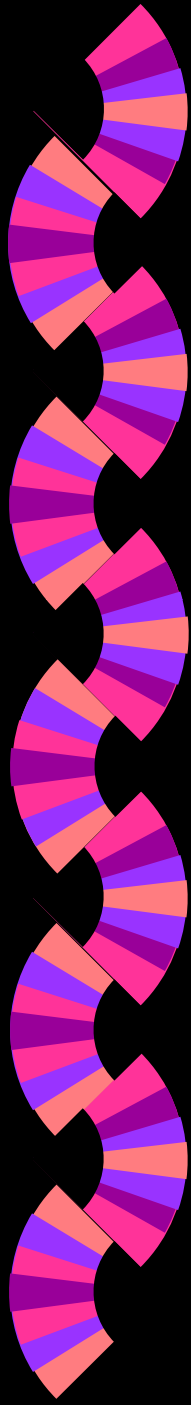




Permanency and the Law

Ohana is Forever III ~ March 30, 2009

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Why Social Workers Need To Know

- ◆ It affects outcomes and stability for children
- ◆ It affects how they work with birth families
- ◆ It affects how they work with attorneys and the court
- ◆ It affects what expectations they communicate to caregivers and the community



Why Foster Parents Need To Know

- ◆ It affects whether the child returns to a parent or stays with the foster family
- ◆ It affects legal rights of foster and adoptive parents
- ◆ It can affect financial payments
- ◆ It affects whether or not the agency stays involved in the foster family



Basic Dependency Timelines

- ◆ **Foster Custody:** Petition filed within 3 working days. Hearing ASAP, within two working days after petition is filed
- ◆ **Legal Issue:** Enough evidence to keep the child in foster care



Basic Dependency Timelines

- ◆ **Jurisdiction:** If child is in temporary foster care, must occur within 10 days of the return date .
- ◆ **Legal Issue:** Are the parents able to provide a safe family home with the benefit of services? Is the allegation true?



Basic Dependency Timelines

- ◆ **Disposition:** If child is kept in foster custody, must occur within 10 days of jurisdiction.
- ◆ **Legal Issues:** 1) Will court take jurisdiction? 2) Can child live at home? 3) If not, can child live with a relative? 4) If not, what kind of placement is appropriate? 5) Should services be offered? 6) If so, how can parents get child returned?



Basic Dependency Timelines

- ◆ **Six-Month Review:** Must occur within 6 months of the disposition hearing.
- ◆ **Legal Issues:** 1) How is the parent doing with services? 2) How is the child doing? 3) Should reunification services continue (is there a substantial probability that child can be returned by the permanency hearing)?



Basic Dependency Timelines

- ◆ **Show Cause Hearing:** Must occur within 12 months of the date entered foster care (usually jurisdiction).
- ◆ **Legal Issues:** Parents must show cause why the case should not be scheduled for a permanent plan (termination) hearing unless the DHS has documented compelling reasons why reunification should continue.



Basic Dependency Timelines

- ◆ **Motion to Terminate:** Must be filed if the child has spent 15 of the most recent 22 months in foster care.
- ◆ **Legal Issues:** (1) Are parents able and willing to provide a safe family home with the benefit of a service plan; (2) Will parents be able to provide a safe family home within the reasonably foreseeable future, which may not exceed 24 months from the time that the child first went into foster care. (3) Termination is NOT decided based on what is in the child's best interests.



Basic Dependency Timelines

- ◆ **Post-Permanency Review**
Hearings: Must be held every 12 months as long as the court continues jurisdiction.
- ◆ **Legal Issues:** 1) Is there a more permanent plan possible for the child? 2) Are there services the child or caregiver needs to meet the child's needs?



Concurrent Planning

- ◆ Avoids multiple placements
- ◆ Ties in with federal performance measures for placement stability
- ◆ Required for ALL children – even teens



Permanency Plans

- ◆ Return Home
- ◆ Adoption
- ◆ Legal guardianship



Return Home

- ◆ Most preferred plan in most cases
- ◆ Sometimes, the court may not order reunification services at all in “aggravated circumstances”
- ◆ Caregivers must support the court-ordered plan
- ◆ Concurrent planning from the beginning



Return Home

- ◆ Foster Parent Role in Return Home:
 - Talk with social worker about the plan
 - Work with the birth family
 - Maintain a positive relationship
 - Participate in meetings as a team member
 - Support the child



Adoption

- ◆ Happens after TPR
- ◆ Creates a parent-child relationship
- ◆ Can negotiate AAP (adoption subsidy)
- ◆ Agency involvement ends
- ◆ Possible post-adoption contact agreement



Adoption

- ◆ Foster parent's role in adoption:
 - Most likely to adopt
 - Tell others if you would like to adopt
 - Do not interfere with reunification
 - Ask about adoption subsidies



When Is a Child Adoptable?

- ◆ Upon termination of parental rights if the parents do not appeal
- ◆ Upon exhaustion of the appeal process if they do appeal



Standards Regarding Placement for Adoption

- ◆ Once parental rights have been terminated, the **ONLY** standard is what is in the best interests of the child



What is Required to Adopt?

- ◆ Adoptive home study
- ◆ Consent of the DHS



Legal Guardianship

- ◆ Does NOT terminate parental rights
- ◆ Transfers rights : protection, education, care/control of the child, custody of the child, decision making to guardian
- ◆ Court may or may not dismiss jurisdiction



Legal Guardianship

- ◆ Foster parent's role in guardianship:
 - Relatives may prefer guardianship
 - Some youth prefer guardianship
 - Financial supports can continue
 - Ask about continued services and put into court order



Making Permanency Real

- ◆ Regardless of the permanent plan option a court chooses for a child, all children need a caring, supportive relationship with an adult caregiver.
- ◆ Relative caregivers and foster parents make permanency a reality for children who cannot return to their parents.



Making Permanency Real

- ◆ Caregivers should offer their input and expertise to the Department and Court decision makers so that the very best decision about a permanent home can be made for each child.



*Mahalo for all you do for
Hawaii's keiki in out-of-home
care!*

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