



**Administrative Policies and Procedures: 16.31**

<b>Subject:</b>	<b>Permanency Planning for Children/Youth in the Department of Children's Services Custody</b>
<b>Authority:</b>	TCA 37-2-403, 37-2-404, 37-2-408, 37-2-409, 37-5-105(3), 37-5-106, TCA Section 4-17-02 Amendment; 36-1-102 (9), 37-1-166, 36-1-113, 37-1-174, 37-1-801, 37-4-201-207; P.L. 109-239; and P.L. 109-239 section 471 (a) (15); Rules of DCS – Procedures for Permanency Plans, Chapter 0250-07-01
<b>Standards:</b>	<b>None</b>
<b>Application:</b>	To All DCS Family Service Workers/Juvenile Service Workers, Contract Agency Staff and Supervisory Staff
<b>Policy Statement:</b>	
A Family Permanency Plan shall be developed in collaboration with the child and family during a Child and Family Team Meeting (CFTM) for all children/youth in DCS custody adjudicated dependent/neglect or unruly under eighteen (18) years old, and all youth under nineteen (19) years old who have been adjudicated delinquent.	
<b>Purpose:</b>	
Children whose lives are disrupted by removal from their families are at increased risk for trauma, developmental delay and other problems. The longer a child is separated from family and remains in a temporary placement, the greater these risks become. Permanency planning requires service providers to consider the negative impact of placement and separation on children and to work diligently to find permanent, safe homes for children in care, in a timely manner. All service providers must recognize that time is of the essence for children and must maintain a sense of urgency to achieve a permanent living situation for every child as soon as possible.	
<b>Procedures:</b>	
<b>A. Scheduling and timeframes</b>	<ol style="list-style-type: none"> <li>1. The Family Permanency Plan (FPP) is developed in collaboration with the child and family in the context of the Initial Permanency Planning Child and Family Team Meeting (CFTM).</li> <li>2. Families, foster parents and agency partners are given adequate notice of meetings, preferably ten (10) calendar days in advance if in writing on <b>CS-0746, Meeting Notification</b> or seven (7) calendar days if notified by telephone, email or face to face. Method of notification requests and invitees contacted are documented in TFACTS.</li> <li>3. The Initial Family Permanency Planning CFTM is held within thirty (30) calendar days of a child/youth's placement in custody. Letters and telephone</li> </ol>

	<p>participation are encouraged for those parties not able to physically attend.</p> <ol style="list-style-type: none"><li>Meetings are scheduled to accommodate the child, family, and their support systems whenever possible, even if it requires meeting before or after traditional workday hours.</li><li>The Family Permanency Plan for children in custody is completed no later than thirty (30) calendar days of a child/youth entering state custody and then submitted to the Regional Legal Counsel within five (5) days of approval in TFACTS. It is submitted by the Department to the court and ratified within sixty (60) calendar days of the date that the child/youth first enters state custody.</li></ol>
<p><b>B. Development of a Family Permanency Plan</b></p>	<ol style="list-style-type: none"><li>Information gathered from the ongoing assessment process guides team participants in the Initial Permanency Planning CFTM in determining an appropriate plan of intervention with the child/youth and his/her family.</li><li>The Family Permanency Plan establishes realistic goals, outcomes and action steps for the family, the child/youth and/or the Department necessary to achieve permanency. The outcomes and action steps address all of the concerns that brought the child into custody as well as those needs identified by the ongoing assessment process, including health information and needs, and education information including educational stability planning in compliance with the Every Student Succeeds Act outlined in Policy <a href="#">21.14, <u>Serving the Educational Needs of the Child/Youth</u></a>. Plans are designed to utilize the strengths of the family and include designated time frames for the completion of actions that help the child and family achieve permanency and stability as soon as possible. Refer to DCS Policy <a href="#">31.1, <u>Family Permanency Plans</u></a> and the <a href="#">Permanency Plan Development Guide</a>.</li><li>Time periods for achieving permanency goals are specific to the unique circumstances of the child and family and not dictated by the scheduling of administrative or periodic reviews or meetings. Achievement target dates for permanency goal(s) do not exceed six (6) months.</li><li>While it may be a handwritten draft, the Family Permanency Plan is considered complete at the conclusion of the CFTM. Minor changes that do not affect content, such as grammatical or spelling errors, may be made following the meeting. Significant changes to the goals or action steps on the plan are only be made by convening another CFTM or by court order at the Permanency Hearing.</li><li>Parents have the opportunity to sign a completed, handwritten Family Permanency Plan at the conclusion of the CFTM. If the typewritten Family Permanency Plan is not available for signature, the Family Service Worker (FSW)/Juvenile Service Worker (JSW) ensures that one is presented to the parents for discussion and signatures. Where available, completed signature pages may be scanned into TFACTS and attached to the appropriate plan.</li><li>If parents have signed a handwritten copy at the conclusion of the CFTM and it is later typed, both copies of the Family Permanency Plan must be made available to the court, the family and their attorneys to approve the language in the typed plan and be given the opportunity to sign it, if agreed upon.</li><li>The Child and Family Team create a visitation plan during the development of</li></ol>

