DEPENDENCY

101

- **WHY A DEPENDENCY SYSTEM?**

Purposes of the Child Welfare System

- Maximum protection for children who are physically, sexually or emotionally abused, neglected or exploited, or at *serious risk* of abuse or neglect
- Includes provision of services to the child and family and *presumes* that the best interest of the child is to remain in or be returned to the child's home or family

Family Preservation or Restoration and Permanency

1. Kids do better at home
2. Need for family
3. Cost to the child
4. State as parent
5. $$$$$$$

VENUE

Welf &IC §327

County in which:

- Child resides, or
- Child is found, or
- Acts take place, or
- Circumstances exist that are alleged in the petition

SCOPE OF JURISDICTION

1. **Once petition filed:**
   EXCLUSIVE jurisdiction over custody, visitation, etc.[W&IC §304]
2. **EXCLUSIVE jurisdiction and mandatory duty to determine Parentage [W&IC §§ 316.2, 726.5; CRC 5.635]**
3. **Restraining Orders [W&IC §213.5; CRC 5.630]**
4. **Custody and visitation until petition dismissed or dependency terminated [W&IC §304]**
5. **Exit Orders [W&IC 362.4; CRC 5.700]**

W&I CODE §305

(Peace Officer may remove child)

*Reasonable cause to believe child comes within §300 and is at immediate risk

*Child is a dependent of the court and not in court ordered placement

*Child is in the hospital and release to a parent poses immediate danger

*Child is found sick or injured and needs medical care

W&I CODE §306

SOCIAL WORKER POWERS:

- **Receive a child from Peace Officer**
- **Take into custody a neglected or abandoned child in immediate need or danger.**

W&I CODE §309

- Investigate and RELEASE unless
  - No parent or responsible relative
  - Immediate and urgent need for protecting the child
  - Substantial evidence parent will flee with the child
  - Child has left a juvenile court placement

THE PETITION

If the child is retained in custody, a petition under W&IC § 300 must be filed within:

48 HOURS

OF PROTECTIVE CUSTODY

Important Data

- Over ¾ of the children in care are removed due to NEGLECT
- Over 1/3 of the referrals each year are re-referrals

More Info

- African American and American Indian children are more likely to be in foster care than white or Hispanic children
- More likely to be removed as infants & remain in care
- Less likely to receive reunification and other services and reunify with family
- Children from families with incomes below $15,000 are 22 times more likely to be maltreated than those from families with incomes above $30,000.

HEARING CHRONOLOGY

1. Initial Hearing (Detention?)
2. Jurisdiction (Fact determination)
3. Disposition
4. Reviews
   - FM: 6 months
   - FR: 6, 12, 18 months (24?)
5. W&IC §366.26 Hearing (Permanent decision)
6. Reviews W&IC § 366.3 (Post .26)
7. Others
   - "Progress"
   - 388 Hearings
   - Drug Courts
   - Etc

CRITICAL HEARINGS

*Disposition *6 Mo. Rev.
*388 Hearing *Detention
*Jurisdiction *§ 366.26
*Paternity *12 Mo. Rev.
*18 Month Review

PRELIMINARIES

- Who can be present?

- Child
- Parent or guardian or adult relative
- Social Worker
- Court clerk
- Court Reporter
- Bailiff
- Counsels
- Defacto Parent
- Indian Custodian and Tribal Representative
- CASA

Counsel for Parents

- Welf & IC section 317 permits parents to be represented by counsel at all stages of the proceedings

- And REQUIRES the court to appoint counsel for indigent parents if the child has been removed or the recommendation is for removal.

COUNSEL FOR CHILDREN

W&I CODE §317(c)

REQUIRES the court to appoint counsel for the child UNLESS it finds that the child would not benefit from the appointment of counsel.

Must state on the record the reasons for the finding.

CRC 5.660

- To find child would not benefit, court must find:
  - Child understands the nature of the proceedings AND
  - Child able to communicate and advocate effectively w/court, other counsel, etc
  - AND
  - Under circumstances, child would not gain ANY benefit.

