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Chapter:	Planning with Children and Families	
Subject:	Case Plan Reviews and Permanency Hearings for Children and Youth in DCF Custody	Page 1 of 8
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## Purpose

To outline the requirements for formal reviews of case plans for children and youth in DCF custody.


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## Related Policies

Family Services [Policy 75](#): Normalcy and the Reasonable and Prudent Parent Standard  
Family Services [Policy 81](#): Voluntary Care  
Family Services [Policy 82](#): Juvenile Court Proceedings – CHINS  
Family Services [Policy 83](#): Juvenile Court Proceedings – Delinquency  
Family Services [Policy 125](#): Permanency Planning for Children and Youth  
Family Services [Policy 160](#): Supporting Adolescents in DCF Custody

[Permanency Position Paper](#)

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## Policy

The process of formally reviewing case plans creates the forum to respectfully discuss the written plan with the child and family and document any disagreement or information raised at the meeting that is not currently documented in the case plan. Federal law requires the status of each child in DCF custody to be reviewed periodically to determine:


- The safety of the child;
- The continuing necessity for out-of-home care and the appropriateness of the placement;
- The extent of compliance with the case plan and recommended services;
- That all parties understand and are following through on their commitments outlined in the action plan;
- Progress towards goals/objectives of the plan, barriers to progress, and how they can be addressed; and
- The extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care.

Additionally:

- To project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption or legal guardianship; and
- For a youth for whom another planned permanent living arrangement (APPLA) has been determined as the permanency plan, the steps the division is taking to ensure the youth's caregivers are following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities); and
- For children who have been in foster care for fifteen out the most recent twenty-two months, whose case plan goal is not adoption, what compelling reason exists for not filing a petition to terminate parental rights.

### Engaging Families in Case Planning

The development of a case plan is done in collaboration with families. Vermont statute requires that family services workers engage with children, youth, and families in a process of case planning. 33 V.S.A § 5121 states: "The department shall actively engage families and solicit and integrate into the case plan the input of the child, the child's family, relatives and other persons with a significant relationship to the child. Whenever possible, parents, guardians and custodians shall participate in the development of the

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case plan.”

### Required Case Plan Reviews

Federal law requires the status of each child in DCF custody to be reviewed periodically but no less frequently than once every six months by either court or administrative review. The plan for a child in DCF custody, whether or not the child is living away from family, will be comprehensively reviewed at an independently facilitated case plan review held at least every six months.

### Timing for Case Plan Reviews


The date triggering case plan reviews and permanency hearings is the date the child initially entered DCF custody or the date of the initial voluntary care agreement. For every twelve months the child is in DCF custody, case plan reviews and permanency hearings must be convened no later than the following dates or the anniversary of that date:

<b>Type of Review or Hearing</b>	<b>Deadline for Meeting</b>
First Case Plan Review	Six months from custody date
Second Case Plan Review	Eleven months from custody date
Permanency Hearing	Twelve months from custody date

The schedule of case plan reviews repeats until the court discharges custody. The date of the case plan review triggers the due date for the next review. For this reason, when reviews are held early or late, the schedule may vary from what is described above.

If the disposition or post-disposition hearing is within thirty days of a scheduled six-month case plan review, the hearing and the dispositional case plan review can substitute for the six-month case plan review meeting. In these instances, the date of the dispositional case plan review is entered as the review date on the supervisory tracking form.

Federal law requires that a permanency reasonable efforts finding be made strictly within the required time interval for permanency hearings. Consequently, a child’s eligibility for IV-E funding to support placement costs ends if the permanency reasonable efforts finding is not held by the end of the 12<sup>th</sup> month. Funding resumes when the favorable permanency reasonable efforts finding is made and entered into the supervisory tracking form.

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### Composition of Case Plan Review Meetings

The case plan review meeting must be facilitated by an impartial party who is not responsible for the case management of, or the delivery of services to, either the child/youth or the parents who are the subject of the review.

The following individuals must be invited to participate in the case plan review:


- Child or youth;
- Child or youth's attorney;
- Both parents (unless parental rights have been terminated) and/or legal guardians;
- Both parents' attorneys;
- Guardian ad litem (GAL);
- Family services worker;
- Substitute care providers;
- Mental health provider(s);
- School personnel, including special education administrator (if the child or youth has an IEP);
- Educational surrogate;
- Childcare provider;
- Youth development coordinator (for youth 14 and older engaged with YDP); and
- Two members of the case planning team who are chosen by the youth (for youth 14 and older).

Consideration should be given to inviting other people the child/youth or parents find supportive and will participate respectfully in the process. Family services workers and supervisors should use discretion in determining if other participants will be helpful to the process.

For a case plan review meeting prior to a permanency hearing, invitations will also be sent to the state's attorney and any other party to the original disposition hearing, except for any parent whose rights have been terminated.

### Permanency Hearings

For children in DCF custody, both state and federal statute require a permanency hearing every twelve months. Per 33 V.S.A § 5321, the permanency hearing may be held earlier, as follows:

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<b>Age of the child at the time of the initial transfer of custody</b>	<b>Frequency of permanency review hearings ordered by the court</b>
Three years of age or younger	As frequently as every three months
Between the ages of three and six	As frequently as every six months

If the court shortens the time for the permanency review hearing for a younger sibling, that shortened review interval shall be applied to all siblings in the family who are in DCF custody.

