

	<b>OFFICE OF CHILDREN, YOUTH AND FAMILIES BULLETIN</b>		
	<b>COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE</b>		
	<b>NUMBER:</b>  3130-12-03	<b>ISSUE DATE:</b>  May 11, 2012	<b>EFFECTIVE DATE:</b>  July 1, 2013
<b>SUBJECT:</b>  Concurrent Planning Policy and Implementation		<b>BY:</b> <i>Beverly D. Mackereth</i> <b>Beverly D. Mackereth</b> Deputy Secretary for Children, Youth and Families	

**SCOPE:**

County Children and Youth Social Service Agencies  
 County Chief Juvenile Probation Officers  
 Private Children and Youth Social Service Agencies  
 Juvenile Court Judges Commission  
 Juvenile Court Judges  
 Administrative Office of Pennsylvania Courts  
 Juvenile Law Center  
 Orphans Court Judges  
 Statewide Adoption and Permanency Network  
 Youth Advisory Board  
 Guardians Ad Litem  
 County Children and Youth Solicitors  
 Child Welfare Training Program  
 Pennsylvania State Resource Family Association

**PURPOSE:**

The purpose of this bulletin is to transmit policy and guidance to public and private child welfare agencies about the implementation of concurrent planning for children in out of home care in Pennsylvania (PA).

**COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:  
OFFICE OF CHILDREN, YOUTH AND FAMILIES REGIONAL OFFICES**

Origin of Bulletin: Lorrie Deck (717) 772-7046 [lodeck@pa.gov](mailto:lodeck@pa.gov)

**BACKGROUND:**

The Adoption and Safe Families Act of 1997 (ASFA) was passed by Congress to address permanency outcomes and safety for children and families in the child welfare system. ASFA focuses on preserving families while assuring child safety, permanency and well-being. ASFA requires that county children and youth agencies make reasonable efforts to finalize permanency plans as soon as a child enters substitute care, and that they be diligent in identifying a permanent family for the child. To that end, concurrent planning is acknowledged in ASFA as a best practice for achieving permanency and stability for a child. PA's Juvenile Act, in complying with ASFA, identifies the hierarchy of permanency goals for children and youth in the custody of a county agency as return to parent, adoption, permanent legal custodianship, permanent placement with a fit and willing relative or another planned living arrangement intended to be permanent.

Although ASFA encourages the use of concurrent planning when a child enters placement, many agencies still use a sequential approach to permanency planning for children. The first plan is generally for the child to return home and planning for this may take 12 to 15 months. Once it becomes apparent that the child will not be returning home, another permanency goal is identified. Sequential planning results in children remaining in placement longer than when concurrent planning is initiated at the time of placement. ASFA requires that for children who have been in foster care for 15 of the most recent 22 months, the state must file a petition to terminate parental rights unless certain exceptions apply. The state must concurrently identify, recruit, process and approve a qualified family to adopt the child when it files or joins a petition to terminate parental rights when the child has been in care 15 of the last 22 months or a court of competent jurisdiction has made determinations consistent with Section 475(5) of the Social Security Act (42 U.S.C. 675(5) (E)).

The most recent federal legislation, The Fostering Connections to Success and Increasing Adoptions Act of 2008, does not expressly address concurrent planning. It does, however, provide new resources for relatives who wish to become children's legal guardians, creating a meaningful permanency option in the context of concurrent planning practice. Additionally, this Act requires that adult relatives of children entering or at risk of entering foster care be contacted simultaneously with other permanency planning efforts.

As part of the assessment of the performance of state child welfare systems, the federal Child and Family Service Review (CFSR) addresses the extent to which states are using concurrent planning. The results of the 2002 CFSR in Pennsylvania (PA) indicated that while not in use statewide, many county children and youth agencies (CCYA) reported the use of concurrent planning. However the evidence from the record reviews and the interviews with families, workers and key stakeholders was that workers seemed to view the

practice as a 'back up' plan and not necessarily as a plan to be implemented at the same time the plan is implemented to achieve the child's primary permanency goal. As part of the 2010 Program Improvement Plan (PIP), resulting from the 2008 CF SR, which largely reiterated the 2003 findings relative to concurrent planning, PA was charged with the task of developing a statewide policy to support case practice for concurrent planning.

In May 2009, the Mission and Guiding Principles for PA's Child Dependency System were adopted as a system-wide statement for practice with abused and neglected children and their families. The document is supported by the Supreme Court of Pennsylvania, OCYF, the Juvenile Court Judge's Commission and the County Commissioners Association of Pennsylvania. The document emphasizes the need for concurrent planning which leads to safe, timely permanence for children. More information on the Mission and Guiding Principles for Pennsylvania's Child Dependency System can be found online at: <http://www.ocfcpacourts.us/about-ocfc/guiding-principles>

#### **KEY TERMS AND PRACTICE CONSIDERATIONS:**

**Child:** An individual who is under the age of 18 years or was adjudicated dependent before reaching the age of 18 years and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed.

**Child's Permanency Plan (CPP):** Upon placement of a child, the CCYA is required to collaborate with all stakeholders to develop and prepare a CPP (amendment to the Family Service Plan) for each child. The CPP should never be developed in isolation. The CCYA must involve the parents, child, youth, relatives, kin and other stakeholders in the development of the CPP. The CPP also provides a wide variety of information for the courts and should be provided to all parties. The CPP includes specific information regarding the child, such as: circumstances which made placement necessary, the child's permanency goal and concurrent planning goal, the placement type and location, medical and educational information, appropriateness of the placement, justification for the placement's level of restrictiveness, and anticipated duration of the placement.

**Concurrent Planning:** A process of working towards one legal permanency goal (typically reunification) while at the same time establishing and implementing an alternative permanency goal and plan that are worked on concurrently to move children/youth more quickly to a safe and stable permanent family. (Permanency Roundtable Project, 2010). This is a process which involves concurrent rather than sequential permanency planning efforts. It involves a mix of meaningful family engagement, targeted case practice, and legal strategies aimed at achieving timely permanency, while at the same time establishing and actively working a concurrent permanency plan in case the

primary goal cannot be accomplished in a timely manner. It is not a fast track to adoption, but to permanency (<http://www.nrcpfc.org/cpt/overview.htm>).

**Diligent Search:** A process conducted to locate parents, relatives, kin or other potential permanency resources or connections for a child who is receiving services from or who is in the custody of a CCYA. A detailed Diligent Search Packet outlining the step by step process is available online at [www.diakon-swan.org](http://www.diakon-swan.org).

**Family:** A group of individuals who are bound by ties of blood, law and/or affinity.

**Family Engagement:** A family-centered and strengths-based approach to partnering with families in making decisions, setting goals, and achieving desired outcomes. It is founded on the principle of communicating openly and honestly with families in a way that supports disclosure of culture, family dynamics, and personal experiences to meet the individual needs of every family and every child. (For an in-depth guide to the practice of family engagement, see Family Engagement: A Web-Based Practice Toolkit developed by the National Resource Center for Permanency and Family Connections: [www.hunter.cuny.edu/socwork/nrcfcpp/fewpt/index.htm](http://www.hunter.cuny.edu/socwork/nrcfcpp/fewpt/index.htm))

**Family Finding:** A process developed by Kevin Campbell to locate and engage relatives of children in out-of-home care with a goal of providing those children with a permanent placement and/or life long connections. True family finding includes on-going diligent searches for relatives and kin and then engaging and including those family and kin in the permanency process.

**Family Group Decision Making (FGDM)/Family Group Conferencing (FGC):** A method of bringing family members together in a family-focused, culturally-sensitive approach to develop a safety/reunification/alternate permanency plan for children who are in foster care or who are at risk for entering foster care or who are already in care and in danger of aging out without a permanent resource. FGDM/FGC involves meeting with immediate and extended family members, and any parties important in the children's or families' lives. Unlike the traditional child welfare case conferencing, the family is "in-charge" of the meeting and responsible for creating the recommended plan and identifying the attendees. The caseworker's participation primarily involves the sharing of information/resources and acceptance of the family's plan (if safety concerns are adequately addressed). Unique to this practice is private family time that excludes any non-family members.

**Family Service Plan (FSP):** The plan that is developed in collaboration the family and the CCYA. The FSP should never be developed in isolation. The CCYA must involve the parents, child, youth, relatives, kin and other stakeholders in the development of the FSP. The FSP must include identifying

information related to the family members, the circumstances which necessitated CCYA involvement, service objectives, services to be provided to achieve the objectives, actions to be taken by the parents, children, stakeholders, the CCYA or other agencies, and the dates when these actions will be completed (55 Pa. Code §3130.61).

**Full Disclosure:** The process of providing clear, objective information to parents regarding the rights, responsibilities, and expectations of all members of the permanency team. It must include information on the impact of out-of-home placement on children and the urgency of placing children in permanent living arrangements as quickly as possible. Full disclosure includes telling parents about shortened timeframes, that concurrent planning means there will be two permanency goals and plans developed to complete both goals as well as the expectations of the CCYA and court.

**Kinship Care:** The full-time nurturing and protection of a child who is separated from his/her parents and placed in the home of a caregiver who has an existing relationship with the child and/or the child's family. The existing relationship involves one of the following characteristics:

- Relative of the child through blood or marriage;
- God parent of the child as recognized by an organized church;
- Member of the child's tribe or clan; or
- Significant positive relationship with the child or the child's family.

**Parent:** A biological parent, adoptive parent or legal guardian.

**Permanency:** The establishment of an identified adult or family who has made a commitment to care for and to support a child up to and beyond the age of majority. Permanency options as defined by ASFA in hierarchical order are as follows: (1) return to the parent, (2) place for adoption, (3) placement with a permanent legal custodian, (4) placement with a fit and willing relative or (5) another planned permanent living arrangement (APPLA). *(APPLA may be used only when no other arrangement can be made for the child and all other permanency options have been ruled out. Documentation in the case record must fully support this decision. There may be rare instances when this may be the only alternative for a teenager. It is unlikely to be justified as an alternative for a young child.)*

**Relative:** Any relation by blood, marriage or adoption within the fifth degree of kinship to the child. This includes great-great-great grandparents and first cousins once removed (children of first cousins).

**Resource Family:** A family which provides temporary foster or kinship care for a child who is in need out-of-home placement and may eventually provide permanency for those children, including an adoptive family.

**Statewide Adoption and Permanency Network (SWAN):** A network of public and private agencies and organizations that have a common goal of improving the opportunity for timely permanency for Pennsylvania children. SWAN provides direct services to foster children and the families who serve them including Child Profile, Family Profile, Child Specific Recruitment, Child Preparation for Permanency, Placement, Finalization and Post-permanency Services. In addition to direct services numerous support services are also provided, such as the SWAN Legal Services Initiative.

**Teaming:** The identification and formation of a working group that shares a common “big picture” understanding and long-term view of the child/youth and family. Members of the team have sufficient knowledge, skills, and cultural awareness to work effectively with the child and family.

### **DISCUSSION:**

Successful permanency planning for all children in out of home care requires the development of a concurrent/alternative permanency plan. Concurrent planning is the ongoing process of actively working on two permanency plans at the same time. It is most effective when the necessary systems are in place to support the caseworker, the family, the resource family and the child through the concurrent planning process. Concurrent planning does not double the work. Thorough permanency planning efforts will result in faster permanency, either through reunification or another permanent plan, in either case the efforts and process are the same.

Concurrent planning expedites reunification because of the structured, focused and respectful involvement of parents and family early in the planning process while at the same time advances efforts to achieve an alternative permanency plan, if reunification is not feasible.

### **Four Main Goals of Concurrent Planning:**

- To promote the safety, permanency and well-being of children and youth in out of home care;
- To achieve timely permanency for children and youth through early permanency decisions;
- To reduce the number of moves in the foster care system for children; and
- To engage families and relatives early and foster significant relationships between children in out of home care and their family/kin.

