

Dooley_FAV_SB585

Uploaded by: Dooley, Lauren

Position: FAV

Written Testimony in Favor of SB585

Ladies and Gentlemen:

My husband and I have been foster parents since 2016 and have seen far too many children languishing in the foster care system for years without hope of an end to the ordeal. Our first placements, a brother and sister, were initially removed from their mother's home in May of 2016. Their mother is an alcoholic and the children were severely neglected in her care. Since that first removal, they have been returned to their mother and removed again 3 additional times. Each subsequent time a child is removed from their parent, their trauma is doubled.

There is a reason that foster children are more likely to end up homeless or in jail. The constant uncertainty and trauma of being at the whim of a bunch of adults that they don't really know or trust leads them to have more difficulty transitioning to adulthood. It doesn't have to be this way.

SB585 will ensure that social workers, attorneys and judges will have to consider the options for a permanent home for children who are in care 15 out of 22 months. Right now, this benchmark is largely ignored and while in many cases, reunification is an achievable goal, in others, it is pursued to the detriment of the children. Not every biological parent is capable of or willing to make the necessary changes to become a viable parent.

Maryland is 4th from the bottom nationwide in permanency for children in care. We must do better. Our children and our communities deserve better. I ask that you support SB585. Thank you.

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Gresock_FAV_SB585

Uploaded by: Gresock, Joseph

Position: FAV

February 15, 2020

The Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: In Support of SB585

To the Judicial Proceedings Committee,

My name is Joseph Gresock and I am a therapeutic foster parent who resides in Laurel, Maryland.

I support SB585 for the following reasons:

- As of 2013, Maryland was the state with the 5th longest average time for children to stay in foster care [1]. Four years later, Maryland has fallen to 4th longest average time in care. The current average duration in care in Maryland is 33 months [2], as compared to the national average of 21.9 months. I believe this bill would be a step toward reversing this trend. The sooner these children achieve permanency, the sooner they can begin healing the trauma of remaining in limbo for years on end.
- As of 2017, Maryland had an average of 4.79 placement transfers per 1,000 days in foster care [2]. As the federal Adverse Childhood Event (ACE) study demonstrated, these placement transfers have devastating adverse effects on our children, especially the youngest group of 0-5 years old, which comprise about 33% of Maryland's foster children. Any improvement to the average duration in care could reduce these placement transfers and will especially benefit this youngest group of children due to their developmental level.
- Based on my experience and the testimony of other foster parents I know, local DSS departments in Maryland seem to often disregard the federal Adoption and Safe Families Act (ASFA) of 1997 (Public Law 105-89) that calls for Termination of Parental Rights (TPR) when a child has been in care for 15 of the past 22 months. Some DSS workers and children's attorneys seem hesitant to follow this guideline, and simply leave the children in limbo for months and years while pursuing one plan which turns out to fail. Enforcing concurrent planning sooner in the case could turn this around and achieve permanency much faster.

I would like to share my experiences from one of my foster cases that leads me to support SB585.

In April 2017, my wife and I received a 2-month old, who had been in another out-of-home placement since birth. Baltimore City DSS pursued single-track reunification with the mother until he was 16 months old, and then added the concurrent plan of guardianship with a family member. From this point, it took an additional 16 months before the child was finally transitioned to his relative. It seemed that DSS's "time in care" clock started over once the

concurrent plan was added, but this does not honor the real impact of the lack of permanency on the child.

After 16 months of trying something that the DSS worker later acknowledged she didn't think would work, the case was now moving frustratingly slowly. It took 6 months for the grandmother's home to pass the inspection that would allow her to be approved for placement. At the one and only Family Involvement Meeting, the DSS case manager said she wanted to "wait until the weather gets warmer" before increasing the duration of visits at the grandmother's home, as if the child wasn't simply remaining in limbo while we adults waited for Winter to end.

When we asked the worker 25 months into the case whether it was time to start pursuing TPR (based on being long overdue the 15 of past 22 months ASFA guideline), she literally laughed and said "that's what it says, but that's not how we do things." She also told us it was too much work to prepare for a TPR trial, so she'd rather pursue the kinship placement (which at that point took an additional 7 months to enact). When we asked the child's attorney about the ASFA timeline, he said he thought it had something to do with the states getting funding, but didn't really need to be followed.

If SB585 was in place, I believe DSS would have been required to pursue both of these tracks at the same time near the beginning of the case, potentially cutting in half the child's time in care. Additionally, I am concerned that the attitude of this case worker, case manager, and child's attorney could be present in other cases, causing children to languish in foster care with no push from the adults to give them permanency.

Indeed, other foster parents we interviewed indicated that 4-6 years before permanency is more the norm in places like Baltimore City. It may take a long time to change this culture of being content with the status quo while the children wait for permanency, but SB585 is a necessary step in the right direction.

Please accept this as my written testimony for the judicial proceedings committee hearing.

Sincerely,

Joseph Gresock
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Laurel, MD 20707
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[1]

<https://aspe.hhs.gov/report/temporary-haven-children-and-youth-are-spending-less-time-foster-care/time-care-national-trends-and-state-differences>

[2]

<http://dhs.maryland.gov/documents/Data%20and%20Reports/SSA/Annual%20Progress%20and%20Services%20Review%20Report/2019%20APSR%20Report/MD-FY19-APSR-Report.approved.pdf>

Hernandez-FAV-SB585

Uploaded by: Hernandez, Nora

Position: FAV

Having a child in foster care four years is not in his best interest.

Maryland keeps children in foster care years more than other states. Maryland is almost the worst state in the country in finding permanency for foster children. Please help these children find permanency quicker, please support concurrent planning.

We want safe, permanent homes for children as quickly as possible! Promoting concurrent planning will help find foster children a safe, permanent, home quicker than what is currently happening in Maryland.

As a foster parent I see the terrible systemic disadvantages these children endure. Please do not perpetuate these disadvantages. Please support concurrent planning and reduce the time foster children remain in emotional and legal limbo.

I struggled to maintain stability and security for the newborn that was placed with me. For the two and half years that Baby A lived with me, it was a constant battle to maintain stability and security for him. It was a relentless struggle to ensure Baby A was not moved to different foster homes until his current reunification. Regrettably, his siblings have been moved to 3 separate foster homes plus many respite and emergency foster homes. Tragically his siblings are going into their fourth year in foster care.

During the 2 and half years I had Baby A, his caseworker changed four times! These hardworking caseworkers want what is best for him, but with their limited time and resources, these constant changes add to his instability and emotional limbo. Please promote stability for these children by requiring concurrent planning by the caseworkers. Do not allow these children to continue living in emotional and legal limbo for years. Please encourage permanency by requiring concurrent planning.

Oneal_FAV_SB585

Uploaded by: O'Neal, Kristy

Position: FAV

Judiciary Committee

SB 585 Family Law – Children in Out-of-Home Placements – Mandatory Concurrent Planning

Tuesday, February 18, 2020

SUPPORT

Dear Judiciary Committee Members,

I am writing in **support of Bill # SB 585, Family Law – Children in Out-of-Home Placements – Mandatory Concurrent Planning**, that would require, rather than authorize, reasonable efforts to place a child for adoption or with a legal guardian to be made concurrently with reasonable efforts to preserve and reunify families.

I have been a foster parent in Frederick County for nearly six years, and I served as a Court Appointed Special Advocate (CASA) for four years in Maryland and Virginia prior to that. During my years as a foster parent, I've had more than 15 children in my home. I believe in the goal of reunification, and for the kids who have lived in my home with that as their primary goal, I've done what I can to encourage and support their birth parents. For many of my kids who have returned home, I am still in contact with their parents, and I still try to support and encourage them whenever I can.

But for some children, safe reunification won't be an option, and while we should continue to make every effort toward that goal, we can't wait to turn to plan B until after plan A is ruled out. I'm convinced that the single hardest thing for kids in foster care is living in limbo, in the unknown without any sense of permanency. We must do everything we can to shorten the amount of time kids spend in limbo.

In order to illustrate how mandatory concurrent planning can make a difference for children in foster care, I want to share the stories of both foster children currently in my home. Each is different, with different outcomes, but both could have spent less time in foster care if concurrent planning was mandatory.

B is 11 years old. The initial plan in her case was Reunification with her mother. She had been in foster care for approximately 18 months, with no significant progress towards reunification, when the courts added a concurrent plan of Custody and Guardianship. The Department of Social Services pursued potential placement with an aunt who lived out of state. The home study from that state indicated the aunt was not a suitable resource, and with no other relatives deemed suitable and willing to participate in a home study, B's plan was changed to Custody and Guardianship with a concurrent plan of Adoption. This process, from the time concurrent planning began until the plan was changed to include Adoption, took over six months. B has now been in foster care for over three years and is just a couple weeks away from her adoption hearing. If a concurrent plan of Custody and Guardianship had been pursued from the start, the courts and the Department of Social Services would have known much more quickly that a relative placement was not an option for B, and they could have pursued identifying an adoptive resource more quickly, leaving B with less time spent in foster care.

M just turned 15 years old. She has been in foster care for over two years, and the only plan for her case has been Reunification with her mother. M moved into my home after another foster home closed in

August 2019. At the time she joined our family, I asked if there was a concurrent plan, a plan B. At that time, everyone, from the social worker to her CASA, was convinced that she could return home within a few months, so a concurrent plan wasn't necessary. They were just waiting on an official report regarding one of the other members of her birth family's household, and they were certain they knew what the report would contain. Two months later, the report came in, with a different result than expected, indicating Reunification with her mother should no longer be an option. The Department of Social Services began pursuing other permanent resources. That was four months ago, and progress on that front has been slow going. In addition, at a court hearing in December 2019, the magistrate was unwilling to add a concurrent plan of Custody and Guardianship with no identified permanent resource. This, in turn, makes finding a permanent resource more difficult, as there are families who may be willing to be that resource, but not until they have a reasonable expectation that Custody and Guardianship or Adoption might be the outcome (something difficult to trust when the only plan remains Reunification). At this point, we have no reasonable expectation of how long M will remain in foster care, just that there is no end in sight.

Every plan for a child's case, whether it is Reunification, Custody and Guardianship, Adoption, or another plan, takes time to pursue (and in some cases, rule out). Every potential option for permanency needs to be pursued from the beginning. When we need to switch gears months, or even years into the process, we lose valuable time and leave kids languishing in limbo. Maryland is currently fourth from the bottom of the list of states in the percentage of children who find a permanent home each year. This bill is a simple change that could dramatically shorten that time.

For all of these reasons, I strongly urge this committee to vote **favorably on Bill # SB 585, Family Law – Children in Out-of-Home Placements – Mandatory Concurrent Planning.**

Respectfully Submitted,

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Tonetti_FAV_SB585

Uploaded by: Tonetti, Kellian

Position: FAV

Written testimony RE SB 585 from Kellian Tonetti

Dear Senators,

My name is Kellian Tonetti. My spouse and I are foster parents to 2 girls in the system. We are approaching the 2 year anniversary of being in care for the older one. The younger one was born on February 24th 2018, spent about 6 weeks in the NICU at University of Maryland Hospital and then came to live at our house. Both girls are still wards of the state.

We have been fortunate to be able to provide consistent care for these two people but 725 days is too long to not have a permanent home. Unfortunately mom and dad are not in a place to reunify with their children for a variety of reasons. Kinship care is also not an option thought relationships with family members who are open to it have been retained. My spouse and I have been open to adopting these 2 girls since it became apparent around 9 months of care that mom and dad would not be able to reunify. We are still waiting for that opportunity.

A change in the bill would give better options for children. Foster care is about providing the best options for children. Thank you for your time.

Kind regards,

Kellian Tonetti

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Uploaded by: Widener, Andrea

Position: FAV

Maryland 2018 CFSR Final Report

instances when face-to-face contact was not made within required timeframes. Alternative response assessments were found to be generally timely and effective. The case review revealed no incidents of reported repeat maltreatment during the period under review.

Although investigations are usually initiated timely, services to prevent entry into foster care and to allow children to remain safely in their homes are not consistently offered to families. Children are often placed into foster care without the benefit of safety services, and those remaining at home are at risk of entry. The review also showed that when safety services are provided, they are often ineffective and do not meet the specific needs of the family. Safety plans are not adequate and are often developed without the input of appropriate individuals or without ensuring that all parties understand the plan.

