

Achieving Timely Permanency



Capacity Building Center for Courts | U.S. Children’s Bureau

Child & Family Services Review Round 3

This spotlight is drawn from [CFSR Round 3 Report for Legal and Judicial Communities](#), which summarizes states’ performance in meeting safety, permanency, and well-being needs of children and families as a result of the federal Child and Family Services Reviews (CFSRs) conducted between 2015 – 2018. The report shares results in four areas in which the legal and judicial communities play a key role: **achieving timely permanency (this spotlight)**, promoting and maintaining family relationships and connections, meaningfully engaging families, and keeping families together.

As a lawyer or judge handling child welfare cases, you share the common goal of helping achieve permanency for children and families quickly and safely. Round 3 of the CFSR assessed states’ practices and structures to support timely permanency for children placed into foster care. Understanding the results can help you identify states’ strengths and challenges and offer insights as you work to achieve permanency for children and families in your cases.

What the Federal Reviews Assessed

The federal review assessed states’ efforts to achieve timely permanency using the following information:



Performance on permanency-related statewide data indicators

—Provided context for Round 3 performance.



Results from case reviews for Permanency Outcome 1—Children

have permanency and stability in their living situations.



Performance on the case review system systemic factor

—Assesses written case plans, timely periodic reviews, timely permanency hearings, timely filing of termination of parental rights, and notice to caregivers of hearings.

What the Federal Reviews Tell Us

Taken together, the results show **states struggle to achieve permanency and stability in children’s living situation.**



Too many children lack timely and safe permanency and experience unstable placements.

Assessment of state performance on permanency indicators looks at whether states performed better, worse, or no different than national performance. The data shows a need for system-wide change to achieve better permanency outcomes for children and families.

Indicator	Performance*	What This Means
Permanency in 12 months (entries)	Most states performed worse than national performance (42.7%)	Most states do not achieve early permanency for children (within 12 months of children entering foster care).
Permanency in 12 months (in foster care 12-23 months)	2/3 of states performed worse or no different than national performance (45.9%)	Many states need to work on achieving permanency for children in care longer than one year.
Permanency in 12 months (in foster care 24+ months)	More than half of states performed better than national performance (31.8%)	
Reentry to foster care in 12 months	Nearly three quarters of states performed better or no different than national performance (8.1%).	Some states achieved early permanency for children who reentered foster care within a year.
Placement stability (moves per 1000 days in care)	Most states performed no different than or better than national performance (4.44)	Many states changed the caregivers of children in foster care too frequently during their entry year.

*Based on most recent 12-month reporting period included in data profiles transmitted to states in August 2020.

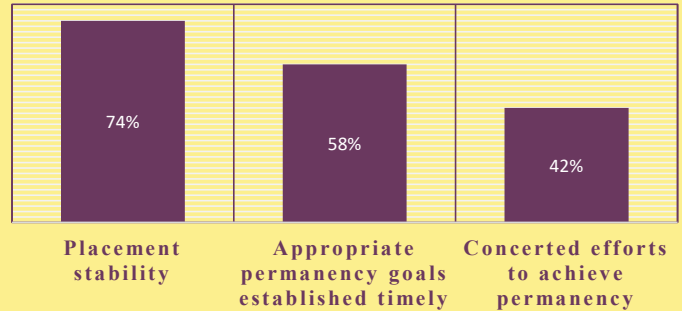


Many children lack permanent, stable living situations. Case reviews in all 50 states and the District of Columbia considered how well states performed in three practice areas associated with permanency. The reviews identified the percentage of all cases that were rated as a strength in each practice area. To be in *substantial conformity*, 95% of applicable cases reviewed must have been rated as having *substantially achieved* the outcome. For a case to *substantially achieve* this outcome, no more than one of the practice areas may be rated as an *area needing improvement*, and one area must be rated as a *strength*.

Findings:

- ▶ CFSR case reviews revealed that no state met the requirements to be in substantial conformity with Permanency Outcome 1: children have permanency and stability in their living situations.
- ▶ Cases for children 6 years and older were less likely to substantially achieve Permanency Outcome 1 than children 5 years of age and younger.
- ▶ Cases involving Black children were less likely to substantially achieve Permanency Outcome 1 than cases

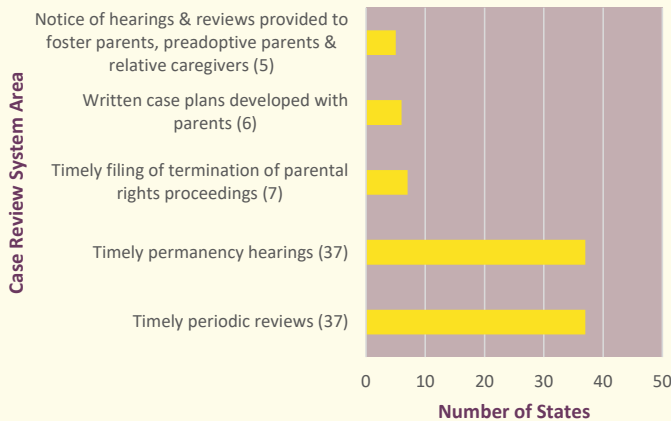
States' Performance in Permanency-Related Practice Areas



involving White children.