### **Benefits of Concurrent Planning:**

- Increased honesty and clarity between the CCYA, the resource parents, the child's parents, the child, family and kin regarding the plan for the child's permanency (full disclosure);
- Early permanence through reunification or another permanency option that was identified and pursued;
- Provision of meaningful visits between the parents and the child;
- Involvement of family in identifying kinship options;
- Reduction in the number of placement settings the child experiences;
- Reduction of time the child spends in foster care;
- Development of a trusting relationship between caseworkers, parents, family, kin and the courts because planning for the child becomes more strength-based and less punitive and adversarial resulting in enhanced parent motivation;
- Increased connections for the child through voluntary visitation agreements in adoption or guardianship/kinship arrangements; and
- Development of a network of resource parents and relatives who are willing to work with the biological families while serving as a permanency resource for children.

### **Barriers to Effective Concurrent Planning**

- Challenges of resolving the issues that brought the children into care within the statutory timeframes;
- The need for a culture shift in child welfare to embrace the concept of concurrent planning;
- High caseloads and staff turnover;
- Some community agencies, courts, attorneys, resource parents and other stakeholders in the child welfare system do not have an understanding of concurrent planning;
- Lack of meaningful parent-child visitation;
- Collaboration challenges between all partners in case planning;
- The shortage of services for children and their families; and
- The availability and cost of cross systems training needed to improve the understanding of the complexities and limitations of each system.

In addition to the benefits and barriers to effective concurrent planning, several pitfalls have been identified with concurrent planning that must be anticipated and avoided. Those pitfalls include:

1. *Equating concurrent planning with a fast track to adoption* and, as a result, minimizing reunification efforts. When this happens, caseworkers may pay

less attention to parents' service needs and may not prioritize frequent parent-child visits.

2. *Investing in a particular outcome.* Caseworkers may come to the process with a commitment to making one outcome or another happen rather than allowing the case outcome to evolve based on the family's actions and decisions.
3. *Designing case plans that are not individualized and family-centered.* Caseworkers may develop plans that are similar from family to family, utilizing the same service objectives regardless of the family's individual needs. This may occur when the planning process does not fully engage parents or help parents to assume roles and responsibilities that are important to their maintaining connections with their children or making the changes that they need to make so that their children can be safely returned to them.
4. *Offering resource parents and relatives an estimate of "legal risk."* Some caseworkers may communicate to resource parents and relatives the odds of a successful reunification and their becoming the child's permanent family. It is important to consistently communicate to resource parents and relatives that their role is to support reunification efforts while continuing to stand ready to be "Plan B" for the child.
5. *Interpreting 12 months as the absolute limit on reunification irrespective of the parents' progress.* It can be challenging but it is very important to maintain the balance between the judicious use of time limits to ensure that a child does not remain in foster care unnecessarily and a rote enforcement of time limits in a way that ignores the full picture of the parents' motivation, efforts, incremental progress and a foreseeable reunification. (Linda Katz at: Katz, L. (1999). Concurrent planning: Benefits and pitfalls. *Child Welfare*, 78(1), 71-87).

#### **POLICY:**

OCYF is committed to improving outcomes in child welfare practice in PA by implementing concurrent planning through policy and procedure. OCYF acknowledges that the consistent implementation of concurrent planning will require a practice shift for public and private child welfare agencies, the courts, resource families and other stakeholders. Agencies will need sufficient time to plan and prepare the groundwork that will be needed to support and sustain this required practice. Counties already implementing one or more elements of concurrent planning may need to adjust their written agency policy to ensure compliance with the requirements of this bulletin; additionally, they may need to revise case plan forms they are currently using to be in compliance with this concurrent planning policy. Concurrent planning is supported by some of the more recently implemented statutory and policy requirements.

The passage of Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections), which includes emphasis on relative notification and connection, dovetails with PA's CFSR findings related to the need for concurrent planning policies and procedures. By developing kin as resources for permanent child placements, in the event reunification is not possible, agencies are intrinsically enhancing viable concurrent planning options and reducing the time children spend in foster care.

Two OCYF bulletins: Kinship Care Policy, #00-03-03 and Child Placement with Emergency Caregivers, #3140-04-05/3490-04-01, are used in conjunction to promote the safe placement of children with persons who have an established relationship with the child and family. In addition, OCYF Bulletin #3130-10-02/3140-10-03, entitled "Permanent Legal Custodian Policy," establishes the procedures for counties to create permanent legal relationships, both subsidized and non-subsidized, between children and individuals with whom they are bonded.

In all cases where children are removed from the home, the CCYA must engage in concurrent planning. Concurrent planning is the practice whereby the CCYA simultaneously establishes and executes two permanency goals and two plans designed to achieve each goal. For example, the primary plan for children in out of home care is generally reunification. In concurrent planning, the CCYA must make reasonable efforts for reunification of the family while also pursuing the goals and objectives of a second or alternate plan that is another permanency option. If for any reason the primary goal cannot be achieved, the execution of the concurrent plan will ensure progress has already been made toward the concurrent permanency goal. Concurrent planning can significantly shorten the length of time a child remains in care since virtually no time is lost from the end of the primary plan to the initiation of the concurrent plan.

**Target population:**

Concurrent planning will be used for all dependent children in out of home placement:

- a. Effective July 1, 2015 all children entering foster care with a goal of reunification will have a concurrent plan for permanency established within 90 days of their placement; and
- b. Effective January 1, 2016 all children who were already in out of home care will have a concurrent plan for permanency, regardless of their court-ordered permanency goal.

Although all CCYAs are required to implement concurrent planning for all children entering out of home care by July 1, 2015, implementation may begin earlier.

### Implementation Guidance

By July 1, 2013, and in preparation for the first required implementation phase of concurrent planning, CCYAs will engage in an organizational self study to review their concurrent planning policies and practices to determine what strengths and challenges they will face in implementing this policy. Consideration should be given as to how to best integrate the policies within this bulletin and identify their training and technical assistance needs.

Additional consideration should be given to service providers who must be made aware of, and included in, the CCYA's plan to implement concurrent planning so that they can support the CCYAs efforts. Service providers may be contracted entities, such as private child welfare agencies, or non-contracted entities, such as county mental health or drug and alcohol agencies or other appropriate community service programs.

Some questions to be considered may include:

- What are the workers and agency's beliefs and values about concurrent planning and on working on two permanency plans at the same time?
- How can agency culture be changed to embrace concurrent planning?
- Will current quality assurance staff oversee the implementation of concurrent planning, and how will that oversight be put in operation?
- Will practice have to shift to include all stakeholders, including the parents, the child and resource families, in the planning process?
- Will the agency need to reorganize to implement concurrent planning?
- Will the agency need to receive training on concurrent planning and if so, who will provide that training?
- Is training on family engagement needed for staff?
- Will the agency need to provide concurrent planning training to its stakeholders, such as resource parents, the courts and service providers, including residential facilities and juvenile probation offices and if so, who will provide that training?
- How will the agency ensure consistent and full documentation of worker efforts to involve relatives and kin in all cases and include contact data in the record?
- Does the agency have policies in place to achieve permanency within 12 months?
- Who will review/revise the format of the FSP and CPP to make them compatible with concurrent planning?
- What are the core services necessary for reunification and are these services generally available?
- Can services be frontloaded?
- How will the agency provide full disclosure to all family members and stakeholders?

- Will the agency need to develop a Parent's Handbook and if so, who will write it?
- Will FSP/ CPP training be needed on how to develop appropriate, measurable goals based upon safety concerns?
- Does agency policy support early, intensive searching for relatives and fully support their use as placement or adoption resources?
- Does the agency successfully engage families and kin?
- How active is the recruitment effort for foster to adopt homes?
- How will the agency involve relatives to assist with visits?
- How will resource families be informed about the trauma experienced by children placed in out of home care and trained on how to manage the behaviors they exhibit as a result?
- How will the agency provide frequent and meaningful visitation?
- How will the agency ensure that the resource families being recruited reflect the demographics of the children in their care?
- How will the agency ensure that resource families are recruited from the same geographic area from which the majority of children in their care originate?
- Are resource families adequately trained and supported to be both temporary and permanent families for children in out of home care?
- Will the agency need to modify or produce literature for the child, parent and/or resource parent?
- Does the court support concurrent planning and agree with the development of an alternative placement plan?
- How will the agency collaborate with the court to ensure that hearings are held frequently and that progress is assessed at each hearing?
- How will the agency ensure that the court understands the need to stress the importance of concurrent planning to parents and hold all parties accountable for the completion of services?

For a formalized self study to determine whether or not agencies are prepared to initiate concurrent planning, agencies may access the Organizational Self Study on Concurrent Planning offered by the National Resource Center for Permanency and Family Connections (NRC PFC) at no charge online at: <http://www.nrcpfc.org/cpt/assessment.htm>.

Once the organizational self-assessment is completed, the CCYA will provide a copy of the assessment and a plan to meet the agency's needs to implement concurrent planning to their OCYF regional representative for discussion and approval. Once the assessment and concurrent planning implementation plan are approved by the regional office, the CCYA will put the identified needs and costs associated with implementing concurrent planning supports in their State Fiscal Year (SFY) 2014 – 2015 Needs Based Plan and Budget request. SFY 2014 – 2015 will be a time for each CCYA to put in place each of the supports identified through the organizational self assessment.

CCYAs must begin concurrent planning for all children entering out of home care by July 1, 2015. CCYAs may begin implementing concurrent planning prior to July 1, 2015.

Technical Assistance (TA) is available at no charge through the PA TA Collaborative. The TA Collaborative is a cohesive group of TA providers who work in collaboration with CCYAs to improve outcomes for children, youth, and families. CCYAs may request assistance with their organizational self assessment and with incorporating the core components of concurrent planning by contacting any of the TA Collaborative partners including their OCYF Regional Office, the Statewide Adoption and Permanency Network, (SWAN), the Administrative Office of PA Courts (AOPC), the American Bar Association (ABA) Barriers to Permanency Project and the PA Child Welfare Resource Center (CWRC). Additional free resources on concurrent planning are located on Page 31 of this bulletin.

### **Core Components of Concurrent Planning**

There are eight core components of concurrent planning which are the basis of good permanency planning:

1. Full disclosure to all participants in the case planning process;
2. Family search and engagement;
3. Family Group Decision Making/Family Group Conferencing/Teaming;
4. Child/family visitation;
5. Establishment of clear timelines for permanency decisions;
6. Transparent written agreements and documentation;
7. Committed collaboration between child welfare agencies, the courts, resource families, service providers and other stakeholders; and
8. Specific recruitment, training and retention of resource families.

Each of these core components will be examined within this policy and each must be implemented by every CCYA as a part of the PA concurrent planning process.

#### **1. Full disclosure to all participants in the case planning process**

Full disclosure is a respectful and candid discussion that begins when the child is placed in out of home care and continues throughout the life of the case. The discussion is offered to the parents and child as well as other team members and stakeholders such as extended family, resource families, relative caregivers, attorneys, guardians ad litem and service providers. The discussion should be consistent with the principles of strengths-based and solution-focused casework practice.

Issues to be discussed with the parents as part of a full disclosure process include:

- The circumstances that led to CCYA's involvement and that led to placing the child in out of home care;
- That foster care is temporary and is not designed to be permanent;
- That foster care has emotional and developmental impacts on children and it is imperative that the child be returned to the family as soon as possible or that another legally permanent family be found for them as soon as possible;
- The legal rights and responsibilities of the parents;
- That it is important for them to share information about the child's needs so that those needs can be met;
- That it is important for them to identify relatives or other significant adults who may be considered as a permanency resource and participate in the case planning process so that if it becomes necessary to place the child in out of home care that the child may be placed in the best possible environment with people they know;
- The legal rights and responsibilities of their child including the child's rights under PA Act 119 of 2010, the Children in Foster Care Act;
- The permanency planning timeframes;
- The identification of the primary and concurrent goal and the plans to achieve both goals;
- The support services available to help family;
- The changes needed and the expectations of the agency and court; and
- That if they do not meet the agreed upon goals, the alternative plan may become the primary permanency plan and the focus of permanency efforts for the child.

