



**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>	<b>TCA:</b> 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>COA:</b> PA-CFS 7-10; PA-CFS 13; PA-CFS 15.06-15.09; PA-CFS 16; PA-CFS 18.04-18.05; PA-CFS 18.07; PA-CFS-20; PA-CFS 27.04-27.05; PA-CFS 27.09; PA-CFS 28.04
<b>Application:</b>	To All DCS Family Service Workers, Contract Agency Staff, and Supervisory Staff
<b>Policy Statement:</b>	
A Family Permanency Plan (FPP) shall be developed in collaboration with the child/youth 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>	
To provide instruction and guidelines related to permanency planning to create a sense of urgency to reach permanency for every child/youth in foster care. The FPP should reflect a wholistic approach to address the child/youth and family's needs for safety, permanency, and well-being.	
<b>Procedures:</b>	
<b>A. Scheduling and Time Frames</b>	<ol style="list-style-type: none"> <li>1. All FPPs are developed in collaboration with the child/youth and family in the context of the CFTM. The Family Service Worker (FSW)/ Juvenile Service Worker (JSW) are responsible for initiating and updating FPPs.</li> <li>2. Meetings are scheduled to accommodate the child/youth, family, and their support systems whenever possible, even if it requires meeting before or after traditional workday hours.</li> <li>3. Families, foster parents, all parties' attorneys, the child/youth's Guardian ad litem (GAL), 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>4. Letters and virtual/telephone participation are encouraged for those parties not able to physically attend. Refer to DCS Policy <a href="#">7.2, Acceptable use, Network Access Rights and Obligations</a> for additional information on virtual</li> </ol>

	<p>participation.</p> <ol style="list-style-type: none"> <li>5. The Initial FPP must be in completed status in the Electronic Case File within thirty (30) days of the child/youth’s date of custody and then submitted to the Regional Legal Counsel within five (5) days of approval in the Electronic Case File. Initial FPPs are ratified by the court within sixty (60) calendar days of the date that the child/youth first enters state custody.</li> <li>6. The FPP 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 FPP.</li> <li>7. FPPs are updated before the goal achievement date expires. Time periods for achieving permanency goals are specific to the unique circumstances of the child/youth 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>8. If the Child and Family Team are meeting for another purpose, the progress on the FPP can be reviewed at that time. It is not necessary to convene another meeting solely for the purpose of reviewing the plan.</li> <li>9. For FPP revisions, the FPP must be in completed status prior to the expiration date of the current plan. If a FPP becomes expired, the FPP revision must be in completed status within five (5) business days of the completion of the CFTM where the FPP was revised.</li> </ol>
<p><b>B. Development of a Family Permanency Plan</b></p>	<ol style="list-style-type: none"> <li>1. Information gathered from the ongoing assessment process guides team participants in determining an appropriate plan or adjusting a current plan of intervention with the child/youth and the family.</li> <li>2. The FPP 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/youth into custody, needs identified by the ongoing assessment process, child/youth and caregiver visitation, and needs related to the well-being of the child/youth, including health and educational stability planning in compliance with the Every Student Succeeds Act outlined in Policy <a href="#">21.14, <i>Serving the Educational Needs of the Child/Youth</i></a>. FPPs are designed to utilize the strengths of the family and include designated time frames for the completion of actions that help the child/youth and family achieve permanency and stability as soon as possible. Refer to DCS Policy <a href="#">31.1, <i>Family Permanency Plans</i></a>. Examples of need records and related action steps for each permanency goal can be found in the <a href="#">Family Permanency Plan Development Guide</a>.</li> <li>3. The Child and Family Team creates a visitation plan during the development of the FPP as a visitation need record. The visitation plan is updated during all CFTMs. 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, <i>Child and Family Team Meeting Summary</i></b>.</li> <li>4. Independent Living Planning is a component of the FPP for all youth in state</li> </ol>

custody age fourteen (14) and older. As such, it is the responsibility of the assigned FSW/JSW, in conjunction with the Child and Family Team, and the Independent Living Specialist, to develop this plan along with the FPP, maintaining the same review and update schedule. Refer to [Independent Living and Transition Planning Guide](#).

