
ORANGE COUNTY SOCIAL SERVICES AGENCY

CFS OPERATIONS MANUAL

Effective Date: February 5, 2018

Policy No.: G-0322-D

PDU DISPATCH
Permanency Planning

Purpose To provide guidelines regarding implementation of newly available permanency planning options resulting from Senate Bill (SB) 794 (2015).

Most Recent Revision New.

Background The Adoption and Safe Families Act of 1997 (Public Law 105-89) (1997) established the permanent placement options of “fit and willing relative” and, for older children, “another planned permanent living arrangement” (APPLA). This terminology was created to replace the term “long-term foster care” (LTFC).

The Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183) (2014) made numerous changes to the Title IV-E foster care program including:

- Prohibiting use of APPLA for foster children under sixteen (16) years of age
- Documenting efforts to place a foster child permanently with a parent or guardian, relative, or in a guardianship or adoptive home
- Requiring a judicial determination for a foster child placed in APPLA, as to why it is not in the child’s best interest to be placed permanently with a parent or guardian, relative or in a guardianship or adoptive home

To meet the new Title IV-E requirements and conform state law to federal law, the California State Legislature passed Senate Bill 794 (2015), which amended the state Title IV-E plan. SB 794 specifically:

- Eliminates the option of long-term foster care placement for dependent children
- Defines APPLA as a permanent plan that may be ordered by the Court for a foster child 16 years of age or older or a non-minor dependent (NMD)
- Prohibits APPLA as a permanency option for a foster child younger than 16 years of age
- Provides that to select APPLA as a permanent plan, the Court must determine that APPLA is in the best interest of the foster child/NMD
- Prohibits placement in a group home or in a short-term residential treatment facility as an identified permanent plan
- Requires child welfare agencies to document, at each permanency hearing, efforts to place a foster child permanently with a parent or guardian, relative, or in a guardianship or adoptive home
- Requires the Court, during each permanency hearing, to ask the foster child about his/her desired permanency choice
- For a foster child whose permanent plan is to remain in foster care, requires Court to identify compelling reasons why it is not in the best interest of the child to return home, placed for adoption, placed with a legal guardian, or placed with a fit and willing relative

Operationally, SB 794 impacts permanency planning on behalf of dependent youth in out-of-home care, how these efforts are reported to Court, and how permanency is reflected in outcome measures.

Pending revision of agency policy, this dispatch provides interim guidance to address the development of a permanent plan and subsequent communication of the proposed permanent plan to Court.

Definitions

Another Planned Permanent Living Arrangement (APPLA):

As defined by Welfare and Institutions Code (WIC) § 16501, refers to a permanent plan ordered by the Court for a child 16 years of age or older or a NMD, when there is a compelling reason or reasons to determine that it is not in the best interest

of the child or NMD to return home, be placed for adoption, be placed for tribal customary adoption in the case of an Indian child, or be placed with a fit and willing relative.

Child and Family Team (CFT): As defined by WIC § 16501, refers to a group of individuals convened by CFS and engaged through a variety of team-based processes to identify the strengths and needs of the child and his/her family, and to help achieve positive outcomes for safety, permanency, and well-being. As detailed in ACL 16-84, members of the CFT include:

- Child and parent(s), and other individuals identified by the family as being important
- Assigned Senior Social Worker (SSW) and Deputy Probation Officer (as applicable)
- Current caregiver
- As applicable:
 - Mental health provider (e.g., therapist, CEGU, etc.)
 - Representative from Foster Family Agency (FFA) or Short-Term Residential Therapeutic Program (STRTP)
 - Youth or parent partner
 - Public health provider
 - Court Appointed Special Advocate (CASA)
 - School personnel
 - Representative of the child's tribe or Indian custodian

Note: In addition to formal supports, family members may invite individuals who are part of their own network of informal support to participate in the CFT, including, but not limited to: extended family, friends, neighbors, coaches, clergy, co-workers, etc.

Permanent Placement Services: As defined by WIC § 16501, refers to activities designed to provide an alternate permanent family structure for children who, because of abuse, neglect or exploitation, cannot safely remain at home and who are unlikely to ever return home. These services shall be provided on behalf of children for whom there has been a judicial determination of a permanent plan for Adoption, Legal Guardianship, placement with a Fit and Willing Relative, or continued foster care placement, and, as needed, shall include supportive transition services to NMDs.

