

How to Determine an Appropriate Permanent Plan

(Revised 03/02/18)

[Forms](#)

[Policy](#)

[Descriptions of the Different Permanent Plans](#)

[Factors to Be Considered](#)

[PPAU Assessments](#)

[Resources for Caregivers or Potential Permanent Caregivers](#)

Forms

The following forms are referenced in this file:

04-16	Permanency Planning-Legal and Psychosocial Considerations
04-16sp	Permanency Planning-Legal and Psychosocial Considerations (Spanish)
04-17	Permanency Planning-Financial
04-17sp	Permanency Planning-Financial (Spanish)

Policy

Due to children's need for permanency, the law mandates that a Permanent Plan be selected and implemented for a child when the time period for reunification has passed. It is crucial that planning for permanency in case reunification fails be considered throughout the life of the case. Permanency benefits children's health and well-being

A description of and criteria for the different permanent plans is listed below. The purpose of a 366.26 Hearing is to select and implement a permanent plan for a child. A 366.26 Hearing will be set for every child who requires a permanent plan unless the only plan available is continued foster care or APPLA. For children with a plan of continued foster care or APPLA SWs should continue to work towards a more permanent plan. Activities involved in obtaining a more permanent plan include continued relative searches, possible adoption recruitment activities, referrals to Permanent Connections and consideration of returning the child home.

The role of the Permanency Planning Assessment Unit (PPAU) is to assess the best permanent plan for a child. The PPAU process is discussed below.

This policy aligns with SET [Value 3](#) of establishing both legal and relational permanence for children and youth.

Descriptions of the different permanent plans

The table below provides a brief description of the permanent plans.

Plan	Description	Criteria
Adoption	<ul style="list-style-type: none"> • Parent’s rights are terminated, parents have no legal rights including visitation. • Adoptive parents have all the rights and responsibilities of a parent. • Is preferred plan as provides the most permanence. 	<ul style="list-style-type: none"> • Child in a placement willing to adopt or there are available approved adoptive homes • Termination of parental rights would not be detrimental to the child.
Tribal Customary Adoption (TCA)	<ul style="list-style-type: none"> • Child is adopted • Parents’ rights are not terminated. 	<ul style="list-style-type: none"> • The child is ICWA eligible dependent child. • The tribe has agreed to this plan.
Guardianship	<ul style="list-style-type: none"> • Guardian becomes legally responsible for the financial, medical and emotional needs of the child • Parent’s rights are not terminated • Court may order that the parents have visitation rights. • Parents can file a 388 motion with the court requesting the guardianship be terminated and the custody be returned to them as their situation has changed. Court can return child to parent. 	<ul style="list-style-type: none"> • Is not considered adoptable, but there is an identified person suitable for Guardianship. • The child may be adoptable, but there are extenuating circumstances that preclude adoption.
Placement with a Fit and Willing Relative	Child remains a dependent of the court and child is placed with a relative caregiver	Relative caregiver must be an approved Resource Family.

Descriptions of the different permanent plans (cont.)

Plan	Description	Criteria
Continued Foster Care	<ul style="list-style-type: none"> • Child remains a dependent of the court in NREFM, licensed foster care, LGH or STRTP • Barriers to a more permanent plan must be outlined in court reports. 	<ul style="list-style-type: none"> • Child must be under 16 years of age • Child is not a proper subject for adoption and has no one willing to accept legal guardianship • Agency must make efforts to obtain a more permanent plan for the child.
Another Planned Permanent Living Arrangement	<ul style="list-style-type: none"> • Child remains a dependent of the court in NREFM, licensed foster care, LGH or STRTP • Barriers to a more permanent plan must be outlined in court reports 	<ul style="list-style-type: none"> • child must be 16 years old or older • child is not a proper subject for adoption and has no one willing to accept legal guardianship • Agency must make efforts to obtain a more permanent plan for the child.

Factors to be considered

Factors to be considered when developing a child’s permanent plan are:

- Which plan provides the most permanent situation for the child?
- Are the current caregivers willing to adopt or take legal guardianship?
- Caregivers’ preference for adoption and guardianship. This means that they legally have the right to adopt the child even if there are other people including relatives who want the child.
- If caregivers are not willing to adopt or accept guardianship, explore their concerns (money, commitment, need for services, hoping the parents reunify at a later time, change in relationship e.g., grandchild becomes their legal child, already have enough children, etc.). These concerns should be discussed thoroughly with caregivers.
- Child’s adoptability—age, gender, ethnicity, culture, health, special medical, educational or emotional needs.
- Relationship with parents and siblings. Does the benefit to the child of maintaining parental rights or relationship with the parent outweigh the benefit of adoption? Does maintaining the sibling relationship outweigh the benefit of adoption? If child is adopted, can they maintain contact with their siblings?

Factors to be considered (cont.)

- Child's input: if a child 12 or older objects to termination of parental rights, then adoption is not an option.
- Input of Child and Family Team.
- Capability of caregiver to meet the child's specific needs.

NOTE: If ICWA case, please refer to the Policy Manual ICWA Placement.

PPAU assessments

The role of the Permanency Planning Assessment Unit (PPAU) is to assess the best permanent plan for a child.

The assessment process includes:

- Reviewing the case file.
- Talking with the child's current caregiver about the responsibilities and benefits of adoption or guardianship.
- Talking with the assigned SW.
- Determining the adoptive resources available- are their families willing to adopt a child with that child's characteristics?

Case must be assessed by PPAU at the following times:

- If the recommendation is to bypass reunification and request a 366.26 Hearing at the Dispositional Hearing.
- 60 days prior to the six-month Family Reunification Hearing if the child was under 3 at disposition or the child is a member of a sibling group in which the youngest child was under 3 at the time of disposition.
- 60 days prior to the 12 month Family Reunification Hearing.
- 60 days prior to any 18 or 24 month Family Reunification Hearing.
- Once every 12 months if the child has a Permanent Plan of placement with a fit and willing relative, continued foster care or APPLA.

To make a PPAU referral, see Referrals for a PP Assessment.

The SW should include PPAU's recommendation in the Review Report however, should not make any definite statements that adoption or guardianship should be selected as the permanent plan. A full assessment must be completed prior to a recommendation.

Resources for caregivers and potential long-term caregivers

SWs can provide the 04-16 and 04-17 forms to the SCPs, which provide more specific information about the differences between the various PPs.
