



# 2003 Child Abuse and Neglect State Statutes Series Statutes-at-a-Glance Decision-Making for the Permanent Placement of Children

## What You Need to Know

The Adoption and Safe Families Act of 1997 (P.L. 105-89) amended Title IV-E of the Social Security Act in an effort to provide added safety and permanency for children in foster placement. This legislation has served as the impetus to efforts to reform child welfare practices in most States. An emphasis is placed on the health and safety of children, as well as on expediting and improving planning and decision-making for the permanent placement of children in the child welfare system.

## Schedule of Hearings

Federal law (42 U.S.C. 675(5)(B)) requires that the status of each child in foster care be reviewed at least once every 6 months by either a court or by administrative review. Under the Adoption and Safe Families Act (ASFA), a permanency planning hearing must be held within 12 months after the date the child is considered to have entered foster care, and then every 12 months thereafter during the continuation of foster care, to determine the permanency plan for the child.<sup>1</sup> If a determination is made by the court that reasonable efforts are not required, a permanency planning hearing must be held within 30 days.<sup>2</sup> The statutes in most States and Territories are consistent with these requirements.

## Who May Be Present at Hearings

Many States specify in their statutes the persons who are entitled to receive notice of hearings, in order that they may attend and offer testimony. In some States, the statute allows “all parties,” and that includes the parent and the agency or department having custody of the child. Other States also allow the foster parent, preadoptive parent, or relative currently providing care for the child to be present at hearings.

## Determinations Made at Hearings

The foremost determination made at any hearing is whether the child’s current placement is safe and appropriate to the child’s needs. Other determinations include the extent of compliance with the case plan, the extent of progress that has been made in correcting the conditions that led to the child’s placement in care, and whether the agency or department has made reasonable efforts to provide the services that meet the needs of the child and the child’s family.

<sup>1</sup> 42 U.S.C.A. § 675(5)(C) (West 1997).

<sup>2</sup> 42 U.S.C.A. § 671(a)(15)(E) (West 1997).



## Permanency Options

At the permanency hearing, a permanency plan must be developed that includes whether and when the child will be returned to the parent, placed for adoption, referred for legal guardianship, or placed in another planned permanent living arrangement (when compelling reasons have been documented).<sup>3</sup>

Reunification of the child with his or her family is the preferred permanency option whenever that can be safely achieved. In those cases where reunification is not appropriate, adoption is viewed as the ideal permanent legal option for children because it provides the greatest degree of permanence. In many situations, however, adoption may not be a realistic or appropriate option. Consequently, more attention is being focused on alternative permanency placements. Permanency options other than adoption do not provide the same level of permanency available through adoption but frequently facilitate continuity of family ties, which may be in the child's best interests.

In general, statutes addressing legal permanency options include the following:

- Return to parent
- Adoption
- Placement with a fit and willing relative (kinship care)
- Legal guardianship or
- Another planned permanent living arrangement

The Statutes-at-a-Glance listings summarize specific sections of each State's code. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures. Readers interested in the interpretation of specific statutory provisions within an individual jurisdiction should consult with professionals within the State familiar with the statutes' implementation.

Statutes-at-a-Glance publications also are available on the Clearinghouse Web site (<http://nccanch.acf.hhs.gov/general/legal/statutes/index.cfm>). Our online State Statutes database is searchable by State or Region.

<sup>3</sup> 42 U.S.C.A. § 675(5)(C) (West 1997).

**Alabama****Schedule of Hearings****Statute: §§ 12-15-62; 12-15-65**

- Within 12 months of a court order placing the child in foster care
- Within 30 days of a determination that reasonable efforts to reunify the family are not required

**Persons Entitled to Attend Hearings****Statute: §§ 12-15-62; 12-15-65**

- The Department of Human Resources
- The parties and their counsel

**Determinations Made at Hearings****Statute: §§ 12-15-62; 12-15-65**

To determine the permanency plan for the child, which may include a return to the parent, placement for adoption, or referral for legal custody

If the court orders the child to be removed from home, a determination must be made regarding:

- Whether continuing the placement of the child is in the child's best interest
- Whether reasonable efforts have been made to prevent the removal of the child or to reunify the family

**Permanency Options****Statute: §§ 12-15-71; 26-18-8**

- Permit the child to remain with the parents, guardian, or other custodian
- Transfer legal custody of the child to the department with orders to proceed with an adoptive placement
- Transfer legal custody of the child to a relative or other individual who can properly care for the child

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**Alaska****Schedule of Hearings****Statute: §§ 47.10.080; 47.10.086**

- Within 12 months after the date a child enters foster care, and at least annually thereafter during the continuation of foster care
- Within 30 days of a determination that reasonable efforts to reunify the family are not required

**Persons Entitled to Attend Hearings****Statute: § 47.10.080**

- The child
- Each parent
- The Tribe
- Foster parent or other out-of-home care provider
- Guardian
- Guardian *ad litem*

**Determinations Made at Hearings****Statute: § 47.10.080**

- Whether the department has made reasonable efforts to offer appropriate family support services to the parent
- Whether the parent has made substantial progress to remedy conduct or conditions in the home
- If the plan is for the child to remain in out-of-home care, whether the child's placement continues to be appropriate

**Permanency Options****Statute: § 47.10.080**

When the establishing the permanency plan, the court shall determine whether:

- The child should be returned to the parent
- The child should be placed for adoption or legal guardianship and a petition for termination of parental rights be filed
- The child should be placed in another planned, permanent living arrangement and the steps needed to achieve the arrangement

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**American Samoa****Schedule of Hearings**

Not specified in statutes reviewed

**Persons Entitled to Attend Hearings****Statute: § 45.0362**

- A parent, guardian, custodian, or next friend of any child adjudicated under this chapter
- Any person affected by a decree in a proceeding under this chapter

**Determinations Made at Hearings**

Not specified in statutes reviewed

**Permanency Options****Statute: §§ 45.0354; 45.0355**

- Place the child in the legal custody of one or both parents, with or without protective supervision
- Place the child in the legal custody of a relative or other suitable person, with or without protective supervision
- Place the child in the legal custody of a child placement agency
- Termination of all parental rights of one or both parents

