

Permanency Goals in Out-of-Home Care (OOHC) Cases Tip Sheet

Based upon the assessment and discussion that occurs during the initial case planning conference, the SSW and FSOS determine the permanency goal, or goals, to be selected. The assessment and case plan are reviewed at specific intervals (periodic reviews), and when conditions concerning the child and family have significantly changed, or when dictated by the needs of the child, consideration is given to selecting another permanency goal or goals. The worker makes every effort to select a goal and create a plan that will allow the child to obtain the least restrictive placement. The least restrictive placements should be the most family-like that meet their special needs, allow them to remain near the family of origin, and permit placements with siblings when possible. The least restrictive settings are, in order:

- The home of a parent;
- The home of a relative;
- The home of a fictive kin placement;
- An adoptive home; and
- A planned permanent living arrangement (PPLA).

A goal of return to parent may remain a goal and be established with any other goal concurrently at any point in service provision. When goals are implemented concurrently, the worker makes reasonable efforts to simultaneously work towards finalizing both goals.

Except in instances where aggravated circumstances or safe infant provisions result in a waiver of efforts, the SSW, along with the members of the family's team, selects a permanency goal, or concurrent goals, based on the best interest and the specific needs of the child including, but not limited to the following factors which may include the family's:

- Protective capacity;
- Commitment to parenting the child;
- Understanding of the safety threats that led to placement;
- Motivation to work on those safety threats and to accept services from the Department for Community Based Services (DCBS) and others;
- Resources and needs in relation to parenting, particularly related to addressing risk factors such as mental illness, physical illness, alcohol, and other substance misuse, (Refer to [Substance Misuse Tip Sheet](#)), that may have to be resolved before parenting the child may be resumed;
- Availability of relatives and others in the family environment, such as neighbors or religious organizations, who can be enlisted in the natural support network of the family; and
- Individual circumstances including but not limited to the child's age, any special needs, and when age appropriate, the child's desire to pursue a particular permanency goal.

Return to Parent

The SSW:

1. Documents that the goal of return to parent is appropriate:
 - a. At the initial ten (10)-day conference with the family;
 - b. When the family has made sufficient progress toward completing the case plan; and
 - c. When the worker and team believe that the identified safety threats have been or are being reduced so that the child can be safely reunified.

Permanent Relative Placement

- Establishment of the goal of permanent relative placement by DCBS and the SSW requires that relatives be suitable and interested in providing a permanent home for the child.
- This goal is selected when the service array has been presented to the relative and the relative does not wish to pursue foster parent approval.
- This goal is appropriate in limited case situations where the child is placed with a relative but in the DCBS custody.

Adoption

The SSW:

1. Considers choosing the goal of adoption in the following situations:
 - A. When it is determined by DCBS and the SSW that continued service provision is unlikely to result in the sufficient reduction of safety threats to reunite the child safely with the family; and
 - B. When there are no suitable relatives or fictive kin caregivers available to serve as a permanent placement for the child.

Under requirements of 2018 Ky. Acts Ch. 159 (a.k.a., House Bill 1):

The SSW:

1. Is required to file a petition for termination when:
 - A. Aggravated circumstances exist and/or the family does not make sufficient progress toward achieving the objectives specified in the case plan;
 - B. The child has been in OOH for fifteen (15) of the most recent forty-eight (48) months and the district or family court concurs with the goal of adoption, a TPR petition is filed before the fifteenth (15th) month ends;
 - i. The fifteen (15) of the most recent forty-eight (48) months must be calculated:
 - a. Cumulatively when a child experiences multiple exits from and entries into foster care during the forty-eight (48) month period; and
 - b. To exclude trial home visits or runaway episodes.
2. May be granted an exception (only by a judge) from proceeding with TPR, for the following compelling reasons:

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- A. A relative is caring for the child, and the plan is for permanent relative placement or guardianship;
- B. Termination of parental rights (TPR) would not be in the child's best interest, and the case plan documents the appropriateness of this decision; or
- C. Services deemed necessary for the safe return of the child have not been provided to the family of the child within the period specified in the case plan.

Subsidized Permanent Custody (SPC)

The SSW and DCBS must determine the following:

- 1. The child has been placed in an approved relative or fictive foster home that has received foster care maintenance payments for at least six (6) consecutive months;
- 2. A return home or adoption is not an appropriate permanency option for the child;
- 3. The child demonstrates a strong attachment to the prospective caregiver;
- 4. The caregiver has a strong commitment to caring permanently for the child; and
- 5. Children who are age fourteen (14) or older must be consulted regarding their permanent custody arrangement with the caregiver.

