

Permanency Planning Hearing

MCR 3.976 | MCL 712A.19a | SCAO Form JC 19

A permanency planning hearing is conducted to review and finalize a permanency plan for a child in foster care. The purpose of the hearing is to review the progress being made toward returning a child home, or to determine why the child should not be made a permanent court ward.

Procedural Issues

Must hold hearing:

- If the court found that reasonable efforts were not required to prevent removal (i.e., aggravated circumstances), within 28 days of that finding.
- Within 12 months of placing the child in foster care, and at least once every 12 months thereafter.

Was legally sufficient notice given to the parties? (Including a child age 11 years or older)?

If the child is an Indian child, see the ICWA/MIFPA bench card.

If a parent is in prison can he or she participate in person or via telephone/video conference?

Has the LGAL contacted the child and complied with the statutory duties in MCL 712A.17d?

Is the child present in court? If not, why?

Review the Child's Out of Home Placement Status

If there is only one respondent parent, what is the status of the other parent? What specific steps has the agency taken to locate/engage the other parent?

How long has the child resided outside of the home? If the child has resided outside of the home for 15 of the last 22 months, require the agency to initiate termination proceedings, or state the reason for the exception on the record.

Does the placement remain necessary, safe, and appropriate? Have there been any instances of abuse/neglect while under the court's jurisdiction?

How does the child feel about the placement?

Does the child's placement allow the child to maintain school enrollment and other important family and social connections?

Has the child changed placements since the last court hearing? Reasons for any move?

Reasonable Efforts to Finalize Permanency

Federal funding regulations require the court to make this finding within 12 months of placing the child into foster care and annually thereafter.

What is the child's permanency goal?

- Reunification
- Adoption
- Juvenile Guardianship
- Placement with a fit and willing relative
- Another Planned Permanent Living Arrangement/Emancipation (APPLA): Must specify the compelling reasons for this goal.

If reunification is the permanency plan:

The court must return the child to the parent unless the return would cause a substantial risk of harm to the child's life, physical health, or mental well-being. MCL 712a.19a(5)

Has the parent removed the safety barriers in the home that led to the child's removal?

What prevents a safe return home with either parent today?

If the conditions or circumstances have not been corrected:

- Did the parent substantially comply with the case service plan? If not, how much time was given to complete the service plan? Other barriers?
- What other services may eliminate the danger?

Is frequent and appropriate parenting time occurring?

If reunification is no longer the permanency plan:

What is the new permanency plan? Why is this plan in the child's best interests?

Have reasonable efforts been made to finalize the permanency plan, including consideration of an out-of-state placement, if appropriate?

What is the anticipated date by which the permanency goal will be achieved?

Has the child been consulted in a developmentally appropriate manner? What is the child's opinion about the proposed plan?

Continued on reverse

Permanency Planning Hearing (cont.)

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Educational Well-Being

Is the child currently enrolled and attending school or a preschool program?

Are there any barriers to the child remaining enrolled at his or her current school? If so, is the agency working to eliminate barriers, such as transportation?

Are complete and up-to-date educational records in the case file? Is a judicial order needed?

Is child reading/performing at grade level? If not, what is being done to address this need?

Does the child have necessary clothing, supplies, and materials for school?

Is the parent engaged in promoting the child's academic achievement?

Is the child engaged in any extracurricular activities? If so, are there resources available for the child to continue?

★ Required Judicial Findings/Orders

Determine if the child can be returned home, under the court's jurisdiction if necessary. The court must return the child to the parent unless the return would cause a substantial risk of harm to the child's life, physical health, or mental well-being.

If the child has been in foster care for 15 of the most recent 22 months, order the agency to initiate termination of parental rights or document the compelling reasons why termination is not in the child's best interests. MCL 712a.19a(6)

Determine if reasonable efforts have been made to achieve the permanency plan (or active efforts for an Indian child). Describe efforts and identify the permanency goal for each child.

Order actions by agency to expedite the permanency plan, if necessary.

Continue to place the child with DHS for care and supervision.

Schedule next hearing.