

Permanency Hearing Before Final Order Checklist

15 Minutes; up to 25 suggested best practice

Statutory

Prior to the Permanency Hearing (PH):

- If first 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
- Parent, alleged father or relative provided locating information for absent parents, alleged fathers, or relatives
- Child provided opportunity to provide information about possible relative or other caregiver
- If child with relative, inform about Permanency Care Assistance
- Paternity issues/Paternity Registry
- Need for language interpretation
- If parent unrepresented, inform of right to counsel, determine indigency, and appoint attorney
- Inquire about Indian/Native American Heritage
- Citizenship issues, consulate notified
- 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.
- If AAL has not seen child, determine good cause
- 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
- 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,
 - adoption,
 - placed with legal guardian, or
 - 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
 - For youth 16 years of age or older, whether DFPS has provided documents required by Section 264.121(e)
 - For youth 18 years or older, or has had disabilities of minority removed, whether DFPS has provided youth with documents and information listed in Section 264.121(e-1)
- Child receiving appropriate medical care
- Child has regular, ongoing opportunities for age-appropriate normalcy activities, including those not in child's service plan

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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

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 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
- Ask 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 cultural issues we need to understand?*

Well-being Issues

Medical Care and Mental Health

- 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
- Activity 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
 - Whether transportation is available
 - 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