

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY AND CHILDREN'S SERVICES**

Cover Memorandum accompanying the May 9, 2007 filing of a notice of Proposed Rule Adoption by the Division of Family and Children's Services proposing to issue revised Case Planning for its policy manual.

Listed below are thirteen (13) amended rules to the agency's policy manual that accounts for the substantive differences between the former Family Centered Concurrent Permanency Planning policy and the current policy.

1. Proposed Rule:

The child shall be placed within a 50 mile radius from his original home, consistent with the child's best interest and special needs.

Current Rule:

Many factors must be considered on the selection of the prospective foster home for the child. The Social Worker and ASWS should use professional judgment in selecting the home which best meets the needs of a child and which could accept the particular child. Counties must maintain a pool of potential families that reflect the ethnic and racial diversity of children for whom foster homes are needed.

Among the child related factors often considered are:

- The child's current functioning and behaviors;
- The medical, educational and developmental needs of the child;
- The child's history and past experience;
- The child's cultural and racial identity needs;

Among the child related factors often considered are:

- The child's interest and talents;
- The child's attachments to current caretakers.
- Among the factors that agencies consider in assessing a prospective foster parent's suitability to care for a particular child are:
 - Ability to accept and help the child understand his/her permanent plan;
 - Ability to form relationships with the specific child;
 - Ability to help the child integrate into the family;
 - The ability to accept the child's background and help the child cope with her or his past;

- The ability to accept the behavior and personality of the specific child;
- The ability to validate the child's cultural, racial and ethnic background;
- The ability to meet the child's particular educational, developmental or psychological needs.

The child should be placed in close geographical proximity to his parent's home, consistent with the **child's best interest and special needs**. Consider the ease with which the child, his parents and family may visit each other and the availability of services the child may require.

FC Civil Rights Compliance

No child shall be denied placement services nor shall the type of placement resource be based on race, color, creed, or national origin.

2. Proposed Rule:

Workers must resolve the issue of Indian heritage as soon as possible after contact is made with the family, either through a report of abuse/neglect or a referral for services. The Worker shall ask the family the following questions to gain knowledge in deciding what is in the best interest of the child and document the discussion in the narrative section of MACWIS.

1. Is parent or child of Native American heritage?
2. Is parent eligible for tribal membership?
3. Is parent registered with Native American tribe?
4. Is child eligible for tribal membership?
5. Has child been registered with Native American tribe?
6. Does the family live on tribal land?

The Mississippi Band of Choctaw Indians or any other Indian Tribe to which the child belongs has the right to accept or deny jurisdiction of the said child and to help with placement resources. The tribe must be notified of any court hearings involving an Indian child. Notification is to be provided immediately, by telephone and certified letter, to the tribe when a Choctaw child, or other Indian child, is taken into MDHS custody.

The tribal lands of the Mississippi Band of Choctaw Indians are not solely confined to Neshoba County within Mississippi. The Choctaw reside in eight counties and these counties are Neshoba, Attala, Jones, Kemper, Leake, Newton, Scott and Winston.

Information about children who are determined to be members of tribe other than Choctaw shall be shared with the District Worker, Bureau of Indian Affairs, Eastern Area Office, Washington, D.C. If the tribe is unknown, the agency shall contact the Mississippi Band of Choctaw Indians who are willing to help identify the child's tribe and refer appropriately.

Current Rule:

Social Workers must resolve the issue Indian heritage as soon as possible after child enters custody.

3. Proposed Rule:

None

Current Rule:

Federal regulations prohibit the use of federal financial participation for placements of children in unlicensed, unrelated homes or facilities. The regulations further prohibit the use of federal financial participation for the salaries of staff who participate in or supervise the placement of a child in an unlicensed facility. Public facilities and relatives are exempt from this regulation.

4. Proposed Rule:

Legal Father is not defined in the Mississippi Uniform Law on Paternity or anywhere else in the Mississippi Code. However, other parts of the Code and our case law lend some help in defining the term.

If the mother of the child is married at the time the child is born, because of Mississippi's strong "presumption of legitimacy", her husband is the child's "legal father". This presumption can be rebutted by proof beyond a reasonable doubt that the child was fathered by another. Otherwise, the "legal father" is:

1. a person who has signed a voluntary acknowledgement of paternity
2. a person who has been adjudicated to be the father of the child
3. a person who has legally adopted the child

Current Rule:

Legal father includes the father named on the child's birth certificate, the man to whom the mother was married at the time of conception and/or the man to whom the mother was married at the time of the child's birth. Also, the man who has legally adopted the child is a legal father. A child may have a legal father and

putative father(s). A child may have more than one legal and/or putative father named. All fathers, legal and putative, shall be informed that the child is in foster care. All the fathers, legal and putative, shall be included in all planning for the child, including case plans and placement. Also they shall be invited to the Foster Care Review meetings.

5. Proposed Rule:

None

Current Rule:

Exceptions To Reasonable Efforts

Title IV-E notes that reasonable efforts to prevent the child's removal or to reunify, *shall not be required* with respect to a parent of a child, if a court of competent jurisdiction has determined that:

- The parent has subjected the child to aggravated circumstances which may include but are not limited to, abandonment, torture, chronic abuse, and/or sexual abuse;
- The parent has Committed murder of another child (of the parent)
- Committed voluntary manslaughter of another child (of the parent)
- Exceptions to reasonable efforts (continued)
- Aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or;
- Committed a felony assault that results in serious bodily injury to the child or another child (of the parent) or
- The parental rights of the parent to a sibling have been terminated involuntarily

Title IV-E also states that reasonable efforts to place a child for adoption shall be made concurrently with reasonable efforts to reunify the child with the caretaker.

6. Proposed Rule:

None

Current Rule:

FC Confidentiality

All records involving children shall be kept confidential and shall not be disclosed except as provided in section 43-21-261 of the Mississippi Code of 1972. An order of Limited Disclosure shall be issued by the court of competent jurisdiction for the child before information is released. See Volume IV, Section A for more details regarding confidentiality.

FC Photographs

All photographs including videos, media presentations, and publications also require an Order of Limited Disclosure under the confidentiality law. In addition, written consent shall be obtained from the Department of Family and Children's Services County of Responsibility, the child, the natural parents if available, and the Guardian Ad Litem

7. Proposed Rule:

A. Introduction

The philosophy of the MDHS's child welfare services is based on the concept and practice of permanency planning as described in Section 43-15-13 of the Mississippi Code and the Adoption and Safe Families Act of 1997 (P.L. 105-89). This approach assumes that every child needs and deserves a family of his/her own which is committed to his/her care until he/she reaches adulthood. The Mississippi Law 43-15-13(8) further states that the agency shall first ensure and document that "reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home". The Division of Family and Children's Services' first priority shall be to make reasonable efforts to reunify the family when temporary placement of the child occurs or shall request a finding from the court that reasonable efforts are not appropriate or have been unsuccessful. A decision to place a child in foster care or relative care shall be made with consideration of the child's health, safety and best interests.

Section 43-15-13(3) provides that MDHS Worker will make all possible contact with the child's birth parents, [primary caretaker] and any interested relative within the first two months following the child's entry into the foster care system, to include newspaper publication, if necessary.

B. Definition of Family Centered Concurrent Permanency Planning

Permanency Planning is a systematic process of carrying out a set of plans and goal-directed activities within a time-limited period. These activities are designed to help children live in families that offer continuity of lifetime relationships. Section 43-15-13(8) of the Mississippi Code states that at the time of placement, consideration should be given so that if reunification fails or is delayed, the

placement made is the best available placement to provide a permanent living arrangement for the child.

Concurrent Planning means to work towards the permanency plan while at the same time establishing a backup plan and implementing primary and alternate plans simultaneously.

C. When to Start Concurrent Permanency Planning

Section 43-15-13(2)(f)(8) of the Mississippi Code states that at the time of placement, DFCS shall implement concurrent planning so that permanency may occur at the earliest opportunity.

Permanency planning is ongoing and begins as soon as the agency receives a report of child abuse or neglect, and it continues through every stage of service even when the child is not removed from the home. Section 43-15-13(8)(a-h) of the Mississippi Code states that the agency shall consider the following factors when determining appropriateness of concurrent planning:

1. The likelihood of prompt reunification;
2. The past history of the family;
3. The barriers to reunification being addressed by the family;
4. The level of cooperation of the family;
5. The Resource Family's willingness to work with the family to reunite;
6. The willingness and ability of the Resource Family or relative placement to provide an adoptive home or long-term placement;
7. The age of the child;
8. Placement of siblings.

Current Rule:

Family Centered Permanency Planning

The primary overriding objective and goal of Family Centered Practice is to protect and serve the best interest of children by strengthening and preserving families to enable children **to live safely at home** with their parents or relatives. Family centered practice is based on identifying and building on family and community strengths. Reunification decisions are based on the original reason for placement as well as the parents' response to the services provided and progress made towards resolving problems that brought the children into care. Family centered practice is the mix of philosophies and practice strategies that guide permanency planning.

- Principles of Family Centered Concurrent Permanency Planning

- Respect for dignity of individual and family
- The family is a unit of service, not just the child
- Partnership with families
- The child is understood in the context of the family, cultures and community
- Where services are delivered
- Children need families for protection and consistent, stable nurturing
- Families can change with the right education and support
- All families have strengths and needs
- Focus on prevention and early intervention
- Crisis can bring opportunity for change and growth
- Placement can be traumatic to children

Reasons for Concurrent Permanency Planning

Foster care placements serve a needed purpose when they exist for a planned period of time. The planned period can be temporary while a permanent home is being arranged either with the child's own parents, family durable legal custody or adoptive parents. Since foster care is intended to be temporary, permanency planning should begin from the onset of the case because:

- All children have a need for and right to continuity and stability.
- A child needs a stable home environment in which to grow.
- Children do better when they are in situations perceived as having permanence.
- Children deserve to be secure.
- All children have a basic need to belong.
- Foster homes are often more easily disrupted than permanent homes.
- Even good foster care has the disadvantage of stigmatizing the child, who knows he\she is different from his\her peers.

Since a child's ability to bond and trust is damaged by each placement change, any break in continuity and stability should be avoided as much as possible. The more children experience a change in placement, the more that damage is inflicted deepens. A foster child who moves many times, or who constantly fears that he\she may have to move, can suffer devastating effects on his\her emotional health.

A negative foster care experience greatly impacts the psychological well being and emotional development of a child who has already been abused or neglected.

Goals of Family Centered Concurrent Permanency Planning

1. Prevent a child from being unnecessarily removed from his\her home.
2. Enhance safety, well being and permanency for children at home or in out-of-home care.

3. Empower and enable families to accept responsibility for adequately protecting and effectively caring and planning for their children and themselves.
4. Reduce trauma and emotional damage to children resulting from separation, unresolved losses, multiple placements, feelings of uncertainty, instability, sense of failure, feeling unloved and unwanted, and the sense of abandonment.
5. Provide services which will enable children to become responsible, accountable and productive citizens.
6. Reduce the number of children being taken into custody and maintained by the state in foster care.
7. Achieve timely or early permanency for children through reunification, adoption or durable legal custody.
8. Decrease children's length of stay in foster care.
9. Reduce the number of moves (placements) children experience while in care.
10. Maintain continuity in children's family and sibling relationships.
11. Develop a network of individuals, agencies, resources, and services that can work toward reunification and timely permanency.

Procedures in Concurrent Planning

Permanency planning is aimed at securing the best interest of the child while protecting the rights of the parents. Prior to placement, every effort should be made to prevent the child's placement by providing home-based services to improve parenting capacity by using, community resources, careful planning, and case management. If the child cannot remain safely at home and does enter custody, there should be a continuous and diligent effort toward finding the best permanent home for the child. The worker must assess the current needs of the child for the immediate placement, and begin to assess the future possibilities. It is mandatory that a permanent plan be made for every foster child by the County of Responsibility and a continuous and diligent effort toward realizing the plan must be made and documented in the record.

Concurrent Permanency Planning

Concurrent Planning means to work towards reunification while at the same time establishing a backup plan and implementing primary and alternate plans simultaneously. It is both a philosophy and a case management method emphasizing candor, goal setting, and case planning decision making time limits for children at risk of foster care drift.

Concurrent permanency plan for a child should be pursued as soon as it becomes evident that the parent cannot or will not correct the conditions that resulted in a child's placement. This is important in those cases where the prognosis for return home appears to be poor at the outset of the case or when there are aggravated circumstances that make reasonable efforts unnecessary.

Factors to Consider in Concurrent Planning

1. The likelihood of prompt reunification.
2. The past history of the family.
3. The barriers to reunification being addressed by the family.
4. The level of cooperation of the family.
5. The foster parent's willingness and capacity to work with the family to reunite or serve as permanency resources if reunification is not possible.
6. The willingness and ability of the foster family or relative placement to provide an adoptive home or long-term placement.
7. The age of the child.
8. Placement of siblings.

Family Centered Concurrent Permanency Planning Involves:

1. Redefining success: permanency is the goal
2. Differential Assessment of safety, well being and whether reasonable efforts to prevent or reunify are needed.
3. Full Disclosure of rights, responsibilities, impact of placement on children, permanency options and consequences.
4. Time Limits
5. Frequent Visitation
6. Establishing backup plans
7. Recruiting permanency planning resource families
8. Written agreements
9. Thorough documentation
10. Collaboration with court service providers and other resources
11. Outreach and Engagement of parent and family
12. Reasonable Efforts to Preserve Family Prior to Removal
13. Recruitment of Permanency Planning Resource Families if needed.
14. Family Team Meetings/Kinship Assessment
15. Case Planning (Assessment of Strength/Service Need for Service Delivery)
16. Linkages to Community Services and Resources
17. Concurrent Planning (Identification of a backup plan)
18. Supervision
19. Case Reviews and Conferences (Agency and Court)

- 20. Training
- 21. Advocacy
- 22. MIS

8. Proposed Rule:

None

Current Rule:

Working with other Counties

In cases where the parents reside in a county other than the county of responsibility, the two counties should work closely to develop and implement the ISP with parents. Goal setting may be initiated by the county of responsibility, but determination of the agency's role will be made by the county of residence of parents at an early stage of the negotiation to coordinate roles and responsibilities. If the parents live out of state, the county of responsibility may send a proposed ISP to the state of residence if that state agrees to work with the parents.

9. Proposed Rule:

The ISP/Service Agreement for adults shall be created and submitted by the Worker within twenty-five (25) calendar days of opening the case, unless the court determines otherwise. This ISP/Service Agreement shall be reviewed and approved by the Supervisor within five (5) calendar days of receiving it from the Worker.

Current Rule:

The ISP\Service Agreement must be completed with each parent within 30 (thirty) calendar days of opening the case.