Relative: As defined by WIC § 361.3, means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all

relatives whose status is preceded by the words “great,” “great-great,” or “grand,” or the spouse of any of these persons, even if the marriage was terminated by death or dissolution.

Placement with a Fit and Willing Relative: As defined by WIC § 727.3, means placing the child with an appropriate approved relative who is willing to provide a permanent and stable home for the child, but is unable or unwilling to become the legal guardian. When a child is placed with a fit and willing relative, the Court may authorize the relative to provide the same legal consent for the child’s medical, surgical, and dental care, and education as the custodial parent of the child.

POLICY

Permanency Assessment

A. **Requirement for a Permanency Planning Assessment:**

In accordance with Welfare and Institution (WIC) Sections (§§) 366.21, 366.22, and 366.25, the Court requires submission of a permanency planning assessment for the following hearings:

- Jurisdictional/Dispositional hearing, if recommending that family reunification (FR) services not be provided
- Any FR Status Review hearing (i.e., SMR, TMR, EMR, Twenty-Four Month Review) where termination of FR services will be recommended
- WIC § 366.26 Selection and Implementation hearing
- Periodic Review hearing when the current permanent plan is for the child to remain in Foster Care

Note: A permanency assessment is not required for NMD Status Review hearings. Refer to Children and Family Services (CFS) Policy and Procedure (P&P) [Non-Minor Dependency Court Proceedings \(J-0104\)](#) for information regarding permanency planning for NMDs.

The Court will consider the results of the permanency planning assessment when determining the most appropriate permanent plan. Pursuant to WIC § 366.26, available permanent plan options include:

- Adoption, including Tribal Customary Adoption (TCA)
- Legal Guardianship (LG)
- Placement with a Fit and Willing Relative
- Foster Care with a permanent plan of Return Home, Adoption, Legal Guardianship, or placement with a Fit and Willing Relative
- Another Planned Permanent Living Arrangement (APPLA)

Refer to [Attachment 1—Permanent Plan Considerations](#) for a detailed discussion of the available permanency options.

B. Completion of the Permanent Planning Assessment:

CFS staff will complete a *Permanent Planning Assessment (F063-18-242)* to assess a child’s readiness for permanent placement.

“Section A” of the *Permanent Planning Assessment (F063-18-242)* will be completed by the assigned Senior Social Worker (SSW) in accordance with the guidelines and time frames detailed in CFS P&P [Permanent Planning Assessments \(PPAs\) \(G-0313\)](#).

The *Permanent Planning Assessment (F063-18-242)* will be forwarded to the designated Resource Family Approval (RFA) Senior Social Services Supervisor (SSSS) for review and to identify an appropriate permanent plan.

The review of information provided in “Section A” of the *Permanent Planning Assessment (F063-18-242)*, by the RFA SSSS, will provide the basis for applying the permanency statutes detailed in WIC § 366.26.

“Section B” and “Section C” of the *Permanent Planning Assessment (F063-18-242)* will be completed by the designated RFA SSSS to indicate:

- The identified permanent plan
- Necessary worker assignments

There may be instances where the completed *Permanent Planning Assessment (F063-18-242)* indicates a permanent plan contrary to the assigned

SSW's expectation. Resolution will be achieved by contacting the designated RFA SSSS to discuss concerns and reasoning for selection of the recommended permanent plan.

Communicating the Permanency Assessment to Court

- A. **Court Report and Case Plan Recommendations:**
When preparing a court report for the hearing at which a permanent plan will be recommended, the recommended permanent plan must match the recommendation from "Section B" of the *Permanent Planning Assessment (F063-18-242)*.

Refer to [Attachment 2—Permanency Matrix](#) for guidance in matching the results from "Section B" of the *Permanent Planning Assessment (F063-18-242)* with the appropriate permanent plan and associated Summary recommendation.

When preparing a case plan for the hearing at which a permanent plan will be recommended, the **Case Plan Goal** must reflect the recommended permanent plan, as indicated in [Attachment 2—Permanency Matrix](#).

Per CFS Policy, an *Acknowledgement of Case Plan Development (F063-28-244)* will accompany the case plan submitted to Court.

