Permanency Hearing Before Final Order Checklist

Statutory

Prior to the Hearing:

- ☐ If first Permanency Hearing (PH), scheduled within 180 days after DFPS named TMC
- ☐ If subsequent PH, scheduled within 120 days of last PH
- ☐ 10 days' notice provided
- ☐ DFPS Permanency Progress Report filed at least 10 days before PH and includes:
  - Child's Permanency Plan
  - Summary of Medical Care
- ☐ The court file includes:
  - Notification of Medical Consenter Form 2085-B
  - Education Decision-Maker Form 2085-E
  - Visitation Plan

At the Hearing:

- ☐ Identify those present
- ☐ Child in attendance
- ☐ DFPS due diligence to locate and serve parties not present
- ☐ Paternity issues/Paternity Registry
- ☐ DFPS asked parents to provide locating information for absent parents, alleged fathers, or relatives
- ☐ If parent is unrepresented, inform of right to counsel, determine indigency, and appoint attorney
- ☐ Need for language interpretation
- ☐ Inquire about Indian/Native American Heritage
- ☐ Address citizenship issues
- ☐ Compliance with orders/Service Plan and progress made
- ☐ Parties and those present heard and provided opportunity to present evidence
- ☐ If caregiver is present, must be given opportunity to provide information about the child
- ☐ Review efforts to place child with a relative
- ☐ If child with relative, inform about Permanency Care Assistance
- ☐ Review Permanency Progress Report:
  - Safety and well-being of child
  - Child's needs (medical/special)
  - Child's placement
  - Evidence as to whether DFPS is able to place with relative
  - Child's primary and alternative permanency goals
  - DFPS reasonable efforts to finalize permanency plan
  - Child provided opportunity to express opinion about medical care
  - Child provided opportunity to provide information about possible relative or other caregiver
  - For child receiving psychotropic medication, whether child has:
    - ◦ been provided non-pharmacological interventions.
    - ◦ seen prescribing physician every 90 days for review
  - Child's Education Decision-Maker identified, education needs and goals identified and addressed, and major changes in school performance or disciplinary events
  - If 14 or older, transition services to assist from care to independent living
  - For child with goal of APPLA:
    - ◦ child's desired permanency outcome; and
    - ◦ whether APPLA best permanency plan; if so, provide compelling reasons why not in child's best interest to:
      - ▪ return home,
      - ▪ be adopted,
      - ▪ be placed with legal guardian, or
      - ▪ be placed with a fit and willing relative
    - ◦ whether DFPS has conducted an Independent Living Skills (ILS) assessment for all youth 16 and older in TMC
    - ◦ whether DFPS has addressed the goals identified in the youth's permanency plan
    - ◦ if 16 or older, whether DFPS provided required documents
    - ◦ if 18 or older, or the disabilities of minority were removed, whether DFPS provided youth with required documents and information
- ☐ If the child is placed in an RTC or QRTP, whether continued placement in an RTC or QRTP is appropriate
- ☐ Child receiving appropriate medical care
- ☐ Child has regular, ongoing opportunities for age-appropriate normalcy activities, including those not in child's service plan
- ☐ If AAL hasn't seen client, determine good cause

Permanency Hearing Before Final Order Checklist

continued

Court Findings

At the End of the Hearing:

- ☐ Return the child to the parent or parents unless, with respect to each parent, there is a continuing danger to the health and safety of the child and returning home is contrary to the welfare of the child.
- ☐ Advise/warn custodial rights and duties subject to restriction or termination
- ☐ Incorporate changes or modifications to Service Plan into order
- ☐ Likely date child returned home, placed for adoption, or placed in PMC
- ☐ Set next PH within 120 days or sooner
- ☐ Announce dismissal date and any upcoming hearings
- ☐ **ISSUE COURT ORDER**:
  - Any changes or modifications to Service Plan
  - Notice of subsequent hearings
  - Findings related to placement of the child and return of the child to the parent(s)

Best Practices

- ☐ If lack of notice, consider resetting hearing to secure attendance
- ☐ Engage parties with direct questions
- ☐ Engage youth
- ☐ Ask DFPS direct, child-specific questions about reasonable efforts towards primary and concurrent goal
- ☐ If not moving to positive permanency, set timelines and tasks to be completed prior to next hearing
- ☐ AAL knowledgeable about child's needs and legal objectives
- ☐ Set next PH at 90 instead of 120 days
- ☐ For Older Youth:
  - Family Group Decision Making
  - Preparation for Adult Living (PAL)
  - If will turn 18 while in foster care:
    - discuss extended foster care and trial independence
    - ensure referrals to Texas Workforce Commission
    - ensure appropriate documents in possession before leave care
- ☐ Consider the following questions:
  - *What is preventing this child from returning home today?*
  - *How is my decision specific to this child and this family?*
  - *Are there issues impacting this family that we need to understand?*

Well-being Issues

Medical and Mental Health Care

- ☐ Summary of medical care:
  - Nature of emergency medical care
  - All medical and mental health treatment receiving and progress
  - Any medication prescribed/progress
  - Caregiver compliance with treatment plan
  - Adverse reaction or side effects
  - Diagnosis or diagnostic tests
  - Activities to avoid that affect effectiveness of treatment
  - Other info required

Education and Educational Decisions

- ☐ Enrolled and in appropriate grade
- ☐ Remain in current school, even if placement changes
- ☐ If change placement, determine:
  - Where child wants to attend school
  - How child will be transported
  - Whether change coordinated with grading and testing periods
  - Whether records/credits transferred
- ☐ If 0-3, child assessed for developmental milestones through ECI
- ☐ If 0-5, enrolled in Early Head Start, Head Start, or Pre-Kindergarten
- ☐ Education Decision-Maker Form 2085-E on file
- ☐ School supports and disciplinary issues
- ☐ Extracurricular activities/normalcy
- ☐ Evaluated for/receiving special education
- ☐ If 14 or older, postsecondary education plan