COUNSEL FOR CHILD

- Represents the child's INTERESTS

- SHALL
- investigate to ascertain facts,
- interview witnesses,
- examine and cross examine witnesses,
- introduce evidence and make recommendations to the court.

COUNSEL FOR CHILD

- If the child is FOUR YEARS of age or older, counsel SHALL interview the child to ascertain the child's wishes and well being, and SHALL advise the court of the child's wishes.
- Counsel SHALL NOT advocate for the return of the child to the parents if that conflicts with the best interests of the child.

CRC 5.661

- Child's counsel MUST file recommendation for appointment of appellate counsel for the child IF:
  - Appeal filed by another party
  - Trial counsel concludes child's best interests cannot be protected w/o appointment
- Must follow procedures in rule
- Must file no later than 20 days after appellant's last opening brief
- JV-810

INITIAL HEARINGS--DETENTION

Initial hearing----Detention
W&I CODE §315

The Court must hold a detention hearing

The next judicial day after a petition is filed

AND

Make a determination if the child should remain in custody

W&I CODE §322
RULE 5.672

The court *SHALL* continue the Detention Hearing

For ONE JUDICIAL DAY on the motion of the

PARENT or CHILD.

The child remains in custody

PURPOSES OF THE HEARING

- **Due Process**
- **Case Management**
- **Representation by counsel**
- **Information:**
  - **Verify data**
  - **Parentage**
  - **Indian Child Welfare Act**
  - **Relatives**
  - **Resources**

To detain child court must find:

- **There is a PRIMA FACIE showing the child is described by**
  - **W&IC §300 (a – j)**
- **AND**
- **One of more of the following:**

- **There is *SUBSTANTIAL DANGER* to the physical health of the child, or the child is suffering *SEVERE EMOTIONAL DAMAGE* and *THERE ARE NO REASONABLE MEANS* to protect the child's physical or emotional health without removal.**

- **The child is already a dependent child and has run away or been removed from a court ordered placement.**
- **The custodian of the child is likely to flee;**
- **The petition alleges physical or sexual abuse and the child refuses to return home.**

AND TITLE IV-E FINDINGS

- **Continuance in the home of the parents is contrary to the child's welfare. (Title IV-E.) AND**
- **Reasonable efforts have been made to prevent the removal from the parent of guardian. AND**
- **Temporary care and placement are vested w/county welfare agency.**

Failure to make these findings within 60 days of removal means child will never be eligible for Title IV-E funding

OPTIONS FOR DETENTION

- The approved home of a relative
- Emergency Shelter Care
- Licensed home or home exempt from license
- Approved home of a non relative extended family member
- Non relative Extended Family Member (NRFM)

  ---any adult caretaker who has established a familial or mentoring relationship with the child

A RELATIVE IS:

- Adult related by blood, adoption or affinity within 5th degree of kinship
- Stepparent
- Stepsibling
- Anyone whose status is preceded by "great" "great-great" or "grand" including a spouse – even after marriage terminated by death or dissolution

APPROVED RELATIVE?

- The standards used to grant or deny approval of home of a relative or NFRM are the same as in the licensing of foster homes.
- Judicial officers do NOT have the authority to place child in a home that has not been approved. Authority to grant exemptions in the approval process rests with the social services agency.

In re Esperanza G. (2008) 165 CA 4th 1042

- Juv. Ct. may review agency's denial of exemption for abuse of discretion.
- If abuse found, authority limited to directing agency to consider request for exemption under proper legal standard.
- Child has standing to appeal.
- Agency must examine crime of relative to see if it is (a) exemptible; (b) if so, whether to grant exception based on factors in Cal. Code Regs. and looking at character and rehabilitation.