Exception: An *Acknowledgement of Case Plan Development (F063-28-244)* is not required for a child in a permanent placement who is under 12 years of age, where only the child, assigned SSW, and/or Supervisor is involved in case planning.

- B. **FR Status Review Hearing:**
When recommending termination of FR services at an FR Status Review hearing for a child unable to reunify with a parent/guardian, the three possible recommendations are:

- To proceed to a WIC § 366.26 Selection and Implementation hearing

–Or–

- Child under 16 years of age, is not the proper subject of adoption, and no one willing to accept legal guardianship; child to remain in Foster Care with a permanent plan of Return Home, Adoption, Tribal Customary Adoption, Legal Guardianship

or placement with a Fit and Willing Relative;
schedule a Post-Permanency Plan (Periodic)
Review hearing

-Or-

- Child is 16 years of age or older, is not the proper subject of adoption, legal guardianship or other permanent plan is not appropriate; child to remain in Foster Care with a permanent plan of APPLA, schedule a Post-Permanency Plan (Periodic) Review hearing

Note: Pursuant to WIC §§ 366.21, 366.22, and 366.25, a NMD's legal status as an adult is a compelling reason not to hold a WIC § 366.26 Selection and Implementation hearing.

Refer to the [Status/Interim Review Hearing Desk Guide](#) contained on the [Manuals/Autotext](#) page of the CFS Intranet for a complete listing of permanent plan recommendations available at an FR Status Review hearing.

Refer to [Attachment 3—Status Review Court Report Template](#), for guidelines to prepare a court report addressing permanency planning for a **child** receiving FR services.

Note: For guidelines to prepare a court report for a NMD receiving FR services, refer to [Attachment 3—NMD Status Review Report: FR and FM](#) of CFS P&P [Non-Minor Dependency Court Proceedings \(J-0104\)](#).

C. WIC § 366.26 Selection and Implementation Hearing:

Refer to [Attachment 1—Permanent Plan Considerations](#), for a thorough explanation of the various permanency options and factors that impact permanency planning, in preparation for a WIC § 366.26 Selection and Implementation hearing.

Refer to the following for guidelines to prepare a court report for a WIC § 366.26 Selection and Implementation hearing:

- [Attachment 4—WIC 366.26 Court Report Template](#)
- [Attachment 5—Analysis of Adoptability](#)
- [Attachment 4—Assessment of Prospective](#)

[Adoptive Parent/Legal Guardian of CFS P&P
WIC 366.26 Report \(G-0312\)](#) (pending revision)

Refer to the [Permanent Plan Recommendation Desk Guide](#) contained on the [Manuals/Autotext](#) page of the CFS Intranet for a complete listing of permanent plan recommendations available at a WIC § 366.26 Selection and Implementation hearing.

D. **Periodic Review Hearing:**

The Post-Permanency Plan (Periodic) Review hearing serves to, as applicable:

- Review progress towards completion of a permanent plan of Adoption or Legal Guardianship
- Review the appropriateness of a permanent plan of Foster Care involving:
 - Placement with a Fit and Willing Relative
 - APPLA
 - A non-relative caregiver with a permanent plan of Return Home, Adoption, Legal Guardianship, or placement with a Fit and Willing Relative

An updated *Permanent Planning Assessment (F063-18-242)* will be completed for any child whose current permanent plan is Foster Care and, as necessary, for Adoption or Legal Guardianship cases where the permanent plan is no longer appropriate.

If the results of the updated *Permanent Planning Assessment (F063-18-242)* indicate Adoption or Legal Guardianship as an appropriate permanent plan, recommend that a WIC § 366.26 Selection and Implementation hearing be calendared.

A change in the permanent plan from Foster Care (with a non-relative) to a permanent plan of placement with a Fit and Willing Relative, does not require a WIC § 366.26 Selection and Implementation hearing.

Refer to the following for guidelines to prepare a court report for a Periodic Review hearing:

- [Attachment 6—Periodic Review Court Report Template](#)
- [Attachment 7—Periodic Review Recommendation Considerations](#)
- [Attachment 8—Periodic Review Report—LG/Foster Care Cases](#)
- [Attachment 3—Periodic Review Report \(Adoption Cases\) of CFS P&P Periodic Review \(G-0311\)](#)

Refer to the [Status/Interim Review Hearing Desk Guide](#) contained on the [Manuals/Autotext](#) page of the CFS Intranet for a complete listing of recommendations available at a Periodic Review hearing.