- ▶ Most cases include a single permanency goal for the child (72%), while concurrent permanency goals (e.g., reunification and guardianship) were set in 28% of cases reviewed.
- ▶ Concerted efforts to achieve permanency occurred in 42% of all cases reviewed, 49% of cases with reunification as the goal, 36% of cases with guardianship as the goal, and 31% of cases with adoption as the goal (some cases had more than one goal).

Case Review System Areas Rated as a Strength



Case review systems need to support positive permanency outcomes.

The case review system focuses on the child welfare dependency court process and is one of the lowest performing systemic factors. When a state's child welfare case review system is functioning well, structures are in place to support positive permanency outcomes. Lawyers and judges play a critical role strengthening state case review systems and ensuring they are functioning well. States' case review systems were evaluated on five key areas, with at least four of the areas needing to be rated a strength to achieve substantial conformity. Only two states were rated a strength in at least four of the judicial case review system areas.

What some states are doing well

- ✓ Children's needs and case circumstances were considered by the agency and the court when permanency goals were established and reviewed (e.g., children and families were involved in case planning meetings, permanency goals were reviewed during hearings).
- ✓ Permanency hearings were held timely and in coordination with other court hearings, such as juvenile probation hearings.
- ✓ ASFA requirements were followed (e.g., timeframes were monitored and exceptions to the termination of parental rights (TPR) requirements were identified).

What some states need to improve

- ✓ Reunification goals were in place too long given the child's needs and case circumstances.
- ✓ Inappropriate permanency goals were set based on child's age, case circumstances, and need for permanency.
- ✓ Agency delayed completing the paperwork to file TPRs.
- ✓ Agency and/or attorney turnover and high caseloads affected achieving permanency goals timely.
- ✓ Delays affected scheduling hearings/legal proceedings.
- ✓ There were multiple court continuances.
- ✓ Appeals processes for contested TPRs were lengthy.

How to Get Involved



✓ Learn more.

Read the [full CFSR report for judicial and legal communities](#). How is your state and jurisdiction doing? What reforms are needed? What are other jurisdictions doing to address areas in need of improvement?"

Visit the [Children's Bureau's](#) and the [Capacity Building Center for Courts'](#) websites for information on the Child and Family Services Reviews.



✓ Seek ideas and inspiration.

See the [full CFSR report for judicial and legal communities](#) to learn what other states are doing to improve practice and strengthen their structures and child welfare system.

For example:

- ▶ Oklahoma is using court-based teams to improve timely reunification by ensuring parents receive legal representation beginning at the first hearing, scheduling weekly court meetings, holding adjudication and disposition hearings on the same day, and having more contact with parents.
- ▶ Massachusetts is improving timely adoptions by hiring more agency attorneys to reduce case delays and creating judicial case-tracking approaches.
- ▶ Mississippi's child welfare agency is partnering with judicial leadership to implement a child welfare system practice model that stresses prevention and timely permanency.



✓ Join or initiate systems change.

Join collaborative systems reform work between courts, attorneys, and child welfare agencies already happening in your jurisdiction. Take the initiative to create and lead systems change.



✓ Improve your own practice.

Steps to take include:

- ▶ Request or set appropriate permanency goals timely and adjust as appropriate.
- ▶ Identify and address case delays and barriers to achieving permanency.
- ▶ Recommend or establish concurrent permanency plans timely.
- ▶ Adhere to and enforce ASFA timeframes for timely filing of TPRs and discuss whether exceptions to filing are documented in the agency's case record.
- ▶ Request or hold frequent, quality hearings.
- ▶ Provide or set an expectation for quality legal representation.
- ▶ Set or approve Other Planned Permanent Living Arrangement (OPPLA) goals only when other preferred goals are deemed inappropriate.



✓ Get involved in your state's federal Child and Family Services Review.

Contact your local [Court Improvement Program](#) (CIP) administrator or CIP multidisciplinary task force member to learn more about the federal Child and Family Services Review and how to get involved.



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