

Permanency Goal Descriptions

Return to Parent

The goal of return to parent also includes the non-custodial parent and the caregiver of origin. Conditions required for the finalization of this goal include that the goal is deemed best suited to the **safety**, protection and physical, mental and moral welfare of the child. (The Juvenile Act 42 Pa.C.S. § 6351. (f.1) (1)). The parent or caregiver of origin must demonstrate that they have achieved enhanced protective capacities and the conditions for return have been or can be met. It is possible for this goal to be finalized when the objectives from the Family Service Plan and/or the Child's Permanency Plan have not been achieved if there are no longer concerns for the child's safety. (The Safety Assessment and Management Process Reference Manual pp. 137-138). It is important to determine a CCYA's policy is surrounding returning children home with a safety plan.

Upon the finalization of the return to parent goal, the legal and physical custody of the child rest with the parent. The court can either terminate jurisdiction over the family and close the case or retain jurisdiction and set certain conditions for the parent to follow. The parent must comply with any conditions, such as supervision, ordered by the court. (The Juvenile Act 42 Pa.C.S. § 6351.)

The County Children and Youth Agency (CCYA) is responsible for several activities including but not limited to assessing the safety of the child before a planned return home and the parent – child visitation and preparing the child for return. (The Safety Assessment and Management Process Reference Manual pp. 137-139.)

Permanency Goal Descriptions (continued)

Adoption

A condition for finalizing the goal of adoption is a determination that returning the child to his/her parent is not best suited for the child. (The Juvenile Act 42 Pa.C.S. § 6351.(f.1)(2)) Any child, 12 years of age or older must consent to the adoption. In addition, the parents' parental rights must have been terminated and the adoptive family must be approved to adopt. (Adoption Act 23 Pa.C.S. § 2501, 2503, and 2511.). The biological parents' no longer have duties, including the obligation to provide child support. In addition, they no longer have parental rights. In cases where there is a post-adoption agreement for continuing contact endorsed by the court, biological parents may maintain contact identified in the agreement. Upon the finalization of the adoption achieving the adoption goal, the adoptive parents are awarded custody and become in loco parentis to the child and has the authority to exercise authority concerning the child as a natural parent could exercise. (The Adoption Act 23 Pa.C.S. §2521.) The dependency case is typically terminated upon the finalization of the adoption.

The CCYA is responsible for filing the petition to terminate the parental rights. (The Adoption Act 23 Pa.C.S. § 2512.) The CCYA is also responsible for advising and assisting the adoptive parents in determining and obtaining Adoption Assistance. (55 PA Code Chpt 3140.201) In addition, the agency must inform and determine if a Voluntary Agreement for Continuing Contact should be created. (The Adoption Act 23 Pa.C.S. § 2731.) The Statewide Adoption Network (SWAN) also provides services to eligible children include but are not limited to child profile, child specific recruitment, and child preparation services. (OCYF Bulletin #3130-10-02, 3140-10-03. (p 9).)

Permanency Goal Descriptions (continued)

Permanent Legal Custody

An essential condition for finalizing this goal is that “there must be a compelling, thoroughly documented reason that the goal of adoption is not best suited to the safety, protection and physical, mental and moral welfare of the child.” (OCYF Bulletin #3130-10-02, 3140-10-03. (p.6)). Several other conditions must occur including but not limited to the child is found to be dependent. In addition, a child 12 years of age or older, must have participated in adoption counseling if he/she refused consent to adoption. The child must have been in care for six months and had at least one permanency goal hearing. The child must have lived, or be living, with the identified custodian(s) for a total of six months, not consecutive. Finally, it is determined that parents cannot or are unlikely to, remedy the specific conditions which led to removal of the child. (The Juvenile Act 42 Pa.C.S. §6351(a) OCYF Bulletin #3130-10-02, 3140-10-03. (pp.6-7))

In the case of permanent legal custody the identified custodian(s) can be granted physical custody, temporary legal custody, and eventually permanent custody of the child which includes the right to determine the nature of the care and treatment of the child, including ordinary medical care. They also have the right and duty to provide for the care, protection, training, and education, and the physical, mental, and moral welfare of the child. (The Juvenile Act 42 Pa.C.S. § 6351 and 6357) Once permanent legal custody of the child is awarded to the identified custodian(s), the court will typically terminate jurisdiction.

The rights of the permanent legal custodian(s) are subject to the conditions and limitations of the court order and to the remaining rights and duties of the parents or guardian of the child as determined by the court. (The Juvenile Act 42 Pa.C.S. § 6357.) If the parents’ parental rights have not been terminated, the parents may continue to have rights to visitation (The Juvenile Act 42 Pa.C.S. § 6351. (a) (2.1)); the right to petition the court for custody, the right to pass on property to the child, (OCYF Bulletin #3130-10-02, 3140-10-03. (p. 11)) and the duty to pay child support. (The Juvenile Act 42 Pa.C.S. § 6351. (a) (2.1))

Prior to finalization, the CCYA must inform the permanent legal custodian candidate(s) of the availability of Subsidized Permanent Legal Custody and Post Permanency services (Family Finding and Kinship Care Act 62 P.S. § 1303.1.). If the permanent legal custodianship arrangement is going to be subsidized, the CCYA must also inform the subsidized permanent legal custodian candidate(s) about the option of and guidelines around naming a successor permanent legal custodian(s) for the child in the event of the death or incapacitation of the subsidized permanent legal custodian(s). (Act 92 of 2015).

