

Foster Care Services: Case Planning and Review

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CASE PLANNING AND REVIEW

CASE PLAN DEVELOPMENT

The Case Plan is the primary tool for successfully intervening with families. It is based on a thorough understanding of the strengths and needs unique to a family. The plan provides a roadmap for meeting the safety, permanency and well-being needs of the child and family.

Since the permanent outcome for each child entering care must be finalized within the first 12 months, it is especially critical for the initial Case Plan to be well executed. The Comprehensive Child and Family Assessment provides valuable information to the court, DFCS, service providers and others who are significant in planning with and for the family. The most realistic and viable permanency plan, as well as the most appropriate services to meet the needs of the child and family, are proposed in the department's initial Case Plan for Reunification (or, if reunification is not appropriate, a Case Plan recommending Non-Reunification). During the first 30 days following removal, the plan is mutually developed with the family and, if designated by the court, the Judicial Citizen Review Panel. Family team meetings and Multi-Disciplinary Team (MDT) staffings are effective ways to enhance case plan development. The proposed Case Plan is submitted to the court for its consideration to be entered into an order.

Georgia's Case Plan Reporting System (CPRS) is an Internet application that promotes the development of successful court plans. Parents and others who receive copies of the court plan find the contents easy to read and understand. Other users include the court, Judicial Citizen Review Panels, DFCS staff and administrators, etc. The CPRS provides greater uniformity in record keeping and documentation. Also, it promotes efficiency in case management.

Goals are designed to address the specific behaviors or conditions that must be corrected for the child to be safely returned. While such goals may be individualized for the unique needs of the family or may be developed as secondary goals, all goals must be specific, behavioral, positively stated, measurable and written in clear and simple language. The steps are those activities which outline who will do what, when, how often and where. Steps are the "stepping stones" toward the achievement of a specific goal. Realistic time frames for achievement help to direct and motivate; however, the time needed by the parent to make the necessary changes must be balanced with the child's developmental needs and his/her need for permanency.

CASE PLAN REVIEW

The Case Plan is reviewed periodically to determine:

- The safety of the child;
- The continuing necessity for and the appropriateness of placement and services;
- The extent of compliance with the Case Plan;
- The extent of progress which has been made toward alleviating or mitigating the causes which resulted in the child's removal;

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- A likely date by which the child may be returned and safely maintained in the home or placed for adoption or other permanent placement.

Federal requirements specify the frequency of reviews for all children in care. The status of each child must be reviewed no less frequently than once every six months. This includes youth ages 18 to 21 and children who are in non-finalized adoptive placements.

There are three methods of review which comply with Federal review requirements:

- (1) **Judicial Review** (conducted by the juvenile court judge, associate judge or judge pro tempore);
- (2) **Judicial Citizen Review** (conducted by a court-appointed panel of citizens acting in a review and advisory capacity on behalf of the judge); and
- (3) **Panel Case Review** (conducted internally by DFCS staff composing a three-person panel, at least one of whom is out of the direct line of case management responsibility for either the child or family).

According to DFCS policy, there is one additional method of review. A **Case Review Summary** may be conducted for some children residing in certain placement types described in this section.

Georgia's law specifically requires that "all cases of children in foster care" be reviewed by means of Judicial Review. However, this requirement is subject to interpretation by the individual judge. Therefore, the county department must determine if a child falls under mandatory Judicial Review or, at the option of the court, another means of review can be conducted for a child in a particular placement.

For example, the court may elect not to review children over a certain age, children in voluntary placement authority, children for whom an adoptive placement has been made, etc. However, if such children are not reviewed judicially, then the county department must assure that these children receive another method of review, which is acceptable per policy and Federal review requirements.

Timeliness of reviews is critical. While reviews must be conducted every six months at a minimum, county departments are strongly encouraged to schedule more frequent interim reviews as an effective way to expedite permanency. The county department gains a better planning advantage in predicting whether reunification (or any other permanent plan) is realistic and achievable well before the end of 12 months. If the permanency plan cannot be in place by 12 months, an extension of custody must be filed. A permanency hearing will be held within this time frame to finalize the permanent living arrangement for the child. The court will be required to make a reasonable efforts determination regarding efforts by DFCS to finalize the permanency plan in effect at the time of the hearing; e.g., reunification, adoption, guardianship, permanent placement with a fit and willing relative or another planned permanent living arrangement.

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CRITICAL DATES TO CALCULATE

1007.1

Requirement

The county department tracks and monitors the timeliness of case actions by using the date the *child is removed from the home*.

CRITICAL ACTIONS IN MANAGING THE PLACEMENT CASE:

Comprehensive Child and Family Assessment hour hearing Referral initiated after the **72-**

Initial Case Plan Completed and submitted to the
court within **30 days** of removal

Diligent Search Completed within **90 days** of
removal and filed with the court at the time of the first review

Periodic Reviews Initial Review (within **90 days** of
the entering of the
dispositional order that incorporates the initial plan, but
no later than six months from removal

frequently than Subsequent Reviews (no less
months) every **six**

Temporary Custody No longer than **12 months** from
removal, with a single 12-month
extension possible.

Permanency Hearing(s) Held within **30 days** of the filing
of a Non-Reunification Plan or no
later than **12 months** of removal
(whichever occurs first).
Thereafter, every **12 months** as

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Mandated Filing of TPR Petition

long as the child remains in care

Filed for children in care **15 out of the most recent 22 months**. This is a cumulative count from the date of removal. Periods of time when the child is not in foster care; e.g., runaway episodes, trial placements at home, etc., are not counted. NOTE: If it is not in the best interests of the child for rights to be terminated, then a "compelling reason" must be documented in the CPRS on the "Case Tracking and Legal" screen. See Section 1002 for "exceptions" to filing and documentation requirements.

INITIAL CASE PLANNING

1007.2

Requirement

The initial Case Plan for Reunification or, if it is determined that reunification is not appropriate, a Case Plan proposing Non-Reunification, is developed using the CPRS. The Case Plan is submitted to the court within thirty days of the child's removal from the home.

1007.2 PRACTICE ISSUES

1. Conducting a thorough and comprehensive assessment of the strengths and needs of the family, as well as a permanency assessment, are critical to developing an effective Case Plan (See Assessment and Permanency, Section 1006).
2. Ideally, the Comprehensive Assessment is completed and its information shared at the MDT staffing prior to the initial case planning meeting with the family. If so, the initial Case Plan and the Comprehensive Child and Family Assessment are submitted to the court at the same time. If the Comprehensive Assessment is not completed within the first 30 days, then the initial Case Plan needs to be submitted to the court in a timely manner and amended later, if necessary. When the Assessment is received, the SSCM forwards it to the court.
3. Depending on the age and needs of the child, it may be advantageous in expediting a permanent plan to make reasonable efforts to reunify a child with the family, while at the same time, making reasonable efforts to achieve permanency through adoption or any other permanent living arrangement. (See "concurrent planning" in Assessment and Permanency, Section 1006.)

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4. Due to the compressed time frames for achieving the goals of the Case Plan, intensive quality services must be identified and provided early on to correct or change the behaviors, safety issues or circumstances which necessitated the child's removal from the home. Remember that all services and actions, which are not directly related to the circumstances necessitating removal, cannot be made conditions of the return of the child without further court review.
5. A reasonably diligent search for a parent (including putative father and/or his extended family) or relative of the child or other persons who have demonstrated an ongoing commitment to the child is initiated soon after the child enters care and continues for up to 90 days. The results of the search are documented in writing in the CPRS "Plan Group" section. Information about a parent should be documented on the "Caretaker" screen. All known relatives and persons demonstrating an ongoing commitment to the child would be entered into the "Relative" section of the Plan Group. (See 1002.3.1 Procedures.)
6. A Judicial Citizen Review Panel, if one is designated by the court, may consult with DFCS, the parents and the child, when available, to develop the initial Case Plan.

CASE PLAN FOR REUNIFICATION

1007.3

Requirement

The initial Case Plan for Reunification focuses on the proposed reunification services that will make it possible for the child to be returned safely to the family within a realistic time frame. The Plan is developed with the family within 30 days of the child's removal. It is submitted to the court for consideration to become an order of the court. Unless the parent requests a hearing within five (5) days of receiving the Case Plan, the court enters an order incorporating a plan for reunification and specifying what must be accomplished before the family can be reunified.

