JUDICIAL CHECKLIST – POST-TPR PERMANENCY HEARING

A Permanency Hearing is a critical event where the court must assess the appropriateness of a child's permanency goal and progress towards that goal. This checklist is designed to highlight key questions that the court should ask at every Post-Termination of Parental Rights Permanency Hearing to elicit more detailed information.

AT EVERY PERMANENCY HEARING:

1. Address appearances, written information and youth consultation:

- ❒ Are all parties and participants present, including the child? If not, did they receive proper notice?
- ❒ Is the hearing timely?
- ❒ Have you consulted with the child? What is the child's opinion about the proposed plan?
- ❒ If child is 14 years or older, was the child consulted by the agency in preparation of the plan? Did the agency describe the programs and services for transition from out-of-home care to successful adulthood?
- ❒ If the child is an Indian child, have you consulted with the Indian child's tribe?
- ❒ If the child is not present, why not? When did the guardian ad litem (GAL) or adversary counsel consult with the child? What is the child's opinion about the proposed plan?
- ❒ Were any written statements submitted? If so, have they been distributed to all parties?
- ❒ Would the child's caregiver like to make a statement or submission in writing?
- ❒ Would the Indian child's tribe like to make a statement or submission in writing?
- ❒ Has everyone received a copy of the Permanency Plan and any additional reports?

2. Examine the child's current placement:

- ❒ Does the current placement remain necessary, safe, and appropriate?
- ❒ Does the current placement meet all the child's physical, emotional, and educational needs?
- ❒ Does the child have opportunity to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities?
- ❒ How does the child feel about his or her current placement?
- ❒ Is the child placed with a relative? If not, why?
- ❒ Has the agency searched for relatives and examined them as potential placements or adoptive resources? If not, why?
- ❒ If the child has siblings, are the child and siblings placed together? If not, why?
- ❒ If the siblings are not placed together, are they spending time together? How often and in what setting? How is the sibling interaction going and is it appropriate and sufficient?
- ❒ If this case is subject to the Wisconsin Indian Child Welfare Act, is the child placed in accordance with the placement preferences under Wis. Stat. § 48.028(7)?
  - ❒ If not, is there good cause to depart from the order of preference?
  - ❒ If not, what efforts have been made in the last six months to locate a placement that meets the preferences?

3. Review the child's post-TPR placement status and permanency goal(s):

- ❒ How long has the child resided outside the home?
- ❒ What is the proposed permanency goal and concurrent permanency goal (if any)?
- ❒ Why is this goal in the child's best interests? Is this goal appropriate?
- ❒ How will this goal provide stability and permanency?
- ❒ Is concurrent planning appropriate for this child? Why or why not?
- ❒ What are the facts and circumstances supporting adoption, guardianship, or OPPLA?
- ❒ What is the date by which the permanency or concurrent permanency goal will be achieved?
- ❒ Have reasonable efforts been made to achieve the permanency goal, including through an out-of-state placement if appropriate?

4. **Evaluate progress made to address service needs of the child:**
   - ❒ What services has the agency offered or provided? Are services available? Are there additional services that should be offered to the child?
   - ❒ Have adequate efforts been made to involve appropriate service providers?
   - ❒ Have the agency, service providers, identified permanent resource, and child complied with the permanency plan?
   - ❒ If this case is subject to the Wisconsin Indian Child Welfare Act, has the agency engaged in active efforts under Wis. Stat. § 48.028(4)(g)? *[The agency should also indicate which activities are not applicable due to the TPR.]*

5. **Review the child's progress toward permanency:**
   - ❒ Does the child have an identified permanent resource?

   <u>An Identified Permanent Resource Currently Exists:</u>
   - ❒ Is the child placed with the identified permanent resource? If not, what are the barriers?
   - ❒ If this case is subject to the Wisconsin Indian Child Welfare Act, does the resource meet the placement preferences under Wis. Stat. §48.028(7)?
   - ❒ If the Indian child's resources does not meet the placement preferences under Wis. Stat. §48.028(7), what efforts have been made in the last six months to locate a placement that meets the preferences?
   - ❒ Is the resource appropriate and willing to serve as a permanent family to the child?
   - ❒ What is the likelihood of adoption or guardianship finalization?
   - ❒ Has the home study been completed and approved? If not, what are the delays?
   - ❒ Has the adoption or guardianship finalization paperwork been completed (including subsidy agreements)? If not, what are the delays? Is a TPR appeal pending?
   - ❒ Has the adoption or guardianship petition been filed? If not, what is the date it will be filed?

   <u>An Identified Permanent Resource DOES NOT Currently Exist:</u>
   - ❒ Is the agency making reasonable efforts to locate permanent resource? If not, why?
   - ❒ What recruitment efforts have been made to locate a permanent resource? If no efforts have been made, why?
     - ❒ Has a relative search been completed? If not, why?
     - ❒ Was a Child Description for Adoption Recruitment completed? If not, why?
     - ❒ If a Child Presentation Meeting was completed, what was the response?
     - ❒ Is the child photolisted? If not, why?
     - ❒ Does the child have a video recruitment? If not, why?

   <u>Other Planned Permanent Living Arrangement (OPPLA) (age 16 or older only):</u>
   - ❒ Has the agency made intensive and ongoing efforts to place the child for adoption or guardianship, and have those efforts proven unsuccessful?
   - ❒ Why is OPPLA the best permanency goal for the child?
   - ❒ Have compelling reasons been documented as to why it would not be in the child's best interests to have one of the other permanency goals?
   - ❒ Does the child have regular, ongoing opportunities to engage in age or developmentally appropriate activities and is the caregiver applying the reasonable and prudent parent standard?
   - ❒ Does the goal include an appropriate, enduring relationship with an adult?

6. **Schedule next hearing.**
   - ❒ Has a guardianship or adoption hearing scheduled and, if not, can it be?
   - ❒ Should a review hearing be scheduled prior to the next Permanency Review/Hearing?