**Arizona****Schedule of Hearings****Statute: § 8-862**

- Within 30 days of the disposition hearing if no reunification services are ordered
- In other cases, within 12 months after the child is removed from the home

**Persons Entitled to Attend Hearings**

Not specified in the statutes reviewed

**Determinations Made at Hearings****Statute: §§ 8-845; 8-862**

In reviewing the status of the child, the court, if possible, shall seek to reunite the family. At the permanency hearing, the court shall determine:

- Whether termination of parental rights, adoption, permanent guardianship, or some other permanent legal status is the most appropriate for the child
- Whether reasonable efforts have been made to finalize the permanency plan in effect

**Permanency Options****Statute: §§ 8-845; 8-862**

- Return to the child's parent
  - Adoption
  - Permanent guardianship, by a relative or other adult
  - Some other permanent legal status, such as a suitable institution, association, or school
  - Independent living
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**Arkansas****Schedule of Hearings****Statute: §§ 9-27-337; 9-27-338**

- Review hearings every 6 months while the child is in out-of-home placement
- Permanency hearings no later than 12 months after the child enters care, or in placement 15 of the previous 22 months, or 30 days after the court orders no reunification services
- Annual permanency hearings as long as the child remains in placement

**Persons Entitled to Attend Hearings****Statute: §§ 9-27-337; 9-27-338**

- The department
  - The attorney *ad litem*
  - The court-appointed special advocate (CASA)
  - The parties and their counsel
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**Determinations Made at Hearings****Statute: § 9-27-337**

- The extent of compliance with the case plan
- Progress toward alleviating the causes of out-of-home placement
- Whether the child can safely be returned home
- Whether the child should continue in out-of-home placement for a specified period of time

**Permanency Options****Statute: § 9-27-338**

- Return the child home
  - Place the child for adoption
  - Obtain a guardian or permanent custodian for the child
  - Continue the goal of reunification if the parent is making progress and expects to achieve reunification within a reasonable period of time
  - Independence for the child
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**California****Schedule of Hearings****Statute: Welf. & Inst. § 366.21**

- Review hearing--6 months after the initial dispositional hearing
- Permanency hearing--12 months after the child enters foster care; may be continued for 6 months
- Hearing within 120 days if the child is under age 3 or part of a sibling group, or the whereabouts of the parents are unknown, or the parent has been convicted of a felony indicating parental unfitness

**Persons Entitled to Attend Hearings****Statute: Welf. & Inst. § 366.21**

- The social worker
- The parent or legal guardian

**Determinations Made at Hearings****Statute: Welf. & Inst. § 366.21**

- Whether the child can be returned home
- The permanent plan for the child
- Whether reasonable services have been provided or offered to the parent
- The efforts or progress demonstrated by the parent and the extent to which the parent has utilized the services provided

**Permanency Options****Statute: Welf. & Inst. §§ 366.21; 16501.1**

- Reunification
  - Adoption
  - Placement with an appropriate and willing relative
  - Legal guardianship
  - Long-term foster care, subject to periodic review by the court
  - Another planned permanent living arrangement
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**Colorado****Schedule of Hearings****Statute: § 19-3-702**

Permanency hearings shall be held:

- No later than 12 months after the child enters foster care
- Every 12 months thereafter while the child remains in care
- Within 30 days after a finding that reasonable efforts are not required
- In counties with expedited permanency planning for children under age 6, within 3 months

**Persons Entitled to Attend Hearings****Statute: § 19-3-702**

- The parents of the child
- The child
- Foster parents or adoptive parents, if any

**Determinations Made at Hearings****Statute: § 19-3-702**

- Whether the child should be returned to the parent or guardian
- Whether reasonable efforts have been made to find a safe and permanent placement
- If the child is not returned to the parent, the probability of return within 6 months
- Whether the child's safety is protected in placement
- The continuing necessity for and appropriateness of the placement
- The extent of compliance with the case plan and progress made toward alleviating the causes necessitating placement

**Permanency Options****Statute: §§ 19-3-702; 19-3-703**

- Return to the parent
- Adoption
- Legal guardianship or custody
- Placement with a fit and willing relative
- Another permanent living arrangement

For a child under age 6 in counties with expedited permanency planning:

- Return to the parent
  - Placement with a relative
  - Permanent custody granted to another
  - If the child cannot be returned home, placement in the least restrictive level of care
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**Connecticut****Schedule of Hearings****Statute: § 46b-129**

- Initial hearing 9 months after placement of the child
- Subsequent hearings every 12 months thereafter
- If the court determines that reasonable efforts are no longer appropriate, a hearing must be held within 30 days

**Persons Entitled to Attend Hearings****Statute: § 46b-129**

- Child or youth
- Parent or guardian

**Determinations Made at Hearings****Statute: § 46b-129**

- Whether the permanency plan is appropriate
- Whether it is appropriate to continue reasonable efforts to reunify the child with the child's family

**Permanency Options****Statute: § 46b-129**

- Placement of the child with the parent or guardian, with or without protective supervision
  - Transfer of guardianship
  - Long-term foster care with a relative licensed as a foster parent or certified as a relative caregiver
  - Adoption
  - Another planned permanent living arrangement
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**Delaware****Schedule of Hearings****Statute: Tit. 31, § 3803**

Administrative review required:

- Once during the first 12 months after placement of the child
- At least annually thereafter

**Persons Entitled to Attend Hearings****Statute: Tit. 31, § 3814**

- Placement agencies
- Child's parents, legal guardian, or guardian *ad litem* or CASA
- Their attorneys
- Board staff

**Determinations Made at Hearings****Statute: Tit. 31, § 3810**

- Whether a plan has been developed for the child that adheres to policy, maintains a child's safety, and has been implemented and complied with
- To assess the efforts of the placement agency to achieve permanency for the child
- Whether the current placement of the child is appropriate and facilitates stability in the child's life

**Permanency Options****Statute: Tit. 31, § 3810**

- Reunification with the parent or guardian
- Adoption
- Another planned permanent living arrangement

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**District of Columbia****Schedule of Hearings****Statute: §§ 4-1301.09a; 16-2323**

