



NH Department of Health & Human Services
Division for Children, Youth & Families

DCYF Standard Operating Procedure

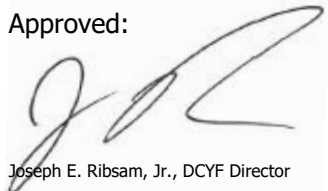
1570.1 CHILD PROTECTIVE PERMANENCY HEARINGS

Policy Directive: **21-51**

Approved:

Effective Date: **December 2021**

Implements Policy: **1570**


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This SOP define how CPSWs prepare for and engage in permanency hearings.

Procedure

The following information is to support the implementation of the above referenced policy. This document shall not preclude staff from using their professional judgement based on individual circumstances, consistent with the requirements of the policy.

- I. The CPSW will consult with their Supervisor and Permanency Planning Team on the appropriateness of seeking an early permanency hearing for a child when the Division believes there are sufficient facts that both parents (or only one parent if the other parent is deceased or not identified):
 - A. Cannot currently satisfy the standard of return of the child under RSA 169-C:23; and
 - B. Would be highly unlikely to satisfy the standard by the 12-month permanency hearing based on:
 1. Both parents, or only one parent if the other parent is deceased or not identified, have made no effort or only negligible efforts to comply with the dispositional orders;
 2. A ground exists for termination of parental rights for both parents, or for only one parent if the other parent is deceased or not identified, under one or more paragraphs of RSA 170-C:5; or
 3. There is another compelling reason to assess the permanency plan of reunification earlier than the 12-month permanency hearing.
- II. CPSWs use the Hearing Notice for Placement Provider (Form 1630) to notify the foster parents, pre-adoptive parents, or relative caregivers of permanency hearings.
 - A. CPSWs document Form 1630 in the DCYF electronic information system by typing the phrase "Hearing Notice Sent" in the narrative of the contact log.
 - B. A hard copy of Form 1630 must be placed in the case file.
 - C. If a child changes placement before the hearing happens, a new Form 1630 is drafted and given to the new caregiver.

- D. If there is insufficient time (less than 48 hours) to provide the foster parents, pre-adoptive parents and relative caregivers with Form 1630, the CPSW must notify them via telephone.
 - E. The CPSW shall be available to answer any questions the foster parents, pre-adoptive parents and relative caregivers may have regarding the hearing.
- III. CPSWs engage age/developmentally appropriate youth about the permanency hearing, by:
- A. Notifying them in person, in writing, or by telephone, of the date and time of the scheduled hearing; and
 - B. Being available to answer any questions they may have regarding the hearing, roles of the parties who attend, and what they can expect.
 - C. Notification to the youth of the hearing date is documented in a contact in the DCYF electronic information system.
- IV. A second permanency hearing for a child will be scheduled if a parent was not served with notice prior to the finding at adjudication (or through consent), and a separate permanency timeline will be tracked for the child with respect to the other parent.
- A. Both parents will be party to both hearings and provided copies of hearing notices and permanency hearing court reports.
 - B. The permanency hearing court report and recommended orders will be specific to the parent for whom the permanency hearing timeline has been met, but must also reference the parent whose permanency hearing is on a separate timeline with a statement to defer to the separate permanency hearing documentation.
- V. When preparing the permanency hearing court report, the CPSW will provide detail about:
- A. The parent's compliance with the outstanding dispositional order(s) or Case Plan;
 - B. What action each parent has taken and whether meaningful participation by each parent has occurred concerning each dispositional order;
 - C. Whether the conditions or circumstances leading to the child's removal have been corrected, including the ability of the parent to demonstrate:
 - 1. The child will not be endangered in the manner adjudicated on the initial petition, if the child is returned home; and
 - 2. The return of custody is in the child's best interests. Upon showing the ability to provide proper parental care, it must be presumed that a return of custody is in the child's best interests;