5. The Life Skills 2.0 Assessment in TFACTS is completed by the FSW/JSW for all youth in custody fourteen (14) years of age or older prior to the initial FPP CFTM and then at least annually thereafter. The Life Skills 2.0 Assessment is designed to evaluate the youth's strengths and needs, and the results used to develop the Independent Living (IL) section of the FPP. Guidance on administration of the Life Skills 2.0 Assessment is available in the [Identifying and Accessing Independent Living Services Manual](#).
6. The FPP 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, outcomes, or action steps on the FPP are only be made by convening another CFTM or by court order.
7. Parents have the opportunity to sign a completed FPP at the conclusion of the CFTM. If the FPP is written by hand during the meeting, the family should be given the opportunity to sign a copy of the handwritten plan at the conclusion of the meeting. If a handwritten or typewritten plan is not available at the conclusion of the meeting, the FSW/JSW ensures that the parents leave the meeting with a list of their responsibilities. If the meeting is held via teleconference or videoconference, the FSW/JSW reviews the list of responsibilities at the close of the meeting to allow the parents an opportunity to write down/record the agreed upon responsibilities. The FSW/JSW also provides a list in writing to the parent within one (1) business day. FSWs/JSWs inquire from parents at the close of the meeting which method of delivery they would prefer the FSW/JSW to use to provide the written list. Once the FPP is typed and completed in the Electronic Case File, the FSW/JSW ensures the plan is presented to the team for discussion and signatures. Completed signature pages are scanned into TFACTS.
8. All participants in the CFTM receive a copy of the FPP immediately following the CFTM. In some cases, there may be information included on the FPP that other team members should not have access to. In these scenarios, the FSW/JSW should remove this information before sharing the FPP with the Child and Family Team. This can include HIPAA protected information and/or foster parent(s) information. Consult with the local legal team and supervision for additional direction.
9. Whenever a FPP is developed or revised, the FSW/JSW reviews and completes the following forms with the family:
  - a) **CS-0745, Criteria and Procedures for Termination of Parental Rights** with every parent, provides them with a copy, and asks them to sign an acknowledgement that they received a copy. If the parent refuses to sign this document, this is reflected on the form. The completed form is uploaded to the Electronic Case File and included with the FPP when presented to the Court.

	<p>b) <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. The completed form is uploaded to the Electronic Case File.</p> <p>c) If there is a placement recommendation change of Level 2, 3, or 4, the participants of the CFTM receive a completed <b>CS-0800, Notice of Action (NOA)</b> along with the TennCare Medical Appeal form. For more information, refer to the <a href="#">NOA-GRIER FAQ</a>.</p> <p>10. If the parents have signed a handwritten copy at the conclusion of the CFTM and it is later typed, both copies of the FPP 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. Additionally, the signed forms referenced above in number 8 should be attached to the FPP when filed with the court.</p> <p>11. A parent or other legal custodian who did not agree with the revised FPP has the right to present their concerns about the revised plan to the court of venue during the hearing.</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, 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 FPP CFTM includes the family and their support systems, foster parents, agency partners, all parties’ attorneys, the child/youth’s GAL, and DCS staff (including DCS specialty staff and YDC Staff/Treatment Team Members). Attendance requirements vary and are outlined in the <a href="#">Child and Family Team Meeting Guide</a>.</p> <p>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/youth twelve (12) and over are prepared and included in the FPP CFTMs. Younger children may be able to participate. Exceptions to this policy must be clearly documented in the Electronic Case File with an explanation for why the child/youth’s participation would be contrary to their best interests.</p> <p>3. If an identified child/youth 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. Refer to DCS Policy <a href="#">31.9, Conducting Diligent Searches</a> and DCS Policy <a href="#">31.1, Family Permanency Plans</a>.</p> <p>4. The incarceration of a parent should not be a barrier to their participation in the planning process. By law, DCS creates opportunities for all parents to participate in the FPP and to meet their parental responsibilities. This is accomplished by having meetings at the local jail or prison or by arranging for them to participate by telephone or virtually.</p>
<p><b>D. Permanency Goals to Consider for the</b></p>	<p>1. DCS establishes a planning process for all children/youth in DCS custody that:</p> <p>a) Initially seeks to work intensively with the child/youth’s parents and other</p>