VISITATION

- **W&I CODE §362.1**
  - **Maintain ties between child, parent and SIBLINGS**
  - **Provide information about reunification**
  - **Visits as frequent as possible consistent with the well being of the child**
  - **No visits that jeopardize the child's safety.**

JURISDICTION

If child detained: within 15 days from detention

If not detained; within 30 days of filing of petition

PURPOSE OF THE HEARING

- Determination of the allegations
- Additional Information

CONTINUANCES

REQUIREMENTS-W&IC §352; CRC 5.550

- #1: Cannot be contrary to child's best interests
- #2: May be granted only for GOOD CAUSE
- #3: Burden to show good cause is on the moving party
- #4: Must be stated on the record

Requirements for Continuances

- **#5: Written motion filed 2 days prior to hearing w/affidavits and declarations**
- **#6: Granted ONLY for time shown to be necessary**
- **#7: May be requested by petitioner, child or parent**

Court MAY grant oral motion and may allow 7 days to appoint counsel or give newly appointed or retained counsel time to prepare.

Continuances

- Good cause is NOT:
  - Court congestion (*Jeff M. v. Superior Court* (1977) 56 CA 4th 1238)
  - Stipulation of parties
  - Pending criminal law matters
  - Pending family law matters
- NO continuance that would cause dispo to be more than 60 days after detention hearing absent *exceptional circumstances.*
- Hearings should be on consecutive court days *(Renee S. v. Superior Ct.* (1999) 76 CA 4th 187)

THE HEARING

- What can happen?
- Parent/Guardian can:
  - Admit
  - Plead No Contest
  - Submit on Report
  - Contest and request evidentiary hearing

JV-190

- Admission
- Submission
- No Contest

- *Arlena M. Sup. Ct.* (2004) 121 CA 4th 566
- Mom's writ petition argued error in failure of court to expressly advise her of 6 mo. limit for child under 3 when she submitted
- WRIT DENIED: Form signed and initialed in the right box; court confirmed that she had read it and understood it!

JV-190

- If matter is to be resolved by admission, submission or no contest, the form MUST be completed by all parents or guardians present at the hearing or participating through counsel.
- Lack of allegation about a parent does not mean that parent need not submit JV-190 or make oral waiver on the record if submission on the report to go forward.

W&IC §350(c)

- At any hearing in which agency has burden, "after the presentation of evidence on behalf of the [agency] AND THE [CHILD] has been closed,"
- Court (on motion of child, parent or on its own) "shall order whatever action the law requires of it" if it finds that the burden has not been met. (Includes dismissal at juris.)
- If motion denied, parent may offer evidence.

In re Mary N.B. (2013) 218 CA 4th 1474

- Father appealed denial of his motion for a directed verdict after the agency had presented evidence and court ordered a brief continuance of the hearing to permit child's counsel to contact the child and possible present evidence.
- AFFIRMED: denial of the motion was proper as child's counsel had not had the opportunity to present evidence.

EVIDENCE

- *In re Malinda S.* (1991) 51 C 3rd 368
- Social Study: Prepared by social worker.
  - Must be provided to parties within reasonable time prior to hearing
  - Admissible under W&IC §355(b)
  - Preparer must be available for cross examination (telephonic stand-by OK)
  - FULL of HEARSAY!!!!

W&IC §355 and CRC 5.684

- Hearsay in the report:
- If a party objects with "reasonable specificity" and w/in a reasonable period—
- Hearsay objected to MUST NOT be *sole basis* of a true finding on the petition---

UNLESS

- Admissible under other exception; or
- Declarant is under 12 and the subject of the petition unless—objector proves was by fraud, deceit or undue influence and is therefore UNRELIABLE; or
- Declarant is a peace officer, health practitioner, s.w., or teacher AND statement would be admissible if the declarant were present in court; or
- Declarant available for cross exam.

