

Child and Family Services Policy Manual: Substitute Care for Children Planned Permanent Living Arrangement

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| Definition | <p>A planned permanent living arrangement is long-term, planned foster care with a foster family, including a relative of the child, with whom a child has lived for at least six months.</p> |
| Policy | <p>The Department of Public Health and Human Services is committed to permanency for all children.</p> <p>A planned permanent living arrangement may be a permanency option for a child if other, more permanent options, are not appropriate for the child or not in the child's best interests. For the court to grant long-term custody and approve a planned permanent living arrangement for a child, the court must find, by a preponderance of evidence, that specific statutory requirements have been met.</p> |
| Criteria | <p>A planned permanent living arrangement formalizes an existing placement through a written agreement between the foster family, the child (if age 16 or older) and the Department. The youth's birth family may participate in the decision to make the placement permanent.</p> <p>If the Department petitions the court for long-term custody when the child is in a planned permanent living arrangement, the court must find by a preponderance of evidence, which is reflected in specific findings by the court, that the child meets one of the following criteria:</p> <ul style="list-style-type: none">• the child is being cared for by a fit and willing relative;• the child is at least 16 years old and is participating in an independent living program and that termination of parental rights is not in the best interests of the child;• the child's parent is incarcerated and circumstances, including placement of the child and continued, frequent contacts with the parent, indicated that it would not be in the best interests of the child to terminate parental rights of that parent; or• the child meets the following criteria;• the child has been adjudicated a youth in need of care;• the Department has made reasonable efforts to reunite |

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the parent and child, further efforts by the Department would likely be unproductive, and reunification of the child with the parent or guardian would be contrary to the best interests of the child;

- there is a judicial finding that other more permanent placement options for the child have been considered and found to be inappropriate and not to be in the child's best interests; and
- the child has been in a placement in which the foster parent or relative has committed to the long-term care of and to a relationship with the child and that it is in the best interests of the child to remain in that placement.

NOTE: Long-term custody of a child may also be appropriate for a child who has an emotional or mental handicap that is so severe that the child cannot function in a family setting and the best interests of the child are served by placement in a residential or group setting.

Advantages

Advantages of permanent family care over long-term foster care include:

- the foster family has more autonomy than is customary in regular foster care;
- only the court may terminate the planned permanent placement upon petition of the birth parents or the Department if the court finds that the circumstances of the child or family have been substantially changed and the best interest of the child are no longer served by placement with that family; and
- foster parents and youth are ensured placement continuity.

Permanency Team Staffing

In order to determine the appropriateness of a planned permanent living arrangement, the case will be staffed with a permanency team consisting of, at a minimum, the youth's child protection specialist, child protection specialist supervisor, family resource specialist, family resource specialist supervisor and permanency planning specialist.

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- The child's child protection specialist is responsible for ensuring that the case record documents that the criteria for a planned permanent living arrangement found on pages 1-2 of this policy section are met and for requesting a permanency team review of the case.

The permanency team, utilizing the information provided by the child protection specialist, will review the appropriateness of the proposed planned permanent living arrangement for the child. If a planned permanent living arrangement is determined to be appropriate, the permanency team will determine the necessary steps to be taken prior to filing a petition for long-term custody with the court.

The permanency team will assign responsibility for completion of needed tasks with time lines to team members. Steps and tasks to be considered include:

- a written assessment of the potential permanent family which demonstrates their appropriateness for permanent placement of the child and includes an assessment of the family's acceptance of the child's cultural and racial heritage;
- preparation of a Life Story Book for the child if one has not been completed;
- provision of all available information on the child and the child's birth family to the proposed permanent family;
- discussion with the potential permanent family of the frequency and type of birth family contact recommended to meet the needs of the child;
- assistance to the potential permanent family in identifying ways that will help the child to maintain positive connections to his/her culture and heritage;
- assistance to the potential permanent family in identifying the strengths and needs of the placement and the support services that are available that the family is willing to utilize.

The results of the permanency team staffing, including

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responsibility and time lines for completion of tasks should be documented and maintained in the case file.