- Within 12 months of the child's entry into foster care and at least every 6 months thereafter
- Within 30 days after a determination that reasonable efforts are not required

**Persons Entitled to Attend Hearings****Statute: § 16-2323**

All parties and their attorneys

**Determinations Made at Hearings****Statute: § 16-2323**

- The safety of the child
- The continuing necessity for and appropriateness of the placement
- The extent of compliance with the case plan
- The extent of progress toward alleviating the causes necessitating placement in foster care
- A date by which the child may be returned to the parent or placed in a permanent placement

**Permanency Options****Statute: § 16-2323**

- Return to the parent
  - Placement for adoption
  - Legal custody or guardianship
  - Another planned permanent living arrangement, such as placement with a kinship caregiver, another relative placement, or independent living
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**Florida****Schedule of Hearings****Statute: § 39.701**

- Initial judicial review no later than 90 days after the disposition hearing or court approval of the case plan
- At least every 6 months thereafter until the child reaches permanency status

**Persons Entitled to Attend Hearings****Statute: § 39.701**

- Parents
- Department or agency having custody of the child
- Foster parents
- Guardian *ad litem*
- Any pre-adoptive parent

**Determinations Made at Hearings****Statute: § 39.701**

- Level of compliance by all parties with the case plan
- Level of compliance with any visitation plan
- Parent's compliance in meeting financial obligations
- Whether the child's current placement is appropriate
- Whether and when the child can be returned home

**Permanency Options****Statute: § 39.621**

- Return to parent
  - Adoption
  - Guardianship
  - Long-term custody
  - Long-term licensed custody
  - Independent living
- 

**Georgia****Schedule of Hearings****Statute: § 15-11-58**

- No later than 30 days after the report submitted to the court does not contain a plan for reunification services
- No later than 12 months after the child has entered foster care
- Every 12 months thereafter for as long as the child remains in care

**Persons Entitled to Attend Hearings****Statute: § 15-11-58**

- Parents
- Custodian of the child
- Foster parents
- Any preadoptive parents or relatives providing care

**Determinations Made at Hearings****Statute: § 15-11-58**

- Whether the proposed case plan is appropriate for the child
- Whether the department intends to petition for termination of the parents' parental rights

**Permanency Options****Statute: § 15-11-58**

- Return to the parent
- Adoption
- Legal guardianship
- Placement with a fit and willing relative
- Another planned permanent living arrangement

**Guam****Schedule of Hearings****Statute: Tit. 19, § 13322**

- Not later than 6 months after an order of disposition
- Thereafter, at least every 6 months until the court's jurisdiction has been terminated

**Persons Entitled to Attend Hearings****Statute: Tit. 19, § 13322**

- The parties
- Foster parents

**Determinations Made at Hearings****Statute: Tit. 19, § 13324**

- Whether the family is willing and able to provide the child with a safe home
- Whether the proposed permanency plan is in the best interest of the child

**Permanency Options****Statute: Tit. 19, § 13324**

- Return to parent
  - Adoption
  - Placement of the child in the permanent custody of family or persons who have been as family to the child
  - Placement of the child in the permanent custody of an authorized agency until the child is adopted or reaches age 18
- 

**Hawaii****Schedule of Hearings****Statute: §§ 587-72; 587-73**

- Case review hearing within 6 months after a service plan is ordered by the court and every 6 months until court jurisdiction is terminated
- If aggravated circumstances are present or the child has been in placement for 12 consecutive months, or for 15 of the last 22 months, a permanency plan hearing is held within 30 days

**Persons Entitled to Attend Hearings****Statute: § 587-72**

- The parties
- Foster parents

**Determinations Made at Hearings****Statute: §§ 587-72; 587-73**

At the case review hearing, the court will determine whether:

- The child's family is presently able to provide a safe home
- The parents have complied with the service plan

At the permanency plan hearing, the court will determine:

- That the parent is not willing or able to provide a safe and suitable home, even with a service plan
- That the proposed permanent plan will achieve a goal that is in the child's best interest
- If a child is age 14 or older, that the child is supportive of the permanent plan

**Permanency Options****Statute: §§ 587-72; 587-73**

- Return to parent
- Adoption
- Guardianship
- Permanent custody with an agency until the child is adopted, placed under a guardianship, or reaches the age of majority

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**Idaho****Schedule of Hearings****Statute: § 16-1611**

- Review of the case and permanency plan shall be no later than 6 months after start of court jurisdiction
- A hearing to review the permanency plan shall be held prior to 12 months after the child's removal from home or start of court's jurisdiction, whichever is first

**Persons Entitled to Attend Hearings****Statute: § 16-1610**

- Parents
- Legal guardians
- Guardian *ad litem*
- Foster parents, who may receive notice but are not participants to the child protective action

**Determinations Made at Hearings****Statute: § 16-1611**

The court shall:

- Review, approve, reject, or modify the permanency plan
- Review progress in accomplishing the permanency plan

**Permanency Options****Statute: § 16-1610**

- Return to parent
  - Adoption
  - Placement with a guardian
  - Another approved permanent placement
- 

**Illinois****Schedule of Hearings****Statute: 705 ILCS 405/2-28**

- Within 12 months from the date temporary custody was taken
- Within 30 days of termination of parental rights or a determination that reasonable efforts are not required
- Subsequent permanency hearings to be held every 6 months until permanency is achieved

**Persons Entitled to Attend Hearings****Statute: 705 ILCS 405/2-28**

- All parties
- The caseworker, who must testify

**Determinations Made at Hearings****Statute: 705 ILCS 405/2-28**

The court shall consider:

- The permanency goal contained in the service plan
- Appropriateness of services in the plan and whether those services have been provided
- Whether reasonable efforts have been made by all parties
- Whether the plan and goal have been achieved

**Permanency Options****Statute: 705 ILCS 405/2-28**

- Return to the parent within a specified time
- Adoption
- Guardianship
- Minor age 15 or over to remain in substitute care pending independence
- Minor to remain in substitute care because a home environment is unsuitable due to developmental disability or mental illness

**Indiana****Schedule of Hearings****Statute: § 31-34-21-7**

- Not more than 30 days after a court finds that reasonable efforts to reunify or preserve the family are not required
- Every 12 months after the date of the original disposition decree or the child's removal from the home, whichever comes first