The lack of quality in assessments is a common theme throughout the case reviews. Safety and risk assessments are not routinely conducted at key points in the case and do not consistently address presenting or underlying issues within the family. The review found that Maryland's recently implemented standardized assessments, Child and Adolescent Needs and Strengths (CANS) and CANS—Family Version for In-Home Services (CANS-F), are not utilized consistently or accurately completed. Key participants said that the assessments are burdensome to complete and not particularly useful in identifying needs or individualized services. The information in the statewide assessment and provided by stakeholders identified significant issues with the results of the assessments, and there is a lack of integration into service plans. The assessments do not always address the social needs of children or assess all children in the family home. For parents, the assessments are not consistently comprehensive and do not always identify underlying issues. In some instances, assessments are completed without ever having face-to-face contact with the parent. Although the provision of concrete services is noteworthy in a few cases, services are not always aligned with the results of assessments. It is important that the agency evaluate the effectiveness and use of the standardized needs assessments as well as those used to assess risk and safety to target improvement efforts.

Case review results showed that fathers are rarely assessed for needs and services or involved in case planning even when residing in the home or involved in the child's life. The lack of family involvement in meaningful case planning is a recurring theme and efforts to involve the parents in any capacity throughout the case are inconsistent. As a result, reviewers found that appropriate and individualized services are not consistently provided, case goals are not consistently appropriate, and permanency is not always achieved timely. The most commonly identified service needs for parents are related to homelessness, transportation, and substance abuse and mental health treatment. Youth in care are provided independent living services in some cases, but for some youth the services are inadequate. Informal assessments of substitute caregivers are consistently conducted and services are adequately provided. Despite this, stakeholders reported and case reviews showed that Maryland's resource parents need additional support in managing the challenging behaviors of the children in their homes. A substantial number of local department resource homes do not complete their annual training requirements and this could be a factor contributing to permanency issues.

Other factors contributing to delays in permanency are systemic in nature. Although periodic reviews and permanency hearings are generally interchangeable in Maryland, cases involving youth in "permanent foster care" or long-term foster care are required by state law to be reviewed annually. Stakeholders said that generally reviews are scheduled timely, but there are delays in having timely hearings in the larger metropolitan area and also in smaller jurisdictions where legal representation is shared across counties. Goals are often inappropriate and goals are not concurrently explored. The reluctance to change goals and providing parents extended opportunities for reunification results in low achievement of timely permanency.

Maryland 2018 CFSR Final Report

The lack of a consistent process for tracking timely filing of termination of parental rights (TPR) or documenting compelling reasons negatively affects timely achievement of permanency. Some stakeholders said that there is a reluctance in the state to create “legal orphans” by terminating parental rights in cases where an adoptive resource has not yet been identified. Information in the statewide assessment and stakeholder interviews showed that the national adoption exchange is under-used and that home studies are not being completed within 60 days. Both of these issues can contribute to delays in timely achievement of permanency.

The frequency of visits between parents and children is affected by a lack of transportation, along with substance abuse and mental health issues. Yet, the quality of parent-child visits is more of concern. The quality of visits is often affected by issues with visitation settings and concerns about safety. Often, there is little support from the agency for visits or to help children maintain connections with other family members and friends. Youth, rather than the agency, commonly take the lead in communicating with non-custodial parents and other relatives. The agency does, however, make concerted efforts to maintain children in their schools of origin.

Reviewers found that visits between workers and parents are rarely occurring. When visits do occur, the quality of the visits is not demonstrated. In some instances, the agency does not contact parents despite knowing their whereabouts and how to contact them. The review found that workers do not feel that training prepares them for their responsibilities. This affects their ability to engage families in the early stages of a case. If early rapport is not established, workers and parents typically do not have much success in case planning or regular visits. The review results found that a lack of engagement of parents during worker visits, in case planning, and in assessment of needs and provision of services is more prevalent for in-home cases. This negatively affects the agency’s ability to ensure the safety of children in their homes. The lack of quality engagement is also affected by a lack of service provision for mental health services, substance abuse treatment, and barriers in communicating with incarcerated parents and those parents who speak languages other than English.

Physical and educational needs of children in foster care are generally well-addressed. Although educational assessments are not always conducted, there is often close collaboration with the school system to provide tutoring, home educational services, and development and updating of individualized education plans. Dental care is the most common physical health area needing improvement, and stakeholders said that there are an insufficient number of providers. Mental health services are also noted to be lacking in certain areas of the state as are quality trauma-related services.

Maryland’s title IV-E demonstration waiver project, Families Blossom, was designed to create a responsive, evidence- and trauma-informed system to strengthen families and promote well-being. The project uses standardized assessments, builds capacity of evidence-based and promising practices, and serves children in their homes. The waiver is in its final year of implementation. Positive results of the waiver efforts were not demonstrated in the outcomes of the review. There is a need for these practices and initiatives to be strengthened.

II. KEY FINDINGS RELATED TO OUTCOMES

For each outcome, we provide performance summaries from the case review findings. The CFSR relies upon a case review of an approved sample of foster care cases and in-home services cases. Maryland provides an alternative/differential response to, in

Widener_FAV_SB585-2

Uploaded by: Widener, Andrea

Position: FAV

Figure III-1. Percentage of Children Exiting to Permanency, 2016 (N=52)

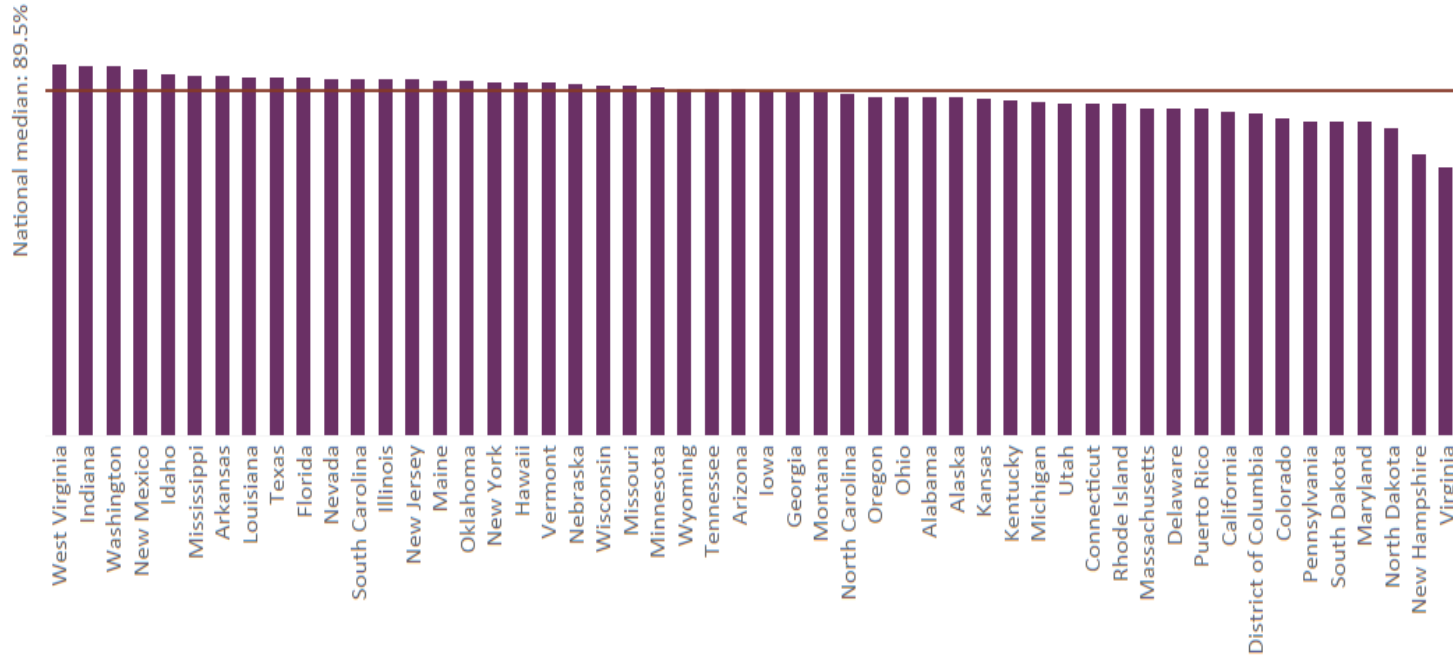
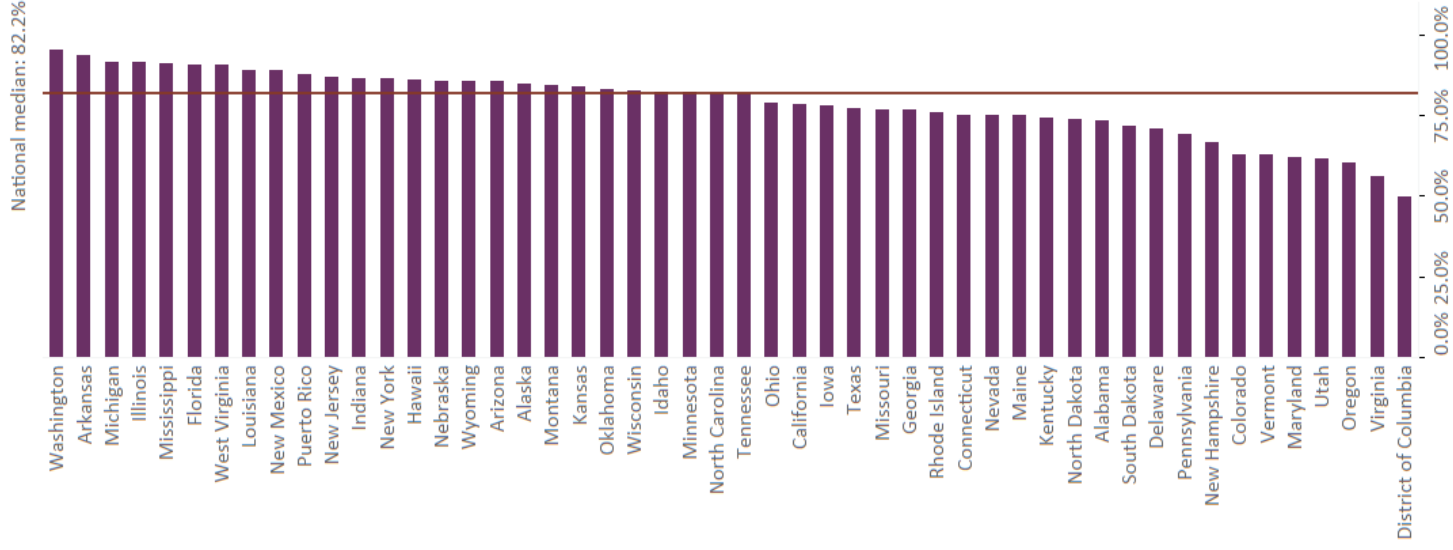


Figure III-2. Percentage of Children With a Diagnosed Disability Exiting to Permanency, 2016 (N=50) *



From Child Welfare Outcomes 2016 Report to Congress, Safety, Permanency, Wellbeing, page 28-29

Maryland ranks fourth from last in the total percentage of children finding permanent homes each year. It is toward the bottom for other categories too.

-Submitted by Andrea Widener
Original document at <https://www.acf.hhs.gov/sites/default/files/cb/cwo2016.pdf#page=35>

Figure III-3. Percentage of Children Age 12 and Older Exiting to Permanency, 2016 (N=52)