<p><b>Child/Youth</b></p>	<p>appropriate family members to allow the child/youth to remain safely at home, if identified;</p> <p>b) Works intensively with the child/youth's parents, foster parent(s), other appropriate family members, and contract agency providers in a collaborative process to return the child/youth home quickly under appropriate circumstances consistent with reasonable professional standards; and</p> <p>c) If reunification is not appropriate or cannot be accomplished safely, within a reasonable period of time, assures the child/youth an appropriate alternative, permanent placement as quickly as possible.</p> <p>2. <b><u>Return to Parent</u></b> is the preferred goal, if the conditions that led to the child/youth's removal can be remedied and it is safe for the child/youth to return to the home. A FPP is established with focus on outcomes, action steps, and services to achieve reunification. The Adoption and Safe Families Act of 1997 (ASFA) requires supervisory approval to continue a goal of Return to Parent beyond certain timelines.</p> <p>a) DCS must file a Termination of Parental Rights (TPR) petition if a child/youth is in foster care for fifteen (15) of the past twenty-two (22) months. There are three (3) exceptions to this requirement:</p> <ul style="list-style-type: none"><li>◆ If a child/youth is placed with a fit and willing relative;</li><li>◆ DCS has not exercised reasonable efforts;</li><li>◆ There is some other compelling reason for determining that filing a TPR petition would not be in the child/youth's best interests. Some examples of these compelling reasons might be that Adoption is not the appropriate permanency goal for the child/youth; there are no grounds to file a TPR; the child/youth is an unaccompanied refugee minor as defined in <b>45 CFR 400.111</b>; or there are international legal obligations or compelling foreign policy reasons that would preclude TPR as cited in <b>45 CFR 1356.21</b>.</li></ul> <ul style="list-style-type: none"><li>• If the reason for the exception is the failure of DCS to exercise reasonable efforts or there are no grounds for TPR, DCS has an obligation to resolve this condition within six (6) months.</li></ul> <p>b) No child/youth has a permanency goal of Return to Parent for more than fifteen (15) months unless there are exceptions to filing a TPR petition and reasons to believe that the child/youth can be returned to the parent(s) within a specified and reasonable time period. The Team Leader (TL) completes a case review with the FSW to determine if compelling reasons exist beginning at the nine (9) month mark and documents the review as an ASFA Review in the Electronic Case File. These reviews are completed quarterly until the child/youth exits custody or a TPR petition is filed. The compelling reason is also documented in the FPP and presented to the court at the Permanency Hearing.</p> <p>3. <b><u>Exit Custody to Live with Relative or Exit Custody to Live with Kin</u></b> is to be utilized when the child/youth is unable to return to the parent(s) and they can achieve permanency through a legal relationship with someone with whom the child/youth has a significant relationship with including relatives and</p>
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kin.

- a) Relatives/kin must be fully informed of all 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/kin. An order from the court must be obtained in order for this change in legal custody to occur.
  - c) Parents retain their parental 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 being placed in foster care.
  - d) Relatives may be eligible for financial assistance through the Relative Caregiver Program. Refer to DCS Policy [14.30, Relative Caregiver Program](#).
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.
- a) When considering the goal of Adoption, the FSW/JSW engages the Region's Permanency Specialist to become a member of the Child and Family Team so that they can collectively consider the child/youth's best interests. The FSW/JSW also consults with the DCS attorney regarding legal approval to terminate parental rights prior to placing Adoption on the FPP and/or to properly attain the voluntary surrender of parental rights. Even when there are sufficient grounds to terminate, state and federal laws require 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 this goal should focus on preparing the child/youth, birth parents, and foster parents for adoption.
  - c) The termination or voluntary surrender of parental rights does not preclude the possibility of relative/kin adoption.
  - d) 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 TPR petition.
  - e) In an effort to ensure children/youth move quickly towards permanency, all children/youth in full guardianship are reviewed in a monthly tracking and review process known as FOCUS reviews. This process ensures that all children/youth entering full guardianship each month are reviewed to determine whether 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: development of an Individual Recruitment Plan, registration on AdoptUsKids unless youth refuses to be photo listed, and 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.

5. **Permanent Guardianship** is a goal that is utilized to achieve permanency through a legal relationship when permanency goals of Return to Parents and Adoption are not appropriate. Establishment of this permanency goal should be documented in the CFTM Summary outlining the specific reasons Return to Parent and Adoption are deemed inappropriate for the child/youth to reach timely permanency and the reasons Permanency Guardianship is in the child's/youth's best interest. Documentation should include a description of the child/youth or family's relationship with the prospective permanent guardian, confirmation of the prospective guardian's commitment to caring for the child/youth permanently, and if the youth is twelve (12) years of age or older, confirmation that the youth has been consulted regarding the SPG arrangement. Refer to DCS Policy [15.15 Subsidized Permanent Guardianship](#).

