

Concurrent Planning Hearing Checklist

Introduction:

Definition: Concurrent planning is the effort to reunify the family while at the same time developing and taking steps toward achieving alternative permanent plans consistent with ASFA and the Juvenile Act's hierarchy of permanency goals.

Role of the Court: All judges and attorneys must receive concurrent planning training. They should understand the agency's definition of concurrent planning and the steps the agency plans to take with families to implement the process. The court and attorneys should also consider their role in ensuring concurrent planning is working and children and families are receiving the most benefits.

The court must request that the agency's concurrent plan be clearly stated in court for all parties to hear. The court should monitor progress toward achieving the primary permanency goal as well as steps taken toward pursuing the concurrent plan. The court should explain concurrent planning to the parents and stress its importance. The court should hold all parties, including the agency and parents, accountable for accessing and completing services. All decisions should be child-centered decisions, keeping the child's need for permanency in mind.

Role of Attorneys: The attorneys play a role in ensuring that concurrent planning is occurring. Agency attorneys can: help the agency with proper documentation, work with the court to know what information the judge wants to know about the permanency planning process and work with the caseworkers to ensure they are ready to provide the information.

Children's attorneys and GALs should explain the process to their clients; ensure they are visiting with their parents and siblings and participating in FGDM if appropriate; alert the court if the agency is not providing front-loaded services to the child and family; and, help to access those services as appropriate.

Parents' attorneys play a large role in getting the buy-in and action from their clients. Parents' attorneys must practice full disclosure with their clients, ensuring parents understand that the time they have to work toward reunification is limited and the parent must participate in case planning, working with service providers and visit on a regular basis. The parent's attorney can help the parent access services and comply with them. The parent's attorney can work with the parent to identify relative resources that will be supportive of the child and parent. The parent's attorney should try to work with the caseworker, but also alert the court if the agency is not providing the necessary services to the parent in a timely manner.

Suggested ASFA/Concurrent planning explanation to be read to parents before each hearing:

Federal law requires that DHS begin to finalize a permanent plan when the child has been in out-of-home care for 15 months. This law applies to you even if you asked DHS to voluntarily place your child in a home away from you. Our first plan is to return the child to the parent; however at the same time DHS must also develop a concurrent or back up plan. A back up plan may be placing your child for adoption or permanently with a relative. You as the parent can and should help in the development of this back up plan.

If you as the parent have not completed the services ordered by this court and have not made the necessary changes to make your home safe for your child, your parental rights may be terminated and your child may be placed for adoption or your child may be permanently placed in another living arrangement.

Questions to be asked at hearings:

The concurrent plan should be discussed at all hearings after the child has been in an out-of-home placement for 60 days. The court should first ensure there is a thorough discussion of the primary permanency goal and the progress made toward achieving that goal. The court must request that the agency's concurrent plan be clearly stated in court for all parties to hear. The concurrent plan may change over time and not all parties may agree on the concurrent plan.

After this review the following questions should be asked:

- What is the proposed Concurrent Plan(s)?
- Is the current caretaker willing to consider adoption?
- Have all relatives been explored? Are any of them willing to adopt or if not be a long term caretaker?
- If adoption has been ruled out, why?
- If the current caretakers are not willing to adopt, are they willing to be a permanent placement under another permanency goal?
- What steps have been taken toward achieving the concurrent plan, i.e. identifying and approving permanent caretakers?