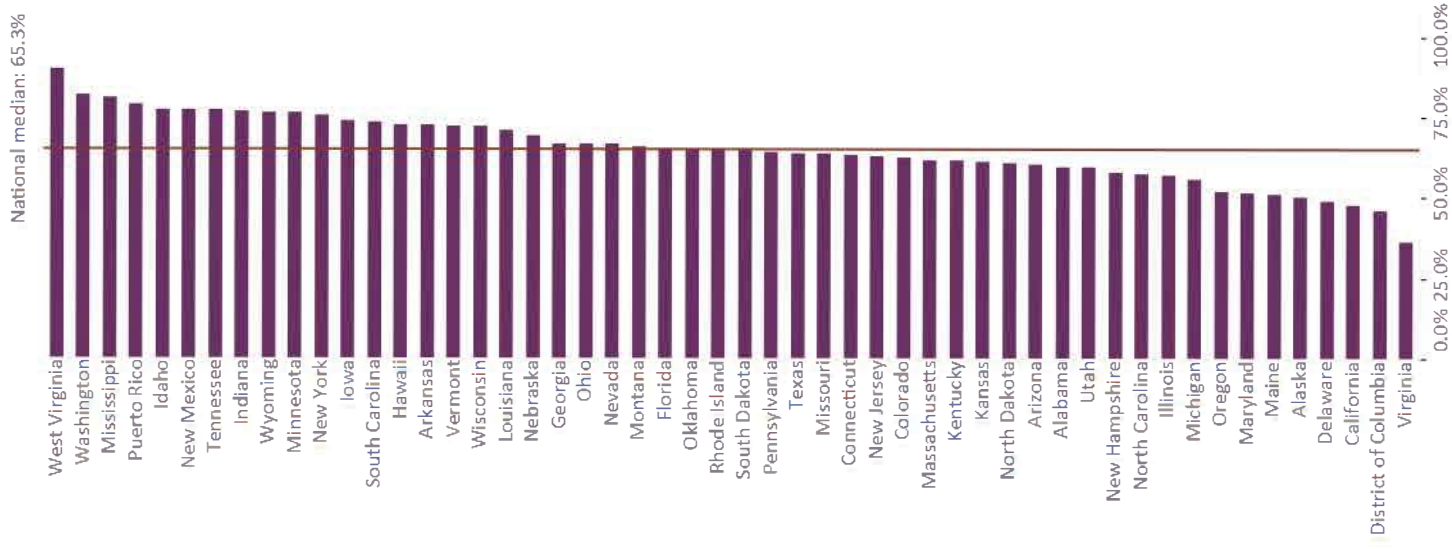
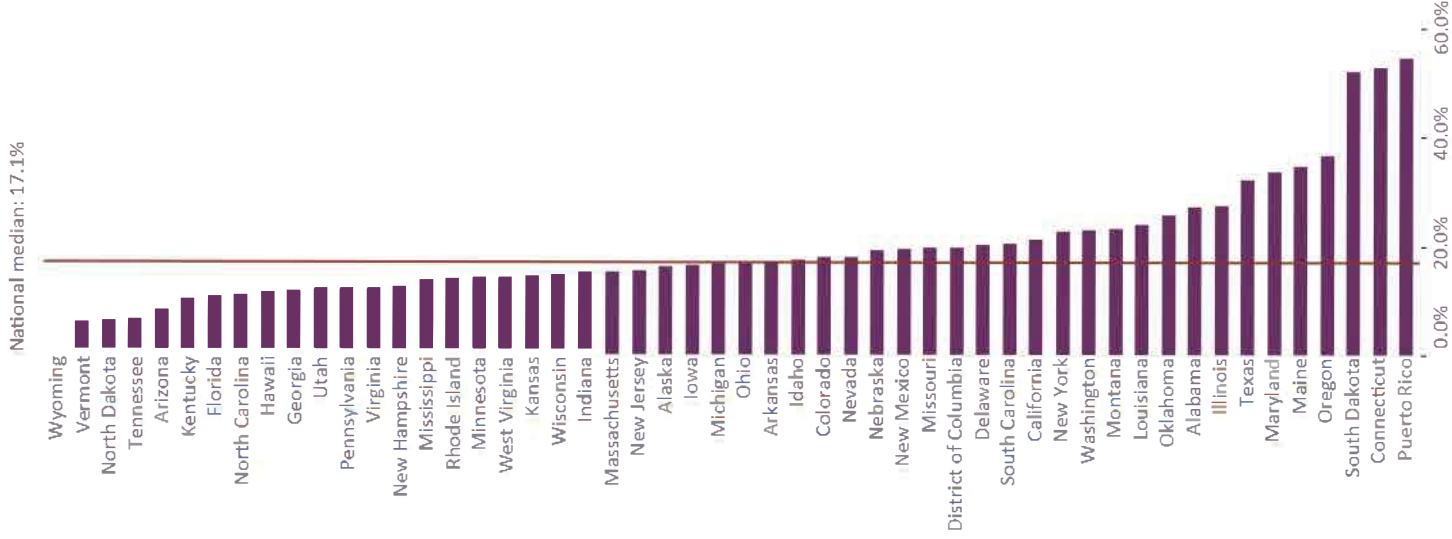


Figure III-4. Percentage of Children Exiting to Emancipation Who Entered at Age 12 or Younger, 2016 (N=52) *



Widener_FAV_SB585-3

Uploaded by: Widener, Andrea

Position: FAV

Concurrent Planning: What the Evidence Shows

Concurrent planning is an approach that seeks to eliminate delays in attaining permanent families for children in the foster care system. Concurrent planning involves considering all reasonable options for permanency at the earliest possible point following a child's entry into foster care and concurrently pursuing those options that will best serve the child's needs. Typically the primary plan is reunification with the child's family of origin. In concurrent planning, an alternative permanency goal (e.g., adoption) is pursued **at the same time** rather than being pursued sequentially after reunification has been ruled out. The National Resource Center for Permanency and Family Connections (n.d.) identifies the following nine core components of concurrent planning:

What's Inside:

- How has the practice of concurrent planning progressed?
- What have the Child and Family Services Reviews identified regarding concurrent planning in States?
- What does the literature say about concurrent planning?
- What are successful examples from the field?



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<http://www.childwelfare.gov>

1. **Differential assessment and prognostic case review.** An individualized understanding of the personal, interpersonal, and environmental context of the child and family through initial assessments of safety and risk, indepth assessment of family functioning, and child evaluation is combined with a consideration of factors that make timely reunification more or less difficult and more or less likely.
2. **Full disclosure to all participants in the case planning process.** A respectful, candid discussion that begins when the child enters foster care and continues throughout the life of the case includes the following topics:
 - Parental rights and responsibilities
 - Identification of problems that led to the child's placement in care
 - Changes needed to support reunification
 - Alternative decision-making
 - Possible consequences
 - These discussions are offered to birth parents, extended family, children and youth, foster parents, relative caregivers, Tribal representatives, attorneys, guardians *ad litem*, and service providers.
3. **Family search and engagement**
4. **Family group conferencing/teaming**
5. **Parent-child visiting during out-of-home care**
6. **Setting clear time limits for permanency decisions.** Establishing a

timeframe in which both reunification and alternative permanency options are pursued helps focus case planning on early and intensive services to enhance a parent's ability and willingness to make necessary changes.

7. **Transparent written agreements and documentation** give all parties a clear understanding of what both the agency and the family must do to achieve reunification.
8. **Committed collaboration between child welfare, the courts, and service providers** is necessary to ensure that timely casework is paired with smooth progress of cases through the court. Support from service providers, including foster parents, ensures that all parties are working toward the same goals.
9. **Specific recruitment, training, and retention of dual licensed resource families**

How Has the Practice of Concurrent Planning Progressed?

Since the 1970s, child welfare agencies have sought ways to reduce children's time in foster care and expedite paths to permanency. One method developed at this time was the foster-adoptive program, which placed children with preadoptive families prior to the termination of parental rights (TPR). The preadoptive family would agree to adopt the child if the parental rights were terminated (Rycraft & Benavides, 2011). This method also may be referred to as "legal risk" or

“at-risk” adoption. In the 1980s, Lutheran Social Services in Washington State adapted this concept to develop the first concurrent planning model. Whereas the primary focus of foster-adoptive programs was adoption, concurrent planning works simultaneously toward both reunification and an alternate permanent family. Additionally, under the concurrent planning model, the preadoptive parents are expected to support reunification efforts (Rycraft & Benavides, 2011; Edelstein et al., 2002).

The Adoption and Safe Families Act of 1997 paved the way for the legal sanction of concurrent planning in States by requiring that agencies make reasonable efforts to find permanent families for children in foster care should reunification fail and stating that these efforts could be made concurrently with reunification attempts (D’Andrade, Frame, & Berrick, 2006). Additionally, the Fostering Connections to Success and Increasing Adoptions Act of 2008 may help expand the use of concurrent planning. Although the Fostering Connections Act does not directly address concurrent planning, it requires States to contact adult relatives within 30 days of a child entering foster care and notify them of their options to become a placement option, which may assist in concurrent planning efforts (National Resource Center for Permanency and Family Connections, n.d.).

The use of concurrent planning has steadily grown over the past two decades. The number of State statutes (including Washington, DC, and Puerto Rico) that, at a minimum, allow for concurrent planning to occur increased from approximately 33 in 2003 to 38 in 2009 (National Clearinghouse on Child Abuse and Neglect Information, 2003; Child Welfare

Information Gateway, 2009).¹ Statutes in some States require the practice under certain circumstances or require the State agency to establish a concurrent planning program. Additionally, data from the National Survey of Child and Adolescent Well-Being estimates that 87 percent of child welfare agencies in 1999–2000 were implementing concurrent planning, with large and urban counties being less likely to have completed implementation (Mitchell et al., 2005).

The following two sections describe in more detail how concurrent planning practice has been discussed in the Child and Family Services Reviews (CFSRs) and child welfare literature.

What Have the Child and Family Services Reviews Identified Regarding Concurrent Planning in States?

Final Reports from the Federal CFSRs² present results and discussion for each State regarding its substantial conformity with child safety, permanency, and well-being outcomes. In two full rounds of 52 reviews, no State was found to be in substantial conformity with the first permanency outcome, “Children

¹ The word *approximately* is used to stress that States frequently amend their laws.

² The Child and Family Services Reviews are designed to enable the Children’s Bureau to ensure that State child welfare agency practice is in conformity with Federal child welfare requirements, to determine what is actually happening to children and families as they are engaged in State child welfare services, and to assist States to enhance their capacity to help children and families achieve positive outcomes. For more information about the CFSR process, visit the Children’s Bureau website at <http://www.acf.hhs.gov/programs/cb/cwmonitoring>

have permanency and stability in their living situations.” The first permanency outcome is most closely connected to concurrent planning and, in the Final Reports, contains most of the references to concurrent planning.

While concurrent planning is not directly assessed in relation to the CFSR outcomes and indicators, it is mentioned in 51 of the 52 State Final Reports in round 1, and in all 52 reports in round 2. These reports serve as useful sources of information about State policies practices, training, and other issues related to concurrent planning.

Over the course of two review cycles, at least 21 States have linked concurrent planning to positive results; these include reduced time to permanency and establishing appropriate permanency goals (IL, LA, NE, NM, NC, SD, VA, VT), enhanced reunification or adoption efforts by engaging parents (CO, IL, ND, SD), and reduced time to adoption finalization (AL, CA, HI, ID, MA, MN, NJ, ND, RI, UT, WA). In round 2 of the CFSRs, only 11 States linked concurrent planning to positive results.

The following are positive examples of and support for concurrent planning across the United States following the second round of reviews:

- At least 41 States have formal concurrent planning policies (an increase from 9 States in the first round). These policies describe the circumstances under which concurrent planning must be practiced, such as mandating concurrent planning upon children’s entry into foster care, encouraging concurrent planning when it is in the child’s best interests and mandating the practice when the court orders it, and requiring concurrent planning in cases with poor prognosis indicators.

- All 52 State reports indicate that concurrent planning is being implemented to varying degrees.
- At least 20 States provide concurrent planning training to child welfare, court, or other staff. Only 11 States indicated they provided training in round 1.

A Federal summary and analysis of the first round of State reviews found that “concurrent planning efforts are not being implemented on a consistent basis when appropriate” in a majority of States (Children’s Bureau, 2004). The Final Reports discussed the concerns and difficulties related to concurrent planning in each State. One of the concerns was a disconnect between policy and practice: In some States with formal concurrent planning policies, little or no evidence of concurrent planning practices was found in case reviews. Similar findings occurred in some States in which stakeholders reported the use of concurrent planning, but little evidence supporting their assertions was found. In a number of States, concurrent goals were written in the case files, but case reviews showed that efforts toward the goals were sequential rather than concurrent.

At least 28 States included concurrent planning in their Program Improvement Plans (PIPs) following round 1 of the CFSRs. Improvement strategies included:

- Developing policy or changing existing policies, including standards of practice (14 States)
- Instituting training for child welfare, court, and other staff (13 States)
- Beginning to implement or increasing the use of concurrent planning (5 States)

- Improving the review process for concurrent planning (2 States)

In the second round of reviews, the Final Reports continue to address concerns and difficulties related to concurrent planning. In at least 14 States, concurrent planning was mentioned as a key overall concern in the Final Report. Although the majority of States or localities now have formal concurrent planning policies, many indicated that the policies were not being implemented as described in the policies. At least 22 reports indicated that caseworkers were pursuing the concurrent goals sequentially rather than simultaneously. For example, stakeholders in three States noted that, in some cases, all efforts toward reunification are exhausted before any efforts are made toward the other goal (e.g., adoption). Additionally, at least 12 reports indicated that some adoptions were not finalized in a timely manner due to caseworkers incorrectly implementing concurrent planning or not using it at all.

Other difficulties reported for some States in the second round include:

- In 15 States, the practice was being implemented inconsistently across different areas of the State or within localities.
- In eight States, staff's understanding of concurrent planning was unclear.
- In six States, there was a need for additional training about concurrent planning for child welfare staff.
- In six States, there was resistance from the courts and attorneys to the implementation of concurrent planning.
- There were limits in data systems. One report indicated that the State data system

hinders concurrent planning because it allows only one goal to be on record at a time.

What Does the Literature Say About Concurrent Planning?