At a permanency hearing the judge shall approve or reject the permanency plan for the child or youth, including the permanency goal and when it is anticipated to be achieved. The goal may be one of the following:

- Custody of the child/youth will be discharged to a parent or guardian;
- The division will file a petition to terminate parental rights to achieve a case plan goal of adoption;
- A permanent guardianship will be established;
- Transfer of legal guardianship to another individual will occur;
- When the case plan documents a compelling reason why it is not in the youth’s best interest to return home, be adopted, or for guardianship to be transferred to another individual, another planned permanent living arrangement (APPLA) may be appropriate for the youth.

There will also be a reasonable efforts determination at the permanency hearing.

**Filing Requirements for Permanency Hearings**


DCF must file with the court:

- A notice of permanency review and permanency report;
- The case plan and recommendation for a permanency goal; and
- The Permanency Review Reasonable Efforts Affidavit ([FS-602b](#))

**Notice Requirements**

DCF shall provide notice to the state’s attorney having jurisdiction and to all current parties to the proceeding in accordance with the rules for family proceedings. The court must hold a permanency review hearing within 30 days of the filing of notice.

The division must also provide notice of the hearing to a foster parent, pre-adoptive parent, or relative caregiver for the child/youth. Division staff will utilize the [Foster Parent Court Notification Card](#) to notify caregivers of upcoming hearings and their right to be heard at post-disposition and permanency hearings. Caregivers may also seek

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permission to be heard in other CHINS-related hearings. The permission to be heard by the court does not confer party status to the caregiver in any proceeding.

### Reasonable Efforts to Finalize a Permanency Plan

The permanency reasonable efforts affidavit documents the department’s ongoing efforts to finalize a permanency plan for the child/youth. Those efforts may be:

- (1) Reasonable efforts to reunify the child and family following the child’s removal from the home, where the permanency plan for the child is reunification; or
- (2) Reasonable efforts to arrange and finalize an alternate permanent living arrangement for the child, in cases where the permanency plan for the child does not include reunification.


For children who have been out of home for 15 of the last 22 months, federal law requires that, unless compelling reasons why this is not in the child’s best interest are documented in the child’s case plan, the state file a petition to terminate parental rights.

If a family services worker is considering termination of parental rights (TPR) and adoption as the case plan goal, they shall consult with their supervisor and the assigned assistant attorney general (AAG) before changing a case plan goal to TPR or indicating TPR on a case plan. Once a decision to change the case plan goal to TPR has been finalized, the AAG will file the necessary paperwork with the court to commence the process.

## Tasks

### Administrative Tasks:

- Ensures custody date, docket number and date permanency hearing was convened (if any) and accurately entered in Supervisory Tracking Screen.
- Reviews monthly computer-generated review list and notifies Family Services Workers of reviews due, and date by which invitation information and case plans must be entered on computer.
- Enters date review meeting or permanency hearing was convened on Supervisory Tracking Screen.
- If plan is modified as the result of an appeal, sends copies of amended plan with a memo describing changes to person invited to review.
- Completes tasks associated with automated scheduling system and any other tasks related to case plan review assigned as per district protocol.
- At least ten days in advance of a permanency hearing, mails original packet to court or e-files where applicable.

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- Send notices to each person who was invited to the review (except review facilitator) and to the parents attorney(s). If written plan was changed, includes amended plan. Initials and dates invitation list and files in child’s record.
- Send out notice of hearing and foster parent court notification rack card to caregiver.

**Supervisory Tasks:**


- At least six weeks before a case plan review is due, discusses child and family's progress and proposed plan with Family Services Worker.
- Reviews written plan with Family Services Worker. Ensures that it is clearly written, the appropriate issues such as timely permanency, are addressed, policy has been followed, and appropriate plan review participants have been invited. Signs and dates plan.
- May attend case plan review meetings. Any substantive or factual changes to the plan may be made if the supervisor agrees.

**Family Services Worker Tasks:**

- Prepares family, child, caregivers and others as appropriate for the review meeting, discussing the purpose, process and issues to be determined.
- Offers assistance to parents and others in finding transportation, as appropriate.
- Makes accommodations for clients with special needs – e.g., certified interpreters, Vermont Communication Support Program (VCSP).
- Describes the plan, including any changes since written. Describes progress towards resolution of issues, strategies described and expected outcomes, including what will happen if the plan is not followed.
- If there is unresolved disagreement, may assist or support the appropriate party in using the appeal process [[Policy 123](#)].
- If it is a permanency review:
  - obtains date for permanency hearing;
  - completes Notice of Permanency Hearing [FS-303], Permanency Report [FS-311] and Reasonable Efforts Affidavit: Permanency Review [FS-602b];
  - follows office procedures for obtaining signatures and mailing packet; and,
  - attends hearing, giving testimony as required.

**District Director Tasks:**

- If requested, holds Level I review.
- Responds to concerns of the Case Plan Reviewer.

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**Case Plan Reviewer Tasks:**

- Facilitates case plan review meeting, ensuring all participants are introduced. Explains purpose and process of review and the importance of confidentiality.
- Reviews responsibilities of each party.
- Assures opportunity for input by all participants.
- Helps the group to focus on permanency issues.
- Summarizes any remaining unresolved issues.
- Ensures each participant signs the signature sheet.
- Explains the appeals process.