1007.3 PROCEDURES

The CASE MANAGER will:

1. *NOTIFY THE PARENT:*

Provide the parent with written notice of the case planning meeting (family team meeting) to develop the initial Case Plan goals for reunification and discuss placement planning for the child. Notice must be provided at least five calendar days in advance of the meeting. (This time frame may be waived if the meeting can be held within the first five days of placement.) The written notice shall

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include the following information:

- The date, time and place the family team meeting will be held (or, if the meeting has already been held, the notice would confirm that date);
- The Case Plan developed at the meeting will be submitted to the court for consideration to become an order of the court; and that
- The proposed DFCS Case Plan shall be in effect until incorporated into an order of the court.
Once adopted by the court, the Case Plan is in effect until modification by the court.

2. NOTIFY OTHERS:

Provide written or verbal notice to any of the following persons who may have significant input into the development of the plan or placement of the child:

- The child of appropriate age/ level of functioning;
- Extended family of the child;
- Child's current care giver (custodian, foster parent, relative, pre-adoptive parent, residential child care staff, etc.);
- Resource/ service providers;
- CASA /GAL (if appointed);
- Judicial Citizen Review Panel (if designated by the court to be involved in the development of the initial plan;
- Any other person significant to the development of the plan or placement of the child.

3. MEET AND DISCUSS:

At the scheduled family team meeting, the Case Manager will openly and honestly discuss the following issues:

- The time-limited nature of foster care and potentially, the detrimental effects that prolonged placement can have upon a child;
- The need to begin immediately in determining a permanent plan for the child; i.e., where the child can be safe and will grow up, and who may be best able to provide for the child's placement needs;
- The legal time frames for achieving the Case Plan outcome of reunification, and the consequences if not achievable in a timely manner (See "**Permanency Time Lines**" which may be used as a visual tool for the Case Manager and parent to "plot" a year of case actions before the permanency issue for the child must be settled);
- If appropriate, the need to proceed with concurrent plans for permanency as an added assurance that permanency for the child will be achievable either through reunification or some other means of permanency (e.g., adoption, guardianship, placement with a fit and willing relative or another planned permanent living arrangement);
- Reasons for placement and what the parent can do to have the child returned home, and what the county department can do to assist;

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- The critical need for the parent to immediately become involved in planning and to cooperate in achieving the mutually developed Case Plan goals;
- The dual roles of the Case Manager in supporting the parent's efforts, while at the same time, monitoring the progress (or lack of progress), and reporting to the court the outcomes.
- The optional use of Form 531 (available through Central Supply) entitled, "**A Guide for Parents of Children Placed in Foster Care,**" which the SSCM may review with the parent.

NOTE: Remember to list all participants and their relationship to the child on the CPRS "Participation" screen.

4. *COMPLETE ALL SCREENS OF THE CPRS*

5. *OBTAIN SIGNATURES:*

In the "Participant and Disclosure" part of the CPRS, have the parent, the child (if appropriate), the SSCM and any others present sign the plan on the day of the family team meeting. If this is not possible, the parent must be given the opportunity to sign within 30 days from the date the child entered care. Add comments to the "Participation" part of the plan should there be any dissenting recommendations of the Judicial Citizen Review Panel, if applicable, and any recommendations of the parents, if such are made.

NOTE: If the parents or children did not participate in the development of the case plan, document the reason(s) on the CPRS "Participation" screen.

6. *FILE AND COPY THE CASE PLAN:*

File the original Case Plan in the appropriate DFCS case record. The parent's copy is hand delivered, if possible, at the time of the family team meeting. Otherwise, the county department sends the Case Plan to the parent by certified mail at the same time that the Plan is submitted to the court. Once the plan is court approved, DFCS will provide copies to the present caregivers of the child (custodian, foster parents, preadoptive parents, or relative), the child (if appropriate), GAL/CASA (if appointed), and any other person significant to the plan (with a signed and written consent of the parent).

7. *SUBMIT TO THE COURT:*

Submit the initial Case Plan for Reunification to the court (within 30 days of the child's removal date). Using the CPRS, notify the judge that the case plan has been completed; i.e., all screens are entered. Click "signal that the court plan is ready for approval" on the "Court Plan Status" screen. This action sends an electronic notification to the judge that the plan is ready for review. If required by the court, the SSCM may use a brief cover letter to transmit the Case Plan to the court, retaining a copy of the cover letter in the case record for documentation purposes.

8. *NOTIFY THE PARENT OF HEARING RIGHTS:*

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The CPRS contains the written notice to the parent that the Case Plan will be considered by the court without a hearing unless, within five days from the date the copy of the plan is received, the parent requests a hearing before the court to review the plan. The Case Manager may assist the parent, if necessary, in preparing a written request for a hearing if a hearing has not already been requested on the CPRS.

1007.3 PRACTICE ISSUES

1. If a **hearing is not requested or scheduled by the court on its own motion**, and the time to request a hearing (5 days) has expired, the **COURT** will:

- Initially review the department's proposed Case Plan for Reunification;
- Enter an order (dispositional or supplemental) that incorporates those elements of the plan for reunification services which the court "*finds essential to achieve reunification of the child and family.*" Once the court adopts the Case Plan, it remains in effect until modification by the court.

2. If a **hearing is requested by the parent**, the **COURT** will:

- Provide advance written notice of the hearing or direct a party (e.g., DFCS) to provide notice and the right to be heard at a hearing to the following individuals who presently care for the child: the custodian, foster parent, preadoptive parent or relative. Note: This notice is consistent in form and timing of notice that is afforded any party to the hearing. However, this provision shall not be construed to require any of these individuals be made party to the hearing solely on the basis of having received such notice and opportunity to be heard.
- Hear the evidence, which may include oral and written testimony offered by the parent, the custodian of the child, the foster parents, the preadoptive parents, the relatives caring for the child and DFCS; and
- Enter an order which

Accepts or rejects the DFCS recommendation and Case Plan (all or part);

May order an additional evaluation;

May appoint a guardian ad litem;

May undertake other reviews, as it deems necessary to determine the disposition that is in the child's best interest;

Includes findings of fact that reflect the court's consideration of the oral and written testimony offered by the parents, the custodian of the child, the foster parents of the child, any preadoptive parents or relatives providing care for the child and DFCS;

Makes a disposition only if the court finds that such disposition is in the best interest of the child;

3. Once the **Case Plan is court-approved**, the **COURT** will:

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- parties.
- Provide a copy of the order and court approved Plan to the usual parties.
 - As stated in law, hold DFCS responsible for providing copies of the plan to the following:
 - Present caregivers of the child (custodian, foster parents, preadoptive parents of the child, relatives providing care of the child)
 - Child (if appropriate)
 - GAL/CASA (if appointed)
 - Any other significant person (with the signed and written consent of the parent)

CASE PLAN for NON-REUNIFICATION

1007.4

Requirement

Should the county department submit an initial Case Plan to the court that does **not** recommend reunification as the permanency plan, additional documentation is required. The court shall no later than 30 days following the filing of the Case Plan for Non-Reunification, hold a permanency hearing. At such time, the proposed plan is reviewed and the court shall determine by clear and convincing evidence whether *“reasonable efforts to reunify a child with his or her family will be detrimental to the child and that reunification services, therefore, should not be provided or should be terminated.”* A revised permanency plan for the child will be incorporated into an order.

1007.4 PROCEDURES

The CASE MANAGER will:

1. NOTIFY THE PARENT:

Provide the parent with written notice of the case planning meeting (family team meeting) to develop the initial Case Plan and to discuss placement planning for the child. Notice must be provided at least five calendar days in advance of the meeting. (This time frame may be waived if the meeting can be held within the first five days of placement.) The written notice to the parent shall include the following information:

- The date, time and place of the family team meeting (or, if the meeting has already been held, the notice would confirm that date);
- The Case Plan developed at the meeting will be submitted to the court for consideration to become an order of the court; and that

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- The proposed DFCS Case Plan shall be in effect until a hearing may be held and then, the court enters an order. Once the Case Plan is adopted by the court, it is in effect until modification by the court.