- D. Whether services for the family have been accessible, available, and appropriate, and what reasonable efforts have been made to support the family in engaging in the services;
- E. The recommended permanent placement for the child and the reasons other permanent placements are inappropriate for the child including a review of each of the following alternatives to reunification, as applicable:
 - 1. Adoption;
 - 2. Legal guardian; or,
 - 3. Another planned permanent living arrangement, if 16 or older;
- F. Efforts toward the concurrent goal of adoption, legal guardianship, or APPLA if it will become the primary permanency goal, including:
 - 1. Exploration of a voluntary surrender of parental rights; or
 - 2. Filing a petition for termination of parental rights; and
 - 3. Consideration of a Voluntarily Mediated Adoption Agreement;
- G. Good cause why any person(s) chosen by the youth (14 years of age or older) as part of their permanency team was rejected by DCYF, if applicable; and
- H. For a youth with a permanency goal of APPLA (or on a case-by-case basis as applicable) identify:
 - 1. Intensive, ongoing, and unsuccessful efforts made by DCYF as of the date of the hearing, to return the youth home or secure a placement with a legal guardian or an adoptive parent;
 - 2. Ongoing efforts utilizing technology (including social media) to search for relatives and connections for the youth;
 - 3. Regular ongoing opportunities for the youth to engage in age or developmentally appropriate activities; and
 - 4. The youth's input about the opportunities to participate in the activities.
- VI. During the hearing, the CPSW with assistance of the DCYF Attorney:
 - A. Provides information about the case plan and permanency plan for the child;
 - B. Requests the court to determine if the Division has made reasonable efforts to finalize a permanency plan for each child; and
 - C. Makes a recommendation concerning the child's permanent placement.

- D. For a youth with a permanency goal of APPLA, the CPSW requests the court (if the court has not already done so) to:
 - 1. Ask the youth about their desired permanency outcome; and
 - 2. Make a judicial determination explaining why APPLA is, or continues to be, the best permanency goal for the youth and provide compelling reasons why it is not in their best interests to:
 - (a) Return home;
 - (b) Be placed for adoption; or
 - (c) Be placed with a legal guardian.

- VII. After an early permanency hearing, DCYF will follow the court’s determination that it is in the child’s best interest to:
 - A. Identify a permanency plan other than reunification and hold a post-permanency hearing within 60 days; or
 - B. Maintain reunification as the permanency plan, providing parents additional time to meet the requirements of RSA 169-C:23, and schedule:
 - 1. Another early permanency hearing within 90 days; or
 - 2. The 12-month permanency hearing.

- VIII. The court may grant one extension of a 12-month permanency hearing, not exceed 90 days, and hold a subsequent permanency hearing for both parents if the court finds a parent is in substantial compliance with the outstanding dispositional orders and the parent establishes:
 - A. They are diligently working toward reunification, which is expected to occur within 90 days;
 - B. It is probable they will be able to demonstrate at a subsequent permanency hearing (after the extension) that they have met the standard for return in RSA 169-C:23; and
 - C. The extension is in the best interest of the child.

Applicable Forms	
Form	Title
1630	Hearing Notice for Placement Provider

Frequently Asked Questions

Q1. Does a permanency hearing have to be scheduled separate from a reasonable efforts determination hearing?

A If all the parties are prepared, the court may conduct the permanency hearing at during the hearing in which the reasonable efforts determination has been made. This will meet the requirement for having a permanency hearing within 30 days.

Q2. Do I include time that a child is missing in calculating time in placement?

A Yes, in determining the full length of time that a child has been in placement, include time that the child was missing.

Q3. Is a non-petitioned parent subject to a permanency hearing?

- A** Yes, the non-petitioned parent must engage in the permanency hearing for their child.
- i. If the non-petitioned parent was served with notice at the time of the finding and subject to dispositional orders, then both the petitioned and non-petitioned parents will be on the same timeline for scheduling the child’s permanency hearing.
 - ii. If the non-petitioned parent was served with notice after the adjudication and not included in the dispositional orders, then a second permanency hearing for their child will be due by 12 months from the date the non-petitioned parent was served.

Glossary and Document Specific Definitions

A - B C - D E - F G - I J - L M - N O - Q R - S T - V W - Z

Document Change Log

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