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Court Hearings for the Permanent Placement of Children

Court hearings are used to review the status and determine the permanent placement of children who have been placed in out-of-home care, including foster care. The Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89) amended title IV-E of the Social Security Act in an effort to provide added safety and permanency for children in out-of-home care. ASFA placed an emphasis on improving planning and expediting decision-making for the permanent placement of children in the child welfare system.

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 In addition, under ASFA, a permanency planning hearing must, at a minimum, be held within 12 months of the date the child entered care and 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

Schedule of Court Hearings

All States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands require case reviews for children placed in out-of-home care. In most States, the first case review hearing must be held within 6 months with subsequent hearings every 6 months until the child’s case is closed by the court. Some States, however, require more frequent hearings. For example, Minnesota, New Hampshire, and Ohio require case review hearings every 3 months. Mississippi requires an initial review hearing within 3 months after the child enters care and subsequent hearings every 6 months. Georgia requires that the initial review hearing be held within 75 days and then every 4 months thereafter. In Virginia, the first review hearing must be held within 60 days, and then every 4 months as long as the child remains in the court’s custody.

Permanency hearings are required in the statutes of all States, the District of Columbia, and Puerto Rico. In most States, the first permanency hearing must be held within 12 months after the child enters out-of-home care with subsequent hearings every 12 months thereafter until the child achieves permanency. If at any time during

the course of the case the court finds that reasonable efforts to return the child home are not appropriate, a permanency hearing will be scheduled within 30 days.

Some States, however, maintain different timelines for conducting permanency hearings. In New York, Oklahoma, and Texas the first permanency hearing must be held within 6 months. In Connecticut, the first hearing must be held within 9 months, and in Virginia, the hearing must be held within 10 months. In Florida, if the child was placed in shelter care, the permanency hearing must be held within 6 months. In Louisiana, if the child was removed from the home before the disposition hearing, the permanency hearing must occur within 9 months. Four States provide for a shorter timeframe for permanency hearings for young children.⁵

Who May Be Present at the Hearings

All States’ statutes specify the persons who are entitled to receive notice of hearings so that they may attend and offer testimony. Approximately three States, the District of Columbia, American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands limit attendance to the parties.⁶ In child welfare proceedings, the term “parties” generally includes the child, the parent or guardian of the child, and the agency or department having custody of the child.⁷

¹ 42 U.S.C. § 675(5)(B) (2015).

² 42 U.S.C.A. § 675(5)(C) (2015).

³ 42 U.S.C.A. § 671(a)(15)(E) (2015). To learn more about “reasonable efforts,” see Child Welfare Information Gateway’s *Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children*: <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/reunify/>.

⁴ See Child Welfare Information Gateway’s *Grounds for Involuntary Termination of Parental Rights*: <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/groundtermin/>.

⁵ In Arizona, a permanency hearing is required within 6 months if the child is age 3 or younger. In California, the hearing is required within 120 days for a child age 3 or younger. In Georgia, the hearing is required within 9 months if the child is younger than age 7. In Vermont, the hearing is required within 3 months if the child is younger than age 3 or within 6 months if the child is age 3 to 6.

⁶ A “party” is a person or other entity, such as an agency, that either initiates an action, such as a request for a hearing, or is asked to respond to a petition and whose interests will be addressed by the court. Arkansas, Illinois, and Wyoming restrict attendance to the parties. The term “approximately” is used to stress the fact that the States frequently amend their laws. This information is current through January 2016.

⁷ Current foster parents are given party status in Hawaii.

Most States also allow other persons who have an interest in the child's welfare, such as the foster parent, preadoptive parent, or relative currently providing care for the child, to attend hearings. Other persons who may be allowed to attend include:

- The child's grandparent or other relative who is not currently caring for the child⁸
- Former foster parents⁹
- The child's guardian ad litem¹⁰
- The child's court-appointed special advocate¹¹
- A representative of the Tribe when the child is an Indian child¹²

However, in approximately 20 States and Puerto Rico, the law explicitly states that the opportunity to attend the hearing does not confer party status on the individual.¹³ In other words, the individual may be allowed to testify, but his or her interests will not be addressed by the court.

Determinations Made at the Hearings

The main determination made at any hearing is whether the child's current placement is safe and appropriate for the child's needs. The hearing also serves as a forum for the court to make the following determinations:

- Whether the case plan developed by the State agency is appropriately addressing the service needs of the child and his or her family¹⁴
- The extent of the family's compliance with the case plan

⁸ Grandparents may attend in Alaska, Kansas, Minnesota, Mississippi, and Puerto Rico. Other relatives may attend in Arizona, Florida, Indiana, Kansas, Massachusetts, and Minnesota.

⁹ Missouri, New York, and Guam.

¹⁰ In 20 States: Alaska, Arkansas, Delaware, Florida, Georgia, Idaho, Iowa, Maine, Michigan, Mississippi, Montana, Nebraska, New Mexico, North Carolina, Ohio, Tennessee, Texas, Utah, Virginia, and Wisconsin.

¹¹ In nine States: California, Delaware, Kentucky, Louisiana, Montana, New Mexico, Oregon, Texas, and Wisconsin.

¹² In seven States: Alaska, Michigan, Minnesota, Montana, Oregon, South Dakota, and Wisconsin.

¹³ Alabama, Connecticut, Georgia, Idaho, Maine, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Vermont, Washington, and Wisconsin.

¹⁴ For further discussion of the case planning process, see Child Welfare Information Gateway's *Case Planning for Families Involved With Child Welfare Agencies*: <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/caseplanning/>.

- The progress that has been made in correcting the conditions that led to the child's placement in out-of-home care
- Whether the agency or department has made reasonable efforts to provide services that meet the child and family's needs

Other issues that may be addressed by the court at a hearing include:

- Whether efforts have been made to place the child with the child's siblings or to provide frequent visitation or contact when placement with siblings has not been possible¹⁵
- For a child who is age 16 or older, whether the services needed to assist the child to make the transition from foster care to living independently have been provided¹⁶
- Whether the department has taken steps to ensure that the child's foster family home is following the reasonable and prudent parent standard in providing the child with regular, ongoing opportunities to engage in developmentally appropriate activities¹⁷
- In the case of an Indian child, whether active efforts have been made to prevent the breakup of the Indian family and to make a placement according to the placement preferences of the Federal Indian Child Welfare Act¹⁸

At the permanency hearing, the agency must present for the court's approval a permanency plan that includes the desired permanency goal, including a concurrent permanency goal, if appropriate, and the timeframe for achieving that goal. In 13 States, the court is required to consult with the child about his or her preferred permanency outcome.¹⁹

¹⁵ In eight States: Arizona, Arkansas, Delaware, Florida, Hawaii, Oklahoma, Pennsylvania, and Wisconsin.

¹⁶ In 27 States: Alabama, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nevada, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

¹⁷ In eight States: Indiana, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, and Texas.

¹⁸ In five States: Minnesota, New Mexico, Oklahoma, Oregon, and Wisconsin.

¹⁹ Alabama, Connecticut, Delaware, Indiana, Louisiana, Maine, Maryland, Nevada, New Jersey, Oklahoma, Pennsylvania, Tennessee, and West Virginia.

Permanency Options

Reunification of the child with his or her family is the preferred permanency option whenever that can be safely achieved. In those cases where reunification is not appropriate, adoption is viewed as providing the greatest degree of permanence. In some situations, however, adoption may not be a realistic or appropriate option. For example, some older children may object to losing legal ties to their birth parents. Or some children have special needs that prevent placement in a home environment, so an adoptive placement is difficult to achieve. Consequently, in those cases, attention may be focused on alternative permanency options such as guardianship with relatives. Such options do not provide the same level of permanency available through adoption but frequently facilitate continuity of family ties, which may be in the child's best interests.

While permanency preferences vary somewhat from State to State, in general, statutes addressing legal permanency options include the following:

- Reunification with the parent(s)
- Adoption, with placement preference to a relative or current foster parent
- Permanent placement and legal guardianship with a fit and willing relative (kinship care)
- Legal guardianship or custody with another adult
- Another planned permanent living arrangement (APPLA)²⁰

In approximately 30 States, when APPLA is the permanency goal, the department or agency must document the compelling reasons why another permanent placement was not in the child's best interests.²¹ In 12 States, the child must be at least age 16 before APPLA can be selected as the permanency goal.²²

²⁰ 42 U.S.C.A. § 675(5)(C) (2015). Depending on the age and needs of the child, other permanent living arrangements can include long-term foster care, residential care, and Independent Living.

²¹ Alabama, Alaska, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, West Virginia, and Wyoming.

²² Connecticut, Georgia, Indiana, Louisiana, Montana, Nebraska, Nevada, New York, North Dakota, Oklahoma, Oregon, and Pennsylvania.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

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Alabama

Schedule of Hearings

Citation: Ala. Code §§ 12-15-312; 12-15-315; Admin. Code r. 660-5-28-.06

If reasonable efforts are not made with respect to a child as a result of a determination made by a juvenile court, a permanency hearing shall be held for the child within 30 days after the determination.

Within 12 months of the date a child is removed from the home and placed in out-of-home care, and no less frequently than every 12 months thereafter during the continuation of the child in out-of-home care, the juvenile court shall hold a permanency hearing.

In regulation: A review of the case plan for every child in foster care either by court review or administrative review must be completed at least every 6 months. These review requirements apply to all children in the custody of the Department of Human Resources or for whom the department has planning responsibility whether or not they are in foster care. For foster children age 16 and older, the written transitional independent living plan must be reviewed at the 6-month review.

Persons Entitled to Attend Hearings

Citation: Ala. Code § 12-15-307

Relative caregivers, preadoptive parents, and foster parents of a child in foster care under the responsibility of the State shall be given notice, verbally or in writing, of the date, time, and place of any juvenile court proceeding being held with respect to a child in their care. Foster parents, preadoptive parents, and relative caregivers of a child in foster care have a right to be heard in any juvenile court proceeding held with respect to a child in their care. No foster parent, preadoptive parent, or relative caregiver of a child in foster care shall be made a party to a juvenile court proceeding solely on the basis of this notice and right to be heard pursuant to this section.

Determinations Made at Hearings

Citation: Ala. Code § 12-15-315

At the permanency hearing, the department shall present to the juvenile court a permanent plan for the child. If a permanent plan is not presented to the court at this hearing, there shall be a rebuttable presumption that the child should be returned home. In the case of a child who will not be returned home, the court shall consider in-State and out-of-State placement options at the permanency hearing.

If the court determines the permanent plan shall be placement in another planned permanent living arrangement, the department must document a compelling reason for determining that it would not be in the best interests of the child to return home, be placed for adoption, be permanently placed with a relative, be placed with a kinship guardian, or be placed in adult custodial care. If the child has been placed in foster care outside the State of Alabama, at the permanency hearing the court shall determine whether the out-of-State placement continues to be appropriate and in the best interests of the child.

In the case of a child who has attained age 16, the court shall consider the services needed to assist the child to make the transition from foster care to independent living. In any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the juvenile court shall consult, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child.

Permanency plans may be concurrent, and the department may make reasonable efforts concurrently toward multiple permanency goals. The permanency hearing order of the court shall address whether the department has made reasonable efforts to finalize any existing permanency plan for the child.

Permanency Options

Citation: Ala. Code § 12-15-315

The purpose of the permanency hearing shall be to determine the permanency plan for the child that may include whether, and, if applicable, when, the child shall be:

- Returned home on a specific date
- Placed for adoption with no identified resource or with the current foster parent wherein the department shall file a petition for termination of parental rights
- Placed permanently with a relative with a transfer of legal and physical custody to the relative or with a transfer of physical custody to the relative but with the department retaining legal custody

- Placed permanently with a kinship guardian pursuant to a written request filed by the department. The written request shall contain the following:
 - » That the kinship guardianship is in the best interests of the child and that a permanency goal of return of the child to his or her parents or adoption would not be in the best interests of the child
 - » That granting a kinship guardianship will provide the child with a safe and permanent home
 - » That the child demonstrates a strong attachment to the relative caregiver and the relative caregiver demonstrates a strong commitment to caring permanently for the child
 - » That the relative caregiver has been approved as a foster parent by the department, has completed a criminal history and child abuse and neglect central registry clearances, and that results of these clearances have been provided to the court
 - » That the child has been in foster care in the care of the prospective kinship guardian for no less than 6 consecutive months
 - » That if the child is age 14 or older, he or she has indicated his or her position regarding the prospective kinship guardianship and, if the child is age 18 or older, he or she has consented to the kinship guardianship if capable of giving effective consent
- Placed in adult custodial care
- Placed in another planned permanent living arrangement

Alaska

Schedule of Hearings

Citation: Alaska Stat. §§ 47.10.080; 47.10.086

If the court determines that reasonable efforts are not required to be provided, the court shall hold a permanency hearing for the child within 30 days after the determination.

Within 12 months after the date a child enters foster care, the court shall hold a permanency hearing. The court shall hold a hearing to review the permanent plan at least annually until implementation of the plan is successful. If the plan approved by the court changes after the hearing, the Department of Health and Social Services shall promptly apply to the court for another permanency hearing, and the court shall conduct the hearing within 30 days after application by the department.

Persons Entitled to Attend Hearings

Citation: Alaska Stat. §§ 47.10.030; 47.10.080

In all cases under this chapter, the child, each parent, the Tribe, foster parent or other out-of-home care provider, guardian, and guardian ad litem of the child, and each grandparent of the child shall be given notice of the proceedings and the possibility of termination of parental rights and responsibilities.

The department shall give advance written notice of all court hearings to a child's grandparent if:

- The grandparent has contacted the department, provided evidence of being the child's grandparent, requested notice about the hearings in the child's case, and provided the department with a current mailing address.
- The department is aware that the child has a grandparent and the grandparent's mailing address is on file.

The department is not required to give advance notice to a grandparent about hearings in a child's case if the grandparent:

- Has been convicted of a crime in which the child was the victim
- Is prohibited by a court order from having contact with the child

The department, the child, and the child's parents, guardian, and guardian ad litem are entitled, when good cause is shown, to a permanency hearing on application. If the application is granted, the court shall afford these persons and their counsel reasonable advance notice and hold a permanency hearing where these persons and their counsel shall be afforded an opportunity to be heard.

Determinations Made at Hearings

Citation: Alaska Stat. § 47.10.080

At each hearing, the court shall determine:

- Whether the department has made reasonable efforts to offer appropriate family support services to the parent
- Whether the parent has made substantial progress to remedy conduct or conditions in the home
- If the plan is for the child to remain in out-of-home care, whether the child's placement continues to be appropriate
- Whether the department has made reasonable efforts to finalize the permanent plan for the child

Permanency Options

Citation: Alaska Stat. § 47.10.080

When establishing the permanency plan, the court shall determine whether:

- The child should be returned to the parent or guardian.
- The child should be placed for adoption or legal guardianship and a petition for termination of parental rights be filed by the department.
- There is a compelling reason that the most appropriate placement for the child is in another planned, permanent living arrangement and the department has recommended the arrangement under § 47.14.100(p); the findings under this paragraph must include the steps that are necessary to achieve the new arrangement.

American Samoa

Schedule of Hearings

Citation: Ann. Code § 45.0361

A decree vesting legal custody of a child in an individual, institution, or agency other than the bureau is in force for a period not to exceed 2 years from the date it was entered. The decree is reviewed by the court no later than 6 months after it is entered.

Persons Entitled to Attend Hearings

Citation: Ann. Code § 45.0362

The persons who may attend a hearing include:

- A parent, guardian, custodian, or next friend of any child adjudicated under this chapter
- Any person affected by a decree in a proceeding under this chapter

Determinations Made at Hearings

Citation: Ann. Code § 45.0361

The individual, institution, or agency vested with the legal custody of a child may petition the court for renewal of the decree. The court, after notice and hearing, may renew the decree for an additional period, as the court may determine, if it finds the renewal to be in the best interests of the child. The findings of the court and the reasons for them shall be entered with the order renewing or denying renewal of the decree.

Permanency Options

Citation: Ann. Code §§ 45.0354; 45.0355

The court may order any of the following:

- Placement of the child in the legal custody of one or both parents, with or without protective supervision
- Placement of the child in the legal custody of a relative or other suitable person, with or without protective supervision
- Placement of the child in the legal custody of a child placement agency
- Termination of all parental rights of one or both parents when it finds that the best interests and welfare of the child so require

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.

Persons Entitled to Attend Hearings

Citation: Rev. Stat. § 8-847

The following persons shall be provided notice of the review and the right to participate in the proceeding:

- The agency charged with the child's care and custody
- Any foster parents in whose home the child resided within the last 6 months
- A shelter care facility or receiving foster home where the child resides or has resided within the last 6 months for more than 30 days
- The child's parent or guardian, unless the parental rights of that parent or guardian have been terminated
- The child, if age 12 or older
- The child's relative, if the relative files a written notice of right of participation with the court
- A person permitted by the court to intervene as a party in the dependency proceeding
- A physical custodian of the child within the preceding 6 months
- Any person who has filed a petition to adopt or who has physical custody pursuant to a foster-adoptive placement
- Any other person as the court may direct

Determinations Made at Hearings

Citation: Rev. Stat. §§ 8-845; 8-862

In reviewing the status of the child, the court shall consider the health and safety of the child as a paramount concern and the following criteria:

- The goals of the placement and the appropriateness of the case plan
- The services that have been offered to reunite the family
- If returning the child home is not likely, the efforts that have been or should be made to evaluate or plan for other permanent placement plans
- The efforts that have been made or should be made to place the child with the child's siblings or to provide frequent visitation or contact when placement with siblings has not been possible

The court shall review the permanent plan that has been established for the child. In reviewing the status of the child, the court, insofar as possible, shall seek to reunite the family. If the court does not order reunification of the family, the court shall order a plan of adoption or another permanent plan that is in the child's best interests and that takes into consideration the placement of the child with siblings or that provides for frequent visitation or contact among siblings, unless the court determines that either the placement with the siblings or the visitation or contact would be contrary to the child's or a sibling's safety or well-being.

At the permanency hearing, the court shall determine:

- Whether termination of parental rights, adoption, permanent guardianship, or some other permanent legal status is the most appropriate plan for the child
- Whether reasonable efforts have been made to finalize the permanency plan in effect
- What efforts have been made in the permanency plan to place the child with the child's siblings or to provide frequent visitation or contact, unless the court had already determined that placement with all or any siblings or visitation or contact is not possible or would be contrary to the child's or a sibling's safety or well-being

Permanency Options

Citation: Rev. Stat. §§ 8-845; 8-862

The court may order any of the following:

- Return to the child's parent
- Placement with a grandparent or other member of the child's extended family, including a person who has a significant relationship with the child, unless the court determines that such placement is not in the child's best interests
- Adoption
- Placement with a suitable institution, association, or school
- Independent living
- Placement with any adult as a permanent guardian

For the purposes of this subsection, a prospective permanent placement includes:

- A grandparent or another member of the child's extended family including a person who has a significant relationship with the child
- A person or persons with an expressed interest in being the permanent placement for the child in a certified adoptive home where the child resides, a home that is a permanent placement for a sibling of the child, or a licensed family foster home where the child resides

Arkansas

Schedule of Hearings

Citation: Ann. Code §§ 9-27-337; 9-27-338; 9-27-359

The court shall review every case of dependency-neglect or families in need of services when:

- A juvenile is placed by the court in the custody of the Department of Human Services or in another out-of-home placement until there is a permanent order of custody, guardianship, or other permanent placement for the juvenile.
- A juvenile is returned to the parent from whom the child was removed, another fit parent, guardian, or custodian and the court has not discontinued orders for family services.

The first 6-month review shall be held no later than 6 months from the date of the original out-of-home placement of the child and shall be scheduled by the court following the adjudication and disposition hearing. The case shall be reviewed every 6 months thereafter until permanency is achieved. The court may require these cases to be reviewed prior to the 6-month review hearing, and the court shall announce the date, time, and place of the hearing.

Persons Entitled to Attend Hearings

Citation: Ann. Code §§ 9-27-337; 9-27-338

The following persons may petition the court:

- The Department of Human Services
- The attorney ad litem
- The parties and their counsel

Determinations Made at Hearings

Citation: Ann. Code §§ 9-27-337; 9-27-338

At each review hearing, the court shall determine whether:

- The case plan, services, and placement meet the special needs and best interests of the child, with the child's health, safety, and educational needs specifically addressed.
- The State has made reasonable efforts to provide family services.
- The case plan is moving toward an appropriate permanency plan.
- The visitation plan is appropriate for the child, the parent or parents, and any siblings, if separated.