10. Proposed Rule:

a. Initial ISP

In a case where the child in custody has a plan of reunification, an ISP/Service Agreement between the Worker and the parent or primary caretaker is required. This ISP/SA is developed and submitted to the Supervisor within 25 calendar days of the custody date, unless the court determines otherwise. The ISP/SA should be used as a means of facilitating the child/ren's return home to parent or primary caretaker. The parent or primary caretaker shall have a six month period to meet the ISP/SA. At the end of these six months the court may direct DFCS to begin procedures to terminate parental rights or instruct the county to continue to work with the parent or primary caretaker for return of the child to their home.

b. Review ISP

This adult ISP/Service Agreement is an assessment of progress toward permanent plans identified in the Initial ISP/SA. It is submitted and approved every 180 days.

c. Add/Change ISP

This selection is used when direct services change.

d. Final ISP

This ISP is only selected when the case is being closed. All direct services must be closed when the final ISP is selected. Adult ISP'S will remain open until custody of child is removed from the agency or TPR has been accomplished unless otherwise ordered by the court.

Current Rule:

None

11. Proposed Rule:

B. Completion of a Child/Youth Individual Service Plan (ISP)

Section 43-15-13(3) of the Mississippi Code instructs DFCS to "administer a system of individualized plans every six months for each child under its custody." The purpose is to ensure that the needs of the child are being addressed while in foster care. If age and/or developmentally appropriate, each child/youth shall be included in developing his/her ISP.

1. Components of the Child/Youth ISP

The ISP of a child/youth in custody of DFCS must include at least the following information:

- a. Discussion of reasons for service.
- b. Services being provided.

- c. Permanent and Concurrent Plans.
- d. The compelling reason for the identified permanent plan and why TPR is not in the best interest of the child/youth, if applicable.
- e. Name/type of placement.
- f. Appropriateness of placement/least restrictive (AFCARS).
- g. Visitation Plan.
- h. Health record and discussion of medical issues.
- i. Assessment of potential mental health needs and possible referral for professional mental health services.
- j. Current medication, allergies, and immunization record.
- k. Education record and discussion of educational issues.
- l. If child/youth is 14 years or older, independent living plan. If 16 or older, the transitional living plan.
- m. Adoption discussion, if applicable.
- n. Tasks, plans and goals, if appropriate.

2. *Child/Youth ISP Selections*

There are four types of Child/Youth ISP's. Any of the four selected must be created and submitted by the Worker to the Supervisor for approval.

a. Initial ISP

The Initial ISP is created to achieve permanency for the child/youth. This ISP must be created and submitted by the Worker within twenty (25) calendar days of custody. Along with this ISP, the Worker must also complete and submit the Strengths and Risk Assessment. The Supervisor will have five (5) days from the date submitted to approve and sign the ISP which is to be filed in the case record after signing.

If a case changes from a Prevention case to a Placement case, the Worker creates an Initial ISP for the child/youth.

b. Review ISP

This ISP is an assessment of progress towards permanency goals and services. This ISP tickler is sent to the Worker within 150 days from the day child/youth entered custody and every 180 days thereafter. The Worker has twenty-five (25) days to create and submit the Review ISP to the Supervisor and the Supervisor has five (5) days to approve and sign the Review ISP. The Strengths and Risk Assessment is updated and

submitted for approval each time the ISP is reviewed. All components of the child's/youth ISP shall be updated.

If the case changes from a Protection case to a Placement case, the Worker selects Review ISP since the circumstances and permanency options for the child/youth change.

c. Add/Change ISP

This ISP is only used when there is a change in direct services to the child/youth, such as a change in the County of Service (COS). This ISP shall be updated or revised within 10 calendar days of the change.

d. Final ISP

This ISP is submitted and approved within ten (10) calendar days of the termination of services to the child. The outcome of placement direct services must agree with the child's/youth's permanency plan. A final Strengths and Risk Assessment shall be completed in conjunction with the Final ISP.

Current Rule:

Components Of ISP For Children

The custody ISP must include at least the following information:

1. Description of the initial services needed and offered and the services provided to ensure safety of the child, and prevent removal of the child from the home.
2. Documentation of the steps the agency is taking to find an adoptive permanent home, place the child with an adoptive family, durable legal custody or other permanent home and finalize the adoption if child cannot return safely to parents/relatives within the legal time frame or if reasonable efforts are not required.
3. Discussion of the reasons why it was necessary to place the child to ensure the child's safety and well-being.
4. Description of the type of home/facility in which the child has been/is to be placed to ensure the child's safety and well-being.
5. Discussion of the safety and appropriateness of the placement to ensure the child's safety and well-being and how the agency plans to carry out the judicial determination made with respect to the child.

6. The plan for assuring the child receives proper care and services and services are provided to the parents in order to improve the conditions in the parent's home to facilitate the child's return to his own safe home.
7. The initial permanency plan for the child and an alternate plan in case it is needed.
8. Description of the appropriateness of services being provided to the child, parents, and foster parents in order to improve the conditions in the home, facilitate the return of the child to his birth family and safe home, or facilitate another identified permanent plan (may refer to the ISP for parents, for description of services provided to parents and/or foster).
9. For a child age 16 or over, a description of the programs and services which will help child prepare for transition from foster care to independent living.
10. A discussion of the strengths and needs of the child while in foster care, the appropriateness of the services to be offered or which have been offered assuring that the child receives safe and proper care and services.
11. An evaluation of whether the placement is safe, least restrictive and most appropriate.
12. A statement regarding the nearness of the placement to the parent's location, discussion of why the child was not placed in closer proximity to the parent's home and set forth the reasons why such a placement (including out-of-state) is appropriate and consistent with and in the best interest and special needs of the child.
13. Visitation plan, specifying the time and location for visits. This plan should include a minimum of one visit per month (unless ordered otherwise by the court). Family Centered Permanency Planning encourages more frequent visitation to maintain and establish attachment and achieve reunification.

Revising The ISP For Children

The ISP for children is completed within 30 calendar days of the child's entry into custody and is updated every 180 days unless changes occur with the child, the placement, or the child's family. A complete review of the child's plan must be completed by the social worker within 180 days of initiation. The social worker must address progress made toward permanency and address current status of services provided and services needed. The ASWS must approve or disapprove of each review. If changes occur, the ISP is updated or revised within 30 (thirty) days of the change with the child, the family or the placement. Each child's plan (ISP) shall be filed with the court which awarded custody and shall be made available to the birth parents or foster parents upon approval of the court. The Foster Care Reviewer will file this information with the court.

12. Proposed Rule:

None

Current Rule:

Quarterly Reports - Out of State Placement

If a child has been placed in foster care outside the state where the parents reside, the social worker or supervising state must visit the child quarterly and submit a report on such visit to the state agency of the state where the child's parents are located.

13. Proposed Rule:

B. Permanency Plan Options

Permanency Plan options are as follows:

1. Reunification with a Parent or Primary Caretaker
2. Custody with a Relative (Worker must be seeking to identify relatives other than the one from whose home the child was removed)
3. Adoption
4. Durable Legal Custody or Legal Guardianship
5. Living Independently
6. Long Term Foster Care

C. Permanency Plans Defined

1. Reunification with a Parent or Primary Caretaker

Reunification with a Parent or Primary Caretaker should be the first choice as a permanency plan for a child in care. It is selected so that a child can return to the parents or another individual who has been his/her primary caretaker.

a. Definitions

Legal Father is not defined in the Mississippi Uniform Law on Paternity or anywhere else in the Mississippi Code. However, other parts of the Code and our case law lend some help in defining the term.

If the mother of the child is married at the time the child is born, because of Mississippi's strong "presumption of legitimacy", her husband is the child's "legal father". This presumption can be rebutted by proof beyond a reasonable doubt that the child was fathered by another. Otherwise, the "legal father" is:

1. a person who has signed a voluntary acknowledgement of paternity
2. a person who has been adjudicated to be the father of the child

3. a person who has legally adopted the child

Parent is defined as the birth parent, legal parent (as defined by law) or an adoptive parent whether or not they were the caretaker at the time of child's removal from their home.

Primary Caretaker is defined as an individual who provided care of a child the majority of the time prior to child's removal from their home.

Reunification is to return a child to a parent or primary caretaker and discharge custody so that the state no longer has legal custody, care or control of the child.

b. Worker's Responsibilities in Achieving Reunification

1. Identify and assess the problem(s) which led to the need for foster care, the actions needed to correct the problem, and activities to be performed by all parties involved.
2. Complete the ISP for children and the ISP/Service Agreement for parents within 30 calendar days of the child's entry into custody. Inform parents that under State Law, failure to comply with the ISP/Service Agreement could result in the termination of their parental rights. The ISP/Service Agreement must not exceed a six month period of time unless the agency has documented extraordinary and compelling reason(s) for extending the time period.
3. Establish a permanency plan with the parents, primary caretakers, interested relatives, Resource Parents, and child. Establish a concurrent goal for each child in caseload within thirty (30) days of each child coming into foster care. Reassess in three months and/or during each case review in conjunction with the Strengths and Risk Assessment and each case review.
4. Review, evaluate, update and/or revise the ISP/Service Agreement for Parents every six (6) months, and the ISP/Custody Case Plan for children every six (6) months.
5. Place the child in the same county as the birth parents or primary caretakers, if possible. If not possible, document the reasons why and attempt to find placement as close as possible. Placement outside a fifty (50) mile radius must be approved by the County of Responsibility Supervisor and Regional Director.
6. Place siblings in custody together with the same Resource Family. If not placed together, document reasons why and efforts made to keep siblings together. Placements which are geographically close should be considered first. Any exception to placing siblings together shall have the COR Supervisor and Regional Director's approval. Arrange for siblings who are separated in foster care to visit monthly, face to face, or have contact either through visits, phone calls or letters.
7. Develop with the parent, child, Resource Parents, and other involved parties, a visitation plan. The visitation schedule must be clearly

specified on the visitation plan which must be documented in  MACWIS.

8. Conduct diligent search for absent parents, primary caretakers, interested relatives and other individuals who have significant connections to the child. Conduct diligent searches for paternal relatives, also.
9. Refer for paternity to be established, if questionable.
10. Inform the parents of any changes in the child's circumstances, major illnesses and/or hospitalizations during placement, changes in placement, school performances, emotional difficulties, health, etc.
11. Inform the parents of their responsibility to financially support the child while in foster care.

a. Achievement Criteria

Reunification will be considered achieved when custody is granted to a parent or primary caretaker.

2. Custody with a Relative

For the DFCS Worker to make the child's plan Custody with a Relative, the Worker must be seeking to identify relatives, other than the one from whose home the child was removed, to take custody of the child or to whom the child can be "discharged".

Relative other than the one from whose home he/she was removed includes step-parents and other relatives who were not the principal caregivers at the time of the removal. It does not include birth, legal or finalized adoptive parents.

Discharged means DFCS no longer has legal authority for the placement and care of the child.

If it appears that placement is needed and reunification is not feasible within a short period of time, the first choice for placement is placement with relatives. When a child is placed out of the home, it should be in the most familiar environment possible.

a. DFCS Worker's Responsibilities In Achieving Custody to a Relative

1. Enlist the family's cooperation in identifying all possible relative resources (in and out of state) and make contact with them in a timely manner. The Worker must conduct a diligent search for the birth parents and all relatives immediately after removal of child or at least during the child's first two months in custody and continue the search during the child's time in custody.
2. Conduct a home evaluation including police and backgrounds checks of any and/or all relatives being considered. The home evaluation must include an assessment of the safety of the home.

3. Document all efforts to engage families in the planning and development of child's permanent goals.
4. Obtain approval of the plan from the court.
5. Provide support, referrals and/or financial services, when accessible and/or available.
6. Inform the court of the relatives' interest and ability to assume custody.

b. Achievement Criteria – Custody with a Relative

This goal is achieved when the child has been “discharged” from foster care. *Discharged* means DFCS no longer has legal authority for the placement and care of the child. A court order, temporary protective custody or voluntary placement agreement would be required to remove the child from the relative's home after the child has been “discharged” to that relative. When the child is “discharged”, the relative receives temporary legal and physical custody of the child or legal custody through the appropriate courts.

3. Adoption

Each family's situation shall be evaluated to determine if adoption is the most appropriate plan. If it is determined to be in the child's best interest, a referral for Termination of Parental Rights (TPR) shall be made. Section 43-15-13(3) of the Mississippi Code states “For any child who was in foster care before July 1, 1998, and has been in foster care for fifteen (15) of the last twenty-two (22) months regardless of whether the foster care was continuous for all of these 22 months, the department shall file a petition to terminate the parental rights of the child's parents. The time period starts to run from the date the court makes a finding of abuse and/or neglect or sixty (60) days from when the child was removed from his or her home, whichever is earlier”. The law further states that DFCS can choose not to file a termination of parental rights petition if the following apply:

“(a) The child is being cared for by a relative; and/or

(b) The agency has documented compelling and extraordinary reasons why termination of parental rights would not be in the best interests of the child.”

If Reunification, Durable Legal Custody or Legal Guardianship cannot be accomplished, then the family situation must be evaluated regarding legal grounds for termination of parental rights. If there are legal grounds for termination of parental rights, a referral must be made to the Placement Unit. If a parent wants to relinquish his/her rights to a child or children, permission must be received from the Placement Unit prior to accepting a Voluntary Surrender of Parental Rights MDHS-SS-459. If county staff needs assistance in determining the sufficiency of legal grounds, a referral should be made to the Placement Unit asking that such a determination be made. Refer to

Subsection IV of Case Planning policy for information regarding termination of parental rights.

a. Resource Worker's Responsibilities in Achieving Adoption

1. Recognize through concurrent planning, when adoption appears to be the most appropriate and feasible goal for the child.
2. Engage parents in a discussion on optional voluntarily surrender of their parental rights. If the parents want to surrender, obtain permission from the Director of the Placement Unit prior to the parents signing any documents.
3. Prepare and submit to the Placement Unit a complete Termination of Parental Rights (TPR) referral within 30 calendar days after adoption becomes the permanent goal through the county's decision, or order of the court.
4. Discuss the goal of adoption with the child, parents and resource parents. Ascertain whether or not the resource parents are interested in adopting the child.
5. Assist in preparation of child and family for adoption.
6. The county of responsibility Worker must notify his/her Regional Resource Supervisor that the child's primary goal is now adoption. The Resource Worker will make arrangements through the county of responsibility to have a face to face counseling session with these children and current resource family within 30 days of the goal becoming adoption, to discuss adoption issues.
7. The Resource Worker will annually, thereafter, hold a conference with the child to discuss adoption issues.

b. Resource Worker's Responsibilities in Achieving Adoption:

1. Make arrangements with the COR for a face to face visit with the child whose goal is adoption.
2. Make diligent efforts to recruit a permanent home, within 90 days of goal becoming adoption if child's current resource family (foster, adoptive or relative) is not appropriate for adoption. Enter these diligent efforts into the narrative section of MACWIS.
3. Obtain approval of the proposed placement from COR Supervisor prior to pre-placement activities.
4. Coordinate with COR the pre-placement visits and activities between the child and the pre-adoptive family.
5. Make written notification to the COS that child has been placed in the county.
6. Hold an annual conference with the child to discuss adoption issues and document such discussion in  MACWIS.

c. Achievement Criteria

The goal of adoption is considered achieved when the child is placed with an adoptive family and the adoption has been finalized. The COR Worker will document in  MACWIS the dates in the legal history detail tab.

d. Documentation of Efforts to Adopt

For every child whose permanency goal is adoption, the Resource Worker is required to document in child's narratives the steps taken to find an adoptive family or permanent home. The documentation must include child specific recruitment efforts such as Adoption Resource Exchange, internet, newspaper, adoption picnic, media and/or other activities to identify an adoptive family for a child.

