibid

¹² Available on the department's Web site at www.dhs.state.mn.us/main/groups/children/documents/pub/dhs_id_001631.hcsp

- Relationships between the parents and resource family, which is critical to making it as easy as possible for the child to be nurtured by both parents, also supports frequent visitation, reunification and permanency timelines.
- Openness in the relationship, which offers a way for both sets of parents to talk about the child's needs and address the tension that will naturally exist.
- Relationships that encourage the social worker, parents and resource family to have opportunities to share their perspectives and contribute to open decision-making.
- Appreciation for opinions that may differ, which is the point from where the child's best interests will evolve.

One of the significant components of Concurrent Permanency Planning is the role of the resource family as a parent's supporter. For this component to be helpful, the social worker must play a role in facilitating and supporting the development of the relationship between the parents and the resource family. If relatives are the resource family, do not assume that the relationship between the parents and related resource family is already intact; this relationship has now significantly changed. They are going to need assistance to redefine their roles and adjust to the changes in their relationship.

When a resource family and parents are working with the caseworker as part of the team to do what is best for the child, they all have a common goal. The resource family is helping the parents reunite with their child. If the parents believe that everyone is helping them, and they cannot be reunited with their children, it becomes easier for them to participate in making other permanency plans.

Consider the following practical ways to build the team of support:

- Arrange a meeting early in the placement for the parents and resource family to meet and talk about the child.
- Assume equal involvement by all team members.
- Practice full disclosure with both parents and resource family.
- Arrange regular meetings to plan the visitation schedule, doctor appointments, or birthday celebrations. (This can save a great deal of time and prevent last minute crisis.)
- Schedule meetings more often, if resource family and parents are complaining about each other, or not getting along.
- Allow the parents and resource family to work out any differences and build on their relationship from their shared concern for the child.
- Use the child's activities as part of the visitation plan. For many children, having both their parents and resource family at their soccer game would relieve feelings of divided loyalty.

Safety must always be a primary concern, but only a small percentage of parents would be considered a danger to others.

A study of 95 foster and adoptive children found that the foster families were more likely to adopt when they knew the parents well. (Meezan and Shireman, 1985) Concurrent planning programs acknowledge that it is in the child's best interest for the resource family and parents to have contact. Contact with the family helps the resource family to think about the child's future. Also, the better the parents and resource family know each other, the more information they will share about the child's past, and the more likely they will continue this relationship into the

future. New extended families can be formed that will support permanency and maintain the child's relationships.¹³

G. Permanency

Success in concurrent planning is permanency for a child. Permanency outcomes include:

- Reunification
- Adoption
- Transfer of legal custody to a relative
- Other permanency options.

H. Reunification is the first consideration

In most cases, the team, including the parents, resource family and the social worker has been working together for months to reach permanency. The social worker will formally determine the plan, and should be straightforward with both the parents and resource family about the status of both reunification and the alternative plan for the child's permanency.

I. Permanency options

Reunification: If reunification is the outcome, the team can help work out the supports needed to ensure success. The supports can include agency services, help from extended family, community services and other informal supports. The parents and resource family's relationship can continue, either informally, or set up as respite care through the agency. The parents or resource parents may have concerns about the reunification. It is important to recognize the concern and work with the team to create a post-placement plan that addresses the concern. When the team has a relationship, this transition can place the needs of the child first. The feelings of everyone may be a mixture of celebration and loss.

Adoption and transfer of legal custody: If adoption or transfer of legal guardianship is the outcome, the team can help work out the supports needed to ensure the success of this outcome. These supports can include agency services, help from extended family, community services, and other informal supports. The parents and resource family's relationship can continue with a formal contact agreement, or an informal agreement. The goal of concurrent planning is to maintain the child's important relationships. Unless the parents or family members present a safety risk for the child, the plan for adoption or transfer of legal custody can include contact. When the team has a relationship, this transition can place the needs of the child first. The parents can directly consent to an adoption, empowering the parents to select the adoptive family and eliminating the need for a painful trial to Termination of Parental Rights. Again, the feelings of everyone may be a mixture of celebration and loss.

Other permanency options: Other options should only be considered after reunification, adoption and transfer of physical and legal custody have been completely exhausted. This option requires a finding of compelling reasons by the court. Compelling reasons might include that the tribe has identified another planned permanent living arrangement for the child. Use the department's guide on long-term foster care to assist with this process. (The Practice Guide for

¹³ Information on this study was found in Ford, Mary, Three Concurrent Planning Programs: How They Benefit Children and Support Permanency Planning, North American Council on Adoptable Children, on page 22. This publication is available on NACAC's Web site at www.nacac.org/resources_publications.html).

Using Long-Term Foster Care can be found on the Web at <http://edocs.dhs.state.mn.us/lfserver/Legacy/MS-2297-Eng>)

Remember, long-term foster care should be considered only as the last resort. All children deserve a family.

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Full Disclosure Statement about Concurrent Permanency Planning

What is Concurrent Permanency Planning?

Minnesota law permits Concurrent Permanency Planning. When a child goes into foster care, it is a temporary situation. It is not good for children to grow up without a permanent home.

When a child is placed in foster care, the county social service agency develops a written plan with the child's parents to give the child a safe and permanent home as soon as possible. The agency and the parents work together to safely return the child to the care of the parents, and at the same time plan for the child to be raised by others, if the child cannot be safely returned home within permanency timelines. The plan will:

- Explain what the parents need to do and show for the child to be safely returned.
- Include the parents in helping the agency to make a second plan for permanency if the child cannot be safely returned to the care of the parents. This plan would involve working with relatives, and possibly non-relatives, who would be able to care for the child until they could return home, or if needed, become the child's permanent parents.

Social workers will work with the child's parents to make every effort to safely return the child to their care within permanency timelines.

Permanency timelines

At six months of placement, a progress permanency hearing will take place for children ages 8 and under. At this hearing, the judge reviews the progress made to resolve the safety issues. If the judge finds that progress is not adequate, the judge may order the agency to immediately act on a plan to permanently place the child with relatives or non-relatives.

At 12 months of placement, a permanency hearing will take place for all children. At this hearing, the judge reviews progress in meeting the out-of-home placement goals, and determines if the child can safely return home and if the agency has provided the parents with the appropriate support and services. If the judge finds that the child cannot return home, the judge may order the agency to act on the plan to permanently place the child with relatives or non-relatives.

Parent's rights and responsibilities include:

- The county social service agency will work with the parents to write a plan that will reduce the risk for the child in the parents' home. Parents will be provided a copy of the plan.
- The court system will be involved. Parents have the right to an attorney. A judge approves the plan and reviews progress.
- The county social service agency will help parents in their efforts, but the parents must make the changes needed to improve living conditions and/or behaviors that are keeping the child out-of-the-home.

- The county social service agency will ask parents to provide medical information about their child and the names, addresses and phone numbers of relatives, so family members can be considered to care for the child.

Your signature means that you have been told about Concurrent Permanency Planning.

Signature

date

signature

date

This information is available in other forms to people with disabilities by contacting us at (651) 431-4671 (voice). TTY/TDD users can call the Minnesota Relay at 711 or (800) 627-3529. For the Speech-to-Speech Relay, call (877) 627-3848.



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