In making its findings, the court shall consider the following:

- The extent of compliance with the case plan, including, but not limited to, a review of the department's care for the health, safety, and education of the child while he or she has been in an out-of-home placement
- The extent of progress that has been made toward alleviating or mitigating the causes of the out-of-home placement
- Whether the child should be returned to his or her parent or parents and whether or not the child's health and safety can be protected by his or her parent or parents if returned home
- An appropriate permanency plan for the child, including concurrent planning

At every permanency planning hearing, the court shall make a finding on whether the department has made reasonable efforts and shall describe the efforts to finalize a permanency plan for the child.

Permanency Options

Citation: Ann. Code § 9-27-338

At the permanency planning hearing, based upon the facts of the case, the court shall enter one of the following permanency goals, listed in order of preference, in accordance with the best interests of the child:

- Returning the child to the parent if the child's health and safety can be adequately safeguarded

- Authorizing a plan to return the child to the parent only if the court finds that:
 - » The parent is complying with the case plan, making significant measurable progress toward achieving the goals of the case plan, and diligently working toward reunification.
 - » The parent is making significant and measurable progress toward remedying the conditions that caused the child's removal from the home.
 - » The return of the child to the parent shall occur within a timeframe that is consistent with the child's developmental needs but no later than 3 months from the date of the permanency planning hearing.
- Authorizing a plan for adoption with the department filing a petition for termination of parental rights unless:
 - » The child is being cared for by a relative, including a minor foster child caring for his or her own child who is in foster care, and termination of parental rights is not in the best interests of the child.
 - » The department has documented in the case plan a compelling reason why filing such a petition is not in the best interests of the child.
 - » The department has not provided to the family of the child the services needed for the safe return of the child to the child's home.
- Authorizing a plan to obtain a guardian for the child
- Authorizing a plan to obtain a permanent custodian, including permanent custody with a fit and willing relative
- Authorizing a plan for another planned permanent living arrangement, including, but not limited to, Independent Living services and a plan for the supervision and nurturing the juvenile will receive

California

Schedule of Hearings

Citation: Welf. & Inst. Code § 366.21

A review hearing shall be held 6 months after the initial dispositional hearing, but no later than 12 months after the child has entered foster care.

A permanency hearing shall be held 12 months after the child has entered foster care. The court may continue the case for up to 6 months, provided that:

- The hearing shall occur within 18 months of the date that the child was originally taken from the physical custody of his or her parent or legal guardian.
- The court finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian.

A permanency hearing shall be held within 120 days if:

- The child is younger than age 3 or part of a sibling group.
- The whereabouts of the parents are unknown.
- The court finds that the parent has failed to make substantive progress on a court-ordered treatment plan.
- The parent has been convicted of a felony indicating parental unfitness.

Persons Entitled to Attend Hearings

Citation: Welf. & Inst. Code § 366.21

The following shall be present at the hearings:

- The social worker
- Counsel for the child
- A court-appointed child advocate
- The parent or legal guardian

When a child has been in the physical custody of a foster parent, a relative caregiver, or a certified foster parent who has been approved for adoption, the foster parent, relative caregiver, or the certified foster parent may file with the court a report containing his or her recommendation for disposition. The court shall consider the report and recommendation prior to determining any disposition.

Determinations Made at Hearings

Citation: Welf. & Inst. Code § 366.21

At the hearing, the court shall consider:

- The criminal history of the parent subsequent to the child's removal to the extent that the criminal record is substantially related to the welfare of the child or the parent's ability to exercise custody and control regarding his or her child
- Whether reasonable services that were designed to aid the parent to overcome the problems that led to the initial removal and continued custody of the child have been provided or offered to the parent or legal guardian
- Whether the child can be returned to the custody of his or her parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with his or her parent
- The efforts or progress, or both, demonstrated by the parent and the extent to which he or she availed himself or herself of services provided, taking into account the particular barriers to a minor; dependent nonminor; or an incarcerated, institutionalized, detained, or deported parent's access to those court-mandated services and ability to maintain contact with his or her child

For each youth age 16 or older, the court shall determine whether services have been made available to assist him or her in making the transition from foster care to independent living.

If the court orders that a child who is age 10 or older remain in long-term foster care, the court shall determine whether the agency has made reasonable efforts to maintain the child's relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and may make any appropriate order to ensure that those relationships are maintained.

If the child had been placed under court supervision with a previously noncustodial parent, the court shall determine whether supervision is still necessary. The court may terminate supervision and transfer permanent custody to that parent.

Permanency Options

Citation: Welf. & Inst. Code §§ 366.21; 366.26

At the permanency hearing, the court shall determine the permanent plan for the child, which shall include a determination of whether the child will be returned to the child's home and, if so, when. The court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child.

For each youth age 16 or older, the court shall also determine whether services have been made available to assist him or her in making the transition from foster care to independent living.

If the court determines that the child cannot be returned to his or her parent, a hearing will be held as directed by § 366.26. At this hearing, the court shall make findings and orders in the following order of preference:

- Terminate the rights of the parent or parents, and order that the child be placed for adoption
- Appoint a relative or relatives with whom the child is currently residing as legal guardian or guardians for the child
- Identify adoption as the permanent placement goal and order that efforts be made to locate an appropriate adoptive family for the child within 180 days
- Appoint a nonrelative legal guardian for the child and order that letters of guardianship be issued
- Order that the child be placed in long-term foster care, subject to the periodic review of the juvenile court

Colorado

Schedule of Hearings

Citation: Rev. Stat. § 19-3-702; 12 Code of Regs. 2509-4, 7.304.65

Permanency hearings shall be held:

- As soon as possible after the dispositional hearing, but no later than 12 months after the child has entered foster care
- Every 12 months thereafter while the child remains in an out-of-home placement
- Within 30 days after a finding that reasonable efforts are not required
- Within 3 months in counties with expedited permanency planning for children under age 6

In regulation: An administrative review is conducted by the Department of Human Services, Administrative Review Division. If there is no objection by any party to the action, the court may order that an administrative review substitute for a 6-month periodic review.

Persons Entitled to Attend Hearings

Citation: Rev. Stat. § 19-3-702; 12 Code of Regs. 2509-4, 7.304.65

The following persons shall be present at all hearings:

- The parents of the child
- The child, if appropriate
- The foster parents, preadoptive parents, or relative caregivers, if any

In regulation: An administrative review is open to the participation of the parents of the child, the child (if age appropriate, as determined by the caseworker), and the out-of-home care provider, preadoptive parents, or relatives/kin who are providing out-of-home care for the child. All attorneys of record must be invited to court-ordered administrative reviews.

Determinations Made at Hearings

Citation: Rev. Stat. § 19-3-702

At the permanency hearing, the court shall first determine whether the child shall be returned to the child's parent, and, if applicable, the date on which the child shall be returned, and whether reasonable efforts have been made to find a safe and permanent placement for the child. If the child is not returned to his or her parent, the court shall determine whether there is a substantial probability that the child will be returned within 6 months.

At any permanency hearing conducted by the court, the court shall make determinations as to the following:

- Whether procedural safeguards to preserve parental rights have been applied in connection with any change in the child's placement or any determination affecting parental visitation of the child
- Whether reasonable efforts have been made to finalize the permanency plan that is in effect at the time of the hearing
- If a child resides in a placement out of State, whether the out-of-State placement continues to be appropriate and in the best interests of the child
- If the child is age 16 or older, whether the permanency plan includes independent living services

Periodic reviews conducted by the court—or, if there is no objection by any party to the action and at the court's discretion, through an administrative review conducted by the department—shall determine the following:

- Whether the child's safety is protected in the placement
- Whether reasonable efforts have been made to find a safe and permanent placement
- The continuing necessity for and appropriateness of the placement
- The extent of compliance with the case plan, and the extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care
- A likely date by which the child may be returned to and safely maintained at home or placed for adoption, legal guardianship, or another permanent safe placement setting

Permanency Options

Citation: Rev. Stat. §§ 19-3-702; 19-3-703

If the child cannot be returned to the parent, the court shall determine the future placement of the child. Options for placement may include:

- Adoption
- Legal guardianship or custody
- Placement with a fit and willing relative
- Another permanent living arrangement

In counties with expedited permanency planning, placement options for a child under age 6 include:

- Reunification with the parent
- Placement with a relative
- Placement with an adoptive parent
- Permanent custody granted to another
- If the child cannot be returned home, placement in the least restrictive level of care

Connecticut

Schedule of Hearings

Citation: Gen. Stat. § 46b-129; DCF Pract. Guide § III

A review hearing shall be held within 60 days of the child's removal from the home.

A permanency hearing must be held:

- Nine months after the child or youth has been placed in the care and custody of the Commissioner of Children and Families
- Nine months after a permanency plan has been approved by the court
- Every 12 months after the initial permanency hearing while the child or youth remains in care or, if the youth is age 18 or older, while the youth remains in voluntary placement with the Department of Children and Families

In policy: Administrative case reviews are conducted by the department for all children in the custody of the department no less frequently than once every 6 months (180 days). The initial review is determined from the date of the most recent removal from the child's home. The date of placement is the date when the department becomes legally responsible for the child.

Persons Entitled to Attend Hearings

Citation: Gen. Stat. § 46b-129; DCF Pract. Guide § III

The court shall provide notice to the child and the parent or guardian of the child of the time and place of the court hearing no less than 14 days prior to such hearing.

A foster parent, prospective adoptive parent, or relative caregiver shall receive notice and have the right to be heard in any proceeding concerning a foster child living with such foster parent, prospective adoptive parent, or relative caregiver. A foster parent, prospective adoptive parent, or relative caregiver who has cared for a child shall have the right to be heard and comment on the best interests of such child in any proceeding that is brought no later than 1 year after the last day the foster parent, prospective adoptive parent, or relative caregiver provided such care.

Upon motion of any sibling of any child committed to the Department of Children and Families, such sibling shall have the right to be heard concerning visitation with, and placement of, any such child. In awarding any visitation or modifying any placement, the court shall be guided by the best interests of all siblings affected by such determination.

In policy: The persons invited to the case review meeting should include, but not be limited to:

- The parents or guardians
- The child (when age appropriate)
- Anyone the parents, guardians, or child see as a support
- Attorneys for the parents and child or guardians ad litem
- Community and placement providers
- Any professional involved with the child or family
- School personnel
- Any department staff who provide services to the child and family

Determinations Made at Hearings

Citation: Gen. Stat. § 46b-129; DCF Pract. Guide § III

At the review hearing, the court shall determine whether the department made reasonable efforts to keep the child with his or her parents or guardian prior to the removal of the child from home and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's best interests, including his or her health and safety.

At the permanency hearing, the court shall ask the child or youth about his or her desired permanency outcome and shall review:

- The status of the child
- The progress being made to implement the permanency plan
- The timetable for attaining the permanency plan
- The services to be provided to the parent if the court approves a permanency plan of reunification and the timetable for such services
- Whether the department has made reasonable efforts to achieve the permanency plan

In policy: At the case review meeting, the following determinations are made:

- The physical and psychological safety of the child
- The appropriateness and continuing necessity for the placement
- The treatment and monitoring of any trauma associated with maltreatment and removal from home

- The extent of compliance with the case plan
- The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care
- A projected likely date by which the child may be returned to and safely maintained in the home or placed for adoption or legal guardianship

Permanency Options

Citation: Gen. Stat. § 46b-129

At the permanency hearing, the court shall approve a permanency plan that is in the best interests of the child and takes into consideration the child's need for permanency. The child's health and safety shall be of paramount concern in formulating the plan. Such permanency plan may include the goal of:

- Revocation of commitment and reunification of the child with the parent, with or without protective supervision
- Transfer of guardianship or permanent legal guardianship
- Filing of termination of parental rights and adoption
- For a child age 16 or older, another planned permanent living arrangement

Another planned permanent living arrangement may be ordered by the court only after the commissioner of the department has documented a compelling reason why it would not be in the best interests of the child for the permanency plan to include another permanency goal. Such other planned permanent living arrangement shall, whenever possible, include an adult who has a significant relationship with the child, and who is willing to be a permanency resource, and may include, but not be limited to, placement of a youth in an Independent Living program or long-term foster care with an identified foster parent.

Delaware

Schedule of Hearings

Citation: Ann. Code Tit. 29, § 9003; Tit. 31, §§ 3803; 3820

The Division of Family Services must conduct a written review of the case plan for each child under its supervision or custody at least every 6 months.

An administrative review by the Child Placement Review Board is required:

- Once during the first 12 months after placement of the child
- At least annually thereafter until the child exits care or custody

The Child Placement Review Board is with the Administrative Office of the Courts.

The board, with the approval of the executive committee, may petition the court for a judicial review of a child in the care or custody of a placement agency if:

- The placement agency disagrees with the recommendations of the board.
- The board determines that there has been a failure by the placement agency to progress toward establishing permanency for the child.
- The board determines that the placement agency is not fulfilling the requirements of the permanency plan as ordered by the court.

Persons Entitled to Attend Hearings

Citation: Ann. Code Tit. 31, § 3814

The following persons may be present at a review:

- The Division of Family Services or Division of Youth Rehabilitative Services caseworker or supervisor most closely involved with a case
- Placement agency representatives
- The child's parents or legal guardians
- The guardian ad litem or court-appointed special advocate for the child and/or their attorneys
- Staff of the Child Placement Review Board
- Other participants with notice to provide information at the review and anyone else deemed by the Review Committee as necessary to the review process

A child of appropriate age and mental capacity who requests a private interview with the Review Committee may be interviewed privately at the committee's discretion.

Determinations Made at Hearings

Citation: Ann. Code Tit. 31, §§ 3814; 3815

The review panel must consider and evaluate the following:

- The safety and best interests of the child
- The goal of the permanent placement plan
- Services to the child and others involved
- For children in the care or custody of the division, the placement of siblings
- The length of time spent in out-of-home placements
- The number of placements
- The child's wishes, when appropriate
- Efforts made by all involved to fulfill the case plan
- The opportunity for parents, legal guardians, and siblings to visit regularly with the child
- Obstacles that hinder or prevent attainment of the placement goal

The review panel shall submit written findings of and recommendations based on its administrative review to the placement agency, the child's parents, legal guardians, or to the child's guardian ad litem or court-appointed special advocate within 15 days of the review. A findings and recommendations report must offer recommendations regarding:

- The appropriateness of the case plan and the length of time determined to be necessary to achieve the identified goal, with consideration of the best interests and safety of the child
- The safety and appropriateness of the child's current placement in meeting the child's needs
- The appropriateness and timely provision of the services necessary for the identified goal
- Whether further advocacy by the board is necessary and appropriate

Permanency Options

Citation: Ann. Code Tit. 31, § 3810; DFS Pol. Man. #5.4

The administrative review shall determine whether the child can be safely returned home or maintained in an alternate permanent home.

In policy: Permanency, as it relates to children, is the placement of a child with a family or caregiver in which it is believed that the child will remain until he or she reaches adulthood. It is a resource that can meet the child's needs physically, emotionally, educationally, medically, and psychologically. This resource is legally sanctioned by the court.

Permanency options that exist for children are as follows and are listed in order of preference:

- Reunification with parents
- Custody and guardianship with a relative/kinship caretaker
- Termination of parental rights and adoption
- Permanent guardianship
- Guardianship with an approved nonrelative caretaker
- An alternative planned permanent living arrangement

District of Columbia

Schedule of Hearings

Citation: Ann. Code §§ 4-1301.09a; 16-2323

A review hearing shall be held every 6 months for as long as the child remains in an out-of-home placement.

A permanency hearing shall be held:

- Within 12 months of the child's entry into foster care and at least every 6 months thereafter
- Within 30 days after a determination that reasonable efforts for reunification are not required

Persons Entitled to Attend Hearings

Citation: Ann. Code § 16-2323

Notice of hearings shall be provided to all parties and their attorneys. Parties include the child and the child's parents or guardians.

Determinations Made at Hearings

Citation: Ann. Code § 16-2323

The purpose of the review hearing is to determine:

- The safety of the child
- The continuing necessity for and appropriateness of the placement
- The extent of compliance with the case plan
- The extent of progress toward alleviating the causes necessitating placement in foster care
- A date by which the child may be returned to the parent or placed in a permanent placement

The purpose of the permanency hearing shall include the determinations required above and determining the permanency plan for the child including whether the child will be permanently placed and, if so, when.

Permanency Options

Citation: Ann. Code § 16-2323

Permanent placement options include:

- Return to the parent
- Placement for adoption
- Legal custody or guardianship
- Another planned permanent living arrangement, such as placement with a kinship caregiver, another relative placement, or Independent Living

Florida

Schedule of Hearings

Citation: Ann. Stat. §§ 39.701; 39.621

Hearings shall be held to review the status of the child:

- At least every 6 months until the child reaches permanency status
- No later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, whichever comes first
- No later than 6 months after the date the child was removed from the home
- No later than 6 months after the date that the child was placed in shelter care to review the child's permanency goal as identified in the case plan
- At minimum, 6 months following the reunification of the child with his or her parent(s) to determine whether supervision by the Department of Children and Family Services and the court's jurisdiction shall continue or be terminated
- If the child is placed in the custody of the department or a licensed child-placing agency for the purpose of adoptive placement, every 6 months until the adoption is finalized
- Within 90 days after a child's 17th birthday and as necessary during the year prior to the child's 18th birthday

A permanency hearing must be held:

- No later than 12 months after the date the child was removed from the home
- No later than 6 months after the child was placed in shelter care
- No later than 30 days after a court determines that reasonable efforts to return a child to either parent are not required
- At least every 12 months for any child who continues to receive supervision from the department or awaits adoption

Persons Entitled to Attend Hearings

Citation: Ann. Stat. § 39.701

Notice of a judicial review hearing or a citizen review panel hearing must be served upon all of the following persons, if available to be served, regardless of whether the person was present at the previous hearing at which the date, time, and location of the hearing was announced:

- The social service agency charged with the supervision of care, custody, or guardianship of the child
- The foster parent or legal custodian in whose home the child resides
- The parents
- The guardian ad litem for the child

- The attorney for the child
- The child if he or she is age 13 or older
- Any preadoptive parent
- Such other persons as the court may direct

The attorney for the department shall notify a relative who submits a request for notification of all proceedings and hearings. The notice shall include the date, time, and location of the next judicial review hearing.

Determinations Made at Hearings

Citation: Ann. Stat. §§ 39.701; 39.621

The court shall seek to determine:

- If the parent was advised of the right to receive assistance from any person or agency in the preparation of the case plan and the right to have counsel present
- If a guardian ad litem needs to be appointed for the child
- Who holds the rights to make educational decisions for the child
- The compliance or lack of compliance of all parties with the case plan, including the parents' compliance with financial obligations and child support orders
- The compliance or lack of compliance with a plan for contact between the parent and the child, including the frequency, duration, and results of the parent-child visitation and the reason for any noncompliance
- The frequency, kind, and duration of contacts among siblings who have been separated during placement
- Whether the child is receiving safe and proper care, including, but not limited to, the appropriateness of the child's current placement in a setting that is as family-like and as close to the parent's home as possible, and the appropriateness of the child's current educational setting
- A projected likely date for the child's return home or other permanent placement
- When applicable, the basis for the unwillingness or inability of the parent to become a party to a case plan
- For a child who is at least age 13 but not yet age 18, the adequacy of the child's preparation for adulthood and Independent Living
- If amendments to the case plan are required

At the permanency hearing, the court shall determine:

- Whether the current permanency goal for the child is appropriate or should be changed
- When the child will achieve one of the permanency goals
- Whether the department has made reasonable efforts to finalize the permanency plan currently in effect

The best interests of the child is the primary consideration in determining the permanency goal for the child.

Permanency Options

Citation: Ann. Stat. § 39.621

The permanency goals available under this chapter, listed in order of preference, are:

- Reunification
- Adoption, if a petition for termination of parental rights has been or will be filed
- Permanent guardianship of a dependent child under § 39.6221
- Permanent placement with a fit and willing relative under § 39.6231
- Placement in another planned permanent living arrangement under § 39.6241

If a child will not be reunited with a parent, adoption is the primary permanency option. If the child is placed with a relative or with a relative of the child's half-brother or half-sister as a permanency option, the court may recognize the permanency of this placement without requiring the relative to adopt the child.

If the court approves a permanency goal of permanent guardianship of a dependent child, placement with a fit and willing relative, or another planned permanent living arrangement, the court shall make findings as to why this permanent placement is established without adoption of the child to follow. If the court approves a permanency goal of another planned permanent living arrangement, the court shall document the compelling reasons for choosing this goal.