4. Durable Legal Custody or Legal Guardianship

Durable Legal Custody

As amended in Sections 43-21-105, 43-21-609 and 43-21-613 of the Mississippi code of 1972, Annotated in the 1998 Session of the Legislature as a part of Senate Bill 2173, Durable Legal Custody means the legal status created by a court order which gives the durable legal custodian the responsibilities of physical possession of the child and the duty to provide him/her with care, nurture, welfare, food, shelter, education and reasonable medical care. All these duties as enumerated are subject to the residual rights and responsibilities of the natural parent(s) or guardian(s) of the child or children. If the court finds that relative placement, adoption or foster care placement is inappropriate, unavailable or otherwise not in the best interest of the child, durable legal custody may be granted by the court to any person subject to any limitations and conditions the court may prescribe; such durable legal custody will not take effect unless the child or children have been in the physical custody of the proposed durable custodians for at least one (1) year under the supervision of the Agency. The requirements of Section 43-21-613 as to disposition review hearings do not apply to those matters in which the court has granted durable legal custody. The Worker should identify the name of the individual who will be given durable legal custody.

Legal Guardianship

SEC. 475. (7) [42 U.S.C. 675] defines legal guardianship as "a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision making. The term 'legal guardian' means the caretaker in such a relationship."

With either goal, the Agency will be released from any oversight or monitoring responsibilities. The birth parents maintain their parental rights.

a. Worker's Responsibility in Achieving Durable Legal Custody and or Legal Guardianship

1. Enlist the family's cooperation in identifying all possible relative resources (in and out of state) and make contact with them in a timely manner. The Worker shall conduct a diligent search for the birth parents and all relatives immediately after removal of child or at least during the child's first two months in custody and continue the search during the child's time in custody.
2. Conduct a home evaluation including police and backgrounds checks of any and/or all relatives being considered. The home evaluation must include an assessment of the safety of the home.
3. Develop with the child, relatives and parents, an ISP identifying activities needed to be performed by all parties to accomplish the goal of durable legal custody and/or legal guardianship.
4. Document all efforts to engage families in the planning and development of child's permanent goals.
5. Obtain approval of the goal from the court.
6. Provide support, referrals and/or financial services, when accessible and/or available.
7. Inform the court of the identified individuals' interest and ability to assume durable legal custody and/or legal guardianship.

b. Achievement Criteria - Durable Legal Custody or Legal Guardianship

Durable Legal Custody or Legal Guardianship is achieved after the court grants custody to the placement resource. No further review hearings are necessary. The Agency is relieved of custody of the child and from any oversight or monitoring responsibilities.

5. Living Independently

The goal of Living Independently may only be considered if the youth in care is age 16 or older. If this appears to be the best plan for the youth and all other permanency goal options have been explored and eliminated, a goal of living independently must be approved by the Worker's Supervisor and Regional Director.

It is possible that a youth could remain in foster care until age 21 if the youth is in the process of continuing his/her education, or if the Chancery Court determines that the youth requires continued supervision. A Chancery Court Order is needed in such cases prior to the date the child turns 20. Pursuant to Section 43-21-151 of the Youth Court Act, jurisdiction of the Youth Court terminates by operation of law upon the child's twentieth birthday.

a. Worker's Responsibility in Achieving Living Independently

1. Prepare summary for the court (for the youth being emancipated) outlining how the youth will support him\herself financially upon release of custody. The summary should include the support system, living arrangements, educational plan, means of transportation, medical and\or dental coverage, any employment opportunities, and any information available to indicate that the youth has the ability and resources to live independently without any Agency involvement or assistance.
2. Supply the youth with a list of community resources suitable to meet the youth's future needs.
3. Ensure that services are provided for the youth to make the transition from foster care to living independently and whether this transition is in his/her best interest.
4. Develop a goal with the youth, parents and foster parents to achieve the goal of living independently, actively seeking the support of the parents in the process.
5. Let the youth know that he\she can contact the worker when needed.
6. Make sure the youth receives start-up stipend, and any other resources available through the Agency.
7. Document the preparation being made with the youth to help the transition from care to living independently.
8. Prepare a written justification for goal and forward to the COR Supervisor containing the following information:
 - A. Why the youth cannot return to parent(s) or primary caretaker.
 - B. Why the youth cannot be placed with relatives for custody, legal guardianship or durable legal custody.
 - C. Why the youth cannot be freed for adoption.
 - D. The relationship between youth and current placement resource.
 - E. A plan of continued contact with parent(s), primary caretaker, siblings, relatives and other connections.

b. Achievement Criteria – Living Independently

Living independently is achieved when the Agency is relieved of custody and any responsibilities regarding the youth.

6. Long Term Foster Care

If none of the above listed alternatives are available for the youth, the Worker will evaluate the possibility of a long term foster care arrangement with the youth's current placement resource. If this is the case, then long term foster care is the plan and the Agency may retain custody until the youth can live independently. This type plan is considered appropriate only for a relatively small number of foster children.

There may be instances where, after the long term foster care plan has been made, the legal parent's or youth's circumstances may change. Under such

circumstances reunification, durable legal custody or adoption becomes a more appropriate plan and long term foster care may be terminated.

If this appears to be the best plan for the child and all other permanency plan options have been explored and eliminated, a goal of Long Term Foster Care must be approved by the Worker's Supervisor and Regional Director.

a. **Children Who are Not Eligible for Long Term Foster Care**

1. Children (younger than 14 years of age) are not eligible because a more stable permanent arrangement is the plan of choice for those children when reunification or custody with relatives or other individuals with significant connections is not possible. An exception to the age 14 criteria may be granted by the court of jurisdiction.
2. Children voluntarily placed into foster care through the use of Form MDHS-SS-456 and without a formal court order are not eligible because of the temporary status of their custody.

b. **Worker's Responsibilities in Achieving Long-Term Foster Care**

1. Explore and rule out all other permanency plan options.
2. Document in compelling reasons and forward to the Supervisor a summary containing the following information:
 - A. Why the youth cannot return to parents or primary caretaker.
 - B. Why the youth cannot be placed with relatives for custody, legal guardianship or durable legal custody.
 - C. Why the youth cannot be freed for adoption.
 - D. The relationship between youth and current placement resource.
 - E. A plan of continued contact with parent(s), primary caretaker, siblings, relatives and other connections.
3. Continue to explore the possibility of a more permanent plan.
4. Help the youth maintain a relationship with parents or primary caretaker. Visitation should be encouraged and addressed in the youth's ISP.

c. **Authorization for Long Term Foster Care**

The Worker will document justification for the selected goal of Long Term Foster Care in  MACWIS in the child's ISP, Initial/Review tab, Compelling Reasons radio button. When this plan is chosen, a tickler will be automatically be sent to the Supervisor and if the goal is approved, a tickler is sent to the Regional Director for his/her approval. If the Regional Director disagrees with the permanent plan of Long Term Foster Care, he/she may either suggest a new goal for the child or call for a case staffing with the Supervisor and Worker.

d. Achievement Criteria - Long Term Foster Care

Since Long-Term Foster Care is not a plan to be achieved and offers no sense of permanence there is no criteria for achievement.

Current Rule:

Permanency Plans Defined

1. Reunification

If reasonable efforts are required, reunification should be the first choice as a permanency plan for a child in care. It is selected so that a child can be with the parents. When the parent is able to make progress with the goals identified on the Individualized Service Plan (ISP) and become able to provide a safe living environment for the child, return to the parent should occur. The Social Worker should identify the parent (mother or father) on the child's ISP if Reunification is the permanency plan

2. Relative Placement

If it appears that placement is needed and reunification is not feasible within a short period of time, the first choice for placement is placement with relatives. When a child is placed out of the home, it should be in the most familiar environment possible. The extended family of the child is the obvious choice of preference, if such a placement can be identified and safely maintained. All known relative resources must be explored during the child's first two months and continue during time in custody, and the results must be documented in the case record.

The Social Worker should identify the name of the relative and whether the relative is maternal or paternal on the child's ISP if the plan is relative placement.

A. Relative Placement/Adoption

A child is placed with relatives who have adequate resources and plan to adopt the child. A TPR petition is or will be filed by the County with the intent of the child being adopted by the relatives where the child has been placed. Parents are informed of the option to voluntarily relinquish their parental rights so a relative may adopt. The Social Worker should identify the relative who plans to adopt and indicate if it is a paternal or maternal relative.

B. Relative Placement/Durable Legal Custody

See Mississippi Code Annotated Section 43-21-609 (b). A child is placed in the physical custody of a relative for one year under DHS supervision and the relative is willing to provide care and permanency for the child. The County should pursue Durable Legal Custody when it is not in the best interest of the child or family to have parental rights terminated. Durable legal custody would give the relative custody and release the Department from any monitoring, supervision or

any other oversight responsibilities of the case and family. The social worker should identify the relative who will be given durable legal custody and indicate paternal or maternal relationship on the child's ISP

Achievement Criteria - Relative Placement

The plan of relative placement is not actually achieved if the child is still in Agency's custody. It is preferable that the relative has legal as well as physical custody through durable legal custody. Relative placement/adoption is achieved when the adoption is finalized. Relative placement/durable legal custody is achieved when the agency is relieved of custody and supervision of the case.

3. Durable Legal Custody (Non Relative)

As amended in Sections 43-21-105, 43-21-609 and 43-21-613 of the Mississippi code of 1972, Annotated in the 1998 Session of the Legislature as a part of Senate Bill 2173, Durable Legal Custody means the legal status created by a court order which gives the durable legal custodian the responsibilities of physical possession of the child and the duty to provide him with care, nurture, welfare, food, shelter, education and reasonable medical care. All these duties as enumerated are subject to the residual rights and responsibilities of the natural parent(s) or guardian(s) of the child or children. If the court finds that relative placement, adoption or foster care placement is inappropriate, unavailable or otherwise not in the best interest of the child, durable legal custody may be granted by the court to any person subject to any limitations and conditions the court may prescribe; such durable legal custody will not take effect unless the child or children have been in the physical custody of the proposed durable custodians for at least one (1) year under the supervision of the Department of Human Services. The requirements of Section 43-21-613 as to disposition review hearings do not apply to those matters in which the court has granted durable legal custody. The social worker should identify the name of the non-relative who will be given durable legal custody.

In such cases, the Department of Human Services will be released from any oversight or monitoring responsibilities. The birth parents maintain their parental rights.

Requirements For Durable Legal Custody

The court must find that relative placement, adoption or foster care placement is inappropriate, unavailable or otherwise not in the best interest of the child.

The child must have been in the custody of the person for one year under MDHS supervision before Durable Legal Custody can be granted.

4. Adoption

If reunification or Durable Legal Custody cannot be accomplished, then the family situation must be evaluated regarding legal grounds for termination of parental rights. If there are legal grounds for termination of parental rights, a referral must be made to the Placement/Permanency Planning Unit. If a parent wants to relinquish his/her rights to a child or children, written permission must be received from the Placement Unit prior to accepting a Voluntary Surrender of

Parental Rights MDHS-SS-459. If county staff needs assistance in determining the sufficiency of legal grounds, a referral should be made to the Placement\Permanency Planning Unit asking that such a determination be made. The case will be scheduled for DACOPP review. Refer to Volume IV, Section D for information regarding termination of parental rights.

5. Emancipation

Emancipation means that a youth is legally considered and recognized by the court as an adult. In most cases, turning 18 means emancipation from the foster care system, however, in Mississippi, the law considers a youth an adult at different ages for different reasons.

It is possible that a youth could remain in foster care until age 21, if the youth is in the process of continuing his\her education, or if the court determines that the youth requires continued supervision. A Chancery Court Order is needed in such cases prior to the time the child turns 20.

Pursuant to Section 43-21-151 of the Youth Court Act, jurisdiction of the Youth Court terminates by operation of law upon the child's twentieth birthday.

A child may continue to receive a foster board payment and Medicaid through the month in which the youth reaches his/her 20th birthday under the following conditions:

1. The child is a student in an educational or vocational training facility.
2. The child is in need of the continuing supervision of the foster parents and the services of the Department.
3. The decision to continue the foster board payment is a casework decision and must be approved by the Area Social Work Supervisor (ASWS).

6. Formalized/Long Term Foster Care

If none of the above listed alternatives are available for the child, or the child does not wish to be adopted, county staff will evaluate the possibility of a formalized foster care agreement for a long term foster care arrangement with the child's current foster parent(s). There may be a few children whose situations are such that no alternative plan is possible. If this is the case, then formalized\long-term foster care is the plan.

Formalized\Long Term-Foster Care is an agreement entered into by the Agency, the foster parent(s), the child, and whenever possible, the birth parents in order to establish a commitment to a stable, long-term foster care placement. It is not a legally-binding document, and it is to be considered only as the last alternative when return home, relative placement, durable legal custody and adoption are not appropriate or possible. However, there may be instances where, after the formalized\long-term foster care plan has been made, the legal parent's or child's circumstances may change and reunification, durable legal custody or adoption becomes a more appropriate plan, and formalized\long-term foster care may be terminated.

Formalized\long-term foster care is planned and occurs when a child cannot be placed with the parent, guardian, or relative, and the child is not a candidate for

adoption. The agency retains custody until the child is emancipated. A formalized long-term foster care agreement indicates the intent of the child, the foster parents, birth parents, for the child to remain in one foster home placement as long as foster care is needed. Although placement in a permanent foster family home is not a preferred permanency plan, it can be an appropriate one for some children.

Family Centered Concurrent Permanency Planning

Introduction

The philosophy of the Division's child welfare services is based on the concept and practice of permanency planning as described in Section 43-15-13 of the Mississippi Code and the Adoption and Safe Families Act of 1997 (P.L. 105-89). This approach assumes that every child needs and deserves a family of his\her own which is committed to his/her care until he/she reaches adulthood. The Mississippi Law 43-15-13(8) further states that the agency shall first ensure and document that "reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home". ~~This approach assumes that every child needs and deserves a family of his\her own which is committed to his\her care until grown.~~ The Division of Family and Children's Services' first priority shall be to make reasonable efforts to reunify the family when temporary placement of the child occurs or shall request a finding from the court that reasonable efforts are not appropriate or have been unsuccessful. A decision to place a child in foster care or relative care shall be made with consideration of the child's health, safety and best interests.

Section 43-15-13(3) provides that MDHS Worker will make all possible contact with the child's birth parents, [primary caretaker] and any interested relative within the first two months following the child's entry into the foster care system, to include newspaper publication, if necessary.

1. Multi-Ethnic Placement Act (MEPA)

The Multi- Ethnic Placement Act of 1994 (P.L. 103-382) and amended in 1996 (P.L. 104-188) prohibits those agencies receiving Title IV-E foster care funds from denying or delaying an individual or couple the opportunity to be an adoptive or foster parent or delaying or denying placement of a child on the basis of race, color or national origin of the prospective foster parent or child. These factors must be applied on an individualized basis, not by general rule "in the best interest of the child". The child shall be placed within a 50 mile radius from his original home, consistent with the child's best interest and special needs.