The recent literature on concurrent planning yields little in the way of outcomes or evidence-based practice (Rycraft & Benavides, 2011; D'Andrade & Berrick, 2006). Most available studies consist of tracking permanency outcomes or gleaning qualitative information from focus groups, surveys, or interviews with caseworkers, families, foster/adoptive parents, or other stakeholders. Despite the limitations, recent evaluations do appear to offer support for the approach.

Concurrent Planning Can Improve Outcomes for Children

The primary benefit of concurrent planning appears to be that children in foster care achieve permanency with families more quickly. A British study compared children in concurrent planning projects to children receiving traditional services and found that the children receiving concurrent planning services were placed with permanent families significantly faster and with fewer moves than the comparison group. The children in the concurrent planning projects, however, were unexpectedly much younger than the children in the comparison group, which may affect the results (Monck, Reynolds, & Wigfall, 2004).

In an examination of case records of 640 children in Connecticut who were legally free for adoption, Cushing and Greenblatt (2009) found that if the foster family with whom

the child is living at the time of the TPR is rejected as the adoptive family, the child is 66 percent less likely to be adopted at all. Additionally, each additional year following the TPR resulted in an 80 percent decrease in the likelihood of adoption during the study period.

The literature also suggests that openness and direct communication between birth parents and caregivers in concurrent planning may lead to more voluntary relinquishments and open adoptions—a seemingly logical outcome of this more open relationship. Finally, existing evaluations identify critical factors in successful concurrent planning efforts that can offer important guidance for child welfare practitioners.

Effective Concurrent Planning Programs Have Common Elements

Frame, Duerr Berrick, and Coakley (2006) examined the legislatively mandated implementation of concurrent planning (CP) in six California counties to identify factors that could be associated with success. They describe seven system characteristics that “appear necessary, in combination, for the full functioning of a system of CP.” These essential elements are:

- **Agency support at all levels** for the principles, priorities, and practices of concurrent planning
- **Institutionalization of the approach** through the use of formal systems for resolution of paternity issues and relative search, documented reunification prognosis, tracked timelines, procedures for referral between workers, and regular review meetings
- **Support for caseworkers** including formal and informal training, shared decision-making, and manageable caseloads
- **Integration of child welfare and adoption units** working toward the same concurrent goals
- **An adequate pool of concurrent caregivers** who are willing and able to work toward both reunification and adoption
- **Services available to support birth parents** in achieving reunification-related goals
- **Support from judges, attorneys, and other court personnel** for concurrent planning philosophy and practice

Elements of Concurrent Planning Associated With Positive Permanency Outcomes

Potter and Klein-Rothschild (2002) conducted a study to identify the predictors of permanency attainment within 1 year in the Colorado Department of Human Services’ Expedited Permanency Planning (EPP) project, which used an intensive concurrent planning model. In this study of 125 children aged 7 and younger, factors predicting timely permanency included:

- **Race.** African-American children were 74 percent less likely to achieve timely permanency.
- **Mental health.** Children with emotional or behavioral problems were 89 percent less likely to achieve timely permanency.
- **Caseworker consistency.** Each additional caseworker decreased the likelihood of timely permanency by 63 percent.

- **Fewer placements.** Each additional placement a child experienced reduced the odds of attaining timely permanency by 32 percent.
- **Eligibility for title IV-E assistance.** Children from families that were poor enough to qualify for title IV-E eligibility were 90 percent less likely to achieve timely permanency in 12 months. Thus, ineligibility due to higher income increased the odds for timely permanency.
- **Substance abuse.** When parental substance abuse was identified, timely permanency was 23 times more likely.
- **Court timeframes.** Each day less between the initial filing and the adjudication increased the chance of timely permanency by 1 percent, and each day less between the adjudication and the order for treatment plan increased the chance by 3 percent.

Other factors found to relate to timely permanency included clear identification of the concurrent plan in the written service plan and parental signatures on the plan. This research also found agencies' terminology regarding foster/adoptive parents appeared to be related to differences in how foster and adoptive families were viewed as a part of the concurrent planning process. Agencies using the term "resource families" for foster/adoptive parents tended to involve them more fully in the planning process and make earlier foster/adoptive placements for children than did those who referred to such families as "legal risk."

In a study of 885 children from six counties in California, D'Andrade (2009) compared permanency outcomes of children who

received elements of concurrent planning (identified as the existence of a concurrent plan, a reunification prognosis, full disclosure, and a discussion of voluntary relinquishment) with those who did not. She found that, when full disclosure was present (i.e., notifying the birth parents of the consequences of failing to complete the case plan), children were less likely to be reunified with their parents, and discussion of voluntary relinquishment was associated with an increased likelihood of adoption. No other elements of concurrent planning were associated with either permanency outcome. However, some variables that were not elements of concurrent planning, including placement with kin and entry into care after concurrent planning was legislated in the State, were associated with an increased likelihood of reunification. Parents who were less likely to be reunited with their children included those who did not visit during out-of-home care, had a child previously removed, had current substance abuse issues, or had a developmental delay.

More Research Is Needed Regarding the Indicators of a Poor Prognosis for Reunification

Concurrent planning models frequently use an assessment checklist to identify families that have little chance for reunification. Many programs use strengths assessments and poor prognosis tools developed by Katz and her colleagues, but some have developed their own tools. The most common poor prognosis indicators are the following (Lutz, 2000):

- Parent has previously killed or seriously harmed another child.

- Parent has repeatedly and with premeditation harmed a child.³
- Parent's only visible support system is a drug culture, which parent makes no significant effort to change.
- Parent has significant, protracted, and untreated mental health issues.
- Parent's rights to another child have been involuntarily terminated.

At least one study has found no relationship between poor prognosis indicators and the likelihood of permanency through either family reunification or adoption (D'Andrade, 2009). Agencies should use poor prognosis indicators as only one part of a comprehensive family assessment, along with other assessment tools such as strengths, risk, and safety indicators. A differential diagnosis that includes all these tools may be more effective in helping caseworkers gather and assess all relevant information to determine services and concurrent planning needs.

Several States have developed prognostic tools and guidelines for differential assessment that look at a variety of strengths and needs. (See the National Resource Center for Permanency and Family Connections at <http://www.nrcpfc.org/cpt/component-one.htm> for more information.) State laws and policies vary as to when concurrent planning should be employed (Child Welfare Information Gateway, 2009).

³ It should be noted that, with the 1997 passage of the Adoption and Safe Families Act and corresponding legislation in the States, attempts to reunite families are not typically required when a parent has killed or seriously or repeatedly harmed a child, as described in the first two bulleted items.

Courts Play an Important Role in Concurrent Planning

Juvenile court oversight of permanency planning and decision-making for children in foster care is mandated by the Adoption Assistance and Child Welfare Act of 1980 and given time limits by Adoption and Safe Families Act (ASFA); the failure to achieve timely permanency is frequently connected to delays in legal proceedings (Edwards, 2007). Because most States legislatively allow for or require concurrent planning (Child Welfare Information Gateway, 2009), courts are critical to the successful implementation of concurrent planning and are responsible for ensuring that agencies implement it within ASFA timeframes.

The importance of judicial involvement in concurrent planning is highlighted by a study of the Kentucky Adoption Opportunities Project (KAOP) (Martin, Barbee, Antle, & Sar, 2002). In this model, the use of concurrent planning was combined with other permanency planning activities for achieving timely permanence: risk assessment, representation by a single attorney from initial filing to permanency, and early placement in foster/adoptive and kinship homes. These activities included changes in court procedures as well as efforts to improve communication between the child welfare agency and the courts.

While it is difficult to isolate the effect of concurrent planning on the outcomes, the KAOP children experienced fewer placement changes and shorter lengths of stay relative to the overall foster care population in their counties. Study authors were unable to identify the effect of specific activities on permanency outcomes but point to

increased awareness of early assessment, adherence to timelines, reasonable efforts, and coordination, communication, and cross-system collaboration. The study also pointed to several barriers to expedited permanency. Birth parents were often provided inappropriate service referrals that underestimated or misunderstood the incidence of mental illness, multigenerational abuse, and domestic violence. Other barriers included poor communication, confusion about roles, and delays in court hearings.

Staff Acceptance and Understanding Are Critical

Although child welfare staff often believe that concurrent planning is fair, necessary, and helps move children more quickly to permanency, they also emphasize that concurrent planning is stressful, requires them to gather more information to determine permanency options early in the case, and necessitates additional training and support to implement the process effectively (Frame et al., 2006; Gerstenzang & Freundlich, 2006; Malm et al., 2001; Westat & Chapin Hall Center for Children, 2001). The literature, as well as anecdotal reports, indicates that caseworkers often experience difficulty grappling with the tension inherent in attempting to reunite a child with his or her family while also working on an alternative permanent plan (D'Andrade et al., 2006). It is important that both caseworkers and their supervisors accept the philosophy of concurrent planning and believe that it is possible to work in good faith with parents while at the same time planning for an alternative permanency goal.

D'Andrade et al. (2006) found that concurrent planning practice often was well-developed

and understood in the “back end” of the system but was poorly developed and understood by frontline workers. Caseworkers often fall back on the traditional method of sequential planning. In addition to understanding basic concurrent planning practice, caseworkers must be competent in conducting differential assessments and in working with parents and other professionals to plan and deliver targeted services and assess progress toward goals (Frame et al., 2006; Lutz, 2000; Westat & Chapin Hall Center for Children, 2001). Supervisors play a key role in promoting collaboration among service recipients, providers, and others involved in each case. Concurrent planning requires that supervisors have the time and skills necessary to involve themselves closely in timely case planning and decision-making.

Agency Policy Should Be Congruent With Concurrent Planning Practice

The implementation of concurrent planning also calls for close scrutiny of agency policies to assess their consistency with the philosophy and intent of this approach. Procedures for staff assignment, case review, documentation, and interaction with the courts and other service providers all have the potential to affect the success of efforts to achieve safe and timely permanency. Examples of agency policies that may help concurrent planning practice be congruent with policy include:

- Eliminating caseworker reassignment when children move from foster to adoptive status (Lutz, 2000)
- Reducing caseload size for caseworkers involved with both reunification and permanency efforts

- Ensuring that caseworkers have sufficient supports (e.g., supervisory feedback on decision-making) and experience in order to meet the more complex demands of concurrent planning practice (Frame et al., 2006)
- Assigning two caseworkers (one for reunification and one for adoption) to reduce the burden on a single caseworker trying to meet both roles (D'Andrade & Berrick, 2006) or integrating child welfare and adoption staff organizationally and structurally to facilitate ongoing communication and collaborative goal-setting (Frame et al., 2006)

Foster/Adoptive Families Must Be Well Prepared

The concurrent planning approach demands much of foster/adoptive families, who must be well prepared and supported. They must be willing to make a permanent commitment to a child placed in their home before the child is available for adoption, while at the same time work cooperatively with the agency and family of origin to effect reunification. Their work often includes teaching and modeling skills for birth parents and other family members as well as mentoring new foster/adoptive families.

In one study, child welfare staff and court personnel reported that although concurrent planning made fostering more emotionally difficult for foster parents, they believed that it provided a more clearly defined role for the foster parents (D'Andrade et al., 2006). Another researcher noted that one of the primary benefits of concurrent planning is that it allows the foster/adoptive parents to have a more accurate representation of the birth

parents to provide to the adopted children as they grow up (Kenrick, 2010).

Not surprisingly, the literature commonly points to the recruitment, preparation, and support of foster/adoptive families as one of the most challenging aspects of concurrent planning. A study of concurrent planning in New York State found that although most foster parents reported understanding concurrent planning, existing training, services, and supports may not be adequate to meet their complex needs during this process (Gerstenzang & Freundlich, 2005).

A study by Gerstenzang and Freundlich (2006) indicates that foster parents should not be required to commit to adoption from initial placement, giving them an opportunity to get to know the child before making a permanent decision. Rather, the agency should inform the birth and foster parents that the foster family will be considered a possible resource.

In a study of 51 California counties, more than half of them reported difficulty recruiting foster/adoptive families. Additionally, more than half of all the counties also reported not providing any additional services to foster/adoptive families beyond what they provided to standard foster families, which could be a reason for the recruitment struggles (D'Andrade, Mitchell, & Duerr Berrick, 2003). In another study of six California counties, researchers found that there were an insufficient number of families willing and able to become foster/adoptive families. Explanations for the low numbers included, but were not limited to, not having special recruiting strategies for foster/adoptive families, and prospective families not being willing to accept the emotional risks involved

in concurrent planning (Frame, Berrick, & Coakley, 2006).