Georgia

Schedule of Hearings

Citation: Ann. Code §§ 15-11-216; 15-11-230

All cases of children in the custody of the Division of Family and Children Services shall be initially reviewed by the court within 75 days following the removal from his or her home of a child adjudicated as a dependent child. An additional periodic review shall be held within 4 months following the initial review and shall be conducted by the court or by judicial citizen review panels established by the court, as the court directs. The court shall have the discretion to schedule any subsequent review hearings as necessary.

The court shall hold a permanency plan hearing to determine the future permanent legal status of each child in division custody. The hearing, which considers in-state and out-of-state placement options for the child, shall be held:

- No later than 30 days after the division has submitted a written report to the court that does not contain a plan for reunification services
- For children under age 7 at the time a petition is filed, no later than 9 months after such child has entered foster care
- For children age 7 and older at the time a petition is filed, no later than 12 months after the child has entered foster care
- For a child in a sibling group whose members were removed from the home at the same time and in which one member of the sibling group was under age 7 at the time a petition for dependency was filed, no later than 9 months after the child has entered foster care

After the initial permanency plan hearing has occurred, a permanency plan hearing shall be held no less frequently than every 6 months during the time the child continues in division custody or more frequently as deemed necessary by the court until the court determines that such child's permanency plan and goal have been achieved.

Persons Entitled to Attend Hearings

Citation: Ann. Code §§ 15-11-108; 15-11-2; 15-11-109; 15-11-230

The court shall give to all parties written notice of the date, time, place, and purpose of hearings or reviews regarding a dependent child. The term 'party' includes the State, a child, parent, guardian, legal custodian, or other person subject to any judicial proceeding under this chapter.

In advance of each hearing or review, the division shall give written notice of the date, time, place, and purpose of the review or hearing, including the right to be heard, to the caregiver of a child, the foster parent of a child, any preadoptive parent, or any relative providing care for a child. Notice of a hearing or review shall not be construed to require a legal custodian, foster parent, preadoptive parent, or relative caring for a child to be made a party to the hearing or review solely on the basis of such notice and opportunity to be heard.

A child adjudicated as a dependent child; his or her parent, guardian, or legal custodian; attorney or guardian ad litem, if any; foster parents, if there are foster parents; any preadoptive parent or relatives providing care for the child; and other parties shall be given written notice of a permanency plan hearing at least 5 days in advance of the hearing and shall be advised that the permanency plan recommended by the division will be submitted to the court for consideration.

Determinations Made at Hearings

Citation: Ann. Code § 15-11-216

At any review hearing, the paramount concern shall be the dependent child's health and safety. At each hearing, the court shall determine:

- Whether the child continues to be a dependent child
- Whether the existing case plan is still the best case plan for the child and his or her family and whether any changes need to be made, including whether a concurrent case plan for nonreunification is appropriate
- The extent of compliance with the case plan by all participants
- The appropriateness of any recommended changes to the child's placement
- Whether appropriate progress is being made on the permanency plan
- Whether all required services are being provided to the child; his or her foster parents if there are foster parents; and his or her parent, guardian, or legal custodian
- Whether visitation is appropriate and, if so, approve and establish a reasonable visitation schedule consistent with the age and developmental needs of the child

- For a child who is age 14 or older, whether the services needed to assist the child to make a transition from foster care to Independent Living are being provided
- Whether reasonable efforts continue to be made to prevent or eliminate the necessity of the child's removal from his or her home and to reunify the family after removal of a child, unless reasonable efforts were not required

If at any review subsequent to the initial 75 day review the court finds that there is a lack of substantial progress towards completion of the case plan, the court shall order the division to develop a case plan for nonreunification or a concurrent case plan contemplating nonreunification. At the time of each review of a child division custody, the division shall notify the court whether and when it intends to proceed with the termination of parental rights.

Permanency Options

Citation: Ann. Code § 15-11-231

At the time of the permanency hearing, the division shall submit a permanency plan for the child that shall include whether and when the child shall be:

- Returned to the parent or parents
- Referred for termination of parental rights and adoption
- Referred for legal guardianship
- Placed permanently with a fit and willing relative
- In the case in which the division has documented a compelling reason that none of the options identified above would be in the best interests of the child who has reached age 16, whether, and if applicable, when the child shall be placed in another planned permanent living arrangement

Guam

Schedule of Hearings

Citation: Ann. Code Tit. 19, § 13322

A progress hearing shall be held:

- No later than 6 months after an order of disposition
- Thereafter, at least every 6 months until the court's jurisdiction has been terminated or permanent custody achieved

Persons Entitled to Attend Hearings

Citation: Ann. Code Tit. 19, § 13322

Notice of the hearing shall be sent to:

- The parties
- Present or former foster parents

Determinations Made at Hearings

Citation: Ann. Code Tit. 19, §§ 13322; 13324

At the progress hearing the court shall determine:

- Whether the family has complied with, performed, and completed, if possible, the terms and conditions of the disposition order
- Whether the family is willing and able to provide the child with a safe home
- Whether the proposed permanency plan is in the best interests of the child
- If the child is age 12 or older, whether he or she is supportive of the permanency plan

Permanency Options

Citation: Ann. Code Tit. 19, § 13324

Permanency options include:

- Return to the parent
- Adoption
- Placement of the child in the permanent custody of the family or persons who have been as family to the child but are unable to adopt the child
- Placement of the child in the permanent custody of an authorized agency until the child is adopted or reaches age 18

Hawaii

Schedule of Hearings

Citation: Rev. Stat. §§ 587A-30; 587A-31

The court shall set a periodic review hearing to be conducted no later than 6 months after a child's date of entry into foster care. Thereafter, the court shall conduct periodic review hearings every 6 months until the court's jurisdiction is terminated unless the child is in the permanent custody of the department or an authorized agency.

If the child is in the permanent custody of the department or agency, the court shall conduct a permanency hearing every 6 months until the court's jurisdiction is terminated.

A permanency hearing shall be conducted within 12 months of the child's date of entry into foster care or within 30 days of a judicial determination that the child is an abandoned infant or that aggravated circumstances are present. A permanency hearing shall be conducted at least every 12 months thereafter for as long as the child remains in foster care under the placement responsibility of the department or an authorized agency, or every 6 months thereafter if the child remains in the permanent custody of the department or an authorized agency.

A permanency hearing may be held concurrently with a periodic review hearing.

Persons Entitled to Attend Hearings

Citation: Rev. Stat. § 587A-14

Notice of hearings shall be served on the parties. No further notice is required for any party that defaulted or was given actual notice of a hearing while present in court. Notice of hearings shall be served no less than 48 hours before the scheduled hearing, subject to a shortening of time as ordered by the court.

The child's current resource family shall be served written notice of hearings no less than 48 hours before a scheduled hearing.

The resource family is entitled to participate in the proceedings to provide information to the court, either in person or in writing, concerning the current status of the child in their care.

For purposes of this section, 'party' or 'parties' shall include the current foster parents.

Determinations Made at Hearings

Citation: Rev. Stat. §§ 587A-30; 587A-31

At the hearing, the court shall determine whether the child is receiving appropriate services and care and whether the case plan is being properly implemented. The court shall determine:

- Whether the child is safe
- The continued need for and appropriateness of the out-of-home placement
- The extent to which each party has complied with the case plan
- The family's progress in making their home safe for the child and resolving the problems that caused the child harm or to be threatened with harm and, if applicable, the necessity for continued out-of-home placement of the child

At each permanency hearing, the court shall determine:

- The projected timetable for reunification or, if the current placement is not expected to be permanent, placement in an adoptive home, with a legal guardian, or under the permanent custody of the department
- Whether the department has made reasonable efforts, in accordance with the safety and well-being of the child, to:
 - » Place siblings who have been removed from the family home in the same out-of-home placement
 - » Provide for frequent visitation or other interactions with siblings who are not living in the same household
- The appropriate permanency goal for the child, including whether a change in goal is necessary
- Whether the department has made reasonable efforts to finalize the permanency goal
- The date by which the permanency goal for the child is to be achieved
- In the case of a child age 16 or older, the services needed to assist the child with the transition to independent living

Permanency Options

Citation: Rev. Stat. § 587A-31

At each permanency hearing, the court shall order:

- The child's reunification with a parent or parents
- The child's continued placement in foster care when:
 - » Reunification is expected to occur within a timeframe that is consistent with the developmental needs of the child.
 - » The safety and health of the child can be adequately safeguarded.

- A permanent plan with a goal of:
 - » Placing the child for adoption with the department filing a motion for the termination of parental rights
 - » Placing the child for legal guardianship if the department documents and presents to the court a compelling reason why termination of parental rights and adoption are not in the best interests of the child
 - » Awarding permanent custody to the department or an authorized agency, if the department documents and presents to the court a compelling reason why adoption and legal guardianship are not in the best interests of the child

Idaho

Schedule of Hearings

Citation: Idaho Code §§ 16-1620; 16-1621; 16-1622

If aggravated circumstances are found, a permanency hearing for the child shall be held within 30 days of the determination of aggravated circumstances. In every case in which the child is determined to be within the jurisdiction of the court, including cases in which the parent is incarcerated, and there is no judicial determination that aggravated circumstances were present, the Department of Health and Welfare shall prepare a written case plan. The court shall schedule a case plan hearing to be held within 30 days after the adjudicatory hearing.

A hearing for a review of the child's case and permanency plan shall be held no later than 6 months after the entry of the court's order taking jurisdiction over the child and every 6 months thereafter. A permanency hearing shall be held no later than 12 months from the date the child is removed from the home or the date of the court's order taking jurisdiction under this chapter, whichever occurs first, and at least every 12 months thereafter, so long as the court has jurisdiction over the child. The permanency hearing may be combined with the review hearing.

Persons Entitled to Attend Hearings

Citation: Idaho Code § 16-1621

Notice of the case plan hearing shall be provided to the child's parents and other legal guardians, the prosecuting attorney or deputing attorney general, the guardian ad litem, the attorney for the child, the department, and foster parents. Although foster parents are provided notice of this hearing, they are not parties to the child protective action.

Determinations Made at Hearings

Citation: Idaho Code § 16-1622

The purpose of the case review hearing is to determine:

- The safety of the child
- The continuing necessity for and appropriateness of the placement
- The extent of compliance with the case plan
- The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care
- When reasonable, a likely date by which the child may be safely returned to and maintained in the home or placed in another permanent placement

At the permanency hearing the court shall approve, reject, or modify the permanency plan of the department and review progress in accomplishing the permanency goal. The court shall make written case-specific findings whether the department made reasonable efforts to finalize the primary permanency goal in effect for the child. Lack of reasonable efforts to reunify may be a basis for an order approving a permanency plan with a permanency goal of reunification.

When the permanency goal is not reunification, the hearing shall include a review of the department's consideration of options for in-State and out-of-State placement of the child. In the case of a child in an out-of-State placement, the court shall determine whether the out-of-State placement continues to be appropriate and in the best interests of the child. In the case of a child who has reached age 16, the hearing shall include a determination of the services needed to assist the child to make the transition from foster care to Independent Living.

The court may authorize the department to suspend further efforts to reunify the child with the child's parent, pending further order of the court, when a permanency plan is approved by the court and the permanency plan does not include a permanency goal of reunification.

Permanency Options**Citation: Idaho Code § 16-1622**

The permanency plan shall include a permanency goal. The permanency goal may be one of the following:

- In the absence of a judicial determination of aggravated circumstances, continued efforts at reunification
- Termination of parental rights and adoption, guardianship, or another planned permanent living arrangement

The court may approve a permanency plan that includes a primary goal and a concurrent goal. The court may approve a primary permanency goal of another planned permanent living arrangement only upon written, case-specific findings that there are compelling reasons why a more permanent goal is not in the best interests of the child.

Illinois**Schedule of Hearings****Citation: Cons. Stat. Tit. 705, § 405/2-28; Admin. Code Tit. 89, § 316.40**

A permanency hearing shall be held:

- Within 12 months from the date temporary custody was taken, regardless of whether an adjudication or dispositional hearing has been completed within that timeframe
- Within 30 days of termination of parental rights or a determination that reasonable efforts are not required

Subsequent permanency hearings are to be held every 6 months until permanency is achieved.

In regulation: The first administrative case review shall be conducted within 6 months after the temporary custody hearing. Following the 6-month administrative case review, administrative case reviews shall be conducted every 6 months.

Persons Entitled to Attend Hearings**Citation: Cons. Stat. Tit. 705, § 405/2-28; Admin. Code Tit 89, § 316.50**

The following persons must be present at a hearing:

- The child's parent, guardian, or legal custodian
- All parties named in a petition
- The caseworker, who must testify

In regulation: Administrative case reviews shall include the worker and/or supervisor from the Department of Children and Family Services and/or the substitute care provider agency that has case responsibility for both the children and the family. The hearing shall be open to the participation of:

- The children's parents and their representatives
- Children who are age 12 or older
- Children younger than age 12 if the caseworker and supervisor determine that the child can benefit from participation in the review process
- Foster parents or relative caregivers if the information being presented at the review is essential for understanding the needs of and providing care to the child
- The child's guardian ad litem or legal representative

Determinations Made at Hearings**Citation: Cons. Stat. Tit. 705, § 405/2-28; Admin. Code Tit. 89, § 316.30**

The court shall consider:

- The permanency goal contained in the service plan
- Appropriateness of services in the plan and whether those services have been provided
- Whether reasonable efforts have been made by all parties
- Whether the plan and goal have been achieved

In regulation: Case reviews are conducted to review:

- Whether the department's continuing intervention is necessary
- Whether services, including placement services, are necessary, relevant, coordinated, and appropriate
- The services needed that are not being provided to the child, family, or foster parents and the reasons why they are not being provided

- The appropriateness of the child's educational placement and progress
- Health information on the child and family
- Any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family
- For a minor age 16 or older, programs or services that will enable the minor to prepare for independent living
- Whether the department, service providers, family, any substitute care provider, and the child are complying with the service plan and, if they are not complying, whether changes in the service plan or goals are needed
- Whether there is progress to resolve the problems of the child and his or her family, and whether the progress is satisfactory and the child can safely return home
- The appropriateness of the permanency goal and recommend changes in the goal, if needed

Permanency Options

Citation: Cons. Stat. Tit. 705, § 405/2-28

The court may consider the following permanency goals:

- Return to the parent within a specified time
- Adoption
- Guardianship
- Remaining in substitute care pending independence for minors age 15 and older
- Remaining in substitute care because a home environment is unsuitable due to developmental disability or mental illness

Notwithstanding any other provision in this section, the court may select the goal of continuing foster care as a permanency goal if:

- The department has custody and guardianship of the minor.
- The court has ruled out all other permanency goals based on the child's best interests.
- The court has found compelling reasons to place the minor in continuing foster care. Compelling reasons include:
 - » The child does not wish to be adopted or to be placed in the guardianship of his or her relative or foster care placement.
 - » The child exhibits such an extreme level of need that the removal of the child from his or her placement would be detrimental to the child.
 - » The child who is the subject of the permanency hearing has existing close and strong bonds with a sibling, and achievement of another permanency goal would substantially interfere with the child's sibling relationship, taking into consideration the nature and extent of the relationship, and whether ongoing contact is in the child's best interests, including long-term emotional interests, as compared with the legal and emotional benefit of permanence.
- The child has lived with the relative or foster parent for at least 1 year.
- The relative or foster parent currently caring for the child is willing and capable of providing the child with a stable and permanent environment.

Indiana

Schedule of Hearings

Citation: Ann. Code §§ 31-34-21-2; 31-34-21-7

The case of each child in need of services under the supervision of the Department of Child Services must be reviewed at least once every 6 months, or more often, if ordered by the court. The first of these periodic case reviews must occur at least 6 months after the date of the child's removal from the child's home, or at least 6 months after the date of the dispositional decree, whichever comes first.

Each periodic case review must be conducted by the juvenile court in a formal court hearing. The court may perform a case review any time after a progress report has been filed.

The court shall hold a permanency hearing:

- No later than 30 days after a court finds that reasonable efforts to reunify or preserve a child's family are not required
- Every 12 months after the date of the original dispositional decree or the date that the child in need of services was removed from the child's parent, guardian, or custodian, whichever comes first
- More often if ordered by the juvenile court

Persons Entitled to Attend Hearings

Citation: Ann. Code § 31-34-21-4

At least 7 days prior to a hearing, the department shall provide notice to each of the following:

- The child's parent, guardian, or custodian
- An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian
- A prospective adoptive parent
- The child's foster parent
- Any other person whom the department knows is currently providing care for the child
- Any other suitable relative or person whom the department knows has had a significant or caregiving relationship to the child

The court shall provide to a person described above an opportunity to be heard and to make recommendations to the court. The right to be heard and to make recommendations includes:

- The right to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described above, may be made a part of the court record
- The right to present oral testimony to the court and cross-examine any of the witnesses at the hearing

Determinations Made at Hearings

Citation: Ann. Code §§ 31-34-21-5; 31-34-21-7

At the review hearing the court shall determine:

- Whether the child's case plan, services, and placement meet the child's special needs and best interests
- Whether the department has made reasonable efforts to provide family services
- A projected date for the child's return home, adoption, emancipation, or placement with a legal guardian

At the permanency hearing the court shall:

- Consider the question of continued jurisdiction and whether the dispositional decree should be modified
- Consider the recommendations of persons listed above before approving a permanency plan
- Consult with the child in an age-appropriate manner regarding the proposed permanency plan
- Consider and approve a permanency plan for the child
- Determine whether an existing permanency plan must be modified

If the child is at least age 16 and the proposed permanency plan provides for the transition of the child from foster care to independent living, the court shall:

- Require the department to provide notice of the permanency hearing to the child
- Provide to the child an opportunity to be heard and to make recommendations to the court
- Require the department to document its unsuccessful efforts to return the child home or secure a placement for the child with a fit and willing relative, legal guardian, or adoptive parent, including efforts to find biological or adoptive family members for the child
- Ask the child about his or her desired permanency outcome and document the child's response
- Determine why another planned permanent living arrangement is the best permanency plan for the child
- Require the department to document the steps the department is taking to ensure that the child's foster family home is following the reasonable and prudent parent standard in providing the child with regular, ongoing opportunities to engage in developmentally appropriate activities

Permanency Options

Citation: Ann. Code § 31-34-21-7.5

A permanency plan includes the intended permanent or long-term arrangements for care and custody of the child that may include any of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:

- Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent
- Initiation of a proceeding for termination of the parent-child relationship
- Placement of the child for adoption
- Placement of the child with a responsible person, including an adult sibling, a grandparent, an aunt, an uncle, a custodial parent of a sibling of the child, or another relative who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan

- Appointment of a legal guardian
- A supervised Independent Living arrangement or foster care for the child with a permanency plan of another planned, permanent living arrangement

A child younger than age 16 may not have another planned, permanent living arrangement as the child's permanency plan.

Iowa

Schedule of Hearings

Citation: Ann. Stat. § 232.104; Admin. Code Tit. 13, § 441-130.7(4)

An initial permanency hearing shall be held:

- Within 12 months of the date the child was removed from the home
- Within 30 days in a case for which the reasonable efforts requirement has been waived

Following an initial permanency hearing and the entry of a permanency order that places a child in the custody or guardianship of another person or agency, the court shall retain jurisdiction and annually review the order to ascertain whether the best interests of the child are being served.

In lieu of the procedures specified above, the court may close the case of a child in need of assistance by transferring jurisdiction over the child's guardianship to the probate court. Upon transferring jurisdiction, the court shall direct the probate clerk, once the proposed guardian has filed an oath of office and identification in accordance with § 602.6111, to issue letters of appointment for guardianship and docket the case in probate.

In regulation: The reevaluation of the case plan shall be filed at least every 6 months, or more often when there are significant changes, when required by the court, or when required according to the rules of the service.

Persons Entitled to Attend Hearings

Citation: Ann. Stat. § 232.91

Any hearings or proceedings shall not take place without the presence of the child's parent, guardian, custodian, or guardian ad litem. A parent without custody may petition the court to be made a party to the proceedings.

An agency, facility, institution, or person, including a foster parent or an individual providing preadoptive care, may petition the court to be made a party to the proceedings. If a child is of an appropriate age to attend the hearing but the child does not attend, the court shall determine whether the child was informed of his or her right to attend the hearing.

