

Strategies for Permanence - Permanency Options for Child Welfare Cases:

There are only two truly permanent resolutions: return to parents and adoption.

Return Home to Parents

Return home is the goal of the court. The intent is to address the parents' situation (via DCFS & court supervision and service plans) and ensure that the child, once returned, will be cared for above the minimum sufficient level of care and safety.

This permanency goal is generally set aside only after protracted efforts to fix the home situation, which can sometimes take years. DCFS regularly updates the court on the parents' progress and updates their permanency goal recommendation twice/year (at 2-28 permanency hearings). If, over time, the goal of return home becomes unrealistic (per specific legal criteria), the court will turn its attention to the following permanency alternatives.

A return home to parents must be ruled out before the agency can consider adoption. That said, the agency needs to consider alternative permanency plans from the very beginning of the case, should return home eventually become infeasible. This is known as "concurrent planning" and advocates can encourage and inquire about the agency's "Plan B" for the child, to ensure it is in place.

Adoption

Adoption is only possible if parental rights have been surrendered or terminated. The court considers the unfitness of the parent and the best interest of the child when deciding whether to terminate parental rights (TPR). Adoptive parents become the legal parents of the child, with all the rights and responsibilities of parenting a biological child.

Once a child is adopted, DCFS is no longer involved in or responsible for the care, supervision or custody of the child. Adoption is permanent and lifelong. Adoptions are subsidized by DCFS to until the children are between ages 19 and 21.

Adoption must be ruled out before the agency can recommend a permanency goal of guardianship. Adoption will be ruled out if termination of parental rights is considered detrimental to the child(ren).

Guardianship

Guardianship may occur without the parents' rights being terminated. This can be a useful option in cases where the parent is unable to care for the child but there is – or there is potential for – a relationship between the parent and child. Guardianship is often the goal for older children who have the ability to speak up for themselves in an ongoing relationship with natural parents, but who still need the protection and nurture of a stable home with legal guardians. Guardianship can also become the only permanency option when the state does not have a strong enough case to proceed with – and finalize – termination.

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Once a guardian is appointed, DCFS will not be involved in the care, supervision or legal custody of the child. Guardianship lasts until the child reaches the age of 18. Families becoming guardians of children in the care of DCFS may receive financial and non-financial assistance and resources.

Legal guardians are responsible for raising and providing for the child as a parent would (including providing the name of a responsible replacement guardian, should they die or become incapacitated) and have the right to determine the natural parents' access to the child beyond the monthly contact to which parents are entitled under guardianship.

Guardianship is considered to be a slightly less legally-robust permanency option. Since the parents' rights have not been terminated, it is possible for them to return with evidence that they have rehabilitated their situation and petition to regain parental rights. In practice this virtually never occurs on child welfare cases.

Guardianship is frequently used by relative caregivers who wish to provide a permanent home for a child in his or her care. Guardianship can be considered for children who have been living in the home of licensed relatives or fictive kin for at least six consecutive months.

Note that the licensing requirement can often cause *significant* delays in achieving permanence with a relative or fictive kin, who can experience many difficulties in obtaining their license. Advocates in this situation should start early and work persistently to encourage, facilitate, and follow up with the progress of caregiver licensing – and also the progress of the paperwork once it has been submitted.

Independence (“Aging Out”)

Despite the advocacy efforts of CASA volunteers and hard work by caseworkers, many children remain in foster care and a family is not found for them. These children live in foster homes or group homes - or move from placement to placement - during their time in care.

Independence often becomes the plan for older or more challenging children for whom there is no identified family. Sometimes these children are actually placed in a family setting but their caregivers do not want to adopt them or become their legal guardians.

Whenever the goal is Independence, it remains the obligation of DCFS and CASA to persist in continued dialogue around how to make permanence a reality, even for the most challenging child. As previously mentioned, the agency needs to produce an alternate permanency plan. This is known as “concurrent planning” and advocates can encourage and inquire about the agency’s “Plan B” for the Independence goal, to ensure it is in place and being taken seriously.

When teens are at risk of leaving the system without a family, a CASA provides critical – and sometimes the only – consistent support in helping them to obtain resources, develop self-sufficiency, and establish ties to individuals and communities who can “be there” for the teen over time.

Permanent Resolutions: Questions to Consider

There are only two truly permanent resolutions: return to parents and adoption. These are most likely to be successful when the following questions can be answered and the underlying issues they suggest have been dealt with.

Return Home to Parents

As we considered our permanency recommendations, have we acknowledged the child's grief and their need to reconnect to the family of origin – even in the face of possible tradeoffs in the quality of the parent's home environment vs. the foster home?

Have the legal and/or biological fathers been identified? Assessed by the agency? Offered services? Been considered for placement?

Have issues that brought the child into care been addressed through the agency's service plan and support?

Has the caseworker observed and documented a reduction of risk?

Has the information we've collected provided insight to the parents' ability to care for the child?