Testimony of Child

- W&IC §350 and CRC 5.534
- May take testimony in chambers w/o presence of parents if court finds:
  - Necessary to ensure truthful testimony or
  - Child likely to be intimidated by courtroom setting
  - Child afraid to testify in front of parent

Child testimony in Chambers

- Court reporter and all counsel must be present
- Parent may elect to have testimony read back or summarized by counsel—prior to cross exam
- How establish need to use this procedure:
- CRC 5.534: To determine basis, court may consider social worker's report or other offers of proof or other evidence
- Competency to testify may be determined after testimony.

What about child's out of court statements—in report?

- Is competency a prerequisite to admissibility?
- *In re Carmen O.* (1994) 28 CA 4th 908
- May be admitted under recognized hearsay exceptions.
- Case created a "child dependency hearsay exception.

In re Cindy L. (1997) 17 C 4th 15

- For the child's statement to be admissible to prove the petition, there must be a demonstration of reliability --
  - 1) Time, content & circumstances of statement (spontaneity & consistent repetition, mental state, terminology, lack of motive to fabricate)
  - 2) Child available for x-exam OR there is corroborating evidence of child sexual abuse
  - 3) Adequate notice of intent to introduce stmt

In re Lucero L. (2000) 22 C 4th 1227

- Further refined and discussed issue of child's statement
  - *Competency* as witness NOT a requirement under §355
  - May be admissible under §355 even if not under the exception; BUT cannot exclusively support petition unless indicia of reliability found

PRIVILEGES

- EC § 972—spousal privilege—available in dependency?
  - NO!
- EC § 986---marital privilege?
  - NO!
- Use immunity?
  - Sort of---W&IC § 355.1(f)—testimony by parent or guardian or other who has custody of subject child shall NOT be admissible as evidence in any other action or proceeding.

PRIVILEGES (CONTINUED)

- Psychiatrist/Physician/Clergy-Patient/Penitent Privileges?
- Yes—child holds them unless too young or immature
- Child may waive the privilege
- Court may order limited disclosure to make further orders or gather necessary information [*In re Kristine W.* (2001) 94 CA 4th 521; *In re Mark L.* (2001) 94 CA 4th 573]

In re Cole C. (2009) 174 CA 4th 900

- Juv. Ct. granted child's attorney's claim of privilege when father called therapist.
- Father appealed, arguing attorney could not claim the privilege since the therapy had occurred prior to the appointment of the attorney.
- HELD: AFFIRMED.
- W&IC §317(f) –atty. hold the privilege w/the child
- Atty. had authority throughout the proceedings regardless of when the communications occurred.

DISPOSITION HEARING

PURPOSE OF HEARING

- More information
- Determination of whether or not continued intervention is warranted
- If so.
  - Where should child reside
  - What orders should be made to further child's best interests

TIME OF THE DISPOSITION HEARING

- If child detained →
  - W/in 10 court days
- If child not detained →
  - No later than 30 days from juris findings
- If recommendation is for no services under § 361.5(b) →
  - MUST be continued no more than 30 days

ABSOLUTE LIMIT?

- W&IC § 352: "In no event shall the court grant continuances that would cause the [disposition] hearing … to be completed more than six months after the [initial] hearing…."

COURT'S OPTIONS-No removal

- Dismiss the petition
- Order informal services [W&IC §360(b), (c)]
- Appoint a legal guardian [W&IC § 360(a)]
- Declare dependency and appoint a legal guardian [W&IC § 360(a)]
- Declare dependency with child still with custodial parent; order services

Options--Removal

- Declare dependency, remove from custodial parent and
  - 1. Award custody to non-custodial parent and dismiss dependency w/exit orders OR
  - 2. Place child w/non-custodial parent w/services to either or both parents OR
  - 3. Make general placement order and consider reunification services and VISITATION

TO REMOVE—CLEAR AND CONVINCING EVIDENCE OF:

1. Substantial danger to the physical/emotional well-being and NO reasonable means to protect w/o removal; OR
2. Parent/guardian unwilling to have physical custody; OR
3. Child suffering severe emotional damage; OR
4. Child or sib suffered sexual abuse and NO reasonable means to protect OR child does not wish to return; OR
5. Child w/o provision or support, or incarcerated parent cannot arrange for care.