PPLA

The SSW and DCBS:

- 1. Determine that the goal of PPLA, also known as another PPLA, is appropriate when:
 - A. The child is a minimum of sixteen (16) years of age (per Federal Law P.L. 113-183);
 - B. Efforts have been made and documented in the case record to place the child for adoption or with a suitable and willing relative;
 - C. If the youth's goal is adoption, the youth has been referred to the Kentucky Adoption Profile Exchange (KAPE) to exhaust recruitment efforts;
 - D. Other permanency goal options have been exhausted and are no longer appropriate due to the specific circumstances of the child;
 - E. The appropriate DCBS staff (commissioner or designee or SRA as outlined in standards of practice (SOP) depending on the placement setting) has reviewed, approved, and documented that a goal of PPLA is in the best interest of the child. This step should be completed before requesting that the court change the goal to PPLA;
 - F. The court has determined that another PPLA is in the best interest of the child;
 - G. The child has formed psychological ties with those with whom the child lives, and adoption has been discussed with the foster parent and there are no viable alternatives; and
 - H. Ensures that SPC has been explored when applicable.
- 2. Seeks approval from the DCBS commissioner or designee prior to the establishment of a goal of PPLA for a child of any age placed with a private child

caring (PCC) agency. This includes placements in residential care and other placements such as supports for community living (SCL) group homes which are often referred to as PCC placements.

- A. Approval must first be obtained from the SRA or designee who then submits the below documentation to the OOHC branch manager for review.
 - B. The OOHC branch manager then submits the request to the Division of Protection and Permanency (DPP) director as the designated approval authority for the DCBS commissioner.
3. Seek approval from the DCBS SRA prior to the establishment of a goal of PPLA for a child placed in a DCBS foster home, private child placing (PCP foster home, or other placements such as SCL family home providers, where the placement has the same family structure as a foster home.

- **The SSW:**

1. Submits a memo to the appropriate DCBS staff outlining any supporting information and attaches the following:
 - A. Placement log;
 - B. Level of care (LOC) assignment;
 - C. Documentation of foster parents' commitment to placement;
 - D. Documentation of efforts to secure other permanency goals/placements; and
 - E. Written recommendation from the child's therapist for a goal change to PPLA.
2. Must provide documentation when approving the plan for youth age sixteen (16) and above, at each permanency hearing, of intensive, ongoing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian or an adoptive parent, including thorough efforts that utilize search technology (including social media) to find biological family members for the children (Voice for Adoption, Preventing Sex Trafficking and Strengthening Families Act, 2015);
3. Establishes PPLA as the goal in the case plan for children placed in DCBS or PCP foster homes only after the SRA or designee and the court have approved this goal for a child;
4. Establishes PPLA as the goal in the case plan for children placed in PCC, residential, or other non-foster home placements only after the SRA or designee, the OOHC branch manager, the DPP director as the DCBS commissioner's designee, and the court have approved this goal for a child;
5. Develops with the child and caregiver a permanency pact and ensures a copy is filed in the case record;
6. Encourages continued participation by family members in case conferences, reviews, and ongoing services even when the permanency goal is changed to PPLA pursuant to KRS 620.180 (2)(a);
7. Sends notification of case conferences and reviews to family members, keeping such documentation in the case record even when the family refuses to participate;

8. Continues to provide concurrent planning services for a child(ren) with a goal of PPLA. Ongoing efforts to reunify the family or secure placement with an appropriate relative, legal guardian, fictive kin, or adoptive parent should continue. Any requests for an exception or modification to offering ongoing services to family members must be approved by written memorandum to the SRA or designee, outlining the worker's continued efforts to maintain monthly ongoing visits with the family even though the child's permanency goal has been changed to PPLA; and
9. May request an exception or modification in those cases where:
 - A. The parent(s) refuse services; and
 - B. There are no other children in the home that require ongoing or protective services.

- **The SRA or designee:**

1. Declines the exception;
2. Grants the exception; or
3. Grants a modification to the ongoing monthly visits with the family, if contact does not cease entirely.

Transition to Adulthood

1. This goal may be selected for youth age eighteen (18) and older who have extended commitment to DCBS.
2. This goal may be selected for youth who are age seventeen (17), and commissioner or designee approval has been obtained prior to court determination.
3. Other permanency goal options have been exhausted and are no longer appropriate due to the specific circumstances of the child, and the Cabinet for Health and Family Services (Cabinet/CHFS) has reviewed documentation and determined that a goal of transitioning to adulthood is in the best interest of the child.

Legal Guardianship

- Guardianship is not a goal that may be selected for case planning purposes. However, throughout SOP there are references to legal guardianship placement, as this permanency goal is recognized in federal legislation. Kentucky's guardianship assistance program is referred to as SPC.