2. Indian Child Welfare Act (ICWA)

All custody issues and placements of children of Native American heritage shall be in compliance with the Indian Child Welfare Act (ICWA), PL 95-608 and the Indian Self-Determination and Educational Assistance Act, PL 93-638. These Acts insure that the heritage of Indian children will be recognized, protected, and monitored in and out-of-state. The Indian Child Welfare Act provides for the Indian Tribal Council to have priority jurisdiction in the matter of custody and guardianship in the case of any child of Indian heritage. Workers must resolve the issue of Indian heritage as soon as possible after contact is made with the family, either through a report of abuse/neglect or a referral for services. The Worker shall ask the family the following questions to gain knowledge in deciding what is in the best interest of the child and document the discussion in the narrative section of MACWIS.

1. Is parent or child of Native American heritage?
2. Is parent eligible for tribal membership?

3. Is parent registered with Native American tribe?
4. Is child eligible for tribal membership?
5. Has child been registered with Native American tribe?
6. Does the family live on tribal land?

The Mississippi Band of Choctaw Indians or any other Indian Tribe to which the child belongs has the right to accept or deny jurisdiction of the said child and to help with placement resources. The tribe must be notified of any court hearings involving an Indian child. Notification is to be provided immediately, by telephone and certified letter, to the tribe when a Choctaw child, or other Indian child, is taken into MDHS custody.

The tribal lands of the Mississippi Band of Choctaw Indians are not solely confined to Neshoba County within Mississippi. The Choctaw reside in eight counties and these counties are Neshoba, Attala, Jones, Kemper, Leake, Newton, Scott and Winston.

Information about children who are determined to be members of tribe other than Choctaw shall be shared with the District Worker, Bureau of Indian Affairs, Eastern Area Office, Washington, D.C. If the tribe is unknown, the agency shall contact the Mississippi Band of Choctaw Indians who are willing to help identify the child's tribe and refer appropriately.

Definition of Family Centered Concurrent Permanency Planning

Permanency Planning is a systematic process of carrying out a set of goal-directed activities within a brief, time-limited period designed to help children live in families that offer continuity of ~~relationship with nurturing parents or caretakers and the opportunity to establish~~ lifetime relationships.

Permanency planning involves the identification of a safe and permanent living situation as the goal toward which child welfare services to a child and his/her family are directed. Permanency planning sets out the steps to be taken and the time frame to achieve that goal. A permanent family may not be one that is guaranteed to last forever, but one that is intended to exist for a lifetime.

When to Start Concurrent Permanency Planning

Under Section 43-15-13(2)(f)(8) of the Mississippi Code, the ~~Department~~ agency is directed to conduct concurrent planning so that a permanent living arrangement may occur at the earliest opportunity.

Permanency planning is ongoing and begins as soon as the agency receives a report of child abuse or neglect, and continues through every stage of service; even when the child is not removed from the home. Section 43-15-13(8)(a-h) of the Mississippi Code states that the agency shall consider the following factors when determining appropriateness of concurrent planning:

1. The likelihood of prompt reunification;
2. The past history of the family;
3. The barriers to reunification being addressed by the family;

4. The level of cooperation of the family;
5. The Resource Family's willingness to work with the family to reunite;
6. The willingness and ability of the Resource Family or relative placement to provide an adoptive home or long-term placement;
7. The age of the child;
8. Placement of siblings.

Family-Centered Permanency Planning

The primary overriding objective and goal of Family-Centered Practice is to protect and serve the best interest of children by strengthening and preserving families to enable children to live safely at home with their parents or relatives. Family-centered practice is based on identifying and building on family and community strengths. Reunification decisions are based on the original reason for placement as well as the parent's response to the services provided and progress made towards resolving problems that brought the children into care. Family-centered practice is the mix of philosophies and practice strategies that guide permanency planning:

1. Principles of Family-Centered Concurrent Permanency Planning
2. Respect for dignity of individual and family
3. The family is a unit of service, not just the child
4. Partnership with families
5. The child is understood in the context of the family, cultures and community
6. Where services are delivered
7. Children need families for protection and consistent, stable nurturing
8. Families can change with the right education and support
9. All families have strengths and needs
10. Focus on prevention and early intervention
11. Crisis can bring opportunity for change and growth
12. Placement can be traumatic to children

Reasons for Concurrent Permanency Planning

Foster care placements serve a needed purpose when they exist for a planned period of time. The planned period can be temporary while a permanent home is being arranged either with the child's own parents, family durable legal custody or adoptive parents. Since foster care is intended to be temporary, permanency planning should begin from the onset of the case because:

- a. All children have a need for and right to continuity and stability.
- b. A child needs a stable home environment in which to grow.
- c. Children do better when they are in situations perceived as having permanence.

- d. ~~Children deserve to be secure.~~
- e. ~~All children have a basic need to belong.~~
- f. ~~Foster homes are often more easily disrupted than permanent homes.~~
- g. ~~Even good foster care has the disadvantage of stigmatizing the child, who knows he\she is different from his\her peers.~~

~~Since a child's ability to bond and trust is damaged by each placement change, any break in continuity and stability should be avoided as much as possible. The more children experience a change in placement, the more that damage is inflicted deepens. A foster child who moves many times, or who constantly fears that he\she may have to move, can suffer devastating effects on his\her emotional health.~~

~~A negative foster care experience greatly impacts the psychological well being and emotional development of a child who has already been abused or neglected.~~

Goals of Family Centered Concurrent Permanency Planning

1. ~~Prevent a child from being unnecessarily removed from his\her home.~~
2. ~~Enhance safety, well being and permanency for children at home or in out-of-home care.~~
3. ~~Empower and enable families to accept responsibility for adequately protecting and effectively caring and planning for their children and themselves.~~
4. ~~Reduce trauma and emotional damage to children resulting from separation, unresolved losses, multiple placements, feelings of uncertainty, instability, sense of failure, feeling unloved and unwanted, and the sense of abandonment.~~
5. ~~Provide services which will enable children to become responsible, accountable and productive citizens.~~
6. ~~Reduce the number of children being taken into custody and maintained by the state in foster care.~~
7. ~~Achieve timely or early permanency for children through reunification, adoption or durable legal custody.~~
8. ~~Decrease children's length of stay in foster care.~~
9. ~~Reduce the number of moves (placements) children experience while in care.~~
10. ~~Maintain continuity in children's family and sibling relationships.~~
11. ~~Develop a network of individuals, agencies, resources, and services that can work toward reunification and timely permanency.~~

Procedures in Concurrent Planning

~~Permanency planning is aimed at securing the best interest of the child while protecting the rights of the parents. Prior to placement, every effort should be made to prevent the child's placement by providing home-based services to improve parenting capacity by using, community resources, careful planning, and case management. If the child cannot remain safely at home and does enter custody, there should be a continuous and diligent effort toward finding the best permanent home for the child. The worker must assess the~~

~~current needs of the child for the immediate placement, and begin to assess the future possibilities. It is mandatory that a permanent plan be made for every foster child by the County of Responsibility and a continuous and diligent effort toward realizing the plan must be made and documented in the record.~~

Concurrent Permanency Planning

~~Concurrent Planning means to work towards reunification while at the same time establishing a backup plan and implementing primary and alternate plans simultaneously. It is both a philosophy and a case management method emphasizing candor, goal setting, and case planning decision making time limits for children at risk of foster care drift.~~

~~Concurrent permanency plan for a child should be pursued as soon as it becomes evident that the parent cannot or will not correct the conditions that resulted in a child's placement. This is important in those cases where the prognosis for return home appears to be poor at the outset of the case or when there are aggravated circumstances that make reasonable efforts unnecessary.~~

Factors to Consider in Concurrent Planning

- ~~1. The likelihood of prompt reunification.~~
- ~~2. The past history of the family.~~
- ~~3. The barriers to reunification being addressed by the family.~~
- ~~4. The level of cooperation of the family.~~
- ~~5. The foster parents' willingness and capacity to work with the family to reunite or serve as permanency resources if reunification is not possible.~~
- ~~6. The willingness and ability of the foster family or relative placement to provide an adoptive home or long term placement.~~
- ~~7. The age of the child.~~
- ~~8. Placement of siblings.~~

Family Centered Concurrent Permanency Planning Involves:

- ~~1. Redefining success: permanency is the goal~~
- ~~2. Differential Assessment of safety, well being and whether reasonable efforts to prevent or reunify are needed.~~
- ~~3. Full Disclosure of rights, responsibilities, impact of placement on children, permanency options and consequences.~~
- ~~4. Time Limits~~
- ~~5. Frequent Visitation~~
- ~~6. Establishing backup plans~~
- ~~7. Recruiting permanency planning resource families~~
- ~~8. Written agreements~~
- ~~9. Thorough documentation~~

- ~~10. Collaboration with court service providers and other resources~~
- ~~11. Outreach and Engagement of parent and family~~
- ~~12. Reasonable Efforts to Preserve Family Prior to Removal~~
- ~~13. Recruitment of Permanency Planning Resource Families if needed.~~
- ~~14. Family Team Meetings/Kinship Assessment~~
- ~~15. Case Planning (Assessment of Strength/Service Need for Service Delivery)~~
- ~~16. Linkages to Community Services and Resources~~
- ~~17. Concurrent Planning (Identification of a backup plan)~~
- ~~18. Supervision~~
- ~~19. Case Reviews and Conferences (Agency and Court)~~
- ~~20. Training~~
- ~~21. Advocacy~~
- ~~22. MIS~~

Social Workers Responsibility in Family Centered Concurrent Permanency Planning

The county social worker is responsible for the following activities:

- ~~1. Conducting differential assessment to determine family strengths, indicators that early reunification may not be possible and whether a permanency planning resource family is needed. A differential assessment is an overview, but not a diagnosis of the situation.~~
- ~~2. Documenting throughout the life of the case the parent's progress in addressing the safety and other developmental factors which necessitated the removal of the child. If adjudication to terminate parental rights is necessary, the legal case will be well prepared and ready for filing at that decision point.~~
- ~~3. Arranging visitation between child, family and any interested relatives.~~
- ~~4. Delivering services in a timely, respectful, focused and intensive manner.~~
- ~~5. Being knowledgeable about the parents (family) history.~~
- ~~6. Possessing the ability to accurately assess strengths while being cognizant of service needs.~~
- ~~7. Discussing with the parents options for permanency including reunification, durable legal custody, adoption, or the voluntary relinquishment of parental rights. Parents need to know all of their alternatives from the beginning if they are truly to be involved in case planning and empowered to choose the future that is best for themselves and their children. Discuss the impact of separation on children and the importance of parental interaction. Discuss the impact of lack of progress. The parents should know that they can expect the agency to proceed with alternative plans if they are not involved, do not visit or are not cooperative or available.~~

8. ~~Using respectful, opened, honest full disclosure with the parents. Secrecy or evasion will hinder work with the family in building trust. Expect questions and arguments and be prepared to respond. Tell parents about the negative effects of out of home care on children. Tell parents that foster care, by its very nature, has the potential to cause harm to their child, 'so we will be working with you toward an early resolution'.~~
9. ~~Identifying the central problem which contributed to the needs to protect and place the child. Distinguish this from the other problems that may exist within the family. The worker must correctly assess and address the problems which caused the removal of the child and identify what behaviors must change in order for the child to return home.~~
10. ~~Developing back up plans. While providing services to the parents for reunification, the agency simultaneously explores other options for permanency and performs certain legal tasks to prepare for reunification or other legal options (i.e. diligent searches for absent parents and/or relatives, paternity declarations, finding birth certificates, establishing documentation. Develop a Plan B in case Plan A does not work out. (Concurrent Planning)~~
11. ~~Writing service agreements and case plans which need to be developed by the parent and worker **together** to specify what each will do in the effort to reunify the family. It recognizes the need for families to work on changes they themselves have chosen and indicates who will do what, by when.~~
12. ~~Providing support and clear structure to families while keeping the focus on the child's urgent need for security and belonging.~~
13. ~~Paying attention to what the parents are actually doing, rather than what he/she intends or promises to do.~~
14. ~~Developing clear time lines for parental involvement and improvement with clear consequences for lack of progress.~~
15. ~~Redefining success. The criteria for return home are the parent's capacity to protect children and provide for safety. Help family focus on what can be done to achieve stability and permanence rather than one particular outcome. Deal directly with the parent's ambivalence and indecision, not allowing them to paralyze case planning. Offer the parents a "road map" to reuniting the family, and identify factors, if any, that must change in order for the child to return safe home.~~

Assessment of Reasonable Efforts Requirements

The Reasonable Efforts provision is intended to ensure that no child is placed into foster care who can effectively be protected in his own home. The Reasonable Efforts provision falls in three categories:

- a. ~~To prevent the unnecessary removal of a child from his/her home, when it can be done so without jeopardizing the child safety.~~
- b. ~~To reunify the child and family if temporary out of home placement is necessary to ensure the immediate safety of the child.~~

- ~~e. To make and finalize placement in a timely manner if reunification is not appropriate, possible, or the permanency goal.~~

~~The Department is required to make reasonable efforts to prevent removal, to reunify in a timely manner if foster care is needed, and finally, to move children timely towards adoption or other permanent placements when reunification is not appropriate, possible or the permanency goal. In determining and making reasonable efforts on behalf of a child, the child's health and safety must be a paramount concern. Making Reasonable Efforts provide the Department with the evidence it needs to support a decision that an alternate permanency plan is appropriate.~~

~~Judicial Determination of Reasonable Efforts Provision~~

~~The Social Worker should assess the family needs strengths and circumstances at the initial stage and throughout the Department involvement with the family. This assessment can be used by the court to make a determination. There must be a separate judicial determination for each category of reasonable effort.~~

~~Reasonable efforts to prevent removal can include but not limited to the following activities: (Refer to CPS policy for more detailed instructions)~~

- ~~a. Consulting with the family to assess service needs, strengths, and circumstances. (Differential Assessment)~~
- ~~b. Developing a service agreement with the family which outlines the problems, changes to occur, who is to do what, by when.~~
- ~~c. Providing support services such as counseling, parenting classes, homemaker services, day care, case management, money management, referrals to community resources and/or other services.~~
- ~~d. Full disclosure with the family so that the family will work toward an early resolution of the problem.~~

~~The department is mandated to evaluate, plan and provide services which may make it possible for a child to remain safely in his/her own home. Mississippi Department of Human Services petitions the court for custody of a child (ren) only as a last resort. Before removing a child (ren) the Department must make reasonable efforts to reduce the risk of child abuse and neglect without removing the children.~~

~~Reasonable efforts to reunify the child and family can include, but are not limited to the following activities:~~

- ~~1. Making and arranging frequent parent/child/sibling visitation.~~
- ~~2. Developing a service agreement with the family identifying the changes to occur to help facilitate the safe return of the child home.~~
- ~~3. Informing parents of the child's progress safety, health and well being while in care.~~
- ~~4. Providing support services.~~
- ~~5. Making referrals to community resources and other social service agency.~~
- ~~6. Placing the child in the least restrictive, most appropriate, and familiar environment as possible, preferably with family (relative) within the same community from which the child was removed.~~

- ~~7. Informing parents of their rights and responsibilities, options and consequences.~~

~~Reasonable efforts to make and finalize a permanent placement in a timely manner when the permanency goal is not reunification can include, but are not limited to the following activities:~~