2. NOTIFY OTHERS:

Provide written or verbal notice to the following persons who may have significant input into the development of the plan or placement of the child:

- The child of appropriate age/ level of functioning;
- Extended family of the child;
- Child's current caregiver (custodian, foster parent, relative, pre-adoptive parent, residential care staff, etc.)
- Resource/ service providers;
- CASA/GAL (if appointed);
- Judicial Citizen Review Panel (if designated by the court to be involved in the development of the initial Plan; and/or
- Any other person significant to the development of the plan or the placement of the child.

3. MEET AND DISCUSS

At the scheduled family team meeting, the Case Manager will openly and honestly discuss the following:

- The reasons for placement and the circumstances/reasons which lead the county department to conclude that reunification is not appropriate for the child;
- The time-limited nature of foster care and the potentially damaging effect that prolonged placement can have upon a child;
- The need to begin immediately in determining a permanent plan for the child; i.e., where the child can be safe and will grow up and who may be best able to provide for the child's placement needs;
- Services (other than reunification) that the county department can offer and/or arrange for the parent as outlined in the Case Plan; e.g., visitation.
- The right of the parent to have a hearing within 30 days of the court's receipt of the department's Case Plan recommending Non-Reunification; and
- The optional use of Form 531 (available through Central Supply) entitled, "**A Guide for Parents of Children Placed in Foster Care**" which the SSCM may review with the parent.

NOTE: Remember to document all participants and their relation to the family on the CPRS "Participation" screen.

4. COMPLETE ALL SCREENS OF THE CPRS:

In the "Non-Reunification" portion of the CPRS, a checklist is provided which outlines the circumstances and/or conditions to support the court's finding that "reasonable efforts to reunify will be detrimental to the child and therefore, reunification services should not be provided." Select one or more reasons and document.

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Also, check whether DFCS intends to file a petition to terminate parental rights and if so, when. If the Case Manager indicates that DFCS *does not intend* to petition for termination of parental rights, the court MAY appoint a Guardian ad Litem with the charge of determining whether termination proceedings should be commenced.

If the revised permanency plan is **adoption**, the Case Plan documents the steps to be taken by DFCS to find (or finalize) an adoptive home (placement) including child-specific recruitment efforts to be taken (or already taken); e.g., state, regional and national adoption exchanges/electronic exchanges. If the revised permanency plan is **guardianship** or **permanent placement with a fit and willing relative**, the Case Plan documents the steps to be taken (or already taken) to finalize the permanent placement. If the revised permanency plan is to place the child in "**another planned permanent living arrangement**;" e.g., long-term foster care or emancipation, the Case Plan must also document a "compelling reason" why none of the other, "higher priority" permanency plans, are in the best interest of the child.

NOTE: Regardless of the permanency plan, goals and steps must be entered into the Non-Reunification section found on the "Goal Summary" screen.

5. *OBTAIN SIGNATURES:*

In the "Participant and Disclosure" part of the CPRS, have the parent, the child (if appropriate), the SSCM and any others present sign the plan on the day of the family team meeting. If this is not possible, the parent must be given the opportunity to sign within 30 days from the date the child entered care. Add comments to the "Participation" part of the plan should there be any dissenting recommendations of the Judicial Citizen Review Panel, if applicable, and any recommendations of the parents, if such are made.

NOTE: If the parents or children did not participate in the development of the case plan, document the reason(s) on the CPRS "Participation" screen.

6. *FILE AND COPY:*

File the original Case Plan for Non-Reunification in the appropriate DFCS case record. The parent's copy is hand delivered, if possible, at the time of the family conference. Otherwise, the county department sends the Case Plan to the parent by certified mail **at the same time that the Plan is submitted to the court**. Once the plan is court approved, DFCS will provide copies to the present caregivers of the child (custodian, foster parents, preadoptive parents, or relative), the child (if appropriate), GAL/CASA (if appointed), and any other person significant to the plan (with a signed and written consent of the parent).

7. *SUBMIT TO THE COURT:*

Submit the initial Case Plan for Non-Reunification to the court within 30 days of the child's removal date. Using the CPRS, notify the judge that the case plan has been completed; i.e., all screens are entered. Click "signal that the court plan is

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ready for approval" on the "Court Plan Status" screen. This action sends an electronic notification to the judge that the plan is ready for review. If required by the court, the SSCM may use a brief cover letter to transmit the Case Plan to the court, retaining a copy of the cover letter in the case record for documentation purposes.

8. NOTIFY PARENT OF HEARING RIGHTS:

The CPRS provides written notice to the parent that the court will hold a permanency hearing within 30 days of the receipt of the Case Plan for Non-Reunification to review the county department's determination that reunification services are not appropriate.

1007.4 PRACTICE ISSUES

1. Since the submission of a Case Plan recommending Non-Reunification results in the court scheduling a permanency hearing within 30 days of the filing of such plan, the **COURT** will:

- Provide advance written notice of the hearing or direct a party (e.g., DFCS) to provide notice and the right to be heard at a hearing to the following who presently care for child: the custodian, foster parent, preadoptive parent or relative. Note: Such notice is consistent in form and timing of notice that is afforded any party to the hearing. However, this provision shall not be construed to require any of these individuals be made party to the hearing solely on the basis of having received such notice and opportunity to be heard.
- Hear the evidence, which may include oral and written testimony offered by the parent, the custodian of the child the foster parents, the preadoptive parents, the relatives caring for the child and DFCS; and
- Enter a court order within 30 days after the court has determined that reunification efforts will not be made by DFCS. Such order

Accepts or rejects the DFCS recommendation and Case Plan (all or part);

May order an additional evaluation;

May appoint a guardian ad litem;

May undertake other reviews, as it deems necessary to determine the disposition that is in the child's best interest;

Includes findings of fact that reflect the court's consideration of the oral and written testimony offered by the parents, the custodian of the child, the foster parents of the child, any preadoptive parents or relatives providing care for the child and DFCS;

Makes a disposition only if the court finds that such disposition is in the best interest of the child;

If appropriate, makes a finding that "*reasonable efforts to reunify a child with the family will be detrimental to the child and that reunification services, therefore, should not be provided or should be terminated;*" **OR**

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that “reasonable efforts to reunify the child and family are not required;”
and

Enters an order adopting the revised permanency plan for the child and when it can be achieved. Incorporates all elements the court finds essential in the proposed permanency plan.

2. Once the **Case Plan is court-approved**, it remains in effect until modification by the court. Further, the COURT will:
 - Provide a copy of the order and court-approved Plan to the usual parties.
 - As stated in law, hold DFCS responsible for providing copies of the plan to the following:

Present care givers of the child (custodian, foster parents,
preadoptive parents, or
relatives of the child)

Child (if appropriate)

GAL/CASA (if appointed)

Any other significant person (with the signed and written consent
of the parent)

REVIEW OF THE CASE PLAN

A. INITIAL REVIEW

1007.5

Requirement

All cases of children in foster care in the custody of DFCS shall be initially reviewed within 90 days of the entering of the dispositional order but no later than six months following the child's removal. The initial review shall be conducted by the juvenile court judge, by an associate juvenile court judge or judge pro tempore, or by a Judicial Citizen Review Panel (See 1007.16).

1007.5 PRACTICE ISSUES

1. For tracking purposes, the date of initial review is:
 - The date the supplemental order was entered following judicial review by the judge and/or the electronic notification on the CPRS that the plan has been approved; or
 - The date the Judicial Citizen Review was conducted; or

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- The date the hearing requested by the parent to review the Plan was held.
2. If for some reason any of the above fail to occur within six months of the child's removal, the county department must schedule a "back up" review to meet Federal timeliness requirements. A Panel Case Review must be scheduled to occur within the maximum time frame of six months plus thirty (30) days.

NOTE: This is an allowable "grace" period for conducting Panel Case Reviews, only.

B. SUBSEQUENT REVIEWS

1007.6

Requirement

Following the initial review of the Case Plan, additional periodic reviews are held at six-month intervals from one of the following (whichever occurs last):

- The date of the supplemental order following judicial review by the judge and/or the electronic notification on the CPRS that the plan has been approved; or
- The date the Judicial Citizen Review was conducted; or
- The date the hearing requested by the parent to review the Plan was held.

