

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 6: Court	Effective Date: July 1, 2021
	Section 10: Permanency Plan	Version: 9

POLICY OVERVIEW

The Indiana Department of Child Services (DCS) believes children have the right to permanency. Therefore, a Permanency Plan is developed for every child adjudicated as a Child in Need of Services (CHINS) in order to identify a permanent or long-term arrangement for the care and custody of the child.

PROCEDURE

DCS will identify and recommend to the court a Permanency Plan for every child adjudicated as a CHINS. A second Permanency Plan will be identified if concurrent planning is appropriate (see policy 5.15 Concurrent Planning). All decisions made by DCS shall be made in consideration of the best interests of the child.

The initial Permanency Plan will be reviewed with the Child and Family Team (CFT) and/or at the Case Plan Conference and identified in the Case Plan/Prevention Plan, no later than 45 days after the date the child is removed from the home or date of disposition, whichever comes first. See policies 5.07 Child and Family Team Meetings and 5.08 Developing the Case Plan for additional guidance.

Note: The Case Plan/Prevention Plan and a summary of CFT meeting notes, including a summary of all significant changes that may have been addressed, should be filed with the court.

DCS will make reasonable efforts to reunify the child with his or her family unless the court finds that reasonable efforts to reunify are not required. DCS will also ask if the parent, guardian, or custodian or the child needs a reasonable accommodation due to a disability.

Note: If the court determines no reasonable efforts are required, a Permanency Hearing must be held within 30 days of the finding.

When reunification is not appropriate or possible, DCS will make and recommend to the court an alternate Permanency Plan in a timely manner. DCS will seek court approval of all Permanency Plans and subsequent changes.

Note: The Permanency Plan of Another Planned Permanent Living Arrangement (APPLA) is **only** available to youth 16 years of age and older.

DCS will discuss the Permanency Plan with the child in an age appropriate manner and document the child's views in the Permanency portion of the Progress Report- Permanency. DCS will ensure all youth 14 years of age and older have the opportunity to participate in the

development of Permanency Plans and in the Permanency Hearing. The youth's child representatives should also participate in the development of the Permanency Plan.

Note: Youth 14 years of age and older should have a Youth Report to the Court completed and submitted to the court by the youth if the youth is unable to attend the court hearing.

As part of the permanency and case planning process, the Family Case Manager (FCM) will:

1. Ask if the parent, guardian, or custodian or the child needs a reasonable accommodation due to a disability;
2. Convene a CFT Meeting and/or Case Plan conference to review the Permanency Plan, develop a Case Plan/Prevention Plan, and discuss the second Permanency Plan, if concurrent planning, (see policy 5.07 Child and Family Team Meetings). Youth ages 14 years and older and their child representatives should be included in the CFT meeting and/or case conference unless the youth is unable to participate effectively in the development of the Permanency Plan due to a physical, mental, emotional, or intellectual disability;

Note: If a CFT Meeting is not convened or the CFT does not include the Court Appointed Special Advocate (CASA)/Guardian Ad Litem (GAL) and the resource parent, a Case Plan Conference must be held (see policy 5.08 Developing the Case Plan).

3. Ensure the Permanency Plan is discussed with the child in an age appropriate manner and that the youth's views are shared with the court;

Note: Youth 14 years of age and older should participate in the Permanency Hearing to share his or her views with the court, unless he or she has been excluded from the hearing by a court order. Youth should complete and submit a Youth Report to the Court if the Youth is unable to participate in the Permanency Hearing.

4. Discuss the Case Plan/Prevention Plan, Permanency Plan, second Permanency Plan (if a concurrent plan was recommended), and any additional recommendations of the CFT with the FCM Supervisor;
5. Request approval by the Regional Permanency Team (RPT) for any decision to change the Permanency Plan to APPLA. A Permanency Plan of APPLA must also be approved by the Regional Manager (RM) and be referred for review at a Permanency Roundtable (PRT) (see policies 8.47 Permanency Roundtables and 8.51 Regional Permanency Teams);

Note: APPLA is **only** available as a permanency option for youth 16 years of age and older.

6. Ensure reasonable efforts are made to implement the Permanency Plan and document those efforts in the Progress Report- Permanency;
7. Attach a summary of the CFT notes, including any significant changes, to the Progress Report- Permanency;
8. Submit the Progress Report- Permanency to the FCM Supervisor for approval;
9. Seek court approval of the Permanency Plan or any changes to an existing Permanency Plan (see policy 6.11 Permanency Hearing); and
10. Enter the court findings of Reasonable Efforts to Finalize the Permanency Plan (REPP) in the case management system, if applicable.

