
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: March 1, 1989
Current Revision Date: May 25, 2018

Number: G-0313

Permanent Planning Assessments (PPAs)

Purpose	To provide guidelines for completion of Permanent Planning Assessments (PPAs) for dependent children.
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Approved	This policy was approved by Anne Bloxom, CFS Director, on May 25, 2018. <i>Signature on file.</i>
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Most Recent Revision	<p>This is a complete revision and should be read in its entirety. New to this policy are:</p> <ul style="list-style-type: none">• Permanency options mandated by Senate Bill (SB) 794• Changes reflecting the elimination of Long-term Foster Care as a permanency option• Updated definitions• Additions to the Legal Mandate section referencing Welfare and Institutions Code (WIC) 366.26
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Background	<p>Senate Bill (SB) 243 (Chapter 1485, Statutes of 1987) established procedures related to the termination of parental rights and adoption of dependent children. One change was to specify the content of the permanency assessment required when Family Reunification services are terminated and a Welfare and Institutions Code (WIC) Section (§) 366.26 hearing is calendared.</p> <p>A Permanent Planning Assessment (PPA) incorporates the statutory requirements for a permanency assessment and determines the child's readiness for permanent placement in an Adoptive, Legal Guardianship (LG), or Foster Care (FC) home.</p> <p>The PPA is completed prior to a judicial hearing when family</p>

reunification efforts are not recommended, or will be terminated. The *Permanent Planning Assessment (F063-18-242)* is used by Orange County Children and Family Services (CFS) staff to assess the child, placement, intentions of the caregiver, child's interest in permanency, child's relations with siblings and relatives, and parental involvement with the child. These factors determine the most appropriate permanent plan for the child.

Note: In some cases, although the child is adoptable, it would be detrimental to the child to terminate parental rights. In cases where a statutory exception to termination of parental rights applies, an alternative permanent plan is selected.

Definitions

Another Planned Permanent Living Arrangement (APPLA): As defined by WIC § 16501, refers to a permanent plan ordered by the Court for a child 16 years of age or older or a non-minor dependent (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.

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.

Indian Custodian: As described in Indian Child Welfare Act (1978) 25 USC 1901 et seq, refers to any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.

POLICY

Requirement for a PPA

Per WIC sections (§§) 361.5, 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
- Periodic Review hearing when the current permanent plan is Foster Care. For the purposes of this policy, a permanent plan of Foster Care includes:
 - Placement with a Fit and Willing Relative
 - Another Permanent Planned Living Arrangement (APPLA)
 - Foster Care with a permanent plan of return home, Adoption, Legal Guardianship, or placement with a Fit and Willing Relative
- Periodic Review hearing when a recommendation will be made to schedule a new WIC § 366.26 hearing because a previously established permanent plan of Adoption or Legal Guardianship may no longer be appropriate

Note: A permanency assessment is not required for non-minor dependent (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 (b), permanent plan options will be considered in the following order of preference:

- 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 Permanent Planned Living Arrangement (APPLA)

Completion of the PPA

The *Permanent Planning Assessment (F063-18-242)* will be prepared by the assigned Senior Social Worker (SSW) **no later than 45 calendar days** prior to the hearing where:

- A recommendation will be made to terminate FR services or change the current permanent plan
- Circumstances have changed from the previously submitted PPA (e.g. prior to the WIC §366.26 Hearing)

-Or-

- The current permanent plan is Foster Care and, as necessary, for Adoption or Legal Guardianship cases where the permanent plan is no longer appropriate

Exception: This timeframe is not applicable when a *Permanent Planning Assessment (F063-18-242)* is prepared prior to a Jurisdictional/Dispositional hearing where the recommendation is no FR services. In these situations, the *Permanent Planning Assessment (F063-18-242)* will be prepared as soon as practicably possible.

The assigned SSW will complete “Section A” of *Permanent Planning Assessment (F063-18-242)* to assess a child’s readiness for permanent placement.

The *Permanent Planning Assessment (F063-18-242)* will be forwarded to the designated Resource Family Approval (RFA) Senior Social Services Supervisor (SSSS) using PPA Inbox. The RFA SSSS will complete “Section B” and “Section C” of the *Permanent Planning Assessment (F063-18-242)* and indicate:

- The identified permanent plan
- Required worker assignments when Adoption is the permanent plan (e.g. Legal Worker, Presentation Writer, Finalization Worker)

PPA Content

Pursuant to WIC Sections (§§) 361.5, 366.21, 366.22, and 366.25, Section A of *Permanent Planning Assessment (F063-18-242)*, addresses the following:

- A. A review of the amount of and nature of any contact between the child and his or her parents and other members of his or her extended family since the time of placement.
- B. Evaluation of child’s medical, emotional, mental, developmental, and scholastic needs.

- C. A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent, legal guardian, or tribal custody adoptive parent.
- D. The duration, character and degree of attachment of the prospective adoptive parent, legal guardian, or tribal custody adoptive parent to the child.
- E. The motivation of the identified prospective adoptive parent, legal guardian, or tribal custody adoptive parent, for seeking adoption or guardianship.
- F. A statement from the child concerning placement, adoption, or guardianship, and whether the child, if over 12 years of age, has been consulted about the proposed relative guardianship arrangements.
- G. An analysis of the likelihood that the child will be adopted if parental rights are terminated.