1007.6 PRACTICE ISSUES

1. At a minimum, reviews are conducted at six-month intervals. More frequent reviews, particularly when significant changes occur, often expedite permanency outcomes.
2. If for some reason any of the above fails to occur at six-month intervals, the county department must schedule a "back up" review to meet Federal timeliness requirements. A Panel Case Review must be scheduled to occur within the maximum time frame of six months plus thirty (30) days.

NOTE: This is an allowable "grace" period for conducting Panel Case Reviews, only.

c. PERMANENCY HEARINGS IN PLACE OF REVIEWS

1007.7

Requirement

The county department needs to clarify with the court whether a permanency hearing (held

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within 12 months and every 12 months thereafter) may substitute for a required periodic review. If acceptable to the court, the county department continues to be responsible for updating/ preparing the Case Plan and making it available for the court's review at the time of the permanency hearing.

REVIEW of a CASE PLAN for REUNIFICATION

1007.8

Requirement

The review of a Case Plan for Reunification focuses on the proposed reunification services that will make it possible for the child to be returned safely to the family within a realistic time frame.

The CASE MANAGER will:

1. *NOTIFY THE PARENT:*

Provide the parent with written notice of the family team meeting to review, and if necessary, to revise the Case Plan for Reunification. Notice must be provided at five calendar days in advance of the meeting and shall include the following information:

- The date, time and place of the family team meeting to review and/or update the Plan;

2. *NOTIFY CURRENT CARE GIVER FOR THE CHILD:*

Provide advance written notice of the review and a right to be heard to the custodian, foster parent, preadoptive parent or relative caring for the child. The court may provide such notice or direct another party (including DFCS) to provide the written notice. The notice includes the date, time and place of the review meeting. The Case Plan will be reviewed and the child's caregiver will be given an opportunity to share information about the child. (If the caregiver for the child is unable to attend the review, then verbal or written input may be provided and considered at the time of review.)

3. *NOTIFY OTHERS:*

Provide notice (verbal or written) to the following persons who may be invited to participate:

- The child (if of appropriate age/ level of functioning);
- Extended family of the child;
- GAL/CASA (if appointed);
- Resource/ service provider(s); and/or
- Any other person significant to the review of the Plan.

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4. MEET AND DISCUSS:

Openly and honestly discuss the following issues at the family team meeting:

- The continuing necessity for placement;
- The extent of parental involvement and responsibility assumed in resolving the problems which led to the child's removal and/or prevent the child from being safely returned;
- The extent of progress or lack of progress toward the identified goals and steps of the Case Plan which are designed to alleviate or mitigate the causes necessitating the child's placement;
- The appropriateness of reunification services to make it possible for the child to be returned safely to the home;
- The appropriateness of placement and the services provided to the child; and
- The timeliness of achieving the Case Plan outcome of reunification and a projected date by which the child may be returned.

NOTE: Remember to list all participants and their relation to the child on the CPRS "Participation" screen.

5. REVISE/UPDATE THE PREVIOUS CPRS:

At every review and hearing, DFCS must indicate to the court whether or not the agency intends to file a petition to terminate parental rights and if so, when. If the Case Manager indicates that DFCS *does not intend* to petition for termination of parental rights, the court MAY appoint a Guardian ad Litem with the charge of determining whether termination proceedings should be commenced.

6. OBTAIN SIGNATURES:

In the "Participant and Disclosure" part of the CPRS, have the parent, the child (if appropriate), and the SSCM sign the plan on the time of the review. Add comments to the "Participation" part of the plan should there be any dissenting recommendations of the Judicial Citizen Review Panel, if applicable, and any recommendations of the parents, if such are made.

NOTE: If the parents or children did not participate in the review process, provide documentation on the "Participation" screen in CPRS.

7. FILE AND COPY:

File the original Case Plan proposing Reunification in the appropriate DFCS case record. The parent's copy is hand delivered, if possible, at the time of the review meeting. Otherwise, the county department sends the Case Plan to the parent by certified mail within five (5) days of the review. (At the same time the Plan is submitted to the court. Once the plan is court-approved, DFCS will provide copies to the present care givers of the child (custodian, foster parents, preadoptive parents, or relative, the child (if appropriate), GAL/CASA (if appointed), and other person significant to the plan (with a signed and written consent of the parent).

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8. *SUBMIT TO THE COURT:*

Within five (5) days of the review, submit the proposed revised Case Plan for Reunification to the court for Judicial Review. Using the CPRS, notify the judge that the case plan has been completed; i.e., all screen entered. Click "signal that the court plan is ready for approval on the "Court Plan Status" screen. This action sends an electronic notification to the judge that the plan is ready for review. If required by the court, the SSCM may use a brief cover letter to transmit the plan. Provide a written statement notifying the court whether and when DFCS intends to proceed with termination of parental rights. (If DFCS indicates that the agency does not intend to petition for the termination of parental rights at that time, the court may appoint a Guardian ad Litem with the charge of determining whether termination proceedings should be commenced.) NOTE: *If the court does not judicially review the Plan within the six-month time frame, the county department must schedule another method of review such as an administrative Panel Case Review to occur within the 30-day grace period.*

9. *NOTIFY THE PARENT OF HEARING RIGHTS:*

The CPRS contains the written notice to the parent that the Case Plan will be submitted to the court for consideration to become an order of the court unless the parent requests a hearing within five (5) days from the receipt of the plan. The Case Manager may assist the parent, if necessary, in preparing a written request for a hearing if one has not already been requested on the CPRS.

1007.8 PRACTICE ISSUES

1. **If a hearing is not requested or scheduled by the court on its own motion**, and the time to request a hearing (5 days) has expired, the **COURT** will

- Review the proposed Case Plan for Reunification; and
- Enter a supplemental order within a reasonable time from the expiration of the time for the hearing to be requested and

Incorporate a revised plan as part of its disposition in the case;

Make one of the following determinations regarding the appropriateness of the child's current placement:

- (a) That the child return to the home of his parents, legal guardian or custodian with or without court imposed conditions;
- (b) That the child is to continue in the current custodial placement and that the current placement is appropriate for the child's needs;
- (c) That the child is to continue in the current custodial placement but that the current placement plan is no longer appropriate for the child's needs and direct

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DFCS to devise another plan within available resources. The new plan must be submitted within ten (10) calendar days for court approval. If the desired placement not be within the resources of the department, then DFCS must explain why in the revised Plan.

2. **If the parent or any party requests a hearing, the COURT will:**

- Provide advance written notice of the hearing or direct a party (e.g., DFCS) to provide notice and the right to be heard at a hearing to the following individuals who presently care for the child: the custodian, foster parent, preadoptive parent or relative. Note: This notice is consistent in form and timing of notice that is afforded any party to the hearing. However, this provision shall not be construed to require any of these individuals be made party to the hearing solely on the basis of having received such notice and opportunity to be heard.

- Hear the evidence, which may include oral and written testimony offered by the parent, the custodian of the child, the foster parents, the preadoptive parents, the relatives caring for the child and DFCS; and

- Enter an order which

Accepts or rejects the DFCS recommendation and Case Plan (all or part) and incorporates all elements that the court finds essential in the proposed revised plan;

May order an additional evaluation;

May appoint a guardian ad litem;

May undertake other reviews as it deems necessary to determine the disposition that is in the child's best interest;

Includes findings of fact that reflect the court's consideration of the oral and written testimony offered by the parents, the custodian of the child, the foster parents of the child, any preadoptive parents or relatives providing care for the child and DFCS;

Makes a disposition only if the court finds that such disposition is in the best interest of the child;

Makes one of the following determinations regarding the appropriateness of the child's current placement:

(a) That the child return to the home of his parents, legal guardian or custodian with or without court imposed conditions;

(b) That the child is to continue in the current custodial placement and that the current placement is appropriate for the child's needs;

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(c) That the child is to continue in the current custodial placement but that the current placement plan is no longer appropriate for the child's needs and direct DFCS to devise another plan within available resources. The new plan must be submitted within ten (10) calendar days for court approval. If the desired placement is not within the resources of the department, then DFCS must explain why in the revised Plan.

3. Once the court adopts the Case Plan for Reunification, it remains in effect until modification by the court.

The **COURT** will:

- Provide a copy of the order and court approved Plan to the usual parties.