Issues to be discussed with the child during full disclosure include:

- The circumstances that led to CCYS's involvement and that led to placing him/her in out of home care;
- That foster care is temporary and is not designed to be permanent;
- That it is imperative that the child be returned to the family as soon as possible or that another legally permanent family be found for them as soon as possible;
- That it is important for them to share information about their needs so that those needs can be met;
- That it is important for them to identify relatives or other significant adults who may be considered as a permanency resource and participate in the case planning process so that if it becomes

necessary to place them in out of home care that they are placed in the best possible environment with people they know;

- Their legal rights and responsibilities including their rights under PA Act 119 of 2010, the Children in Foster Care Act;
- The permanency planning timeframes;
- The identification of the primary and concurrent goal and the plans to achieve both goals;
- The support services available to help their family;
- The changes needed and the expectations of the agency and court; and
- That if their parents do not meet the agreed upon goals, the alternative plan for them may become the primary permanency plan and the focus of permanency efforts.

While it is recognized that not all children are developmentally mature enough to understand all of the above, it is expected that caseworkers engage in a frank discussion with the child regarding the child's permanency plan in a manner appropriate to the child's age and maturity. It is also expected that caseworkers take into account the behavioral, mental and physical health of the child and consider the best interests of the child when engaging in these discussions.

Issues to be discussed with resource families include:

- The circumstances that led to the removal of the child from their home;
- The needs of the child;
- That foster care is temporary and is not designed to be permanent;
- The permanency planning timeframes;
- The identification of the primary and concurrent goal and the plans to achieve both goals;
- The legal requirement to search for relatives who would be able to care for the child (if a non-relative placement);
- Licensing requirements, training and responsibilities of the resource family (for kin, relative, PLC homes);
- Their legal rights and responsibilities including their rights under the PA Resource Family Care Act (Act 73 of 2005);
- What needs they may to adequately provide for the child and what support services are available to help them; and
- The child's primary permanency goal, i.e., reunification, the importance of their support of that goal and that they are encouraged to consider becoming a permanency resource should reunification efforts fail.

Documentation of Full Disclosure must be contained in the child and family record. Additionally, it is recommended that all parents and youth receive the above information in writing. See Attachment A, Parent Handbook on

Concurrent Planning and Attachment B, Westmoreland County ABA Permanency Barriers Project Parent Handbook. Each CCYA may use these documents to create their own Parent Handbook for use in Concurrent Planning. Additionally, CCYA may create their own youth handbook or use *the Know Your Rights Manual* offered through the Juvenile Law Center and Kids Voice. See Attachment C, Know Your Rights Brochure.

## **2. Family search and engagement**

The early determination of paternity and early identification of family members and kin is critical to identifying possible resource families among the child's relatives. Research shows that placement with kin reinforces safety, stability, and well-being, reduces trauma, reinforces the child's sense of identity, helps keep siblings together, honors family and cultural ties, expands permanency options and can reduce racial disproportionality. This early identification of potential placement resources and placement with relatives can greatly assist in developing a feasible concurrent plan of some form of permanency with a relative.

Identifying and locating relatives and kin is an on-going process that begins during the initial screening or intake process and continues through the life of the case. It is recommended that CCYA obtain as much information as possible on all family members and kin during the initial screening or intake process so that in the event it becomes necessary to place a child in out of home care the non-custodial parent and other family members may be included in the FSP and/or CPP and may serve as placement resources for the child.

Even when fathers are not actively involved in their children's lives, they and their family members can be important sources of support for children and youth. If it is not already known, it is imperative that CCYA immediately take the necessary steps to establish paternity when a child enters placement. Once paternity has been determined, the CCYA will search for and engage the paternal relatives in the permanency process.

As family members and kin are identified, they need to be engaged immediately while the caseworker or the SWAN Legal Services Initiative (LSI) paralegal continues to search for additional family members or kin. Those identified family members/kin are a valuable resource to locating more family members who may also be interested in participating in the concurrent plan, maintaining a life-long connection for the child and/or being considered as a permanency resource for the child. Family search is an on-going process that extends beyond the requirement of notifying all known relatives of a child's placement within 30 days. The diligent search for relatives, kin and permanent connections, and the engagement of those located, should be on-going throughout the life of the case.

Legal Requirements for Kinship Involvement:

Act 25 of 2003, which amended the Public Welfare Code (P.L.31, No.21), requires the CCYA to give first consideration to relatives when placing children in out of home care. Relatives, as defined in the Public Welfare Code, include those who are within the third degree of consanguinity or affinity to the parent or stepparent of a child, which includes grandparents, great-grandparents, great-great-great grandparents, great aunts and uncles, aunts and uncles, first cousins, adult siblings and half-siblings.

Fostering Connections requires that the CCYA notify all adult relatives within 30 days of placing a child to inform them that the child has entered care and to determine if they are willing to become a resource for the child. In response to Fostering Connections, OCYF issued a Special Transmittal on February 24, 2009, requiring compliance with Fostering Connections, including notification of all adult relatives within 30 days of placing a child to inform them of their opportunities to offer assistance or become a resource for the child. In July 2010 OCYF re-issued the Permanent Legal Custodian Policy wherein relative was defined as all adult relatives within the fifth degree of blood, marriage (affinity) or adoption.

In addition to relatives, CCYAs may wish to consider kin as a placement resource. Pennsylvania's current definition of kin includes relatives as defined above or individuals who meet at least one of the following:

- God parent as recognized by an organized church;
- Member of the child's Indian tribe, nation or clan; or
- Individual with a significant, positive relationship with the child or family.

Although CCYAs must notify all relatives to the fifth degree when a child is placed in out of home care, there is no requirement for them to notify kin. However in many instances kin, as defined above, are a valuable resource for the family and child and can be considered as a permanency resource for the child if placement is necessary. When a child enters out of home care, families and youth should be encouraged to identify all of their kin resources as they may be of assistance in development of the CPP and may even be considered as a placement resource. If the family or youth identify potential kin resources, the agency may send them notification of the child's placement even though such a notification is not required.

There are several resources available to the CCYA to support locating and involving relatives and kin including:

- **Family Finding:** PA has developed a curriculum based on Kevin Campbell's Family Finding. A six day training offers an overview of the Family Finding model including Discovery, Engagement, Planning,

Decision Making, Evaluation and Follow up on Support. This training is available through the PA CWRC and all CCYA should ensure that their staff is trained on the Family Finding model.

- **Accurint:** The Department of Public Welfare (DPW) has contracted with Reed Elsevier's Lexis-Nexis® to provide all CCYAs access to this online person locator and research tool. Among other things, an Accurint search can assist with locating parents, relatives and permanent connections for children in out of home placement. Accurint is one of several valuable tools that can assist workers in the Diligent Search process.
- **Diligent Search Packet:** The SWAN LSI created the Diligent Search Packet to aid the CCYA in the search process. The SWAN LSI Diligent Search Packet is available online at no cost at: <http://www.diakon-swan.org>. In addition to information about Accurint, the SWAN LSI Diligent Search Packet contains other information and instructions on how to perform searches to locate family members and kin. Diligent search is the foundation to locating family members and kin and should be an on-going continuous process throughout the life of the case.
- **SWAN LSI:** OCYF has provided SWAN LSI paralegal support to many CCYAs. SWAN LSI paralegals are an excellent support that can use Accurint and perform diligent searches to locate family and kin thereby freeing the CCYA caseworker's time to engage in other practice related to the case. It is not the responsibility of the paralegals to engage the family members and kin located, but rather to provide the information obtained through the diligent search process, such as the names and contact information of the family and kin located to the CCYA caseworker, so that they may begin to engage those individuals who have been identified in the permanency process.

### **3. Family Group Decision Making/Family Group Conferencing/Teaming**

#### **Family Group Decision Making/Family Group Conferencing**

Once family members and kin have been identified and contacted, the CCYA may wish to proceed with a family group conference to help finalize the permanency plan for the child.

Family group conferencing can be a useful tool in concurrent planning practice. Family group conferencing (FGC) is an inclusive and informal process of making and implementing a plan that safeguards children, young persons, and adults. At the center of the planning is the "family group," encompassing the immediate family as well as their relatives, friends, and other informal ties. Supporting the process are the involved community organizations and public agencies. The model's origins, legalization, process, dissemination, and outcomes all reflect a

culturally based approach to resolving interpersonal violence and other relationship concerns.

Many counties have implemented Family Group Decision Making (FGDM) as a key family engagement strategy to bring families together to meet with the CCYA, extended family members, service providers and other significant individuals in their lives who can support them in making the best decisions for children in out of home care.

For children in out of home care, FGDM/FGC can be used to help identify the best out of home placement and the best permanent home. FGDM/FGC is one method by which the CCYA's requirement to give first consideration to relatives when placing children in out of home care may be achieved.

As used in concurrent planning, FGDM /FGC is a process, led by a facilitator who is independent of the case. The coordinator brings together the family members, kin, CCYA personnel and other identified members of the permanency team to create a plan to find the best placement for the child.

FGDM/FGC positions the family group to lead decision making, and the CCYA agrees to support the family group plans that adequately address the agency's concerns. Once a plan is developed and approved, the CCYA organizes the family members and service providers to access resources for implementing the plan, and incorporates the plan into the FSP and CPP.

FGDM/FGC is not a conflict-resolution approach, therapeutic intervention or forum for ratifying professionally crafted decisions. Instead, FGDM/FGC actively seeks the collaboration and leadership of family groups in crafting and implementing plans that support the safety, permanency and well-being of their children.

Once the FGDM/FGC meeting has occurred and resources have been identified as possible placement or permanency resources for the child, the CCYA should follow the procedures outlined in the Child Placement with Emergency Caregivers Bulletin # 3140-04-05/3490-04-01 and ensure that appropriate services are provided such as family profiles, child profiles, child preparation and other permanency related services. CCYAs may provide the services directly or make referrals to the SWAN prime contract.

### Teaming

Although only some counties use FGDM/FGC for certain target populations, the CCYA is expected to engage the family in permanency planning and in the development of the FSP/ CPP. In those cases where FGDM/FGC is not appropriate or possible at the time of placement, the CCYA should continue to make efforts to engage the parents, child, relatives and kin so that a future

FGDM/FGC may be held as the FGDM/FGC process is more inclusive of all family members than is a Team Meeting.

Until such a time as a FGDM/FGC can be held, Family Team Meetings involving the child, parents, extended family, kin, CCYA staff, resource parents and other stakeholders should be held to develop the most appropriate concurrent plan.

A Family Team Meeting is a gathering of family members, friends, community specialists and other interested people who join together to strengthen a family and provide a protection and care plan for the family's children. The Family Team Meeting is often the forum that is used to help the family craft, implement or change the permanency plan. The team provides an alliance of support for the family and facilitates the family's participation in decision-making regarding safety, permanence and well being for their children.

Teams should include all available family members, the CCYA case worker and supervisor, any contracted service providers, health care providers, educational partners, child/youth and parent advocates, or anyone else who is integral to the case. When applicable, team members should also include behavioral health professionals, spiritual leaders, substitute caregivers, private providers, residential facilities, juvenile probation and others as identified. Collaboration among team members from different agencies is essential. Team composition should be competent and have the right balance of personal interest in the family, knowledge of the family, technical skills, cultural awareness, authority to act, flexibility to respond to specific needs, and time necessary to fulfill the commitment to the family. Collectively, the team should have the authority to act and ability to assemble supports and resources on behalf of the child and the family.

The team should be brought together at a time and place accessible to the family to facilitate the development of a plan, record specific responsibilities of team members, ensure that steps are accomplished and monitor progress towards change. Team members are critical to identifying strengths, identifying options for accomplishment of goals, contributing their skills and resources as family supports, holding others accountable for their commitments, identifying critical decisions and providing feedback about progress ([http://www.childwelfaregroup.org/documents/FTC\\_History.pdf](http://www.childwelfaregroup.org/documents/FTC_History.pdf)).

Once the Family Team Meeting has occurred and resources have been identified as possible placement or permanency resources for the child, the CCYA should follow the procedures outlined in the Child Placement with Emergency Caregivers Bulletin #3140-04-05/3490-04-01 and ensure that appropriate services are provided such as family profiles, child profiles, child preparation and other permanency related services. CCYAs may provide the services directly or make referrals to the SWAN prime contract.

#### **4. Child/family visitation**

Children in out of home care must maintain meaningful contact with their parents and siblings. Research has shown that maintaining parent-child and other family attachments reduces the child's sense of abandonment, shortens the overall length of stay in care and increases the likelihood of reunification. Frequent child/parent visitation is the key to maintaining connections between children in out of home care and their parents.