	<p>the Family Permanency Plan as a visitation need record. The visitation plan is updated during all Child and Family Team meetings. Any significant modifications (i.e. supervision changes in visitation, length and location of visitation) to the visitation plan may require a court review. Refer to the <a href="#">Visitation Plan Work Aid</a> for assistance. This is recorded on form <b>CS-0747, Child and Family Team Meeting Summary</b>.</p> <p>8. Independent Living Planning is a component of the Family Permanency Plan for all youth in state custody age fourteen (14) and older. As such, it is the responsibility of the assigned FSW/JSW, in conjunction with agency case managers and the youth’s team, to develop this plan along with the Family Permanency Plan, maintaining the same review and update schedule. (Refer to <a href="#">Independent Living and Transition Planning Guide</a>.) The Casey Life Skills Assessment (CLSA) is completed by the FSW/JSW at the seven (7) day meeting with the family present to complete all portions. The CLSA is completed no later than 14 days after a youth enters custody in order to fully integrate the results into the youth’s plan.</p> <p>9. For youth 14 years and older, the results of the Casey Life Skills Assessment are entered into the strengths and concerns records using the IL indicators in TFACTS <b>prior</b> to the Initial Permanency Planning CFTM. Those assessment results are used, along with team members’ input, to develop Independent Living outcomes and action steps.</p> <p>10. The participants in the CFTM receive a copy of the Family Permanency Plan immediately following the CFTM. The FSW/JSW should be sensitive to whether foster parents want their identifying information shared with everyone in the CFTM and be prepared to delete it, if requested.</p> <p>11. Whenever a Family Permanency Plan is developed or revised, the FSW/JSW reviews form <b>CS-0745, Criteria and Procedures for Termination of Parental Rights</b>, with every parent, provides them with a copy, and asks them to sign an acknowledgement that they received a copy.</p> <p>12. Whenever a Family Permanency Plan is developed or revised, the FSW/JSW reviews form <b>CS-0158, Notice of Equal Access to Programs</b>, with every parent, provides them with a copy, and asks them to sign an acknowledgement that they received a copy.</p> <p>13. The participants of the CFTM receive a completed <b>CS-0800, Notice of Action</b> (NOA) along with the TennCare Medical Appeal form at the conclusion of the CFTM if there is a placement recommendation of Level 2, 3 or 4. For more information refer to the <a href="#">NOA-GRIER FAQ</a>.</p> <p><b>Note:</b> Infants born with and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal exposure from the use of illegal drugs or the misuse of legal drugs or chemical substances or Fetal Alcohol Syndrome will have a FPP to include services that ensure the safety and well-being of infants.</p>
<p><b>C. Participation</b></p>	<p>1. The Initial Permanency Planning CFTM includes the child and family team, the family and their support systems, foster parents, agency partners and DCS staff (including DCS specialty staff and YDC Staff/Treatment Team Members).</p>

	<p>At a minimum, this CFTM should include the parents, the DCS Team Leader, and the DCS FSW/JSW. If the child was being cared for by someone other than the parents, the primary caretaker(s) should also be included. (Refer to DCS Policy <a href="#">31.1 Family Permanency Plans</a> and the DCS <a href="#">Child and Family Team Meeting Guide</a>).</p> <ol style="list-style-type: none"> <li>2. Children and youth who are at least six (6) years of age and older are involved in the planning process to the extent that they are capable. All children twelve (12) and over are prepared and included in the Initial Permanency Planning CFTM. Younger children may be able to participate. Exceptions to this policy must be clearly documented in TFACTS with an explanation for why the child’s participation would be contrary to his/her best interests.</li> <li>3. The DCS Supervisor assigned to the case participates in the Initial Permanency Planning CFTM and any other Family Permanency Plan related CFTM’s if the FSW/JSW has less than one (1) year of experience. In the event that the assigned DCS Supervisor is unavailable, another Supervisor or FSW/JSW III can attend the meeting in his/her place. (Refer to the DCS <a href="#">Child and Family Team Meeting Guide</a> for the expectations of supervisory participation in CFTMs).</li> <li>4. If an identified child or family member does not attend a CFTM, the FSW/JSW documents the stated reasons for non-participation and the efforts made to accommodate them. The Department conducts diligent searches to locate family members as soon as DCS becomes involved with the child/family, but no later than thirty (30) days after the child enters DCS custody, and then within ninety (90) calendar days of the last search to continue throughout the life of the case (Refer to DCS Policy <a href="#">31.9, Conducting Diligent Searches</a> and DCS Policy <a href="#">31.1, Family Permanency Plans</a>).</li> <li>5. The incarceration of a parent is not a barrier to their participation in the planning process. By law, DCS creates opportunities for all parents to participate in the plan and to meet their parental responsibilities. This is accomplished by having meetings where they are located or by arranging for them to participate by telephone.</li> </ol>
<p><b>D. Permanency Goals to consider for the child/youth</b></p>	<ol style="list-style-type: none"> <li>1. DCS establishes a planning process for all children in DCS custody that:             <ol style="list-style-type: none"> <li>a) Initially seeks to work intensively with the child’s parents and other appropriate family members to allow the child to remain safely at home, if appropriate;</li> <li>b) Works intensively with the child’s parents, foster parent(s) and other appropriate family members in a collaborative process to return the child home quickly under appropriate circumstances consistent with reasonable professional standards; and</li> <li>c) If return to home is not appropriate or cannot be accomplished safely, within a reasonable period of time, assures the child an appropriate alternative, permanent placement as quickly as possible.</li> </ol> </li> <li>2. <b><u>Return to Parent</u></b> is the preferred goal, if the conditions that led to the child’s removal can be remedied and it is safe for the child/youth to return to the home. A plan for assuring that both the child receives safe and proper care and services are provided to the parent(s), the child and foster family are</li> </ol>

identified on the Family Permanency Plan. The Adoption and Safe Families Act of 1997 (ASFA) requires supervisory approval to continue a goal of Return to Parent beyond certain timelines:

- a) For any child who has a permanency goal of Return to Parent for more than twelve (12) months, the FSW/JSW, with written approval from the Team Leader, enters an explanation justifying the continuation of the goal in TFACTS, and identifies the additional services necessary, or circumstances which must occur, in order to achieve the goal. This justification is presented to the court at the Permanency Hearing.
- b) No child has a permanency goal of Return to Parent for more than fifteen (15) months unless there are exceptions to filing Termination of Parental Rights (TPR) and reasons to believe that the child can be returned to the parent(s) within a specified and reasonable time period. These are documented in TFACTS and approved by the FSW/JSW's Team Leader. This documentation is also presented to the court at the Permanency Hearing. ASFA does permit an exception to this when the child is placed with relatives and in a stable situation.
- c) DCS must file a Termination of Parental Rights (TPR) petition if a child is in foster care for fifteen (15) of the past twenty-two (22) months. There are three (3) exceptions to this requirement:
  - ◆ If a child is placed with a fit and willing relative;
  - ◆ DCS has not exercised reasonable efforts;
  - ◆ There is some other compelling reason for determining that filing such a petition would not be in the child's best interests. Some examples of these compelling reasons might be that Adoption is not the appropriate permanency goal for the child; there are no grounds to file a TPR; the child is an unaccompanied refugee minor as defined in **45 CFR 400.111**; or, there are international legal obligations or compelling foreign policy reasons that would preclude TPR as cited in **45 CFR 1356.21**.
    - If DCS has a compelling reason for not filing TPR, the reason is documented in the child welfare information system thirty (30) days prior to the child's 15<sup>th</sup> month in custody. The documentation also includes an "end date" for when the reason expires. Typically, the end date is six (6) months from when the compelling reason is documented.
    - If the reason for the exception is the failure of DCS to exercise reasonable efforts or there are no grounds for termination of parental rights, DCS has an obligation to resolve this condition within six (6) months.

3. **Exit Custody to Live with Relative or Exit Custody to Live with Kin** is to be utilized when the child/youth is unable to return to the parent(s) and he or she can achieve permanency through a legal relationship with someone who is related by blood, marriage, or in some other way allows for a strong bond and with whom the child/youth has had a significant relationship prior to

entering State's custody.

- a) Relatives must be fully informed of all of the permanency options for children/youth in their care as described in DCS Policy [16.59, Disclosure of Legal Options and Available Services for Relative Caregivers](#) so that they can make an informed choice.
  - b) Legal custody can be transferred from DCS to the relative/caregiver. This is when an adult (relative or non-relative), with a significant relationship with the child/youth is willing to take custody. An order from the court must be obtained in order for this change in legal custody to occur.
  - c) Parents retain their rights and the court order generally outlines explicit guidelines for parental visitation. Child support can also be ordered by the court. Parents can petition the court to have custody returned to them when they can demonstrate that they have reasonably remedied the conditions that led to the child/youth's placement.
4. **Adoption** is to be utilized when a child/youth is unable to return to the parent(s) and permanency through the creation of a new legal parental relationship is in the child/youth's best interest. This option is appropriate when there are no willing and appropriate relative or kin for the child to exit custody to, or adoption is the permanency option preferred by the relative or kin caregiver. The termination or voluntary surrender of parental rights does not preclude the possibility of relative adoption.
- a) When considering the goal of Adoption, the FSW/JSW engages the Region's Permanency Specialist to become a member of the team so that they can collectively consider the child/youth's best interests and explore his/her thoughts regarding adoption. The FSW/JSW also consults with the DCS attorney to ensure legal grounds exist to terminate parental rights prior to placing Adoption on the permanency plan and/or to properly attain the voluntary surrender of parental rights. Even if there are sufficient grounds to terminate, state and federal law requires DCS to continue to make reasonable efforts to work with the parents until the termination is granted by the court.
  - b) Any time Adoption is utilized in permanency planning (either as a concurrent or sole goal), action steps to pursue include preparing the child, biological parents and foster parents for adoption; efforts to reduce trauma related to loss for the child and the biological family including but not limited to offering grief and loss counseling; creation of a Life Book; work related to pre-placement and presentation summaries, freeing the child for adoption through termination of parental rights and creating an adoption record for the child/youth in TFACTS.
  - c) Upon identifying a sole permanency goal of Adoption, efforts begin to free the child/youth for adoptive placement and to recruit and locate an appropriate adoptive family. This occurs without delay, even if the goal is changed to adoption prior to the filing of the petition to terminate parental rights.
  - d) In an effort to ensure children move quickly towards permanency, all children in full guardianship are reviewed in a monthly tracking and review process known as FOCUS reviews. This process ensures that all children

or youth entering full guardianship each month are reviewed to determine whether or not there is a permanent family identified and that the needed supports and services are in place to ensure timely permanency.

- ◆ If no permanent family has been identified, the following must be in place: Registration on AdoptUsKids unless youth refuses to be photo listed, Development of Individual Recruitment Plan, Completion of Archeological Dig/Diligent Search.
- ◆ If a permanent family has been identified, the team assesses for any barriers to permanency and makes appropriate referrals to address those barriers.