- As stated in law, hold DFCS responsible for providing copies of the plan to the following:

Present caregivers of the child (custodian, foster parents, preadoptive parents of the child, relatives providing care of the child)
Child (if appropriate)

GAL/CASA (if appointed)

Any other significant person (with the signed and written consent of the parent)

REVIEW of a CASE PLAN for NON-REUNIFICATION

1007.9

Requirement

If at any time, it is determined that a Case Plan for Reunification is no longer appropriate, a Case Plan recommending Non-Reunification is prepared, along with additional documentation in the Non-Reunification portion of the CPRS, and is submitted to the court for review. A revised permanency plan for the child will be incorporated into an order.

1. **NOTIFY THE PARENT:**

The CASE MANAGER will:

Provide the parent with written notice of the family conference (meeting) to review/revise the current Plan. Notice must be provided at least five calendar days in advance of the meeting and shall contain the following information:

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- The date, time and place of the family team meeting to review/ revise the current Plan; and
- A permanency hearing will be held no later than 30 days from the date the DFCS files the proposed DFCS plan recommending Non-Reunification.

2. *NOTIFY THE CURRENT CARE GIVER FOR THE CHILD:*

Provide advance written notice of the review and the right to be heard to the custodian, foster parent, preadoptive parent, or relative caring for the child. The court may provide such notice or direct another party (including DFCS) to provide the written notice. The notice includes the date, time and place of the review meeting. The Case Plan recommending Non-Reunification will be reviewed, and the child's caregiver will be given an opportunity to share information about the child. (If the caregiver is unable to attend the review, then verbal or written input may be provided and considered at the time of the review.

3. *NOTIFY OTHERS:*

Provide notice (verbal or written) to the following who may be invited to participate in the review:

- The child (if appropriate age/ level of functioning);
- Extended family of the child;
- GAL/ CASA (if appointed);
- Resource/ service provider(s); and/or
- Any other person significant to the review of the Plan.

4. *MEET AND DISCUSS:*

Openly and honestly discuss the following issues at a family conference:

- The focus of the agency and court upon achieving timely permanency for the child;
- The extent of parental involvement/ responsibility in resolving the problems which prevent the child from being safely returned to the home;
- The extent of progress toward achieving the identified goals and steps in the current Plan;
- The timeliness factor in achieving permanency for the child;
- The appropriateness of placement and the services provided to the child;
- The specific reasons which lead the agency to recommend to the court that reunification is no longer appropriate;
- The right of the parent to have a permanency hearing within 30 days of the court's receipt of the department's Plan recommending Non-Reunification; and
- Alternatives the parent might have in planning for a permanent home for their child.

NOTE: Remember to list all participants and their relation to the child on the "Participation" screen in CPRS.

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5. *REVISE/UPDATE THE PREVIOUS CPRS:*

In the "Non-Reunification" portion of the CPRS, a checklist is provided which outlines the circumstances and/or conditions to support the court's finding that "reasonable efforts to reunify will be detrimental to the child and therefore, reunification services should not be provided." Select one or more reasons and document.

Also, check whether DFCS intends to file a petition to terminate parental rights and if so, when. If the Case Manager indicates that DFCS *does not intend* to petition for termination of parental rights, the court MAY appoint a Guardian ad Litem with the charge of determining whether termination proceedings should be commenced.

If the revised permanency plan is **adoption**, the Case Plan documents the steps to be taken by DFCS to find (or finalize) an adoptive home (placement) including child-specific recruitment efforts to be taken (or already taken); e.g., state, regional and national adoption exchanges/electronic exchanges. If the revised permanency plan is **guardianship** or **permanent placement with a fit and willing relative**, the Case Plan documents the steps to be taken (or already taken) to finalize the permanent placement. If the revised permanency plan is to place the child in "**another planned permanent living arrangement**," e.g., long-term foster care or emancipation, the Case Plan must also document a "compelling reason" why none of the other, "higher priority" permanency plans, are in the best interest of the child,

NOTE: Remember to revise/update the goals and steps in the "Non-Reunification" section found on the "Goal Summary" screen.

6. *OBTAIN SIGNATURES:*

In the "Participant and Disclosure" part of the CPRS, have the parent, child (if appropriate), the SSCM and any others present sign the plan on the day of the review. If this is not possible, the parent must be given the opportunity to sign within a reasonable time frame following the review. Add comments to the "Participation" part of the plan should there be any dissenting recommendations of the Judicial Citizen Review Panel, if applicable, and any recommendations of the parent, if such are made.

NOTE: If the parents or child did not participate in the case plan review, document the reason(s) on the CPRS "Participation" screen.

7. *FILE AND COPY:*

File the original Case Review recommending Non-Reunification in the appropriate DFCS case record. The parent's copy is hand-delivered, if possible, at the time of the review. Otherwise, the county department sends the Case Plan to the parent by certified mail **at the same time that the Plan is submitted to the court**. See "Notify Parent of Hearing Rights" below. Once the plan is court-approved, DFCS will provide copies to the present care givers of the child (custodian, foster

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parents, preadoptive parents, or relative; the child (if appropriate); GAL/CASA (if appointed); and any other person significant to the plan (only with a signed and written consent of the parent.)

8. *SUBMIT TO THE COURT:*

Within five (5) days of the review, submit the proposed revised Case Plan recommending Non-Reunification to the court for Judicial Review. Using the CPRS, notify the judge that the case plan has been completed; i.e., all screen entered. Click "signal that the court plan is ready for approval on the "Court Plan Status" screen. This action sends an electronic notification to the judge that the plan is ready for review. If required by the court, the SSCM may use a brief cover letter to transmit the plan. The CPRS notifies the court whether and when DFCS intends to proceed with termination of parental rights. (If DFCS indicates that the agency does not intend to petition for the termination of parental rights at that time, the court may appoint a Guardian ad Litem with the charge of determining whether termination proceedings should be commenced.)

9. *NOTIFY PARENTS OF HEARING RIGHTS:*

The CPRS provides written notice to the parent that the court will hold a permanency hearing within 30 days of the receipt of the proposed Non-Reunification Plan to review the county department's recommendation that reunification is not appropriate.

1007.9 PRACTICE ISSUES

1. Since the submission of a Case Plan recommending Non-Reunification results in the court scheduling a permanency hearing within 30 days of the filing of such plan, the **COURT** will:
 - Provide advance written notice of the hearing or direct a party (e.g., DFCS) to provide notice and the right to be heard at a hearing to the following individuals who presently care for the child: the custodian, foster parent, preadoptive parent or relative. Note: This notice is consistent in form and timing of notice that is afforded any party to the hearing. However, this provision shall not be construed to require any of these individuals be made party to the hearing solely on the basis of having received such notice and opportunity to be heard.
 - Hear the evidence, which may include oral and written testimony offered by the parent, the custodian of the child, the foster parents, the preadoptive parents, the relatives caring for the child and DFCS; and
 - Enter an order within 30 days after the court has determined that reunification efforts will not be made by DFCS. Such order

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or part);

Accepts or rejects the DFCS recommendation and Case Plan (all

May order an additional evaluation;

May appoint a guardian ad litem;

May undertake other reviews, as it deems necessary to determine the disposition that is in the child's best interest;

Includes findings of fact that reflect the court's consideration of the oral and written testimony offered by the parents, the custodian of the child, the foster parents of the child, any preadoptive parents or relatives providing care for the child and DFCS;

Makes a disposition only if the court finds that such disposition is in the best interest of the child;

Makes a finding that "*reasonable efforts to reunify a child with the family will be detrimental to the child and that reunification services, therefore, should not be provided; or should be terminated*" **OR** that "*reasonable efforts to reunify the child and family are not required;*"

Makes one of the following determinations regarding the appropriateness of the child's current placement:

(a) That the child return to the home of his parents, legal guardian or custodian with or without court imposed conditions;

(b) That the child is to continue in the current custodial placement and that the current placement is appropriate for the child's needs;

(c) That the child is to continue in the current custodial placement but that the current placement plan is no longer appropriate for the child's needs and direct DFCS to devise another plan within available resources. The new plan must be submitted within ten (10) calendar days for court approval. If the desired placement is not within the resources of the department, then DFCS must explain why in the revised Plan; and

Enters an order adopting the revised permanency plan for the child and when it can be achieved. Incorporates all elements the court finds essential in the proposed permanency plan.