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: § 31-34-21-5**

- Whether the child's case plan, services, and placement meet the best interests of the child
- Whether the county Office of Family and Children has made reasonable efforts to provide services
- A projected date for the child to return home or be placed in another permanent placement

**Permanency Options****Statute: § 31-34-21-7.5(1)**

- Return to the parent
  - Placement for adoption
  - Placement of the child with another responsible person, usually a relative
  - Appointment of a legal guardian
  - Placement in another planned, permanent living arrangement
- 

**Iowa****Schedule of Hearings****Statute: § 232.58(1)**

- Within 12 months of the date the child was removed from the home
- In a case where the reasonable efforts requirement has been waived, a hearing shall be held within 30 days

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: § 232.104**

- Whether services have been offered to the family to correct the situation that led to the child's removal from home
- Whether the best interests of the child are being served

**Permanency Options****Statute: §§ 232.104(2); 232.117**

- Return to the parent
  - Termination of parental rights and adoption of the child
  - Guardianship
  - Transfer of custody to a suitable person
  - Another planned permanent living arrangement
- 

**Kansas****Schedule of Hearings****Statute: § 38-1565**

- No more than 12 months after the child is placed outside the home and at least every 12 months thereafter
- Within 90 days of a determination that reintegration is not a viable option

**Persons Entitled to Attend Hearings****Statute: § 38-1565**

- All interested parties
- Foster parents
- Pre-adoptive parents
- Relatives providing care

**Determinations Made at Hearings****Statute: § 38-1565**

- Whether the child's needs are being met
- Whether reintegration of the family continues to be a viable option

**Permanency Options****Statute: §§ 38-1565; 38-1584**

- Return to parent
  - Adoption
  - Permanent guardianship
  - Transfer of custody to a fit and willing relative
- 

**Kentucky****Schedule of Hearings****Statute: § 610.125**

- Dispositional hearing no later than 12 months after the child has entered foster care
  - Every 12 months thereafter as long as the child remains in placement
-

**Persons Entitled to Attend Hearings****Statute: § 610.125**

- Parent
- Foster parent
- Pre-adoptive parent
- Relative providing care to the child
- Attorney for the parent
- Attorney or CASA for the child

**Determinations Made at Hearings****Statute: § 610.125**

- Review of the case progress report and results achieved
- Evaluation of child's current placement and services to the child
- Recommendations for services needed
- Recommendations as to the permanency goal for the child

**Permanency Options****Statute: § 610.125**

- Return to parent
- Adoption
- Permanent custodianship
- Independent living for a child age 16 years or older
- Another planned permanent living arrangement

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**Louisiana****Schedule of Hearings****Statute: Ch. Code Art. 692; 702**

Case review hearing:

- Within 3 months after disposition if the child was placed prior to the hearing; no more than 6 months after the removal of the child
- Every 6 months thereafter until the child is permanently placed

Permanency hearing:

- Within 30 days of a finding that reunification is not required
- 9 months after disposition if the child was placed prior to the hearing; no more than 12 months after the removal of the child
- Every 12 months thereafter until the child is permanently placed

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: Ch. Code Art. 690; 702**

- The appropriateness of the placement
- The extent of compliance with the case plan
- Extent of progress toward correcting the circumstances necessitating placement in foster care
- Whether the department has made reasonable efforts to reunify the family or to finalize the child's placement

**Permanency Options****Statute: Ch. Code Art. 702**

- Return to the parent
  - Adoption
  - Placement with a legal guardian
  - Placement in the legal custody of a relative
  - Placement in the least restrictive, most family-like alternative permanent living arrangement
- 

**Maine****Schedule of Hearings****Statute: Tit. 22, § 4038**

- Within 12 months of the time the child has entered foster care and every 12 months thereafter while the child remains under court jurisdiction
- If reunification efforts are ordered to cease, within 30 days

**Persons Entitled to Attend Hearings****Statute: Tit. 22, § 4041**

- Caseworker
- Parent
- Guardian *ad litem*
- Person to whom trial placement was given
- Foster parents
- Pre-adoptive parents
- Relatives providing care to the child

**Determinations Made at Hearings****Statute: Tit. 22, § 4038**

- Whether the parent has carried out the responsibilities set forth in the permanency plan
- Whether the parent has rectified the problems that caused the removal of the child from the home

**Permanency Options****Statute: Tit. 22, § 4038**

- Return to the parent
  - Adoption
  - Referral for legal guardianship
  - Placement in another planned permanent living arrangement when the department has documented a compelling reason another option would not be in the child's best interest
- 

**Maryland****Schedule of Hearings****Statute: Fam. Law § 5-525**

Administrative review by the local board every 6 months

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: Fam. Law § 5-525**

- To determine the success of efforts to meet the goals set out in the permanency plan
- To determine the agreement with the parents in voluntary placement

**Permanency Options****Statute: Fam. Law § 5-525**

In descending order of priority:

- Return to parent
  - Placement with a relative for adoption, guardianship, or care and custody
  - Adoption by a current foster parent
  - Adoption by another approved family
  - Placement in a permanent foster home with a specific caregiver
  - Independent living
  - Long-term foster care
- 

**Massachusetts****Schedule of Hearings****Statute: Ch. 119, § 29B**

- Within 12 months of the original commitment and every 12 months thereafter while the child remains in care
- Within 30 days of a determination that reasonable efforts are not required

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: Ch. 119, § 29B**

To determine and periodically review the permanency plan for the child

**Permanency Options****Statute: Ch. 119, § 29B**

- Return to parent
  - Adoption
  - Legal guardianship
  - Another planned permanent living arrangement
- 

**Michigan****Schedule of Hearings****Statute: §§ 712A.19; 712A.19a; 712A.19c**

- Not more than 182 days after placement in foster care
- Every 91 days while the child remains in care
- Every 182 days if the child is in a permanent foster family agreement or placed with a relative
- If the child remains in care, a permanency plan hearing within 1 year; in 28 days if there are aggravated circumstances
- Every 91 days after termination of parental rights until permanency is achieved