- e) Once the child has been placed for adoption and a sole goal is identified on the Family Permanency Plan, action steps to pursue include recruitment/selection of an adoptive family (Refer to [15.14 Attachment, CFTM Guidelines for Identifying an Adoptive Family](#)); maintenance of the child in the adoptive home as it relates to any on-going medical concerns; any required adoptive parent training and any training related to medical/psychological needs of the child; presentation to the adoptive family; any needed on-going adoption preparation for the identified family and child; discussing eligibility for Adoption Assistance and Post Adoption Services; and preparing the record for closure and discussing how to access closed adoption records.
- f) Refer to DCS Policy [15.11, Adoption Assistance](#) for the criteria and eligibility for a child to receive adoption assistance.

5. **Permanent Guardianship** is a goal to be utilized only after the goals of Return to Parent or Adoption have been ruled-out. This rule-out includes documentation of the CFTM discussion surrounding the goals of Return to Parent and Adoption. Reasons for not returning the child to Parent and/or Adoption are documented in CFTM notes and case recordings. Documentation should include a description of the relationship between the youth/child and the prospective permanent guardian.

- a) Outcomes and action steps to consider for Permanent Guardianship include preparation of the child, biological parents and potential guardian for Permanent Guardianship; what this means to the potential guardian and the biological parents, who retain their parental rights; Life Book work; discussion of what to expect from the court order, i.e., visitation can and should be included in the court order for permanent guardianship provided there are no TPR or safety issues; and, child support may be added to the court order according to each juvenile court judge's discretion.
- b) With the establishment of a goal of Permanent Guardianship, the FSW/JSW documents discussions of the ongoing post custodial services available to the child and permanent guardian; an understanding of the significance and permanence associated with becoming a Permanent Guardian and an explanation to the guardian regarding their rights and what decisions they can make on behalf of the child. Refer to: *TN Code Annotated: 37-1-804*.

- c) Some permanent guardians may be eligible for a subsidy. Please refer to DCS Policy [15.15, Subsidized Permanent Guardianship](#) and the [Protocol for Subsidized Permanent Guardianship Case Planning](#) for steps to arrange this for eligible guardians and preparing the paperwork necessary for the court exit.
  - d) Biological parents should participate in the court exit to Permanent Guardianship. While biological parents can petition the courts to regain custody, the standard for regaining custody is more stringent - they must convince the court not only that they have remedied the conditions that led to the placement of the child, but that returning the child to them would be in the child's best interest. Permanent Guardianship can last until the child is an adult (up to age 21).
6. **Planned Permanent Living Arrangement (PPLA)** is only appropriate in very rare circumstances, as this goal generally does not support the youth's need for permanency. A sole or concurrent goal of PPLA cannot be added to the Family Permanency Plan without the approval of the Commissioner or his/her designee. Staff will not take a Family Permanency Plan with a sole or concurrent goal of PPLA (nor a recommendation to change to such a goal) to the Foster Care Review Board or to the court without the Commissioner's approval.
- a) A request can be made by completing the **Request for Permanency Goal of Planned Permanent Living Arrangement (CS-0681)** and submitting it to the Commissioner through the Director of Permanency Planning.
  - b) In order for a PPLA goal to be used, the youth must be at least 16 years of age. DCS must demonstrate that the goals of Return to Parent, Exit Custody with Kin/Relative, Permanent Guardianship and Adoption are not feasible for the youth. PPLA must be in the youth's best interest and the proposed permanent caretaker must be identified and demonstrate a commitment to assuming long-term responsibility for the youth. The foster family agrees to provide relational permanence for the youth. The foster parent(s), the youth and the FSW/JSW complete and sign form **CS-1006, Planned Permanent Living Arrangement Agreement**.
  - c) The recommendation of PPLA must be made within the context of a Child and Family Team Meeting. The Child and Family Team must review the appropriateness of PPLA no less often than every six (6) months. After a year with a goal of PPLA, another request for approval is required to continue with the goal.
  - d) For youth with a goal of PPLA, the Family Permanency Plan includes action steps designed to increase supportive adult relationships that can be resources beyond the youth's 18<sup>th</sup> birthday. This may include family members or other significant adults from the youth's past that may have been unable to be a placement resource. These efforts are documented in TFACTS. Failure to do so may result in the denial of the request to continue the goal of PPLA.
  - e) If a placement disrupts, the goal of PPLA is no longer valid since it is associated with a specific caregiver with a long-term commitment to this youth. Another PPLA request is required once an alternative caregiver



	<p>has been identified who has agreed to care and support the youth at least to the age of 18.</p> <p>f) Refer to <a href="#">Protocol for Planned Permanent Living Arrangement</a> for an in depth description of the process.</p> <p><b>7. Planned Permanent Living Arrangement – Extension of Foster Care:</b></p> <p>a) This goal is utilized to develop a Transition Plan, per DCS Policy <a href="#">16.51, Independent Living and Transition Planning</a>, with youth ages (eighteen)18 up to 21 that are eligible and approved for Extension of Foster Care Services.</p> <p>b) Young adults who receive Extension of Foster Care Services after age (eighteen) 18 need to be doing one of the following to qualify for services:</p> <ul style="list-style-type: none"><li>◆ Completing high school or an equivalent program</li><li>◆ Enrolled in a four year college or university, a community college or a vocational program</li></ul> <p>c) Young adults who are unable to do one of the above requirements because of a medical condition may also be eligible for services and supports. Refer to DCS Policy <a href="#">16.52, Extension or Re-Establishment of Foster Care for Young Adults</a>.</p> <p><b>8. There are four (4) Extension of Foster Care Goals:</b></p> <p>a) Young adults completing high school or an equivalent program have the permanency goal of <b><u>Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Secondary Education</u></b>.</p> <p>b) Young adults enrolled in college or a university, have the permanency goal of <b><u>Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Post-Secondary/Academic Education</u></b>.</p> <p>c) Young adults enrolled in a post-secondary vocational program, have the permanency goal of <b><u>Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Post-Secondary/Vocational Ed</u></b>.</p> <p>d) Young adults with special needs receiving services, have the permanency goal of <b><u>Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Special Needs</u></b>.</p> <p><b>Note:</b> Unlike the PPLA goal use for youth up to the age of 18, the Extension of Foster Care PPLA goal <b><u>does not</u></b> require approval from Central Office.</p>
<p><b>E. Concurrent Planning</b></p>	<p><b><u>Concurrent Planning</u></b> is the identification and <u>active</u> pursuit of more than one permanency goal at the same time and can help expedite the achievement of permanency. FSWJSW’s fully disclose all concurrent planning information with parents, foster parents and other child and family team members regarding timeframes, expectations, services and court actions. The FSW/JSW includes identification of appropriate in-state and out-of-state placement options as part of the concurrent planning process.</p>

