

STATE OF WISCONSIN
Department of Health and Family Services
Division of Children and Family Services

To: Area Administrators/ Human Services Area Coordinators
Bureau Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities
Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Licensing Chiefs/Section Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Burnie Bridge
Administrator

Re: A Guide For Permanency Plan Administrative Review Panel Members

As you are aware, Wisconsin's Program Enhancement Plan (PEP), which was developed in response to the federal Child and Family Services Review, includes action steps related to increasing the speed and effectiveness of placing children in permanent or adoptive homes when they are no longer safe with their parents. One of Wisconsin's action steps is the development of informational materials for members of permanency plan review panels.

Attached to this memo is **A Guide For Permanency Plan Administrative Review Panel Members**. This information is intended for anyone who is interested in becoming a review panel member or existing panel members who may have questions about their role and responsibilities. In the future, the material will be formatted into a booklet that will be available on the internet for downloading. In addition, the booklet will be printed and available for ordering in hard copy through the DHFS publication center.

Since agencies may have additional information for their reviewers, it may be appropriate to tailor the informational materials to address local practices.

REGIONAL OFFICE CONTACT: Area Administrator

CENTRAL OFFICE CONTACT: Child Welfare Policy Section Manager
Division of Safety and Permanence
Bureau of Safety and Well-being
608.422.6961

MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

Attachment: Guide for Permanency Plan Administrative Review Panel Members

A GUIDE FOR PERMANENCY PLAN ADMINISTRATIVE REVIEW PANEL MEMBERS

What is Permanency Planning?

Permanency planning is a process designed to ensure that children who have been removed from their homes are reunited with their families or are placed in another safe, permanent, and stable living situation as quickly as possible.

What is a Permanency Plan?

A permanency plan is a document designed to ensure that a child placed in out-of-home care is safely reunified with his or her family, whenever appropriate, or that the child quickly attains a safe placement or home providing long-term stability.

When is a Permanency Plan Required?

A permanency plan must be developed for every child living in a:

- ▶ Foster Home ▶ Treatment Foster Home ▶ Group Home
- ▶ Residential Care Center ▶ Secure Detention Facility
- ▶ Shelter Care Facility
- ▶ Home of a relative (if by court order)

If any one or more of the following conditions exists:

- ▶ The child is being held in physical custody under s. 48.207 (non-secure custody), 48.208 (secure detention facility), or 48.209 (county jail)
- ▶ The child is in the legal custody of the agency
- ▶ The child is under the supervision of an agency under s. 48.64(2), under a consent decree under s. 48.32(1)(b), or under a court order under s. 48.355

- ▶ The child was placed under a voluntary placement agreement between the agency and the child's parent under s. 48.63(1) or (5)(b)
- ▶ The child is under the guardianship of the agency
- ▶ The child's care would be paid for under s. 49.19 but for s. 49.19(20)
- ▶ The child's parent is placed in a foster home, treatment foster home, group home, residential care center, secure detention facility, or shelter care facility and the child is residing with that parent

By When Must a Permanency Plan be Developed?

The permanency plan must be filed with the court by the agency within 60 days after the date on which the child was removed from his or her home.

What Permanence Goals Are Possible?

The possible permanence goals for a child are:

- ▶ Return to the child's home (reunification)
- ▶ Adoption
- ▶ Guardianship
- ▶ Placement with a fit and willing relative
- ▶ An alternative permanent placement
 - ▶ Sustaining care
 - ▶ Long-term foster care
 - ▶ Independent living

What Information Must Be Included in the Permanency Plan?

- A description of the services offered and any services provided in an effort to prevent removing the child from his or her home and to make it possible for the child to return home
- The basis for the decision to hold the child in custody or to place the child outside of his or her home
- The location and type of facility in which the child is currently held or placed, and the location and type of facility in which the child will be placed
- If the child is living more than 60 miles from his or her home, documentation that placement within 60 miles of the child's home is either unavailable or inappropriate
- Any considerations made with regard to the proximity of the placement to the school in which the child is enrolled at the time of placement, including consideration of any educational goals or objectives included in the court report under s. 48.33
- The appropriateness of the placement and of the services provided to meet the needs of the child and family, including a discussion of services that have been investigated and considered and are not available or likely to become available within a reasonable time to meet the needs of the child or, if available, why such services are not appropriate
- The services that will be provided to the child, the child's family, and the child's foster parent or operator of the facility where the child is living to carry out the dispositional order, including services planned to accomplish all of the following:
 - Ensure proper care and treatment of the child and promote stability in the placement
 - Meet the child's physical, emotional, social, educational, and vocational needs
 - Improve the condition of the parents' home to facilitate the return of the child to his or her home or, if appropriate, obtain an alternative permanent placement for the child
- The conditions, if any, upon which the child will be returned to his or her home, including any changes required in the parents' conduct, the child's conduct, or the nature of the home
- Where appropriate, for a child aged 15 or over, the programs and services that will be provided to help prepare the child for the transition from out-of-home care to independent living, including the following information:
 - The anticipated age at which the youth will be discharged from out-of-home care
 - The anticipated amount of time available for transition of the youth from out-of-home care to independent living
 - The anticipated location/situation to which the youth will move
 - A description of the assessment process, tools, and methods that were used to determine the services that will be provided
 - A description of each of the services to be provided, a rationale for providing each service, time frames for delivering each service, and intended outcomes from delivering the service
- The names and addresses of the child's physician(s), dentist, and other medical practitioners who are currently or were most recently providing health care to the child
- The child's immunization record, including the names of all immunizations provided to the child and the dates on which those immunizations were received
- The child's known medical problems, including any conditions for which the child is currently receiving medical care and all serious injuries or illnesses for which the child received medical care in the past
- The names, purposes, and dosages of all medications currently being administered to the child, including any known allergic or other negative reactions to any types of medications