**Persons Entitled to Attend Hearings****Statute: § 712A.18f**

- Parent, guardian, or custodian
- Foster parent
- Child caring institution
- Relative with whom the child is placed
- Lawyer-guardian *ad litem*, attorney, or guardian *ad litem*

**Determinations Made at Hearings****Statute: § 712A.19**

- Compliance with the case service plan with respect to services provided
- Extent to which the parent complied with the service plan
- The continuing necessity and appropriateness of the child's placement

**Permanency Options****Statute: § 712A.19**

- Return to the parent
  - Termination of parental rights
  - If termination of parental rights is not in the child's best interest, an alternative placement plan, including limited or long-term foster care
-

**Minnesota****Schedule of Hearings****Statute: § 260C.201, Subd. 10**

- Not later than 6 months after the child has been placed out of the home to review agency efforts
- Not later than 12 months after the child is placed out of the home to determine the permanent status of the child

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: § 260C.201, Subd. 10**

- Whether continued out of home placement is necessary and appropriate
- To determine the permanent status of a child who has been in placement 12 months or more

**Permanency Options****Statute: § 260C.201, Subd. 1, 11**

- Return to parent
- Transfer custody to a non-custodial parent
- Transfer custody to a child-placing agency for adoption
- Transfer custody to a relative for guardianship
- Independent living for a child age 16 or older
- Long-term foster care under specified conditions
- Foster care for a specified time period under certain conditions

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**Mississippi****Schedule of Hearings****Statute: § 43-15-13**

Within 3 months of the child's placement in care and every 6 months thereafter

**Persons Entitled to Attend Hearings****Statute: § 43-15-13**

- Parent
- Foster parent
- Grandparents
- Guardian *ad litem*
- Representatives of any private care agency which has cared for the child
- Social workers assigned to the case

**Determinations Made at Hearings****Statute: § 43-15-13**

- Extent of the care and support provided by the parent
- Extent of communication with the child by the parent
- Extent of compliance by the agency and the parent with the social service plan

**Permanency Options****Statute: § 43-15-13**

- Return to parent
  - Adoption
  - Placement with a relative
  - Other safe and adequate placement for children who cannot return home or be placed for adoption
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**Missouri****Schedule of Hearings****Statute: § 210.720**

A permanency hearing within 12 months of initial placement and annually thereafter

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: § 210.720**

To determine a permanent plan for placement of the child in accordance with the best interests of the child

**Permanency Options****Statute: § 210.710**

- Return to parent
  - Adoption
  - Continuation of foster care
- 

**Montana****Schedule of Hearings****Statute: § 41-3-445**

- Within 30 days of a determination that reasonable efforts are not required
- No later than 12 months after the child enters care and every 12 months thereafter

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

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**Determinations Made at Hearings****Statute: § 41-3-445**

- Whether the permanency plan is in the best interests of the child
- Whether the department has made reasonable efforts to finalize the plan

**Permanency Options****Statute: § 41-3-445**

- Reunification with the parent
  - Adoption
  - Appointment of a guardian
  - Placement with a relative
  - Another planned permanent arrangement when circumstances warrant
  - Independent living for a child age 16 or older
- 

**Nebraska****Schedule of Hearings****Statute: §§ 43-283.01; 43-1312; 43-1313**

- Review hearings every 6 months while the child is in care
- Permanency hearing no later than 12 months after the child enters care; at least annually thereafter
- Within 30 days of a finding that reasonable efforts to reunify are not required

**Persons Entitled to Attend Hearings****Statute: § 43-285**

- Parents
- Guardian *ad litem*
- County attorney
- Custodian

**Determinations Made at Hearings****Statute: §§ 43-1312; 43-1313**

- Review of the dispositional order and case plan
- Review of the appropriateness of the permanency plan

**Permanency Options****Statute: §§ 43-285; 43-1312**

- Return to parent
  - Adoption
  - Guardianship
  - Independent living for a child age 16 or older
-

**Nevada****Schedule of Hearings****Statute: §§ 432B.580; 432B.590**

- Placement review at least semi-annually
- Permanency hearing no later than 12 months after initial removal of the child from the home; at least annually thereafter
- Within 30 days of a finding that reasonable efforts to reunify are not required

**Persons Entitled to Attend Hearings****Statute: § 432B.580**

- Parents
- Guardian *ad litem*
- Attorney representing the parent or child

**Determinations Made at Hearings****Statute: § 432B.580**

- The continuing necessity for and appropriateness of the placement
- The extent of compliance with the case plan
- Any progress being made toward alleviating the problem that resulted in the placement of the child

**Permanency Options****Statute: § 432B.590**

- Return to the parent
  - Placement with other relatives
  - Adoption
  - Guardianship
  - Another permanent living arrangement
- 

**New Hampshire****Schedule of Hearings****Statute: § 169-C:24**

At least once a year

**Persons Entitled to Attend Hearings****Statute: § 169-C:24**

All parties

**Determinations Made at Hearings****Statute: § 169-C:24**

The status of all consent orders, including a specific plan for the services that are being provided to the child and family

**Permanency Options****Statute: § 170-C:11**

- Return to the parent
  - Award of guardianship to the department or an authorized agency
- 

**New Jersey****Schedule of Hearings****Statute: §§ 30:4C-58; 30:4C-61.2**

- An initial review of the placement within 45 days, and every 12 months thereafter
- A permanency hearing no later than 12 months after placement; within 30 days of a finding that reasonable efforts to reunify are not required

**Persons Entitled to Attend Hearings****Statute: § 30:4C-59**

- The division or agency
- The parents, including a non-custodial parent or guardian
- A temporary caretaker including a foster parent, preadoptive parent, or relative
- Counsel for a parent, child, or other interested party

**Determinations Made at Hearings****Statute: § 30:4C-58**

- The appropriateness of the placement plan and the services provided
- Whether the division and parents are fulfilling their respective responsibilities
- Whether the parents have been given opportunities for visitation
- Whether there are obstacles that prevent the attainment of the placement plan objectives and goal

**Permanency Options****Statute: § 30:4C-60**

- Return to the parent or guardian
- Adoption
- Permanent placement with a relative
- Long-term foster care custody
- Independent living
- Institutionalization
- An alternative permanent placement