- ~~1. Recruiting an adoptive family for the child through churches, organizations and other private agencies.~~
- ~~2. Utilizing the Adoption Resource Exchange.~~
- ~~3. Media recruitment through Wednesday Child, Tuesday Child, etc.~~
- ~~4. Partnerships through private agencies.~~
- ~~5. Annual picnic.~~
- ~~6. Placement meetings.~~
- ~~7. Success stories through media.~~

~~Reasonable efforts to place a child for adoption or in another permanent living arrangement may be made concurrently with reasonable efforts to reunify. Reasonable effort must be documented in the case record.~~

~~The court must determine if reasonable efforts is/were or not required on a case by case basis. There must be a judicial (court) determination (decision) that:~~

- ~~1. Reasonable efforts were made to prevent the removal of a child from home.~~
- ~~2. Reasonable efforts were made to reunify the child with his/her family if the removal could not be prevented.~~
- ~~3. Reasonable efforts were made to make and finalize, in a timely manner, alternate permanent placement when the child's per permanency plan is adoption, or other permanent living arrangement other than reunification.~~

~~The Permanency plan of reunification and use of the service agreement may not be appropriate under the following circumstances:~~

- ~~a. Parents are deceased.~~
- ~~b. Parental rights have been involuntarily terminated and no progress has occurred in the interim.~~
- ~~c. When the parent has a diagnosed condition that is not remediable and that is severe enough to prevent adequate parenting, or return to parent is no longer the permanent plan.~~
- ~~d. Parents have voluntarily surrendered their rights.~~
- ~~e. Parents have been unable to benefit from treatment programs, department services, case management activities or other community resources.~~
- ~~f. Parents have caused the death of another child through abuse and neglect.~~
- ~~g. Whereabouts of parents is unknown requiring diligent search for six months.~~
- ~~h. Parent was convicted of a violent felony such as murder, rape, kidnapping, manslaughter, assault with bodily injury.~~

- ~~i. Parents are absent and/or cannot be located.~~
- ~~j. The court has determined that reasonable efforts to maintain the child within the home shall not be required.~~
- ~~k. Termination of parental rights is planned or in progress and the development of a concurrent plan is inappropriate.~~

Exceptions To Reasonable Efforts, Service Agreement, And Reunification As A Permanency Goal

The Department is not required to make reasonable efforts in cases where a court of competent jurisdiction has found that:

- ~~a. A child has been subjected to aggravated circumstances as defined in state law (including, but not necessarily limited to, abandonment, torture, chronic abuse, and sexual abuse).~~
- ~~b. A parent has murdered or committed voluntary manslaughter of another sibling (of a child), has aided, abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter, or if the parent has committed felony assault resulting in serious bodily injury to the child or another child of the parents.~~
- ~~c. A parent's rights to a sibling have been involuntarily terminated~~
- ~~d. If reasonable efforts are determined by court to be unnecessary, not required, a permanency hearing must be held within 30 days of the determination~~

Diligent Searches

The agency must conduct diligent searches for both **birth parents and relatives**. These searches **must be conducted within the first two months** of the child's entry in the foster care system. The agency must document the methods used to conduct the search. The Social Worker must initiate diligent search and document all efforts and outcomes.

Possible sources of information for diligent searches include but are not limited to:

- ~~1. Sending correspondence to all previous addresses.~~
- ~~2. Calling all previous telephone numbers posted in case file.~~
- ~~3. Sending letters to General Delivery' if you think a parent is in another city but have no specific address.~~
- ~~4. Contacting motor vehicle registration.~~
- ~~5. Requesting a record check from various police sources.~~
- ~~6. Writing or contacting the State Department of Labor (local employment service), if you have a social security number.~~
- ~~7. Depending on the history of the parents, contacting prisons, and/or state hospitals.~~
- ~~8. Contacting all known relatives, friends, and previous employers.~~
- ~~9. Checking the telephone directory, county and city directories.~~
- ~~10. Contacting utility companies.~~

- ~~11. Accessing the State and Federal Parent Locator Service through the Child Support Enforcement Division.~~
- ~~12. Accessing the Location Service through contact with your local post office.~~

~~Failure to conduct diligent searches and inquiries may result in both the TPR Judgment and any subsequent adoption decree to be vacated and set aside for jurisdictional defects.~~

~~Parent Locator Service~~

~~The Parent Locator Service must be used to aid in locating absent parents. This service may be accessed through the local (county) Child Support Enforcement office. The MDHS Telephone Directory contains a complete (statewide) listing of these offices. The Child Support Enforcement Division has agreed to assist our staff in locating absent parents and/or relatives who could possibly be placement resources.~~

~~Director's Advisory Committee~~

~~The Director's Advisory Committee on Permanency Planning is referred to as **DACOPP**. This is the former Termination Review Committee. DACOPP consists of representatives from the Administration, Adoption, Family Preservation/Prevention, Foster Care, Foster Care Review, Placement, Protection and Training Units within the Division of Family and Children's Services and a Special Assistant from the Attorney General's Office.~~

~~DACOPP members have been designated by the Director of the Placement Unit to assess the appropriateness of a permanent plan, offer advice and make recommendations to counties regarding a particular case or permanent plan. This committee can assist the county office in expediting permanency for children in care.~~

~~A notice in MACWIS will alert the Permanency Planning Coordinator of a TPR referral. Refer to the appropriate MACWIS screen.~~

~~If the county disagrees with the recommendation or advice received from DACOPP, the county must submit in writing to the Director of the Placement Unit, the reasons for not complying with the DACOPP recommendation or advice. (Refer to Planning for Termination of Parental Rights for in depth information on this committee).~~

~~Case Reviews~~

~~The timely review of case can assist the county in expediting permanency for numerous children. Within 3 months of custody the ASWS must conduct an initial review of the child's plan and any other individual service plans assessing the progress made toward permanency. Within 6 months, a Foster Care Review will be conducted (Refer to Foster Care Review policy).~~

II. Family Engagement

The Worker must engage the family in helping to make permanent goals for the child. The Worker will help develop an Individual Service Plan with the adults, listing tasks and goals needing achievement to facilitate reunification.

A. Completion of the Individual Service Plan (ISP)/ Service Agreement with Adults

The ISP/Service Agreement with adults is an explicit written agreement between the Worker and parents or primary caretakers of child/ren in foster care. The ISP/Service Agreement for parents or primary caretakers addresses the target problems, the goals to be accomplished, the plan/tasks by which those goals will be accomplished, the achievement criteria, and time frames for all parties.

1. *ISP/Service Agreement Time Frame*

The ISP/Service Agreement for adults shall be created and submitted by the Worker within twenty-five (25) calendar days of opening the case, unless the court determines otherwise. This ISP/Service Agreement shall be reviewed and approved by the Supervisor within five (5) calendar days of receiving it from the Worker. The adult ISP/Service Agreement must be approved by the Supervisor and signed by the Worker and adult for it to be a valid agreement. If the adult refuses to sign the ISP/Service Agreement, documentation in  MACWIS should reflect the reason for this refusal.

ISP/Service Agreements are then created, submitted, approved and signed every six months thereafter.

2. *Extraordinary and Compelling Reasons for Extending the Time Frame of the ISP/Service Agreement*

The court must render a judicial determination of any reasons identified by the county for extending the time frame of a service agreement beyond 6 months. The extraordinary and compelling reasons can include, but are not limited to the following examples:

- a. Parents make regular visits/contacts with the child, maintaining a relationship, which benefits the child.
- b. Parent is unable due to no fault of his or her own to enter treatment during the time of the service agreement.
- c. Parents are making diligent efforts and progressing toward completion of the service agreement.
- d. The services needed to reunite the family are not available.
- e. Parent has an illness diagnosed and documented by a physician that temporarily hinders compliance with the service agreement.
- f. Parent is involved in parenting classes, treatment programs, and/or other services which are progressing toward reunification but will not be completed within the six months time frame.

3. *Components of an Adult ISP*

1. Reason for services;
2. Services provided;
3. Educational;
4. Medical;
5. Emotional behavioral issues;

6. Tasks, Plans and Goals;
7. Tasks Evaluation.

4. Adult ISP Selections

There are four types of Adult's ISP. Any of the four selected must be submitted to the Supervisor for approval. Every adult ISP shall be filed with the court of jurisdiction and made available to the birth parents or resource parents upon approval from the court.

a. Initial ISP

In a case where the child in custody has a plan of reunification, an ISP/Service Agreement between the Worker and the parent or primary caretaker is required. This ISP/SA is developed and submitted to the Supervisor within 25 calendar days of the custody date, unless the court determines otherwise. The ISP/SA should be used as a means of facilitating the child/ren's return home to parent or primary caretaker. The parent or primary caretaker shall have a six month period to meet the ISP/SA. At the end of these six months the court may direct DFCS to begin procedures to terminate parental rights or instruct the county to continue to work with the parent or primary caretaker for return of the child to their home.

b. Review ISP

This adult ISP/Service Agreement is an assessment of progress toward permanent plans identified in the Initial ISP/SA. It is submitted and approved every 180 days.

c. Add/Change ISP

This selection is used when direct services change.

d. Final ISP

This ISP is only selected when the case is being closed. All direct services must be closed when the final ISP is selected. Adult ISP'S will remain open until custody of child is removed from the agency or TPR has been accomplished unless otherwise ordered by the court.

B. Completion of a Child/Youth Individual Service Plan (ISP)

Section 43-15-13(3) of the Mississippi Code instructs DFCS to "administer a system of individualized plans every six months for each child under its custody." The purpose is to ensure that the needs of the child are being addressed while in

foster care. If age and/or developmentally appropriate, each child/youth shall be included in developing his/her ISP.

1. Components of the Child/Youth ISP

The ISP of a child/youth in custody of DFCS must include at least the following information:

- o. Discussion of reasons for service.
- p. Services being provided.
- q. Permanent and Concurrent goals.
- r. The compelling reason for the identified permanent goal and why TPR is not in the best interest of the child/youth, if applicable.
- s. Name/type of placement.
- t. Appropriateness of placement/least restrictive (AFCARS).
- u. Visitation Plan.
- v. Health record and discussion of medical issues.
- w. Assessment of potential mental health needs and possible referral for professional mental health services.
- x. Current medication, allergies, and immunization record.
- y. Education record and discussion of educational issues.
- z. If child/youth is 14 years or older, independent living plan. If 16 or older, the transitional living plan.
- aa. Adoption discussion, if applicable.
- bb. Tasks, plans and goals, if appropriate.

2. Child/Youth ISP Selections

There are four types of Child/Youth ISP's. Any of the four selected must be created and submitted by the Worker to the Supervisor for approval.

a. Initial ISP

The Initial ISP is created to achieve permanency for the child/youth. This ISP must be created and submitted by the Worker within twenty (25) calendar days of custody. Along with this ISP, the Worker must also complete and submit the Strengths and Risk Assessment. The Supervisor will have five (5) days from the date submitted to approve and sign the ISP.

If a case changes from a Prevention case to a Placement case, the Worker creates an Initial ISP for the child/youth.

b. Review ISP

This ISP is an assessment of progress towards permanency goals and services. This ISP tickler is sent to the Worker within 150 days from the day child/youth entered custody and every 180 days thereafter. The Worker has twenty-five (25) days to create and submit the Review ISP to the Supervisor and the Supervisor has five (5) days to approve and sign the Review ISP. The Strengths and Risk Assessment is updated and submitted for approval each time the ISP is reviewed. All components of the child's/youth ISP shall be updated.

If the case changes from a Protection case to a Placement case, the Worker selects Review ISP since the circumstances and permanency options for the child/youth change.

c. Add/Change ISP

This ISP is only used when there is a change in direct services to the child/youth, such as a change in the County of Service (COS). This ISP shall be updated or revised within 10 calendar days of the change.

d. Final ISP

This ISP is submitted and approved within ten (10) calendar days of the termination of services to the child. The outcome of placement direct services must agree with the child's/youth's permanency plan. A final Strengths and Risk Assessment shall be completed in conjunction with the Final ISP.

Permanency Plans

III. Permanent Plans

~~When a child has been placed in the Department's custody, the family must be reminded that foster care is a temporary arrangement and not a place for children to grow up. Permanency planning begins immediately. Every child in the Department's custody shall have a permanency plan selected and documented on the Individual Service Plan (ISP) within 30 calendar days of entry into Department's custody. The case record should reflect why a particular plan was selected for a child. Decisions must be made promptly and services provided as quickly as possible to enable the family in crisis to address their problems. Although reunification is the starting point for most cases, permanency is the ultimate goal for each child in custody.~~

Foster care is a temporary arrangement and not a place for children to grow up. Permanency planning begins immediately. Decisions must be made promptly and services provided as quickly as possible to enable the family in crisis to address

problems. Although reunification is the starting point for most cases, permanency is the ultimate plan for each child in custody.

Careful and thorough evaluation must be made of the family's potential and the availability of relative resources in considering the selection of a permanency plan. Diligent searches should be made to locate natural parents and relatives of the child. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child. All of these steps are made with approval from the court of jurisdiction.

~~Permanency plan options are as follows:~~

- ~~1. Reunification~~
- ~~2. Relative Placement~~
 - ~~A. Relative Placement/Adoption~~
 - ~~B. Relative Placement/Durable Legal Custody~~
- ~~3. Durable Legal Custody (Non-Relative)~~
- ~~4. Adoption~~
- ~~5. Emancipation~~
- ~~6. Formalized Foster Care/Long Term Foster Care (Use only in special circumstances)~~

Selecting a Permanency Plan

A. Selection of a Permanent Plan

~~In considering the selection of a permanency plan, careful and thorough evaluation must be made of the family's potential for rehabilitation, the availability of relative resources, and the potential for reunification. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.~~

~~The Social Worker will identify primary and concurrent plans as early as possible, beginning with the initial 30-day assessment process. The primary and concurrent plans will be identified on the child's ISP with the primary plan being listed first. A concurrent plan is identified when the permanency plan is reunification.~~

The County of Responsibility (COR) Worker will identify primary and concurrent plans for the family. After opening the case, the primary and concurrent plans will be identified on the Child's Individual Service Plan (ISP) with the primary plan being listed first.

Every child in the agency's custody shall have a permanency plan selected and documented on the Individual Service Plan (ISP) within 30 calendar days of entry into the agency's custody. Justification for selecting a particular plan is documented along with other pertinent information under the "compelling reasons" radio button in  MACWIS.

B. Permanent Plan Options

Permanent Plans are listed below in order of preference. The Worker and Supervisor must review and eliminate one plan before moving to the next.