Selection of Permanent Plan

- A. **Permanent Plan of Adoption:** Pursuant to WIC § 366.26 (c)(1), Adoption will be selected as the permanent plan when:

- Child's characteristics/attributes indicate Adoption of the child is **Likely**

–And–

- Neither of the following exceptions apply:
 - Child is placed with relative caregiver who is unable or unwilling to adopt due to exceptional circumstances, but is willing to be the legal guardian
 - Termination of rights would be detrimental due to a statutory exception, but current caregiver or other appropriate person (may be relative or non-relative) wishes to be the legal guardian

There may be instances where it is **probable** the child will be adopted, but the child is difficult to place in an adoptive home and there is no identified adoptive parent.

Pursuant to WIC § 366.26(c)(3), in order for the Court to find that a child difficult to place, at least one of the following factors must apply:

- The child is a member of a sibling group and efforts are being made to place the siblings together
- The child is seven years of age or older
- The child has a diagnosed medical, physical or mental handicap

In this instance, Adoption will be selected as the permanent plan and a continuance of the WIC § 366.26 Selection and Implementation hearing for 180 days will be requested to identify a prospective adoptive placement.

B. Permanent Plan of Legal Guardianship:

A permanent plan of Legal Guardianship will be recommended when either of the following apply:

- Pursuant to WIC § 366.26 (c)(1)(A), the child is placed with a relative and Adoption is **Likely**, but it would be detrimental to remove the child from the relative caregiver who does not wish to adopt due to exceptional circumstances but is willing to provide permanency through legal guardianship. A relative may include:
 - For purposes of an Indian child, relative shall include an “extended family member” as defined in the federal Indian Child Welfare Act (ICWA) of 1978
 - A fictive relative who can be a NREFM, adult member of the child’s Indian tribe, or a current resource family caregiver who has a significant and family-like relationship with the child and has been identified as a child’s permanent connection
- Pursuant to WIC § 366.26(c)(4), a permanent plan of legal guardianship with a non-relative will be recommended when Adoption is not in the best interest of the child and termination of parental rights would be detrimental due to one or more of the statutory exceptions listed under WIC § 366.26(c)(1)(B)

C. Permanent Plan of Placement with a Fit and Willing Relative:

Pursuant to WIC § 366.26(c)(4)(B), a permanent plan of placement with a Fit and Willing Relative will be recommended when each of the following apply:

- Adoption is **Likely**, but termination of parental rights would be detrimental due to one or more of the statutory exceptions listed under WIC § 366.26(c)(1)(B)

–And–

- The child is living with an approved relative who is willing and capable of providing a stable and permanent environment, but not willing to become a legal guardian as of the hearing date

D. **Foster Care with a Permanent Plan of Return Home, Adoption, Legal Guardianship, or Placement with a Fit and Willing Relative, as appropriate:**

Pursuant to WIC § 366.26(c)(4)(B), this permanency option will be recommended for a child under 16 years of age when each of the following apply:

- Adoption is **Likely**, but termination of parental rights would be detrimental due to one or more of the statutory exceptions listed under WIC § 366.26(c)(1)(B)

–And–

- The child is living with a non-relative caregiver who is willing and capable of providing a stable and permanent environment, but not willing to become a legal guardian as of the hearing date

Note: The permanency option above also applies to a child residing in a Group Home or Short-Term Residential Treatment Program (STRTP).

E. **Another Planned Permanent Living Arrangement (APPLA):**

Pursuant to WIC § 366.26(c)(4)(B), a permanent plan of APPLA will be recommended for a child 16 years of age or older, when each of the following apply:

- Adoption is **Likely**, but termination of parental rights would be detrimental due to one or more of the statutory exceptions listed under WIC § 366.26(c)(1)(B)

–And–

- The child is living with a non-relative caregiver willing and capable of providing a stable and permanent environment, but not willing to become a legal guardian as of the hearing date

Statutory Exceptions to Adoption

Pursuant to WIC § 366.26(c)(1)(B), the child may have characteristics that indicate adoptability, but factors suggest that termination of parental rights is detrimental or undesirable. The RFA SSSS will **not** recommend termination of parental rights when one or more of the following circumstances exist:

- A. The parent(s) has maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.