Reunification Services W&IC §361.5(a)

- **Court SHALL order reunification services to:**
  - ***Child***
  - ***Mother***
  - ***Statutorily Presumed Father***
  - ***Guardians***
  - **MAY order to declared bio father if will benefit CHILD**

NO Services: W&IC §361.5(b); CRC 5.695

- To deny—court must make findings by CLEAR & CONVINCING
- Fifteen grounds
- For most, burden shifts to parent (or child) to produce evidence of benefit to child.
- [See chart]

SERVICES

- If child remains at home (or is no longer detained or is not removed)—may still order parent and child to participate in services
  - [W&IC §362(b)]
- Court may direct any and all reasonable orders to parents and guardians as the Court deems to be necessary
  - [W&IC §362(c)]

VISITATION!!!!

- **Specifically addressed in W&IC §362.1**
- **WHY? To maintain family ties and provide info relevant to the return of the child**
- **WHEN? As frequently as possible; subject to child's well-being**

VISITS

- **HOW? Supervised (monitored); unsupervised but directed and arranged by HSA; with cooperation of caregivers and arrangements with them…**
- **Court MAY make orders so as to protect the child; e.g. location, duration, frequency, siblings, others**
- **BUT although the court may delegate some details, it MUST set some minimum visitation order**

CONCURRENT PLANNING

- **Child removed: CWS has DUAL responsibilities**
- **Reunification plan w/services AND plan for "achieving legal permanence" if reunification does not occur**
- **Requires prognosis assessment from beginning, considering strengths and weaknesses of family, needs of child and the likelihood of family meeting those needs if child goes home**
- **Requires frequent re-analysis of prognosis**

FM REVIEWS W&IC § 364

- Every 6 months as long as dependency lasts (up to 18 as of 1/1/05)
  - Report required 10 days ahead
- ISSUE: Is continued dependency necessary?
  - Preponderance is B of P
  - Standard: Do conditions till exist that would justify initial assumption of jurisdiction; or
  - Likely to exist if supervision removed

QUIZ

- **The date the child enters foster care is:**

ANSWER

- The date of jurisdiction
- OR
- 60 days after the *initial removal of the child.....*
- Whichever is earlier.

Six Month FR Reviews
W&IC § 366.21 CRC 5.710

- When? 6 mo. from dispo
- BUT—no later than 12 months after the date the child entered foster care.

PURPOSES at 6 Mo. FR Review

- MUST return the child UNLESS—
  - Find by a preponderance that return would create a substantial risk of detriment to the safety, protections or physical or emotional well being of the child.
- If no return, MUST continue services and set a 12 mo. review
- OR...

6 Month FR Review -- Court Options

May set a § 366.26 hearing IF:

(a) 300 (g) and whereabouts still unknown; or parent has failed to contact and visit the child OR

(b) Parent convicted of a felony indicating parental unfitness OR

(c) Parent deceased OR

(d) CHILD (or sibling) UNDER 3 when removed AND parent failed to participate regularly in court ordered services and make substantive progress UNLESS----

substantial probability of return w/in 6 mo

May set for .26 hearing IF:

1. Reasonable services have been offered or provided AND
2. One of the factors described has been found by clear and convincing AND
3. No services going to *either parent*

12 Month Review

W&IC §366.21; CRC 5.715

- When?
  - 12 Months from the date the child entered foster care
- Shall return UNLESS---
- In no return *SHALL* (must) terminate services UNLESS
  1. Substantial probability of return w/in 18 months of "yank" OR
  2. No reasonable services

In re E.D. (2013) 217 CA 4th 960

- At 12 month review, father had fully complied with the plan including conjoint counseling with the child. Agency recommended placement with father with supervision by Nevada, where father resided.
- Child's attorney, CASA and maternal GM opposed claiming detrimental to separate child from half-sibs, risk of detriment due to child's emotional problems.
- Court found substantial risk of detriment if child removed from current placement.
- Father appealed.