Casework Practice Is Inconsistent

Even with the philosophy of concurrent planning gaining traction at the State and agency levels, casework practice has been inconsistent. For example, a 1997 law in California requires the documentation of concurrent plans in child welfare court reports. Through case file reviews and interviews with agency and court staff in six counties, D'Andrade, Frame, and Duerr Berrick (2006) determined that the requirement was being met in slightly more than half of all cases. The study also found that caseworkers who did implement concurrent planning were not doing so early enough in the case and sometimes were waiting until just before the TPR hearing. Additionally, much of the text that described concurrent plans in the case files was cursory or described sequential plans. The study listed several reasons provided by agency and court staff for the limited use of concurrent planning, including the belief that concurrent planning was too emotionally taxing for the birth parents, concerns about the duality of the caseworker's role negatively affecting reunification, and that the practice may cause confusion or conflicting loyalties in children.

What Are Successful Examples From the Field?

The following examples illustrate successful methods for planning and implementing concurrent planning in public agencies.

Idaho

The Idaho Department of Health and Welfare (DHW) began focusing on concurrent planning soon after the Adoption and Safe Families Act of 1997. After its first CFSR in 2003, the State incorporated the development of a concurrent planning standard into its PIP. DHW also began training caseworkers on concurrent planning practice. During the second round of CFSRs in 2008, the State recognized that although it had concurrent planning policies in place, practice was not occurring as consistently and effectively as possible. In its next PIP, the State focused on providing support to supervisors and additional training to caseworkers and court staff. DHW developed a concurrent planning tool (available at <http://healthandwelfare.idaho.gov/portals/0/Children/MoreInformation/Concurrent%20Planning.pdf>) to assist supervisors in guiding their caseworkers. The tool provides definitions and a detailed outline of the concurrent planning-related actions that should occur at various stages in a case. The tool has helped supervisors and caseworkers implement the concurrent planning policies. Additionally, the National Child Welfare Resource Center on Legal and Judicial Issues conducted a training for caseworkers and court staff, including judges and prosecutors, about concurrent planning practice.

Other practices DHW uses to support concurrent planning include:

- Reviewing concurrent planning practice during semiannual quality assurance reviews. During these reviews, the caseworker and case reviewer are interviewed about strengths and areas needing improvement regarding how the case was coordinated, including the use of concurrent planning. The review tool is the same one used by Federal staff during the CFSRs.
- Conducting permanency roundtables to explore additional permanency options. If there is no viable permanency option for a case, DHW convenes a workgroup to consider other options, including the use of concurrent planning. This many include the use of family group decision-making early in a case, which may help facilitate concurrent planning efforts.

Idaho's concurrent planning efforts have helped improve permanency outcomes for children in out-of-home care. The number of adoptions in the State has increased from 195 in 2007 to 313 in 2010, and DHW attributes part of this increase to its concurrent planning efforts.

North Dakota

The North Dakota Department of Human Services (DHS) implemented concurrent planning statewide in 1999, following a 5-year period of development, training, and regional pilot-testing. Development of the approach involved DHS, the courts, and the mental health and juvenile justice systems. Concurrent planning also was promoted through the State's Court Improvement Project.

Comparisons of current State permanency indicators with those prior to implementation show clear differences. Average time in care decreased from 17 months in 1999 to 9.7 months in 2003. In 2003, 50 percent more children were placed with relatives than in 1999, while 92 percent of children with a goal of reunification were returned to their families (K. M. Kenna, personal communication, March 1, 2004). In 2009, the median length of stay in foster care was 11.9 months. Of children who exited from foster care that year, 66 percent were reunified and 11 percent were adopted.⁴ Almost three-quarters of children who were reunified achieved that outcome within 12 months; another 20 percent did so within 24 months (U.S. Department of Health and Human Services (HHS), n.d.)

North Dakota DHS staff cite early family assessment, the development of measurable case plan objectives, full exploration of family resources, and timely service provision as key elements in the success of this approach.

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⁴ These numbers compare favorably to national outcomes, in which the median length of stay was 13.7 months, 51 percent were reunified, and 20 percent were adopted (HHS, 2010).

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



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STATE STATUTES

Current Through
November 2016

Concurrent Planning for Permanency for Children

Concurrent planning was initially developed as a type of permanency planning in which reunification services were provided to the family of a child in out-of-home care at the same time that an alternative permanency plan was made for the child, in case reunification efforts failed. To be effective, concurrent planning requires not only the identification of an alternative plan, but also the implementation of active efforts toward both plans simultaneously with the full knowledge of all participants. Compared to more traditional sequential planning for permanency, in which one permanency plan is ruled out before an alternative is developed, concurrent planning may provide earlier permanency for the child.

WHAT'S INSIDE

State approaches to concurrent planning

Full-text excerpts of State laws

To find statute information for a particular State, go to

<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>



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**Children's
Bureau**

The Adoption and Safe Families Act of 1997 (P.L. 105-89) mandated shortened timelines for achieving permanency for children in foster care. To meet these timelines, many States have identified concurrent planning as a recognized or required practice for achieving permanency. Approximately 38 States and the District of Columbia have statutes that address the issue of concurrent planning.¹ Ten States address concurrent planning in regulation or policy.² The language in these statutes and regulations ranges from general statements that simply authorize concurrent planning activity to statutes that provide, in some detail, the elements that must be included when making a concurrent permanency plan.

The Foster Care Independence Act of 1999 (P.L. 106-169) helped identify the need for expanding concurrent planning beyond very young children. Concurrent permanency planning efforts with a teen may include recruiting adoptive parents while simultaneously helping the youth develop positive relationships with relatives and other adults. The goal is for the youth to have emotional supports in place if an adoptive family cannot be identified by the time the youth turns age 18 or becomes ineligible for foster care.

State Approaches to Concurrent Planning

Approximately 24 States and the District of Columbia allow but do not require concurrent planning.³ In 24 other States, concurrent planning is required under various circumstances.⁴ For example, the statute in California states, "If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail." Nineteen States also require that the family's case plan include concurrent efforts toward an alternative permanency goal.⁵

Eight States require agencies to engage in concurrent planning from the time the child first comes into care.⁶ Connecticut and Florida require an assessment of the family when the child has been in care for 6 months; if at that time the prospect of reunification seems unlikely, a concurrent permanency plan must then be developed.

Kentucky's statute requires concurrent planning when a newborn has been abandoned. In that situation, a foster parent agrees to work with the Cabinet for Children and Families on reunification with the birth parents (if known) and to adopt the infant if reunification fails. In regulation, concurrent planning must be considered during case permanency planning for any child in out-of-home care.

¹ The word "approximately" is used to stress the fact that States frequently amend their laws. As of November 2016, concurrent planning was addressed in statute by Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

² The States that address concurrent planning in regulation or policy include Alabama, Delaware, Hawaii, Indiana, Kansas, Kentucky, Massachusetts, New Mexico, New York, and Virginia. Pennsylvania and South Dakota do not address the issue of concurrent planning in their statutes or regulations.

³ Alabama, Alaska, Arizona, Arkansas, Colorado, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, North Dakota, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Washington, and Wyoming.

⁴ California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Oregon, Texas, Utah, Virginia, West Virginia, and Wisconsin.

⁵ California, Connecticut, Delaware, Florida, Hawaii, Idaho, Iowa, Kansas, Kentucky, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Oregon, Texas, Utah, Vermont, and West Virginia.

⁶ Alabama, Hawaii, Idaho, Illinois, Mississippi, Missouri, Oklahoma, and Virginia.

Ten States provide definitions of concurrent planning in statute, regulation, or policy.⁷ Idaho, for example, specifies that a concurrent plan "...prepares for and implements different outcomes at the same time." In Louisiana, "Concurrent planning means departmental efforts to preserve and reunify a family or to place a child for adoption or with a legal guardian, which are made simultaneously." The definition in Montana emphasizes the need to develop as well as implement a concurrent plan in addition to identifying a plan for reunification.

The statutes in six States require that the concurrent plan be fully disclosed to the family.⁸ For example, the statute in Connecticut specifically states that, "Concurrent permanency planning programs must include involvement of parents and full disclosure of their rights and responsibilities."

Eight States require agencies to consider the potential of the first out-of-home placement to be able and willing to both support reunification efforts and be a possible adoptive placement for the child if reunification is not achieved.⁹ For example, Illinois specifies, "At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child."

Statutes in eight States reflect the need for collaboration between the court system and the State.¹⁰ These statutes spell out the need for the court to make findings of reasonable efforts on the part of the agency to achieve both concurrent plans during the judicial reviews of reasonable efforts to achieve permanency.

For More Information

For a more complete discussion of the implementation of concurrent planning, including how the practice of concurrent planning has progressed over time, what the Federal Child and Family Services Reviews—periodic reviews of State child welfare systems—have identified, or to find successful examples from the field, see Information Gateway's *Concurrent Planning: What the Evidence Shows* at <https://www.childwelfare.gov/pubs/issue-briefs/concurrent-evidence/>.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, 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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⁷ Florida, Hawaii, Idaho, Kentucky, Louisiana, Montana, New Hampshire, New Mexico, Virginia, and Wisconsin.

⁸ Connecticut, Florida, Hawaii, Minnesota, New Jersey, and Ohio.

⁹ California, Georgia, Illinois, Kansas, Minnesota, Mississippi, New Mexico, and Oklahoma.

¹⁰ Florida, Massachusetts, Minnesota, North Carolina, Oklahoma, Oregon, Texas, and Utah.

Alabama

Current Through November 2016

Citation: Admin. Code r. 660-5-47-.02

Concurrent planning is a case management method that emphasizes candor, goal setting, and completion of selected activities within specified time limits in work with children and families in order to facilitate a more timely achievement of permanence and stability. This method encourages all individualized service plan team members to achieve the most desirable permanency goal while, at the same time, establishing and pursuing an alternate permanency goal. Such planning should occur from the time of initial engagement with a family rather than sequentially thereafter.

Alaska

Current Through November 2016

Citation: Alaska Stat. § 47.10.086(e), (f)

The Department of Health and Social Services may develop and implement an alternative permanency plan for the child while the department also is making reasonable efforts to return the child to the child's family. In making determinations and reasonable efforts under this section, the primary consideration is the child's best interests.

American Samoa

Current Through November 2016

This issue is not addressed in the statutes reviewed.

Arizona

Current Through November 2016

Citation: Rev. Stat. § 8-845(D)

Notwithstanding § 8-845(C) [that requires the court to reunify the family if possible], reasonable efforts to place a child for adoption may be made concurrently with reasonable efforts to reunify the family.

Arkansas

Current Through November 2016

Citation: Ann. Code § 9-27-303(48)(D)

Reasonable efforts to place a child for adoption or with a legal guardian or permanent custodian may be made concurrently with reasonable efforts to reunite a child with his or her family.

California

Current Through November 2016

Citation: Welf. & Inst. Code § 706.6(m)

When out-of-home services are used and the goal is reunification, the case plan shall describe the services that were provided to prevent removal of the minor from the home, the services to be provided to assist in reunification, and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.

Citation: Welf. & Inst. Code § 16501.1(g)(10)

If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan also shall consider in-State and out-of-State placements, the importance of developing and maintaining sibling relationships pursuant to § 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

Colorado

Current Through November 2016

Citation: Rev. Stat. § 19-3-508(7)

Efforts to place a child for adoption or with a legal guardian or custodian, including identifying appropriate in-State and out-of-State permanent placement options, may be made concurrently with reasonable efforts to preserve and reunify the family.

Connecticut

Current Through November 2016

Citation: Gen. Stat. § 17a-110a

In order to achieve early permanency for children, decrease children's length of stay in foster care, reduce the number of moves children experience in foster care, and reduce the amount of time between termination of parental rights and adoption, the Commissioner of Children and Families shall establish a program for concurrent permanency planning.

Concurrent permanency planning involves a planning process to identify permanent placements and prospective adoptive parents so that when termination of parental rights is granted by the court pursuant to § 17a-112 or § 45a-717, permanent placement or adoption proceedings may commence immediately.

The commissioner shall establish guidelines and protocols for child-placing agencies involved in concurrent permanency planning, including criteria for conducting concurrent permanency planning based on relevant factors such as:

- The age of the child and duration of out-of-home placement
- The prognosis for successful reunification with parents
- Availability of relatives and other concerned individuals to provide support or a permanent placement for the child
- The special needs of the child
- Other factors affecting the child's best interests, goals of concurrent permanency planning, support services that are available for families, permanency options, and the consequences of not complying with case plans

Within 6 months of out-of-home placement, the Department of Children and Families shall complete an assessment of the likelihood of the child's being reunited with either or both birth parents, based on progress made to date. The department shall develop a concurrent permanency plan for families with poor prognosis for reunification within such time period. Such assessment and concurrent permanency plan shall be filed with the court.

Concurrent permanency programs must include involvement of the parents and full disclosure of their rights and responsibilities.

