

Child Protective Services: Juvenile Court Placement Issues

2102.2 Permanency for Children

The passage of the Adoptions and Safe Families Act of 1997 (PL 105-89) is a major effort of Federal legislation to reinforce and strengthen child welfare reforms already in place as a result of PL 96-276. It focuses on three national goals for children in foster care: safety, permanence and well-being. This Act promotes expedited permanency for every child in care. Effective July 1, 1998, AFSA (PL 105-89) defined a new way of calculating time in foster care by the date the child is "considered to have entered foster care." This date was determined by selecting the earlier of the following two dates:

- The date of the first judicial finding that the child has been subjected to child abuse or neglect; i.e., the date the child was adjudicated deprived; or
- The date that is sixty (60) days after the child is removed from the home (see Foster Care Manual Section 1001.5).

Effective March 27, 2000, Federal Regulations provide the interpretation that an earlier time frame such as removal date can be used to calculate time in care. Therefore, "new" children entering care as of March 27, 2000 will use "removal dates" as the basis for determining when critical case actions are due.

As children enter care, the Case Manager and Supervisor are to develop a means of tracking critical action dates based on the date of the **child's removal**. This date triggers when the following events occur:

- The Initial Case Plan must be completed within 30 days of removal and submitted to the court (see 2102.14 of this chapter and 1001.5 of the Foster Care manual),
- The initial case review which must occur within six months of removal (and every six months thereafter for as long as the child remains in care);
- Duration of temporary custody; i.e., no longer than 12 months from removal (with one 12 month extension possible);
- Timing of permanency hearing (the finalizing of the permanency plan and the "reasonable efforts" finding for the court) within 12 months of removal (and every 12 months thereafter as long as the child remains in care);
- The mandatory filing of a petition to terminate parental rights (or document in the Case Plan the "compelling reason(s)" why such action is not in the child's best interest) for children in care "15 out of the most recent 22 month."

Expedited permanency planning requires strict adherence to time lines by both DFCS and the court. Meeting the time frames to achieve permanency for children begins with the work of the CPS Case Manager, who is involved when the child initially comes in state custody. The Case Manager is responsible for:

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- Helping parents to understand that there are strict time limitations for making necessary changes in order for the child to return to the home.
- Immediate sharing of all CPS history and current investigation documentation with an assigned placement case manager;
- Participating, as needed, in case consultations/staffings; and
- Assisting in identifying interested relatives. When reunification with a parent is not possible, a permanency plan to “live with other relative” receives first consideration. A search for interested relatives should begin upon the child’s removal from the home (See Foster Care Manual, Section 1006.7).