The quality and frequency of visitation is a key factor in contributing to the timely permanency of children in out of home care. Foster children who are visited frequently by their parents are more likely to have high well-being ratings and are more likely to adjust well to their foster care placement than are children who have infrequent or no visits. Frequent visitation has consistently been found to contribute to the successful reunification of children placed in out of home care (<http://www.nrcpfc.org/cpt/component-five.htm>).

Act 115 of 2010, Placement and Visitation with Siblings, requires the court at disposition and permanency review hearings to make additional judicial determinations if the child has siblings. Those determinations include whether reasonable efforts were made to place the child and siblings together and to ensure visitation between the child and sibling no less than twice a month.

The CCYA must ensure frequent and constructive use of parent-child visitation as a fundamental framework for reunification efforts. Visits must be carefully planned, based on the child's developmental needs, and used for both skill development and assessment of parental progress toward reuniting with their child. The frequency of visits in concurrent planning is based on the unique needs of the family and child rather than on arbitrary policy guidelines and all visits should be held in a family friendly setting. Visitation should be as frequent as possible, with a minimum of one visit every two weeks, with at least weekly visitation whenever possible for all families with a goal of reunification. The FSP and CPP should detail the current visitation plan as well as clear plans to provide more frequent and meaningful parent-child contact as the case progresses towards reunification.

Successful concurrent planning and visitation requires collaboration between the CCYA, the resource family, the child's family and service providers. Resource families need to understand their role in concurrent planning and visitation, including that at times, they may be asked to supervise visits and/or have visits in their home between the child and his/her family.

Visits may be supervised or un-supervised. Not all children in out of home care require supervised visits. CCYAs must assess whether or not supervised visits are needed and if so, provide a child and family friendly place for the visits

to occur. Whenever possible, visits should occur in the family home unless there are specific reasons not to do so. The location of visits should permit privacy and interaction and be only as restrictive as required to protect the child. Visit locations may include the parents' home, the resource parents' home, parks, restaurants, family centers, recreational activities, etc.

Supervised visitation is face-to-face contact between the parent and their children in out of home care that is scheduled in advance and held in the most family-like setting available. Interaction between the parent and children is monitored by a CCYA agency employee, a service provider employee a resource parent, a biological family member, a family friend or other individual approved by the court or CCYA. Supervised visitation provides the CCYA with the ability to continually assess the parent-child relationship, the parent's protective capacities and their readiness for reunification.

Unsupervised visitation is face-to-face contact between the parent and their children in out of home care that is usually scheduled in advance. Interaction is not monitored and the visit is not overseen, attended or managed by agencies, resource families, other family members or friends.

In cases where visitation is supervised, prior to reunification, agencies should plan to transition from supervised to unsupervised visits. This transition may include the use of Mentored Visitation. Mentored Visitation is planned in advance with the parent's consent and is attended by an adult who is available to intervene as needed but whose primary role is to be a discreet participant who models correct parenting while allowing the parent the opportunity to practice their parenting skills.

In addition to regularly scheduled visits, parents should be encouraged to participate in all of their child's activities including extracurricular activities, medical appointments, sporting events, educational activities and meetings. In addition to participation in extracurricular families should be encouraged to maintain connection via mail, e-mail, social networking and video conferencing whenever possible. In no case is a parent's participation in these activities to be viewed as a regular visit; participation in these extra-curricular or electronic activities is in addition to, not instead of, regularly scheduled visits.

An electronic copy of the Family Reunification through Visitation curriculum content, handouts, overheads and resources offered by the PA CWRC and can be found online at:  
<http://www.pacwcbt.pitt.edu/Curriculum/209FmlyRnfctnThrhVsttn.html>

## **5. Establishment of clear timelines for permanency decisions**

Substitute care placements are intended to be temporary; the child must have a permanency goal established in a CPP and sanctioned by the court. Permanency hearings must occur every six months with proper notification to the parents/caregivers. (PA Juvenile Act, Section 6351 (f) (9)).

Section 103 of ASFA requires agencies to file petitions to terminate parental rights when a child has been in out-of-home care 15 of the most recent 22 months. Pennsylvania implemented this requirement by adding Section 6351(f) (9) of the Juvenile Act which reads as follows:

"...if the child has been in placement for at least 15 out of the last 22 months or the court has determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's parent, guardian or custodian or to preserve and reunify the family need not to be made or continue to be made, whether the CCYA has filed or sought to join a petition to terminate parental rights and to identify, recruit, process and approve a qualified family to adopt the child unless:

- The child is being cared for by a relative best suited for the physical, mental and moral welfare of the child;
- The CCYA has documented a compelling reason for determining that filing a petition to terminate parental rights would not serve the needs and welfare of the child; or
- The child's family has not been provided with necessary services to achieve the safe return to the child's parent, guardian or custodian within the time frames set forth in the permanency plan.

If a child cannot safely return home, then the CCYA must make reasonable efforts to find the child a permanent home. Unless the child falls within one of the three exceptions listed above, TPR petitions must be filed.

This provision does not intend to delay or to defer the filing of petitions to TPR when it is appropriate. When grounds exist for a child whom the CCYA would file for TPR, then the CCYA must file the petition at that point in time and not wait until the child has been in out-of-home care to meet the 15 out of 22 month requirement.

When a child has been in out-of-home care 15 of the most recent 22 months, the CCYA must file or join a petition to TPR (PA Juvenile Act, Section 6351 (f) (9)). The 22 month time frame is calculated from the date the child enters out-of-home care. In order to petition the court for TPR the 15 months in out of home care do need not be consecutive; if there are interruptions in placement such as when the child returns home, those time periods may not count as part of the 15 months. Fifteen months only applies to the time the child

is in out-of-home care. Fifteen months of actual out-of-home care time can accrue over a 22 month period to trigger the requirements of this section. A month is defined as 30 days.

Permanency should be achieved for a child within 12 months of out-of-home placement. If permanency has not been achieved for the child by the time a child has been in placement 15 out of the most recent 22 months, the court must determine at a permanency hearing whether the CCYA filed or has sought to join a petition to TPR and to identify, recruit, process and approve a qualified family for the child unless one of the three exceptions apply. After the initial fifteenth month determination, the court must make the determination regarding TPR and the agency's attempt to provide a permanent family for the child at each permanency hearing that takes place after the initial fifteenth month court determination.

Timelines, including federal and state mandates and a schedule of anticipated court hearings should be shared with family members of the child's parents and other permanency team members including kin who are actively participating in FGDM/FGC/Teaming and concurrent planning efforts related to the child's permanency. These timelines are also an important component of Full Disclosure and must be shared with the child, the child's family and the resource family.

#### **6. Transparent written agreements and documentation**

The FSP and CPP specify the actions and activities of all involved parties. If FGDM/FGC is utilized the plan developed by the family and accepted by the CCYA, including the identified concurrent plan, should be incorporated into the FSP and/or CPP.

The concurrent plan for another permanency option is required by this policy to be included in both the FSP and CPP format. The CCYA responsible for the completion of the FSP and CPP must, in conjunction with the parents or legal guardian, child and substitute caregivers, identify both goals and both plans, including the objectives and tasks to be accomplished. The plans must meet the needs of the child and the family, including the emotional, psychological, physical and educational needs of the youth. The plans should reflect the capabilities and strengths of all parties, and should clearly recognize the youth's need for safety and permanency. The FSP and CPP can be based upon the plan developed and agreed to during through the FGDM/FGC process.

The FSP and CPP should specify both short and long term objectives and provide service linkages, such as connection of parents to behavioral health services, drug and alcohol services and other family supports. The CCYA should document all information pertaining to a case as the case progresses, including the CCYAs reasonable efforts toward reunification. Documentation should be

detailed and included in the case record. Documentation should include the services provided and the family's response to the services and visitation. The documentation can be used for future FSPs and CPPs and/or for court purposes.

The CCYA must ensure that parents are fully advised of the FSP and CPP and both permanency goals and plans contained therein, of their responsibilities and of the limited time period to achieve the specified actions in the plans. The FSP and CPP should clearly document the steps that must be taken by all parties, including the CCYA, in order for the child to safely return home. The parents must be told that if they fail to accomplish the steps outlined in the FSP for them to safely return the child home that the concurrent plan will prevail.

The concurrent plan to a goal of reunification could be adoption, placement with permanent legal custodian or fit and willing relative or another planned permanent living arrangement. If reunification and adoption have been ruled out by the court, whether or not termination of parental rights has occurred, a concurrent plan could be permanent legal custodianship. Likewise, a child with a primary plan of permanent legal custodianship could have a concurrent plan of placement with a fit and willing relative.

Regardless, in all cases, the FSP and the CPP must clearly identify both the primary plan and the concurrent plan. Each plan must be clearly written with the objectives and the tasks or services for all parties to complete both plans clearly defined, as both the primary goal and the concurrent goal will be worked on simultaneously. For example, if a child is currently residing in a non-relative foster home and has a goal of reunification, and resources are identified through family search and engagement and a FGDM/FGC meeting, the CCYA will ensure that the FSP and CPP clearly document the steps that must be taken by the parents, the child, the alternative permanency resource (i.e. aunt, grandmother, etc.), other team members and the CCYA to help achieve both goals. (See Attachment D)

To implement the requirements of concurrent planning into the FSP/ CPP the CCYA will:

- Review, and revise if necessary, the format of the FSP and CPP to make them compatible with concurrent planning. Both the FSP and CPP must identify each goal and the plans to accomplish both goals, including the steps needed to be taken by all parties to work simultaneously towards the completion of both;
- Submit the revised FSP and CPP format to the OCYF Regional Office for approval;
- Fully engage the parents, the child, the resource family and other family members or kin in the development of a quality FSP/ CPP that addresses the family's individual needs and ensures a clear understanding of the

- simultaneous action plans required in the practice of concurrent planning to achieve permanency for the child; and
- Provide copies of the FSP and CPP to all involved parties (including the resource families and service providers) and the court at each hearing or review to ensure clear communication about the current status of the overall casework planning process and the dual directions being taken to achieve permanency for the child.

## **7. Committed collaboration between child, parents, relatives, child welfare agencies, the courts, resource families, service providers and other stakeholders**

### The Courts and Attorneys

Courts and legal professionals are critical to successful concurrent planning. Judicial procedures that ensure effective concurrent planning enhance the likelihood of timely permanence.

The court's overarching role in concurrent planning is to determine that the appropriate primary permanency plan and the concurrent plan are appropriate and are established in a timely manner. The court also reviews the status and appropriateness of the concurrent plan at all hearings which may occur as early as the dispositional hearing.

The CCYA should first present a thorough discussion of the primary permanency goal and the progress made toward achieving that goal to the court and all involved parties. The CCYA should then present the concurrent plan for permanency and the progress made toward achieving that goal in court for all parties.

Sufficient information should be presented by the CCYA to allow the court to monitor the progress being made toward achieving the primary permanency goal, as well as the steps being taken toward pursuing the concurrent plan and goal. Ideally, the court will ensure that the parents understand concurrent planning, and reinforce its importance. All parties, including the CCYA and parents, should be held accountable for accessing and completing services in the FSP and the CPP. The court order should reflect the CCYA's concurrent plan.

The CCYA must ensure that the information presented in court is sufficient to enable the court to discuss concurrent planning with the parents, and to enter both goals and plans into court orders at permanency hearings, with a clear distinction between the primary permanency plan and the concurrent plan. The CCYA should ensure that caseworkers are prepared to fully address the case and the concurrent plan at all hearings. The PA Dependency Benchbook, issued by the AOPC in July 2010, includes key questions for the judge to ask during the disposition hearing including the following:

- What is the appropriate disposition of the case and long-term plan for the child?
- Where the child should be placed?
- Is this the least restrictive, most appropriate, most family-like placement option?
- Does the CCYA proposed case plan reasonably address the problems and the needs of the child and parent?
- Has the agency made reasonable efforts to eliminate the need for placement or prevent the need for placement?
- What visitation with parents is appropriate?
- What visitation with siblings is appropriate?
- When will the case be reviewed?
- Has Family Finding been conducted to identify all possible family and caregivers?
- Has the family been offered FGDM/FGC?
- What is the concurrent plan for the child?
- Was the concurrent plan established in a timely manner and is it appropriate to the child's circumstances?