Delaware

Current Through November 2016

Citation: DFS Pol. Man. § 5(C)

The goals of concurrent planning are:

- To consider all options open to children and families
- To support safety and well-being of children and families
- To promote early permanency decisions for children
- To decrease length of time in foster care
- To reduce the number of moves children experience in foster care

Concurrent planning occurs in all stages of service provision to families active with the Division of Family Services.

- For intact families, concurrent planning is the provision of rehabilitative services while exploring family resources for safety and support or for possible placement, if necessary.
 - Once placement occurs, concurrent planning is used to explore other permanency options for children if they cannot return home.
 - When petitioning the family court for termination of parental rights, concurrent planning consists of providing reasonable efforts to the family toward reunification while simultaneously providing child specific services to prepare the child for adoption.
 - When a child has an approved goal of another planned permanent living arrangement (APPLA), concurrent planning involves a continual review of the resources in the youth's life for potential permanent placements and relationships.
-

District of Columbia

Current Through November 2016

Citation: Ann. Code § 4-1301.09a(f)

Reasonable efforts to place a child for adoption, with an approved kinship caregiver, with a legal custodian or guardian, or in another permanent placement may be made concurrently with the reasonable efforts required by § 4-1301.09a(b) [to preserve and reunite the family, prevent placement, or make it possible for the child to return home].

Florida

Current Through November 2016

Citation: Ann. Stat. § 39.01(19), (52)

'Concurrent planning' means establishing a permanency goal in a case plan that uses reasonable efforts to reunify the child with the parent, while at the same time establishing another goal that must be one of the following options:

- Adoption when a petition for termination of parental rights has been filed 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

The permanency goal also is the case plan goal. If concurrent case planning is being used, reunification may be pursued at the same time that another permanency goal is pursued.

Citation: Ann. Ann. § 39.6011(2)

The case plan must be written simply and clearly in English and, if English is not the principal language of the child's parent, to the extent possible in the parent's principal language. Each case plan must contain:

- A description of the identified problem being addressed, including the parent's behavior or acts resulting in risk to the child and the reason for the intervention by the department
- The permanency goal
- If concurrent planning is being used, a description of the permanency goal of reunification with the parent or legal custodian in addition to a description of one of the remaining permanency goals described in § 39.01

Citation: Ann. Stat. § 39.701(2)(d)(5)

Within 6 months after the date that the child was placed in shelter care, the court shall conduct a judicial review hearing to review the child's permanency goal as identified in the case plan. At the hearing, the court shall make findings regarding the likelihood of the child's reunification with the parent or legal custodian within 12 months after the removal of the child from the home. If the court makes a written finding that it is not likely that the child will be reunified with the parent or legal custodian within 12 months after the child was removed from the home, the Department of Children and Family Services must file with the court and serve on all parties a motion to amend the case plan under § 39.6013 and declare that it will use concurrent planning for the case plan. The department must file the motion within 10 business days after receiving the written finding of the court. The department must attach the proposed amended case plan to the motion. If concurrent planning is already being used, the case plan must document the efforts the department is taking to complete the concurrent goal.

Georgia

Current Through November 2016

Citation: Ann. Code § 15-11-212(h)

When the case plan requires a concurrent permanency plan, the court shall review the reasonable efforts of the Division of Family and Children Services (DFCS) to recruit; identify; and make a placement in a home in which a relative of a child adjudicated as a dependent child, foster parent, or other persons who have demonstrated an ongoing commitment to the child have agreed to provide a legally permanent home for the child in the event reunification efforts are not successful.

Citation: Ann. Code § 15-11-216(c), (d)

At the initial 75 day periodic review, the court shall approve the completion of the relative search, schedule the subsequent 4-month review to be conducted by the court or a judicial citizen review panel, and shall determine 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 to the case plan, including whether a concurrent case plan for nonreunification is appropriate.

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 DFCS to develop a case plan for nonreunification or a concurrent case plan contemplating nonreunification.

Citation: Ann. Code § 15-11-218(a)

At the conclusion of a periodic review hearing, or upon review of a report by a judicial citizen review panel, the court shall issue written findings of facts that include whether the existing case plan is still the best case plan for a child adjudicated as a dependent child and his or her family and whether any changes need to be made to the case plan, including whether a concurrent case plan for nonreunification is appropriate.

Guam

Current Through November 2016

This issue is not addressed in the statutes reviewed.

Hawaii

Current Through November 2016

Citation: Code of Rules § 17-1610-25

Based on an assessment of the family, the Department of Human Services shall determine and initiate assessment and treatment services, including, but not limited to, ohana conferencing; concurrent planning; multidisciplinary team consultation; and psychological, psychiatric, psychosexual, or other needed evaluations pursuant to departmental procedures. The department shall provide appropriate and available services to eligible children and their families subject to the availability of funding and resources.

Citation: Code of Rules § 17-1610-39

For all children and families under the jurisdiction of the department and assessed as needing ongoing child welfare casework services, either voluntarily or by court order, the department shall initiate concurrent planning in accordance with departmental procedures. Concurrent planning shall include, but not be limited to, the following:

- An assessment to determine the needs of each child to ensure that each child's needs for safety and permanency are recognized and incorporated into intervention services, treatment, placement, and timely permanency decision making
- An assessment of the family's potential to maintain the child in the home or to reunify the child with the family
- A casework strategy developed with the family that incorporates a plan to maintain or reunify the child with the legal custodian and a plan to provide a permanent home in the following order of preference: through adoption; legal guardianship; or other permanent, out-of-home placement, should reunification not be successful

Concurrent planning shall be initiated in any case in which the department has joined in a petition to terminate parental rights. Concurrent planning for those cases shall include, but not be limited to, identification, recruitment, processing, and approving a qualified adoptive family for the child.

Concurrent planning shall not be implemented in a case in which there is a finding that the child is an abandoned infant or where there has been a finding of aggravated circumstances by the court.

Citation: Code of Rules § 17-1610-2

'Concurrent planning' means an ongoing assessment, planning, and service process with concurrent service planning, treatment, and permanency goals depending upon the family situation to ensure the safety, permanency, and well-being of the child.

Idaho

Current Through November 2016

Citation: Idaho Code § 16-1602(14)

'Concurrent planning' means a planning model that prepares for and implements different outcomes at the same time.

Citation: Idaho Code § 16-1621

If the child is placed in the legal custody of the Department of Health and Welfare, the case plan shall set forth the reasonable efforts that will be made to make it possible for the child to return home. The case plan also shall:

- Include a goal of reunification and a plan for achieving that goal
- Include a concurrent permanency goal and a plan for achieving that goal

The concurrent permanency goal may be one of the following: termination of parental rights and adoption, guardianship, or, for youth age 16 or older only, another planned permanent living arrangement. The concurrent plan shall:

- Address all options for permanent placement of the child, including consideration of options for in-State and out-of-State placement of the child
- Address the advantages and disadvantages of each option and include a recommendation as to which option is in the child's best interests
- Identify the actions necessary to implement the recommended option
- Set forth a schedule for accomplishing the actions necessary to implement the concurrent permanency goal
- Address options for maintaining the child's connections to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection
- Identify the names of the proposed adoptive parents, when known, if the permanency goal is termination of parental rights and adoption
- In the case of a child who has reached age 14, include the services needed to assist the child to make the transition from foster care to successful adulthood
- Identify any further investigation necessary to identify or assess other options for permanent placement, to identify actions necessary to implement the recommended placement, or to identify options for maintaining the child's significant connections

Illinois

Current Through November 2016

Citation: Comp. Stat. Ch. 20, § 505/5(I-1)

The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practically possible. To achieve this goal, the legislature directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. At the time of placement, consideration also should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The department shall adopt rules addressing concurrent planning for reunification and permanency. The department shall consider the following factors when determining the appropriateness of concurrent planning:

- The likelihood of prompt reunification
- The past history of the family
- The barriers to reunification being addressed by the family
- The level of cooperation of the family
- The foster parents' willingness to work with the family to reunite
- The willingness and ability of the foster family to provide an adoptive home or long-term placement
- The age of the child
- Placement of siblings

Indiana*Current Through November 2016***Citation: Child Welf. Man. Ch. 5, § 15**

The use of concurrent planning can be an effective way to ensure that children in out-of-home and in-home care achieve permanency. The Department of Child Services (DCS) will evaluate each case to determine the appropriateness of concurrent planning.

DCS will develop a concurrent plan for children in care that meet at least one of the following mandatory concurrent planning indicators:

- The parent has a history of voluntary termination of parental rights.
- A minor parent younger than age 16 has no support systems, and placement of the child and parent together has previously failed due to the parent's behavior.
- The parent has asked to relinquish the child on more than one occasion following the initial intervention.
- The parent has a diagnosed mental illness or substance abuse problem that renders him or her unable to provide for or protect the child that, upon assessment, indicates:
 - » A history of treatment without response
 - » A pattern of noncompliance with medication or treatment intervention

DCS may develop a concurrent plan for children in care who meet at least one of the following potential concurrent planning indicators:

- There has been a single severe incident of child abuse and/or neglect.
- The family has a history of repeated, failed attempts to correct conditions that resulted in child maltreatment.
- The child or his or her siblings have been in out-of-home care on at least one other occasion for 6 months or more or have had two or more prior placements with DCS involvement.
- There has been an ongoing pattern of documented domestic violence lasting at least 1 year in the household.
- The parent has a developmental disability or emotional impairment that, upon assessment, indicates that the parent may be unable to provide, protect, or nurture the child, and the parent has no other relatives or social supports able or willing to assist in parenting.

Citation: Child Welf. Man. Ch. 6, § 10

Concurrent planning requires DCS to plan and work towards both reunification and another permanency plan. The intent of concurrent planning is that both plans will be pursued simultaneously and aggressively. Concurrent planning will be considered for all children in need of services cases.

Iowa*Current Through November 2016***Citation: Ann. Code § 232.2(4)(h)**

If reasonable efforts to place a child for adoption or with a guardian are made concurrently with reasonable efforts as defined in § 232.102, the concurrent goals and timelines may be identified. Concurrent case permanency plan goals for reunification and for adoption or for other permanent out-of-home placement of a child shall not be considered inconsistent in that the goals reflect divergent possible outcomes for a child in an out-of-home placement.

Citation: Ann. Code § 232.102(10)(b), (11)

As used in this section, 'family-centered services' means services and other supports intended to safely maintain a child with the child's family or with a relative; to safely and in a timely manner return a child to the home of the child's parent or relative; or to promote achievement of concurrent planning goals by identifying and helping the child secure placement for adoption, with a guardian, or with other alternative permanent family connections. Family-centered services are adapted to the individual needs of a family in regard to the specific services and other supports provided to the child's family and the intensity and duration of service delivery. Family-centered services are intended to preserve a child's connections to the child's neighborhood, community, and family and to improve the overall capacity of the child's family to provide for the needs of the children in the family.

The performance of reasonable efforts to place a child for adoption or with a guardian may be made concurrently with making reasonable efforts as defined in this section.

Kansas

Current Through November 2016

Citation: Pol. & Proc. Man. § 3232(A)

Concurrent case planning emphasizes frequent interactions with birth families to achieve the preferred permanency goal of reintegration while simultaneously developing another goal as an alternative permanency plan for the child, if reintegration cannot be achieved. Concurrent case planning minimizes the negative impact of separation and loss on the child and maintains the continuity in the child's family and sibling relationships.

The case manager shall use a concurrent case planning model reflecting frequent parent/child interactions while the child remains placed in a relative, kin, foster, or adoptive home and intensive, time-limited work with birth families targeting the reason the child is in out-of-home placement. The case manager also will develop a network of permanency planning resource parents who can work toward reintegration and also serve as the permanent resource for the child.

When it has been determined by the court that reintegration is no longer a viable option, the alternative permanency goal shall become the primary goal.

Citation: Pol. & Proc. Man. § 3232(B)

While efforts are being made to reintegrate the child with his or her family, diligent efforts shall be made to locate an absent parent, relatives, and/or nonrelated kin. Reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-State and out-of-State placements, may be made concurrently with reasonable efforts to reunify the child and family. Assessing the out-of-State placement possibilities when it is in the best interests of the child allows them to become placement options when it is appropriate. These persons shall be explored as a possible resource for the child if reintegration cannot be achieved.

If relatives and/or non-related kin are not an option, efforts shall be made to find a foster/adoptive family. A foster/adoptive family provides out-of-home placement care for the child and works toward reintegration with the family if the plan is feasible. They also agree to be the permanent/adoptive resource for the child if parental rights are terminated. The reintegration/foster care/adoption provider shall recruit and prepare families for this unique role, as well as provide support to these families.

