



Iowa Children's Justice

Iowa Children's Justice Update

To inform the courts and other interested members of our state community, Iowa Children's Justice will send out periodic information about issues and activities related to Juvenile Court.

June 2009

Permanency Decisions in Foster Care

June Topic Permanency Decisions

One of the most important decisions a juvenile court judge makes is the determination of an appropriate permanency goal for a child. In making this determination 'child-focused decision making' is critical and judicial leadership is key to ensuring that sound and timely decisions are made throughout the process. The best permanency goal for a child and family is most often achieved through effective collaboration among child welfare workers, parent attorneys, GALs, families and the courts.

Judges can foster a spirit of collaboration by encouraging discussion and cooperation through activities such as family team decision making and by impressing upon all participants that deadlines and schedules are taken seriously. Hearings should be timely and reflect a sense of urgency. Continuances should be granted only under the most serious circumstances.

What contribution can judges make to facilitate permanency?

The length of time a child remains in foster care depends largely on how efficiently and effectively courts facilitate hearings and case reviews. Judges lead the process of making timely 'child focused' permanency decisions for a child in foster care:

Removal hearing

- Best practice states that these hearings should occur within 72 hours following the child's removal. State code allows 10 days to hold the hearing.
- Judges should document whether the state has made reasonable efforts to avoid placement & ensure the appointment of council for parties who qualify.
- If a child cannot remain at safely at home, parent & sibling visits/interactions should be instituted immediately unless safety dictates otherwise & documented in the court order.
- Immediate steps should be taken to ensure timely identification of any missing parents, putative fathers or other individuals entitled to notice & input at future hearings.

Adjudicatory hearing

- Best practice states that this hearing be held within 33 days of removal – 3 days to file the petition for adjudication, 30 days to hold the hearing and 60 days maximum to issue the adjudication order.
- Judges should set a hearing date that allows enough time for all parties to gather pertinent information but does not delay the hearing longer than necessary.

Dispositional hearing

- In some instances, this hearing immediately follows the adjudicatory hearing. Best practice states that this hearing be held no more than 30 days after the adjudicatory hearing to establish the permanency goal.
 - Parents should clearly understand the importance of their participation in the case plan.
 - This hearing should also address child well-being issues such as continuing visits/interaction to maintain family ties, educational needs, mental & physical health needs where indicated.
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Review hearings

- Review hearings should be held 6 months following the disposition hearing to monitor progress of all parties toward achieving the permanency goal.
- Within six months of removal, parents should be able to demonstrate that clear progress is being made.

Permanency hearing

- ASFA requires that this hearing must be held within 12 months of removal, but judges are not *required* to wait a full year to make a permanency decision.
- In the interest of timely permanency, the 12 months allowed by ASFA should be the upper limit for determining the permanency plan.

Permanency review hearings

- Once the decision has been made, review hearings should be scheduled at least annually until permanency is accomplished.
- At these hearings 'child focused decision making' holds that a petition of termination of parental rights be filed when the child has been out of the home for 15 of the last 22 months. This ASFA requirement should be strictly applied if progress is not being made.

Things to consider

The best permanency outcome for a child will not be achieved without effective collaboration among all parties. Judicial leadership and ongoing training for everyone involved in the court process is essential so that they can perform their functions competently. It is important to note that no amount of collaboration between the court and other stakeholders can or should impact the impartiality of the judge as decision maker. Judges must evaluate every case individually and make a determination as to what is in a child's best interest in accordance with the law.

To assure timely permanency, judges must feel confident in their decisions. Judges must have timely access to accurate information, confidence in the quality of legal and other representation afforded to children and parents & the cooperation and coordination of the various parties involved.

For more information on Iowa Children's Justice

The content of this Newsletter is adapted from the February, 2006 issue of *Adoption Advocate*, A Publication of the National Council for Adoption. A link to this article can be found on the Children's Justice Web Site under *Resources and Publications* at:
http://www.iowacourts.gov/Administration/Childrens_Justice/Childrens_Justice/Resources_and_Publications/

This e-letter may be forwarded to others you think might be interested. If you would like to add someone to our mailing list, please send their email address to jane.kieler@iowacourts.gov