<p><b>F. Trial Home Visit</b></p>	<ol style="list-style-type: none"> <li>1. When members of the child and family team feel that the parents have made significant progress in remedying the safety concerns that led to the child/youth’s placement in foster care the FSW/JSW schedules a Discharge CFTM. During the meeting the team discusses progress, ensures necessary responsibilities on the Family Permanency Plan are completed, and identifies any services need for a successful transition and Trial Home Visit (THV).</li> <li>2. Following the Discharge CFTM, the FSW/JSW notifies their local DCS attorney to initiate notification/approval from the court to begin a THV.</li> <li>3. The FSW/JSW and other identified members of the Child and Family Team will monitor the progress of the THV through regular contact outlined in the <a href="#">Visitation Guide</a>.</li> <li>4. A Discharge CFTM will be held prior to the child/youth’s exit from foster care to ensure the family has any continued services needed in place and that the team feels the family is ready for discharge.</li> <li>5. If the THV is not self-executing, the FSW/JSW notifies their local DCS attorney to complete the process outlined by the court to end the THV and return custody to the parent/guardian.</li> <li>6. If the case has a CPS indication and/or court adjudication of severe abuse, refer to policy <a href="#">16.12 Severe Abuse Review</a>, prior to initiating a THV.</li> </ol>
<p><b>F. Reasonable Efforts not required</b></p>	<ol style="list-style-type: none"> <li>1. DCS Legal Counsel is consulted immediately if the FSW/JSW believes that reasonable efforts to reunite a child with a parent(s) or former legal guardian may not be required. The consultation with DCS Legal Counsel is critical before deciding that reasonable efforts are not required. If the Department desires not to make reasonable efforts, then a motion is filed with the juvenile court and an order obtained that reasonable efforts are not required. If the court determines that reasonable efforts are not required, there is a permanency hearing within thirty (30) days of the court’s decision. If the permanency hearing triggers the filing of a petition to terminate, DCS files the petition immediately.</li> <li>2. Reasonable efforts are not required when a court of competent jurisdiction has found that certain defined felonies have been committed by the parent(s) against the child/youth or another child/youth of the parents. <i>TCA 37-1-166 (g) (4)</i> lists those felonies: <ul style="list-style-type: none"> <li>◆ Murder of any sibling or half-sibling or other children/youth in the home;</li> <li>◆ Committed voluntary manslaughter of any sibling or half-sibling/s of the child or any other child residing in the home;</li> <li>◆ Aided or abetted, attempted, conspired, or solicited to commit such a murder such as voluntary manslaughter of the child or any siblings or half-sibling of the child or any other child residing in the home;</li> <li>◆ Felony assault that resulted in serious bodily injury to the child/youth, siblings, half siblings or other child/youth in the home.</li> </ul> </li> <li>3. Reasonable efforts to reunify are also not required if the parental rights of the parent to a sibling or half-sibling have been involuntarily terminated.</li> </ol>