- 1. Reunification with a Parent or Primary Caretaker**
- 2. Custody with a Relative**
- 3. Adoption**
- 4. Durable Legal Custody or Legal Guardianship**
- 5. Living Independently**
- 6. Long Term Foster Care**

Factors To Consider when Selecting A Permanency Plan

- ~~1. Age of child.~~
- ~~2. Options available for permanency.~~
- ~~3. Current placement of the child, and the intent of the family regarding support for reunification and interest in serving as a permanency resource through durable legal custody or adoption.~~
- ~~4. Emotional, physical, and mental status or condition of the child.~~
- ~~5. Status of siblings.~~
- ~~6. Types of services previously offered and whether or not the services were successful, and if not, the reason the services failed.~~
- ~~7. The child's health, safety and welfare.~~
- ~~8. Previous placements.~~
- ~~9. Parent's ambivalence and/or relinquishment potential~~
- ~~10. he exceptions to reasonable efforts.~~

Permanency Plans Defined

C. Permanent Plans Defined

~~1. Reunification~~

~~If reasonable efforts are required, reunification should be the first choice as a permanency plan for a child in care. It is selected so that a child can be with the parents. When the parent is able to make progress with the goals identified on the Individualized Service Plan (ISP) and become able to provide a safe living environment for the child, return to the parent should occur. The Social Worker should identify the parent (mother or father) on the child's ISP if Reunification is the permanency plan~~

~~Services to Facilitate Reunification~~

- ~~1. Foster family placement/therapeutic family foster care placement/relative placement~~

- ~~2. Day care~~
- ~~3. Homemaker or caretaker services~~
- ~~4. Family or individual counseling for parents and child(ren)~~
- ~~5. Respite care~~
- ~~6. Parenting skills training~~
- ~~7. Self help groups~~
- ~~8. Community Resources~~
- ~~9. Assessment of strengths and needs~~
- ~~10. Development of goals and activities~~
- ~~11. Provision of, or arrangement for, mental health, alcohol and drug abuse counseling~~
- ~~12. Vocational counseling or rehabilitation~~
- ~~13. Arrangements for access to available financial assistance~~
- ~~14. Family preservation program referral~~
- ~~15. Family support services (including transportation, if needed)~~
- ~~16. Family Team Meetings\concurrent planning~~
- ~~17. Mediation~~
- ~~18. Relinquishment Counseling~~
- ~~19. Visitation~~
- ~~20. Diligent search for parents/relatives~~

1. Reunification with a Parent or Primary Caretaker

Reunification with a Parent or Primary Caretaker should be the first choice as a permanency plan for a child in care. It is selected so that a child can return to the parents or another individual who has been his/her primary caretaker.

a. Definitions

Legal Father "**Legal Father**" is not defined in the Mississippi Uniform Law on Paternity or anywhere else in the Mississippi Code. However, other parts of the Code and our case law lend some help in defining the term.

If the mother of the child is married at the time the child is born, because of Mississippi's strong "presumption of legitimacy", her husband is the child's "legal father". This presumption can be rebutted by proof beyond a reasonable doubt that the child was fathered by another. Otherwise, the "legal father" is:

1. a person who has signed a voluntary acknowledgement of paternity
2. a person who has been adjudicated to be the father of the child
3. a person who has legally adopted the child

Parent is defined as the birth parent, legal parent (as defined by law) or an adoptive parent whether or not they were the caretaker at the time of child's removal from their home.

Primary Caretaker is defined as an individual who provided care of a child the majority of the time prior to child's removal from their home.

Reunification is to return a child to a parent or primary caretaker and discharge custody so that the state no longer has legal custody, care or control of the child.

Completion of the ISP Service Agreement for Parents

~~The ISP Service Agreement **must be completed with each parent within 30 (thirty) calendar days of opening the case.** The ISP for parents should be used as a means of facilitating reunification or to assist the court and the Department in determining whether or not termination of parental rights proceedings should be initiated on the child's behalf.~~

~~*ISP/Service Agreement for Parents Time Frame*~~

~~The child's birth parent(s) will have a reasonable time to seek services and support to be determined by court, except in case of aggravated circumstance prescribed in Section 43 21 603(7) (c) or (d). This time shall not exceed a six-month period of time in which to meet the Service Agreement with the Department for the benefit of the child unless the Department had documented extraordinary and compelling reasons for extending the time period in the best interest of the child. If the Agreement has not been satisfactorily met, simultaneously the child will be referred to the appropriate court for termination of parental rights and placement in a permanent relativists home, adoptive home or foster\adoptive home within six (6) months thereafter. The ISP is to be based on a complete assessment including social history, and possibly a psychological evaluation.~~

~~**Extraordinary and Compelling Reasons for Extending the Time Period of the Service Agreement**~~

~~All Social Workers must exercise caution in this area. The court must render a judicial determination of any reasons identified by the county for extending the time frame of a service agreement. The extraordinary and compelling reasons can include, but are not limited to the following examples:~~

- ~~• Parents make regular visits/contacts with the child, maintaining a relationship, which benefits the child.~~
- ~~• Parent is unable due to no fault of his or her own to enter treatment during the time of the service agreement.~~
- ~~• Parents are making diligent efforts and progressing toward completion of the service agreement.~~
- ~~• The services needed to reunite the family are not available.~~
- ~~• Parent has an illness diagnosed and documented by a physician that temporarily hinders compliance with the service agreement.~~

- ~~Parent is involved in parenting classes, treatment programs, and/or other services which are progressing toward reunification but will not be completed within the six months time frame.~~

Use of ISP/Service Agreement

~~There must be a completed ISP for parents in the case within 30 days of opening the case.~~

~~Section 43-15-13 provides that DHS will review placement of every child in its custody once every six months. It provides that DHS social workers will make all possible contact with the child's birth parents and any interested relative for the first two months following the child's entry into the foster care system, to include newspaper publication if necessary. The parents will have a six month period of time in which to meet the ISP/Service Agreement with the department for the benefit of the child. If this agreement has not been satisfied within the six months, and there are no extraordinary and compelling circumstances for extending that agreement, the department will institute parental rights termination action within six months. For children under 3, TPR will be made within two months after the six month period. The law provides for first priority to be given to relative placement and allows DHS to waive for relative placement any rule or regulation that requires a separate bed or bedroom for the child. The parents must be informed that under State Law (Section 43-15-13, Mississippi Code of 1972, Annotated, as amended) failure to comply with the ISP for parents could result in the termination of their parental rights.~~

Working with other Counties

~~In cases where the parents reside in a county other than the county of responsibility, the two counties should work closely to develop and implement the ISP with parents. Goal setting may be initiated by the county of responsibility, but determination of the agency's role will be made by the county of residence of parents at an early stage of the negotiation to coordinate roles and responsibilities. If the parents live out of state, the county of responsibility may send a proposed ISP to the state of residence if that state agrees to work with the parents.~~

Criteria for ISP for Parents

~~One of the major obstacles standing in the way of permanency for many foster children has been the mutual uncertainty between parents and the agency regarding the criteria for returning foster children to their parents.~~

~~In order to be most effective, ISPs for parents should meet certain criteria, which are expanded upon below. They should be based on consensus between worker and parents, and initiated with respect, and in good faith determine family strengths and resources; relate specifically to major problem areas; be time limited; and include core issues for change; clearly state the intent of the ISP; be flexible; include roles of agency and parents; and be written in clear, understandable, simple language.~~

Statement of Intent

~~The ISP for parents/service agreement should document the understanding between worker and parents that the purpose of this Plan is to work toward~~

returning the child home, but it does not promise return if the requirements are met. If the ISP addresses the real barriers to the child's return, and the parent successfully carries out the requirements of the ISP, then a recommendation for return of custody to the parents should follow. The Agency must retain the responsibility of making a final evaluation of the situation, and to respond to new information or events.

If termination of parental rights is a real possibility in a case, then parents must be informed so the likelihood is increased that they will understand this, and this understanding or lack of agreement should be documented as part of the ISP/Service Agreement. Parents should be informed of the purpose and the intent of the ISP/Service Agreement and why it is important to comply with the terms agreed upon.

Roles Specified

The written ISP for parents should reflect the fact that parent and caseworker share the responsibility for meeting the tasks of the plan and treatment program. The ISP should list the services and support which the worker and Department will provide to assist the parents, along with the tasks the parents are to accomplish. Parents should be informed of the part or role they, the Social Worker and other involved parties play in completing or not completing the tasks identified on the ISP/Service Agreement for Parents.

Flexible

Once the ISP for parents is written, it should be viewed as a document that is flexible and can be changed. Provisions should be reviewed routinely and modified as necessary to reflect the current realities of all parties involved. Time Frame

Components Of ISP For Children

The custody ISP must include at least the following information:

14. Description of the initial services needed and offered and the services provided to ensure safety of the child, and prevent removal of the child from the home.
15. Documentation of the steps the agency is taking to find an adoptive permanent home, place the child with an adoptive family, durable legal custody or other permanent home and finalize the adoption if child cannot return safely to parents/relatives within the legal time frame or if reasonable efforts are not required.
16. Discussion of the reasons why it was necessary to place the child to ensure the child's safety and well being.
17. Description of the type of home/facility in which the child has been/is to be placed to ensure the child's safety and well being.

- ~~18. Discussion of the safety and appropriateness of the placement to ensure the child's safety and well-being and how the agency plans to carry out the judicial determination made with respect to the child.~~
- ~~19. The plan for assuring the child receives proper care and services and services are provided to the parents in order to improve the conditions in the parent's home to facilitate the child's return to his own safe home.~~
- ~~20. The initial permanency plan for the child and an alternate plan in case it is needed.~~
- ~~21. Description of the appropriateness of services being provided to the child, parents, and foster parents in order to improve the conditions in the home, facilitate the return of the child to his birth family and safe home, or facilitate another identified permanent plan (may refer to the ISP for parents, for description of services provided to parents and/or foster).~~
- ~~22. For a child age 16 or over, a description of the programs and services which will help child prepare for transition from foster care to independent living.~~
- ~~23. A discussion of the strengths and needs of the child while in foster care, the appropriateness of the services to be offered or which have been offered assuring that the child receives safe and proper care and services.~~
- ~~24. An evaluation of whether the placement is safe, least restrictive and most appropriate.~~
- ~~25. A statement regarding the nearness of the placement to the parent's location, discussion of why the child was not placed in closer proximity to the parent's home and set forth the reasons why such a placement (including out-of-state) is appropriate and consistent with and in the best interest and special needs of the child.~~
- ~~26. Visitation plan, specifying the time and location for visits. This plan should include a minimum of one visit per month (unless ordered otherwise by the court). Family Centered Permanency Planning encourages more frequent visitation to maintain and establish attachment and achieve reunification.~~

Revising The ISP For Children

~~The ISP for children is completed within 30 calendar days of the child's entry into custody and is updated every 180 days unless changes occur with the child, the placement, or the child's family. A complete review of the child's plan must be completed by the social worker within 180 days of initiation. The social worker must address progress made toward permanency and address current status of services provided and services needed. The ASWS must approve or disapprove of each review. If changes occur, the ISP is updated or revised within 30 (thirty) days of the change with the child, the family or the placement. Each child's plan (ISP) shall be filed with the court which awarded custody and shall be made available to the birth parents or foster parents upon approval of the court. The Foster Care Reviewer will file this information with the court.~~

~~—————Quarterly Reports—Out of State Placement~~

~~If a child has been placed in foster care outside the state where the parents reside, the social worker or supervising state must visit the child quarterly and submit a report on such visit to the state agency of the state where the child's parents are located.~~

~~— Court~~

~~The Court shall make a finding as to the degree of compliance by the agency and the parent(s) with the child's Individual Service Plan.~~

~~*The Mississippi Code Annotated Section 43-15-13 (6) stipulates that the Department shall give first priority to placing a child in the home of one (1) of the child's relatives within the third degree, as computed by the civil law rule. In placing a child in a relative's home, the Department may waive any rule, regulation or policy applicable to placement in foster care that would otherwise require the child to have a separate bed or bedroom or have a bedroom of a certain size, if placing the child in a relative's home would be in the best interest of the child and such requirements cannot be met in the relative's home.*~~

~~— Achievement Criteria~~

~~Reunification will be considered achieved if custody is returned to the parent without Department supervision. Placement with the parent is intended to be permanent.~~

~~**Social Workers' Responsibilities**~~

- ~~1. Identify and assess the problem(s) which led to the need for foster care, the actions needed to correct the problem, and activities to be performed by all parties involved.~~
- ~~2. Complete the ISP for children and the ISP\Service Agreement for parents within 30 calendar days of the child's entry into custody. Inform parents that under State Law, failure to comply with the ISP\Service Agreement could result in the termination of their parental rights. The ISP\Service Agreement is not to exceed a six month period of time unless the Department has documented extraordinary and compelling reason(s) for extending the time period.~~
- ~~3. Identify a permanency plan and an alternate plan with the parents, interested relatives, foster/adoptive parents, and child. Select a concurrent plan for each child in caseload within thirty (30) days of each child coming into foster care. Reassess in three months and/or during each case review.~~
- ~~4. Review, evaluate, update and/or revise the ISP\Service Agreement for Parents every three (3) months, and the ISP\Custody Case Plan for Children every six (6) months.~~
- ~~5. Place the child in the same county as the birth parents if possible. If not possible, document the reasons why and attempts to find placement as close as possible.~~

- ~~6. Place siblings together with the same foster care resource family. If not placed together, document reasons why and efforts made to keep the siblings together, consider placements which are geographically close together.~~
- ~~7. Develop with the parent, child, foster parents, and other involved parties, a visitation plan. All visitation during a child's stay in foster care should be held in the most natural setting possible (birth family's home, home of a relative, foster home). The visitation schedule must be clearly specified on the ISP for parents and the ISP for children.~~
- ~~8. Facilitate a working relationship between the child and his family (including siblings and extended family).~~
- ~~9. Arrange for siblings who are separated in foster care to visit and have contact as much as possible either through visits, phone calls or letters.~~
- ~~10. Conduct diligent search for absent parents and interested relatives.~~
- ~~11. Arrange for paternity to be established.~~
- ~~12. Acknowledge, applaud and document all activities/tasks achieved on the ISP/Service Agreement with parents. Openly discuss the tasks not completed reminding parents that failure to complete all tasks on the ISP can result in the parent's rights being terminated.~~
- ~~13. Evaluate and/or revise the ISP/Service Agreement every three (3) months and the ISP for children every six (6) months.~~
- ~~14. Inform the parents of any changes in the child's circumstances, illnesses during placement, changes in placement, school performances, emotional difficulties, health, etc.~~
- ~~15. Inform the parents of their responsibility to financially support the child while in foster care.~~
- ~~16. Have medical and dental examinations and psychological and educational assessments completed, and clothing vouchers, and allowances issued.~~

b. *Worker's Responsibilities in Achieving Reunification*

1. Identify and assess the problem(s) which led to the need for foster care, the actions needed to correct the problem, and activities to be performed by all parties involved.
2. Complete the ISP for children and the ISP/Service Agreement for parents within 30 calendar days of the child's entry into custody. Inform parents that under State Law, failure to comply with the ISP/Service Agreement could result in the termination of their parental rights. The ISP/Service Agreement must not exceed a six month period of time unless the agency has documented extraordinary and compelling reason(s) for extending the time period.
3. Establish a permanency plan with the parents, primary caretakers, interested relatives, resource parents, and child. Establish a concurrent plan for each child in caseload within thirty (30) days of each child coming into foster care. Reassess in three months and/or during each

case review in conjunction with the Strengths and Risk Assessment and each case review.