- a) Outcomes and action steps to consider for Permanent Guardianship should focus on preparing the child/youth, birth parents, and potential guardian for Permanent Guardianship.
- b) With the establishment of a goal of Permanent Guardianship, the FSW/JSW/Permanency Specialist documents discussions of the ongoing *post* custodial services available to the child/youth 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 [Work Aid-Subsidized Permanent Guardianship](#) for steps to arrange this for eligible guardians and preparing the paperwork necessary for the court exit.
- d) Birth parents should participate in the court exit to Permanent Guardianship. While birth parents can petition the courts to regain custody, the standard for regaining custody is more stringent - the birth parents must convince the court that they have remedied the conditions that led to the child/youth being placed in foster care and that returning the child/youth to them would be in the child/youth's best interest. Permanent Guardianship can last until the child/youth is eighteen (18) years old, or in certain circumstances, twenty-one (21) years old. Refer to Policy [15.15, Subsidized Permanent Guardianship](#).

6. **Planned Permanent Living Arrangement (PPLA)** is only appropriate in very rare circumstances when all other permanency goals have been thoroughly explored and are not achievable. A sole or concurrent goal of PPLA cannot be added to the FPP without the approval of the Commissioner or their

designee. Refer to [Protocol for Planned Permanent Living Arrangement](#) for instructions outlining the approval process. Staff will not take a FPP 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.

7. **Planned Permanent Living Arrangement – Extension of Foster Care:**
- a) This goal is utilized to develop a Transition Plan, per DCS Policy [16.51, Independent Living and Transition Planning](#), with young adults ages eighteen (18) up to twenty-one (21) that are eligible and approved for Extension of Foster Care Services.
  - 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:
    - ◆ Completing high school or an equivalent program;
    - ◆ Enrolled in a four year college or university, a community college or a vocational program;
    - ◆ Employed for at least 80 hours per month; or
    - ◆ Participating in a program or activity designed to promote or remove barriers to employment.
  - 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 [16.52, Extension or Re-Establishment of Foster Care for Young Adults](#).
8. **There are six (6) Extension of Foster Care Goals:**
- a) Young adults completing high school, or an equivalent program have the permanency goal of **Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Secondary Education**.
  - b) Young adults enrolled in college or a university have the permanency goal of **Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Post-Secondary/Academic Education**.
  - c) Young adults enrolled in a post-secondary vocational program have the permanency goal of **Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Post-Secondary/Vocational Ed**.
  - d) Young adults employed parttime at least 80 hours per month have the permanency goal of **Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Employment**.
  - e) Young adults participating in a program or activity designed to promote or remove to employment have the permanency goal of **Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Removing Barriers to Employment**.
  - f) Young adults with special needs receiving services have the permanency goal of **Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Special Needs**.

**Note:** Unlike the PPLA goal use for youth up to the age of eighteen (18), the



	<p>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>Concurrent Planning is the identification and active pursuit of more than one (1) permanency goal at the same time and can expedite the timely achievement of permanency. The FSW/JSW fully discloses 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> <ul style="list-style-type: none"> <li>a) The Child and Family Team should adopt concurrent permanency goals whenever possible.</li> <li>b) All permanency goals must be potentially achievable (example: Exit Custody to Relative is not appropriate if there is not a relative identified.)</li> </ul>
<p><b>F. Trial Home Visit (THV)</b></p>	<ol style="list-style-type: none"> <li>1. The Child and Family Team should review the case and carefully consider if the child/youth and family are ready for a Trial Home Visit (THV). This review consists of, but is not limited to: <ul style="list-style-type: none"> <li>a) Review past and current assessments for the child/youth and family- Assessments should show progress over time and reduction of safety concerns.</li> <li>b) Review responsibilities and goals outlined on the FPP. All responsibilities should be completed on the FPP. If there are responsibilities that are incomplete, the team explores the initial reason for adding the responsibility to the plan and if the plan should be adjusted given new information or circumstances. The team should agree on next steps for any responsibilities that are not complete.</li> <li>c) Discussion with service providers- The team should have reports or feedback from all service providers who have worked with the family to have a full picture of the progress made.</li> <li>d) Review the status of visitation- Visitation is gradually increased from supervised visitation to unsupervised visitation in preparation for a THV. The frequency and quality of the visitation should be considered in determining if the family is ready for transition.</li> <li>e) Remedy of safety concerns- The safety concerns that brought the child(ren)/youth into foster care should be remedied. If the parents have completed all responsibilities on the FPP, but safety concerns continue to exist, the team works together to adjust the responsibilities to address continued concerns.</li> <li>f) Appropriate living conditions- The FSW/JSW should visit the home to ensure the home and all individuals residing in the home are safe and appropriate.</li> <li>g) Plan for success- The team works together to ensure there are available appropriate services that can transition with the child/youth and family so that their THV is successful.</li> </ul> </li> </ol>

