



## 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.

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**To find statute information for a particular State, go to**

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



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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.<sup>1</sup> Ten States address concurrent planning in regulation or policy.<sup>2</sup> 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.<sup>3</sup> In 24 other States, concurrent planning is required under various circumstances.<sup>4</sup> 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.<sup>5</sup>

Eight States require agencies to engage in concurrent planning from the time the child first comes into care.<sup>6</sup> 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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> Alabama, Hawaii, Idaho, Illinois, Mississippi, Missouri, Oklahoma, and Virginia.

Ten States provide definitions of concurrent planning in statute, regulation, or policy.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup> 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.

## Suggested Citation:

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<sup>7</sup> Florida, Hawaii, Idaho, Kentucky, Louisiana, Montana, New Hampshire, New Mexico, Virginia, and Wisconsin.

<sup>8</sup> Connecticut, Florida, Hawaii, Minnesota, New Jersey, and Ohio.

<sup>9</sup> California, Georgia, Illinois, Kansas, Minnesota, Mississippi, New Mexico, and Oklahoma.

<sup>10</sup> 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.

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## 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.

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## American Samoa

*Current Through November 2016*

This issue is not addressed in the statutes reviewed.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.
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## 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].

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## 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.

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## 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.

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**Guam**

*Current Through November 2016*

This issue is not addressed in the statutes reviewed.

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**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

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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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

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## Pennsylvania

*Current Through November 2016*

This issue is not addressed in the statutes reviewed.



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**Puerto Rico**

*Current Through November 2016*

This issue is not addressed in the statutes reviewed.

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**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.

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**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.

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**South Dakota**

*Current Through November 2016*

This issue is not addressed in the statutes reviewed.

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**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].

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**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.

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## 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

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## 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.

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## Virgin Islands

*Current Through November 2016*

This issue is not addressed in the statutes reviewed.

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## 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.

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## 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.

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## 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.

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## 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