**New Mexico****Schedule of Hearings****Statute: §§ 32A-4-25; 32A-4-25.1**

- Initial judicial review within 60 days of the disposition
- Permanency hearing within 6 months of the initial judicial review
- Subsequent periodic reviews within 6 months of the permanency hearing and every 6 months thereafter

**Persons Entitled to Attend Hearings****Statute: § 32A-4-25**

All parties

**Determinations Made at Hearings****Statute: § 32A-4-25**

- The extent to which the treatment plan has been implemented
- For an Indian child, whether the placement preferences of the child's Tribe were followed

**Permanency Options****Statute: § 32A-4-25.1**

- Return to parent
  - Adoption
  - Emancipation of the child
  - Permanent guardianship
  - Long-term foster care
- 

**New York****Schedule of Hearings****Statute: Soc. Serv. Law §§ 358-a; 392**

Permanency hearings:

- After the child has been in placement for a continuous period of 12 months; every 12 months thereafter
- Within 30 days of a finding that reasonable efforts to reunify are not required

**Persons Entitled to Attend Hearings****Statute: Soc. Serv. Law § 392**

- All parties
- Foster parents

**Determinations Made at Hearings****Statute: Soc. Serv. Law § 392**

- The appropriateness of the permanency plan
- What services have been offered to strengthen the family
- Other efforts that may promote the best interests of the child
- For a child age 16 or older, services to assist the child to transition to independent living
- For a child placed out of State, whether the placement continues to be appropriate

**Permanency Options****Statute: Soc. Serv. Law § 392**

- Return to parent
  - Adoption
  - Legal guardianship
  - Permanent placement with a fit and willing relative
  - Another planned permanent living arrangement
- 

**North Carolina****Schedule of Hearings****Statute: §§ 7B-507; 7B-906; 7B-907**

- Review hearing within 90 days after dispositional hearing; every 6 months thereafter
- Permanency hearing within 12 months of order removing custody; every 6 months thereafter
- Permanency hearing within 30 days of a finding that reasonable efforts to reunify are not required

**Persons Entitled to Attend Hearings****Statute: § 9B-907**

- The parent
- The child if age 12 or older
- The guardian
- Any foster parent, relative, or preadoptive parent providing care for the child
- The custodian or agency with custody
- The guardian *ad litem*
- Any other person or agency the court may specify

**Determinations Made at Hearings****Statute: § 9B-907**

Review the progress made in finalizing the permanent plan for the child or, if necessary, make a new permanent plan

**Permanency Options****Statute: § 9B-907**

- Return to parent
  - Legal guardianship
  - Adoption
  - Another permanent living arrangement
- 

**North Dakota****Schedule of Hearings****Statute: § 27-20-36**

A permanency hearing:

- No more than 12 months after the child has been placed in foster care; every 12 months thereafter
- Within 30 days of a finding that reasonable efforts to reunify are not required

**Persons Entitled to Attend Hearings****Statute: § 27-20-36**

- The child
- The parent
- The guardian or custodian
- All parties affected

**Determinations Made at Hearings**

Not specified in statutes reviewed

**Permanency Options****Statute: §§ 27-20-36; 27-20-47**

- Return to parent
  - Adoption
  - Placement with a fit and willing relative
  - Placement with a legal guardian
  - Another planned permanent living arrangement
- 

**Northern Mariana Islands****Schedule of Hearings****Statute: Tit. 6, §§ 5323; 5324**

- Within 30 days of the establishment of a temporary wardship
  - At the end of 1 year where the child has been made a ward of the court
-

**Persons Entitled to Attend Hearings****Statute: Tit. 6, § 5323**

The parent or guardian

**Determinations Made at Hearings****Statute: Tit. 6, §§ 5323; 5324**

- Whether there is reasonable cause to believe that the child's safety would be endangered by a return home
- That removal from the home is in the child's best interest

**Permanency Options****Statute: Tit. 6, § 5324**

- Return to parent
  - Custody to the division of youth services who will place the child with a reputable person
- 

**Ohio****Schedule of Hearings****Statute: § 2151.417**

- Review hearing 1 year after the child was first placed in care and every 12 months thereafter
- Within 30 days of a finding that efforts to return the child home are no longer required

**Persons Entitled to Attend Hearings****Statute: § 2151.417**

- Appropriate agency employees
- The child's parents
- Any person who had guardianship or legal custody of the child
- The guardian *ad litem*
- The child

**Determinations Made at Hearings****Statute: § 2151.417**

- Appropriateness of any agency actions
- The safety and appropriateness of continuing the child's placement
- Whether any changes should be made to the child's permanency plan or placement

**Permanency Options****Statute: § 2151.417**

- Return home
  - Adoption
  - Legal custody
  - Planned permanent living arrangement
-

**Oklahoma****Schedule of Hearings****Statute: Tit. 10, § 7003-5.6d**

- Permanency hearing 12 months after placing the child in care; every 12 months thereafter
- Within 30 days after a finding the reasonable efforts are not required

**Persons Entitled to Attend Hearings****Statute: Tit. 10, § 7003-5.6d**

- The parties
- Present foster parents of the child
- Child's guardian *ad litem*
- Any preadoptive parent or relative providing care for the child

**Determinations Made at Hearings****Statute: Tit. 10, § 7003-5.6d**

- Determine the most suitable permanency plan for the child
- Whether the parent has made progress towards reunification with the child
- Whether the parties have complied with the terms of the service plan

**Permanency Options****Statute: Tit. 10, § 7003-5.6d**

- Return home
  - Adoption
  - Placement with a fit and willing relative or legal guardian
  - Planned permanent living arrangement
- 

**Oregon****Schedule of Hearings****Statute: § 419B.470**

Permanency hearing:

- Within 30 days of a finding that reasonable efforts to reunify are not required
- No later than 12 months after the child was placed under the jurisdiction of the court or 14 months after the child was placed in care, whichever occurs first
- Every 12 months thereafter

**Persons Entitled to Attend Hearings**

Not specified in statute

**Determinations Made at Hearings****Statute: § 419B.476**

- Whether the department has made reasonable efforts and the parent has made sufficient progress to reunify the family
- Compliance with the case plan
- Efforts made by the department to develop a concurrent permanent plan