	<ol style="list-style-type: none"> <li>2. 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 FPP are completed, and identifies any services need for a successful transition and THV.</li> <li>3. Following the Discharge CFTM, the FSW/JSW notifies their local DCS attorney to initiate notification/approval from the court to begin a THV. The notification to the court should include information considered within the review, but at minimum must include confirmation of a home visit within thirty (30) days prior to the request with the identified parent/caregiver where the living conditions were assessed and considered appropriate.</li> <li>4. The FSW/JSW and other identified members of the Child and Family Team monitor the progress of the THV through regular contact outlined in the <a href="#">Visitation Guide</a>.</li> <li>5. A Discharge CFTM is 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 Child and Family Team feels the family is ready for discharge.</li> <li>6. 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>7. 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>G. 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/youth 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 TPR petition, DCS files the TPR 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,</li> </ul> </li> </ol>

	<p>siblings, half siblings, or other child/youth in the home.</p> <ol style="list-style-type: none"> <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> <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, 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 of parental rights 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/youth 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 TPR.</li> </ol>
<p><b>H. Family Permanency Plan Ratification</b></p>	<ol style="list-style-type: none"> <li>1. The Juvenile Court of Venue reviews and approves all FPPs.</li> <li>2. If the parents, child/youth, 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/youth’s record.</li> </ol>
<p><b>I. 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 FPP prior to the CFTM.</li> <li>2. The FPP 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</li> </ol>

	<p>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 address the concerns.</p> <p>3. The FSW/JSW is responsible for providing a copy of the FPP 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>J . Documentation</b></p>	<ol style="list-style-type: none"> <li>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 FPP along with activities necessary to address the issues that brought the child/youth into care.</li> <li>2. The FPP 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 FPP.</li> <li>3. The FPP 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.</li> <li>4. Specific tasks listed on the FPP 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 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 their needs for safety, permanency, and well-being.</li> <li>5. Federal Law requires that each of the following be documented in the FPP:             <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 EPSD&amp;T, 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 youth age fourteen (14) or above, the FPP must also include a written description of the services that helps the youth prepare for independence.</li> <li>f) For all children/youth, the FPP must document the steps the Department</li> </ol> </li> </ol>

	<p>is taking to achieve permanency for the child/youth.</p> <p>6. For those families who cannot speak or read English, the FPP is translated into the language the family speaks and reads. The Regional Fiscal Teams can be contacted when translation services are needed.</p>
<p><b>K . Scheduling Annual Permanency Hearings</b></p>	<ol style="list-style-type: none"> <li>1. Following the ratification of the FPP, the court holds a Permanency Hearing within twelve (12) months of the date of a child/youth’s placement in state custody and every twelve (12) months thereafter until permanency is achieved or until the child/youth 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 Permanency Hearing, the court decides it is unable to 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.</li> <li>4. The DCS attorney assures that the Court considers progress, or lack thereof, on the FPP 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> </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 Permanency 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. At the court’s discretion, foster parents/relative caregivers have a right to be</li> </ol>

