



Expedited Permanency and Termination of Parental Rights and Other Related Issues

July 2012

Minnesota

Minnesota law was originally revised in 1998 to conform to the Adoption and Safe Families Act of 1997, a final report of the Minnesota Supreme Court Foster Care and Adoption Task Force and a program evaluation of CPS conducted by the Minnesota Office of the Legislative Auditor, January 1998. Related provisions:

- For a child under 8 years of age at the time a petition is filed, a hearing to determine the permanent status of the child must now be conducted no later than 6 months after the child was placed out of home.
- In addition, for the child under 8, the court is now authorized to enter a disposition order on the same day it makes a CHIPS finding, but no more than 10 days thereafter unless it is in the best interests of the child.
- For a child under age 8, the court can order the local social service agency to show cause why it should not file a termination of parent rights petition.
- For children over age 8, a hearing to determine the permanency status of the child must still be held within 12 months; the time is calculated as an accumulated total of months in out-of-home placement. Other timeframes were shortened.

As of 2012, Minnesota Statutes, Sec. 260C.201, subd 11a

Section 15: Requires the court to conduct a permanency progress review after the child has been in foster care for six months. A review would be required for all children, not just children less than eight years old. Factors to be considered by the court are expanded and notice provisions are included. The time for holding a trial in certain petitions is modified.

2012 provisions enacted to cover all children to make rules consistent.

Also strengthened permanency work, such as relative search and reasonable efforts to reunify children. Work was done due to large number of older children in care for long periods of time and due to the disproportionate representation of African-American children in the child welfare system.

Moving practices forward; still comply with ASFA 12 month reviews.

Counties: Some counties focus on younger children with more frequent, sometimes monthly reviews.

Done in conjunction with Children's Justice Initiative.

Pennsylvania Children's Fast Track (CFT)

In an effort to expedite appeals involving dependent children, effective March 16, 2009, the Pennsylvania Superior Court implemented new appellate rules governing custody, adoption, termination of parental rights, paternity and dependency cases.

Pennsylvania 3-5-7 Model – The Pennsylvania Office of Children and Families in the Courts combines Family Group Decision-Making and Family Finding.

Pennsylvania Three Month Court Reviews: Regulations require only six month reviews. The reviews serve as an important reminder to parents seeking reunification that their case will be before the judge within three months, and that the judge will hold the parents accountable in reaching the goals set-forth in their family service plan. Additionally, the court holds the Agency accountable to provide services in a prompt and efficient manner, and to monitor the parent's compliance with those services.

Some counties converted all dependency out of home cases to three month court reviews immediately. Some review cases even more often. Others identified a sub-section of children currently out of home placements with which to begin implementation.

Pennsylvania Local Roundtables – Partnership between the Executive and Judicial Branches - Each county that participates in the PPI is obligated to have a local children's roundtable to oversee the initiative. The LCR is convened by the county dependency judge, and is comprised of relevant stakeholders in the dependency system including but not limited to children and youth administrators; county commissioners; hearing masters; Guardians ad Litem; parent attorneys; agency solicitors; Court Appointed Special Advocates; school districts; drug and alcohol and mental health professionals; families; county children and youth staff; juvenile probation staff; police departments; service providers and other relevant stakeholders. The LCRs meet on a regular basis, usually monthly, to share best or promising practices, address areas of concern within the county's dependency system and make plans to overcome barriers to timely permanency for children in their judicial district.

Colorado Expedited Permanency Planning Program

Arapahoe County: The Home Base/Expedited Permanency Planning Unit is intensive, in-home treatment focused on serving families where the primary issue is children under six being in out-of-home placement or at risk for placement.

HB1178 was passed in 1994 with the expectation that children under six years of age who had to be removed from their homes due to abuse or neglect issues could be in a permanent home within 12 months if certain key factors were addressed.

Resources provided will include:

- Core Services
- Shared Family Care
- Parent Education
- Family Group Decision Making
- Mediation
- Concurrent Planning/Permanency Planning with families
- Kinship Care
- Staff Training
- Psychological Services
- Wraparound Services

Mesa County: Designed for children ages 0-6 years who have been placed in foster or kinship care due to abuse or neglect. The initial permanency goal for children in out of home placement is

reunification with birth parents. Concurrent planning is the case management approach that is utilized in these cases and is intended to provide an alternative permanent plan for the child in the event the child is unable to return home.

- Families who want to adopt through MCDHS are called permanency planning families. They are expected to support efforts toward reunification while at the same time are willing to make a lifelong commitment to the child should reunification not occur.
- Permanency families are willing to adopt the child if and when termination of parental rights occurs. They are prepared to transport a child to visits with birth family, medical or therapeutic appointments and are active participants in various staffing that could potentially involve contact with birth parents. Without permanency families many children might wait indefinitely for a family willing to provide a permanent, loving home.

Court Hearings for the Permanent Placement of Children:

ASFA requires that the status of each child in out-of-home care be reviewed at least once every 6 months by either a court or an administrative review.¹ All States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands require case reviews in either statute or regulation for children placed in out-of-home care.

In addition, under ASFA, a permanency planning hearing must be held within 12 months of the date the child entered care, and then every 12 months thereafter, to review and approve the permanency plan for the child.² If a determination is made by the court that "reasonable efforts" to reunite the child with a parent are not required, a permanency planning hearing must be held within 30 days.³ This generally occurs because grounds exist for the filing of a petition to terminate parental rights.⁴ Permanency hearings are required in the statutes of all States, the District of Columbia, and Puerto Rico.

Arizona

Schedule of Hearings Citation: Rev. Stat. §§ 8-847; 8-862

After the disposition hearing, the court shall hold periodic review hearings at least once every 6 months as required by Federal law.

The court shall hold a permanency hearing to determine the future permanent legal status of the child:

Within 30 days after the disposition hearing if the court does not order reunification services

Within 6 months after a child who is under age 3 is removed from the child's home

In all other cases, within 12 months after the child is removed from the child's home

If the court determines that the child should remain in out-of-home placement longer than 18 months from the date of the permanency order, the court shall conduct a review of the order at least once each year. After reviewing the order, the court may reaffirm the order or direct other disposition of the child.

Utah

Schedule of Hearings Citation: Ann. Code §§ 78A-6-312; 78A-6-313; 78A-6-314

If reunification efforts have been ordered by the court, a hearing shall be held no more than 6 months after initial removal of a child from his or her home. A permanency hearing shall be held:

No later than 12 months after the original removal of the minor when reunification services have been ordered

Within 30 days from the date of the dispositional hearing if reunification services were not ordered at the dispositional hearing

With regard to a child who is 36 months old or younger at the time he or she is initially removed from the home, the court shall:

Hold a permanency hearing 8 months after the date of the initial removal

Order discontinuance of reunification services after 8 months from the initial removal of the child from the home if the parents have not made substantial efforts to comply with the child and family plan