4. Review, evaluate, update and/or revise the ISP/Service Agreement with the parents every six (6) months, and the ISP/Custody Case Plan for children every six (6) months.
5. Place the child in the same county as the birth parents or primary caretakers, if possible. If not possible, document the reasons why and attempt to find placement as close as possible. Placement outside a fifty (50) mile radius must be approved by the COR Supervisor and Regional Director.
6. Place siblings in custody together with the same resource family. If not placed together, document reasons why and efforts made to keep siblings together. Placements which are geographically close should be considered first. Any exception to placing siblings together shall have the COR Supervisor and Regional Director's approval. Arrange for siblings who are separated in foster care to visit monthly, face to face, or have contact either through visits, phone calls or letters.
7. Develop with the parent, child, resource parents, and other involved parties, a visitation plan. The visitation schedule must be clearly specified on the visitation plan which must be documented in  MACWIS.
8. Conduct diligent search for absent parents, primary caretakers, interested relatives and other individuals who have significant connections to the child. Conduct diligent searches for paternal relatives, also.
9. Refer for paternity to be established, if questionable.
10. Inform the parents of any changes in the child's circumstances, major illnesses and/or hospitalizations during placement, changes in placement, school performances, emotional difficulties, health, etc.
11. Inform the parents of their responsibility to financially support the child while in foster care.

c. Achievement Criteria

Reunification will be considered achieved when custody is granted to a parent or primary caretaker.

2. Relative Placement

2. Custody with a Relative

~~If it appears that placement is needed and reunification is not feasible within a short period of time, the first choice for placement is placement with relatives. When a child is placed out of the home, it should be in the most familiar environment possible. The extended family of the child is the obvious choice of preference, if such a placement can be identified and safely maintained. All known relative resources must be explored during the child's first two months and continue during time in custody, and the results must be documented in the case record.~~

The Social Worker should identify the name of the relative and whether the relative is maternal or paternal on the child's ISP if the plan is relative placement.

Placement with relatives should be considered when:

- Placement with the parent is not possible
- Placement with relative will assure a safe environment for the child.
- A relative has indicated a willingness to care for the child and serve as a permanency resource if the child cannot return home within the time frame established by law.
- The child has a connection to family resources and is assessed to better tolerate the loss of parents through placement with these relatives.
- It is unlikely that the parents will attempt to interfere with the placement

Relatives should always be encouraged to consider the permanency options including adoption or durable legal custody when the child or children placed in their care cannot return to their birth parents within the time frames established by law.

The relative must be informed of his/her potential eligibility for either TANF or a foster board payment. The following procedures should be followed:

- Explain minimum standards, board payment, county services and supervision, and
- Implications of legal custody being held by the Department.
- Follow the procedures for licensing a foster home if the relatives wishes to apply for a foster home license.
- If the home is licensed, follow the usual procedures of notifying the Judge and receiving approval for the plan. **DO NOT ASK FOR RELEASE OF CUSTODY.**
- Upon approval by the court, the child may be placed with the relative, processing all forms as with any foster home.
- If the relative's home is not licensed or if they choose not to apply for a license, the worker must inform them of their right to apply for TANF and follow the usual procedure of reporting to the court and asking for a transfer of custody, if possible.

It is essential that Economic Assistance staff be notified of the plan, so the foster board and TANF payments dates are effected and coordinated.

If the relative is approved as a foster parent, the child remains in the custody of the Department. Relative placement is not permanency, it is simply relative care since the Agency still has custody. The child will continue to receive all benefits that accrue to foster children including the right to an administrative review each six months.

It is preferable that the relative holds legal as well as physical custody. The need for the Department to maintain legal custody must be carefully evaluated initially and at least annually thereafter.

~~A. Relative Placement/Adoption~~

~~A child is placed with relatives who have adequate resources and plan to adopt the child. A TPR petition is or will be filed by the County with the intent of the child being adopted by the relatives where the child has been placed. Parents are informed of the option to voluntarily relinquish their parental rights so a relative may adopt. The Social Worker should identify the relative who plans to adopt and indicate if it is a paternal or maternal relative.~~

~~B. Relative Placement/Durable Legal Custody~~

~~See Mississippi Code Annotated Section 43-21-609 (b). A child is placed in the physical custody of a relative for one year under DHS supervision and the relative is willing to provide care and permanency for the child. The County should pursue Durable Legal Custody when it is not in the best interest of the child or family to have parental rights terminated. Durable legal custody would give the relative custody and release the Department from any monitoring, supervision or any other oversight responsibilities of the case and family. The social worker should identify the relative who will be given durable legal custody and indicate paternal or maternal relationship on the child's ISP~~

~~Achievement Criteria - Relative Placement~~

~~The plan of relative placement is not actually achieved if the child is still in Agency's custody. It is preferable that the relative has legal as well as physical custody through durable legal custody. Relative placement/adoption is achieved when the adoption is finalized. Relative placement/durable legal custody is achieved when the agency is relieved of custody and supervision of the case.~~

For the Worker to make the child's goal Custody with a Relative, the Worker must be seeking to identify relatives, other than the one from whose home the child was removed, to take custody of the child or to whom the child can be "discharged".

Relative other than the one from whose home he/she was removed includes step-parents and other relatives who were not the principal caregivers at the time of the removal. It does not include birth, legal or finalized adoptive parents.

Discharged means DFCS no longer has legal authority for the placement and care of the child.

If it appears that placement is needed and reunification is not feasible within a short period of time, the first choice for placement is with relatives. When a child is placed out of the home, it should be in the most familiar environment possible.

Social Workers' Responsibilities In Achieving Relative Placement

- ~~1. Enlist the parent's cooperation in identifying all possible relative resources (in and out of state) and make contact with them in a timely manner to determine if placement is desirable. The social worker must conduct a diligent search for the birth parents and all relatives during the child's first two months in custody and continue the search during the child's time in custody.~~

- ~~2. Develop with the child, relatives and parents, an ISP identifying activities needed to be performed by all parties to accomplish the plan of relative placement.~~
- ~~3. Document all activities.~~
- ~~4. Maintain contact with parents continuing the visitation unless otherwise discontinued by order of the court.~~
- ~~5. Obtain approval of the plan from the court and/or Foster Care Review Board (FCRB).~~
- ~~6. Provide any support, referrals and/or financial services to sustain the placement.~~
- ~~7. Conduct a home evaluation including police and backgrounds checks of any and/or all relatives regardless of whether relative is seeking foster home licensing or not. The home evaluation must include an assessment of the safety of the home.~~
- ~~8. Inform the court of the relatives' interest and ability to adopt or to assume durable legal custody.~~

a. *Worker's Responsibilities In Achieving Custody to a Relative*

1. Enlist the family's cooperation in identifying all possible relative resources (in and out of state) and make contact with them in a timely manner. The Worker must conduct a diligent search for the birth parents and all relatives immediately after removal of child or at least during the child's first two months in custody and continue the search during the child's time in custody.
2. Conduct a home evaluation including police and backgrounds checks of any and/or all relatives being considered. The home evaluation must include an assessment of the safety of the home.
3. Document all efforts to engage families in the planning and development of child's permanent and concurrent plans.
4. Obtain approval of the plan from the court.
5. Provide support, referrals and/or financial services, when accessible and/or available.
6. Inform the court of the relatives' interest and ability to assume custody.

b. *Achievement Criteria – Custody with a Relative*

This goal is achieved when the child has been “discharged” from foster care. *Discharged* means DFCS no longer has legal authority for the placement and care of the child. A court order, temporary protective custody or voluntary placement agreement would be required to remove the child from the relative's home after the child has been “discharged” to that relative. When the child is “discharged”, the relative receives temporary legal and physical custody of the child or legal custody through the appropriate courts.

3. ——— **Durable Legal Custody (Non-Relative)**

~~As amended in Sections 43-21-105, 43-21-609 and 43-21-613 of the Mississippi code of 1972, Annotated in the 1998 Session of the Legislature as a part of Senate Bill 2173, Durable Legal Custody means the legal status created by a court order which gives the durable legal custodian the responsibilities of physical possession of the child and the duty to provide him with care, nurture, welfare, food, shelter, education and reasonable medical care. All these duties as enumerated are subject to the residual rights and responsibilities of the natural parent(s) or guardian(s) of the child or children. If the court finds that relative placement, adoption or foster care placement is inappropriate, unavailable or otherwise not in the best interest of the child, durable legal custody may be granted by the court to any person subject to any limitations and conditions the court may prescribe; such durable legal custody will not take effect unless the child or children have been in the physical custody of the proposed durable custodians for at least one (1) year under the supervision of the Department of Human Services. The requirements of Section 43-21-613 as to disposition review hearings do not apply to those matters in which the court has granted durable legal custody. The social worker should identify the name of the non relative who will be given durable legal custody.~~

~~In such cases, the Department of Human Services will be released from any oversight or monitoring responsibilities. The birth parents maintain their parental rights.~~

~~————— *Requirements For Durable Legal Custody*~~

~~The court must find that relative placement, adoption or foster care placement is inappropriate, unavailable or otherwise not in the best interest of the child.~~

~~The child must have been in the custody of the person for one year under MDHS supervision before Durable Legal Custody can be granted.~~

~~**Achievement Criteria (Non-Relative Durable Legal Custody)**~~

~~Durable Legal Custody is achieved after the court grants durable custody. No further review hearings are necessary and MDHS is relieved of custody of the child and from any oversight or monitoring responsibilities~~

4. ——— **Adoption**

~~If reunification or Durable Legal Custody cannot be accomplished, then the family situation must be evaluated regarding legal grounds for termination of parental rights. If there are legal grounds for termination of parental rights, a referral must be made to the Placement/Permanency Planning Unit. If a parent wants to relinquish his/her rights to a child or children, written permission must be received from the Placement Unit prior to accepting a Voluntary Surrender of Parental Rights MDHS SS 459. If county staff needs assistance in determining the sufficiency of legal grounds, a referral should be made to the Placement/Permanency Planning Unit asking that such a determination be made. The case will be scheduled for DACOPP review. Refer to Volume IV, Section D for information regarding termination of parental rights.~~

~~————— *Documentation of Efforts to Adopt*~~

~~For every child whose permanency plan is adoption or another permanent placement, the Department is required to document the steps taken to find an adoptive family or permanent home. The documentation must include child~~

~~specific recruitment efforts such as Adoption Resource Exchange, Internet, newspaper, picnic, media and/or other activities to identify an adoptive family for a child. Reasonable effort to place a child for adoption or through Durable Legal Custody should be made concurrently with reasonable efforts to reunify. The social worker must identify the name of the adoptive family on the child's ISP.~~

~~*Achievement Criteria*~~

~~The goal of adoption is considered achieved when the child is placed with an adoptive family and the adoption has been finalized.~~

~~**Social Workers Responsibilities in Achieving Adoption**~~

- ~~1. Recognize through concurrent planning, when adoption appears to be the most appropriate and feasible plan for the child.~~
- ~~2. Engage parents in a discussion on optional voluntarily surrender of their parental rights. If the parents want to surrender, obtain permission from the Director of the Placement Unit prior to the parents signing any documents.~~
- ~~3. Prepare and submit to the Placement/Permanency Planning Unit a complete Termination of Parental Rights (TPR) referral within 30 calendar days after adoption becomes the permanent plan through the county's decision, order of the court, or recommendation of the Dispositional FCRB.~~
- ~~4. Discuss the plan of adoption with the child, parents and foster parents. Ascertain whether or not the foster parents are interested in adopting the child.~~
- ~~5. Assist in preparation of child and family for adoption.~~
- ~~6. The county of responsibility social worker must notify their regional adoption worker to state that the child's primary plan is now adoption. The adoption worker will make arrangements through the county of responsibility to have a face to face counseling session with these children if they are 14 years of age or older to discuss adoption issues.~~
- ~~7. The adoption worker will annually, thereafter, hold a conference with the child to discuss adoption issues.~~

3. Adoption

Each family's situation shall be evaluated to determine if adoption is the most appropriate plan. If it is determined to be in the child's best interest, a referral for Termination of Parental Rights (TPR) shall be made. Section 43-15-13(3) of the Mississippi Code states if a child has been in foster care for fifteen (15) of the last twenty-two (22) months regardless of whether the foster care was continuous for all of these 22 months, DFCS shall file a petition to terminate the parental rights of the child's parents. The time period starts to run from the date the court makes a finding of abuse and/or neglect or sixty (60) days from when the child was removed from his or her home, whichever is earlier. The law goes on to state that DFCS can choose not to file a termination of parental rights petition if the following apply:

- (a) The child is being cared for by a relative; and/or
- (b) The agency has documented compelling and extraordinary reasons why termination of parental rights would not be in the best interests of the child.

If Reunification, Durable Legal Custody or Legal Guardianship cannot be accomplished, then the family situation must be evaluated regarding legal grounds for termination of parental rights. If there are legal grounds for termination of parental rights, a referral must be made to the Placement Unit. If a parent wants to relinquish his/her rights to a child or children, written permission must be received from the Placement Unit prior to accepting a Voluntary Surrender of Parental Rights MDHS-SS-459. If county staff needs assistance in determining the sufficiency of legal grounds, a referral should be made to the Placement Unit asking that such a determination be made. Refer to Subsection IV of Case Planning policy for information regarding termination of parental rights.

a. COR Worker's Responsibilities in Achieving Adoption

1. Recognize through concurrent planning, when adoption appears to be the most appropriate and feasible plan for the child.
2. Engage parents in a discussion on optional voluntarily surrender of their parental rights. If the parents want to surrender, obtain permission from the Director of the Placement Unit prior to the parents signing any documents.
3. Prepare and submit to the Placement Unit a complete Termination of Parental Rights (TPR) referral within 30 calendar days after adoption becomes the permanent plan through the county's decision, or order of the court.
4. Discuss the plan of adoption with the child, parents and resource parents. Ascertain whether or not the resource parents are interested in adopting the child.
5. Assist in preparation of child and family for adoption.
6. The COR Worker must notify his/her Regional Resource Supervisor that the child's primary plan is now adoption.

b. Resource Family Worker's Responsibilities in Achieving Adoption

1. Make arrangements with the COR for a face to face visit with the child whose plan is adoption.
2. Make diligent efforts to recruit a permanent home, within 90 days of plan becoming adoption if child's current resource family (foster, adoptive or relative) is not appropriate for adoption. Enter these diligent efforts into the narrative section of MACWIS.
3. Obtain approval of the proposed placement from COR Supervisor prior to pre-placement activities.
4. Coordinate with COR the pre-placement visits and activities between the child and the pre-adoptive family.

5. Make written notification to the COS that child has been placed in the county, if Resource Family Worker must place child outside COR.
6. Hold an annual conference with the child to discuss adoption issues and document such discussion in  MACWIS.

c. Achievement Criteria

The plan of adoption is considered achieved when the child is placed with an adoptive family and the adoption has been finalized. The COR Worker will document in  MACWIS the dates in the legal history detail tab.

d. Documentation of Efforts to Adopt

For every child whose permanent plan is adoption, the Resource Family Worker is required to document  in child's narratives the steps taken to find an adoptive family or permanent home. The documentation must include child specific recruitment efforts such as Adoption Resource Exchange, internet, newspaper, adoption picnic, media and/or other activities to identify an adoptive family for a child.