Existing LTFC Cases For a child with a permanent plan of Long-Term Foster Care (LTFC) previously established, an updated *Permanent Planning Assessment (F063-18-242)* will be completed. The results of this permanency assessment will be included in the court report and case plan submitted for the next scheduled Periodic Review hearing.

Note: For LTFC cases where the court report has already been submitted for the next scheduled Periodic Review hearing, the results of the updated *Permanent Planning Assessment (F063-18-242)* will be reported to the Court using a Supplemental Court report (i.e., Addendum). As needed, consult the assigned Deputy County Counsel for additional guidance concerning reporting a change in the permanent plan to Court.

Pursuant to WIC § 366.32, for a NMD with a permanent plan of LTFC that was previously ordered at a TMR, EMR, Twenty-Four Month Review or a WIC § 366.26 Selection and Implementation hearing, the Court may continue dependency jurisdiction. The permanent plan will be:

- APPLA for a NMD with the non-relative caregiver, transitional housing provider, STRTP, or in a Supervised Independent Living Placement (SILP)
- Or–
- Placement with a Fit and Willing Relative for a NMD placed with a relative caregiver

Role of CFT in Permanency Planning

Though the Court makes the final determination regarding the permanent plan, information received during Child and Family Team (CFT) meetings can provide insight as to the most appropriate permanent plan. Examples of areas where

the CFT can inform the permanency planning assessment include:

- Supports and services provided to achieve permanency
- Child's wishes concerning a permanent plan
- Important individuals to the child
- Sibling relationships and visitation
- Impact of current placement on educational or health care needs

Refer to CDSS ACL 16-84 for additional information regarding CFT requirements and guidelines.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Permanent Plan Considerations](#)
 - [Attachment 2—Permanency Matrix](#)
 - [Attachment 3—Status Review Court Report Template](#)
 - [Attachment 4—WIC 366.26 Court Report Template](#)
 - [Attachment 5—Analysis of Adoptability](#)
 - [Attachment 6—Periodic Review Court Report Template](#)
 - [Attachment 7—Periodic Review Recommendation Considerations](#)
 - [Attachment 8—Periodic Review Report—LG/Foster Care Cases](#)
-

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P [Non-Minor Dependency Court Proceedings \(J-0104\)](#)
- CFS P&P [Permanent Planning Assessments \(PPAs\) \(G-0313\)](#)
- CFS P&P [Periodic Review Report \(G-0311\)](#)
- CFS P&P [WIC 366.26 Report \(G-0312\)](#)
- [Status/Interim Review Hearing Desk Guide](#)
- [Permanent Plan Recommendation Desk Guide](#)

Other Sources

Other printed references include the following:

None.

FORMS

Online Forms

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Acknowledgement of Case Plan Development	F063-28-244
Acknowledgement of Case Plan Development (Spanish)	F063-28-244Sp

Hard Copy Forms

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

CWS/CMS Forms

Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
Permanent Planning Assessment	F063-18-242

Brochures

Brochures to distribute in conjunction with this policy may include:

Brochure Name	Brochure Number
None.	

LEGAL MANDATES

[Senate Bill \(SB\) 794 \(2015\)](#) established new standards for permanency and eliminated the use of long-term foster care as a permanency option.

[Welfare and Institution \(WIC\) Section \(§\) 361.3](#) defines relative.

WIC §§ [361.5](#), [366.21](#), [366.22](#), and [366.25](#) require completion of a permanency assessment.

[WIC § 366.26](#) provides the statutory framework for the Court to use in determining the permanent plan for the child.

[WIC § 366.32](#) allows Court to continue dependency jurisdiction for an NMD with a permanent plan of APPLA.

[WIC § 727.3](#) defines fit and willing relative.

[WIC § 16501](#) defines the Child and Family Team, APPLA, and permanency services.

[California Department of Social Services \(CDSS\) All County Letter \(ACL\) 16-84](#) provides requirements and guidelines for CFT meetings.

[CDSS ACL 16-28](#) details the requirements for use of permanency options APPLA and Fit and Willing Relative as described in SB 794.