- The name of the school in which the child is or was most recently enrolled, including any special programs in which the child participates
- The grade level in which the child is currently enrolled as well as any grade performance information available resulting from tests or other assessments
- The school records related to the child's academic performance and any related problems

When Are Permanency Plans Evaluated?

Permanency plans must be evaluated every six months after the removal of the child from his or her home. The court must conduct a permanency hearing within twelve (12) months after the child's removal from the home and every twelve (12) months thereafter. The plan can either be reviewed by an administrative review panel or the court may hold a hearing on the plan within six months after the child's removal from the home and within six months after the previous evaluation, whether that evaluation was a review by an administrative review panel or a hearing before the court.

Who Conducts These Evaluations?

Under state law, the court is responsible for conducting an evaluation of the permanency plan every six months. In some agencies, the court does such evaluations every six months. In other agencies, the court conducts a hearing every twelve months and appoints a panel to review the plan at the intervening six month point. You are a member of such a panel and are appointed by the court to review the permanency plan on behalf of the court.

Who Can Be a Panel Member?

Panels must consist of three people designated by either the agency that created the permanency plan or by an independent agency approved by the court. A majority of the panel members cannot be employees of either the agency that created the permanency plan or an agency that is providing services to the child or parents. Agencies may enter into contracts with independent agencies to organize the review panels.

Responsibility of Panel Members

Panel members are responsible for the following:

- Ensuring confidentiality (e.g., keep all information/documents out of plain view, do not discuss details with non-related participants, and bring materials to the review for collection)
- Reviewing materials (the agency must make the permanency plan and any written comments that participants have submitted available at least 5 days prior to the review, talk with agency about how this will occur)
- Requesting and reviewing any additional information from the child's record that may be helpful
- Making required determinations regarding the child's permanency plan
- Ensuring participants are comfortable (e.g., able to share thoughts/ideas/concerns in a respectful way)
- Informing the agency of additional needs (e.g., training)

Determinations Made By Panel Members:

The review panel must determine the following items:

- The continuing necessity for and the safety and appropriateness of the placement
- The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any.
- The extent of any efforts to involve appropriate service providers in addition to the agency's staff in planning to meet the special needs of the child and the child's parents.
- The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child.
- The date by which it is likely that the child will be returned to his or her home, placed for adoption, placed with a fit and willing relative, placed with a guardian, or placed in some other alternative permanent placement.
- If the child has been placed outside of his or her home, as described in s. 48.365(1) or 938.365(1), for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first 6 months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan and the circumstances which prevent the child from any of the following:
 - Being returned safely to his or her home
 - Having a petition for the involuntary termination of parental rights filed on behalf of the child
 - Being placed for adoption
 - Being placed with a guardian
 - Being placed in the home of a fit and willing relative of the child
 - Being placed in some other alternative permanent placement, including sustaining care, independent living, or long-term foster care

- Whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, unless return of the child to this home is the goal of the permanency plan and reasonable efforts are not required under any of the circumstances specified in s. 48.355(2d)(b)1. to 5. or 938.355(2d)(b)1. to 4., which include aggravated circumstances, sexual abuse, other assaultive conduct, relinquishment of the child under the safe haven law, or prior termination of parental rights.

What Happens Next?

Within 30 days after the review, the agency will prepare a written summary of the determinations of the review panel and provide a copy to the following:

- Court
- Child, if 12 years of age or older
- Child's counsel or guardian ad litem
- Child's parent or guardian
- Child's foster parent or other care provider
- District attorney or corporation counsel

If the summary indicates that the review panel made recommendations that conflict with the court order or that provide for additional services not specified in the court order, the agency will request a revision of the court order. Ultimately, the judge decides whether to uphold the recommendations of the panel.

***This document is intended to give panel members a general overview. If you are interested in becoming a panel member or would like additional information, please contact your local child welfare agency.