

Statement of Consideration (SOC)

PPTL 23-01 SOP 11.36, 11.36.1, 11.36.2, 11.36.4, 11.36.6, DPP 161, Checklist, Pre-permanency certification. The following comments were received in response to SOP drafts sent for field review. Thanks to those who reviewed and commented. Comments about typographical and grammatical errors are excluded; these errors have been corrected as appropriate

SOP 11.36

1. **Comment:** Some staff are concerned they won't be able to meet the timeframe of 10 working days to get the 161 completed and sent to OLS.

Response: Completion of the DPP-161 in 10 working days has been a long-standing expectation and was not changed with this SOP update. The DPP-161 preparation should begin early in the case and any barriers should be discussed during supervision so that an action plan can be developed.

SOP 11.36.1

1. **Comment:** Glad the part about courts declining to hold a goal change hearing is addressed. Many of our county courts are no longer holding the hearings. Concern about the wording of the timeframe of 10 working days only because in our region the 161 is completed by a specialized team for the ongoing worker. The team is not included in the pre-perm conference or court proceedings. Therefore, 161s are assigned based on notification received from OLS. Could wording include some clarification regarding timeframes for these situations?

Response: Please see the response to comment #1 under SOP 11.36. A communication loop should be developed that addresses these regional processes. Perhaps a regional point of contact should be assigned to receive the information from the Office of Legal Services (OLS).

2. **Comment:** We believe clarification is needed with 11.36 and 11.36.1 as we feel there is language in one that is not in the other that needs to be consistent across all SOPs re: Pre Perm or it needs removed.
 - 11.36.1 provides a contingency that holding a pre perm at 9 months is optional IF "DCBS is considering changing the child's goal to adoption"
 - 11.36.1:
 - Requests that the regional attorney or Office of Legal Services (OLS) ~~set-up-a meet for a pre-permanency~~ conference to review the prospect of involuntary ~~termination of parental rights~~ (TPR) prior to the next family team meeting (FTM) or permanency

hearing, but no later than nine (9) months after the child enters out-of-home care (OOHC) as outlined in [SOP 4.14 Timeframes for All Out-of-Home Care \(OOHC\) Cases](#) if DCBS is considering changing the child's goal to adoption;

- 11.36 does not provide a contingency or option for Pre Perms at 9 months but rather states "a pre-permanency conference should occur no later than nine (9) months of the child entering OOHC as outlined in [SOP 4.14 Timeframes for All OOHC Cases](#)."
- SOP 4.14: Does not provide a contingency or option for when to Pre Perm and states, "Requests a pre-permanency planning conference prior to pursuing an involuntary termination of parental rights (TPR), during or before the ninth (9th) month in care."
- 11.36.1 is the only place we see the contingency that we hold a pre perm IF we are "considering changing the goal to adoption" at 9 months.

If that statement is going into SOP, we feel there needs to be some clear guidance around what the decision points are for deciding which cases will meet criteria for "consideration" of goal change to adoption at this juncture. We recognize all cases are unique but did feel this statement can be discretionary and may not accomplish the goal of tightening up our timeframes on Pre Perm Conferences. Wondering if there is a way to create more clarity with that and consistency in all SOPs that address when to Pre Perm?

Response: SOP 4.14 includes the statement 'prior to pursuing a TPR', which indicates that pursuing a TPR and changing the child's goal to adoption are referencing the same process/procedure. No change will be made.

Permanency DSS-161 Document Checklist

1. **Comment:** Is the DSS-161 form still needed for each child? If so, will this form be updated? If still needed, can that be added to the checklist?

Response: No, the worker no longer completes the DPP-161 form.

2. **Comment:** Add placement log for each child and putative father search for each child to the checklist.

Response: Putative father search has been added to the form. Placement logs are only needed for specific cases as requested by OLS.