Additional questions that may be asked during permanency hearings include:

- Have all relatives been explored as permanency options and are any of them willing to adopt or be a permanent caregiver?
- Is the current caregiver willing to consider adoption and if not, are they willing to be considered as a permanent caregiver?
- If adoption has been ruled out, why?
- What steps have been taken toward achieving the concurrent plan, specifically to identify and approve permanent caregivers?

To develop a county plan for full implementation of concurrent planning the CCYA should meet with court, legal staff and other stakeholders to collaboratively address the following:

- Inform them of CCYA's plan to implement concurrent planning;
- Familiarize them with the revised FSP and CPP;
- Determine court, legal staff and stakeholder training needs and collaboratively decide how to ensure such training is provided; and,
- Consider preparing a mock case to illustrate differences in how concurrent planning will 'look' in court.

In some counties, the local Children's Roundtable may be a good venue through which the above may be accomplished. Each stakeholder needs to know and understand their role and responsibilities. Solicitors can help the

CCYA with proper documentation, work with the court to know what information the judge would like to know about the permanency planning process and work with the caseworkers to ensure they are ready to provide the information. Children's attorneys and guardians ad litem should be prepared to explain the process of concurrent planning to their clients, ensure the child is visiting with their parents and siblings, participating in FGDM/FGC and alert the court if the CCYA is not providing services to the child and family and to help access those services as appropriate.

Parents' attorneys can be instrumental in getting the commitment and action of their clients by practicing full disclosure with their clients, and ensuring parents understand the following:

- The limited timeframe within which they have to work toward reunification;
- The need for their participation in case planning and the impact they can have in the process;
- The need for their involvement with service providers;
- The need for them to take an active role in identifying the concurrent plan for the child; and
- The need to have regular visits with their children.

A parent's attorney can also help the parent to access and comply with services and to identify relatives who will be supportive of the child and the parent. Lastly, while the parent's attorney should try to work with the CCYA, the attorney should also alert the court if the CCYA is not providing the necessary services to the parent in a timely manner.

### Resource Families

Collaboration between resource parents and the children's families can have a significant impact in the overall course of placement and/or treatment. When the relationship is respectful, nonjudgmental, and supportive, all parents are able to do a better job in meeting the children's needs (Werth, 2008).

As mentioned previously, PA statute and policy require the CCYA to locate relatives and kin and give them first consideration as caregivers when a child enters care. However, for some children, placement with a relative or kin caregiver is not possible and they need to be placed in a non-relative foster home.

Creating a teaming approach with planned contact between the child's family and resource parents (both relative and non-relative) has shown that children return home sooner, have more stable placements, experience better emotional development and are more successful in school. Children in foster care have a more positive experience if their birth parents and resource parents

work together to ensure that the children feel loved and comfortable in their out-of-home placement (<http://www.nrcpfc.org/cpt/component-eight.htm>).

The CCYA should facilitate the relationship between the child's family and the resource family to enhance placement stability and expedite permanency, including coordinating and collaborating with the contracted service provider. While rare, it is recognized that there are instances where the resource family should not be closely involved with the child's family. Any situation that would prohibit the resource family from taking an active role in the concurrent plan or permanency process should be clearly documented in the record and addressed with the child's family and resource family.

To encourage interaction between resource families, particularly non-relative foster families and the children's families of origin, the CCYA should:

- Plan how to address concurrent planning in recruitment policies and practices;
- Assess the current agency resource families and private foster care providers to determine who are the best candidates to facilitate concurrent planning;
- Assess private foster care providers to determine which ones will best meet agency's needs for potential permanent homes, and plan whether to change contracts or the Needs-Based Plan and Budget to accommodate any financial impact;
- Assess placement staff/units to determine how they can best be trained and enhanced to offer more time-intensive support to resource families;
- Ensure that all resource families, including non-relative foster families, are trained and approved to be both foster and adoptive families so that:
  - Children experience fewer moves while in care; and,
  - Are already in their permanent home should it become necessary to terminate parental rights; and, Identify primary resource family recruitment and training needs for new and existing resource parents and staff who will be participants in concurrent planning implementation.

This concept of teaming is not new, but now it has become a formalized part of the services offered to families. This first meeting or "icebreaker" is a facilitated, child focused meeting held shortly after a child is placed (or replaced) in out-of-home care, lasting not more than thirty minutes. The meeting provides an opportunity for the resource family and the child's parents to meet each other and to share information about the needs of the child. Thus, the "icebreaker" is a starting point for establishing communication and building a relationship between families (Werth, 2008).

The icebreaker meetings represent the first step in developing a working team consisting of the child's parents and the resource parents. Once the child's

parents and resource parents have met, the teaming continues and the CCYA should ensure their resource parents and private provider homes, particularly those involved in concurrent planning, are trained and willing to do the following:

- Host and supervise visits in their homes between the child and the parents whenever it is feasible and there are no safety concerns for the resource family or child;
- Supplement parent/child contact by arranging and allowing telephone, e-mail communication and text messages between visits for the child and the family (where age-appropriate);
- Engage in regular contact with the parents to keep them apprised of the child's needs and progress;
- Serve as role models for the parents, by allowing the parent to accompany them to doctor appointments, school meetings, etc.; and
- Inform the parents of upcoming school and/or recreational activities in which parental participation may be appropriate.

Information on Bridging the Gap, which includes information on Icebreaker Meetings and how to change CCYA practice to include the on-going interaction, or teaming, between the child's parents and resource parents is available online at:

<http://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=112&sectionid=1&articleid=2757>

Additional information on Icebreaker Meetings, including an online toolkit and training video can also be found online at:

<http://www.aecf.org/OurWork/ChildWelfarePermanence/IcebreakerMeetings.aspx>

### Service Providers and Other Stakeholders

Collaboration between the CCYA and the providers they use to provide out of home services and other social services is another key to successful concurrent planning. CCYA will need to meet with their service providers and other stakeholders to ensure that they understand concurrent planning and are able to implement the changes needed. For instance, private foster care agencies that have contracts with the CCYA to provide out of home care will need to ensure that their resource families receive training about concurrent planning and understand that it is expected that the role of the resource families will be expanded to include interaction with and mentoring of the child's family. Private agencies and residential facilities should be engaged in the concurrent planning process and participate in the teaming or case planning. For children who are dually adjudicated both dependent and delinquent or who receive shared case responsibility services, the juvenile probation office should be involved in the concurrent planning process. The CCYA needs to identify all stakeholders involved in the child and family's life and engage them in the process.

## **8. Specific recruitment, training and retention of resource families**

The specific recruitment of resource families for concurrent planning is a critical component to successful concurrent planning. In an effort to keep children who require out of home care in their home communities and schools, agencies should strive to recruit resource families from the same geographic area from which the majority of children in the CCYA's care live. Additionally, agencies should actively recruit resource families who are willing to provide care to sibling groups.

Resource families need initial as well as ongoing training and support. Resource families will need to be educated about foster care, the grief and loss children in foster care experience and how to manage it, concurrent planning and their role in the permanency process. Concurrent planning resource families should be trained and dually approved to both foster and adopt in order to reduce the number of moves a child experiences in foster care.

Each CCYA is expected to utilize kinship families in accordance with existing statute and policy whenever possible. The early use of kinship placements can ensure permanence for children if they are unable to return to their families of origin. When kinship placements are not an option, it is expected that CCYA will utilize other resource families that will provide the child with the best chance of being returned to their family of origin or remaining with the resource family on a permanent basis.

The CCYA must support and encourage resource and kinship families to be involved and included in working directly with the biological parents to teach skills and to communicate the children's needs whenever possible. Resource families should be active participants in the FGDM/FGC/Teaming meetings, the development of the FSP and CPP, and court hearings whenever possible.

For many resource families such close contact and mentoring of the child's family may be a scary premise. Resource families require training to understand the need for a team approach to permanency and the need for them to be actively engaged with the child's family whenever possible. Several resources are available to CCYA to help train their resource families including the Parents As Tender Healers (PATH) training offered by the PA State Resource Family Association (PSRFA) in partnership with Spaulding for Children. To obtain a free copy of the curriculum and training videos, CCYA should contact PSRFA at 1-800-951-5151. Additional training resources can be found online at <http://www.nrcpfc.org/cpt/component-nine.htm>.

Kinship families often have unique needs and require additional supports. CCYAs should ensure that kinship families are provided with the community supports they need to safely provide for the child in their home and to maintain the placement for as long as necessary. In addition to community supports,

- National Resource Center for Permanency and Family Connections Web-based Concurrent Planning Toolkit: <http://www.nrcpfc.org/cpt/overview.htm>
- The Child Welfare Practice and Policy Group Family Team Conferencing: [http://www.childwelfaregroup.org/documents/FTC\\_History.pdf](http://www.childwelfaregroup.org/documents/FTC_History.pdf)
- Juvenile Law Center <http://www.jlc.org>
- The Office of Mental Health and Substance Abuse Services Best Practice Guidelines for Family Involvement with Youth who are in Residential Facilities: [http://www.pccyfs.org/dpw\\_ocyfs/OMHSAS Bulletin 09-04 FamilyInvolvementRTFYouth.pdf](http://www.pccyfs.org/dpw_ocyfs/OMHSAS_Bulletin_09-04_FamilyInvolvementRTFYouth.pdf)
- Kids Voice <http://www.kidsvoice.org>

CCYAs should ensure that formal kinship families are made aware of SWAN Post-permanency Services and that they can access them by contacting the SWAN Helpline toll-free at 1-800-585-7926. SWAN Post-permanency services include Advocacy, Support Groups and Respite and are provided free to formal kinship families through the SWAN prime contractor.

**Concurrent Planning Resources:**

- American Bar Association Center on Children and the Law:  
[http://www.americanbar.org/groups/child\\_law.html](http://www.americanbar.org/groups/child_law.html)
- PA Child Welfare Resource Center Family Reunification through Visitation Curriculum and Family Finding Curriculum:  
<http://www.pacwcbt.pitt.edu/Curriculum/209FmlyRnfctnThrhgVsttn.html>
- PA Child Welfare Resource Center Integrating Concurrent Planning into Child Welfare Curriculum:  
<http://www.pacwcbt.pitt.edu/curriculum/209IntegratingConcurrentPlanningI ntoCW.html>
- The Administrative Office of PA Courts, Office of Children and Families in the Courts Pennsylvania Dependency Benchbook:  
<http://www.ocfcpacourts.us/judges-and-legal-professionals/benchbook>
- Pennsylvania State Resource Family Association Parents as Tender Healers training: [www.psrfa.org](http://www.psrfa.org) (800) 951-5151.
- Statewide Adoption and Permanency Network Legal Services Initiative, Diligent Search Packet and direct services for children and families:  
[www.diakon-swan.org](http://www.diakon-swan.org)
- National Resource Center for Permanency and Family Connections Web-based Family Engagement Toolkit:  
<http://www.hunter.cuny.edu/socwork/nrcfcpp/fewpt/introduction.htm>
- Children's Bureau Express Bridging the Gap between Birth and Foster Parents:  
<http://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=112&sectionid=1&articleid=2757>
- National Resource Center for Permanency and Family Connections free online training on parent-child visitation:  
<http://training.childwelfare.gov/oltMain.cfm?z=z>

## **Parent Fact Sheet on Concurrent Planning**

### **What is Concurrent Planning?**

In 1997 a law called The Adoption and Safe Families Act (ASFA) was passed. ASFA encourages the use of concurrent planning for all children in foster care to help them move more quickly to permanency. Permanency for children in out of home care can take many different paths. It is always the first priority of the caseworker to achieve reunification, which is the return of the child safely to their parents.

But ASFA requires that if a child has been in foster care for 15 of the past 22 months and cannot safely return home, the agency must seek another permanent family for the child unless there are extenuating circumstances, such as the child is placed with a relative who can care for the child or the agency is not providing the parent with the services needed to safely return the child to their parent. Concurrent planning is a way for agencies to comply with this law. When using concurrent planning, a caseworker will not only work hard with you to meet the first goal of reunification, but will also be actively seeking a permanent family for your child in case reunification does not happen within the required timeframe.