4. Durable Legal Custody or Legal Guardianship

Durable Legal Custody

As amended in Sections 43-21-105, 43-21-609 and 43-21-613 of the Mississippi code of 1972, Annotated in the 1998 Session of the Legislature as a part of Senate Bill 2173, Durable Legal Custody means the legal status created by a court order which gives the durable legal custodian the responsibilities of physical possession of the child and the duty to provide him/her with care, nurture, welfare, food, shelter, education and reasonable medical care. All these duties as enumerated are subject to the residual rights and responsibilities of the natural parent(s) or guardian(s) of the child or children. If the court finds that relative placement, adoption or foster care placement is inappropriate, unavailable or otherwise not in the best interest of the child, durable legal custody may be granted by the court to any person subject to any limitations and conditions the court may prescribe; such durable legal custody will not take effect unless the child or children have been in the physical custody of the proposed durable custodians for at least one (1) year under the supervision of the Agency. The requirements of Section 43-21-613 as to disposition review hearings do not apply to those matters in which the court has granted durable legal custody. The Worker should identify the name of the individual who will be given durable legal custody.

Legal Guardianship

SEC. 475. (7) [42 U.S.C. 675] defines legal guardianship as "a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of

the person, custody of the person, and decision making. The term 'legal guardian' means the caretaker in such a relationship.”

With either goal, the Agency will be released from any oversight or monitoring responsibilities. The birth parents maintain their parental rights.

a. Worker's Responsibility in Achieving Durable Legal Custody and or Legal Guardianship

1. Enlist the family's cooperation in identifying all possible relative resources (in and out of state) and make contact with them in a timely manner. The Worker shall conduct a diligent search for the birth parents and all relatives immediately after removal of child or at least during the child's first two months in custody and continue the search during the child's time in custody.
2. Conduct a home evaluation including police and backgrounds checks of any and/or all relatives being considered. The home evaluation must include an assessment of the safety of the home.
3. Develop with the child, relatives and parents, an ISP identifying activities needed to be performed by all parties to accomplish the goal of durable legal custody and/or legal guardianship.
4. Document all efforts to engage families in the planning and development of child's permanent and concurrent plan.
5. Obtain approval of the plan from the court.
6. Provide support, referrals and/or financial services, when accessible and/or available.
7. Inform the court of the identified individuals' interest and ability to assume durable legal custody and/or legal guardianship.

b. Achievement Criteria - Durable Legal Custody or Legal Guardianship

Durable Legal Custody or Legal Guardianship is achieved after the court grants custody to the placement resource. No further review hearings are necessary. The Agency is relieved of custody of the child and from any oversight or monitoring responsibilities.

5. ——— Emancipation

~~Emancipation means that a youth is legally considered and recognized by the court as an adult. In most cases, turning 18 means emancipation from the foster care system, however, in Mississippi, the law considers a youth an adult at different ages for different reasons.~~

~~It is possible that a youth could remain in foster care until age 21, if the youth is in the process of continuing his/her education, or if the court determines that the youth requires continued supervision. A Chancery Court Order is needed in such cases prior to the time the child turns 20.~~

~~Pursuant to Section 43-21-151 of the Youth Court Act, jurisdiction of the Youth Court terminates by operation of law upon the child's twentieth birthday.~~

~~A child may continue to receive a foster board payment and Medicaid through the month in which the youth reaches his/her 20th birthday under the following conditions:~~

- ~~4. The child is a student in an educational or vocational training facility.~~
- ~~5. The child is in need of the continuing supervision of the foster parents and the services of the Department.~~
- ~~6. The decision to continue the foster board payment is a casework decision and must be approved by the Area Social Work Supervisor (ASWS).~~

~~—— *Personal Documents to Be Given to A Youth Upon Discharge from Custody*~~

- ~~a. Birth certificate~~
- ~~b. Social security card~~
- ~~c. School documents~~
- ~~d. Medical history information~~
- ~~e. Birth family information~~
- ~~f. Any life books compiled during youths stay in custody~~
- ~~g. Copy of any court orders~~

~~—— *Achievement Criteria*~~

~~Emancipation is achieved when the Department of relieved of custody and any responsibilities regarding the youth and/or case.~~

~~**Social Worker's Responsibilities - Emancipation**~~

- ~~1. Prepare summary for the court (for the youth being emancipated) outlining how the youth will support him\herself financially upon emancipation, including the support system, living arrangements, educational plan, means of transportation, medical and/or dental coverage, any employment opportunities, and any information available to indicate that the youth has the ability and resources to live independently without any MDHS involvement or assistance.~~
- ~~2. Supply the youth with a list of community resources suitable to meet the youths' future needs.~~
- ~~3. Ensure that services are provided for the youths to make the transition from foster care to emancipation and whether this transition is in the child's best interest.~~
- ~~4. Develop a plan with the youth, parents and foster parents to achieve the plan of emancipation, actively seeking the support of the parents in the process.~~
- ~~5. Let the youth know that he\she can contact the worker when needed.~~
- ~~6. Make sure the youth receives start-up stipend, and any other resources available through the Department.~~
- ~~7. Document the preparation being made with the youth to help the transition from care to emancipation.~~

5. Living Independently

The plan of Living Independently may only be considered if the youth in care is age 16 or older. If this appears to be the best plan for the youth and all other permanency plan options have been explored and eliminated, a plan of living independently must be approved by the Worker's Supervisor and Regional Director.

It is possible that a youth could remain in foster care until age 21 if the youth is in the process of continuing his/her education, or if the Chancery Court determines that the youth requires continued supervision. A Chancery Court Order is needed in such cases prior to the date the child turns 20. Pursuant to Section 43-21-151 of the Youth Court Act, jurisdiction of the Youth Court terminates by operation of law upon the child's twentieth birthday.

a. Worker's Responsibility in Achieving Living Independently

1. Prepare summary for the court (for the youth being emancipated) outlining how the youth will support him\herself financially upon release of custody. The summary should include the support system, living arrangements, educational plan, means of transportation, medical and\or dental coverage, any employment opportunities, and any information available to indicate that the youth has the ability and resources to live independently without any Agency involvement or assistance.
2. Supply the youth with a list of community resources suitable to meet the youth's future needs.
3. Ensure that services are provided for the youth to make the transition from foster care to living independently and whether this transition is in his/her best interest.
4. Develop the plan of living independently with the youth, parents and foster parents, actively seeking the support of the parents in the process.
5. Let the youth knows they can contact the worker when needed.
6. Make sure the youth receives start-up stipend, and any other resources available through the Agency.
7. Document the preparation being made with the youth to help them transition from care to living independently.
8. Prepare a written justification for goal and forward to the COR Supervisor containing the following information:
 - A. Why the youth cannot return to parent(s) or primary caretaker.
 - B. Why the youth cannot be placed with relatives for custody, legal guardianship or durable legal custody.
 - C. Why the youth cannot be freed for adoption.
 - D. The relationship between youth and current placement resource.
 - E. A plan of continued contact with parent(s), primary caretaker, siblings, relatives and other connections.

b. Achievement Criteria – Living Independently

Living independently is achieved when the Agency is relieved of custody and any responsibilities regarding the youth.

6. ~~Formalized/Long Term Foster Care~~

~~If none of the above listed alternatives are available for the child, or the child does not wish to be adopted, county staff will evaluate the possibility of a formalized foster care agreement for a long term foster care arrangement with the child's current foster parent(s). There may be a few children whose situations are such that no alternative plan is possible. If this is the case, then formalized\long term foster care is the plan.~~

~~Formalized\Long Term Foster Care is an agreement entered into by the Agency, the foster parent(s), the child, and whenever possible, the birth parents in order to establish a commitment to a stable, long term foster care placement. It is not a legally binding document, and it is to be considered only as the last alternative when return home, relative placement, durable legal custody and adoption are not appropriate or possible. However, there may be instances where, after the formalized\long term foster care plan has been made, the legal parent's or child's circumstances may change and reunification, durable legal custody or adoption becomes a more appropriate plan, and formalized\long term foster care may be terminated.~~

~~Formalized\long term foster care is planned and occurs when a child cannot be placed with the parent, guardian, or relative, and the child is not a candidate for adoption. The agency retains custody until the child is emancipated. A formalized\long term foster care agreement indicates the intent of the child, the foster parents, birth parents, for the child to remain in one foster home placement as long as foster care is needed. Although placement in a permanent foster family home is not a preferred permanency plan, it can be an appropriate one for some children.~~

~~This type of permanent arrangement is considered appropriate only for a relatively small number of foster children. Two categories of children are not eligible for Formalized\Long Term Foster Care:~~

- ~~1. Children younger than 14 years of age are not eligible because the more stable permanent arrangement, adoption, is the goal of choice for those children when reunification or placement with relatives is not possible.~~
- ~~2. Children voluntarily placed into foster care through the use of Form MDHS-SS-456 and without a formal court order, are not eligible because of the temporary status of their custody.~~

~~In the event of unusual circumstances or in cases where siblings are involved, a waiver to any of the above categories may be approved by the Placement Director. This type request will be forwarded to the Placement Director by the Regional Director.~~

~~For those children who do qualify, formalized\long term foster care represents an increased sense of security and belonging because of the foster parent's and/or relative's long term commitment to the child. Foster parents entering the agreement automatically assume a greater role in the child's life and accept increased responsibility for total care and planning. Birth parents benefit by knowing that their child is in a stable arrangement and that their responsibilities have been limited and clarified. The Department continues~~

~~to hold legal custody and coordinate visitation but, in general, the Department assumes a much less active role in the case.~~

~~The two methods for receiving authorization for a formalized\long term care plan are as follows:~~

- ~~1. If formalized\long term foster care appears to be the best plan for the child and the foster parent(s) are in agreement, and if the child qualifies, the county social worker prepares and forwards to ASWS a written request and a summary which contains the following:
 - ~~a. why the child cannot return to parent(s)~~
 - ~~b. why the child cannot be placed with relatives for durable legal custody or adoption.~~
 - ~~c. why the child cannot be freed for adoption or if adoption may be possible but the child is age 14 or older and does not wish to be adopted~~
 - ~~d. relationship between child, foster family and/or relatives.~~
 - ~~e. plan for continued contact with parent(s) siblings and relative(s)~~~~

~~The request and summary, if approved, are submitted by the ASWS to the Regional Director.~~

~~If the Regional Director concurs with the plan, this will be indicated and notification of approval or disapproval by the Regional Director will be sent to the County.~~

- ~~2. If the Foster Care Review Board indicates or recommends formalized\long term foster care as the plan for the child, the child's case will be evaluated by the ASWS. If the child meets the criteria for a formalized\long term foster care plan, the ASWS may approve the plan. This method does not require the summary indicated in the above method.~~

~~Regardless of the method used for approval, the social worker should have a thorough discussion with the child to explain why the other permanency plans of reunification, relative placement, and adoption are not appropriate.~~

~~Upon receiving approval for a formalized\long term foster care plan through one of the above two methods, the social worker shall fully discuss with each party the terms described on the Form MDHS SS 462, Formalized\Long Term Foster Care Agreement, and determine understanding of their willingness to enter into such an agreement before signatures are obtained. In order for the agreement to be considered valid, the Form MDHS SS 462 must be signed by the foster parent(s), the child, the Social Worker, and the ASWS.~~

~~The county social worker should make every effort to secure the legal parents' approval of the formalized\long term foster care goal and obtain their signature(s) on the Form MDHS SS 462, because their cooperation in the plan will strengthen the placement. In instances in which the natural parents cannot be located or when they refuse to accept the terms of the agreement, it may be desirable to enter into the formalized\long term foster care plan without their participation.~~

~~After the agreement has been properly signed, copies should be routed to all appropriate parties, such as the child, foster parents, birth parents (if they signed the agreement), and a copy filed in the case record.~~

~~Even though extra work may be required to secure this type of permanent arrangement, Formalized\long term foster care offers important advantages to the Department:~~

- ~~a. In many cases the visitation between the foster child and his legal parents(s) and relative(s) can be managed by the foster parents. It may be necessary for the Department to continue to coordinate visitation whenever direct contacts between relatives and foster parents are not desirable or whenever legal parents and foster parents cannot agree to a schedule of visitation.——~~
- ~~b. Foster parents assume increased responsibility in meeting the child's needs. However, foster parents must continue to request approval from the county in such matters as medical treatment, out of state travel, and the permanent move of a foster child out of state with the foster parents.~~

~~When the permanency plan is formalized\long term foster care, the majority of the activities provided by the Department should be designed to help the parents maintain a relationship with the child. This relationship does not have to include active parenting. Even if the parent's involvement is sporadic, visitation should be encouraged and addressed in the child's ISP.~~

~~——~~ *Achievement Criteria*

~~This plan is considered achieved when the Formalized\Long Term Foster Care Agreement, Form MDHS SS 462 is signed by the child, the foster parents, ASWS (and birth parents if they are participating in the agreement).~~

6. Long Term Foster Care

If none of the above listed alternatives are available for the youth, the Worker will evaluate the possibility of a long term foster care arrangement with the youth's current placement resource. If this is the case, then long term foster care is the plan and the agency may retain custody until the youth can live independently. This type plan is considered appropriate only for a relatively small number of foster children.

There may be instances where, after the long term foster care plan has been made, the legal parent or youth's circumstances may change. Under such circumstances reunification, durable legal custody or adoption becomes a more appropriate plan and long term foster care may be terminated.

If this appears to be the best plan for the child and all other permanent plan options have been explored and eliminated, a plan of Long Term Foster Care must be approved by the Worker's Supervisor and Regional Director.

a. Children Who are Not Eligible

1. Children (younger than 14 years of age) are not eligible because a more stable permanent arrangement is the goal of choice for those children when reunification or custody with relatives or other individuals with significant connections, is not possible. An exception to the age 14 criteria may be granted by the court of jurisdiction.
2. Children voluntarily placed into foster care through the use of Form MDHS-SS-456 and without a formal court order, are not eligible because of the temporary status of their custody.

b. Worker's Responsibilities in Achieving Long-Term Foster Care

1. Explore and rule out all other permanent plan options.
2. Document in compelling reasons and forward to the Supervisor a summary containing the following information:
 - A. Why the youth cannot return to parents or primary caretaker.
 - B. Why the youth cannot be placed with relatives for custody, legal guardianship or durable legal custody.
 - C. Why the youth cannot be freed for adoption.
 - D. The relationship between youth and current placement resource.
 - E. A plan of continued contact with parent(s), primary caretaker, siblings, relatives and other connections.
3. Continue to explore the possibility of a more permanent plan.
4. Help the youth maintain a relationship with parents or primary caretaker. Visitation should be encouraged and addressed in the youth's ISP.

c. Authorization for Long Term Foster Care

The Worker will document justification for the selected plan of Long Term Foster Care in  MACIWS in the child's ISP, Initial/Review tab, Compelling Reasons radio button. When this plan is chosen, a tickler will be automatically sent to the Supervisor and if the plan is approved, a tickler is sent to the Regional Director for his/her approval. If the Regional Director disagrees with the permanent plan of Long Term Foster Care, he/she may either suggest a new goal for the child or call for a case staffing with the Supervisor and Worker.

d. Achievement Criteria - Long Term Foster Care

Since Long-Term Foster Care is not a plan to be achieved and offers no sense of permanence there is no criteria for achievement.