3. **Comment:** Does the entire J case need to be certified? If the attorney has not requested J cases be certified in the past, will they need to begin to be or is this still up to the attorney? We have children with multiple volumes dating back to 2016. The clerks get overwhelmed with certifying the number we

request. For most of our counties, we go to the judicial centers and make the copies, but they go through page by page before certifying them. We have also had them say judges don't need them as they have the J file in front of them during the TPR hearing. We spend a significant amount of time as well as time of the clerks, copying J files when the court and Judge already has access to them. I can definitely see portions needed by OLS such as removal petition, adjudication, disposition, APRs, waiver. Those orders should be available in the DCBS files; however, often not certified.

Response: Yes, the entire juvenile court file is needed for the pre-permanency conference. The OLS attorney may need to enter separate exhibits at trial. The clerk does not need to certify each individual page; the packet of information can be certified with a letter on top. The regional OLS attorney will advise if something different is needed depending on the judge's individual requests.

4. **Comment:** Siblings files-would this be any and all siblings or just siblings also in care but TPR is not being pursued on them? Will this be attorney specific or on a case by case needed? This could become quite cumbersome if it is all siblings (full, half) with J cases spread across several counties. In most circumstances, if the sibling is in out of home care and TPR is not being pursued this is due to their age (close to 18) or a child born after the removal of the siblings. There J case usually mirrors that of their siblings.

Response: OLS will advise based on the individual circumstances of the case.

5. **Comment:** Our region works with three separate attorneys. The items requested by OLS vary significantly for 161 packets including forms they request be completed to records they request be obtained. Will this process and checklist be applied across the board? Some consistency would be amazing and this checklist seems much more concise with the ability to meet the timeframes. If OLS has required additional forms and records to be completed, will those cease once this SOP comes into effect. As mentioned, the attorney requirements vary significantly and for some counties the forms and records requested are extensive and extremely time consuming, making the timeframe impossible to meet.

Response: Yes, this should be consistent amongst OLS attorneys unless a change is made to meet the specific requests of an individual judge. If there are any questions or concerns, please contact central office for assistance.

Pre-permanency Certificate

1. **Comment:** Add signature for FSOS on the certificate.

Response: Change has been made.

2. **Comment:** Love the detail on the new form. Love the idea of an action plan. I feel FSOS signature should be added as well. I noticed that there is a specialist signature. Is this optional or is the plan to implement specialist attending pre-perms? It also list a date the packet is due to OLS. Is this the date staff should use even if it varies from the 10 working day requirements in SOP? Most of our county courts no longer conduct goal change hearings.

Response: The FSOS signature has been added. The specialist's attendance is only needed based upon the region's structure and if applicable has been added to the form.

The due date will depend on the individual circumstances of the case. For example, based on the court date if known, if the pre-permanency conference is a follow up pre-permanency conference, etc.

If there will be no court date for the goal change and the DPP-161 packet is being submitted to OLS following the pre-permanency conference certification, there should be a discussion with OLS and regional staff. A due date should be negotiated with members of the pre-permanency team that promotes completion of the packet as soon as possible.

3. **Comment:** Should anything regarding the pre-perm certificate or 161 be uploaded into twist? Seeking clarification due to attorney-client privilege.

Response: It is preferred that this documentation is not uploaded into TWIST. The form can be returned to OLS with the DPP-161 packet for record keeping.

4. **Comment:** Specialist signature be removed b/c Specialists do not attend Pre Perms in all regions. The Perm Team FSOS and Perm Team SSCL participate in CSR but not the SSS.

Response: If applicable has been added.

5. **Comment:** Suggest adding a date to the signature line.

Response: Change has been made.

6. **Comment:** On the Pre Perm Conference Certificate, we suggest adding the highlighted info below next to each child's identifying information. Otherwise, it gets confusing when there are multiple children with more than one identified father. We discussed whether or not we should add a section to identify "putative, bio, legal" but that could probably be managed in another section however; it could also be useful for OLS if added here too. We weren't passionate about that but it was a topic of conversation.

Child name D.O.B. Out-of-home care
date **FATHER** **Address** Putative, Legal, Bio

Response: This information is already captured and OLS addresses how paternity was established in the following section of the form. No change will be made.