In re E.D. [cont'd]

- REVERSED.
- Denial of return to the father was not supported by substantial evidence of detriment.
- Child had visited frequently and was eager to live with him.
- The substantial risk of detriment "must be construed as a fairly high one" and the juvenile court did not cite evidence of substantial risk.

Substantial probability =

1. Consistent and regular contact and visitation AND
2. Significant progress in resolving the problems AND
3. Demonstrates the capacity and ability to care for the child; including special needs

18 Month Review

W&IC §366.22; CRC 5.720 (1462)

- Return UNLESS
- If no return:
  - Set .26 hearing OR
  - Find by clear and convincing evidence that child not likely to be adopted and no guardian available, and order long term foster care (Planned Permanent Living Arrangement) and set 6 mo Post Permanency Planning review (§ 366.3)

W&IC §366.22; CRC 5.720

- At 18 mo. may set a review at 24 mo. IF:
  - Substantial probability of return in that time OR
  - No reasonable services
- AND by C and C
- More services in child's best interests
- AND

Going to 24 Months

Parent making significant and consistent progress in substance abuse treatment OR

Parent recently released from incarceration or institutionalization and making significant and consistent progress in establishing a safe home.

Setting a 366.26 Hearing
W&IC § 366.22 CRC 5.720

- If services terminated and no order for long term foster care Court must:

1. Set .26 hearing w/in 120 days
2. Order visits unless finding of detriment to the child
3. Advise parent re Notice of Intent to File Writ Petition (JV-820)
4. Order parent back
5. Order assessment

W&C §366.26

HEARING

WRITS
W&IC § 366.26; CRC 8.450 et seq

- In order for Ct. of App. to review orders terminating (or not ordering) reunification services, and ENTIRE case
- Must raise the issues IMMEDIATELY after .26 is set—through writ process
- May not be raised on a subsequent appeal of the .26 orders UNLESS:
  - Writ petition filed AND
  - Summarily denied or otherwise decided NOT on the merits

SO—failure to seek writ limits appealable issues after .26 to the findings and orders at THAT hearing only

.26 Hearing Orders
CRC 5.725 JV-320

- **For Indian child may order tribal customary adoption.**
- **For others:**
  - **SHALL terminate parental rights IF**
  - **By clear and convincing evidence court finds child likely to be adopted**

UNLESS

- §366.26(c)(1)(A)
  - Child living w/relative unable or unwilling to adopt

    Not because unwilling to accept legal or financial responsibility for the child and

    Willing and capable of providing stable and permanent home through legal guardianship AND

    Removal would be detrimental to the emotional well-being of the child.

    NOTE:"Indian relative defined by ICWA.

OR

- ***Detrimental to child because:***

(i) Parent(s) have visited and CHILD would benefit from continued relationship or

(ii) Child 12 or older objects or

(iii)Child in residential treatment or

.26 Orders—Indian Child

- **(iv) Child w/F.P. or Indian custodian who cannot adopt but wants child to remain permanently AND detrimental to child to remove.**
- Note: does not apply in child under 6, or has a sibling in the system with whom the child should be placed permanently

W &IC §366.26(c)(1)(A)

(vi) Detriment for an Indian child as contrary to the child's best interest, considering (but not limited to):

- **TPR would substantially interfere w/child's connection to tribal community or membership rights;**
- **Or Tribe has identified plan other than adoption**

W&IC §366.26(c)(1)(F)

- **Must be *substantial* interference.**
- **Tribal ID of another plan may not be enough since court must still find detriment in order NOT to terminate**
- **Must still determine whether the finding of substantial interference outweighs the benefits of adoption**

.26 Orders

- If court finds detriment (adoptable but no TPR)—must state reasons on the record
- If court finds child not likely to be adopted, or a detriment, look next at guardianship; if guardian appointed, may terminate or continue dependency or
- If no guardian willing or available—long term foster care and continue dependency
- If dependency continued—set 6 mo rev