Permanency Goal Descriptions (continued)

Permanent Placement with a Fit and Willing Relative

The condition for finalizing the permanent placement of a child with a fit and willing relative goal is that it must be determined that return to the child's parent, guardian or custodian, being placed for adoption or being placed with a permanent legal custodian is not best suited to the safety, protection and physical, mental and moral welfare of the child. The Juvenile Act 42 Pa.C.S. §6351(f.1)(4)). The child must also be dependent, in the legal custody of the CCYA, and placed with a kinship caregiver. (Kinship Care Policy OCYF Bulletin 00-03-03 (p.6)) The kinship caregiver can be a relative of the child through blood or marriage; godparent of the child as recognized by an organized church; member of the child's tribe or clan; or someone with a significant positive relationship with the child or the child's family. (Kinship Care Policy OCYF Bulletin 00-03-03. (p.5))

Typically, the court continues jurisdiction and the child remains in the legal custody of the CCYA. The kinship caregiver must meet the minimal foster care requirements including meeting the health and safety needs of the child and the foster care approval requirements. If the Fit and Willing Relative(s) meet the foster care approval requirements, they are eligible to receive foster care maintenance payments so long as the child remains in the custody of the CCYA for the purposes of continued placement in the approved resource family home of the Fit and Willing Relative(s). Fit and Willing Relative(s) are also eligible to receive in-home services. (Kinship Care Policy OCYF Bulletin 00-03-03 (p.A-1).) The parents may continue to have rights to frequent and quality visitation and ongoing involvement in case planning. (The Juvenile Act 42 Pa.C.S. § 6351. (a) (2.1)); the right to petition the court for custody, the right to pass on property to the child, (OCYF Bulletin #3130-10-02, 3140-10-03. (p. 11)) and the duty to pay child support. (The Juvenile Act 42 Pa.C.S. § 6351. (a) (2.1)).

If a sibling of a child has been removed from his home and is in a different placement setting than the child, the court shall enter an order that ensures visitation between the child and the child's sibling 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. (The Juvenile Act 42 Pa.C.S. § 6351. (b.1))

Permanency Goal Descriptions (continued)

Another Planned Permanent Living Arrangement (Intended to be Permanent) (APPLA)

APPLA is the least preferred permanency option and may only be used in rare situations (OCYF Bulletin 3130-11-04 Youth Independent Living Services Guidelines (p.4) for those youth 16 years of age or older. (Preventing Sex Trafficking and Strengthening Families Act: Public Law 113-183 (H.R. 4980) and changes to the Juvenile Act made by Act 94 of 2015).

An essential condition to finalize and maintain the goal of APPLA is that at each permanency hearing the CCYA must document a compelling reason that it would not be best suited to the safety, protection and physical, mental and moral welfare of the youth to be returned to the child's parent, guardian or custodian, to be placed for adoption, to be placed with a legal custodian or to be placed with a fit and willing relative. (The Juvenile Act 42 Pa.C.S. § 6351.(f.1) (5)).

For youth being considered for or assigned, an APPLA goal, the CCYA shall identify at least one significant connection with a supportive adult willing to be involved in the youth's life as the youth transitions to adulthood, or document that efforts have been made to identify a supportive adult. (Act 94 of 2015).

The court will maintain jurisdiction of the youth and custody remains with the CCYA. The caregiver must meet the minimal foster care requirements including meeting the health and safety needs of the youth and the foster care approval requirements. The caregiver is eligible to receive foster care maintenance payments and receive in-home services. (Kinship Care Policy OCYF Bulletin 00-03-03 (p.A-1).) The parents may continue to have rights to visitation and ongoing involvement in case planning. (The Juvenile Act 42 Pa.C.S. § 6351. (a) (2.1)); the right to petition the court for custody, the right to pass on property to the child, (OCYF Bulletin #3130-10-02, 3140-10-03. (p. 11)) and the duty to pay child support. (The Juvenile Act 42 Pa.C.S. § 6351. (a) (2.1)).

In the case of any youth age 16 or older for whom APPLA is the permanency plan determined for the youth, Rules of Juvenile Court Procedure Dependency Matters, Public Law 113-183 and changes to the Juvenile Act made by Act 94 require the following to occur at each permanency hearing:

- The CCYA must document a compelling reason that it would not be best suited to the safety, protection and physical, mental and moral welfare of the youth to be returned to the youth's parent, guardian or custodian, to be placed for adoption, to be placed with a legal custodian or to be placed with a fit and willing relative. (The Juvenile Act 42 Pa.C.S. § 6351.(f.1) (5)).

Permanency Goal Descriptions (continued)

- The CCYA must document the intensive, ongoing, and, unsuccessful efforts made by the CCYA to return the youth home or secure a placement for the youth with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.
- The CCYA shall document the steps the CCYA is taking to ensure that the—
 - Youth's foster family home or child care institution is following the reasonable and prudent parent standard; and
 - Youth has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the youth in an age-appropriate manner about the opportunities of the youth to participate in the activities).
- The court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the youth must
 - Ask the youth about the desired permanency outcome for the youth.
 - Make a judicial determination explaining why, as of the date of the hearing, APPLA is the best permanency plan for the youth and provide compelling reasons why it continues to not be in the best interests of the youth to—
 - Return home;
 - Be placed for adoption;
 - Be placed with a legal guardian; or
 - Be placed with a fit and willing relative.

The CCYA must work towards ensuring that the youth with a goal APPLA maintains permanent relationships with a life-long connection and are provided with appropriate services to meet their needs. (Concurrent Planning Policy and Implementation 3130-12-03 (p.5). Any youth emancipating from out of home care must receive a personalized transition plan as part of the case plan. (*The Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893/P.L. 110-351)*). The court will review the plan within 90 days prior to discharge.