**Permanency Options****Statute: §§ 419B.343(3); 419B.476**

- Return to parent
  - Adoption
  - Legal guardianship
  - Another planned permanent living arrangement
  - For a child age 16 or older, independent living
  - If an Indian child, the placement preference established by the Indian Child Welfare Act
- 

**Pennsylvania****Schedule of Hearings****Statute: Tit. 42, § 6351**

Permanency hearing:

- Within 6 months of the child's removal from home and every 6 months thereafter
- Within 30 days of a finding that reasonable efforts to reunify are not required

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: Tit. 42, § 6351**

- The continuing necessity and appropriateness of the placement
- Extent of progress and compliance with the case plan
- Appropriateness of the current placement goal for the child
- Whether the child is safe
- Services needed for a child age 16 or older to transition to independent living

**Permanency Options****Statute: Tit. 42, § 6351**

- Return to the parent
  - Adoption
  - Placement with a legal custodian
  - Placement with a fit and willing relative
  - Another planned permanent living arrangement
-

**Puerto Rico****Schedule of Hearings****Statute: Tit. 8, §§ 443c; 443k**

- Review hearing within 6 months
- Final disposition of the permanence plan no later than 12 months after the plan has been initiated
- A permanency hearing within 30 days of a finding that reasonable efforts are not required

**Persons Entitled to Attend Hearings****Statute: Tit. 8, §§ 443c; 443e; 443f**

- The parties assisted by their attorneys
- Foster parents who have had the child in their care for up to 12 months
- Grandparents who have maintained a relationship with the child

**Determinations Made at Hearings****Statute: Tit. 8, § 443c**

- The extent of compliance with the service plan
- Whether reasonable efforts have been made
- Whether the child's current placement safeguards the welfare of the child

**Permanency Options****Statute: Tit. 8, § 443k**

- Return to parent
  - Adoption
  - Placement with a legal custodian
- 

**Rhode Island****Schedule of Hearings****Statute: §§ 40-11-12.1; 40-11-12.2**

Permanency hearing:

- Within 12 months of the child's placement in care; at least every 12 months thereafter
- Within 30 days after a finding that reasonable efforts to reunify are not required

**Persons Entitled to Attend Hearings****Statute: § 40-11.12.1**

- All parties
  - Foster parents
  - Any preadoptive parent or relative providing care for the child
-

**Determinations Made at Hearings****Statute: § 40-11.12.1**

- The appropriateness of the service plan
- What services have been offered
- Any further efforts that will promote the best interests of the child

**Permanency Options****Statute: § 40-11.12.2**

- Return to the parent
  - Adoption
  - Legal guardianship
  - Placement with a fit and willing relative
  - Another planned permanent living arrangement
- 

**South Carolina****Schedule of Hearings****Statute: § 20-7-766**

Permanency hearing no later than 12 months after the child was placed in foster care

**Persons Entitled to Attend Hearings****Statute: § 20-7-766**

All parties

**Determinations Made at Hearings****Statute: § 20-7-766**

- Status of the child
- Progress being made toward the child's return home or other permanent plan

**Permanency Options****Statute: § 20-7-766**

- Return to the parent
- Custody or guardianship with a fit and willing relative
- Adoption
- Another permanent plan

**South Dakota****Schedule of Hearings****Statute: §§ 26-8A-21.2; 26-8A-24; 26-8A-26**

- Review hearing of foster care status every 6 months
- Permanency hearing within 30 days of a finding that reasonable efforts are not appropriate
- Permanency hearing after the child has been in care 12 months and every 12 months thereafter

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: § 26-8A-25**

- The appropriateness of foster placement
- The assistance and services that have been provided to the parents
- If return to the parent is unlikely, efforts made by the department to provide other care

**Permanency Options****Statute: §§ 26-8A-21.2; 26-8A-26**

- Return to the parent
- Adoption
- Legal guardianship
- Placement with a fit and willing relative
- Another planned permanent living arrangement
- Independent living for a child age 16 or older

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**Tennessee****Schedule of Hearings****Statute: §§ 37-1-166; 37-2-404; 37-3-409**

- Review hearing within 90 days of placement and every 6 months thereafter
- Permanency hearing within 12 months of placement and every 12 months thereafter
- Permanency hearing within 30 days of a finding that reasonable efforts to reunify are not required

**Persons Entitled to Attend Hearings****Statute: § 37-2-404**

The parents

**Determinations Made at Hearings****Statute: §§ 37-2-404; 37-3-409**

- The appropriateness of continued foster placement
- The compliance of all parties to the statement of responsibilities
- Extent of progress in alleviating the causes necessitating placement of the child in foster care
- Progress in achieving the goals of the permanency plan

**Permanency Options****Statute: § 37-2-409**

- Return to the parent
  - Permanent placement with a fit and willing relative
  - Adoption
  - Legal guardianship
  - Another planned permanent living arrangement
  - Independent living for a child age 16 or older
- 

**Texas****Schedule of Hearings****Statute: Fam. Code §§ 263.201; 263.304; 263.305**

- Review hearing no later than 60 days after the child is placed
- Permanency hearing no later than 180 days after the child is placed; subsequent hearings no later than 120 days thereafter

**Persons Entitled to Attend Hearings****Statute: Fam. Code § 263.301**

- The department
- The foster parent, preadoptive parent or relative providing care, or the director of the group home where the child resides
- Each parent of the child
- The managing conservator or guardian of the child
- An attorney *ad litem*
- A volunteer advocate
- Any other person or agency named by the court to have an interest

**Determinations Made at Hearings****Statute: Fam. Code §§ 263.305; 263.306**

- Review the status of the child
- Review the permanency plan
- Evaluate the parties' compliance with temporary orders and the service plan
- Determine whether the child continues to need substitute care and whether the current placement is appropriate

**Permanency Options****Statute: Fam. Code § 263.306**

- Return to parent
- Adoption
- Placement in a permanent managing conservatorship

**Utah****Schedule of Hearings****Statute: § 78-3a-311**

Permanency hearing:

- No later than 12 months after the removal of the child
- No later than 8 months if the child is age 36 months or younger
- Within 30 days if no reunification services are ordered