Have any new issues that relate to risk been identified and addressed? How has the agency addressed this risk?

How has the agency addressed the risk of relapse after return home? What follow-up plans and services will be in place after return home to ensure child safety?

Permanent Resolutions: Questions to Consider

Adoption

Regarding TPR or Surrender of Parental Rights

Has the agency explained all permanency outcomes to the parents including *voluntary* surrender of parental rights?

Is the court ready to proceed with a termination of parental rights (TPR) case?

Has DCFS determined that legal grounds exist for TPR?

Regarding the Adoptive Home

Is the child already living with caregivers who are willing and able to adopt? If not, what alternatives exist which are in the child(ren)'s best interest?

Are there relatives who are available to adopt?

Have we assessed and evaluated the child's particular needs and strengths for consideration in a permanent placement? Have the child's ethnic and cultural needs been considered? Has the agency identified a placement option that will be able to meet the child's needs?

What is the child's relationship with his/her siblings? Should the child be placed with siblings? Can the child be placed with siblings? If not, will the prospective adoptive parents support ongoing sibling relationships?

Are the child's needs so severe that finding appropriate parents is unlikely? If so, what alternatives have been identified – and what are the implications for the child?

Has adoption been explained to the child? Does the child want to be adopted? Does the child consent to adoption (if over 12 years old)?

Permanent Resolutions: Questions to Consider

Guardianship

What were the reasons that adoption was ruled out for this family? Would the prospective guardians consider adopting? Do the objections to adoption that they have voiced potentially have a remedy which might be pursued?

Do the prospective guardians understand what guardianship is? The responsibilities that accompany it? The benefits and resources to which they are entitled (medical card, stipend, etc.)? Did they receive the handbook explaining guardianship and how it compares with adoption?

Does the prospective guardian understand the child's needs? Can they meet them? Can they do so without DCFS' involvement after the case is closed?

Regarding the natural parents and the child(ren):

- What is the relationship between them currently?
- What are the child's wishes regarding a relationship with the NPs?
- Is the child able and likely to speak up if a relationship with NPs becomes problematic?

Regarding the natural parents and the prospective guardians:

- What are the guardians' attitudes toward the NPs and facilitating the connection between NPs and child(ren)? Toward facilitating the connection between other relatives and the children?
- Do the NPs represent any risk to the guardians? The child(ren)?
- Is there any likelihood for the parents to return with evidence that they have rehabilitated their situation and petition to regain parental rights?

Have we assessed and evaluated the child's particular needs and strengths in the context of this guardianship? Have the child's ethnic and cultural needs been considered? What can be done to facilitate this?

What is the child's relationship with his/her siblings? Should the child be placed with siblings? Can the child be placed with siblings? If not, will the prospective guardians support ongoing sibling relationships?

Permanent Resolutions: Questions to Consider

Independence: A Challenging Outcome - Questions to Consider

CASA's objective regarding a permanency goal of Independence is to determine who will be this child's "family" for the rest of his/her life. Each of us needs family to be connected to – and sometimes fall back on – not just until we turn 18, but for life.

Advocates should persist in seeking a family for their teen through adoption or guardianship for as long as the case is open (and despite the permanency goal of Independence). If a family cannot be found, then the CASA should work to ensure that the teen has a meaningful connection with at least one committed adult before their case closes.

One of the best ways an advocate can help a teen is to encourage them to continue their child welfare case after they turn 18. Illinois child welfare offers a great deal of support, oversight, and resources to help teens to build life skills before they turn 21 and have to leave the system.

The following questions should be initiated when teens are as young as 15, since alternatives and resources can take time to implement:

If the child has agreed to a goal of independence, have we persistently asked whether they would prefer a different permanency option (adoption, guardianship)? Have they been informed that this goal might still be an option? Have we spoken frankly about the challenges and requirements of Independence so they are making an informed choice?

What are the barriers to the current caregiver adopting or becoming a legal guardian? How can these barriers be removed? Have all adoption/guardianship subsidies, other financial resources, and continuing services been explored and offered?

Who is important to the child? Is there a significant role model or mentor involved with this child? What is their current involvement? How can we nurture those relationships? Have they been approached about the possibility of adoption or guardianship? What barriers exist to this person becoming the legal parent, and what has been done to overcome them? If this is not an option, have they been approached about becoming an ongoing, informal connection and support to the child?

Who have been the child's support and attachments in the past? Have they been contacted? Can any of them be involved with this child now and in the future (e.g. teachers, neighbors, coaches, etc.)?

Can parents/other kin (especially siblings) be involved anew in this stage of the child's life, as a connection and for relationship? Can we advocate for visits/connection prior to the case closing?

What other options for finding a family have been explored? Have community adoption programs been contacted (Let It Be Us, Wendy's adoption services)?

Does the child need specialized care? What options and resources have been explored?

What resources and persons will be available when this child turns 18? Turns 21? Has the CW confirmed that they have implemented the "Countdown to 21" full-year program for teens?