As discussed in *In re J.C.* (2014) 226 Cal.App.4th 503, 528–529, for the parental benefit exception to apply, a parent must show he/she has:

- Maintained regular visitation and contact with the child
- And–**
- The child would benefit from continuing the relationship

Factors to consider in the analyzing the parental benefit exception are:

- The relationship with the biological parent promotes the well-being of the child to such a degree as to outweigh the well-being the child would gain in a permanent home with new, adoptive parents
 - It is not enough to show that the parent and child have a friendly and loving relationship. For the exception to apply, a parental relationship is necessary
 - Severing the parent/child relationship would deprive the child of substantial emotional attachment such that the child would be greatly harmed if the relationship were terminated
- B. The child is 12 years or older and objects to the termination of parental rights.
- C. The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the child a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- D. The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an

unwillingness to accept legal or financial responsibility for the child. The foster parent or Indian custodian is willing and capable of providing the child with a stable and permanent environment and removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child. This clause does **not** apply to any child who is:

- Under six years of age

-Or-

- Is a member of a sibling group where there is at least one sibling under six years of age

-And-

- The siblings are or should be permanently placed together

E. There would be substantial interference with a child's sibling relationship, taking into consideration the nature and extent of the relationship including but not limited to:

- Whether ongoing contact is in the child's best interest including the child's long term emotional interest, as compared to the benefit of legal permanence through adoption
- Whether the child was raised with the sibling in the same home
- Whether the child shared significant common experiences or has existing close and strong bonds with a sibling

F. The child is an Indian child and there is a compelling reason for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to:

- The child's tribe has identified guardianship, foster care with a fit and willing relative, tribal customary adoption, or another planned permanent living arrangement for the child
- Termination of parental rights would substantially interfere with the child's connection to his or her tribal community or the child's tribal membership rights
- The child is a nonminor dependent, and the nonminor and the nonminor's tribe have identified tribal customary adoption for the nonminor

RFA Assignments	When appropriate, the RFA SSSS will make case assignments in Section C of the <i>Permanent Planning Assessment (F063-18-242)</i> .
Disagreement with Permanent Plan	There may be instances where the completed <i>Permanent Planning Assessment (F063-18-242)</i> 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.
Role of CFT in Permanency Planning	<p>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:</p> <ul style="list-style-type: none"> • 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 <p>Refer to California Department of Social Services (CDSS) ACL 16-84 for additional information regarding CFT requirements and guidelines.</p>
Documentation	<p>The <i>Permanent Planning Assessment (F063-18-242)</i> will be completed by the assigned SSW in CWS/CMS, per guidelines outlined in CWS/CMS Data Entry Standards—Generating a Permanent Planning Assessment Document.</p> <p>When the <i>Permanent Planning Assessment (F063-18-242)</i> is completed by the RFA SSSS, the assigned SSW will print and file on the Adoption/Concurrent Planning Acco, per CFS P&P Case Filing (E-0102).</p>

REFERENCES

Attachments and CWS/CMS Data Entry Standards	<p>Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.</p> <ul style="list-style-type: none"> • CWS/CMS Data Entry Standards—Generating a Permanent Planning Assessment Document
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Hyperlinks

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

- CFS P&P [Case Filing \(E-0102\)](#)
- CFS P&P [Non-Minor Dependency Court Proceedings \(J-0104\)](#)

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 links provided.

	Form Name	Form Number
None.		

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 (PPA)	F063-18-242

Brochures

Brochures to distribute in conjunction with this policy may include:

	Brochure Name	Brochure Number
None.		

LEGAL MANDATES

[Welfare and Institutions Code § 360](#) states that prior to a legal guardianship being created either prior to or at the dispositional stage of the Jurisdictional/Dispositional hearing, a permanency assessment must be completed.

Welfare and Institution Code §§ [361.5](#), [366.21](#), [366.22](#), and [366.25](#) state when court orders a hearing pursuant to Section 366.26, including when, in consultation with the child's tribe, tribal customary adoption is recommended, the agency supervising the child and the county adoption agency will prepare an assessment.

[Welfare and Institutions Code § 366.26\(b\)](#) provides the order of preference for permanent plan.

[Welfare and Institutions Code § 366.26\(c\)\(1\)](#) states the circumstances under which a permanent plan of adoption is appropriate.

[Welfare and Institutions Code § 366.26\(c\)\(1\)\(A\)](#) provides that a relative may choose legal guardianship rather than adoption under certain circumstances.

[Welfare and Institutions Code § 366.26\(c\)\(1\)\(B\)](#) details the circumstances where termination of parental rights would be detrimental to the child.

[Welfare and Institutions Code § 366.26\(c\)\(4\)\(B\)](#) provides the requirements for a permanent plan of placement with a fit and willing relative, Foster Care with a non-relative caregiver with a permanent plan of return home, adoption, legal guardianship, or placement with a fit and willing relative and APPLA.

[Welfare and Institution Code § 366.3](#). states that the review held every six months for a child in Foster Care will determine if the permanent plan continues to be appropriate or if a 366.26 hearing is required to determine a new permanent plan.

[California Department of Social Services \(CDSS\) All County Letter 09-09](#) explains changes made to the WIC regarding permanency options for relatives.

[CDSS All County Letter 16-84](#) details the requirements and guidelines for creating and providing a Child and Family Team (CFT).

In re J.C. (2014) 226 Cal. App. 4th 503, 528–529 details factors to consider in the analysis of the parental benefit exception.

REVISION HISTORY

Since the Effective Date of this P&P, and prior to the Current Revision Date, the following revisions of this P&P were published:

April 7, 2010