2. Once the court adopts the revised Case Plan, it remains in effect until modification by the court.

The **COURT** will:

- Provide a copy of the order and court approved Plan to the usual

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parties.

- As stated in law, hold DFCS responsible for providing copies of the plan to the following:

Present caregivers of the child (custodian, foster parents, preadoptive parents of the child, relatives providing care of the child)
Child (if appropriate)

GAL/CASA (if appointed)

Any other significant person (with the signed and written consent of the parent)

WRITTEN TRANSITIONAL LIVING PLAN (WTLP)

1007.10

Requirement

A WTLP is completed as part of the CPRS within 30 days for each youth (age 14 and older) who enters foster care and within 60 days for a youth who is already in care (i.e., foster care or placement system) and reaches his/her 14th birthday.

1007.10 PROCEDURES

- 1.Refer all youth age14 to the Independent Living Coordinator (ILC) closest to their county of residence.
- 2.With the input and assistance of the ILC, conduct an assessment of the youth's transitional living skills and needs.
- 3.Complete a separate WTLP with each young person, age 14 and older.
- 4.Document fully the information requested on the WTLP concerning the youth; e.g., transitional living strengths/needs; mutually identified goals/steps which will ultimately result in successful emancipation; time frames for achievement, etc.

1007.10 PRACTICE ISSUES

1. The purposes of the WTLP are:
 - To serve as a guide or "road map" for the young person, parent or extended family member, foster care provider and the Case Manager in determining the needed services; e.g., educational, tutorial, counseling, etc.
 - To identify strengths and needs as well as steps and goals which will

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- ultimately lead to the successful transitioning of the young person;
 - To clarify the roles and expectations of the “team;” that is, those individuals who will work together in preparing and supporting the young person in emancipating;
 - To provide a mechanism by which the progress of the young person can be measured as he/she moves toward the stated WTLP goals;
 - To establish a framework for decision-making that is inclusive of all members of the team, including the youth.
2. Independent Living Services and/or Transitional Living Services are considered part of the required foster care services. Regardless of the youth’s permanency plan, the overall objective is to assist the young person to live independent of the public welfare system and to achieve personal responsibility and self-sufficiency. The ILC will assist the youth; care giver and Case Manager in meeting this goal.

NOTICE OF PLAN DEVELOPMENT

1007.11

Requirement

The young person needs to be actively involved in the development of the WTLP and shall be given advance written notice of the meeting to develop or review the Plan. Other persons significant to the Plan such as birth parents, extended family, custodian, foster care provider, relative caring for the child, service providers, Independent Living Coordinators, Guardian ad Litem/CASA, etc., may be invited to the planning meeting.

1007.11 PROCEDURES

1. Discuss with the youth the significance of the WTLP as a mandate for those age 14 and older who are in placement.
2. Allow the youth to give input as to what he perceives as his strengths, needs and abilities.
3. Assist the youth in developing and stating goals in behavioral terms.
4. Document in the record and Case Plan any resistance and/or opposition expressed by the youth and/or the family regarding the WTLP.
5. For youth with severe handicapping conditions, focus on the goals and steps needed to promote optimum self-sufficiency and, if necessary, adult placement.

SIGNATURES ON THE WTLP

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1007.12

Requirement

The WTLP is signed by the parent and/or representative family member, the youth and the Case Manager on the day of the initial Case Plan meeting or at the time of the review.

COPIES OF THE WTLP

1007.13

Requirement

The original WTLP is in the appropriate case record along with the Case Plan. Copies shall always be given to the following within five working days of the WTLP's development: youth, parent/ extended family member, custodian, foster parents, relative caring for the youth, the IL Coordinator, and the Guardian ad Litem/ CASA (if appointed). If participants, other than these, request a copy of the WTLP, the parent must sign a release for the participant to receive a copy. (A young person age 18 and older may sign the release for other participants to receive a copy.)

PERIODIC REVIEW OF THE WTLP

1007.14

Requirement

The WTLP is made a part of the Case Plan, and is reviewed at the same time as the Case Plan; i.e., no less frequently than once every six months.

APPROVAL BY THE COURT

1007.15

Requirement

For youth who have attained age 14, the order of the court entered as a result of a permanency hearing shall make a finding of fact concerning the appropriateness of the

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services needed to assist the youth in making the transition from foster care to independent living. (See Section 1002, Placement Authority, regarding permanency hearings.)

JUDICIAL CITIZEN REVIEW

The Permanent Homes for Children in Georgia is a program of the Council of Juvenile Court Judges, which administers Judicial Citizen Review in select counties/ judicial circuits. Volunteers receive specialized training for their role in conducting reviews for children in foster care. The judge appoints the volunteers to become sworn officers of the court and affirms their confidentiality with respect to all information discussed and in acting in the best interest of the child. Although advisory in role, their findings and recommendations are submitted to the judge with whom final authority rests regarding the Case Plan. A Judicial Citizen Review Panel, if so designated by the court, may also assist DFCS in the development of the initial Case Plan and in conducting all permanency hearings (with the exception of the permanency hearing which is conducted as a result of DFCS submitting a Case Plan recommending non-reunification).

A local Program Coordinator is appointed by the judge to schedule the reviews, mail out notification letters to all parties invited to the review, maintain all official case and Citizen Review records and distribute the panel recommendations to the judge, DFCS, parents and other appropriate agencies/ parties.

Appendix Q contains the Operational Guidelines for the process and procedures for conducting Judicial Citizen Review. Counties in which the juvenile court judge has elected to have court-appointed citizen panels should be familiar with the Guidelines.

CALENDAR FOR REVIEWS

1007.16

Requirement

The county department shall provide the local Program Coordinator with a master calendar of foster care cases to be reviewed on a quarterly basis. A list of individuals to be invited to each review shall also be provided at least twenty (20) working days prior to the date of the scheduled review.

1007.16 PRACTICE ISSUES

1.The local Program Coordinator is responsible for sending the advance written notice of any scheduled review to the following persons: DFCS, birth parents, child, foster parents, custodian, relatives, preadoptive parents, Guardian ad Litem and/or CASA (if appointed), and any other

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person having specific knowledge of the case and who can assist the panel in its review. The county department needs to assure that the case record contains a copy of the notice.

2.The Judicial Citizen Review Panel will be responsible for reviewing all cases of children in foster care in the legal custody of DFCS within ninety (90) days of the entering of the court order which contains the initial Case Plan, but no later than six months following the child's removal from the home.

3.After the initial review, the Judicial Citizen Panel will continue to review cases at least every six months until permanency can be achieved for the child.

4.If designated by the court, the Judicial Citizen Review Panel may also assist DFCS in a consultant-like capacity, in the development of the initial Case Plan.

5.If designated by the court, the Judicial Citizen Review Panel may also conduct all permanency hearings (with the exception of the permanency hearing which is conducted as a result of DFCS submitting a Case Plan recommending Non-Reunification).

MANDATORY ATTENDANCE OF CASE MANAGER

1007.17

Requirement

Unless excused by a Judicial Citizen Review Panel during the course of a review, the Case Manager assigned to the case being reviewed or his/ her immediate supervisor must be in attendance. Other specific employees of the local DFCS office may be requested to be present for the review.

DOCUMENTS MADE AVAILABLE PRIOR TO REVIEW

1007.18

Requirement

The following documents must be provided to the local Program Coordinator at least five (5) working days prior to the scheduled Case Review: Comprehensive Child and Family Assessment, initial and subsequent Case Plans, the WTLP, if appropriate, petitions and court orders germane to the case, copies of psychological evaluations, mental health reports, school records and other pertinent documents that would assist in case planning and decision-making for permanency. If the Judicial Citizen Review Panel requests any additional DFCS records or information, such shall be provided within five (5) working days of the request.

ROLE OF CASE MANAGER DURING THE REVIEW

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1007.19

Requirement

The Case Manager shall be knowledgeable and prepared to discuss the following issues, which are documented in the Case Plan:

- Presentation of Case Plan information, including any updates from the last review;
- Information about the child; e.g., current placement, special needs, appropriateness of services provided to the child, parent and caregiver; etc;
- Discussion about parent-child visits and their outcome;
- Compliance with the goals and steps on the part of all parties to the Plan, as well as the level of participation/ cooperation;
- Appropriateness of the recommended permanency plan and a date by which it can be achieved;
- Documentation of a "compelling reason" should the department select "another planned permanent living arrangement" as the child's permanency plan, including an explanation of why none of the other permanency options would be in the child's best interests;
- Documentation of the specific steps to be taken by DFCS to finalize the permanent placement of the child; and the
- Decision of DFCS as to whether and when the agency intends to petition for termination of parental rights.