Note: The court must issue a finding that DCS has made REPP every 12 months. REPP is required for a child/youth to continue to be eligible for federal funding to reimburse the costs of out-of-home care and DCS's administrative expenditures.

The FCM Supervisor will:

1. Ensure the Permanency Plan is documented in the Case Plan/Prevention Plan and all of the above steps are completed by the FCM;
2. Provide support to the FCM, as needed, in completing the steps; and
3. Approve the Progress Report- Permanency and submit it to the DCS Staff Attorney.

The DCS Staff Attorney will:

1. Review the Progress Report- Permanency and discuss with the FCM and/or FCM Supervisor, as needed;
2. Provide the court with the approved Progress Report- Permanency; and
3. Request that within 12 months from the child/youth's removal from the home or from the date of the original Dispositional Decree, a finding of REPP is obtained in a court order.

LEGAL REFERENCES

- [IC 31-10-2-2 Consideration of the best interests of the child](#)
- IC 31-10-2-3
- IC 31-17-2-8.1
- [IC 31-34-21-5.6: Exceptions to requirement to make reasonable efforts to preserve and reunify families](#)
- [IC 31-34-21-5.7: Permanency plan; requirement; approval; reports and orders not required](#)
- [IC 31-34-21-7: Permanency hearing](#)
- [IC 31-34-21-7.5: Permanency plans prohibited if household contains certain individuals; exceptions](#)
- [IC 31-34-21-7.7: Permanency plan; guardianship](#)
- [45 CFR 1356.21: Application of the permanency hearing requirements](#)
- [IC 31-34-21-5.8: Certain reasonable efforts required if preservation and reunification inconsistent with permanency plan; progress reports, case reviews, and postdispositional hearings not required](#)
- [IC 31-9-2-22.1: "Concurrent planning"](#)
- [42 USC 675a: Additional case plan and case review system requirements](#)
- [42 USC 12102: Definition of disability](#)

RELEVANT INFORMATION

Definitions

Adoption

Adoption is the legal process when a child becomes the legal child of a person other than the child's biological parents.

Another Planned Permanent Living Arrangement (APPLA)

APPLA is only an option for youth 16 years of age and older and refers to a situation in which DCS maintains care and custody responsibilities for the youth, but DCS places the youth in a setting in which the child is expected to remain until successful adulthood, such as:

1. With resource parents who have made a commitment to care for the youth permanently, but are not moving toward adoption;
2. In a residential facility (e.g., for youth with emotional or developmental disabilities who require long-term residential care); or
3. Receiving Older Youth Services (OYS) that will lead the youth to successful adulthood living after emancipation from the child welfare system.

Child Representatives

Child representatives are selected by youth who are 14 years of age and older to advise the youth and advocate for/represent the child's best interests. The child representatives must be at least 18 years of age, members of the CFT, and may not be a foster parent or FCM.

Concurrent Planning

Concurrent Planning requires the identification of two (2) Permanency Plan goals and simultaneous reasonable efforts toward both goals with all participants. The intent of Concurrent Planning is that both plans will be pursued simultaneously and aggressively.

Fit and Willing Relative

Fit and Willing Relative is a permanent placement who adequately provides for the child's needs and is willing to care for the child long-term. When a child is placed with a fit and willing relative, the CHINS case will remain open, typically until the child reaches the age of majority.

Legal Guardianship

Legal Guardianship is the transfer of parental responsibility and legal authority for a minor child to an adult caregiver who intends to provide permanent care for the child. Guardianship may be established with or without TPR. Transferring legal responsibility removes the child from the child welfare system, allows the caregiver to make important decisions on the child's behalf, and establishes a long-term caregiver for the child.

Permanency Plan

The Permanency Plan is the intended permanent or long-term arrangement for care and custody of the child/youth. The Permanency Plan options are:

1. Reunification;
2. Adoption;
3. Legal Guardianship;
4. Fit and Willing Relative; and
5. Another Planned Permanent Living Arrangement (APPLA).

Reunification

Reunification is the process by which a child returns to live with a legal parent, guardian, or custodian without continued supervision and/or intervention by DCS.

Forms and Tools

- [Case Plan/Prevention Plan \(SF 2956\)](#)- Available in the case management system
- [Progress Report- Permanency](#)- Available in the case management system
- [Youth Report to the Court](#)

Related Policies

- [5.07 Child and Family Team Meetings](#)
- [5.08 Developing a Case Plan](#)

- [5.15 Concurrent Planning](#)
- [6.10 Permanency Plan](#)
- [6.11 Permanency Hearing](#)
- [8.47 Permanency Roundtables](#)
- [8.51 Regional Permanency Teams](#)

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