	<ol style="list-style-type: none"> <li>4. Reasonable efforts do not have to be made if the parent has subjected the child/youth who is the subject of the petition or any sibling, half-sibling or other child/youth residing in the home to aggravated circumstances defined in <i>TCA 36-1-102 (9)</i> and the court agrees, including abandonment, abandonment of an infant, aggravated assault, aggravated kidnapping, especially aggravated kidnapping, aggravated child/youth abuse and neglect, aggravated sexual exploitation of a minor, especially aggravated sexual exploitation of a minor, aggravated rape, rape, rape of a child/youth, incest or severe child abuse.</li> <li>5. If there has been abandonment or severe child abuse or any of the above felonies committed, DCS carefully considers if there are compelling reasons to make reasonable efforts to reunite this child/youth with the offender.</li> <li>6. Other circumstances may exist when it is reasonable to make no effort to reunify the child/youth and parent. DCS Legal Counsel is consulted in connection with this determination, <i>i.e.</i>, refer to grounds for termination as set out in <i>TCA § 36-1-113</i>, though cessation of reasonable efforts to reunify does not necessarily have to occur because adoption is a goal or even a sole goal. Either way, termination protocol must begin immediately.</li> <li>7. In addition to the above statutory exceptions to reasonable efforts, there are some cases where, after an assessment of the facts and the family situation, DCS may take the position that returning the child to the parent will never be appropriate. For instance, in a severe child abuse case, an assessment of the injuries, circumstances and family constellation may result in the determination that the only viable permanency goal is adoption. It may be reasonable to make no effort to reunify the child/youth and family. After DCS has made that decision and established the goal of adoption, the Court must determine (within thirty (30) days of the decision) that the Department’s assessment and decision are accurate and that the actions were appropriate.</li> <li>8. If the Court agrees with the decision, then the Court would find that the Department’s efforts up to that point were sufficient (not that reasonable efforts were not required in the past). If this is the finding, DCS proceeds with termination of parental rights.</li> </ol>
<p><b>G. Family Permanency Plan ratification</b></p>	<ol style="list-style-type: none"> <li>1. The Juvenile Court of Venue reviews and approves all Family Permanency Plans.</li> <li>2. If the parents, child, or any team member disagree with the plan, they have the right to present their concerns about the plan to the Court.</li> <li>3. Notification of the review is sent to all members of the Child and Family Team and a copy is placed in the child’s record.</li> </ol>
<p><b>H. Role of the DCS attorney in permanency planning</b></p>	<ol style="list-style-type: none"> <li>1. DCS attorneys are welcome to participate in any Permanency Planning CFTM. In every case, it is expected that the FSW/JSW and DCS attorney confer about the contents of the Family Permanency Plan prior to the CFTM.</li> <li>2. The Family Permanency Plan is submitted to the DCS attorney so that it can be reviewed and approved by the court. If the DCS attorney is concerned that the content of a plan is insufficient or the goal inconsistent for early permanency, the attorney consults with the FSW/JSW and the Team Leader and may ask that a reconvening of the Child and Family Team (CFT) occur to</li> </ol>

	<p>address the concerns.</p> <p>3. The FSW/JSW is responsible for providing a copy of the Family Permanency Plan to the DCS attorney with either: a) referral/request for a motion to set a hearing; or, b) with the date and place of an already-set hearing.</p>
<p><b>I. Permanency Plan reviews and revisions</b></p>	<p>1. The Family Permanency Plan is reviewed in the context of a CFTM at least every three (3) months. These meetings must be separate and distinct from any court hearings, Foster Care Review Board meetings or other judicial or administrative reviews of the Family Permanency Plan.</p> <p>2. If the Child and Family Team are meeting for another purpose, the progress on the plan can be reviewed at that time. It is not necessary to convene another meeting solely for the purpose of reviewing the plan.</p> <p>3. Significant revisions of the Family Permanency Plan are the responsibility of the assigned FSW/JSW and are completed within the context of a CFTM.</p> <p>4. Family Permanency Plans are updated before the goal achievement date expires, so in most cases this would be at least every six (6) months. Family Permanency Plans are reviewed through the quarterly progress review process, so the opportunity to update and refine activities and outcomes are revisited on a regular basis (Refer to DCS Policy <a href="#">16.32, Foster Care Review and Progress Reports</a>).</p> <p>5. As with the original plan, the revised plan is presented to the court of venue in a hearing and approved by the court in accordance with this policy.</p> <p>6. A parent or other legal custodian who did not agree with the revised plan has the right to present their concerns about the revised plan to the court of venue during the hearing.</p>
<p><b>J. Documentation</b></p>	<p>1. Major treatment issues for the child/youth and family (safety issues identified in the child protective services investigation, drug treatment, sexual offense victim or sex offender treatment, special education, domestic violence, etc.) that are identified during the assessment process are noted in the Family Permanency Plan along with activities necessary to address the issues that brought the child/youth into care.</p> <p>2. The Family Permanency Plan includes statements of responsibility that specifically include both action steps that each party should take and the desired outcomes of those steps. To determine compliance with the plan, parents are expected to be able to demonstrate their completion of the action steps as well as their ability to maintain the desired outcomes in the Family Permanency Plan.</p> <p>3. The Family Permanency Plan has clearly defined outcomes and specific, time-limited action steps that need to be completed to reach each desired outcome. All services documented in the plan as necessary for the achievement of the permanency goal(s) are provided within the time period in which they are needed.</p> <p>4. Specific tasks listed on the Family Permanency Plan include observable, measurable outcomes as well as the names of the persons responsible for completion of each task. This includes responsibilities of the family, the</p>