Every child deserves a family to grow up with. Concurrent planning is a way to make sure that children who go into foster care do not spend too much time in foster care. It requires the caseworker to work intensively with you to safely return your child home, while at the same time making sure your child will have a permanent family who can take care of them if you are unable to provide a safe home within the legal time frames.

### **What else is involved in Concurrent Planning and what does it mean to me as a parent?**

There are many pieces to Concurrent Planning including:

- ✓ Early Assessment
- ✓ Early Paternity Determination
- ✓ Case Planning
- ✓ Full Disclosure to Parents
- ✓ Placement with a Permanency Planning Family
- ✓ Regular Court Reviews

Each one is described below.

### **Early Assessment**

Assessment is the process of finding out the needs that you and your child might have. Caseworkers will work right away with you after your child comes into placement to figure out what issues are making your home unsafe for your child. You may be asked to have an evaluation by a professional who can help provide more information to the agency and judge about what is happening in your home. Then you will decide, along with your caseworker and others, what will help improve the situation in your home and what you need to do to keep your child safe. The judge may order specific services for you and others living in your home and you may have the ability to choose services that you believe will be the most helpful.

### **Early Paternity Determination and Searching for Other Family Members**

The law requires that when a child enters foster care, the agency must notify both parents and relatives who may be willing to care for the child. Sometimes when a child enters foster care, the identity of the child's relatives, including the child's father is not clear. You will be asked by your caseworker to give the names and addresses of all other family members. When you are asked information about your child's family members and you are not sure who they are or where they live, efforts will be made by the agency and the court to find this information and contact those relatives.

### **Case Planning**

Once the needs of you and your child are identified through assessment, a case plan will be developed and intensive services will be provided to you, your child and other family members. The case plan is your guide that tells you what you must do to have your child return home. The services offered focus on your ability and willingness to make the changes needed to have a safe home for your child. The services are supportive and are intended to promote reunification. For example, you will have visits with your child (unless there is a court order denying visits). You will be expected to make every effort to visit with your child on a regular basis. Depending on the issues that your family is facing, you may also be asked to participate in other services such a parenting program, a drug or alcohol treatment program, or a course of therapy. The caseworker will help you find the best programs to meet your needs. You are expected to work with your caseworker and service providers and you are expected to make progress on your case plan goals so that you can provide a safe home for your child.

### **Full Disclosure to Parents**

Caseworkers will talk with you regularly about your rights, responsibilities, expectations, and the effects that living in foster care may have on your child. Here are some examples of each of these:

- **Rights:** You have the right to be present in all court hearings and you have the right to be represented by an attorney in all court hearings. You have the right to visit your child (unless the court has decided not to allow visits). You have the right to be kept informed about how your child is doing in foster care. You have the right to be involved in making educational and medical decisions for your child.
- **Responsibilities:** You have the responsibility to follow the court order and participate in services. You have the responsibility to visit your child while they are in foster care. You have the responsibility to know what your case plan requires of you and to take the steps you need to meet the goals of your case plan.
- **Expectations:** You are expected to work with your caseworker and service providers to make progress towards the goals of your case plan so you can provide a safe home for your child. You are expected to help locate other family members who may be willing to be permanent caretakers for your child and to participate in meetings to help decide the best plan and placement for your child.
- **The Effects of Placement on Children:** For a child, living in foster care means being separated from their family and not being sure about whether or not they will go home. This can create stress for the child and the child may become scared, angry, sad, and frustrated. Sometimes children will have a hard time behaving in school and in their foster home because of these feelings.

### **Placement with a Permanency Planning Family**

One of the most important pieces of concurrent planning is deciding which family will be the permanent family for your child if they cannot return to your home. There are new laws that require the agency to locate, notify, and consider all relatives to care for and support your child.

Although it is best for children to grow up in their families, sometimes there are no relatives who are willing to care for the child. Other times, relatives do not meet the requirements in the law or state regulations to be approved to care for

the child. If this is true in your case, a foster family who is not related to or kin with you will be found for your child. The foster family will work hard to support you and your child while you work on your plan to safely have your child returned home. If reunification is not possible, the foster family may be the best option to raise your child as a member of their own family, either through adoption or permanent legal custodianship.

### **Regular Court Reviews**

The judge will make the final decisions about what services you receive, where your child will live while in foster care, how often and where you and your child will visit, and what is the best permanent home for your child. The judge ensures that you and the agency are complying with all court orders. All cases must be reviewed in court at least once every six months. Many judges review cases every three months or more often. This helps the judge make sure that you, other family members, the agency, the foster family and the service providers are all doing their parts to make sure that your child is living in a permanent home as quickly as possible. You have a right to be present and represented by an attorney in all court hearings.

### **If my children are in placement, how long do I have to complete my case plan and get them back home?**

The law says if your child is in placement for 15 out of the last 22 months, the agency must file a petition in court to terminate your parental rights. There are some exceptions to this law:

- ✓ If the agency has not provided you with services to help you make your home safe for your child.
- ✓ If your child is placed with a relative.
- ✓ If there are compelling reasons that Termination of Parental Rights would not be in your child's best interests.

Only the judge can decide if these exceptions apply to your case. The judge may decide, for example, that even though your child is placed with your relative it is still in the child's best interests for your parental rights to be terminated and for your child to be adopted by that relative.

### **What does Termination of Parental Rights mean?**

Termination of Parental Rights (TPR) is a legal decision a judge makes to forever end the parent/child relationship. Once a judge makes this decision, a parent no longer has any rights to see or contact the child, and can no longer make any

decisions for the child. Although the agency will be working very hard with you to help you complete your case plan goals so that your child can return home, if you do not complete the case plan or if it is felt that you cannot provide a safe environment for your child, the agency may ask the judge to terminate your rights to your child.

If this were to happen you would no longer have any legal rights to your child and your child may be adopted by another caregiver who is approved by the agency and the judge. Your child will then live with the adoptive parent who will care for them and make all decisions about their day to day activities, school, and medical care.

In some cases, even after TPR, a parent can make a legal agreement with the adoptive parent to have ongoing contact such as visitation or phone calls with their child. If your case ever progresses towards TPR and you would like to have contact with your child, you should discuss your wishes with your attorney.

### **What are Compelling Reasons?**

Only a judge can determine if there are compelling reasons not to Terminate Parental Rights. The decision about whether compelling reasons exist is made by the judge on a case-by-case basis. Judges can make that determination based upon a variety of factors. For example, a judge might decide that you are making good progress toward having your child come home and may give you more time to get to that goal. Or the judge may decide that your child must receive more mental health treatment while in their placement before coming home. It is best for you to discuss compelling reasons with your attorney.

### **What are the Permanency Options for Children?**

Permanency planning is the process of finding a permanent home for your child. There are four permanency options for children in foster care:

1. Return home to the parent (reunification)
2. Adoption
3. Permanent legal custodianship
4. Placement with a fit and willing relative.

The judge always decides the goal for the child with input from everyone who participates in the court hearing.

The first choice for most foster children is for them to **return home**. However, you must be able to demonstrate to the judge that you can provide a safe home for your child.

If the judge decides that your child cannot safely return home, the second option that the judge must consider is **adoption**. Both relatives and non-relatives may adopt children in their care.

If return home and adoption have been ruled out, the third option is **permanent legal custodianship (PLC)**. This means that the judge could order that your child be placed into the permanent legal custody of relative or non-relative caregivers with whom they will live until adulthood. Your parental rights would not need to be terminated for this to happen. Your case would be closed with the court and the PLC parents would then make all decisions about school, medical care, and the day to day activities of your child. If this were to happen, you may be permitted to visit your child and you may have to pay child support. Although PLC is intended to be permanent, in the future you may ask the court to return the child to you.

If return home, adoption and PLC have been ruled out, the judge could order that your child be placed with a **fit and willing relative**. A fit and willing relative is someone who is related to your child who is not willing to adopt them or become a permanent legal custodian but who is willing to provide care for them until they reach adulthood. Your child could be placed into the home of a fit and willing relative with continued court and county agency supervision of the case or the judge could give custody of your child to the fit and willing relative and close the case.

### **Now that I know about concurrent planning, what should I do?**

You should:

- ✓ Realize that you are part of a team that will work together to help address the problems that lead to the placement of your child;
- ✓ Make sure you understand the goals in your case plan that you must meet in order to reunify with your child;
- ✓ Talk with your caseworker often about your progress in meeting the goals of your case plan;
- ✓ Tell your caseworker if you don't understand something and ask for it to be explained it in a different way;
- ✓ Tell your caseworker if you need help getting access to the services needed to work on your case plan;
- ✓ Go to and actively participate in all visits with your child;

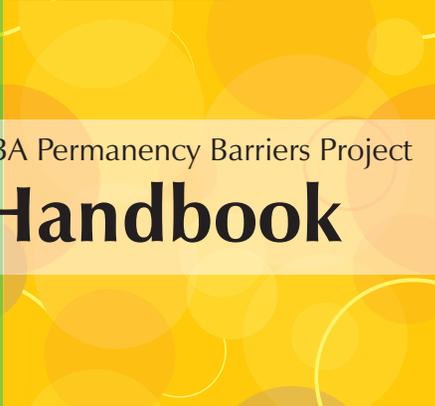
- ✓ Share information about your child with the relative caregiver or foster family;
- ✓ Stay involved with your child's school, medical providers, and other professionals working with them;
- ✓ Meet with your attorney regularly to share information about your case and ensure this information gets shared with the judge;
- ✓ Attend all court hearings; and,
- ✓ Ask family members and others who care about you and your child to help, to attend family group meetings and to consider being a caregiver for your child.

**Where can I find more information about Concurrent Planning?**

[http://www.hunter.cuny.edu/socwork/nrcfcpp/info\\_services/concurrent-permanency-planning.html](http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/concurrent-permanency-planning.html)

[http://www.childwelfare.gov/pubs/issue\\_briefs/concurrent\\_evidence/index.cfm](http://www.childwelfare.gov/pubs/issue_briefs/concurrent_evidence/index.cfm)

<http://www.nrcpfc.org/cpt/overview.htm>



Westmoreland County ABA Permanency Barriers Project

# Parent Handbook

## Table of Contents

What happens after a report of neglect or abuse is made?	2
Why was my child removed from my home?	2
Where will my child be placed? What should I do?	3
Can I visit with my child?	4
How do I get a lawyer?	4
Who will be working with my family	5
Why do I need to go to court? (types of court hearings)	7
What is a Family Service Plan?	16
Why do I have to go to so many different meetings?	18
What is a “permanency plan” and how do I get my child back home?	18
What is confidentiality and why am I being asked to sign a release of information?	22
What if I am in jail or prison?	23
What are my rights?	25
Important information	26

Westmoreland County ABA Permanency Barriers Project Parent Handbook  
© 2011 American Bar Association

The view expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and accordingly should not be construed as representing policy of the American Bar Association.

Nothing contained in this book is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel. This book and any forms and agreements herein are intended for educational and informational purposes only.

## What happens after a report of neglect or abuse is made?

Westmoreland County Children's Bureau (WCCB) is required by law to investigate all reports of child abuse and neglect. WCCB must provide services that will keep a family together whenever possible. A Family Court judge will only remove a child from the child's home to protect the child's safety, or health.

If WCCB thinks your child cannot safely remain with you, WCCB must tell the Family Court judge and get an emergency order allowing them to remove your child from your home. You must stay in contact with WCCB and go to all meetings to plan for your child's safe return home. In some situations, WCCB may agree to a family arrangement for care of your child by a relative without involving the Family Court.

## Why was my child removed from my home?

Your child was taken from your home because the Family Court judge believes there is a serious concern about your child's safety. This concern may come from reported neglect (you did not meet the basic needs of your child) or abuse (physical, sexual or emotional). Sometimes emergencies like sickness, injury, or death of a child's parents or caregivers puts a child at risk and the Family Court judge decides the child cannot remain at home.

## Where will my child be placed? What should I do?

You have an important role helping WCCB decide where to place your child. When possible, WCCB will try to place your child with a family member or good friend who knows your child well.

Children do best when living with people they know. Make sure to give your WCCB caseworkers the names, addresses and phone numbers of family members and/or close family friends who might be willing to care for your child.