Subsequent review by the permanency team should occur based on the established time lines. Once the tasks and steps on the time line established by the permanency team have been completed, and a final determination for permanent placement has been made, the child protection specialist must arrange for the planned permanent placement agreement to be signed by all of the appropriate parties. (See page 6 for sample agreement.)

Once the agreement is signed, the child protection specialist should request that the county attorney file a petition for long-term custody.

A signed copy of the agreement should be provided to the child and the foster parents and a copy placed in the child's case record

Ongoing Child Protection Specialist Responsibility

CAPS
FCRC/CRB

The child protection specialist should update all relevant screens, including IARL, CRTD and PLAD to reflect the permanent placement.

The child's case plan, updated to reflect any changes, must be reviewed by the FCRC every six months. (Section 402-2 Case Plan, 409-1 Foster Care Review Committee.)

Contact

The child protection specialist must have personal (face-to-face) contact with the child in the child's residence every calendar month that the child is in care. (Section 402-5, Supervision of Out-of-Home Placements.)

References

Mont. Code Ann. § 41-3-445

Planned Permanent Placement Agreement

The undersigned believe that it is in the best interest of _____ to
Legal Name of Child
remain in the home of _____ to be raised by them as a member of their
Name(s) of Foster Parents
family.

PARENT(S)

I/we, _____ agree to be the primary parent(s) for _____
Name(s) of Foster Parent(s) Legal Name of Child
for his/her lifetime. We will not ask for him/her to be removed from our home except under
serious or unusual circumstances.

We will maintain our current foster home license and will comply with all licensing
requirements.

We will promptly inform _____'s child protection specialist of
Legal Name of Child
any significant changes in changes in his/her needs or circumstances.

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES;

The Department of Public Health and Human Services, Child and Family Services
Division agrees to maintain and support the permanent placement of

_____ with _____.
Legal Name of Child Name(s) of Foster Parents

The Department will not remove _____ from the home of
Legal Name of Child
_____ except under serious or unusual circumstances.
Name(s) of Foster Parent(s)

The Department will provide foster care maintenance payments, Medicaid and
other support services while _____ is in permanent placement with
Legal Name of Child
_____.
Name(s) of Foster Parent(s)

A Department child protection specialist will visit _____ every calendar
month.
Legal Name of Child
In the home.

A Department child protection specialist or supervisor will be available to _____ to answer questions and address concerns. The child protective services specialist will provide support to _____ as they address _____'s ongoing needs and behaviors.

Name(s) of Foster Parent(s)
Name(s) of Foster Parent(s)
Legal Name of Child

A child protection specialist will work with _____ and _____ and a Montana Foster Care Independence Program Contractor to develop a case plan that will help _____ prepare for adulthood.

Name(s) of Foster Parent(s)
Legal Name of Child
Legal Name of Child

• As determined appropriate by the Department, the child protection specialist will inform _____, the birth parents of _____ of his/her adjustment and progress.

Birth Parents' Names
Legal Name of Child

***BIRTH PARENTS**

I/we, the birth parents of _____ agree to continued placement of _____ with _____ until he/she is an adult.

Legal Name of Child
Legal Name of Child
Name(s) of Foster Parent(s)

*The sections regarding birth parents should only be included when the birth parents' rights have not been terminated and/or they have participated in the decision to make the placement permanent.

I/we will keep the Department child protection specialist and _____ informed of our address(es) and will adhere to the established visitation plan.

Legal Name of Child

YOUTH

I, _____, want to live with _____ as a member of their family.

Legal Name of Child
Name(s) of Foster Parent(s)

By signing this agreement, each of the parties is agreeing that every reasonable effort to maintain the placement will be made. Each party further agrees to notify the other parties in a timely manner of any circumstances which might alter the stability of the placement.

Legal Name of Child

Foster Parent

Birth Parent

Foster Parent

Birth Parent

Department Representative

Subscribed and sworn to me, this _____ day of _____, 20____.

Notary Public for the State of Montana
Printed Name _____
Residing at _____
My commission expires _____

Reviewed and approved this _____ day of _____, 20____.

Judge's Name

Judicial District