



Administrative Policies and Procedures: 16.33

Subject:	Permanency Hearings
Authority:	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)
Standards:	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
Application:	To all Family Service Workers, Provider Agency Staff, and Supervisory Staff

Policy Statement:

A permanency plan must be approved by the court within sixty (60) calendar days of the date a child first enters state custody. The court is required by law to review the requirements, goals and progress on the permanency plan of each child in state custody, including in-state and out-of-state permanent placement options. If a child is already in an out-of-state placement, the hearing must determine whether the placement continues to be appropriate and in the child's best interest. 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.

Purpose:

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 who are not placed in Youth Development Centers (YDC). Some regions and local courts do request permanency planning and hearings for children placed at a YDCs.

Procedures:

A. Schedule of Permanency Hearings

1. Following the ratification of the Permanency Plan, the court shall 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.
2. Even though permanency plans and other documents are developed for juvenile justice YDC youth by DCS policy, the permanency plans for

	<p>children/youth placed in YDCs are not submitted or reviewed by the court unless the court issues a directive. When a youth placed in an YDC is released and/or stepped down, a permanency plan must be completed and approved by the court within sixty (60) calendar days of the date of step down. Legal should immediately be notified of a youth’s step down from a YDC in order to get the hearing scheduled with the Court by motion.</p> <ol style="list-style-type: none"> 3. Local protocol shall 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 shall be requested via DCS Legal sixty (60) calendar days in advance, to ensure that hearings can be scheduled within the twelve (12) month time frame. 4. 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 shall request that the hearing be rescheduled within the twelve (12) month period. 5. 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 shall request that the hearing be continued mid-hearing rather than postponed and that an order to that effect be entered. 6. 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. 7. Prior to any hearing, sufficient copies of important documentation to be submitted to the Court should be made for all parties. 8. If DCS determines that reasonable efforts toward reunification are not required under the 1997 Adoption and Safe Families Act (see DCS Policy 16.31, Permanency Planning for Children /Youth in the Department of Children’s Services Custody, Section F), and elects to forego those efforts, a permanency hearing must be held within thirty (30) calendar days of the Department’s decision.
<p>B. Attendance at Permanency Hearings</p>	<ol style="list-style-type: none"> 1. An attorney shall represent DCS at all permanency hearings. 2. The child’s Family Service Worker (FSW) shall 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 shall appear in court and represent the FSW. 3. Unless parental rights have been terminated, the FSW shall 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.

	<ol style="list-style-type: none"> 4. The FSW shall 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 shall be done in the same manner as a parent. 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 shall 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. 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 these hearings. 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. 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>C. Permanency Plan Hearings and Permanency Plan Goals</p>	<ol style="list-style-type: none"> 1. Each child in state custody shall have an identified permanency plan goal or concurrent permanency goals. A plan shall be developed for youth placed at YDCs even if the court declines to hear the plan. The juvenile court shall 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. 2. At each permanency hearing the court must determine, in addition to the appropriateness of the goal: <ol style="list-style-type: none"> 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 b) In the case of a child who has attained the age of 16, the services needed to assist the child to make the transition from foster care to independent living. c) For a youth who has reached the age of 17, the Family Service Worker shall explain to the youth his or her right to receive available voluntary post-custody services from DCS. d) For youth 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>e) The extent of compliance of all parties with the terms of the permanency plan.</p> <p>f) If the Department has exercised reasonable efforts in assisting the family in accomplishing the tasks on the Permanency Plan.</p> <p>3. The FSW shall 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 form CS-0430, Quarterly Progress Report may be requested by the court.</p> <p>A copy of the court order reflecting the hearing’s outcome shall be obtained and filed in the child’s case record. DCS shall 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 shall be submitted to the Tennessee Office of the Interstate Compact.</p>
D. Documentation	<p>1. Information regarding the plan and the permanency hearings shall be entered in the current child welfare information system within three (3) calendar days of the hearing, according to DCS Policy 31.14, Case Recording for Foster Care, Adoption Services and Juvenile Justice Cases.</p> <p>2. Documentation must also reflect attempts to notify individuals of permanency hearings, i.e. phone calls and mailed correspondence.</p>

Forms:	<p>CS-0746- Meeting Notification</p> <p>CS-0430 Quarterly Progress Report on Child in State Custody (when applicable)</p>
Collateral Documents:	None