You may be able to arrange for your child to stay with a relative. If you do this, the court would not be involved. WCCB may agree to the family making a private arrangement to care for the child. Although WCCB does not have legal custody of the child, they must first do a background check of the relative and all adults in the home as well as check the home before placement. In other cases WCCB may place the child with a relative who can apply to become a licensed foster parent. Your relative can only apply if the child is in WCCB custody. Placement with a relative is called kinship care.

It may not always be possible to place your child with someone the child knows. If that cannot happen, your child will live with a foster family. In some cases, a child's special needs may require a more structured home, such as

a treatment foster home, group home or live-in treatment center. WCCB will try very hard to place your child somewhere close to your home and school. WCCB will also try to place siblings together whenever possible.

### Can I visit with my child?

You can help your child adjust by visiting. Your visiting plan will usually be decided during your meetings with WCCB or by a judge/master in Family Court. Talk about this with your lawyer and WCCB caseworker. Typically, you can visit every two weeks. Tell your WCCB caseworker about any problems you may have that would prevent visiting. Visit with your child as often as possible according to the plan and go to doctor visits, school activities and meetings, and other important events in your child's life. If you must miss a visit, call before the time to explain why you can't make it, and ask to reschedule. If you need help getting to a visit with your child, let your WCCB caseworker know. Even if you are in jail, you can still visit your child. Talk about visiting with your attorney and caseworker.

It is very important to keep in touch with your WCCB caseworkers and service providers (people who try to help you like a counselor or therapist). Also keep in touch with your attorney. Tell your caseworker and attorney if your phone number or address changes. Go to all meetings and court hearings.

### How do I get a lawyer?

At Family Court hearings, you have the right to be represented by a lawyer. The WCCB caseworker will give

you an application, a form to ask for a lawyer. You can also ask for a lawyer by calling the Family Court Administrator at 724-830-3000. Getting a free lawyer is based on how much money you have. You will need to fill out paperwork (called an IFP) about your money situation to see if you qualify for a free lawyer. You may also pay to get a lawyer to represent you in court. If you do not qualify for a free lawyer, you will have to get and pay for your own lawyer. If you are not sure who your lawyer is, call your WCCB caseworker or the Family Court Administrator.

Remember, it is your responsibility to talk with your lawyer. You should tell your lawyer about the progress you are making and how your visits with your child are going. Call your lawyer if you have questions about your case. If something happens that worries you or that you think might hurt your case, call your lawyer to talk about it. Always tell your lawyer if you change your phone number or address.

### Who will be working with my family?

When your child leaves your home you will begin working with different people. Your main contacts, however, are the caseworkers working with your family. One of these caseworkers comes from WCCB, and the other may come from a private agency.

**WCCB caseworker:** The WCCB caseworker sets up planning meetings, and checks in with the service providers working with your family. The WCCB caseworker must make sure you and your family are getting the services you need. Your WCCB caseworker must tell your progress, or lack of progress, to the court. Your caseworker should meet with you regularly.

Your caseworker may change from time to time as your case moves forward. If at any time you don't know who your WCCB caseworker is, or if you don't know how to get in touch with your caseworker, call 724-830-3300.

**Lawyers:** You will have a lawyer, and your child will have a lawyer. Your child's lawyer may sometimes be called a 'guardian ad litem' or 'GAL.' Lawyers are also called 'advocates,' 'attorneys' and/or 'counsel.' WCCB will have a lawyer called a 'solicitor' to tell the view of the agency. Stay in contact with your lawyer and tell your lawyer if your address or phone number changes.

If at any time you don't know who your lawyer is, or if you don't know how to get in touch with your lawyer, ask your WCCB caseworker.

**Family Court Judges/Masters:** The judges/masters from Family Court will be making decisions during court hearings about your child and family. Not every hearing will be in front of a judge, it may be heard by a master. Masters can do most of the things judges can do with the judges' permission. If you have any questions, ask your lawyer.

**Foster Parents:** Foster parents are people who have been trained to care for children removed from their homes. If WCCB has placed your child into the care of a licensed relative, this is called kinship foster care.

**Service Providers:** These are the professionals providing services to you and your child. They may include (but are not limited to) a therapist, mental health specialist, drug or alcohol counselor, in-home service provider, child profile

worker, child prep worker and supervised visitation staff.

**CASA:** A Court Appointed Special Advocate (CASA) volunteer is a trained citizen, appointed by a judge, to represent the best interests of a child in court. A CASA volunteer tells a judge background information about the child and suggests where a child should live to help the court decide the child's future.



### Why do I need to go to court?

You need to go to all court hearings because a judge/master will be making decisions about your family. It is important that the judge/master sees you in court so he/she knows you care about what is happening with your family. Your lawyer will tell your views during the court hearings based on what you said. It is very important that you attend ALL hearings in Family Court. If you miss a hearing, the judge or master may still make decisions about your family based on what WCCB and the lawyer representing your child have told the court. Your lawyer may not be able to represent you if you do not come to court every time you have a hearing.

When you are involved with WCCB, you will need to attend several court hearings. A master hears most of the cases instead of a judge. You always have the right to request a judge to hear your case. If a parent or guardian is in jail, he/she still has the right to participate in all court hearings and team planning meetings. In these cases, the jailed parent or guardian should ask his/her lawyer to ask



for a ‘bring down’ order, or ask to participate by phone. Often there are delays due to the many cases heard by Family Court and the hearing may need to be continued to another day.

Each Family Court hearing has a specific purpose:

### Shelter Care Hearing

If the court granted an emergency order to remove your child for placement, the next thing you will need to do is go to an Emergency Shelter Care Hearing. This hearing must be held within 72 hours (3 days) of the emergency order. At this hearing, the judge/master will decide whether your child needs to remain in placement until the next hearing.

- If the judge/master decides your child does not need to remain in placement until the next hearing, the judge will allow your child to return home. However, a WCCB caseworker may still need to supervise your family.
- If the judge/master decides your child must remain in placement until the next hearing, your child will not come home.

You should apply for a lawyer before this hearing, so you can have a lawyer at the hearing.

### Adjudicatory and Dispositional Hearing

The next hearing that you will need to go to is an Adjudicatory (fact-finding) Hearing at Family Court. Before this hearing, WCCB will file a petition with the court (tell the court in writing) saying why your child was removed from your home (these are called “allegations”). This hearing must be held within 10 days from the date of the Shelter Care Hearing. You may be asked to waive this 10 day requirement, that means to allow the court to hold this hearing later than 10 days. The purpose of this hearing is to find out if what WCCB said in their petition (allegations) is supported by the facts of the case.

Often the Dispositional Hearing is held at the same time as the Adjudicatory Hearing. This hearing helps find out what is needed, such as services and things you have to do, for your child to be returned safely home.

- If the judge/master decides that the allegations are not true or the situation has changed, your child will return home under supervision with a safety plan.
- If the judge/master decides that some or all of the allegations are true, the judge/master will then decide who should take care of your child until the next hearing. The judge/master might decide to return your child home with you at that time. The judge/master may also decide to keep your child in care.
- During this hearing the judge/master will also order certain tasks, such as going to therapy or a drug evaluation or parenting support that you must do for your child to safely return home. These tasks will often be included in your Family Service Plan (FSP) (see p. 16).

If the judge/master decides that your child cannot live with you, **you have a limited amount of time to get your child back.** Termination of parental rights or TPR (meaning you will no longer be allowed to parent your child) can start as early as 6 months after the date WCCB removed your child from your home. You should start working on your Family Service Plan (FSP) right away. If your WCCB caseworker is not helping you with your FSP, you should call your lawyer and let your lawyer know.

### 90 Day Case Conference

The next conference you need to go to is a 90 Day Case Conference at Family Court. This conference is held in the judge's/master's hearing room 90 days from the date your child was removed from your home. The purpose of the 90 Day Case Conference is to review your Family Service Plan (FSP) and see what progress you are making toward getting your child returned to you.

The 90 Day Case Conference is also a time for the judge/master to make sure the WCCB caseworker is giving you referrals to programs, setting up visits and helping you change what led to your child's removal. Go to the 90 Day Case Conference with your lawyer. The following people will also attend: family members involved with you or your child; the attorney for WCCB and the attorney for your child; the WCCB caseworker; and any professionals providing services to you or your child, including school personnel.

### Permanency Placement Review Hearing

This hearing is held every 6 months to review the permanency plan and case progress. The judge/master will

hear testimony about services you have been offered and your progress toward completing your goals. Your goals will be written in a Family Service Plan (FSP, see p. 16) and the original dispositional court order.

You need to show the judge/master the steps you have taken to fix the problems that caused your child to be removed from your home. You also must show the steps you've taken to comply with your family service plan (FSP), such as going to visits and working with services. At this hearing the judge/master will decide if your child needs to remain in care and if the permanency plan decided by WCCB is appropriate (see p.18, for an explanation of permanency plans).

### Termination of Parental Rights Hearing

If your child has been in care for 15 of the past 22 months, the federal Adoption and Safe Families Act (ASFA) says WCCB **must** petition, that is, ask the court, to end your parental rights and therefore free your child for adoption. WCCB **may**, however, petition to terminate your parental rights after your child has been in care for 6 months for one of several reasons. For example, WCCB may petition to end your parental rights if:

- You have failed to show you are working on the problem that caused your child to be removed from your home (for example, you are not working on family service plan); or
- You abandoned your child, or stopped regularly visiting or giving money to support your child (depending on how much money you have);

There are some exceptions known as *compelling reasons* that allow WCCB not to file to terminate parental rights if the child has been in foster care for 15 of the last 22 months. They include:

- Reunification with the parent, guardian or custodian will occur soon (within the next 6 months);
- Grounds to end parental rights do not exist under the law;
- If there is a good reason why ending the parents' rights is not in the best interest of the child;
- If the child's family has not gotten the services they need to achieve a safe return to the home within the timeframes set in the FSP;
- If the child is over the age of 12 and does not want to be adopted; or
- If the child is placed with a fit and willing relative.

If any of these exceptions apply, the judge will consider them when making decisions about your child's permanency plan. All termination of parental rights hearings are heard by a judge, not a master. Once WCCB petitions to end parental rights it is hard to show a compelling reason exists not to terminate. Do not wait until the last minute to start your family service plan (FSP) and hope the judge does not end your parental rights because a compelling reason exists.

Termination of parental rights is forever. By law, when the court ends your parental rights, **all** of your rights to your child are terminated.

If WCCB petitions or has petitioned to end your parental rights, you will be personally served a copy of the petition or receive a copy of the petition by certified mail at least 10 days before the hearing. The petition will include the date, time and court room of the hearing. Your lawyer will also be told about the petition to end your parental rights. If you have hired a private lawyer, not appointed by the court, this lawyer must go to this hearing so he/she can represent you.

If you do not agree with the petition to terminate your parental rights, you **must** go to court on the date and time in the petition and tell the judge that you do not agree and wish to fight the termination of your parental rights. **If you do not attend this hearing your parental rights could be ended on that day without the judge hearing your position.**

If you don't want WCCB to pursue adoption for your child, you may contest (fight) the petition in a hearing called a Termination of Parental Rights (TPR) hearing. At this hearing all parties will have witnesses testify about what is best for the child and what the parent has done to help safely return the child to the parent's home.

The judge will decide what is in the child's best interest, the judge will either grant the TPR petition and therefore free the child for adoption or the judge may deny the petition. If you do not agree with the judge's decision, you can appeal it – this means that you ask another judge to look at the judge's decision.



You might agree with this plan to have your child adopted by another person, known as a “*voluntary relinquishment*” of your parental rights. There are a few reasons why you might do this. You may feel you are unable to keep up with the responsibilities of parenthood. You may feel your child is very attached to his/her caregiver and it would be best for your child to

remain with that person forever to give him a stable home. This is a big decision with many legal effects. Talk to your lawyer before voluntarily relinquishing your parental rights.

If you decide to voluntarily give up your parental rights, you will testify that you agree to have your parental rights ended and allow the adoption of your child. At a hearing the judge will ask you if you still want to give up your rights or you can ask that the hearing be continued so you can talk to your lawyer. If you still decide to give up your rights, the judge will order the termination of your parental rights. You can only change your mind about deciding to voluntarily give up your parental rights within 30 days and only if the judge determines your decision was not voluntary.