Kentucky

Current Through November 2016

Citation: Admin. Regs. Tit. 922, § 1:140

'Concurrent planning' means the cabinet simultaneously plans for:

- The return of a child in the custody of the cabinet to the child's parent
- Another permanency goal for the child if return to parent is not achieved within 15 of the last 22 months, in accordance with 42 U.S.C. § 671(a)(16)

Concurrent planning shall be considered during development of the case permanency plan and at the 6-month case review.

Citation: Rev. Stat. § 620.350(2)(b)

Upon notice from any emergency medical services provider or hospital staff that a newborn infant has been abandoned at a hospital, the Cabinet for Health and Family Services shall immediately seek an order for emergency custody of the infant.

Upon the infant's release from the hospital, the cabinet shall place the child in a foster home approved by the cabinet to provide concurrent planning placement services. As used in this paragraph, 'concurrent planning placement services' means the foster family shall work with the cabinet on reunification with the birth family, if known, and shall seek to adopt the infant if reunification cannot be accomplished.

Louisiana

Current Through November 2016

Citation: Children's Code Ann. Art. 603(10)

'Concurrent planning' means departmental efforts to preserve and reunify a family or to place a child for adoption or with a legal guardian, which are made simultaneously.

Citation: Children's Code Ann. Art. 615(C)

In addition to investigation or assessment of reports, or both, the local child protection family services unit may offer available information, referrals, or services to the family when there appears to be some need for medical, mental health, social, basic support, supervision, or other services. Assignments for case response and allocation of resources shall be made in the order of children at greatest risk of harm to the lowest risk of harm. The individualized intervention strategies based on this risk assessment may include concurrent planning.

Maine

Current Through November 2016

Citation: Rev. Stat. Tit. 22, § 4041(1-A)(D)

The Department of Human Services may make reasonable efforts to place a child for adoption or with a legal guardian concurrently with reunification efforts if potential adoptive parents have expressed a willingness to support the rehabilitation and reunification plan.

Maryland

Current Through November 2016

Citation: Fam. Law § 5-525(c)(1)-(2), (e)(3)

In establishing the out-of-home placement program, the Social Services Administration shall:

- Provide time-limited family reunification services to a child placed in an out-of-home placement and to the parents or guardian of the child in order to facilitate the child's safe and appropriate reunification within a timely manner
- Concurrently develop and implement a permanency plan that is in the best interests of the child

Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with the reasonable efforts to preserve or reunify the family.

Massachusetts

Current Through November 2016

Citation: Code of Regs. Tit. 110, § 6.11

The court shall determine the permanent plan for the child at the permanency hearing. In making such determination, the court shall consult with the child, in an age-appropriate manner, the proposed permanency plan for the child. Such consultation may occur through a report by the Department of Children and Families social worker, the child's attorney, or a guardian ad litem who has discussed with the child the proposed permanent plan. A child age 16 and over may attend the permanency hearing review. The department shall use reasonable efforts to achieve the permanency plan determined by the court. The department concurrently may use reasonable efforts to achieve an alternative permanent plan if the permanent plan determined by the court is reunification with the family and the goal established through the department's permanency planning conference is other than reunification.

Michigan

Current Through November 2016

Citation: Comp. Laws § 712A.19(12)-(13)

Reasonable efforts to finalize an alternate permanency plan may be made concurrently with reasonable efforts to reunify the child with the family.

Reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-State or out-of-State options, may be made concurrently with reasonable efforts to reunify the child and family.

Minnesota

Current Through November 2016

Citation: Ann. Stat. § 260C.201, subd. 2(5)(c)

If the child has been identified by the responsible social services agency as the subject of concurrent permanency planning, the court shall review the reasonable efforts of the agency to develop a permanency plan for the child that includes a primary plan for reunification with the child's parent or guardian and a secondary plan for an alternative, legally permanent home for the child in the event reunification cannot be achieved in a timely manner.

Citation: Ann. Stat. § 260C.605, subd. 1(b)

Reasonable efforts to make a placement in a home according to the placement considerations under § 260C.212, subd. 2 with a relative or foster parent who will commit to being the permanent resource for the child in the event the child cannot be reunified with a parent are required under § 260.012 and may be made concurrently with reasonable efforts, or if the child is an Indian child, active efforts to reunify the child with the parent.

Citation: Ann. Stat. § 260.012(a), (k)

Once a child alleged to be in need of protection or services is under the court's jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate services, by the social services agency are made to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time. The court also must ensure that the responsible social services agency makes reasonable efforts to finalize an alternative permanent plan for the child as provided below. Reasonable efforts to place a child for adoption or in another permanent placement may be made concurrently with reasonable efforts to prevent placement or to reunify the child with the parent or guardian from whom the child was removed. When the responsible social services agency decides to concurrently make reasonable efforts for both reunification and permanent placement away from the parent, the agency shall disclose its decision and both plans for concurrent reasonable efforts to all parties and the court. When the agency discloses its decision to proceed on both plans for reunification and permanent placement away from the parent, the court's review of the agency's reasonable efforts shall include the agency's efforts under both plans.

Mississippi

Current Through November 2016

Citation: Ann. Code § 43-15-13(2)(f), (8)

At the time of placement, the Department of Human Services shall implement concurrent planning so that permanency may occur at the earliest opportunity. Consideration of possible failure or delay of reunification should be given to the end that the placement made is the best available placement to provide permanency for the child.

The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practicably possible. To achieve this goal, the department is directed to conduct concurrent planning so that a permanent living arrangement may occur at the earliest opportunity.

When a child is placed in foster care or relative care, the department shall first ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The department's first priority shall be to make reasonable efforts to reunify the family when temporary placement of the child occurs or shall request a finding from the court that reasonable efforts are not appropriate or have been unsuccessful.

At the time of placement, consideration also should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide a permanent living arrangement for the child. The department shall consider the following factors when determining appropriateness of concurrent planning:

- The likelihood of prompt reunification
- The past history of the family
- The barriers to reunification being addressed by the family
- The level of cooperation of the family
- The foster parents' willingness to work with the family to reunite
- The willingness and ability of the foster family or relative placement to provide an adoptive home or long-term placement
- The age of the child
- Placement of siblings

Missouri

Current Through November 2016

Citation: Ann. Stat. § 210.112(4)

Case management plans shall focus on attaining permanency in children's living conditions to the greatest extent possible and shall include concurrent planning and independent living where appropriate in accordance with the best interests of each child served. The delivery system shall provide a mechanism for the assessment of strategies to work with children and families immediately upon entry into the system to maximize permanency and successful outcomes in the shortest time possible and shall include concurrent planning.

Citation: Ann. Stat. § 211.183(9)

The Children's Division may concurrently engage in reasonable efforts, as described in this section, while engaging in such other measures as are deemed appropriate by the division to establish a permanent placement for the child.

Montana

Current Through November 2016

Citation: Ann. Code § 41-3-102(8)

'Concurrent planning' means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

Citation: Ann. Code § 41-3-423(6)

Reasonable efforts to place a child permanently for adoption or to make an alternative out-of-home permanent placement may be made concurrently with reasonable efforts to return a child to the child's home. Concurrent planning, including identifying in-State and out-of-State placements, may be used.

Nebraska

Current Through November 2016

Citation: Rev. Stat. § 43-283.01(6)

Reasonable efforts to place a juvenile for adoption or with a guardian may be made concurrently with reasonable efforts to preserve and reunify the family, but priority shall be given to preserving and reunifying the family as provided in this section.

Nevada

Current Through November 2016

Citation: Rev. Stat. § 432B.393(2)

The agency that provides child welfare services may make reasonable efforts to place the child for adoption or with a legal guardian concurrently with making the reasonable efforts required to preserve and reunify the family of a child.

New Hampshire

Current Through November 2016

Citation: Rev. Stat. § 169-D:17(II-a)

When a minor is in an out-of-home placement, the court shall adopt a concurrent plan other than reunification for the minor. The 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, or another planned permanent living arrangement.

Citation: Rev. Stat. § 169-C:3(VII-a)

'Concurrent plan' means an alternate permanency plan for use in the event that a child cannot be safely reunified with his or her parents.

New Jersey

Current Through November 2016

Citation: Ann. Stat. § 30:4C-11.1(c)

Reasonable efforts to place a child for adoption or with a legal guardian or in an alternative permanent placement may be made concurrently with reasonable efforts to preserve and reunify the child's family.

Citation: Ann. Stat. § 30:4C-55

The Division of Child Protection and Permanency shall prepare, and revise as necessary, a placement plan for each child placed outside his or her home. This shall be done in consultation with the child's parents or legal guardian and the child, when appropriate. The placement plan shall include a statement of the services to be provided to the parent or legal guardian or an exception to the requirement to provide reasonable efforts toward family reunification, in accordance § 30:4C-11.3. Services to facilitate adoption or an alternative permanent placement may be provided concurrently with services to reunify the child with the parent or guardian.

New Mexico

Current Through November 2016

Citation: Admin. Code § 8.10.8.7(D)

'Concurrent plan' means a second permanency plan of adoption or guardianship in addition to the primary permanency plan of reunification.

Citation: Admin. Code § 8.10.8.13(G)

As part of the case planning process, the following plans shall be incorporated into the case plan as appropriate:

- Permanency plan: The permanency plan reflects the permanency goals to be achieved. Every child's case plan shall have a permanency plan, which may change throughout the life of the case.
- Concurrent plan: A concurrent plan is a second permanency plan of adoption or guardianship in addition to the primary permanency plan of reunification.

Citation: Admin. Code § 8.26.2.24

Foster home adoptions: The Protective Services Department (PSD) shall attempt to place foster children with concurrent plans of adoption in foster homes which have been identified as concurrent families. PSD completes the preplacement home study for foster parents and treatment foster parents who have been selected as adoptive parents for children in PSD custody.

New York

Current Through November 2016

Citation: Rules & Reg. Tit. 18, § 428.6(a)(1)

When the family assessment determines that the child cannot be returned home safely and concurrent planning is warranted, the family assessment and service plan must include a description of the alternate plan to achieve permanency for the child.

Citation: Rules & Reg. Tit. 18, § 428.9(b)-(c)(1)-(10)

A case consultation must be held for each child in preparation for each permanency hearing, including in those cases where the permanency hearing will constitute the service plan review. The purpose of such case consultation is to assist with the development of the permanency hearing report. The issues addressed in the report shall include the following:

- Review the progress and the status of the child who had been removed from his or her home, including the child's health and education
- Review the safety of the child in his or her current environment
- Review the appropriateness of the current placement, including whether the placement is the least restrictive environment that can meet the child's needs
- Assess whether it would be safe to return the child to his or her home and assess the level of risk of the likelihood of abuse or maltreatment a return would entail
- Review the progress made by each parent toward successful implementation of the service plan and the child's permanency planning goal, unless the parent has had his or her parental rights to the child terminated
- Review the reasonable efforts made to assist with the achievement of the child's permanency planning goal
- Assess the need for modification or continuation of the current permanency planning goal
- Review the current service plan and any barriers to service delivery and assess the need to make modifications to support the safety, permanency, and well-being of the child
- Review the current visiting plan and assess the need to make modifications to support family relationships
- For a child who is not free for adoption, review the status of the concurrent permanency plan for the child, in the event the child is unlikely to be able to safely return home

North Carolina

Current Through November 2016

Citation: Gen. Stat. § 7B-906.2(a1), (b)

Concurrent planning shall continue until a permanent plan has been achieved.

At any permanency planning hearing, the court shall adopt concurrent permanent plans and shall identify the primary plan and secondary plan. Reunification shall remain a primary or secondary plan unless the court made findings under § 7B-901(c) [that aggravated circumstances make reasonable efforts for reunification unnecessary] or makes written findings that reunification efforts clearly would be unsuccessful or would be inconsistent with the juvenile's health or safety. The court shall order the county Department of Social Services to make efforts toward finalizing the primary and secondary permanent plans and may specify efforts that are reasonable to achieve timely permanence for the juvenile.

North Dakota

Current Through November 2016

Citation: Cent. Code § 27-20-32.2(5)

Efforts to place a child for adoption, with a fit and willing relative or other appropriate individual as a legal guardian, or in another planned permanent living arrangement, may be made concurrently with reasonable efforts [to preserve and reunify the family].

Northern Mariana Islands

Current Through November 2016

This issue is not addressed in the statutes reviewed.

Ohio

Current Through November 2016

Citation: Admin. Code Ann. § 5101:2-38-05(Y)

The public children's services agency may develop a supplemental plan for locating a permanent family placement for a child concurrently with reasonable efforts to preserve and reunify families. The supplemental plan shall not be considered a part of the case plan and does not require agreement or approval by the parties to the case plan. Any supplemental plan shall be discussed and reviewed with the parent, guardian, or custodian.

Citation: Rev. Code § 2151.412(J)

A case plan [for a child and family receiving services] may include, as a supplement, a plan for locating a permanent family placement. The supplement shall not be considered part of the case plan.