If a child is of an age appropriate to attend a hearing but the child does not attend, the court shall determine if the child was informed of the child's right to attend the hearing. A presumption exists that it is in the best interests of a child age 14 or older to attend all hearings and all staff or family meetings involving placement options or services provided to the child. The Department of Human Services shall allow the child to attend all such hearings and meetings unless the attorney for the child finds the child's attendance is not in the best interests of the child. If the child is excluded from attending a hearing or meeting, the department shall maintain a written record detailing the reasons for excluding the child. A copy of the written record shall be made available to the child upon the request of the child after he or she reaches the age of majority.

For purposes of this section, 'attend' includes the appearance of the child at a hearing by video or telephonic means.

Determinations Made at Hearings

Citation: Ann. Stat. § 232.104

During the hearing, the court shall consider the child's need for a secure and permanent placement in light of any permanency plan or evidence submitted to the court and the reasonable efforts made concerning the child. Upon completion of the hearing, the court shall enter written findings and make a determination identifying a primary permanency goal for the child. If a permanency plan is in effect at the time of the hearing, the court shall also make a determination whether reasonable progress is being made in achieving the permanency goal and complying with the other provisions of that permanency plan.

Permanency Options

Citation: Ann. Stat. § 232.104

After a permanency hearing, the court shall do one of the following:

- Enter an order to return the child to the child's home
- Enter an order to continue placement of the child for an additional 6 months, at which time the court shall hold a hearing to consider modification of its permanency order

- Direct the county attorney or the attorney for the child to institute proceedings to terminate the parent-child relationship
- Enter an order to do one of the following:
 - » Transfer guardianship and custody of the child to a suitable person
 - » Transfer sole custody of the child from one parent to another parent
 - » Transfer custody of the child to a suitable person for the purpose of long-term care
- If the department has documented to the court's satisfaction a compelling reason for determining that an order for one of the options listed above would not be in the child's best interests, order another planned permanent living arrangement for the child

Kansas

Schedule of Hearings

Citation: Ann. Stat. § 38-2264; Pol. & Proc. Man. § 3205

A permanency hearing shall be held:

- Within 12 months of the date the court authorized the child's removal from the home and at least every 12 months thereafter
- Within 30 days of a determination that reintegration may not be a viable alternative for the child

In policy: A formal case planning review is conducted at least every 170 days. Any member of the case planning team may request a formal review of the case plan at any time. The purpose is to re-evaluate the case plan and modify it as needed to better meet the needs of the family and the child.

Persons Entitled to Attend Hearings

Citation: Ann. Stat. § 38-2265

Notice of the time and place of the permanency hearing shall be given to the parties and interested parties. The notice shall state that the person receiving the notice shall have the right to be heard at the hearing. The notice shall be sent to the following:

- The child's foster parents or permanent custodian
- Preadoptive parents for the child, if any
- The child's grandparents or, if no grandparent is living, the closest relative of each of the child's parents whose address is known
- The person having custody of the child
- Upon request, to any person having close emotional ties with the child and who is deemed by the court to be essential to the deliberations before the court

Determinations Made at Hearings

Citation: Ann. Stat. § 38-2264

The purpose of the permanency hearing is determining progress toward accomplishment of a permanency plan. The court shall enter a finding as to whether reasonable efforts have been made by appropriate public or private agencies to rehabilitate the family and achieve the permanency goal in place at the time of the hearing.

When the court finds that reintegration of the family continues to be a viable alternative, the court shall determine whether and, if applicable, when the child will be returned to the parent. The court may rescind any of its prior dispositional orders and enter any dispositional order authorized by this code or may order that a new plan for the reintegration be prepared and submitted to the court.

If the court finds reintegration is no longer a viable alternative, the court shall consider whether:

- The child is in a stable placement with a relative.
- Services set out in the case plan necessary for the safe return of the child have been made available to the parent with whom reintegration is planned.
- Compelling reasons are documented in the case plan to support a finding that neither adoption nor appointment of a permanent custodian are in the child's best interests.

Permanency Options

Citation: Ann. Stat. § 38-2264

The court will determine whether and, if applicable, when the child will be:

- Reintegrated with the child's parents
- Placed for adoption
- Placed with a permanent custodian
- Placed in another planned permanent arrangement when there is documented evidence that there are compelling reasons why another permanent placement is not in the child's best interests

Kentucky

Schedule of Hearings

Citation: Rev. Stat. §§ 610.125; 620.270

A permanency hearing shall be held:

- No later than 12 months after the child has entered foster care
- Every 12 months thereafter as long as the child remains in placement
- Within 30 days after a determination is made that reasonable efforts to reunify are not required

The local citizen foster care review board shall review the case of each child placed in the custody of the cabinet by an order of temporary custody or commitment by the court. The review shall occur at least once every 6 months until the child is no longer in the custody of the cabinet or until an adoption proceeding becomes final.

Persons Entitled to Attend Hearings

Citation: Rev. Stat. §§ 610.125; 620.270

The following persons shall be notified of the hearing:

- The child's parents
- The foster parents
- Any preadoptive parent
- Any relative providing care for the child
- The attorney for the parent
- The attorney or court-appointed special advocate for the child
- The foster care review board member assigned to the case

The child's parent, foster parent, preadoptive parent, and relative providing care to the child shall have the right to be heard. The attorney for the parent, attorney for the child, or court-appointed special advocate, if deemed appropriate by the court, may present any evidence relevant to the determination of a permanency goal for the child.

Notice of the local citizen foster care review board review and the right to attend and participate in the review shall be provided to the child's parents, if parental rights have not been terminated or surrendered; the parent's attorney; the guardian ad litem, the attorney for the child, or both; the foster parents; the prospective adoptive parent; the relative providing care for the child; and the child who is a party to the proceeding.

Determinations Made at Hearings

Citation: Rev. Stat. §§ 610.125; 620.270

The court shall review the care and progress of the child since the last permanency hearing, including the following:

- How long the child has been committed to the cabinet
- The services and assistance provided to the parent since the last hearing and the results achieved
- The efforts and progress of the child's parent since the last hearing, including the number and dates of parental visits and the extent, quality, and frequency of the parent's communications with the child
- Familial and institutional barriers to returning the child to the home
- Recommendations of services needed to make the transition from out-of-home care to independent living for children who have reached age 16
- An evaluation of the child's current placement and services provided to the child

- Recommendations for services required to end the commitment of the child to the cabinet, to return the child home, or to facilitate another permanent placement
- Recommendations for the permanency goal for the child

During each 6-month review, the local citizen foster care review board shall review:

- The status of the child and his or her placement as shown through the case permanency plan, case record, and case progress reports
- The efforts or adjustment the parent has made in his or her circumstances, conduct, or conditions to make it in the child's best interests to return home within a time considering the age of the child
- The efforts of the cabinet to locate and provide services to the parents of the child
- The efforts of the cabinet and other agencies to facilitate the return of the child home or to find an alternative permanent placement if reunion with the parent is not feasible

Permanency Options

Citation: Rev. Stat. § 610.125

The court shall determine whether the child shall be:

- Returned to the parent
- Placed for adoption
- Placed with a permanent custodian
- Placed in another planned permanent living arrangement other than those listed above when there is a compelling reason that it is in the best interests of the child

Louisiana

Schedule of Hearings

Citation: Ch. Code Art. 692; 702

A case review hearing shall be held:

- Within 3 months of the disposition hearing if the child was removed from the home prior to the hearing
- Within 6 months of the removal of the child
- Every 6 months thereafter until the child is permanently placed

A permanency hearing shall be held:

- Within 30 days of a finding that reunification is not required
- Within 9 months of the disposition hearing if the child was removed from the home prior to the hearing, but in no case more than 12 months after the removal of the child
- Every 12 months thereafter until the child is permanently placed

Persons Entitled to Attend Hearings

Citation: Ch. Code Art. 698; 708

The following persons may be present at either a case review or permanency hearing:

- All parties
- Foster parents
- Adoptive parents
- Relatives providing care for the child
- Authorized officers of the court as designated by the judge
- Agency representatives as designated by the State
- The court-appointed special advocate volunteer
- The witness under examination

Determinations Made at Hearings

Citation: Ch. Code Art. 690; 702

The case review shall address the following:

- The continuing necessity and appropriateness of the placement
- The extent of compliance with the case plan
- Extent of progress toward correcting the circumstances necessitating placement in foster care

- A likely date by which the child may be returned to the home or placed for adoption or guardianship
- Whether the Department of Social Services has made reasonable efforts to reunify the family or to finalize the child's placement

At the permanency hearing, the court shall determine:

- Whether the department has made reasonable efforts to reunify the parent and child or to finalize the child's placement in an alternative safe and permanent home in accordance with the child's permanent plan
- If a child is in an out-of-State placement, whether the placement is safe, appropriate, and in the best interests of the child
- When reunification is determined to be the permanent plan for the child, whether parents understand that it is their obligation to achieve the case plan goals and correct the conditions that require the child to be in care within the time period specified by the court

In the case of a child age 14 or older, the hearing shall include a review of the transitional plan developed with the child and the agency in accordance with Article 675(B)(6). In any permanency hearing for a child whose permanent plan is placement in the least restrictive, most family-like alternative permanent living arrangement, the court or administrative body conducting the hearing shall ask the child about his or her desired permanency outcome.

Permanency Options

Citation: Ch. Code Art. 702

The court shall determine the permanent plan for the child that is most appropriate and in the best interests of the child in accordance with the following priorities of placement:

- Return the child to the legal custody of the parents within a specified time period consistent with the child's age and need for a safe and permanent home
- Adoption
- Placement with a legal guardian
- Placement in the legal custody of a relative who is willing and able to offer a safe, wholesome, and stable home for the child
- Placement in the least restrictive, most family-like alternative permanent living arrangement:
 - » The department shall document in the child's case plan and its report to the court the compelling reason for recommending this plan over the preceding higher-priority alternatives.
 - » This permanent plan option may be considered only if the child is age 16 or older.

Maine

Schedule of Hearings

Citation: Ann. Stat. Tit. 22, §§ 4038; 4038-B

Case reviews shall be held at least once every 6 months.

A permanency hearing shall be held:

- Within 12 months of the time the child has entered foster care and every 12 months thereafter while the child remains under court jurisdiction
- Within 30 days if reunification efforts are ordered to cease

Persons Entitled to Attend Hearings

Citation: Ann. Stat. Tit. 22, §§ 4033; 4038

Notice of hearing shall be provided to:

- All parties to the initial proceeding including the child's parent or custodian and guardian ad litem
- The foster parents
- The preadoptive parents
- Any relatives providing care for the child

The foster parent, preadoptive parent, and relative providing care are entitled to an opportunity to be heard, but they are not parties to the proceeding.

Determinations Made at Hearings

Citation: Ann. Stat. Tit. 22, § 4038

After a hearing, the court shall make written findings that determine:

- The safety of the child in the child's placement
- The continuing necessity for and appropriateness of the child's placement
- The effect of a change in custody on the child
- The extent of the parties' compliance with the case plan and the extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care
- A likely date by which the child may be returned home and safely maintained in the home or placed for adoption or legal guardianship
- If the child is age 16 or older, whether or not the child is receiving instruction to aid the child in independent living

Permanency Options

Citation: Ann. Stat. Tit. 22, § 4038-B

The permanency plan must determine whether and when, if applicable, the child will be:

- Returned to a parent
- Placed for adoption
- Cared for by a permanency guardian
- Placed with a fit and willing relative
- Placed in another planned permanent living arrangement if there is a compelling reason for determining that another permanency option would not be in the best interests of the child

In the case of a child who is age 16 or older, the permanency plan must determine the services needed to assist the child to make the transition from foster care to independent living.

The court shall consider the wishes of a child, in a manner appropriate to the age of the child, in making a determination under this section.

Maryland

Schedule of Hearings

Citation: Fam. Law § 5-525; Crts. & Jud. Proc. §§ 3-816.2; 3-823

Unless a child has received a review from the local board of review of foster care, the local Department of Social Services shall perform an administrative review every 6 months to determine the success of the efforts to meet the goals set out in the permanency plan or the agreement with the parents or guardians in voluntary placements.

The court shall conduct a hearing to review the status of each child under its jurisdiction within 6 months after the filing of the first petition under this subtitle and at least every 6 months thereafter.

The court shall hold a permanency planning hearing to determine the permanency plan for a child:

- No later than 11 months after a child has entered an out-of-home placement
- Within 30 days after the court finds that reasonable efforts to reunify a child with the child's parent or guardian are not required

A child shall be considered to have entered an out-of-home placement 30 days after the child is placed into an out-of-home placement. If all parties agree, a permanency planning hearing may be held on the same day as the reasonable efforts hearing.

The court shall:

- Conduct a hearing to review the permanency plan at least every 6 months until commitment is rescinded or a voluntary placement is terminated
- Conduct a review hearing every 12 months after the court determines that the child shall be continued in out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis

Unless the court finds good cause, a case shall be terminated after the court grants custody and guardianship of the child to a relative or other individual. If the court finds good cause not to terminate a case, the court shall conduct a review hearing every 12 months until the case is terminated.

Persons Entitled to Attend Hearings**Citation: Crts. & Jud. Proc. §§ 8-823; 8-801; Fam. Law § 5-504**

The court shall give each party notice and an opportunity to attend the hearing. The term 'party' means:

- A child who is the subject of a petition
- The child's parent, guardian, or custodian
- The petitioner
- An adult who is charged under § 3-828 as a person who has contributed to acts, omissions, or conditions that rendered a child in need of assistance

The term 'party' does not include a foster parent. The foster parents are permitted to attend all hearings. This right does create a cause of action for foster parents.

Determinations Made at Hearings**Citation: Crts. & Jud. Proc. §§ 3-816.2; 3-823**

At a review hearing, the court shall:

- Evaluate the safety of the child
- Determine the continuing necessity for and appropriateness of any out-of-home placement
- Determine the appropriateness of and extent of compliance with the case plan for the child
- Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating the court's jurisdiction
- Project a reasonable date by which the child may be returned to and safely maintained in the home or placed for adoption or under a legal guardianship

If a permanency plan for the child has been determined under § 3-823 of this subtitle, the permanency review hearing conducted by the court shall satisfy the requirements of this section.

At the permanency review hearing, the court shall:

- Determine the continuing necessity for and appropriateness of the commitment
- Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect
- Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment
- Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship
- Evaluate the safety of the child and take necessary measures to protect the child
- Change the permanency plan if a change in the permanency plan would be in the child's best interest

Every reasonable effort shall be made to achieve a permanent placement for the child within 24 months after the date of initial placement. At least every 12 months at a hearing under this section, the court shall consult on the record with the child in an age-appropriate manner to obtain the child's views on permanency.

Permanency Options**Citation: Fam. Law § 5-525**

To the extent consistent with the best interests of the child in an out-of-home placement, the local department shall consider the following permanency plans, in descending order of priority:

- Returning the child to the child's parent or guardian, unless the local department is the guardian
- Placing the child with relatives to whom adoption, custody and guardianship, or care and custody, in descending order of priority, are planned to be granted
- Adoption in the following descending order of priority:
 - » By a current foster parent with whom the child has resided continually for at least the 12 months prior to developing the permanency plan or for a sufficient length of time to have established positive relationships and family ties
 - » By another approved adoptive family
- Another planned permanent living arrangement that:
 - » Addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs
 - » Includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life

Massachusetts

Schedule of Hearings

Citation: Ann. Laws Ch. 119, § 29B; Code of Regs. Tit. 110, § 6.10

The court shall conduct a permanency hearing:

- Within 12 months of the original commitment and every 12 months thereafter while the child remains in care
- Within 30 days of a determination that reasonable efforts are not required

In regulation: The Department of Children and Families shall conduct a foster care review (FCR) within 6 months after a child is placed out of the home and every 6 months thereafter for a child who remains out of the home.

Persons Entitled to Attend Hearings

Citation: Ann. Laws Ch. 119, § 29D; Code of Regs. Tit. 110, § 6.10

The department shall provide notice of hearings to:

- The parent or guardian
- A foster parent
- A preadoptive parent
- Any relative providing care for the child

The notice shall inform the foster parent, preadoptive parent, or relative of his or her right to attend the hearing and to be heard.

Nothing in this provision shall be construed to provide that such foster parent, preadoptive parent, or relative shall be made a party to the proceeding.

In regulation: The FCR shall at a minimum invite the following people, who shall be notified in writing to attend the case review prior to its scheduled date:

- The parents of the child in placement, unless parental rights have been terminated or surrendered or the parent has a documented history of violent or assaultive behavior that is not mitigated by treatment and changes in behavior by the parent
- A putative or unwed father, unless his parental rights have been surrendered or terminated, if:
 - » He is named on any legal papers (i.e. petitions, birth certificate, or other judicial decree).
 - » He has formally acknowledged paternity.
 - » He has been named as the father by the mother.
- The child if he or she is age 14 or older
- The social worker assigned to the case
- The social worker's supervisor
- The foster parents or substitute care provider
- The child's attorney or guardian ad litem, if any
- Staff of other public or private agencies and other individuals important to the child or family

Determinations Made at Hearings

Citation: Ann. Laws Ch. 119, §§ 29B; 29C; Code of Regs. Tit. 110, § 6.10

At the permanency hearing, the court shall:

- Determine and periodically review thereafter the permanency plan for the child
- Consider in-State and out-of-State placement options for a child who is not to be returned to his or her parents
- If the child is placed in foster care outside the State, determine whether the out-of-State placement continues to be appropriate and in the best interests of the child
- In the case of a child who has reached age 16, determine the services needed to assist the child in making the transition from foster care to independent living
- Determine whether the Department of Children and Families has made reasonable efforts to place the child in a timely manner in accordance with the permanency plan

In regulation: The FCR shall include consideration of the following:

- The necessity and appropriateness of the services to the family
- A review of the past 6 months' activities, including fulfillment of tasks identified in the case plan by the department, the parents, the service providers, and the child
- A review of the safety of the child and the necessity and appropriateness of the child's continued placement

- A review of the extent of progress made toward alleviating or mitigating the causes necessitating the child's placement
- A review of the goal and the projected date by which the child will achieve permanency
- A review of the proposed direction of service planning for the next 6 months, including:
 - » The steps necessary to achieve permanency for the child
 - » The visitation schedule for the parents and the means by which the schedule will be implemented
- A review of the child's medical and dental checkups, consistent with the well-child schedule

Permanency Options

Citation: Ann. Laws Ch. 119, § 29B

The permanency plan shall address whether and, if applicable, when the child will be:

- Returned to the parent
- Placed for adoption
- Referred for legal guardianship
- Placed in permanent care with relatives
- Placed in another planned permanent living arrangement

Michigan

Schedule of Hearings

Citation: Comp. Laws §§ 712A.19; 712A.19a

Review hearings shall be held:

- No more than 182 days after the child is placed under the jurisdiction of the court
- Every 91 days after that for the first year that the child remains in care
- After the first year, no later than 182 days from the immediately preceding review hearing and every 182 days thereafter until the case is dismissed
- Every 182 days if the child is in a permanent foster family agreement or placed with a relative

A permanency hearing shall be held:

- Within 12 months if a child remains in foster care and parental rights to the child have not been terminated
- Every 12 months thereafter during the continuation of foster care
- Within 30 days after a judicial determination that reasonable efforts to reunite the child and family are not required

Persons Entitled to Attend Hearings

Citation: Comp. Laws §§ 712A.19; 712A.19a

Written notice of the permanency hearing and a statement of the purposes of the hearing, including a notice that the hearing may result in further proceedings to terminate parental rights, shall be served upon all of the following:

- The agency
- The foster parent or custodian of the child
- If the parental rights to the child have not been terminated, the child's parents
- If the child has a guardian, the guardian for the child
- If the child has a guardian ad litem, the guardian ad litem
- If Tribal affiliation has been determined, the elected leader of the Indian Tribe
- The attorney for the child, the attorneys for each party, and the prosecuting attorney if the prosecuting attorney has appeared in the case
- If the child is age 11 or older, the child
- Other persons as the court may direct

Written notice of a review hearing shall be served upon all of the above. In addition, if a nonparent adult is required to comply with the case service plan, the nonparent adult must receive notice.

Determinations Made at Hearings

Citation: Comp. Laws §§ 712A.19; 712A.19a

At a review hearing, the court shall review on the record all of the following:

- Compliance with the case service plan including the services provided or offered to the child and the child's parent
- Compliance with the case service plan with respect to parenting time with the child
- Likely harm to the child if the child continues to be separated from the child's parent, guardian, or custodian
- Likely harm to the child if the child is returned to the child's parent, guardian, or custodian
- The extent of progress made toward alleviating or mitigating the conditions that caused the child to be placed in foster care
- The continuing necessity and appropriateness of the child's placement

At the permanency planning hearing, the court shall:

- Review the status of the child and the progress being made toward the child's return home
- Consider whether the child should be placed in the permanent custody of the court
- Obtain the child's views regarding the permanency plan in a manner that is appropriate to the child's age
- In the case of a child who will not be returned home, consider in-State and out-of-State placement options
- In the case of a child placed out-of-State, determine whether the out-of-State placement continues to be appropriate and in the child's best interests
- Ensure that the agency is providing appropriate services to assist a child who will transition from foster care to independent living

Permanency Options

Citation: Comp. Laws §§ 712A.19a; 712.19c

The court may consider the following permanency options:

- Return to the parent
- Adoption or other permanent placement
- Appointment of a legal guardian
- If termination of parental rights is not in the child's best interest, an alternative placement plan, including limited or long-term foster care

Minnesota

Schedule of Hearings

Citation: Ann. Stat. §§ 260C.202; 260C.204

If a child is placed in foster care, the court shall review the placement:

- At least every 90 days after placement to determine whether continued out-of-home placement is necessary and appropriate or whether the child should be returned home
- No later than 3 months after the child's placement in foster care

When a child who is age 18 or older remains in or returns to foster care pursuant to § 260C.451, the court shall review the case at least annually.

A permanency progress hearing shall be held no later than 6 months after the child's placement in out-of-home care. Following the review hearing:

- The court may order the child's reunification or continue the matter up to 6 additional months.
- The court may order the responsible social services agency to develop a plan for the transfer of permanent legal and physical custody of the child to a relative and to file a petition within 30 days and a trial on the petition held within 60 days of the filing of the petition.
- The court may order the agency to file a termination of parental rights within 30 days of the hearing a trial on the petition held within 60 days of the filing of the petition.

Persons Entitled to Attend Hearings

Citation: Ann. Stat. § 260C.163, Subd. 2, 8

A child who is the subject of a petition, and the parents, guardian, or legal custodian of the child have the right to participate in all proceedings on a petition, including the opportunity to attend all hearings in person. Official Tribal representatives have the right to participate in any proceeding that is subject to the Indian Child Welfare Act.

A parent with a legally recognized parent-child relationship must be provided the right to be heard in any review or hearing held with respect to the child, including the right to be heard on the disposition order, parental visitation, and the out-of-home placement plan. The right to be heard does not automatically confer party status.

Any grandparent of the child has a right to participate in the proceedings to the same extent as a parent, if the child has lived with the grandparent within the 2 years preceding the filing of the petition.

If, in a permanency proceeding involving a child in need of protection or services, any party files a petition for transfer of permanent legal and physical custody to a named relative, the relative has a right to participate in the permanency proceeding as a party on the issues of the relative's suitability to be a legal and physical custodian for the child, whether the transfer is in the child's best interests, and the needs of the child. Thereafter the named relative shall receive notice of any hearing in the proceedings.

The child and the child's parent, guardian, or custodian are entitled to be heard, to present evidence material to the case, and to cross-examine witnesses appearing at the hearing.

Determinations Made at Hearings

Citation: Ann. Stat. §§ 260C.203; 260C.204

At the foster care hearing, the court shall review:

- The safety, permanency needs, and well-being of the child
- The continuing necessity for and appropriateness of the placement
- The extent of compliance with the out-of-home placement plan
- The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care
- The projected date by which the child may be returned to and safely maintained in the home or placed permanently away from the care of the parent
- The appropriateness of the services provided to the child

In addition, for a child who is age 14 or older, the court shall review the Independent Living plan and the provision of services to the child related to the well-being of the child as he or she prepares to leave foster care.

At the permanency progress hearing, the court shall review:

- The progress of the case and the parent's progress on the case plan
- The agency's reasonable, or in the case of an Indian child, active efforts for reunification and its provision of services
- The agency's reasonable efforts to finalize the permanent plan for the child and to make a placement in a home that will commit to being the legally permanent family for the child in the event the child cannot return home according to the timelines in this section
- In the case of an Indian child, active efforts to prevent the breakup of the Indian family and to make a placement according to the placement preferences of the Federal Indian Child Welfare Act

Permanency Options

Citation: Ann. Stat. § 260C.513

When a child cannot return home, termination of parental rights and adoption or guardianship to the commissioner of human services through a consent to adopt are preferred permanency options. If the court finds that termination of parental rights and guardianship to the commissioner is not in the child's best interests, the court may transfer permanent legal and physical custody of the child to a relative when that order is in the child's best interests.

When the court has determined that permanent placement of the child away from the parent is necessary, the court shall consider permanent alternative homes that are available both inside and outside the State.

Mississippi

Schedule of Hearings

Citation: Ann. Code §§ 43-15-13; 43-21-603; 43-21-613

The Department of Human Services shall complete an administrative review on each child within the first 3 months and a foster care review once every 6 months after the child's initial 48-hour shelter hearing.

A permanency hearing must be held:

- Within 30 days of a finding that reasonable efforts to reunify the family are not required
- With 12 months after the earlier of an adjudication that the child has been abused or neglected or the date of the child's removal from the allegedly abusive or neglectful custodian and/or parent

Persons Entitled to Attend Hearings**Citation: Ann. Code § 43-15-13**

The following persons may be present and give testimony at the hearing:

- The parent
- The foster parent
- The grandparents
- The guardian ad litem
- Representatives of any private care agency that has cared for the child
- The family protection worker or family protection specialist assigned to the case

Determinations Made at Hearings**Citation: Ann. Code § 43-15-13**

The review shall include at a minimum an evaluation of the child based on the following:

- The extent of the care and support provided by the parents while the child is in temporary custody
- The extent of communication with the child by parents or guardian
- The degree of compliance by the agency and the parents with the social service plan
- The methods of achieving the goal and the plan establishing a permanent home for the child
- Social services offered and/or utilized to facilitate plans for establishing a permanent home for the child

Permanency Options**Citation: Ann. Code § 43-15-13**

The goal of the service plan shall be:

- Return the child to his or her natural parent(s)
- Refer the child to the appropriate court for termination of parental rights and placement in a permanent relative's home, adoptive home, or foster/adoptive home

Missouri**Schedule of Hearings****Citation: Ann. Stat. §§ 210.710; 210.720; 211.183**

A dispositional hearing to review the status of the child shall be held within 6 months.

A permanency hearing shall be held within 12 months of the initial placement and at least annually thereafter.

If the court determines that reasonable efforts to reunify the child with his or her family are not required, a permanency hearing must be held within 30 days after the determination.

Persons Entitled to Attend Hearings**Citation: Ann. Stat. §§ 210.710; 210.761**

The child and the child's parent, guardian, or relative may be present at the hearing.

Any person who has provided foster care to a child at any time in a 2-year period prior to any hearing concerning the child shall be allowed to testify at such hearing. The court may limit such testimony to evidence the court finds relevant and material.

Determinations Made at Hearings**Citation: Ann. Stat. §§ 210.710; 210.720**

The purpose of the dispositional hearing shall be to determine whether or not the child should remain in foster care; whether the child should be returned to a parent, guardian, or relative; or whether or not proceedings should be instituted to terminate parental rights and legally free the child for adoption.

The permanency hearing shall be for the purpose of determining, in accordance with the best interests of the child, a plan for the permanent placement of the child.

At the permanency hearing, the court shall consider all relevant factors including:

- The interaction and interrelationship of the child with the child's foster parents, parents, siblings, and any other person who may significantly affect the child's best interests
- The child's adjustment to his or her foster home, school, and community

- The mental and physical health of all individuals involved, including any history of abuse of any individuals involved
- The needs of the child for a continuing relationship with the child's parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child

Permanency Options

Citation: Ann. Stat. § 210.710

Placement options for the child include:

- Return to the parent, guardian, or relative
- Termination of parental rights and placement for adoption
- Continuation in foster care

Montana

Schedule of Hearings

Citation: Ann. Code §§ 41-3-115; 41-3-445

When a child is in foster care under the supervision of the Department of Public Health and Human Services, the foster care review committee shall conduct a review of the foster care status of the child. The review must be conducted within the time limit established under the Adoption and Safe Families Act of 1997 (42 U.S.C. 675(5)).

A permanency hearing must be held by the court, the foster care review committee, or the citizen review board:

- Within 30 days of a determination that reasonable efforts to provide preservation or reunification services are not necessary
- No later than 12 months after the initial court finding that the child has been subjected to abuse or neglect or 12 months after the child's first 60 days of removal from the home, whichever comes first

Within 12 months of the initial permanency hearing, and every 12 months thereafter until the child is permanently placed in either an adoptive or a guardianship placement, the court or the court-approved entity holding the permanency hearing shall conduct a hearing, and the court shall issue a finding as to whether the department has made reasonable efforts to finalize the permanency plan for the child.

Persons Entitled to Attend Hearings

Citation: Ann. Code § 41-3-115

Reasonable notice of each review must be sent to the following:

- The parents of the child or their attorneys
- If applicable, the foster parents, a relative caring for the child, the preadoptive parents, or the surrogate parents
- The child who is the subject of the review if he or she is age 12 or older
- The child's attorney, if any
- The child's guardian ad litem
- The court-appointed attorney or special advocate of the child
- A representative of the child's Indian Tribe if the child is an Indian

Determinations Made at Hearings

Citation: Ann. Code §§ 41-3-115; 41-3-445

The foster care review committee shall hear the case of each child in foster care to review issues that are germane to the goals of permanency and to accessing appropriate services for parents and children. In evaluating the accessibility, availability, and appropriateness of services, the committee shall consider:

- The safety, history, and specific needs of the child
- Whether an involved agency has selected services specifically relevant to the problems and needs of the child and family
- Whether appropriate services have been available to the child and family on a timely basis
- The results of intervention
- If the child is placed in foster care in another State, whether the placement is appropriate and in the best interests of the child

The permanency hearing may be combined with other required review hearings. If an entity other than the court conducts the hearing, the entity shall keep minutes of the hearing and the minutes and written recommendations must be provided to the court within 20 days of the hearing. If the court concurs with the recommendations, the court may adopt the recommendations as findings with no additional hearing required. In this case, the court shall issue written findings within 10 days of receipt of the written recommendations.

The court shall approve a specific permanency plan for the child and make written findings on:

- Whether the permanency plan is in the best interests of the child
- Whether the department has made reasonable efforts to finalize the plan
- Other necessary steps that the department is required to take to effect the terms of the plan

Permanency Options

Citation: Ann. Code § 41-3-445

Permanency options include:

- Reunification with the child's parent or guardian
- Adoption
- Appointment of a guardian
- Long-term custody if the child is in a planned permanent living arrangement, and:
 - » The child is being cared for by a fit and willing relative.
 - » The child 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.
 - » The child is at least age 16 and is participating in an Independent Living program.
 - » The child's parent is incarcerated, and circumstances indicate that it would not be in the best interests of the child to terminate parental rights of that parent.
 - » There is a judicial finding that other more permanent placement options for the child have been considered and found to be inappropriate or to be not in the best interests of the child.
 - » The child has been in a placement in which the foster parent or relative has committed to the long-term care of and a relationship with the child, and it is in the best interests of the child to remain in that placement.

Nebraska

Schedule of Hearings

Citation: Rev. Stat. §§ 43-1312; 43-1314.01

The court that has jurisdiction over a child who is placed in foster care shall review the dispositional order for the child at least once every 6 months.

A permanency hearing shall be conducted by the court:

- No later than 12 months after the child enters foster care and at least annually thereafter
- Within 30 days of a finding that reasonable efforts to reunify are not required

Persons Entitled to Attend Hearings

Citation: Rev. Stat. § 43-1314

Notice of a hearing shall be provided to:

- The person charged with the care of the child
- The child's parents or guardian unless parental rights have been terminated
- The foster child if he or she is age 14 or older
- The foster parents
- The child's guardian ad litem
- Foster Care Review Office and designated local foster care review board
- The preadoptive parent
- The relative providing care for the child

Notice to the foster parent, preadoptive parent, or relative providing care shall not be construed to require that such foster parent, preadoptive parent, or relative is a necessary party to the review. The court shall inquire into the well-being of the foster child by asking questions, if present at the hearing, of any willing foster parent, preadoptive parent, or relative providing care for the child.

Determinations Made at Hearings

Citation: Rev. Stat. §§ 43-1315; 43-1316

In reviewing the foster care status and permanency plan of a child, the court shall determine whether:

- Placement of the child outside the home should continue upon a written determination that return of the child to his or her home would be contrary to the welfare of such child.

- Reasonable efforts to preserve and reunify the family, if required under § 43-283.01, have been made.
- The goals of the foster care placement and of the foster care plan or permanency plan are safe and appropriate.
- The individual physical, psychological, and sociological needs of the child are being met.

Permanency Options

Citation: Rev. Stat. § 43-1312

The permanency plan determined for the child shall include whether and, if applicable, when the child will be:

- Returned to the parent
- Referred to the State for filing of a petition for termination of parental rights
- Placed for adoption
- Referred for guardianship
- Placed for adoption with a fit and willing relative

Nevada

Schedule of Hearings

Citation: Rev. Stat. §§ 432B.580; 432B.590

Placement of the child in foster care must be reviewed at least semiannually.

A permanency hearing must be held:

- No later than 12 months after initial removal of the child from the home and at least annually thereafter
- Within 30 days of a finding that reasonable efforts to reunify are not required

Persons Entitled to Attend Hearings

Citation: Rev. Stat. §§ 432B.580; 432B.590

Notice of a hearing shall be provided to:

- All the parties to any of the prior proceedings
- Any person planning to adopt the child
- A sibling of the child, if known, who has been granted a right of visitation with the child
- Any other relatives of the child or providers of foster care who are currently providing care to the child
- The child, if his or her presence is requested by the court

The provision of notice and a right to be heard to this section does not make any person planning to adopt the child, any sibling of the child, any other relative, any adoptive parent of a sibling of the child, or a provider of foster care a party to the hearing.

Determinations Made at Hearings

Citation: Rev. Stat. §§ 432B.580; 432B.590

The review hearing shall address:

- The continuing necessity for and appropriateness of the placement
- The extent of compliance with the case plan
- Any progress being made toward alleviating the problem that resulted in the placement of the child
- The date the child may be returned home or placed for adoption or a legal guardianship

At the permanency hearing, the court shall review any plan for the permanent placement of the child and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian, or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine:

- Whether the agency with legal custody of the child has made the reasonable efforts required by § 432B.553(1)
- Whether, and if applicable when:
 - » The child should be returned to the parents of the child or placed with other relatives.
 - » It is in the best interests of the child to initiate proceedings to establish another permanent placement.
- Whether the agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of a child who has reached age 16 in another permanent living arrangement
- If the child will not be returned to his or her parents, whether the agency with legal custody of the child fully considered placement options both within and outside of this State

- If the child has reached age 14, whether the child will receive the services needed to assist the child in transitioning to Independent Living
- If the child has been placed outside of the State, whether that placement continues to be appropriate for and in the best interests of the child

Permanency Options

Citation: Rev. Stat. § 432B.590

Permanency options include:

- Return to the parent
- Placement with other relatives
- Adoption
- Guardianship
- For a child who is age 16 or older, another permanent living arrangement when there is documentation of compelling reasons why a more permanent option is not in the child's best interests

New Hampshire

Schedule of Hearings

Citation: Rev. Stat. §§ 169-C:24; 169-C:24-b; 169-C:24-c

The court shall conduct an initial review hearing within 3 months of the dispositional hearing to review the status of all dispositional orders issued under this chapter. The court may conduct additional review hearings upon its own motion or upon the request of any party at any time.

For a child that has been in an out-of-home placement for 12 or more months, the court shall hold and complete a permanency hearing within 12 months of the finding. For a child who enters an out-of-home placement subsequent to a finding, the court shall hold and complete a permanency hearing within 12 months of the date the child enters the out-of-home placement.

For a child who is in an out-of-home placement following the permanency hearing, the court shall hold and complete a postpermanency hearing within 12 months of the permanency hearing and every 12 months thereafter as long as the child remains in an out-of-home placement. The court may conduct periodic postpermanency hearings upon its motion or upon the request of any party at any time.

Persons Entitled to Attend Hearings

Citation: Rev. Stat. § 169-C:14

The general public shall be excluded from any hearing. Only such persons as the parties, their witnesses, counsel, and representatives of the agencies present to perform their official duties shall be admitted. Other persons may be invited to attend, with the court's approval.

Determinations Made at Hearings

Citation: Rev. Stat. §§ 169-C:24; 169-C:24-b; 169-C:24-c

At all hearings the court shall determine whether the Department of Health and Human Services has made reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the permanency plan that is in effect, the court shall consider whether services to the family have been accessible, available, and appropriate.

Permanency Options

Citation: Rev. Stat. § 169-C:24-b

At a permanency hearing, the court shall determine whether and, if applicable, when the child will be returned to the parent or parents. If the standard for return is not met, the court shall identify a permanency plan other than reunification for the child. Other options for a permanency plan include:

- Termination of parental rights or parental surrender when an adoption is contemplated
- Guardianship with a fit and willing relative or another appropriate party
- Another planned permanent living arrangement

New Jersey

Schedule of Hearings

Citation: Ann. Stat. §§ 30:4C-58; 30:4C-61.2

A child placement review board shall make an initial review of the placement within 45 days following the placement. A periodic review shall take place every 12 months thereafter. The board shall continue to conduct periodic reviews until the Division of Youth and Family Services terminates its supervision.

A permanency hearing shall be held that provides review and approval by the court of the placement plan:

- No later than 12 months after placement
- Within 30 days of a finding that reasonable efforts to reunify are not required

Persons Entitled to Attend Hearings

Citation: Ann. Stat. § 30:4C-61.2

Written notice of the date, time, and place of the permanency hearing shall be provided at least 15 days in advance to the following, each of whom shall be entitled to attend the hearing and to submit written information to the court:

- The division or agency
- The child
- The parents, including a noncustodial parent or legal guardian
- The temporary caregiver
- Any other person or agency that the court determines has an interest in or information relating to the welfare of the child
- The counsel for a parent, child, or other interested party who has provided or is providing representation in the case before the court
- The child's resource family parent or relative providing care for the child

The child's resource family parent or relative providing care shall receive the notice and shall have a right to be heard at the hearing, but he or she shall not be made a party to the hearing solely on the basis of the notice and right to be heard.

Determinations Made at Hearings

Citation: Ann. Stat. §§ 30:4C-58; 30:4C-61.2

All reviews shall include, but not necessarily be limited to, the consideration of:

- The appropriateness of the goal, objectives of the placement plan, and anticipated date that the goal will be achieved
- The appropriateness of the services provided to the child and to the temporary caregiver
- Whether the child has siblings who are also placed outside of their home
- Whether the wishes of the child were considered regarding placement and development of the placement plan, when appropriate
- Whether the division, the parents or legal guardian, and the temporary caregiver are fulfilling their respective responsibilities in accordance with the placement plan
- Whether the parents or legal guardian have been afforded the opportunity and been encouraged to participate in a program of regular visitation with the child
- Whether there are obstacles that hinder or prevent the attainment of the placement plan objectives and goal
- The circumstances surrounding the placement
- The appropriateness of the services provided to the parent or legal guardian
- The appropriateness of the division's permanency plan and reasonable efforts to achieve that plan

At the permanency hearing, the court shall consider:

- The goal for the permanent placement or return home of the child and the anticipated date that the goal will be achieved
- The intermediate objectives relating to attainment of the goal
- A statement of the duties and responsibilities of the division, the parents or legal guardian, and the temporary caregiver, including the services to be provided by the division to the child and to the temporary caregiver
- A statement of the services to be provided to the parent or legal guardian

Permanency Options

Citation: Ann. Stat. § 30:4C-61.2

The permanency plan shall include whether and, if applicable, when:

- The child shall be returned to the parent or guardian, if the child can be returned home without endangering his or her health or safety.
- The division has determined that family reunification is not possible, and the division shall file a petition for the termination of parental rights (TPR) for the purpose of adoption.
- The division has determined that TPR is not appropriate, and the child shall be placed in an alternative permanent placement.

New Mexico

Schedule of Hearings

Citation: Ann. Stat. §§ 32A-4-25; 32A-4-25.1

An initial judicial review shall be conducted within 60 days of the disposition. Subsequent periodic reviews shall be conducted within 6 months of the permanency hearing and every 6 months thereafter.

A permanency hearing shall be held:

- Within 6 months of the initial judicial review or within 12 months of a child entering foster care, whichever occurs first
- Within 30 days of a determination that no reasonable efforts at reunification are required

Persons Entitled to Attend Hearings

Citation: Ann. Stat. § 32A-4-25

The children's court attorney shall give notice of any judicial review hearing to:

- All parties
- The child through the child's guardian ad litem or attorney
- The child's court-appointed special advocate
- A contractor administering the local substitute care review board
- The child's foster parent or substitute care provider

At any judicial review hearing, the Children, Youth and Families Department; the child's guardian ad litem or attorney; and all parties who have been given notice shall have the opportunity to present evidence and to cross-examine witnesses.

Determinations Made at Hearings

Citation: Ann. Stat. § 32A-4-25

At the review hearing, the court shall determine:

- The extent to which the treatment plan has been implemented
- The extent of compliance with the treatment plan and whether progress is being made toward establishing a stable and permanent placement for the child
- For an Indian child, whether the placement preferences of the child's Tribe were followed, and whether the child's treatment plan provides for maintaining the child's cultural ties

If the court adopts a permanency plan other than reunification, the court shall determine whether the department has made reasonable efforts to identify and locate all grandparents and other relatives. The court shall also determine whether the department has made reasonable efforts to conduct home studies on any appropriate relative expressing an interest in providing permanency for the child. The court must ensure that consideration has been given to the child's familial identity and connections. If the court finds that reasonable efforts have not been made to identify or locate grandparents and other relatives or to conduct home studies on appropriate and willing relatives, the court shall schedule a permanency review within 60 days to determine whether an appropriate relative placement has been made.

Permanency Options

Citation: Ann. Stat. § 32A-4-25.1

At the conclusion of the permanency hearing, the court shall order one of the following permanency plans for the child:

- Reunification
- Placement for adoption
- Placement with a permanent guardian

- Placement in the legal custody of the department with the child placed in the home of a fit and willing relative
- Placement in the legal custody of the department under a planned permanent living arrangement, provided that there is substantial evidence that none of the above plans is appropriate for the child

New York

Schedule of Hearings

Citation: Fam. CRT. Act § 1089

For a child in foster care:

- The initial permanency hearing shall be commenced no later than 6 months from the date that is 60 days after the child was removed from his or her home.
- Subsequent permanency hearings for a child who remains in foster care shall be commenced no later than 6 months from the completion of the previous permanency hearing.

After a child has been freed for adoption, permanency hearings shall be held:

- No later than 30 days after the hearing at which the child was freed
- No later than 6 months from the completion of the previous permanency hearing

For a former foster youth who has returned to foster care, a permanency hearing shall be held no later than 30 days after the youth has returned to foster care.

Persons Entitled to Attend Hearings

Citation: Fam. CRT. Act § 1089

Notice of permanency hearings shall be provided to:

- The child's parent, including any nonrespondent parent, unless the parent's rights have been terminated
- The foster parent in whose home the child currently resides
- Any other person legally responsible for the child's care
- The agency supervising the care of the child
- The child's attorney and the attorney for the respondent parent
- The child if he or she is age 10 or older
- Any preadoptive parent or relative providing care for the child
- A former foster parent, if any, in whose home the child previously had resided for a continuous period of 12 months in foster care

The child's parent, person legally responsible for the child's care, and the current foster parent shall be parties to the proceeding. A preadoptive parent, relative, or former foster parent, on the basis of such notice, shall have an opportunity to be heard but shall not be a party to the permanency hearing.

The child has a right to be present at the hearing, except upon a waiver of that right after consultation with the attorney for the child. Upon an application by the child's attorney, the court shall grant an adjournment whenever necessary to protect the child's right to meaningfully participate in the hearing.

Determinations Made at Hearings

Citation: Fam. CRT. Act § 1089

The court shall review the permanency hearing report that shall include, but need not be limited to, up-to-date and accurate information regarding:

- The child's current permanency goal
- The health, well-being, and status of the child since the last hearing
- The child's current placement
- The educational and other progress the child has made since the last hearing
- The visitation plan for the child
- For a child who is age 16 who elects not to participate in an educational program leading to a high school diploma, the steps that the local social services district has taken to assist the child to become gainfully employed or enrolled in a vocational program
- For a child who is age 14 or older, the services and assistance that are being provided to enable the child to learn independent living skills

- Any other services being provided to the child
- The status of the parent, including:
 - » The services that have been offered to the parent to enable the child to return home safely
 - » The steps the parent has taken to use the services
 - » Any barriers encountered to the delivery of such services
 - » The progress the parent has made toward reunification, if applicable
 - » Any other steps the parent has taken to comply with and achieve the permanency plan
- The reasonable efforts to achieve the child's permanency plan that have been taken by the local social services district or agency since the last hearing
- The recommended permanency plan

Permanency Options

Citation: Fam. Cert. Act § 1089

The child's current permanency goal may be:

- Return to the parent or parents
- Placement for adoption with the local social services official filing a petition for termination of parental rights
- Referral for legal guardianship
- Permanent placement with a fit and willing relative
- If the child is age 16 or older, placement in another planned permanent living arrangement, with documentation of:
 - » A significant connection to an adult who is willing to be a permanency resource for the child
 - » Intensive, ongoing, and unsuccessful efforts to return the child home or secure a permanent placement for the child, including efforts through search technology, including social media, to find the child's biological family members
 - » The steps being taken to ensure that the child's foster family home is following the reasonable and prudent parent standard, and the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities
 - » The compelling reasons for determining that it continues to not be in the best interests of the child to be returned home or placed in another permanent home

North Carolina

Schedule of Hearings

Citation: Gen. Stat. § 7B-906.1

In any case in which custody is removed from a parent, guardian, or custodian, the court shall conduct a review hearing within 90 days from the date of the dispositional hearing and shall conduct a review hearing within 6 months thereafter. Within 12 months of the date of the initial order removing custody, there shall be a review hearing designated as a permanency planning hearing. Review hearings after the initial permanency planning hearing shall be designated as subsequent permanency planning hearings. The subsequent permanency planning hearings shall be held at least every 6 months thereafter or earlier as set by the court to review the progress made in finalizing the permanent plan for the juvenile, or if necessary, to make a new permanent plan for the juvenile.

If the court finds that a proceeding to terminate the parental rights of the child's parents is necessary in order to perfect the primary permanent plan for the juvenile, the director of the Department of Social Services shall file a petition to terminate parental rights within 60 calendar days from the date of the entry of the order.

Persons Entitled to Attend Hearings

Citation: Gen. Stat. §7B-906.1

Notice of a hearing shall be provided to:

- The parents
- The child if he or she is age 12 or older
- The guardian
- The person providing care for the child
- The custodian or agency with custody
- The guardian ad litem
- Any other person or agency the court may specify

A person providing care for the juvenile shall not be made a party to the proceeding solely based on receiving notice and the right to be heard.

Determinations Made at Hearings**Citation: Gen. Stat. §§ 7B-906.1; 7B-906.2; 7B-912**

At each hearing, the court shall determine:

- Whether services have been offered to reunite the child with either parent
- Whether visitation has occurred and whether the visitation plan should be modified
- Whether efforts to reunite the child with either parent clearly would be futile or inconsistent with the child's safety and need for a safe, permanent home
- Whether the child's current foster care placement is appropriate
- If the child is age 16 or 17, whether there is an Independent Living assessment and, if appropriate, an Independent Living plan
- When and if termination of parental rights should be considered

At any permanency planning hearing, the court shall additionally consider the following:

- Whether the child can be placed with a parent within the next 6 months
- When the child's placement with a parent is unlikely within 6 months:
 - » Whether legal guardianship or custody with a relative or another suitable person should be established
 - » Whether adoption should be pursued
 - » Whether the child should remain in the current placement or be placed in another permanent living arrangement
- Whether the county department has made reasonable efforts to implement the permanent plan for the child
- Whether the parent:
 - » Is making adequate progress under the case plan
 - » Is actively participating in or cooperating with the plan
 - » Remains available to the court, the department, and the child's guardian ad litem
 - » Is acting in a manner inconsistent with the health or safety of the child
- If the child is age 14 or older:
 - » The services provided to assist the child in making a transition to adulthood
 - » The steps the county department is taking to ensure that the foster family or other care provider follows the reasonable and prudent parent standard
 - » Whether the child has regular opportunities to engage in age-appropriate or developmentally appropriate activities

Permanency Options**Citation: Gen. Stat. § 7B-906.2**

At any permanency planning hearing, the court shall adopt one or more of the following permanent plans the court finds is in the child's best interest:

- Reunification
- Adoption
- Guardianship
- Custody to a relative or other suitable person
- Another Planned Permanent Living Arrangement pursuant to § 7B-912
- Reinstatement of parental rights pursuant to § 7B-1114

North Dakota**Schedule of Hearings****Citation: Cent. Code § 27-20-36; DHS Pol. Man. §§ 624-05-15-50-03; 624-05-15-20-20**

A permanency hearing shall be held:

- No more than 12 months after the child has been placed in foster care and every 12 months thereafter
- Within 30 days of a finding that reasonable efforts to reunify are not required
- Within 12 months of a hearing conducted on a petition filed under § 27-20-30.1 [requesting that a foster youth who is older than age 18 but younger than age 21 remain in or return to foster care]

In policy: Periodic reviews are conducted quarterly and referred to as the child and family team meeting.

Every child in foster care must have a permanency hearing within 12 months of the child's entry to foster care or continuing in foster care following a previous permanency hearing. The hearing must be held in a juvenile court or Tribal court of competent jurisdiction.

In addition, a permanency hearing must be conducted within 30 days after a court determines that reasonable efforts are not required because:

- A parent has subjected the child to aggravated circumstances.
- The parental rights of the parent with respect to another child of the parent have been involuntarily terminated.

Persons Entitled to Attend Hearings

Citation: Cent. Code § 27-20-36; DHS Pol. Man. § 624-05-15-50-20

Notice of a hearing shall be provided to:

- The child
- The child's parent
- The child's guardian or custodian
- All parties affected

In policy: Foster parents of the child and any preadoptive parent or relative providing care for the child must be provided with written notice of, and a right to be heard in, any proceeding with respect to the child. A full hearing is required. Paper reviews, ex parte hearings, agreed orders, or other actions or hearings that are not open to the participation of the parents of the child, the child (if age appropriate), and foster parents or preadoptive parents (if any) are not permanency hearings.

Determinations Made at Hearings

Citation: Cent. Code § 27-20-36; DHS Pol. Man. §§ 624-05-15-50-03; 624-05-15-20-20

At the hearing, the court shall determine whether the purposes of the placement order have been accomplished.

In policy: The periodic review determines:

- The safety of the child
- The continuing necessity for and appropriateness of the placement
- The extent of compliance with the case plan
- The extent of progress that has been made toward alleviating the causes that necessitated the foster care placement
- A projected date by which the child may be returned to and safety maintained in the home or placed for adoption or legal guardianship

The periodic review also will determine and assess the steps the agency is taking to ensure the child's foster family or child care institution is 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 to achieve normalcy.

The permanency hearing shall determine the permanency plan for the child. The hearing also shall:

- Consider in-State and out-of-State placement options, and if a child is already in an out-of-State placement, whether that placement continues to be appropriate and in the child's best interests
- In the case of a child who has reached age 16, the services needed to assist the child to make the transition from foster care to Independent Living

Permanency Options

Citation: Cent. Code § 27-20-02

At a permanency hearing, the court will determine the permanency plan for the child, which may include:

- Whether and, if applicable, when the child will be returned to the parent
- Whether and, if applicable, when the child will be placed for adoption and the State will file a petition for termination of parental rights
- Whether and, if applicable, when a fit and willing relative or other appropriate individual will be appointed as a legal guardian
- Whether, if applicable, to place siblings in the same foster care, relative, guardianship, or adoptive placement, unless it is determined that the joint placement would be contrary to the safety or well-being of any of the siblings
- Whether, if applicable, in the case of siblings removed from their home who are not jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless it is determined to be contrary to the safety or well-being of any of the siblings
- In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, whether and, if applicable, when the child, age 16 or older, will be placed in another planned permanent living arrangement

Northern Mariana Islands

Schedule of Hearings

Citation: Commonwealth Code Tit. 6, §§ 5323; 5324

A hearing shall be held:

- Within 30 days of the establishment of a temporary wardship
- At the end of 1 year when the child has been made a ward of the court

Persons Entitled to Attend Hearings

Citation: Commonwealth Code Tit. 6, § 5323

The parent or guardian are permitted to attend the hearing.

Determinations Made at Hearings

Citation: Commonwealth Code Tit. 6, §§ 5323; 5324

At the hearing, the court shall determine:

- Whether there is reasonable cause to believe that the child's safety would be endangered by a return home
- Whether removal from the home is in the child's best interests

Permanency Options

Citation: Commonwealth Code Tit. 6, § 5324

Placement options include:

- Returning the child to the parent
- Placing the child in the custody of the Division of Youth Services, which will place the child with a reputable person

Ohio

Schedule of Hearings

Citation: Rev. Stat. § 2151.417; Admin. Code § 5101:2-38-9

Any court that issues a dispositional order may review at any time the child's placement or custody arrangement, the child's case plan, the actions of the public children's services agency or private child-placing agency in implementing that case plan, the child's permanency plan if the child's permanency plan has been approved, and any other aspects of the child's placement or custody arrangement.

The court shall hold a review hearing:

- No later than 1 year after the child was first placed in care and every 12 months thereafter
- Within 30 days of a finding that reasonable efforts to return the child home are no longer required

In regulation: Each public children services agency shall review the case plan no later than every 90 days from whichever of the following activities occurs first:

- The original agency court complaint date
- The date the agency received custody of the child
- The date of court-ordered protective supervision
- The date the parent, guardian, or custodian signed the case plan for in-home supportive services only

Persons Entitled to Attend Hearings

Citation: Rev. Stat. § 2151.417

The court shall give notice of every hearing to:

- Appropriate agency employees
- The child's parents
- Any person who had guardianship or legal custody of the child
- The guardian ad litem
- The child

Determinations Made at Hearings

Citation: Rev. Stat. § 2151.417; Admin. Code § 5101:2-38-9

At the court hearing, the court shall determine:

- The appropriateness of any agency actions
- The safety and appropriateness of continuing the child's placement or custody arrangement
- The extent of compliance with the child's case plan
- The extent of progress that has been made toward alleviating or mitigating the causes necessitating the child's placement in foster care
- Whether any changes should be made to the child's permanency plan or placement
- A likely date by which the child may be safely returned home or placed for adoption or legal custody
- If an administrative review has been conducted, whether the conclusions of the review are supported by a preponderance of the evidence, and approve or modify the case plan based upon that evidence
- When approving a permanency plan, whether the agency required to develop the plan has made reasonable efforts to finalize it

If the court finds the agency has not made reasonable efforts to finalize the plan, the court shall require the agency to use reasonable efforts to do the following:

- Place the child in a timely manner into a permanent placement
- Complete whatever steps are necessary to finalize the permanent placement of the child

In making reasonable efforts, the agency shall consider the child's health and safety as the paramount concern.

In regulation: The purpose of the case review is to ensure continued efforts are made to:

- Assess child safety
- Evaluate whether risk to the child is lowered or increased
- Evaluate the effectiveness of supportive services offered and provided to the child; his or her parent, guardian, custodian, or preadoptive parent; or substitute caregiver
- Identify barriers to the provision of services
- Prevent placement, if possible, of the child in substitute care, assist in reunifying the child with the child's parent, or establish a permanent placement for the child

Permanency Options

Citation: Rev. Stat. § 2151.417

Permanency options include:

- Return home
- Adoption
- Legal custody
- Another planned permanent living arrangement

Oklahoma

Schedule of Hearings

Citation: Ann. Stat. Tit. 10A, §§ 1-4-807; 1-4-811

Every case regarding a child alleged or adjudicated to be deprived shall be reviewed by the court at a hearing no later than 6 months from the date of the child's removal from the home and at least once every 6 months thereafter until permanency is achieved or the court otherwise terminates jurisdiction. A review hearing may be held concurrently with a permanency hearing.

When the Department of Human Services has documented a compelling reason why a petition to terminate parental rights to a child is not in the best interests of the child and that reason is based upon a consideration that the child is presently not capable of functioning in a family setting, the court shall reevaluate the status of the child every 90 days until there is a final determination that the child cannot be placed in a family setting.

The court shall conduct a permanency hearing:

- No later than 6 months after placing the child in out-of-home placement and every 6 months thereafter
- Within 30 days after the court determines that reasonable efforts are not required and every 6 months thereafter

Persons Entitled to Attend Hearings

Citation: Ann. Stat. Tit. 10A, § 1-4-811

At each permanency hearing, the court may consider testimony of any person who has relevant information about the status of the child or the status of the treatment plan. All parties shall have the opportunity to present evidence and to cross-examine witnesses. If a foster parent, preadoptive parent, or relative is currently providing care for a child, the department shall give the foster parent, preadoptive parent, or relative notice of a proceeding concerning the child. A foster parent, preadoptive parent, or relative providing care for a child has the right to be heard at the proceeding. Except when allowed to intervene, the foster parent, preadoptive parent, or relative providing care for the child is not considered a party to the juvenile court proceeding solely because of notice and the right to be heard at the proceeding.

Determinations Made at Hearings

Citation: Ann. Stat. Tit. 10A, §§ 1-4-807; 1-4-811

At each review hearing the court shall determine:

- Whether the service plan, services, and placement meet the best interests of the child
- Whether there is a need for the continued placement of the child
- Whether the current permanency plan for the child remains appropriate
- Whether visitation terms need to be modified, including visits with siblings, if separated
- The timeframe for achieving permanency
- Whether reasonable efforts have been made to finalize permanency for the child
- In the case of an Indian child, whether active efforts have been made to provide services and rehabilitative programs, as required by the Indian Child Welfare Act
- For a child who is age 14 or older, whether services are being provided that will assist the child in making the transition from foster care to a successful adulthood
- Whether the services being provided are adequate to correct the conditions that led to adjudication
- Whether reasonable efforts have been made to place siblings together in the same placement or provide for frequent visitation or other ongoing interaction for siblings who are not placed together
- Whether compliance with the service plan has occurred
- Whether the department is taking appropriate steps to ensure that the foster family follows the reasonable and prudent parent standard and whether the child has regular opportunities to engage in age-appropriate or developmentally appropriate activities

At the permanency hearing, the court shall determine the continued appropriateness of the permanency plan, whether a change in the plan is needed, the date by which the goal will be achieved, and whether the current placement of the child continues to be suitable for the child. The court also shall, in an age-appropriate manner, ask the child about the proposed permanency plan, and if the child is age 14 or older, the planning for the transition of the child to a successful adulthood.

Permanency Options

Citation: Ann. Stat. Tit. 10A, § 1-4-811

Permanency options include:

- Reunification with the parent, parents, or legal guardian of the child when:
 - » Reunification can be expected to occur within an established timeframe that is consistent with the developmental needs of the child.
 - » The health and safety of the child can be adequately safeguarded if the child is returned home.
- Placement for adoption after the rights of the parents have been terminated or after a petition has been filed to terminate parental rights
- Placement with a person who will be the permanent guardian of the child and is able to adequately and appropriately safeguard the health, safety, and welfare of the child
- Placement in the legal custody of the department under a planned alternative permanent placement, provided the child is age 16 or older and there are compelling reasons documented by the department include the intensive, ongoing and, as of the date of the hearing, unsuccessful efforts made to:
 - » Return the child home
 - » Place the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent
 - » Find biological family members for the child utilizing search technology, including social media

Oregon

Schedule of Hearings

Citation: Rev. Stat. § 419B.470; Admin. Rules § 413-040-0130

The court shall conduct a permanency hearing:

- Within 30 days after a judicial finding that the Department of Human Services has determined it will not make reasonable efforts to reunify the family
- No later than 12 months after the child was placed within the jurisdiction of the court or 14 months after the child was placed in substitute care, whichever is earlier
- Within 3 months of a change in placement
- Every 12 months after the initial permanency for as long as the child or ward remains in substitute care
- If a child has been surrendered for adoption or the parents' rights have been terminated, within 30 days if the department has not physically placed the child for adoption or initiated adoption proceedings within 6 months after the termination of rights, and every 6 months for as long as the child has not been placed for adoption

In regulation: An administrative review shall be held within 6 months following the first day of placement in care and every 6 months thereafter from the date of the last review.

Persons Entitled to Attend Hearings

Citation: Rev. Stat. § 419B.473

The court may order that the child or any other person be present during the hearing. The court shall notify the parties listed below and other interested parties of the hearing, such as:

- The department
- An agency directly responsible for the care or placement of the child
- The parents whose rights have not been terminated
- An attorney for the child
- A court-appointed special advocate
- A citizen review board
- A Tribal court

Determinations Made at Hearings

Citation: Rev. Stat. § 419B.476

At a permanency hearing the court shall:

- If the case plan is to reunify the family, determine whether the Department of Human Services has made reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to make it possible for the child to safely return home and whether the parent has made sufficient progress to make it possible for the child to safely return home.
- If the case plan is something other than to reunify the family, determine whether the department has:
 - » Made reasonable efforts to place the child in a timely manner in accordance with the plan, including, if appropriate, reasonable efforts to place the child through an interstate placement, and to complete the steps necessary to finalize the permanent placement
 - » Considered permanent placement options for the child, including, if appropriate, whether the department has considered both permanent in-State placement options and permanent interstate placement options for the child
- Determine whether further efforts will make it possible for the child to safely return home within a reasonable time and order that the parents participate in specific services for a specific period of time and make specific progress within that period of time
- Review the efforts made by the department to develop the concurrent permanent plan, and, if adoption is the concurrent case plan, has identified a suitable adoptive placement for the child

When the child is age 14 or older, the court also shall review the comprehensive plan for the child's transition to successful adulthood and determine and make findings as to:

- Whether the plan is adequate to ensure the child's transition to successful adulthood
- Whether the department has offered appropriate services pursuant to the plan
- Whether the department has involved the child in the development of the plan

Permanency Options

Citation: Rev. Stat. § 419B.476

The court shall determine the permanency plan for the child that may include whether and, if applicable, when:

- The child will be returned to the parent.
- The child will be placed for adoption, and a petition for termination of parental rights will be filed.
- The child will be referred for establishment of legal guardianship.
- The child will be placed with a fit and willing relative.
- If the child is age 16 or older, the child will be placed in another planned permanent living arrangement.

If the court determines that the permanency plan for a child should be placement with a fit and willing relative, the court's determination of why placement with the child's parents, or for adoption, or placement with a legal guardian, is not appropriate.

If the court determines that the permanency plan for a child age 16 or older should be another planned permanent living arrangement, the court shall determine:

- Why another planned permanent living arrangement is in the child's best interests and a compelling reason why it would not be in the best interests of the child to be returned home, placed for adoption, placed with a legal guardian or placed with a fit and willing relative
- That the department has taken steps to ensure that:
 - » The child's substitute care provider is following the reasonable and prudent parent standard.
 - » The child has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities, including consultation with the child in an age-appropriate manner about the opportunities the child has to participate in the activities.

If an Indian child is involved, the court shall follow the placement preference established by the Indian Child Welfare Act.

Pennsylvania

Schedule of Hearings

Citation: Cons. Stat. Tit. 42, § 6351; Admin. Code Tit. 55, § 3130.71

The court shall conduct a permanency hearing:

- Within 6 months of the child's removal from the home and every 6 months thereafter
- Within 30 days of a finding that reasonable efforts to reunify are not required

If the court resumes jurisdiction of the child pursuant to an agreement to extend foster care after age 18, permanency hearings shall be scheduled in accordance with applicable law until court jurisdiction is terminated, but no later than when the child reaches age 21.

In regulation: The county agency shall ensure that the status of a child in placement under its case management responsibility is reviewed periodically but no less frequently than once every 6 months. The child's first review shall occur no later than 6 months from the date of placement. Subsequent periodic reviews shall be held no later than 6 months from the date of the previous periodic review.

Persons Entitled to Attend Hearings

Citation: Cons. Stat. Tit. 42, §§ 6310; 6336.1(a)

The court may order a parent, guardian, or custodian of a child to be present at and to bring the child to any proceeding under this chapter.

Notice of the hearing shall be provided to:

- The child's foster parent
- Any preadoptive parent
- A relative providing care for the child

The court shall provide the child's foster parent, preadoptive parent, or relative providing care for the child the right to be heard at any hearing under this chapter. Unless a foster parent, preadoptive parent, or relative providing care for a child has been awarded

legal custody, nothing in this section shall give the foster parent, preadoptive parent, or relative providing care for the child legal standing in the matter being heard by the court.

Determinations Made at Hearings

Citation: Cons. Stat. Tit. 42, § 6351

At each permanency hearing, a court shall determine all of the following:

- The continuing necessity for and appropriateness of the placement
- The appropriateness and extent of compliance with the permanency plan
- The extent of progress made toward alleviating the circumstances that necessitated the original placement
- The appropriateness and feasibility of the current placement goal for the child
- The likely date by which the placement goal for the child might be achieved
- Whether reasonable efforts were made to finalize the permanency plan
- Whether the child is safe
- If the child has been placed outside the State, whether the placement continues to be best suited to the safety and welfare of the child
- The services needed to assist a child who is age 14 or older to make the transition to successful adulthood
- Whether the child who is between age 18 and 21 has requested that the court continue jurisdiction
- Whether a transition plan has been prepared in accordance with 42 U.S.C. § 675(5)(h)
- If the child has been in placement for at least 15 of the last 22 months or aggravated circumstances exist, whether a petition to terminate parental rights has been filed
- If a sibling of a child has been removed from the home and is in a different placement setting, whether reasonable efforts have been made to place the child and his or her sibling together or whether such joint placement is contrary to the safety or well-being of the child or sibling
- If the child has a sibling, whether visitation of the child with that sibling is occurring no less than twice a month, unless a finding is made that visitation is contrary to the safety or well-being of the child or sibling
- If the child has been placed with a caregiver, whether the child is being provided with regular, ongoing opportunities to participate in age-appropriate or developmentally appropriate activities and the caregiver is following the reasonable and prudent parent standard

Permanency Options

Citation: Cons. Stat. Tit. 42, § 6351

At the hearing, the court shall determine one of the following:

- If and when the child will be returned to the child's parent.
- If and when the child will be placed for adoption, and the county agency will file for termination of parental rights.
- If and when the child will be placed with a legal custodian.
- If and when the child will be placed with a fit and willing relative.
- If and when the child will be placed in another planned permanent living arrangement that is approved by the court, to which the following shall apply:
 - » The child must be age 16 or older.
 - » The county agency shall identify at least one significant connection with a supportive adult willing to be involved in the child's life as the child transitions to adulthood, or document that efforts have been made to identify a supportive adult.
 - » The county agency shall document and the court shall verify:
 - A compelling reason that it would not be best suited to the safety; protection; and physical, mental, and moral welfare of the child to be returned to the child's parent, to be placed for adoption, to be placed with a legal custodian, or to be placed with a fit and willing relative
 - The intensive, ongoing, and unsuccessful efforts to return the child to the child's parent or achieve another permanent placement
 - The county agency's efforts to utilize search technology to find biological family members for the child
 - » The court shall:
 - Ask the child about his or her desired permanency goal
 - Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child

Puerto Rico

Schedule of Hearings

Citation: Ann. Laws Tit. 8, §§ 447j; 447k; 447s

The court shall schedule a follow-up hearing within 6 months of the date of having awarded temporary custody of the minor. At the hearing, the judge shall determine whether the family, father, mother, or person in charge of the minor is expending reasonable efforts as required under this chapter to achieve family reunification. If such is the case, the judge shall provide the family, father, mother, or person in charge of the minor an additional 3 months to continue receiving services based on the permanent placement plan to attempt family reunification. However, if at the hearing the Department of the Family proves to the judge that the family, father, mother, or person in charge of the minor will not comply or does not wish to carry on with the permanent placement plan, the judge shall convert the follow-up hearing into a final ruling hearing, pursuant to § 447k of this title.

The court must hold a final ruling hearing within 12 months after having granted temporary custody of the child. In the cases of children under the responsibility of the department with a permanency plan established prior to the approval of this act, the final disposition hearing of the permanency plan shall be held within 6 months after the approval thereof.

In those cases in which the court determines that no reasonable efforts shall be made, a permanent placement hearing shall be held for the child within 15 days following the decision.

Persons Entitled to Attend Hearings

Citation: Ann. Laws Tit. 8, §§ 447n; 447o; 447p

In any proceeding under this chapter, the child shall have the right to be heard.

The grandparents of a child may request to be heard in any proceeding for the protection of minors. The court shall grant legitimacy to intervene when it determines that the grandparents maintain a relationship with the minor or have made sufficient efforts to establish one, and that allowing them to intervene is consonant with the purpose of this subchapter to pursue the best interests of the child.

Siblings of legal age, not dependent on their parents, may request to be heard in any proceeding for the protection of minors. The court shall grant legitimacy to intervene when it determines that the siblings maintain a relationship with the child or have made sufficient efforts to establish one, and that allowing them to intervene is consonant with the purpose of this subchapter to pursue the best interests of the child.

Any person in charge of a foster home who has had the child in his or her care for more than 6 months, and any adopting party who has executed a placement agreement, may be heard, at the discretion of the court, in any proceeding for the protection of a child who lives or has lived in their home so that they may contribute evidence of the physical, emotional, mental, or sexual state of the child while in their care, but they shall not be deemed a party to the case.

Determinations Made at Hearings

Citation: Ann. Laws Tit. 8, § 447l

In any judicial proceeding on abuse and/or neglect initiated under this chapter, the court may order any of the following remedies:

- To provide support services, keeping the child at home under the protective supervision of the department and under whatever conditions the court deems convenient, for no longer than 6 months, which may be extended for just cause for up to a maximum of 1 year
- To remove the child from the custody of the father, mother, or the person responsible for the child, no longer than 6 months, which may be extended for just cause for up to a maximum of 1 year
- To award the physical custody of the child, consistent with his or her best interests, to the person or institution that the court deems convenient, provided the person or institution is licensed or certified by the department
- To deprive both parents of patria potestas
- Any other determination needed for the protection of the best interests of the child

When the child is removed from the custody of the parents, temporary custody may be awarded to any of the following:

- A member of the child's family
- The department, in which case physical custody may be awarded to a person designated by the department

Foster parents or operators of establishments in which the child is to be placed shall receive medical and educational information at the time of placement. The information shall be revised and updated periodically.

Permanency Options

Citation: Ann. Laws Tit. 8, § 447k

At the final ruling hearing, the court shall consider a report submitted by the department that shows whether the conditions of risk that were present at the time of the child's removal continue to pose a risk to the well-being; health; or physical, mental, emotional, or sexual integrity of the minor. Based on the content of the report and/or other available evidence, the court may:

- Find that the child should be returned to his or her home
- Place the child with a person responsible for him or her or in another home
- Grant custody of the child to the department
- Order that a proceeding may be initiated for termination of patria potestas

Rhode Island

Schedule of Hearings

Citation: Gen. Laws §§ 40-11-12.1; 40-11-12.2

The department shall conduct a case plan review every 6 months.

A permanency hearing shall be held:

- Within 12 months of the child's placement in care and at least every 12 months thereafter
- Within 30 days after a finding that reasonable efforts to reunify are not required

Persons Entitled to Attend Hearings

Citation: Gen. Laws § 40-11.12.1

At the permanency hearing, all parties shall be allowed to be heard. The foster parents, any preadoptive parent, or relative providing care for the child shall be provided with notice of the hearing and may attend and present a report, oral or written, containing recommendations as to the best interests of the child. Such opportunity to be heard does not require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to a review or hearing.

Determinations Made at Hearings

Citation: Gen. Laws § 40-11.12.1

At the permanency hearing, the court shall determine:

- The appropriateness of the Department of Children, Youth and Families' plan for service to the child and parent(s)
- What services have been offered to strengthen and reunify the family
- What efforts have been or should be made to evaluate or plan for other modes of care if return home of the child is not likely
- Any further efforts that will promote the best interests of the child

Permanency Options

Citation: Gen. Laws §§ 40-11-12.1; 40-11-12.2

Permanency options include:

- Return to the parent
- Placement for adoption
- Referral for legal guardianship
- Placement with a fit and willing relative
- Placement in another planned permanent living arrangement in cases for which the department has documented a compelling reason why another permanency option would not be in the best interests of the child

South Carolina

Schedule of Hearings

Citation: Ann. Code §§ 63-7-1640; 63-7-1700; 63-11-720

Permanency planning hearings shall be held as follows:

- Within 30 days when the court decides, in a hearing other than a permanency planning hearing, that reasonable efforts to preserve or reunify a family are not required
- No later than 1 year after the date the child was first placed in foster care

Local foster care review boards shall review every 6 months the cases of children who have resided in public foster care for more than 4 consecutive months and the cases of children who have resided in private foster care for more than 6 consecutive months to determine what efforts have been made by the supervising agency or child-caring facility to acquire a permanent home for the child. Following review of a case, the local foster care review board shall submit a written report and recommendations to the court concerning the case.

Persons Entitled to Attend Hearings

Citation: Ann. Code § 63-7-1630

The department shall provide notice of a hearing to:

- All parties
- The foster parent
- The preadoptive parent
- The relative who is providing care for the child

The notice shall inform the foster parent, preadoptive parent, or relative of the date, place, and time of the hearing and of the right to attend the hearing and to address the court concerning the child. Notice provided pursuant to this section does not confer on the foster parent, preadoptive parent, or relative the status of a party to the action.

Determinations Made at Hearings

Citation: Ann. Code § 63-7-1700

At the permanency planning hearing, the court shall review:

- What services have been provided to or offered to the parents to facilitate reunification
- The compliance or lack of compliance to the case plan
- The extent to which the parents have visited or supported the child and any reasons why visitation or support has not occurred or has been infrequent
- Whether previous services should continue and, if additional services are needed reunification, identifying those services, and specifying the date for completion, which must be no longer than 18 months from the date the child was placed in care
- Whether the return home of the child can be expected, and identification of the changes the parent must make in circumstances, conditions, or behavior to remedy the causes of the child's placement in care
- Whether the child's foster care is to continue for a specified time and, if so, how long
- If the child has reached age 16, the services needed to assist the child to make the transition to Independent Living
- Whether the child's current placement is safe and appropriate
- Whether the department has made reasonable efforts to assist the parents in remedying the causes of the child's placement in care
- The steps the department is taking to promote and expedite the adoptive placement and to finalize the adoption of the child, including documentation of child-specific recruitment efforts

If the court determines that the child may be safely returned the home, the court shall order the child returned to the child's parent. The court may order a specified period of supervision and services not to exceed 12 months. If the removal of the child from the family was due to drug use by one or both parents, then a drug test must be administered to the parent or both parents, as appropriate, and the results must be considered with all other evidence in determining whether the child should be returned to the parents' care.

Permanency Options

Citation: Ann. Code § 63-7-1700

Permanency options include:

- Reunification with the parent(s)
- Custody or guardianship with a fit and willing relative or nonrelative
- Termination of parental rights and placement for adoption
- Another permanency plan when the department has documented compelling reasons why another permanency option is in the best interests of the child

South Dakota

Schedule of Hearings

Citation: Ann. Laws §§ 26-8A-21.2; 26-8A-24; 26-8A-26

If the court places custody of the child in the Department of Social Services, the court shall conduct a review hearing of the foster care status every 6 months. The hearing shall be conducted in the same manner as a dispositional hearing.

A permanency hearing shall be held:

- Within 30 days of a finding that reasonable efforts are not appropriate
- After the child has been in foster care 12 months and every 12 months thereafter

Persons Entitled to Attend Hearings

Citation: Ann. Laws § 26-7A-15

Notice of hearings must be provided to the child's parents, guardian, or custodian. If the hearing concerns an apparent abused or neglected Indian child, the State's attorney or department shall make reasonable efforts to inform the Indian custodian and the designated Tribal agent for the Indian child's Tribe, if known.

Determinations Made at Hearings

Citation: Ann. Laws § 26-8A-25

The court shall determine:

- The goal of the foster care placement and the appropriateness of foster care
- The assistance and services that have been provided to the parents
- The good faith efforts, or their lack, and ability of the child's parents, guardian, or custodian to cooperate with the department and to effectively utilize the assistance and services
- If return to the parent is unlikely, efforts made by the department to provide other care

Permanency Options

Citation: Ann. Laws §§ 26-8A-21.2; 26-8A-26

If it is found that the child cannot be returned to the parent, the court shall determine whether the child should be:

- Placed for adoption
- Referred for legal guardianship
- Placed with a fit and willing relative
- Placed in another planned permanent living arrangement when a compelling reason is documented with the court that none of the permanent plans listed above would be in the best interests of the child
- Provided the services needed to transition to independent living if the child is age 16 or older

Tennessee

Schedule of Hearings

Citation: Ann. Code §§ 37-1-166; 37-2-404; 37-3-409

A review hearing shall be held within 90 days of placement and every 6 months thereafter.

A permanency hearing shall be held:

- Within 12 months of placement and every 12 months thereafter
- Within 30 days of a finding that reasonable efforts to reunify are not required
- For a child who is age 17 or older, 3 months prior to his or her planned release to independent living

Persons Entitled to Attend Hearings

Citation: Ann. Code §§ 37-2-404; 37-2-409

Notice of the review hearing and the right to attend and participate in the review shall be provided to:

- The child's parent(s) whose rights have not been terminated or surrendered
- The parent's attorney
- The guardian ad litem and/or attorney for the child
- Foster parents, prospective adoptive parents, or relative providing care for the child
- The child who is a party to the proceeding

The child shall be present for the permanency hearing. The only exceptions to the child's mandatory attendance shall be a child who is either under a doctor's care preventing the child from attending or is placed outside the State. In such event, the court shall require the guardian ad litem, case manager for the Department of Children's Services, or other case manager of the child to attest that the child, if age appropriate, participated in the development of the permanency plan or has been counseled on the provisions of the permanency plan.

Determinations Made at Hearings

Citation: Ann. Code §§ 37-2-404; 37-3-409

At the review hearing, the court or board shall review the safety, permanency, and well-being of the child by assessing the necessity and appropriateness of continued foster care placement, the appropriateness of services for the child, the compliance of all parties to the statement of responsibilities, and the extent of progress in alleviating or mitigating the causes necessitating placement in foster care and in achieving the goals contained in the permanency plan. After this assessment, the court or board will project a likely date on which the goal of the plan will be achieved.

At the permanency hearing, the court shall confer with the child in an age-appropriate manner regarding the child's views on the provisions of the permanency plan. For all children, absent or present, evidence shall be presented as to the child's progress and needed services.

The purpose of the permanency hearings shall be to:

- Review the permanency plan and goals for the child
- Address which goals continue to be appropriate for the child in order to achieve permanent placement and include a timeline for achieving each goal
- Determine the extent of compliance of all parties with the terms of the permanency plan and the extent of progress in achieving the goals of the plan

In the case of a child who has reached age 16, the court shall review and ratify an independent living plan for the child. At the hearing for a child who has reached age 17, the court shall ensure that the child has notice of and understands the child's opportunity to receive, if eligible, all available voluntary postcustody services from the department by having the department present evidence regarding services that are available to the child beginning at age 18.

Permanency Options

Citation: Ann. Code §§ 37-2-403; 37-2-409

Possible permanency goals include:

- Return of the child to his or her parent
- Permanent placement with a fit and willing relative
- Adoption
- Permanent guardianship
- Another planned permanent living arrangement

The permanency plan shall not require the parent to obtain employment if the parent has sufficient resources from other means to care for the child, and the plan shall not require the parent to provide the child with the child's own bedroom unless specific safety or medical reasons exist that would make bedroom placement of the child with another child unsafe.

Placement in another planned permanent living arrangement shall be appropriate only in cases where the State agency has documented a compelling reason for determining that the other goals would not be in the best interests of the child because of the child's special needs or circumstances.

Texas

Schedule of Hearings

Citation: Fam. Code §§ 263.201; 263.304; 263.305

A status hearing shall be held no later than 60 days after the child is placed to review the child's status and service plan.

A permanency hearing shall be held:

- No later than 180 days after the child is placed with the Department of Family and Protective Services and subsequent hearings no later than 120 days thereafter
- Within 30 days of a finding that reasonable efforts are not required

Persons Entitled to Attend Hearings

Citation: Fam. Code §§ 263.301; 263.302

The following persons are entitled to receive notice of a permanency hearing and are entitled to present evidence and be heard at the hearing:

- The foster parent, preadoptive parent, relative of the child providing care, or the director of the group home or institution where the child resides
- Each parent of the child
- The managing conservator or guardian of the child
- An attorney ad litem or a volunteer advocate appointed for the child
- The child if the child is age 10 or older or the court determines it is appropriate for the child to receive notice
- Any other person or agency named by the court to have an interest in the child's welfare

The child shall attend each permanency hearing unless the court specifically excuses the child's attendance.

Determinations Made at Hearings

Citation: Fam. Code § 263.306

At each permanency hearing, the court shall determine:

- The safety and well-being of the child and whether the child's needs are being adequately addressed
- The appropriateness of the child's primary and alternative permanency goals
- Whether an education decision-maker for the child has been identified
- For a child age 14 or older, whether services that are needed to assist the child in transitioning from substitute care to Independent Living are available in the child's community
- For a child whose permanency goal is another planned permanent living arrangement:
 - » The desired permanency outcome for the child, by asking the child
 - » Whether another planned permanent living arrangement is the best permanency plan for the child and, if so, provide compelling reasons why another permanency option is not in the child's best interests

The court also shall determine:

- The safety of the child
- The continuing necessity and appropriateness of the placement
- The extent of compliance with the case plan
- Whether the child's education needs and goals have been identified and addressed
- The extent of progress that has been made toward alleviating or mitigating the causes necessitating the placement of the child in foster care
- Whether the department has made reasonable efforts to finalize the child's permanency plan, including the concurrent permanency goals
- A likely date by which the child may be returned to and safely maintained in the child's home, placed for adoption, or placed in permanent managing conservatorship

In addition, at each permanency hearing the court shall review the department's efforts to ensure that the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan.

Permanency Options

Citation: Fam. Code § 263.3026

The department's permanency plan for a child may include as a goal:

- The reunification of the child with a parent or other individual from whom the child was removed
- The termination of parental rights and adoption of the child by a relative or other suitable individual
- The award of permanent managing conservatorship of the child to a relative or other suitable individual
- Another planned, permanent living arrangement for the child

If the goal of the department's permanency plan for a child is to find another planned, permanent living arrangement for the child, the department shall document that there is a compelling reason why the other permanency goals identified in above are not in the child's best interests.

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

Persons Entitled to Attend Hearings

Citation: Ann. Code §§ 78A-6-306; 78A-6-317

The following persons are entitled to notice of, and to be present at, each hearing and proceeding held under this part, including administrative and citizen reviews, and have a right to be heard at each hearing and proceeding:

- The child who is the subject of the hearing
- Both parents and any guardian of the child
- Any person entitled to notice under §§ 78A-6-306 or 78A-6-310, including:
 - » The caseworker from the Division of Child and Family Services
 - » The attorney from the Attorney General's Office representing the division
- Preadoptive parents
- Foster parents
- Any relative providing care for the child

A child shall be represented at each hearing by the guardian ad litem appointed to the child's case by the court. The child has a right to be present at each hearing, subject to the discretion of the guardian ad litem or the court regarding any possible detriment to the child.

The parent or guardian of a child who is the subject of a petition under this part has the right to be represented by counsel and to present evidence at each hearing.

Determinations Made at Hearings

Citation: Ann. Code §§ 78A-6-313; 78A-6-314

At the review hearing, the court shall determine whether:

- The division has provided and is providing reasonable efforts to reunify a family in accordance with the child and family plan.
- The parent has fulfilled or is fulfilling identified duties and responsibilities in order to comply with the requirements of the child and family plan.

At the permanency hearing the court shall determine whether the child may safely be returned to the custody of his or her parents. If the court finds, by a preponderance of the evidence, that return of the child would create a substantial risk of detriment to his or her physical or emotional well-being, the child may not be returned to the custody of his or her parents.

The court shall review and consider:

- The report prepared by the division
- Any admissible evidence offered by the minor's guardian ad litem
- Any report submitted by the division under § 78A-6-315(3)(a)(i)
- Any evidence regarding the efforts or progress demonstrated by the parent
- The extent to which the parent cooperated and utilized the services provided

If the child is not returned to his or her parent or guardian at the permanency hearing, the court shall:

- Order termination of reunification services to the parent
- Make a final determination regarding whether termination of parental rights, adoption, or permanent custody and guardianship is the most appropriate final plan for the child, taking into account the child's primary permanency goal
- Establish a concurrent plan that identifies the second most appropriate final plan for the child

Permanency Options

Citation: Ann. Code §§ 78A-6-312; 78A-6-314

In addition to a primary permanency plan, the court shall establish a concurrent permanency plan that shall include:

- A representative list of the conditions under which the primary permanency plan will be abandoned in favor of the concurrent permanency plan
- An explanation of the effect of abandoning or modifying the primary permanency plan

In determining the primary permanency plan and concurrent permanency plan, the court shall consider:

- The preference for kinship placement over nonkinship placement
- The potential for a guardianship placement if the parent-child relationship is legally terminated and no appropriate adoption placement is available
- The use of an individualized permanency plan only as a last resort

Permanency options include:

- Reunification
- Adoption
- Permanent custody and guardianship
- Kinship placement
- Another planned permanent living arrangement

Vermont

Schedule of Hearings

Citation: Ann. Stat. Tit. 33, §§ 5320; 5321

If the permanency goal of the disposition case plan is reunification with a parent, guardian, or custodian, the court shall hold a review hearing within 60 days of the date of the disposition order.

A permanency review hearing shall be held no less than every 12 months with the first hearing to be held 12 months after the date the legal custody of the child was transferred, subject to the following exceptions:

- If the child was age 3 or younger at the time of the initial transfer of legal custody, the court may order that permanency review hearings be held as frequently as every 3 months.
- If the child is between age 3 and 6 at the time of the initial transfer of legal custody, the court may order that permanency review hearings be held as frequently as every 6 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 the legal custody of the Department for Children and Families.

Upon the filing of a petition for a finding of reasonable efforts, the court shall hold a hearing within 30 days to determine, by a preponderance of the evidence, whether the department has made reasonable efforts to finalize the permanency plan for the child that is in effect at the time of the hearing. The hearing may be consolidated with or separate from a permanency hearing. Reasonable efforts to finalize a permanency plan may consist of:

- Reasonable efforts to reunify the child and family when the permanency plan for the child is reunification
- Reasonable efforts to arrange and finalize an alternate permanent living arrangement for the child when the permanency plan for the child does not include reunification

Persons Entitled to Attend Hearings

Citation: Ann. Stat. Tit. 33, § 5321

The department shall provide notice of the permanency review to:

- The State's attorney having jurisdiction
- All parties to the proceeding in accordance with the rules for family proceedings

A foster parent, preadoptive parent, or relative caregiver for the child shall be provided notice of and an opportunity to be heard at any permanency hearing held with respect to the child. This notice shall not be construed as giving such person party status in the proceeding.

Determinations Made at Hearings**Citation: Ann. Stat. Tit. 33, §§ 5320; 5321**

At the postdisposition review hearing, the court shall monitor progress under the disposition case plan and review parent-child contact.

At the permanency review, the court shall review the permanency plan and determine whether the plan advances the permanency goal recommended by the department. The court may accept or reject the plan but may not designate a particular placement for a child in the department's legal custody.

The permanency hearing may be held by an administrative body appointed or approved by the court. In the event that the administrative body determines that the existing order should be altered, it shall submit its recommendation to the court for its consideration. In the event that the administrative body determines that the existing order should not be altered, its determination shall be binding unless any party requests review by the court within 10 days of receipt of the determination.

Permanency Options**Citation: Ann. Stat. Tit. 33, § 5321**

At the permanency hearing, the court shall determine the permanency goal for the child and an estimated time for achieving that goal. The goal shall specify when:

- Legal custody of the child will be transferred to the parent, guardian, or custodian.
- The child will be released for adoption.
- A permanent guardianship will be established for the child.
- A legal guardianship will be established for the child pursuant to an order under chapter 111 of Title 14.
- The child will remain in the same living arrangement or be placed in another planned permanent living arrangement because the commissioner has demonstrated to the satisfaction of the court a compelling reason that it is not in the child's best interests to:
 - » Return home
 - » Have residual parental rights terminated and be released for adoption
 - » Be placed with a fit and willing relative or legal guardian

Virgin Islands**Schedule of Hearings****Citation: Ann. Code Tit. 5, § 2554**

The status of a child removed from the home shall be reviewed at least once every 6 months following the initial order of disposition.

Persons Entitled to Attend Hearings**Citation: Ann. Code Tit. 5, § 2554**

Notice of a hearing must be provided to any party to the proceeding.

Determinations Made at Hearings**Citation: Ann. Code Tit. 5, § 2554**

At the hearing, the court shall determine:

- What services have been provided or offered to the parents to facilitate reunion
- Whether the parents or guardians are satisfied with the services offered
- The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent
- Whether the agency is satisfied with the level of the parent's cooperation
- Whether additional services are needed to facilitate the return of the child to his or her parents or guardian
- When the return of the child may be expected

Permanency Options**Citation: Ann. Code Tit. 5, § 2501**

Permanency options include:

- Return to the parent
- Adoption
- Placement in another permanent setting

Virginia

Schedule of Hearings

Citation: Ann. Code §§ 16.1-278.2; 16.1-281; 16.1-282; 16.1-282.1; 16.1-282.2

Hearings shall be scheduled as follows:

- A dispositional hearing will be held within 60 days of removal to review and approve the foster care plan.
- A foster care review shall be held within 60 days of the child's initial foster care placement to review and approve the foster care plan.
- A foster care review hearing shall be held within 4 months of the dispositional hearing.
- A permanency hearing will be held:
 - » Within 30 days of a determination that reasonable efforts to reunify are not required
 - » Within 10 months of the dispositional hearing
- An additional foster care review hearing will be held:
 - » Every 6 months for any child who is placed in another planned permanent living arrangement for long as the child remains in the legal custody of the board or child welfare agency
 - » Annually for any child who remains in the custody of a local board of social services and (i) on whose behalf a petition to terminate parental rights has been granted, filed, or ordered to be filed; (ii) who is placed in permanent foster care, or (iii) who is age 16 or older and for whom the plan is Independent Living

Persons Entitled to Attend Hearings

Citation: Ann. Code § 16.1-282

Notice of a hearing shall be provided to:

- The child's parents
- The child if he or she is age 12 or older
- The child's guardian ad litem
- Any other person standing in loco parentis
- The foster parents
- The petitioning board, public agency, or child welfare agency
- Such other persons as the court, in its discretion, may direct, including, but not limited to, preadoptive parents for a child in foster care

Determinations Made at Hearings

Citation: Ann. Code § 16.1-282.1

Before approving a plan for the child, the court shall find:

- When returning home remains the goal for the child, what progress the parent has made toward reunification with the child, whether the parent has maintained a close and positive relationship with the child, and whether the child is likely to return home within the near future
- When returning home is not the goal for the child, what progress is being made to achieve the permanent goal identified by the plan
- Whether reasonable efforts have been made

Permanency Options

Citation: Ann. Code § 16.1-281

Permanency options include:

- Return to the parent
- Transfer custody to a fit and willing relative
- Adoption
- Permanent foster care
- Independent living for a child age 16 or older
- Another planned permanent living arrangement

Washington

Schedule of Hearings

Citation: Rev. Code §§ 13.34.134; 13.34.138; 13.34.145

Hearings to review the status of all children found dependent shall be held at least 6 months from the beginning date of the placement episode or the date dependency is established, whichever is first.

Permanency hearings shall be held:

- No later than 12 months from the beginning of the current placement episode and every 12 months thereafter
- Within 30 days if reasonable efforts to reunify are not ordered

Persons Entitled to Attend Hearings

Citation: Rev. Code §§ 13.34.070; 13.34.138; 13.34.145

Notice of a hearing shall be provided to the child if the child is age 12 or older, and to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings.

The department or supervising agency shall provide the child's foster parents, preadoptive parents, or other caregivers with notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. The rights to notice and to be heard apply only to persons with whom a child has been placed by the department or supervising agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

If the child has resided in the home of a foster parent or relative for more than 6 months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required by statute.

Determinations Made at Hearings

Citation: Rev. Code § 13.34.138; 13.34.145

At the review hearing, the court shall determine whether:

- The agency is making reasonable efforts to provide services to the family to eliminate the need for placement of the child.
- There has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement.
- Progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care.
- There is a continuing need for placement.
- A parent's lack of suitable housing is preventing the child's return home and housing assistance should be provided.
- The child is in an appropriate placement that adequately meets all physical, emotional, and educational needs.
- Preference has been given to placement with the child's relatives.
- Both in-State and, where appropriate, out-of-State placements have been considered.
- The parents have visited the child and any reasons why visitation has not occurred or has been infrequent.

At the permanency planning hearing, the court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

- The continuing necessity for, and the safety and appropriateness of, the placement
- The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any
- The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents
- The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child
- The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian, or in some other alternative permanent placement

Permanency Options

Citation: Rev. Code § 13.34.145

The permanency plan shall identify one of the following outcomes as a primary goal:

- Being returned safely to his or her home
- Having a petition for the involuntary termination of parental rights filed on behalf of the child
- Being placed for adoption

- Being placed with a guardian
- Being placed in the home of a fit and willing relative of the child
- Being placed in some other alternative permanent placement, including independent living or long-term foster care

West Virginia

Schedule of Hearings

Citation: Ann. Code § 49-4-608

A permanency hearing shall be held:

- Within 12 months of the child's commitment to care and every 12 months thereafter
- Within 30 days of a finding that reasonable efforts are not required and at least every 3 months thereafter until permanency is achieved

Any party may petition the court for review of the child's case at any time. The court shall grant such petition upon a showing that there is a change in circumstances or needs of the child that warrants court review.

Persons Entitled to Attend Hearings

Citation: Ann. Code § 49-4-608

Any foster parent, preadoptive parent, or relative providing care for the child shall be given notice of and the opportunity to be heard at the permanency hearing.

Before the hearing, notice of the right to be present shall be provided to:

- The child's attorney
- The child
- The child's parents
- The child's guardians
- The child's foster parents
- Any preadoptive parent
- Any relative providing care for the child
- Any person entitled to notice and the right to be heard
- Other persons as the court may direct

The child's presence may be waived by the child's attorney at the request of the child or if the child is younger than age 12 and would suffer emotional harm.

Determinations Made at Hearings

Citation: Ann. Code § 49-4-608

The purpose of the permanency hearing is:

- To review the child's case
- To determine whether and under what conditions the child's commitment to the Department of Health and Human Resources shall continue
- To determine what efforts are necessary to provide the child with a permanent home
- To determine if the department has made reasonable efforts to finalize the permanency plan

In the case of a child who has reached age 16, the court shall determine the services needed to assist the child to make the transition from foster care to Independent Living.

At the conclusion of the hearing the court shall, in accordance with the best interests of the child, enter an order containing all the appropriate findings. The court order shall state:

- Whether or not the department made reasonable efforts to preserve the family and to prevent out-of-home placement or that the specific situation made the effort unreasonable
- Whether or not the department made reasonable efforts to finalize the permanency plan and concurrent plan for the child
- The appropriateness of the child's current placement, including its distance from the child's home and whether or not it is the least restrictive and most family-like one available
- The appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement
- The services required to meet the child's needs and achieve permanency

Permanency Options

Citation: Ann. Code § 49-4-608

Permanency options include:

- Return to the parent
- Adoption
- Legal guardianship
- Permanent placement with a fit and willing relative
- Another planned permanent living arrangement

In the case of any child for whom another planned permanent living arrangement is the permanency plan, the court shall:

- Ask the child about his or her desired permanency outcome
- Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child
- Provide in the court order compelling reasons why it continues to not be in the best interests of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative

Wisconsin

Schedule of Hearings

Citation: Ann. Stat. § 48.38

The court or a review panel shall review the permanency plan no later than 6 months after the child's removal from home and every 6 months thereafter as long as the child remains placed outside the home.

The court shall hold a permanency hearing no later than 12 months after the child's removal from home and every 12 months thereafter.

If the court finds that reasonable efforts to reunify the child with his or her parent are not required, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child.

Persons Entitled to Attend Hearings

Citation: Ann. Stat. § 48.38

Notice shall be provided to:

- The child if he or she is age 12 or older
- The child's parent, guardian, and legal custodian
- The foster parent, the operator of the facility, or the relative with whom the child is living
- If the child is an Indian child, the child's Indian custodian and Tribe
- The person representing the interests of the public
- The child's counsel, guardian ad litem, and court-appointed special advocate

A child, parent, guardian, custodian, foster parent, operator of a facility, or relative who is provided notice shall have a right to be heard at the review by submitting written comments no less than 10 working days before the date of the review or by participating at the review. A person representing the interests of the public, and the child's counsel, guardian ad litem, or court-appointed special advocate may have an opportunity to be heard at the review by submitting written comments no less than 10 days before the review. A foster parent, operator of a facility, or relative who receives notice and a right to be heard does not become a party to the proceeding solely on the basis of receiving that notice.

If the child's age and developmental level are sufficient for the court to consult with the child regarding the child's permanency plan, the court shall consult with the child, in an age-appropriate and developmentally appropriate manner, regarding the child's permanency plan and any other matters the court finds appropriate. If consulting with the child is not possible or appropriate, the court may permit the child's caseworker, counsel, or guardian ad litem to make a statement during the review expressing the child's wishes, goals, and concerns. If the court permits a statement to be made, the court may nonetheless require the child to be physically present at the review.

Determinations Made at Hearings

Citation: Ann. Stat. § 48.38

At the review hearing, the court or panel shall determine:

- The continuing necessity and the safety and appropriateness of the placement
- The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any
- The extent of efforts to meet the needs of the child and his or her parents
- Progress toward eliminating the causes for the child's placement outside of the home and toward returning the child safely home or obtaining a permanent placement for the child
- Whether reasonable efforts were made by the agency to achieve the goal of the permanency plan
- The appropriateness of the permanency goal
- The appropriateness of the permanency plan and the circumstances that prevent the child from achieving the permanency goal
- The date by which it is likely that the child will be returned home or placed for adoption, with a guardian, or in an alternative permanent placement
- If the child has one or more siblings who have also been removed from the home, whether reasonable efforts were made by the agency to place the child in a placement that enables the sibling group to remain together or to provide for frequent visitation or other ongoing interaction between the child and those siblings
- If the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, whether active efforts were made to prevent the breakup of the Indian child's family, whether those efforts have proved unsuccessful, whether the Indian child's placement is in compliance with the placement preferences required by § 48.028
- If the child is subject to an order that terminates his or her placement, the appropriateness of the transition-to-independent-living plan developed under § 48.385

Permanency Options

Citation: Ann. Stat. § 48.38

The goal of the permanency plan shall be one of the following:

- Return of the child to the child's home
- Placement of the child for adoption
- Placement of the child with a guardian
- Permanent placement of the child with a fit and willing relative.
- Some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult, including sustaining care or long-term foster care, but not including Independent Living
- If the child has reached age 18, transition to Independent Living

Wyoming

Schedule of Hearings

Citation: Ann. Stat. § 14-3-431

The court shall conduct a review hearing 6 months from the date of the child's removal from the home and every 6 months thereafter.

A permanency hearing shall be held:

- No later than 12 months after the child's removal from home, and every 12 months thereafter
- Within 30 days after a finding that reasonable efforts are not required

Persons Entitled to Attend Hearings

Citation: Ann. Stat. §§ 14-3-402; 14-3-424

Notice of a hearing shall be provided to:

- All parties to the proceeding, including:
 - » The child
 - » The child's parents
 - » The child's guardian or custodian
 - » The State of Wyoming
 - » Any other person made a party by the juvenile court
- Counsel for the parties

Determinations Made at Hearings

Citation: Ann. Stat. § 14-3-431

At the 6-month review hearing the court shall review the case plan to determine:

- The health and safety of the child
- The continuing necessity for the placement
- The appropriateness of the current placement
- The reasonableness of efforts made to reunify the family and the consistency of those efforts with the case plan
- The appropriateness of the case plan and the extent of compliance with the case plan
- Whether progress has been made toward alleviating or mitigating the causes necessitating placement outside the home and the extent of that progress
- The date the child is expected to be returned to the home or placed for adoption or legal guardianship

At the permanency hearing, the court shall review:

- Efforts made by the department to effect the permanency plan for the child
- The options for the child's permanent placement
- The reasons for excluding other permanency options
- Whether the permanency plan is in the best interests of the child
- Whether the department has made reasonable efforts to finalize the plan

Permanency Options

Citation: Ann. Stat. § 14-3-431

Permanency options include:

- Reunification with the parent
- Adoption
- Legal guardianship

The Department of Family Services shall provide the court with a compelling reason for establishing a permanency plan other than reunification, adoption, or legal guardianship.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

