

FCA ARTICLE 10A: FOSTER CARE PERMANENCY.

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"FREED" CHILD: *both* parents rights have been terminated, or both are deceased (or one each). Permanency hearing shall either be held immediately after earlier of oral/written "freeing" of child; else within 30 days.

Notice of permanency hearings must be made at least 14 days beforehand to the following individuals: parents and PLRs (sent to most recent address on file with the agency); counsel for *parents*; LG; Agency; current foster parent, relative with whom the child resides, or pre-adoptive resource; and any prior foster parent who had the child for at least 12 continuous months.

Permanency Hearing Report: sworn document regarding status of parents; reasonable efforts made to return child home (unless parents rights were terminated or 1039b finding was entered obviating such necessity); the child's current permanency plan; reasonable efforts made to effectuate the current plan; recommended future plan; child's health, well-being, and education; visitation with parents/siblings; Independent Living services for children over 14; adoption subsidy; whether child over 14 will consent to adoption.

Report must be sent along with notice to all required individuals; EXCEPT: *former* foster parents.

Parents and PLRs are parties; however foster parents, pre-adoptive resources, or relatives who fail to appear are deemed to have waived their right to participate.

Court has continuing jurisdiction over children in foster care. Child's Law Guardian remains the same during placement unless relieved of obligation and replaced. Assigned 18B attorney similarly remains for Resp until voluntary surrender is effected, or TPR order is made and appeal time expires.

Initial hearing shall be within 6 months following 60 day period after removal. Subsequent hearings at least every 6 months thereafter. Hearings shall be scheduled together with siblings, provided that time limits are adhered to.

Once commenced, a permanency hearing can be adjourned only for a maximum of 30 days.

Permanency Order approves or modifies a Goal: Return to Parent; Placement for Adoption; Referral for Legal Guardianship; Permanent Placement with a Fit and Willing Relative; or Court can determine upon documentation of compelling reasons that none of the foregoing are appropriate = Placement in another Planned Permanent Living Arrangement with a significant connection to an adult.

Order additionally either continues foster care until completion of next scheduled permanency hearing (date specified therein); or terminates placement. If goal was placement with relative, child can be placed in such relative's custody.

Court must also determine whether the agency made Reasonable Efforts to effectuate the current goal; as well as what steps will be necessary going forward.

Permanency Order addresses visitation; and if parents' rights are not terminated, their obligation to keep the agency informed of current address so as to receive notice of planning conferences. Order also reiterates that TPR may be filed if child is in care for 15 out of most recent 22 months. Court can direct filing of TPR within 90 days.