1007.19 PRACTICE ISSUES

1. At the conclusion of the review, the Judicial Citizen Review Panel will complete its "Findings and Recommendations" for submission to the judge and will include the following:

- The permanency plan for the child and when such plan can be achieved;
- The documentation of a "compelling reason" should the panel select "another planned permanent living arrangement" as the child's permanency plan, along with an explanation as to why the other permanency options would not be in the child's best interests;
- The appropriateness of the current placement and services provided for the child;
- The visitation schedule and its outcome;
- The documentation regarding compliance with goals of the Case Plan and any recommendations for changes in the goals or permanency plan for the child; and
- The findings of fact regarding the department's efforts to:
 - Make "*reasonable efforts to finalize the permanency plan*;"
 - (For a child placed out-of-state), assure that the placement continues to be appropriate and in the best interest of the child; and
 - (For a child age 14 and older), determine the services needed to assist the child in making a transition from foster care to independent living.

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2. In the event that the Judicial Citizen Review Panel determines that the birth parent has unjustifiably failed to comply with the court-ordered plan designed to reunite the family and that such failure is significant enough to warrant consideration of termination of parental rights, the panel may make a recommendation to the Guardian ad Litem of the child, the county department or the intake officer of the court, that a petition for termination of parental rights be prepared. Any such party or officer of the court shall file a petition if, upon examination, they find sufficient evidence to support such a petition. In the event that no Guardian ad Litem has been appointed, the court shall have the authority to appoint one who shall have the duty to specifically determine whether termination proceedings should be commenced.

3. The DFCS Case Manager will be given an opportunity to state whether DFCS is in agreement with the panel's findings and recommendations. The parent and the child will also be asked their opinions and their responses documented by the Judicial Citizen Review Panel in its report to the judge.

4. Any party, including DFCS, has five days from receiving the Plan to request that a hearing be held to review the Plan before the judge.

If a hearing is requested, the COURT will:

- Provide advance written notice of the hearing or direct a party (e.g., DFCS) to provide notice and the right to be heard at a hearing to the following individuals who presently care for the child: the custodian, foster parent, preadoptive parent or relative. Note: This notice is consistent in form and timing of notice that is afforded any party to the hearing. However, this provision shall not be construed to require any of these individuals be made party to the hearing solely on the basis of having received such notice and opportunity to be heard.
- Hear the evidence, including oral and written testimony offered by the parent, the custodian of the child, the foster parents, the preadoptive parents, the relatives caring for the child and DFCS; and
- Enter an order which

Accepts or rejects the DFCS recommendation and Case Plan (all or part);

May order an additional evaluation;

May appoint a Guardian ad Litem;

May undertake other reviews, as it deems necessary to determine the disposition that is in the child's best interest;

Includes findings of fact that reflect the court's consideration of the oral and written testimony offered by the parents, the custodian of the child, the foster parents of the child, any preadoptive parents or relatives providing care for the child and DFCS;

Makes a disposition only if the court finds that such disposition is in the best interest of the child;

4. Once the **Case Plan is court-approved**, the **COURT** will:

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- parties.
- Provide a copy of the order and court approved Plan to the usual
 - As stated in law, hold DFCS responsible for providing copies of the plan to the following:

Present caregivers of the child (custodian, foster parents, preadoptive parents of the child, relatives providing care of the child)
Child (if appropriate)

GAL/CASA (if appointed)

Any other significant person (with the signed and written consent of the parent)

- Adopts the permanency plan. If such plan is "another planned permanent living arrangement," the order also documents the compelling reason as to why the other permanency options would not be in the child's best interests.
- Incorporates the Case Plan elements that the court finds essential to achieve permanent placement of the child.
- Enters findings of fact regarding the department's efforts to:
 - a. Make "*reasonable efforts to finalize the permanency plan*"
 - b. (For a child placed out-of-state), assure that the placement continues to be appropriate and in the best interest of the child; and
 - c. (For a child age 14 and older), determine the services needed to assist the child in making a transition from foster care to independent living.

6. **If a hearing is not requested**, then the judge reviews the Findings and Recommendations of the Judicial Citizen Panel and the DFCS Case Plan (submitted by the Panel), and enters a supplemental order which incorporates each of the elements in (5) above.

CHANGES IN THE COURT-ORDERED PLAN

1007.20

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Requirement

Should significant changes occur requiring an amendment to the court-ordered Case Plan, the county department shall file a motion for a hearing so that the court may consider the recommended changes, make any necessary findings, modify the Plan and enter a new supplemental order. An interim step may also involve contacting the local Program Coordinator to schedule another Judicial Citizen Review as soon as possible.

PANEL CASE REVIEW

Federal law requires periodic review of children in care by either a court or an administrative body (a panel). While Georgia's law establishes Judicial Review, certain cases may be appropriate for Panel Case Review. The requirements and procedures for conducting these reviews are set forth in PL 96-272.

The most distinctive feature of Panel Case Review is that it must be conducted by a three-person panel of DFCS staff, at least one of whom is not responsible for the case management or delivery of services to the child or parent. This provision is intended to ensure objectivity in case planning and decision-making. Panel Case Review must be open to the participation of the birth parent and child. Reviews must meet certain periodicity requirements; that is, they must be held no less frequently than once every six months. However, Federal law allows a thirty-calendar-day grace (beyond the six months) to hold the review. The next review date will be scheduled six months from the last date of review.

DETERMINING THE METHOD OF REVIEW

1007.21

Requirement

The Case Manager must be able to determine if the Panel Case Review option is appropriate for a child in care depending on where the child is in placement as well as the following factors:

- If a child is exempt from mandatory Judicial Review (in accordance with the judge's approval), then another method of review must be determined.
- If Citizen Review is not an option in the county, or if it is, the child is

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exempt from review, then another method of review must be determined.

- If the child is in DFCS placement authority, is placed outside the home and is in a FOSTER CARE SYSTEM placement type, then Panel Case Review may be conducted. Placement types which fall under this category include:
 - Child in Family Foster Care (regular, emergency, specialized, treatment, etc.)
 - Child in Relative Foster Care
 - Child in Institutional Foster Care (group home, child care facility, intermediate treatment facility, etc.)
 - Child in adoptive home placement not yet finalized
 - Child in home of relative
 - Child in other agency resource, but DFCS pays a per diem rate
 - Youth age 18 -21, in care via Voluntary Consent and in one of the above placements.

- If the child is in DFCS placement authority, has been placed with the parent for more than thirty days (or was never removed from the home) or is in a PLACEMENT SERVICES SYSTEM placement type, then an alternative review method (described in 1007.28) may be conducted. Placement types, which fall under this category, include:
 - Child placed in RYDC or other DJJ detention type facility
 - Child placed in MH/MR/SA residential treatment facility
 - Child placed in intensive residential treatment facility
 - Youth, age 18 - 21, in care via Voluntary Consent and in one of the above placements,

1007.21 PRACTICE ISSUES

1.An interdisciplinary staffing may substitute for a Panel Case Review if such staffing: (a) meets the timeliness requirements; (b) the Case Manager is in attendance and (c) the parent is invited to attend. Likewise, a permanency hearing or a termination of parental rights hearing may also substitute for the Panel Case Review if scheduled in the same or an earlier month. The Case Review must be updated at the time for the hearing.

2.Children placed from Georgia into other states, but whose placement falls under one defined in the FOSTER CASE SYSTEM, may have a Panel Case Review; however, in order to conduct the review in Georgia, the receiving state must be requested through ICPC to provide the appropriate information. The Review must be conducted in a timely manner whether or not the information is received. Reviews for children placed into Georgia from other states are the responsibility of the sending state; therefore, the county department will need to respond promptly to any requests for information.

3.Children placed from Georgia into other states, but whose placement falls under one defined in the PLACEMENT SERVICES SYSTEM, may have an alternative review by Case Review Summary. (See 2 above for the practice considerations that apply.)