### **Subsidized Permanent Legal Custodianship (SPLC) Hearing**

The court’s and WCCB’s goal is to have your child live with you. If that can’t happen, the next goal is to have your child adopted. Subsidized Permanent Legal Custodianship (SPLC) is the third option to give your child permanency, if reunification and adoption are no longer a choice.

Sometimes at the Permanency Placement Review Hearing (see p. 10) the judge/master will decide if it is in the best interest of your child to give a caregiver SPLC. You may agree with this plan or you may contest (fight) the petition to change the child’s goal to SPLC.

The child must be living with the caregiver for at least 6 months before the court can grant SPLC. This plan allows you to keep your parental rights while someone else becomes your child’s legal custodian. Most times, this person will be a relative, close friend of the family or your child’s foster parent. The legal custodian will provide a permanent home for your child, and will be legally responsible for raising your child. This person will be making important medical and school decisions for your child, and will get some money to care for your child.

Your parental rights must be ended before your child may be adopted, but with SPLC your parental rights are not terminated. With SPLC:

- You may visit with your child as ordered by the judge/master
- You may still have to pay child support (depending on your resources)
- WCCB will not need to stay involved with your family
- You can petition, or ask the Family Court custody office to change visits or custody if the change is in the child’s best interest

Ask your caseworker and your lawyer to explain both adoption and SPLC if you have questions about these other options to having your child live with you.

### What is a Family Service Plan?

The Family Service Plan (FSP) tells you what you need to do to have your child returned to your care. The Family Service Plan also tells you what the WCCB caseworkers need to do to help you reach your goals. You should meet with the WCCB caseworker to help create your Family Service Plan.

The first meeting between you and the WCCB caseworker to discuss your Family Service Plan (FSP) should happen within 30 days after the removal of your child. The WCCB caseworker will tell you the date, time and place. Bring family members and other people who support you to these meetings if they will be helpful. If you agree with the FSP, review and sign the plan. The caseworker will give you a copy of the FSP. Your lawyer and service providers will also get copies.

During these meetings, you will talk about the strengths and needs of your family. You may feel everyone is asking you a lot of questions, but the answers to these questions will help the caseworkers understand how they can help you get your child back home. Ask questions if you do not understand something talked about in these meetings. After the first meeting, there will be a 90 Day Case Conference at Family Court to review the Family Service Plan and see what progress you are making toward getting

your child returned to you. There will be a Family Service Plan meeting every 6 months to review your Family Service Plan (and more often if necessary).

If the Family Service Plan is not working for you, and/or you are having trouble getting the services you need, ask for another meeting. The purpose of these meetings is to see how your child is doing and to follow up on the work you have done to reach the goals of the Family Service Plan. The WCCB caseworker can change the FSP at any time to show the changing needs of the family. The FSP may also include services for your children, such as therapy, educational services, Child Preparation and Child Profile (see below).

***Child Preparation*** is the hard work of helping children make the transition from foster care to the permanency option (reunification, kinship, PLC or adoption) chosen for them. It includes developing a written plan outlining activities during at least 10 meetings with the child over 6 months.

***Child Profile*** details the child's life history, current functioning and special needs. Referrals for this service must come from the county having legal custody of the child.

Remember, there is a time limit for returning a child home. You should start working on your Family Service Plan right away. If your WCCB caseworker is not helping you get involved in your Family Service Plan, you should call your lawyer and let him/her know.

The Family Service Plan is about you, your family and your children. Go to all the Family Service Plan meetings and make sure the services are helpful to you and that you know what you need to accomplish.

### Why do I have to go to so many different meetings?

Having your child removed from your home is very hard for you and your family. You, the WCCB caseworker, the attorneys and the judge/master should be focusing on what needs to happen for your child to safely return home. Decisions will be made about you, your child and your family at many different meetings and court hearings. It is very important you attend **all** meetings and court hearings so you have a voice in what is happening and so people know how important your family is to you.

You should plan to attend: (1) all court hearings; (2) the 90 day conference; (3) all Family Service Plan meetings; and (4) all meetings about your child and your family. If you think it is important to have a meeting to discuss your progress or questions you have about your case or Family Service Plan, ask to meet with your WCCB caseworker. If you feel like your WCCB caseworker is not helping you or is not including you in important meetings and decisions, talk to your lawyer.

### What is a “permanency plan” and how do I get my child back home?

The Adoption and Safe Families Act (ASFA) is a federal law that says there must be a “permanency plan” for

children removed from their parents so they don’t end up spending their childhood in foster care. Your child’s permanency plan can be return home, adoption, permanent legal custodianship, placement with a relative or another planned permanent living arrangement. One of the goals of the ASFA is to stop children from spending lots of time in foster care.

So federal law says the WCCB caseworker must work on other permanent plans for your child while she is working with you to reunify your family.



WCCB must try to reunify your child with you. At the same time WCCB must also create a back-up plan, known as the concurrent plan, in case your child cannot be returned to you. WCCB will develop this plan as soon as your child enters foster care. Sometimes this is called *concurrent planning*. You can help WCCB develop this concurrent plan by giving the names and addresses of relatives or family friends that might be able to care for your child, if you are not able to have your child return to you.

You should know that WCCB, the court and other parties involved with your child may discuss permanency with your child’s caregivers, including relatives. They may discuss adoption and/or other permanency plans even while WCCB is working with you on reunification. These connections may be valuable even if your child returns to your care.

### Reunification (return home)

In most cases the permanent plan for your child will be to *return home* to you. To accomplish this, you need to work on your Family Service Plan and follow all court orders to address the problems that caused your child to be removed from your home. You must make your home safe and guarantee proper care of your child if returned. Remember, you have limited time to complete the Family Service Plan. Federal law also requires the WCCB caseworker to help you with your Family Service Plan so you and your child can be reunited. The work the WCCB caseworker does to help you is called *reasonable efforts*.

### Adoption

If you cannot reunify with your child, the federal law says the next best permanent plan for your child is *adoption*. If your child's permanent plan is adoption that means your parental rights will be ended and someone else will legally be your child's parent. Termination of parental rights is permanent. By law, when your parental rights are ended, all your rights to your child are terminated. However, the adoptive parent may voluntarily enter into an open adoption agreement with the parents to continue contact or communication after the child is adopted. This agreement is voluntary and subject to court approval. (For a review of termination of parental rights hearings and your right to present evidence to the judge, see p. 11).

### Permanent Legal Custodianship (PLC)

In many cases, if your child cannot reunify with you, your child's other permanent plan will be adoption. If adoption is not possible, your child's alternative plan may be *permanent legal custodianship*. This may or may not be supported with money from the state (subsidized). If it is subsidized, it is called *Subsidized Permanent Legal*

*Custodianship (SPLC)*. If PLC is your child's permanent plan this means you keep your parental rights but someone else becomes your child's legal custodian. The legal custodian will give a permanent home to your child and is legally responsible for raising your child. This person, often a relative, will be responsible for making important medical and school decisions for your child. You may visit with your child, if the judge orders it.



### Placement with a Fit and Willing Relative

If your child cannot reunify with you and adoption and permanent legal custodianship are not possible, then your child's other permanent plan may be *placement with a fit and willing relative*. This means your child will live with a relative, godparent or family friend and that the caseworker will continue to work with your family and monitor your child. The court case will stay open and the judge or master will review your child's case every 6 months. You keep your parental rights, but your child lives with his/her relative, not with you. You may visit with your child, if the judge orders it.

### Another Planned Permanent Living Arrangement (APPLA)

If your child cannot reunify with you and none of the other permanency options described above are available, then the permanency plan for your child will be *another planned permanent living arrangement*. Another planned permanent living arrangement offers your child permanency similar to



that provided by a family, that is, it should provide consistent emotional support and shelter for your child until your child achieves independence or one of the other permanency goals described above. This often includes placement in a group home or residential treatment facility. If your child's

permanency goal is another planned permanent living arrangement this means your child will not be living with you. You may visit with your child, if the judge orders it.

### What is confidentiality and why am I being asked to sign a release of information?

Often, Family Service Plans include services for parents like: mental health treatment, substance abuse counseling, family therapy and/or parenting education. Usually, your meetings with mental health treatment providers, substance abuse counselors and therapists are confidential – this means they cannot share information about you with anyone else. Because your situation is unique – you are working to reunify your family – the WCCB caseworker will probably ask you to sign a “release of information” so the service providers you are working with can share information about you with each other and with the WCCB caseworker and the judge/master.

In most cases, allowing a release of information is important and can help you reunify with your child. The WCCB caseworker may need to talk to service providers about you to figure out what services will be most helpful.

Also, the people working with you might want to talk to each other about how you are doing and what they should each be doing to help you. The WCCB caseworker cannot recommend that the judge return your children to you unless he/she knows how you are progressing on your Family Service Plan.

In some cases, you may not want to sign a release of information – if you have questions about whether or not you should sign a release of information, talk to your lawyer.

### What if I am in jail or prison?

It can be very overwhelming if you are in jail and your child is involved with WCCB. The law says that you can't lose your child just because you are in jail. It is very important that you keep in contact with the WCCB caseworker, your lawyer and your child. If your child is in foster care for 15 months (or sometimes even less time), WCCB may try to end your parental rights. Here are some important steps to maintain your relationship with your child:

- *Stay in contact with your child.* You can do this through writing letters, making phone calls and requesting visits. It is important that you stay in contact with your child, no matter what your child's age, so your child, the WCCB caseworker and the judge/master know how much you care about your family.
- *Stay in contact with the WCCB caseworker.* You need to be involved with making decisions about your child and your family. Stay in regular contact with the WCCB caseworker. You can do this by writing letters

or through phone calls. Talk to the caseworker about your Family Service Plan – ask to participate in Family Service Plan Meetings by phone.

- If the Family Service Plan says you need to take part in services, see if they are available at the jail or prison. Ask your WCCB caseworker to help you find services you can do, while in jail. If you don't know who your WCCB caseworker is, or if you don't know how to get in touch with him/her, call 724-830-3300. Also talk to your prison social worker/counselor about services you can go to at the prison.
- *Make sure your lawyer, the WCCB caseworker and the court know where you are.* You should get written notice about what is happening in your family's case. Write a letter to the WCCB caseworker and your lawyer giving them your address and asking to participate in the case.
- *Ask to visit with your child.* While you are in jail you can still visit with your child, unless the judge does not allow the visits or it's not available at your facility. Ask the WCCB caseworker to set up visits for you and your children. If the WCCB caseworker will not do this, ask your lawyer to ask the judge to order visits.
- *Go to court hearings.* You have a right to have a lawyer for court hearings involving your child. If you do not have a lawyer, ask the judge to appoint one. If you do not know who your lawyer is, ask your WCCB caseworker. Ask your lawyer to ask that you be brought to all court hearings.

## What are my rights?

You have a right to raise your child, as protected by the United States Constitution. The state can only get involved if a judge or master decides your actions harm or could harm your child. This includes things you should do for your child like getting him to school, taking her to the doctor, watching over him, and making sure she gets enough to eat and has a safe place to live. WCCB is required to check reports of child abuse and neglect. If WCCB thinks your child cannot safely remain with you, WCCB must tell the judge or master.

You have a right to be told when there are court dates concerning you, your child and your family. You also have a right to tell what happened at the court dates. You have the right to have a lawyer to represent you in court. If you cannot afford a lawyer and you meet the income guidelines, you have the right to a free lawyer appointed by the court. Your lawyer should explain the family court process to you and explain your rights to you. You have a right to an interpreter appointed by the court if you do not speak or understand English or if you are deaf or hard of hearing. Being involved in the child welfare system is hard. This is probably a time of great stress for you, your child and your family. It is important to have someone you can trust guiding you through the process. This booklet will answer some of your questions about what is happening with your family. Remember to stay involved with your child, keep in touch with your lawyer and caseworker and above all, ask for help if you don't understand something or are feeling overwhelmed.

## Important Information

WCCB Caseworker:

Phone:

WCCB Supervisor:

Phone:

My Lawyer:

Phone:

My next court hearing is:

