




DFS Director	Trenee Parker	
Policy Author(s)	Moira Dillon, Adoption Program Manager	

**POLICY 1107 – APPLA (ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT)– COMPELLING REASONS AND DILIGENT EFFORTS**

**A. POLICY**

Foster care is a temporary setting. Diligent efforts are made throughout the life of a case to achieve permanency for a child. Some older youth do not reunify with family or exit to a permanent family. In these circumstances, another planned permanent arrangement may be considered as a permanency plan when compelling reasons exist.

**B. PROCEDURES**

**Diligent Efforts**

1. Each child in foster care is required to have a permanency plan.
2. Diligent efforts are made throughout the life of a case to achieve permanency for a child.
3. Relative and non-relative resources will be identified and explored
4. Alternative permanency plans will be made if sufficient progress is not made on the family case plan within 12 months of the foster care placement.
5. The caseworker shall advise the family that alternative permanency plans will be pursued for their child if sufficient progress is not made on the family case plan within 12 months of foster care placement or if the child is not safe residing in the home of the parents.
6. The caseworker must perform specific activities and make decisions throughout the life of a case in order to demonstrate that diligent efforts have been made to achieve the most permanent outcome for a child. These activities should start when a case is opened, prior to placement and ongoing until permanency has been established and approved by Family Court. Activities may include but are not limited to the following:
  - a) Asking the parent to provide information about the nonresident parent and any other adult relatives
  - b) Checking the state child support system for parent locator service
  - c) Reviewing prior DFS case history to identify relatives
  - d) Asking the youth, if appropriate, to identify relatives
  - e) Using any other reasonable means to identify and/or locate the nonresident parent as well as any other adult relatives including social media and search engines
  - f) Identifying and providing notice to all grandparents and other identified relatives that the child has been removed from the parent and that they may be considered as a possible placement resource

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- g) Identifying other people such as kin and family friends who may be known to the child and may be a possible placement resource
- 7. Once relatives have been identified, the caseworker will notify relatives of the following:
  - a) The need for a foster home, the options to become a placement resource, and the possible need for permanent placement.
  - b) Their duty to ensure that the agency has their current address.
  - c) That they may participate in the care and planning for the child and that they may lose that right if they fail to respond to the notice.
  - d) Family foster care licensing requirements and procedures.
- 8. Following the initial contact with these individuals, the caseworker shall send a standard form letter to each person or family member contacted. The letter should explain:
  - a) The on-going need for contact and support from them while the child is in foster care.
  - b) Provide suggestions regarding the way they can maintain involvement with the child.
  - c) Instruction to contact the caseworker should their personal situation changes, and they feel they can be a placement resource for the child.
  - d) The caseworker will contact them every six (6) months to see if their situation has changed.
- 9. Expressed interest in placement does not guarantee placement. Interested families must be approved using existing approved safety standards and home approval processes to ensure child safety and well-being.
- 10. The caseworker will document all efforts in the case plan and/or Directed Case Conference notes in FOCUS.
- 11. When the child has been in care 15 out of 22 months, or when it is clear that reunification will not occur, the caseworker must file a termination of parental rights (TPR) petition in Family Court or compelling reasons must be documented in the case record. (See Section: Compelling Reasons).
- 12. During efforts to seek a more permanent placement, a placement may be identified that could be a long-term placement but would require that the child remain in the custody of the state until they reach the age of majority. In order to determine if this option is the most appropriate, the caseworker should be able to do the following:
  - a) Document efforts to exhaust all potential adoptive family recruitment efforts on behalf of this child.

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- b) Identify the compelling reasons that exist that justify the decision to allow this child to remain in foster care until they reach the age of majority and why all the other permanency options have been ruled out.
  - c) Clarify and explain the efforts and commitments made by the Division of Family Services and the significant adults in the child’s life to maintain connections and involvement with this child.
  - d) Establish the basis for their assertion that this placement will be permanent until the child ages out of foster care.
  - e) Describe how siblings will actively participate in the life of the youth, if appropriate.
13. These steps will continue until the child exits foster care. The case will continue to be reviewed by the Court until the child reaches 18 or another permanency plan is achieved.

**Compelling Reasons**

- 14. Each child in foster care is required to have a permanency plan as part of their case plan.
- 15. Permanency plans are reviewed and recommended or modified by the Permanency Planning Committee (PPC).
- 16. The Family Court rules on and approves recommended permanency plans.
- 17. Another planned permanent living arrangement (APPLA) is the least preferred permanency choice and should be selected cautiously and only for children who are 16 years of age or older. This permanency choice is most appropriate for children who are:
  - a) in stable, committed, long-term placement where other permanent placement outcomes (such as reunification, adoption, legal guardianship, or permanent placement with a fit and willing relative) have been ruled out and/or are not in the child’s best interest.
  - b) in out of home care for whom there is no specific plan for placement. This option requires clear documentation of compelling reasons to support alternative placement.
- 18. The caseworker shall complete a referral to the PPC for discussion and a recommendation when APPLA is being considered as the plan. Any subsequent plan change will be referred to PPC for further discussion and recommendation.
- 19. The PPC will discuss the compelling reason and child’s best interests and the discussion will be documented in the PPC FOCUS record. The caseworker must be able to demonstrate to the Court’s satisfaction that there is a compelling reason why it would not be in the best interest of the child or youth to be placed with a

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parent, with an adoptive family, with a legal guardian, or with a fit and willing relative.

20. The compelling reason should be strong, persuasive, and convincing and supported by FOCUS (For Our Children’s Ultimate Success – automated information system). It should include all efforts the caseworker has made to affect one of the more preferred permanency options and why they are not reasonable, appropriate, or possible. Examples of a “compelling reason” for establishing APPLA as a permanency plan are:
  - a) The parent and child have a significant bond but the parent is unable to care for the child due to a physical or emotional disability and the child’s foster parents have committed to raising the child to the age of majority and to facilitating visitation with the parent.
  - b) A youth 16 years of age or older, who resides in an identified permanent placement and it is documented that the youth or caretaker cannot commit to adoption or legal guardianship. All possible additional services have been explored with the youth and the placement provider to ensure the long-term foster arrangement is safe, stable and of the highest quality.
  - c) The child has serious, complex medical needs and the transfer of Department of Services for Children, Youth and Their Families’ (DSCYF) custody to a guardian or adoptive parent would significantly reduce or eliminate the support and/or benefits the child receives. In such cases, the caseworker shall explore the adoption subsidy and other benefits available, not only through DSCYF but also other state and federal programs.
  - d) The child is 16 years of age and specifically requested to remain in foster care until age 18. The youth has received sufficient counseling to ensure this is the best plan.
  - e) The child belongs to a Native American Tribe that has identified another planned permanent living arrangement for the child.
  - f) The parent refuses to case plan with the caseworker and the court has excused the agency from case planning with the parent. The parents are not in a position to care for the child, do not want the child in the home, and other permanency options are not viable.
  - g) The child is 16 years of age or older, states that he/she does not want to be adopted, is not committed to living with a family through age 18 and it is not in the child’s best interest to be adopted.
  - h) All of the other permanency options have been ruled out and there are no grounds for filing a TPR petition.
21. The PPC will make a recommendation as to the case plan to be presented to the court.

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22. If APPLA is approved by the Family Court, and it is in the best interest of the child, the caseworker shall facilitate regular contact with the parents and extended family. If parental rights have not been terminated the caseworker shall include the parents in the development and review of all plans related to the child. Both parents shall be invited to attend any and all judicial hearings.
23. After APPLA is approved by Family Court, the caseworker and supervisor will discuss its continued appropriateness quarterly and document the discussion in the treatment directed case conference event or the permanency case conference record in FOCUS. The discussion should include the items listed below.
24. The caseworker and the supervisor shall review the permanency plan of APPLA prior to each permanency hearing in court. The caseworker shall be prepared to discuss the following at each permanency hearing so that a judicial determination can be made that APPLA is appropriate:
  - a) Explanation of why APPLA is still the permanency plan and that it is still what the youth wants
  - b) Discussions with the child about their desired permanency outcome
  - c) Why it is not the in the best interest of the child to be returned home, adopted, placed with a legal guardian, or placed with a fit and willing relative
  - d) Steps taken to ensure the reasonable and prudent parent standard is being followed and that the child has regular ongoing opportunities to engage in age and developmentally appropriate activities
  - e) Continued efforts to locate family members including asking the youth for names of significant people who may be a resource, reviewing the file, and exploring social media
25. The supervisory case conferences and annual permanency hearings or court reviews will continue to take place until the youth turns 18 and/or exits foster care. Judicial determinations will continue to be made on the appropriateness of the-plan and the efforts of the caseworker towards permanency for the youth.

**C. FOCUS**

1. Caseworkers complete Permanency Planning Committee referrals and enter case events in progress notes.
2. Supervisors include APPLA compelling reasons and plan appropriateness in case conference records.

**D. FORMS**

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