4.Timely reviews continue even when children are on runaway status. The parent will be provided the usual advance written notice, along with other participants who will be invited.

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5. Timely reviews continue even when termination of parental rights proceedings or an appeal is in process. The focus of the review is upon the child and any services needed or provided. Services, other than reunification services, may be identified in the Case Plan for the parent.

6. Children, who are waiting for adoptive home placement or are in adoptive home placement awaiting finalization, shall continue to receive reviews until finalization of the adoption occurs. The focus of the review is upon the child, and any services needed or provided. Also, the review must address the steps to be taken (or already taken) to find an adoptive family including child-specific recruitment efforts, the use of regional and national adoption exchanges/ electronic exchanges. If already in adoptive placement, the review should consider the steps to be taken or services needed to facilitate the filing of a finalization petition. The legal county and the supervising county need to negotiate which county will continue to have the responsibility for conducting timely periodic reviews.

NOTICE TO THE PARENT, CHILD and CARE GIVER

1007.22

Requirement

The birth parent shall be invited to participate in the Panel Case Review process and shall receive two week written notice of the date, time and place of the Case Plan's review. The notice will include the parent's right to bring a representative. Likewise, the child of appropriate age/ level of functioning shall receive either written or verbal notice of the same (date, time place of the review and the right to bring a representative). The provider who cares for the child (e.g., the custodian, foster parent, relative, preadoptive parent, etc.) shall always be provided notice and an opportunity to provide input at the review.

1007.22 PRACTICE ISSUES

1. Extended family members may be involved in the review process, especially if they can provide input for case planning or for placement planning purposes.
2. To the extent possible, the Panel Case Review needs to accommodate the parent being present (with the exception stated in 3 below). If necessary, the Review may be rescheduled but not beyond the 30 day grace period. At no time may the representative for the parent "stand in" for a parent who cannot or chooses not to attend.
3. The incarcerated parent should be sent notice of the review and may designate a representative to be present at and give information during the review, but not sign the Case Plan for the parent. It will necessary, however, for the parent to sign a release to designate such individual to attend and be party to the review.
4. It should always be assumed that the **child will be in attendance** at a review. Excluding the child from participating in critical life decisions produces feelings of helplessness and confusion about being in foster care. However, if the child's attendance is definitely not appropriate, the specific reasons should be documented in the case record. At the review, information regarding the child should be shared by the Case Manager and/or the individual providing care for the child. A written report may be shared at the review about the child should an individual with direct knowledge about the child not be present.
5. If there is more than one county department involved, the county of legal responsibility should arrange the Review and provide the required written notice to the parent.

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COMPOSING THE PANEL

1007.23

Requirement

The Case Review panel shall be comprised of three DFCS staff members (one of whom will act in the capacity of chairing the Review):

- The Case Manager for the parent (if rights are not terminated/ surrendered);
- A person who is not directly responsible for case management or service delivery to the child or parent; and
- The Case Manager for the child or another Case Manager or DFCS staff person of a higher position.

In addition, the following participants may always attend the Panel Case Review:

- DFCS Staff (Supervisor, Director, Field, State, etc.);
- Guardian ad Litem/ CASA (if appointed);
- Facility representative where the child is in placement; and
- Other agency staff/ service providers/ interested parties who can contribute information *

** The parent must sign a release for these individuals to be present for the entire Review; a release is not necessary if the individuals only participate by giving information and answering questions during a portion of the review.*

CONDUCTING THE REVIEW

1007.24

Requirement

The panel has specific roles and responsibilities during the review:

- The chair of the panel will open the review by stating the purpose and goals of the review, introducing all parties present, obtaining the necessary releases, facilitating discussion on each topic and by reaching consensus on the recommendations of the panel;
- The panel will discuss factual information regarding each topic outlined on the CPRS;
- The panel must reach consensus on the safety issues preventing reunification with the parent and whether and when another permanency plan should be selected;
- The goals and steps which must be accomplished before permanency for the child may be achieved, including specific time frames;
- The Case Manager for the parent should assist the parent in participating

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- in the planning/ review process and in understanding the panel's recommendations.
- The Case Manager for the child should assist the child in similar manner as above.
- The CPRS will be discussed and completed.

SIGNATURES OF PARTICIPANTS

1007.25

Requirement

The parent signs the CPRS and if the parent refuses, then documentation of the reasons must be recorded on the CPRS. The Panel members shall also sign and the person out of direct line of case management or service delivery should be designated by an asterisk. The CPRS may be signed the date of the review, or if this is not possible, the parent shall be given an opportunity to sign within five working days of the review.

FILING AND COPIES

1007.26

Requirement

The original CPRS is filed in the appropriate DFCS case record. The parent's copy is hand delivered, if possible, at the time of the review. Otherwise, the parent must receive a copy of the CPRS within five working days of the review. Other copies are provided to the following:

- Child or youth of appropriate age/ level of functioning;
- Panel members;
- Guardian ad Litem/ CASA (if appointed);
- Caregiver for the child (custodian, foster parent, relative, preadoptive parent, facility representative, etc.);
- The court (if requested); and
- Any other panel participant, other agency staff, service provider or interested person *

* *The parent must sign a release for these individuals to receive copies.*

CHANGES TO THE PLAN AND RIGHTS TO APPEAL

1007.27

Requirement

Should changes be necessary in the Case Plan, the parent is informed in writing of the

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action and the parent's right to appeal through an Administrative Hearing process. (See LEGAL: Administrative Hearings and Appendix P for "Notification Form for Change in Case Plan/ Services - Placement.")

CASE REVIEW SUMMARY

Certain children in the Placement Services System (see the definition of placement types in 1007.21) who are not subject to mandatory review by the court or by an appointed Citizen Panel may have a Case Review Summary completed as a method of review. Similar to other reviews, a Case Review Summary must be:

- Held in a timely manner (no less frequently than every six months);
- Developed with the input of the parent, child, care givers of the child, and any other participants who may be significant in the planning process;
- Offered for signature;
- Copied and disseminated to appropriate persons;
- Maintained in the case record as a separate and discrete Case Plan.

NOTICE TO THE PARENT, CHILD AND CARE GIVER OF THE CHILD

1007.28

Requirement

The birth parent, child and the care giver of the child, are invited to participate in formally reviewing the Case Plan to evaluate the progress made over the previous six months and plan for the next six months. While not required, other participants, who may be significant to planning, may be invited.

1007.28 PRACTICE ISSUES

1. Unless the whereabouts of the parent are unknown or parental rights have been terminated/ surrendered, the parent should be involved in the review process.

2. When more than one county department is involved, the legal county for the child coordinates the efforts to hold a review meeting to discuss the Case Review Summary in a timely manner.

DISCUSSING THE CASE REVIEW SUMMARY

1007.29

Requirement

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The Case Manager generally follows the format of the CPRS as an outline for the topics to be discussed at the Case Review Summary, including the identification of the permanency plan, the specific goals and service activities to effect the Plan, resources and time frames for accomplishment, etc.

SIGNATURES

1007.30

Requirement

The parent signs the CPRS, and if the parent refuses, then the form must document the reasons. If the parent is not present, the parent will be given an opportunity to review and sign the Plan within five working days of its development.

FILING AND COPIES

1007.31

Requirement

The original CPRS is filed in the appropriate DFCS case record. The parent's copy is hand delivered, if possible, at the time of the review. Otherwise, the parent must receive a copy of the Case Review Summary within five working days of its development. Other copies are provided to the following:

- Child or youth of appropriate age/ level of functioning;
- Guardian ad Litem/ CASA (if appointed);
- Caregiver of the child (custodian, foster parent, relative, pre-adoptive parent, facility representative, etc.);
- The court (if requested); and
- Any other participant or interested person *

** The parent must sign a release for these individuals to receive copies. If the youth is 18 or older, the youth may release the copies.*

CHANGES TO THE CASE PLAN AND APPEAL RIGHTS

1007.32

Requirement

Should it become necessary to make any changes to the Case Plan, the parent is informed in writing of the action and the parent's right to appeal through an Administrative Hearing process (See LEGAL: Administrative Hearings and Appendix P for "Notification Form for Change in Case Plan/ Services - Placement").

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