	<p>Department and other community resources, including cross-jurisdiction resources in provision of services and monitoring progress as well as the child/youth in regard to his/her needs for safety, permanency and well-being.</p> <ol style="list-style-type: none"> <li>5. Federal Law requires that each of the following be documented in the Family Permanency Plan:             <ol style="list-style-type: none"> <li>a) Efforts made by the Department to prevent removal of the child/youth and placement into custody.</li> <li>b) A description of the type of placement, including interstate placements when appropriate, and a plan for assuring that the child/youth receives safe and proper care in the least restrictive, most family like setting appropriate, in close proximity to the parents’ home, consistent with the best interest and individual needs of the child/youth.</li> <li>c) A discussion of the safety and appropriateness of the placement.</li> <li>d) To the extent available and accessible, the most recent health and education records of the child/youth, including the EPSDT, IEP and/or psycho-educational when applicable, and the specific steps to be taken to assure health and education progress.</li> <li>e) For a child/youth ages 14 or above, the plan must also include a written description of the services that helps the child/youth prepare for independence.</li> <li>f) For all children/youth, the plan must document the steps the Department is taking to achieve permanency for the child/youth.</li> </ol> </li> <li>6. The Family Permanency Plan information and dates are entered into TFACTS and submitted for approval within two (2) business days of the completion of the CFTM where the plan is developed or revised. Supervisors must approve the Family Permanency Plan within two (2) business days.</li> <li>7. For those families who cannot speak or read English, the Family Permanency Plan is translated into the language the family speaks and reads. The Regional Fiscal Teams can be contacted when translation services are needed.</li> </ol>
<p><b>K. Scheduling Annual Permanency Hearings</b></p>	<ol style="list-style-type: none"> <li>1. Following the ratification of the Permanency Plan, the court holds a permanency hearing within twelve (12) months of the date of a child’s placement in state custody and every twelve (12) months thereafter until permanency is achieved or until the child reaches the age of majority.</li> <li>2. Local protocol is followed to schedule permanency hearings. Regional legal staff or the court liaisons may be involved in securing a docket date for the hearing. If permanency hearings are typically scheduled by DCS, DCS requests the permanency hearing date sixty (60) calendar days in advance, to ensure that hearings can be scheduled within the twelve (12) month time frame. If permanency hearings are typically scheduled by the court, DCS staff adheres to the date established by the juvenile court. If the court establishes a hearing date that is not within the twelve (12) month guideline, DCS requests the hearing be rescheduled within the twelve (12) month period.</li> <li>3. If during the course of a permanency hearing the court decides it is unable to</li> </ol>

	<p>conclude its business due to the absence of pertinent individuals or the unavailability of critical information, DCS legal staff requests the hearing be continued mid-hearing rather than postponed and that an order to that effect be entered.</p> <ol style="list-style-type: none"> <li>4. The DCS attorney assures that the Court considers progress, or lack thereof, on the permanency plan and that an order determining reasonable efforts by all the parties is entered.</li> <li>5. Prior to any hearing, sufficient copies of important documentation are submitted to the Court and are made for all parties.</li> <li>6. If DCS determines that reasonable efforts toward reunification are not required under the 1997 Adoption and Safe Families Act (see <i>Section F</i>), and elects to forego those efforts, a permanency hearing must be held within thirty (30) calendar days of the Department’s decision.</li> </ol>
<p><b>L. Attendance at Permanency Hearings</b></p>	<ol style="list-style-type: none"> <li>1. An attorney represents DCS at all permanency hearings.</li> <li>2. The child/youth’s FSW/JSW attends all permanency hearings. If the FSW/JSW is unable to attend the hearing due to illness, previously scheduled approved leave, etc., the FSW/JSW’s Team Leader or other supervisory equivalent appears in court and represents the FSW/JSW.</li> <li>3. The FSW/JSW provides adequate notice to the child and family team of the time and place of the hearing, preferably no later than ten (10) calendar days prior to the hearing if by mail, or if by telephone, email, or in person, no later than seven (7) calendar days prior to the hearing. Members of the Child and Family Team include, but are not limited to: <ul style="list-style-type: none"> <li>◆ All Parents (if parental rights remain intact)</li> <li>◆ Foster Parents and Relative Caregivers</li> <li>◆ Guardian Ad Litem</li> <li>◆ Parent’s Attorney</li> <li>◆ Contract Agency Providers</li> </ul> </li> <li>4. Foster caregivers and relative caregivers have a right to be heard in any review or hearing.</li> <li>5. The child/youth is required to attend annual permanency hearings, unless the child is under a doctor’s care or resides out of state. The FSW/JSW ensures the child is present at their hearing and makes the youth available at court, for the court to confer with the child in an age appropriate manner.</li> <li>6. To the extent practicable, the permanency hearings are to be scheduled at times intended to be minimally disruptive to the daily activities of the child/youth.</li> </ol>
<p><b>M. Annual Permanency Hearing</b></p>	<ol style="list-style-type: none"> <li>1. Each child in state custody has an identified permanency plan goal or concurrent permanency goals. The juvenile court uses the permanency hearing for the purpose of reviewing the appropriateness of the established goal(s) and to review progress that has been made toward achieving the</li> </ol>