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: § 78-3a-312**

- Whether the child can safely be returned home
- The efforts or progress shown by the parent
- The extent to which the parent cooperated and availed himself or herself of services provided

**Permanency Options****Statute: § 78-3a-312**

- Reunification
  - Adoption
  - Guardianship
  - Kinship placement
  - Another planned permanent living arrangement
- 

**Vermont****Schedule of Hearings****Statute: Tit. 33, § 5531**

Permanency hearing:

- Every 12 months
- May be held every 3 months for children younger than 3 years of age
- May be held every 6 months for children between the ages of 3 and 6 years

**Persons Entitled to Attend Hearings****Statute: Tit. 33, § 5531**

- All parties to the proceeding
  - Any foster parent, preadoptive parent, or relative providing care for the child
-

**Determinations Made at Hearings****Statute: Tit. 33, § 5531**

Review of the order of disposition

**Permanency Options****Statute: Tit. 33, § 5531**

- Return to the parents
  - Adoption
  - Legal guardianship
  - Another planned permanent living arrangement
- 

**Virgin Islands****Schedule of Hearings****Statute: Tit. 5, § 2554**

Review of the status of the child at least once every 6 months following the initial order of disposition

**Persons Entitled to Attend Hearings****Statute: Tit. 5, § 2554**

Any party

**Determinations Made at Hearings****Statute: Tit. 5, § 2554**

- What services have been provided or needed
- The extent to which the parents have visited the child
- Whether the agency is satisfied with the level of the parent's cooperation

**Permanency Options****Statute: Tit. 5, § 2501**

- Return to the parent
  - Adoption
  - Placement in another permanent setting
- 

**Virginia****Schedule of Hearings****Statute: §§ 16.1-281; 16.1-282.1**

- A hearing within 75 days of removal to review and approve the foster care plan
  - A permanency hearing within 11 months of the dispositional hearing
-

**Persons Entitled to Attend Hearings****Statute: § 16.1-281**

- The parent
- The child if age 12 years or older
- The guardian *ad litem*
- The parent's attorney
- Any other person standing *in loco parentis*
- Foster parents

**Determinations Made at Hearings****Statute: § 16.1-281**

- Whether the parent has made marked progress toward reunification with the child
- Whether reasonable efforts have been made

**Permanency Options****Statute: § 16.1-281**

- Return to parent
- Transfer custody to a fit and willing relative
- Adoption
- Permanent foster care
- Independent living for a child age 16 years or older
- Another planned permanent living arrangement

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**Washington****Schedule of Hearings****Statute: §§ 13.34.134; 13.34.138; 13.34.145**

- Review hearings 6 months from the beginning of placement and every 6 months thereafter
- Permanency hearings no later than 12 months from the beginning of placement and every 12 months thereafter
- If reasonable efforts are not ordered, a permanency hearing within 30 days

**Persons Entitled to Attend Hearings****Statute: § 13.34.138**

- The parties and their counsel
- Any foster parent, preadoptive parent, or relative currently providing care to the child

**Determinations Made at Hearings****Statute: § 13.34.138**

- Review of agency and parental completion of disposition plan requirements
- Whether reasonable services have been provided
- Whether the child has been placed in the least-restrictive setting appropriate to the child's needs
- Whether there is still a need for placement
- Whether there has been progress made toward correcting problems
- Whether the parents have visited the child
- Whether there is a need for additional services

**Permanency Options****Statute: § 13.34.145**

- Return to the parent
- Adoption
- Guardianship
- Permanent legal custody
- Long-term relative or foster care
- Independent living, if appropriate, for a child age 16 or older

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**West Virginia****Schedule of Hearings****Statute: §§ 49-6-5a; 49-6-8**

Permanency hearing:

- Within 12 months of the child's commitment to care; every 12 months thereafter
- Within 30 days of a finding that reasonable efforts are not required

**Persons Entitled to Attend Hearings****Statute: § 49-6-5**

- Child's attorney
- Parent, guardian, or custodian or their counsel

**Determinations Made at Hearings****Statute: § 49-6-8**

- Whether and under what conditions the child's commitment shall continue
- Whether reasonable efforts have been made
- Services required to meet the child's needs
- What efforts are needed to provide the child with a permanent home

**Permanency Options****Statute: § 49-6-5a**

- Return to parent
  - Adoption
  - Placement with a fit and willing relative
  - Legal guardianship
  - Another planned permanent living arrangement
- 

**Wisconsin****Schedule of Hearings****Statute: § 48.38**

- Review hearing within 6 months of the child's removal from home; every 6 months thereafter
- Permanency hearing within 12 months of child's removal; every 12 months thereafter

**Persons Entitled to Attend Hearings****Statute: § 48.38**

- Parents
- The child if age 12 or older
- Any foster parent, treatment foster parent, operator of a facility where the child resides, or relative providing care for the child
- Person representing the interests of the public
- Child's counsel and guardian *ad litem*

**Determinations Made at Hearings****Statute: § 48.38**

- The continuing necessity and appropriateness of the placement
- The extent of compliance with the permanency plan
- The extent of efforts to meet the needs of the child and parents
- Progress toward eliminating the causes for the child's placement
- Whether reasonable efforts were made by the agency

**Permanency Options****Statute: § 48.38**

- Return to the parent
- Adoption
- Placement with a guardian
- Permanent placement with a fit and willing relative
- Some other alternative permanent placement, including sustaining care, independent living, or long-term foster care

**Wyoming****Schedule of Hearings****Statute: §§ 14-3-431; 14-3-440**

- Within 6 months of the child's removal from home; 12 months after the removal; every 12 months thereafter
- Within 30 days after a finding that reasonable efforts are not required

**Persons Entitled to Attend Hearings**

Not specified in statutes reviewed

**Determinations Made at Hearings****Statute: § 14-3-431**

- The continuing necessity for the placement
- The appropriateness of the current placement
- The reasonableness of efforts to reunify the family
- The appropriateness of the case plan and extent of compliance with the case plan
- Progress being made toward mitigating the causes necessitating placement

**Permanency Options****Statute: § 14-3-431**

- Return to parent
  - Adoption
  - Legal guardianship
-