	<p>heard in any review or hearing. If the child/youth has been placed in the foster home nine (9) or more continuous months, the foster parents/caregivers have the right to present evidence related to the child/youth’s best interest.</p> <p>5. The child/youth is required to attend annual Permanency Hearings unless the child/youth is under a doctor’s care or resides out of state. The FSW/JSW ensures the child/youth is present at their hearing and makes the child/youth available at court, for the court to confer with the child/youth in an age-appropriate manner.</p> <p>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.</p>
<p><b>M . Annual Permanency Hearing</b></p>	<p>1. Each child/youth 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 permanency goal(s). Services provided to the child/youth and/or family are also reviewed.</p> <p>2. At each Permanency Hearing, DCS requests the court determine the appropriateness of the goal, in addition to the following:</p> <ul 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/youth.</li> <li>b) In cases where the youth is sixteen (16) years or older, the services needed to assist the youth in making the transition from foster care to independent living are appropriate and in the best interest of the youth.</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 FPP.</li> <li>e) If the Department exercised reasonable efforts in assisting the family in accomplishing the tasks on the FPP.</li> <li>f) If the Department and foster 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 PPLA as a sole or concurrent goal for youth where this goal is identified and the youth’s ongoing desire for this goal.</li> </ul> <p>3. For youth seventeen (17) years of age or older, who will be released from foster care, a Permanency Hearing is held within three (3) months prior to the youth’s release for the purposes of reviewing the youth’s transition plan to independent living or other permanent outcomes.</p> <p>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</p>

	<p>of the most recent form <b>CS-0430, Progress Report on Child in State Custody</b> may be requested by the court.</p> <ol style="list-style-type: none"><li>1. A copy of the court order reflecting the hearing's outcome is obtained and filed in the child/youth'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>2. Permanency Hearings are entered in the Electronic Case File 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="#">CS-0746, Meeting Notification</a> <a href="#">CS-0745, Criteria and Procedures For Termination Of Parental Rights</a> <a href="#">CS-0747, Child and Family Team Meeting Summary</a> <a href="#">CS-0158, Notification of Equal Access to Programs and Services and Grievance Procedures</a> <a href="#">CS-0800, Notice of Action</a> <a href="#">TennCare Medical Appeal Form</a> <a href="#">CS-0430, Progress Report on Child in State Custody</a></p>
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<b>Collateral Documents:</b>	<p><a href="#">7.2, Acceptable Use, Network Access Rights and Obligations</a> <a href="#">14.30, Relative Caregiver Program</a> <a href="#">15.15, Subsidized Permanent Guardianship</a> <a href="#">Protocol for Subsidized Permanent Guardianship Case Planning</a> <a href="#">Work Aid-Subsidized Permanent Guardianship</a> <a href="#">16.12, Severe Abuse Review</a> <a href="#">16.32, Foster Care Review and Progress Reports</a> <a href="#">16.51, Independent Living and Transition Planning</a> <a href="#">16.52, Extension or Re-Establishment of Foster Care for Young Adults</a> <a href="#">16.59, Disclosure of Legal Options and Available Services For Relative Caregivers</a> <a href="#">ICPC Practice and Procedure Manual</a> <a href="#">Identifying and Accessing Independent Living Services Manual</a> <a href="#">Independent Living and Transition Planning Guide</a></p>
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	<p><a href="#"><u>NOA-GRIER FAQ</u></a></p> <p><a href="#"><u>Protocol for Planned Permanent Living Arrangement</u></a></p> <p><a href="#"><u>Visitation Guide</u></a></p> <p><a href="#"><u>Visitation Plan Work Aid</u></a></p> <p><a href="#"><u>21.14, Serving the Educational Needs of the Child/Youth</u></a></p> <p><a href="#"><u>31.1, Family Permanency Plans</u></a></p> <p><a href="#"><u>31.9, Conducting Diligent Searches</u></a></p> <p><a href="#"><u>31.14, Documentation of TFACTS Case Recordings</u></a></p> <p><a href="#"><u>Child and Family Team Meeting Guide</u></a></p> <p><a href="#"><u>Family Permanency Plan Development Guide</u></a></p> <p><a href="#"><u>Stages of the Child and Family Team Meeting</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 the parties involved in a child/youth'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/youth. 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 (FSW)/Juvenile Service Worker (JSW):</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/youth 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 and for whom the child/youth has had a significant relationship with.
<b>Permanency Planning:</b>	Permanency planning is the process that guides the efforts of child welfare agencies to ensure that all children/youth in custody attain a permanent living situation as quickly as possible. By Federal Statute, all state child welfare agencies must identify a



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	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>Reasonable Efforts:</b>	The exercise of reasonable care and diligence by the department to provide services related to meeting the needs of the child and the family. T.C.A. 37-1-166(g). The department must make reasonable efforts to prevent removal of the child, and to reunify the family if the child is removed.