Oklahoma

Current Through November 2016

Citation: Ann. Stat. Tit. 10A, § 1-4-706(B)

If the child is removed from the custody of the child's parent, the court or the Department of Human Services, as applicable, shall immediately consider concurrent permanency planning, and, when appropriate, develop a concurrent plan so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The court shall further establish an initial permanency plan for the child, determine if aggravated circumstances exist pursuant to title 10A, § 1-4-809 and determine whether reunification services are appropriate for the child and the child's family.

When reunification with a parent or legal guardian is the permanency plan and concurrent planning is indicated, the court shall determine if efforts are being made to place the child in accordance with the concurrent permanency plan, including whether appropriate in-State and out-of-State permanency options have been identified and pursued.

Every effort shall be made to place the child with a suitable relative of the child.

Oregon

Current Through November 2016

Citation: Rev. Stat. § 419B.343(2)

Except in cases when the plan is something other than to reunify the family, the Department of Human Services shall include in the case plan:

- Appropriate services to allow the parent the opportunity to adjust the parent's circumstances, conduct, or conditions to make it possible for the ward to return home safely within a reasonable time
- A concurrent permanent plan to be implemented if the parent is unable or unwilling to adjust the parent's circumstances, conduct, or conditions in such a way as to make it possible for the ward to return home safely within a reasonable time

Citation: Rev. Stat. § 419B.449(5)-(6)

In making the findings under this section, the court shall consider the efforts made to develop the concurrent case plan, including, but not limited to, identification of appropriate permanent placement options for the child or ward both inside and outside this State and, if adoption is the concurrent case plan, identification and selection of a suitable adoptive placement for the child or ward.

In addition to the findings of fact required by this section, the court may order the Department of Human Services to consider additional information in developing the case plan or concurrent case plan.

Pennsylvania

Current Through November 2016

This issue is not addressed in the statutes reviewed.

Puerto Rico

Current Through November 2016

This issue is not addressed in the statutes reviewed.

Rhode Island

Current Through November 2016

Citation: Gen. Laws § 40-11-12.2(g)

Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to reunite the family.

South Carolina

Current Through November 2016

Citation: Ann. Code § 63-7-1640(D)

The Department of Social Services may proceed with efforts to place a child for adoption or with a legal guardian concurrently with making efforts to prevent removal or to make it possible for the child to return safely to the home.

South Dakota

Current Through November 2016

This issue is not addressed in the statutes reviewed.

Tennessee

Current Through November 2016

Citation: Ann. Code § 37-1-166(g)(6)

Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts [to preserve and reunify the family].

Texas

Current Through November 2016

Citation: Fam. Code § 263.102(e)

Regardless of whether the goal stated in a child's service plan is to return the child to the child's parents or to terminate parental rights and place the child for adoption, the Department of Family and Protective Services shall concurrently provide to the child and to the child's family as applicable:

- Time-limited family reunification services, as defined by 42 U.S.C § 629a, for a period not to exceed the period within which the court must render a final order in or dismiss the suit affecting the parent-child relationship with respect to the child
- Adoption promotion and support services, as defined by 42 U.S.C. § 629a

Citation: Fam. Code § 263.3025(d)

In accordance with department rules, a child's permanency plan must include concurrent permanency goals consisting of a primary permanency goal and at least one alternate permanency goal.

Citation: Fam. Code § 263.306(a-1)(4)(C)

At each permanency hearing before a final order is rendered, the court shall review the permanency progress report to determine the appropriateness of the primary and alternative permanency goals for the child developed in accordance with department rule and whether the department has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals, in effect for the child.

Utah

Current Through November 2016

Citation: Ann. Code § 78A-6-312(8), (10)

In addition to the 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

The court may amend a minor's primary permanency plan before the establishment of a final permanency plan under § 78A-6-314. The court is not limited to the terms of the concurrent permanency plan in the event that the primary permanency plan is abandoned.

If, at any time, the court determines that reunification is no longer a minor's primary permanency plan, the court shall conduct a permanency hearing in accordance with § 78A-6-314 on or before the earlier of:

- Thirty days after the day on which the court makes the determination described in this subsection
- The day on which the provision of reunification services ends

Vermont

Current Through November 2016

Citation: Ann. Stat. Tit. 33, § 5316(b)(1)

The long-term goal for a child found to be in need of care and supervision is a safe and permanent home. A disposition case plan shall include a permanency goal and an estimated date for achieving the permanency goal. The plan shall specify whether permanency will be achieved through reunification with a custodial parent, guardian, or custodian; adoption; permanent guardianship; or other permanent placement. In addition to a primary permanency goal, the plan may identify a concurrent permanency goal.

Virgin Islands

Current Through November 2016

This issue is not addressed in the statutes reviewed.

Virginia

Current Through November 2016

Citation: Child & Fam. Serv. Man. § E(7.4)

Concurrent planning is a practice that facilitates permanency planning for children in foster care. The definition of concurrent planning is a structured approach to case management that requires working towards family reunification while, at the same time, establishing and working toward an alternative permanency plan. Concurrent planning should be used for all foster care cases to ensure that if reunification cannot be achieved within the timeframe permitted by law, the child will still achieve permanency promptly.

In most cases, the concurrent plan will be placement with a relative with subsequent transfer of custody or adoption. The Adoption and Safe Families Act (ASFA) allows the local Department of Social Services (LDSS) to engage in concurrent planning while making reasonable efforts to reunite the family. Concurrent planning replaces sequential planning in foster care by simultaneously exploring possible relative options and/or identifying a resource family that can serve as both a foster and adoptive family to a child.

ASFA requires that once an agency files a petition to terminate parental rights (TPR), it begins the process of recruiting, identifying, and approving an adoptive home for the child. LDSS service workers should not wait until the TPR order is final to begin adoption recruitment. The intent of concurrent planning is to reduce delays in finding permanent homes for children. Service workers do not have to eliminate one goal before working toward another for a child.

Citation: Child & Fam. Serv. Man. § E(7.4)

The desired outcomes from concurrent planning are decreased length of stay in foster care, fewer placement moves, and fewer children in long-term foster care. These outcomes help maintain continuity of care for children and, thus, healthier attachments to caregivers.

The goal of concurrent permanency planning is to assure that children are in safe, permanent homes as quickly as is consistent with their health, safety, and well-being, while recognizing the urgency caused by the child's sense of time.

Washington

Current Through November 2016

Citation: Rev. Code § 13.34.136(2)(a) & (b)(v)

The permanency plan shall include a permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals:

- Return of the child to the home of the child's parent, guardian, or legal custodian
- Adoption, including a Tribal customary adoption as defined in § 13.38.040
- Guardianship
- Permanent legal custody
- Long-term relative or foster care, if the child is between age 16 and 18, with a written agreement between the parties and the care provider
- Successful completion of a responsible living skills program
- Independent living, if appropriate and if the child is age 16 or older

The plan shall state whether both in-State and, where appropriate, out-of-State placement options have been considered by the Department of Social and Health Services or supervising agency.

West Virginia

Current Through November 2016

Citation: Ann. Code § 49-4-604(a)(2)

The term 'permanency plan' refers to that part of the case plan that is designed to achieve a permanent home for the child in the least restrictive setting available. The plan must document efforts to ensure that the child is returned home within approximate time lines for reunification as set out in the plan. Reasonable efforts to place a child for adoption or with a legal guardian should be made at the same time, or concurrent with, reasonable efforts to prevent removal or to make it possible for a child to return to the care of his or her parent(s) safely. If reunification is not the permanency plan for the child, the plan must state why reunification is not appropriate and detail the alternative, concurrent permanent placement plans for the child to include approximate time lines for when the placement is expected to become a permanent placement. This case plan shall serve as the family case plan for parents of abused or neglected children.

Wisconsin

Current Through November 2016

Citation: Ann. Stat. § 48.355(2b)

A county department, the Department of Children and Families in a county having a population of 750,000 or more, or the agency primarily responsible for providing services to a child under a court order shall determine, in accordance with standards established by the department, whether to engage in concurrent planning. If, according to those standards, concurrent planning is required, the county department, department, or agency shall engage in concurrent planning unless the court or permanency review panel determines under § 48.38(5)(c)5m that concurrent planning is inappropriate.

In this subsection, 'concurrent planning' means appropriate efforts to work simultaneously towards achieving more than one of the permanency goals listed in § 48.38(4)(fg), 1 to 5, for a child who is placed in out-of-home care and for whom a permanency plan is required.

Wyoming

Current Through November 2016

Citation: Ann. Stat. § 14-3-440(c)

Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with the reasonable efforts to reunify the family.



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



MDJudiciary_UNF_SB585

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Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 585
Family Law – Children in Out-of-Home Placements – Mandatory
Concurrent Planning
DATE: February 5, 2020
(3/11)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 585. This bill amends § 5-525 Family Law Article to state that reasonable efforts to place a child for adoption or with a legal guardian shall (rather than may) be made concurrently with the reasonable efforts required by FL § 5-525(e)(1).

The Judiciary traditionally opposes mandatory provisions, as it is important for the judges to have discretion to weigh the individual facts and circumstances of a particular case. The local department of social services is already required to seek and explore family members, and the results of those efforts would be considered by the court. However, the court should have the discretion to determine what permanency plan is in the child's best interest. In some cases, such as those in which reunification is likely, the efforts towards adoption or legal guardianship would be frivolous.

cc. Hon. Jeff Waldstreicher
Judicial Council
Legislative Committee
Kelley O'Connor

OPD_UNF_SB 585

Uploaded by: Villamar, Nena

Position: UNF



POSITION ON PROPOSED LEGISLATION

BILL: SB 585 – Children in Out-of-Home Placements - Mandatory
Concurrent Planning
POSITION: OPPOSE
DATE: March 11, 2020

This bill proposes to modify Family Law Article § 525(e)(3) to require reasonable efforts to concurrently plan for adoption or legal guardianship rather than allow the local Department to exercise appropriate discretion to concurrently plan. This proposal would require Departmental case workers to simultaneously work towards fundamentally conflicting goals: reunifying a child with their parents, and permanently removing that child from their parents' care.

REUNIFICATION IS THE PREFERRED PERMANENCY PLAN BECAUSE, WHEN POSSIBLE, REUNIFICATION IS IN THE *BEST INTEREST OF THE CHILD*

- The vast majority of removals in Maryland are due to poverty-based neglect as opposed to child abuse;
- Research is well-established that removal and continued removal of children from their families is harmful to children;
- Federal Law, the Family Law Article and COMAR all prioritize reunification over placement for adoption or custody and guardianship;
- Adoption legally severs all ties that a child has with their biological family, including ties to biological siblings, grandparents, and other relatives;
- Custody and guardianship with non-relatives often in practice severs ties between parents, siblings, and other relatives;
- Many foster parents are not willing to adopt or obtain custody and guardianship and are instead interested in serving only as a resource parent to help while the parent works toward reunification. If this bill were to pass, all of these foster parents would be effectively eliminated because they would be unable to serve as a concurrent planning resources. Maryland is already in need of many more foster parents without further depleting the list of foster parents that are already available.

REUNIFICATION AND ADOPTION ARE DIAMETRICALLY INCONSISTENT WITH ONE ANOTHER

- The Maryland Court of Appeals, as well as the Supreme Court of the United States, have long recognized that a parent has a constitutionally protected fundamental right to raise his or her children; requiring concurrent reasonable efforts would require case workers to maintain the emotional and physical bonds between family members while concurrently working to legally sever those bonds *in every single case*, even if it's *not in the child's best interest*;
- Because concurrent planning is not always in the best interest of the child, this bill forces DSS and Courts to ignore the best interests of children. Such a change contravenes the purpose of the CINA statutory scheme.

MANDATORY AS OPPOSED TO DISCRETIONARY CONCURRENT PLANNING WILL HAVE A DETRIMENTAL EFFECT ON THE DEPARTMENT'S RESOURCES

- The proposed requirement would put a catastrophic strain on DSS resources, due to the fact that case workers would be forced to provide services towards reunification (examples include assistance with housing, mental health referrals, and transportation to and from visits), as well as finding pre-adoptive resources (which often include assistance with housing, foster care classes, and other financial burdens). Since the goals are in opposition, this would lead to an increase in litigation on reasonable efforts, thus delaying the ultimate goal of permanency.
- DSS case workers are overworked, underpaid, and have overwhelming numbers of turnover. In many respects, they struggle considerably to meet their already-existing obligations. Doubling their case work obligations is practically impossible without increasing DSS's staffing budget by a substantial amount.
- Passing SB 585 would mean that exactly one-half of whatever the Department works towards, in every case, will be for naught.

For all of the foregoing reasons, we respectfully request an unfavorable report on SB 585.