Permanency Hearing After Final Order Checklist

Statutory

Prior to the Hearing:

- ☐ If parental rights terminated, first Permanency Hearing (PH) within 90 days of final order, then at least every six months thereafter
- ☐ If parent rights not terminated, first PH within six months of final order
- ☐ 10 days' notice of hearing

At the Hearing:

- ☐ Identify those present
- ☐ Child in attendance
- ☐ Review DFPS efforts to notify of hearing
- ☐ Review Permanency Progress Report:
  - Child's safety and well-being
  - Child's needs (medical/special)
  - Child provided opportunity to provide information about possible relative or other caregiver
  - Child's placement, noting evidence as to whether DFPS can place child with relative
  - If in institutional care, efforts to ensure least restrictive environment
  - Primary/alternative permanency goals
  - DFPS reasonable efforts to finalize the permanency plan:
    - due diligence to place for adoption if rights terminated and child eligible; or
    - APPLA, including appointing relative as PMC or returning the child to parent, if appropriate for child
  - For child with APPLA goal:
    - desired permanency outcome; and
    - whether APPLA best permanency plan; if so, compelling reasons why not in child's best interest to:
      - return home,
      - be placed for adoption,
      - be placed with legal guardian, or
      - be placed with fit and willing relative.
    - whether DFPS has conducted an Independent Living Skills (ILS) assessment for all youth 16 and older in TMC or PMC
    - whether DFPS has conducted an ILS for all youth 14 and older in PMC
    - whether DFPS has addressed the goals identified in the youth's permanency plan
- ☐ DFPS Permanency Progress Report filed 10 days before hearing; includes
  - Summary of Medical Care
- ☐ The court file includes:
  - Notification of Medical Consenter Form 2085-B
  - Education Decision-Maker Form 2085-E
    - if 16 or older, whether DFPS provided required documents
    - if 18 or older, or disabilities of minority were removed, whether DFPS provided youth with required documents and information
  - If 14 or older, services to assist in transitioning from care to independent living in community
  - Receiving appropriate medical care and provided opportunity to express opinion on medical care
  - If receiving psychotropic medication:
    - provided appropriate non-pharmacological interventions, therapies, or strategies to meet needs; or
    - seen by prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days
  - Education Decision-Maker and education needs and goals identified, major changes in school performance or serious disciplinary events
  - For child in PMC without termination, whether DFPS to provide services to parent for up to 6 months after PH if:
    - child not placed with relative or other individual, including foster parent, seeking PMC; and
    - court determines further efforts at reunification with parent:
      - in best interest of child; and
      - likely to result in child's safe return to parent
  - DFPS identified family or other caring adult with permanent commitment to child
  - If the child is placed in an RTC or QRTP, whether continued placement in an RTC or QRTP is appropriate

Permanency Hearing After Final Order Checklist

continued

- ☐ Review DFPS efforts to ensure the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan.
- ☐ Address citizenship issues
- ☐ Ensure those present given opportunity to be heard and if caregiver is present, must be allowed to provide information
- ☐ If child with relative, inform about Permanency Care Assistance
- ☐ Confer with child about permanency plan
- ☐ If AAL has not seen client, determine good cause

Court Findings

At the End of the Hearing:

- ☐ Issue court order
- ☐ Set next PH within six months

Best Practices

- ☐ If inadequate notice, consider resetting hearing to secure attendance
- ☐ Engage parties with direct questions
- ☐ Engage youth
- ☐ Ask DFPS direct, child-specific questions about both primary and concurrent goal
- ☐ Next PH by 90 or 120 instead of 180 days
- ☐ For youth who will turn 18 while in care:
  - Discuss extended foster care and trial independence
  - Ensure referrals to Texas Workforce Commission
  - Ensure delivery of documents before youth leaves care
- ☐ Youth advised of eligibility for Family Group Decision Making or Circles of Support to discuss future plans
- ☐ Youth enrolled in PAL or provided transitional services after 14th birthday
- ☐ Consider the following questions:
  - *What is preventing this child from achieving positive permanency?*
  - *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 in school/in appropriate grade
- ☐ Remains in current school, if placement change
- ☐ If placement change, determine:
  - Where child wants to attend school
  - How the 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, child 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/receiving special ed services
- ☐ If 14 or older, postsecondary education plan