



**State of Tennessee**  
**Department of Children's Services**

**Administrative Policies and Procedures: 16.33**

<b>Subject:</b>	<b>Permanency Hearings</b>
<b>Authority:</b>	TCA 37-1- 130, 131, and 132; 37-2- 403 through 37-2-404; 37-2-407 through 37-2-409; 37-4-201; 37-5-106; P.L. 109-239; and P.L. 109-239, 438 (b) (1)
<b>Standards:</b>	DCS 9-100, 9-101, 9-102, 9-103, 9-200, 9-204, 9-204, 9-205, 9-207, 9-208, 9-300, 9-301, 9-302, 9-303; COA PA-AS 7;PA-FC 3 PA-FC 7,PA-KC 7;PA-KC 13;PA-FC 7, PA-FC 12; PA-CPS 12
<b>Application:</b>	To all Family Service Workers, Provider Agency Staff, and Supervisory Staff
<b>Policy Statement:</b>	
DCS will ensure permanency plans are brought before the court for ratification within sixty (60) calendar days of the date a child first enters state custody. DCS will bring Permanency Plans before the court for a Permanency Plan Hearing at least every twelve (12) months. The law also requires that DCS prepare a new plan at least every twelve (12) months until permanency is achieved or until the child reaches the age of majority. The court or DCS may request permanency hearings more frequently than every twelve (12) months in order to review the permanency plan of each child in custody. Young adults receiving Extension of Foster Care Services will also have their transition plans brought before the court for a Permanency Hearing at least every twelve (12) months.	
<b>Purpose:</b>	
Court proceedings are an integral part of the Department's work. They provide another mechanism through which to monitor the care and permanency of all children in foster care. The court is charged with the task of ratifying all newly developed permanency plans. The court reviews the plans to ensure reasonable efforts are being made to achieve permanence for each child. The ratification of the permanency plan is also required so that the department can request Title IV-E reimbursement. Courts are required by law to review permanency plans of all foster children, including delinquent children.	
<b>Procedures:</b>	
<b>A. Schedule of Permanency Hearings</b>	<ol style="list-style-type: none"> <li>1. Following the ratification of the Permanency Plan, the court will hold 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 will be followed to schedule the permanency hearings. Regional legal staff or the court liaisons may be involved in securing a docket date for the hearing. If DCS typically requests that cases be scheduled for hearing, it will be requested via DCS Legal sixty (60) calendar</li> </ol>

	<p>days in advance, to ensure that hearings can be scheduled within the twelve (12) month time frame.</p> <ol style="list-style-type: none"> <li>3. In some regions the courts may maintain the schedule for reviews. In these situations, DCS staff will adhere 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 will request that the hearing be rescheduled within the twelve (12) month period.</li> <li>4. If during the course of a 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 will request that the hearing be continued mid-hearing rather than postponed and that an order to that effect be entered.</li> <li>5. The DCS attorney will assure 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>6. Prior to any hearing, sufficient copies of important documentation to be submitted to the Court should be made for all parties.</li> <li>7. If DCS determines that reasonable efforts toward reunification are not required under the 1997 Adoption and Safe Families Act (see DCS Policy <a href="#">16.31, Permanency Planning for Children /Youth in the Department of Children’s Services Custody, Section F</a>), 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>B. Attendance at Permanency Hearings</b></p>	<ol style="list-style-type: none"> <li>1. An attorney will represent DCS at all permanency hearings.</li> <li>2. The child’s Family Service Worker (FSW) will attend all permanency hearings. In the event that the child’s FSW is unable to attend the hearing due to illness, previously scheduled approved leave, etc, the FSW’s Team Leader or other supervisory equivalent will appear in court and represent the FSW.</li> <li>3. Unless parental rights have been terminated, the FSW will provide adequate notice to parents 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 or in person, no later than seven (7) calendar days prior to the hearing.</li> <li>4. The FSW will notify all resource parents and relative caregivers of any proceedings held with respect to a child in foster care. In addition, foster care givers have a right to be heard in any review or hearing. Notification of these hearings will be done in the same manner as a parent.</li> <li>5. The FSW is also responsible for notifying any other parties such as Guardian Ad Litem, parent’s attorney, contract agency providers, and other members of the child and family team. The FSW will provide adequate notice to these persons, preferably no later than ten (10) calendar days prior to the hearing if by mail, or if by telephone or in person, no later than seven (7) calendar days prior to the hearings.</li> <li>6. Unless a child is under a doctor’s care or resides out of state, he or she is required to attend their permanency plan hearings. The FSW has the responsibility of assisting children/youth in making arrangements to attend</li> </ol>

	<p>these hearings.</p> <p>7. The Family Service Worker will make the youth available at court so that the court can confer with the child in an age appropriate manner regarding the child/youth’s views on the provision of the permanency plan.</p> <p>8. 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>C. Permanency Plan Hearings and Permanency Plan Goals</b></p>	<p>1. Each child in state custody will have an identified permanency plan goal or concurrent permanency goals. The juvenile court will use 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 stated permanency goal(s). Services provided to the child and/or family will also be 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 the case of a child in an out of-state placement, whether the out-of-state placement continues to be appropriate and in the best interest of the child</li> <li>b) In the case of a youth who has attained the age of 16, the services needed to assist the child to make the transition from foster care to independent living are appropriate and in the best interest of the child.</li> <li>c) That the Family Service Worker has explained to the youth, who has reached the age of 17, of his or her right to receive available voluntary post-custody services from DCS and complete DCS forms <b>CS-0488, Rights and Responsibilities to Receive Foster Care Services as an Adult</b> and <b>CS-0968, Voluntary Placement Agreement for Transitioning Young Adults</b> when they reach the age of 17 ½ or 18 years of age.</li> <li>d) The extent of compliance of all parties with the terms of the permanency plan.</li> <li>e) If the Department has exercised reasonable efforts in assisting the family in accomplishing the tasks on the Permanency Plan.</li> <li>f) If the Department and resource family are following 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 has been 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 must be 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.</p> <p>4. The FSW will be 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 <b>form CS-0430, Quarterly Progress Report</b> may be</p>

	<p>requested by the court.</p> <p>5. A copy of the court order reflecting the hearing’s outcome will be obtained and filed in the child’s case record. DCS will ensure that parents receive a copy of the court order. For those children who are in an out-of-state placement, copies of the hearings outcome will be submitted to the Tennessee Office of the Interstate Compact.</p>
<p><b>D. Documentation</b></p>	<p>1. Information regarding the plan and the permanency hearings will be entered in the current child welfare information system within three (3) calendar days of the hearing, according to DCS Policy <a href="#"><u>31.14, Documentation of TFACTS Case Recordings</u></a>. The hearing will also be recorded under the Court-Case Court Actions link within three (3) calendar days of the hearing.</p> <p>2. Documentation must also reflect attempts to notify individuals of permanency hearings, i.e. phone calls and mailed correspondence.</p> <p>3. Any Ratification signed by the courts will be linked to the hearing entered in the current child welfare information system within three (3) calendar days of receipt.</p>

<p><b>Forms:</b></p>	<p><a href="#"><u>CS-0430, Quarterly Progress Report on Child in State Custody (when applicable)</u></a></p> <p><a href="#"><u>CS-0488, Rights and Responsibilities to Receive Foster Care Services as an Adult</u></a></p> <p><a href="#"><u>CS-0746, Meeting Notification</u></a></p> <p><a href="#"><u>CS-0968, Voluntary Placement Agreement for Transitioning Young Adults</u></a></p>
<p><b>Collateral Documents:</b></p>	<p>None</p>