	<p>permanency goal(s). Services provided to the child and/or family are also reviewed.</p> <ol style="list-style-type: none"><li>2. At each permanency hearing DCS requests the court determine the appropriateness of the goal, in addition to the following:<ol style="list-style-type: none"><li>a) In cases of a child/youth in an out-of-state placement, whether the placement remains appropriate and in the best interest of the child.</li><li>b) In cases where the youth is sixteen (16) years or older, the services needed to assist the child in making the transition from foster care to independent living are appropriate and in the best interest of the child.</li><li>c) In cases where the youth is seventeen (17), the FSW/JSW has provided and explained all available services the youth is eligible for upon turning eighteen (18) including Extension of Foster Care Services and any other opportunities available.</li><li>d) The extent of compliance of all parties with the terms of the permanency plan.</li><li>e) If the Department exercised reasonable efforts in assisting the family in accomplishing the tasks on the Permanency Plan.</li><li>f) If the Department and resource family follow the "reasonable and prudent parent standard" in ensuring that children/ youth in their care are allowed to participate in normal childhood activities that include, but are not limited to, extracurricular, enrichment and social activities.</li><li>g) The continued best interest of the use of Permanent Planned Living Arrangement (PPLA) as a sole or concurrent goal for youth where this goal is identified and the youth's ongoing desire for this goal.</li></ol></li><li>3. For youth seventeen (17) years of age or older, who will be released from foster care, a permanency hearing is held within three months prior to the youth's release for the purposes of reviewing the child's transition plan to independent living or other permanent outcomes.</li><li>4. The FSW/JSW is prepared to provide testimony at the hearing regarding the progress of all parties toward accomplishing the permanency goal(s). A copy of the most recent form <b>CS-0430, Progress Report on Child in State Custody</b>, may be requested by the court.</li><li>5. A copy of the court order reflecting the hearing's outcome is obtained and filed in the child's case record. DCS ensures that parents receive a copy of the court order. For children/youth who are in out-of-state placement, copies of the hearing outcome are submitted to the Tennessee Office of the Interstate Compact.</li><li>6. Permanency hearings are entered in the current child welfare information system under the Court-Case Court Actions link within three (3) calendar days of the hearing, according to DCS Policy <a href="#">31.14, Documentation of TFACTS Case Recordings</a>. Documentation also reflects attempts to notify individuals of permanency hearings, i.e. phone calls and mailed correspondence.</li></ol>
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<b>Forms:</b>	<p><a href="#"><u>CS-0746, Meeting Notification</u></a> <a href="#"><u>CS-0745, Criteria and Procedures For Termination Of Parental Rights</u></a> <a href="#"><u>CS- 0681, Request for Permanency Goal of Planned Permanent Living Arrangement</u></a> <a href="#"><u>CS-1006, Planned Permanent Living Arrangement Agreement</u></a> <a href="#"><u>CS-0747, Child and Family Team Meeting Summary</u></a> <a href="#"><u>CS-0158, Notification of Equal Access to Programs and Services and Grievance Procedures</u></a> <a href="#"><u>CS-0800 Notice of Action</u></a> <a href="#"><u>TennCare Medical Appeal Form</u></a></p>
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<b>Collateral Documents:</b>	<p><i>Functional Assessment, Copy of Notification</i> <i>Attachment 1 Casey Life Skills Assessment/Protocol</i> <a href="#"><u>NOA-GRIER FAQ</u></a> <a href="#"><u>Policy 15.11, Adoption Assistance</u></a> <a href="#"><u>Policy 15.15, Subsidized Permanent Guardianship</u></a> <a href="#"><u>16.12 Severe Abuse Review</u></a> <a href="#"><u>Policy 16.32, Foster Care Review and Progress Reports</u></a> <a href="#"><u>Policy 16.51, Independent Living and Transition Planning</u></a> <a href="#"><u>Policy 16.52, Extension or Re-Establishment of Foster Care for Young Adults</u></a> <a href="#"><u>Policy 16.59, Disclosure of Legal Options and Available Services For Relative Caregivers</u></a> <a href="#"><u>Policy 31.1, Family Permanency Plans</u></a> <a href="#"><u>Child and Family Team Meeting Guide</u></a> <a href="#"><u>Stages of the Child and Family Team Meeting</u></a> <a href="#"><u>Policy 31.9, Conducting Diligent Searches</u></a> <a href="#"><u>Protocol for Subsidized Permanent Guardianship Case Planning</u></a> <a href="#"><u>ICPC Practice and Procedure Manual</u></a> <a href="#"><u>Independent Living and Transition Planning Guide</u></a> <a href="#"><u>Permanency Plan Development Guide</u></a> <a href="#"><u>Visitation Guide</u></a> <a href="#"><u>Visitation Plan Work Aid</u></a></p>
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<b>Glossary:</b>	
<b>Child and Family Team Meeting (CFTM):</b>	CFTM is a philosophy that supports making the best possible decision in child-welfare cases. The quality of decision-making is improved because CFTM includes all of the parties involved in a child's case (child, if age-appropriate, birth parents and their support system, foster parents, DCS staff, community partners and other involved parties), respecting the expertise that each party brings to the table. CFTMs should be characterized by respect, honesty, inclusiveness and work towards building consensus in decision-making.
<b>Concurrent Planning:</b>	A method of case planning in which two permanency plan goals are implemented simultaneously in order to ensure the most expeditious permanence for children. Successful concurrent planning requires a clear delineation of roles and responsibilities through the planning process, full-disclosure and support to the Child and Family Team members and is often utilized in cases where the outcome of a sole permanency goal is uncertain.
<b>Family Service Worker/Juvenile Service Worker:</b>	This is a DCS term used to identify the position previously known as the DCS case manager or home county case manager. This person is principally responsible for the case and has the primary responsibility of building, preparing, supporting and maintaining the Child and Family Team as the child and family move to permanence.
<b>Kin or Relative:</b>	Someone who is related by blood, marriage or in some way that allows for a strong bond <u>and</u> for whom the child/youth has had a significant relationship with prior to DCS custody.
<b>Permanency Planning:</b>	Permanency planning is the process that guides the efforts of child welfare agencies to ensure that all children in custody attain a permanent living situation as quickly as possible. By Federal Statute, all state child welfare agencies must identify a permanency goal and develop a plan that specifies what must occur in order to achieve the goal, what services are provided, and the timelines for achieving the goal. Statements of responsibility specifically include both action steps that each party should take and the desired outcome of those action steps.
<b>Trained Full-Time or Back-up Facilitator:</b>	DCS Employee whose role at the agency includes the facilitation of Child and Family Team Meetings and the coaching and mentoring of staff in their professional development around CFTMs. The facilitator has completed the core curriculum on Child and Family Team Meetings, the advanced curriculum on facilitating Child and Family Team Meetings, passed the skills-based competency exam and met the minimum threshold for competency on their structured observations. Some regions have trained additional staff in advanced facilitation skills as back-up facilitators, who can facilitate CFTMs, as well.