.26 Orders-Siblings

(v) Would be a substantial interference with the child's sibling relationship

Considering nature & extent of relationship and whether:

- Children raised in same home
- Children shared common experiences or have close bonds
- On going contact in child's best interest when compared to benefit of permanence of legal adoption

ANOTHER .26 OPTION §366.26(c)(3)

- If child has "probability of adoption" and no detriment but no one identified yet and child is difficult to place because:
  - Child is in a sibling group; OR
  - Diagnosed medical, physical or mental handicap; OR
  - Child is 7 or older.
- Court may identify adoption as the goal AND order efforts to find home within 180 days
- At end of the period, court may only
  - Terminate parental rights OR
  - Appoint a non relative as guardian

AND §366.26(c)(4)(B)

- If child w/F.P. or relative who can provide a stable and permanent home, but not willing to become guardian:
  - Child not to be removed IF finding that
  - Removal seriously detrimental to the emotional well-being due to "substantial psychological ties" to the caretaker.

PERMANENCY REVIEWS

W&I CODE §366.3 RULE 5.740

- Purpose of Permanency Review is to determine whether reasonable efforts have been made to finalize a permanent plan for the child.
- Responsibility to reach permanency for each child continues until final adoption, guardianship established or child is returned home.
- Unless parental rights have been terminated, parents receive notice and may participate.

PARENTAL RIGHTS TERMINATED

- Review at least every 6 months.
- Determine if appropriate efforts being made to finalize an adoption.
- Are there arrangements for sibling contact now and after adoption if possible?
- Are there other orders count needs to make to facilitate adoption?
- What is the status of any appeal?

PERMANENT PLAN IS GUARDIANSHIP

- After guardianship is established, court may:
  - Dismiss dependency—court retains jurisdiction over the g-ship (§388 used to modify orders)
  - Continue dependency with g-ship in place if further services are needed; review every 6 mos.

LONG TERM FOSTER CARE
PLANNED PERMANENT LIVING ARRANGEMENT (PPLA)

For the child who does not have a plan of adoption or guardianship or return home-yet.

- Review at least every 6 months.
- Consider all permanency options:
  - Return Home
  - Adoption
  - Legal Guardianship
  - Long term foster care

PLANNED PERMANENT LIVING ARRANGEMENT (PPLA)

- At hearing, parent may prove by a preponderance that further reunification efforts are in best interest of the child, court may order 6 months of services and set a 6 month review.

PLANNED PERMANENT LIVING ARRANGEMENT (PPLA)

- Court shall order another .26 hearing unless
- CLEAR AND CONVINCING EVIDENCE
  - Of a compelling reason
  - A new .26 hearing is not in the child's best interests
  - BECAUSE Child is
  - Returning home OR
  - Not a proper subject for adoption OR
  - No one willing or qualified to become guardian

18 year old

- Continue jurisdiction if requirements not met or if there are other appropriate reasons to continue
- File must contain a completed JV-365 form before the case can be dismissed.
- AB12

W&IC § 366.26(i)(2)

- Permits dependent child freed for adoption who has not been adopted in three years to petition (§ 388) the court for reinstatement of parental rights, including inheritance.
- Court must determine that adoption is no longer the permanent plan

KIDS GROW UP IN THE "SYSTEM"

- Some enter young and are never reunited
- Absent adherence to time lines and concurrent planning it is often too late for a truly permanent plan
- Some enter as pre-teens or teens and WILL grow up in group homes

"Emancipated" Youth

- 75% work below grade level
- 50% do not complete h.s.
- 45% are unemployed
- 33% are arrested
- 30% are on welfare
- 25% are homeless
- www.chapinhall.org

EXTENDED FOSTER CARE/ TERMINATION OF DEPENDENCY

CRITICAL HEARINGS

*Disposition *6 Mo. Rev.
*388 Hearing *Detention
*Jurisdiction *§ 366.26
*Paternity *12 Mo. Rev.
*18 Month Review