JUDICIAL CHECKLIST – 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 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?
   - ❒ Has everyone received a copy of the Permanency Plan and any additional reports?
   - ❒ Has each party, including the parents and child, been given an opportunity to be heard in court?
   - ❒ Have you consulted with the parents and child? What is their 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 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?
   - ❒ Has the child's caregiver been given an opportunity to make a statement or submit comments in writing?
   - ❒ Does the case involve an Indian child? Is the tribe present or has the tribe submitted a statement in writing?
2. **Review the child's out-of-home placement status:**
   - ❒ How long has the child resided outside the home?
   - ❒ What are the reasons for continued placement of the child? What prevents a safe return home with either parent today?
   - ❒ Has the child resided outside the home for 15 out of the past 22 months? If yes, why hasn't a termination of parental rights been filed?
3. **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 parent provided names of relatives? 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? 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) or those established by the child's tribe?
     - ❒ If not, is there good cause to depart from the order of preference?
     - ❒ What efforts have been made in the last six months to locate a placement that meets the preferences?
4. **Evaluate progress made to address safety and the efforts made to rehabilitate the family:**
   - ❒ What progress has been made toward eliminating the causes for the out-of-home placement?
   - ❒ What are the impending danger threats in the home? Have the parents protective capacities increased?
   - ❒ Have the agency, service providers, child and parents complied with the permanency plan?
   - ❒ What progress has each parent made towards the conditions for return?
   - ❒ Are the parent and child spending time together? How often and in what setting? Is the level of supervision appropriate and sufficient? How is the family interaction going?
   - ❒ What services has the agency offered or provided to the family? Are the services available for the parent to participate in? Are there additional services that should be offered? Have adequate efforts been made to involve appropriate service providers?
   - ❒ 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) to provide remedial services and rehabilitation programs designed to prevent the breakup of the family?
     - ❒ Does it take into account the prevailing social and cultural values, conditions, and way of life of the child's tribe?

5. **Discuss the child's permanency goal and any concurrent permanency goal:**
   - ❒ What is the proposed permanency goal and concurrent permanency goal (if any)? Is this different than the current goal(s)?
   - ❒ Why is this goal(s) in the child's best interests and appropriate? How will this goal(s) provide stability and permanency?
   - ❒ Is concurrent planning appropriate for this child? Why or why not?
   - ❒ What is the date by which the permanency goal or concurrent permanency goal will be achieved?
   - ❒ Have reasonable efforts been made to achieve the permanency goal, including through an out-of-state placement?
6. **Provide TPR warnings and Conditions for Return orally and in writing.**
7. **Schedule next hearing if appropriate.**

FOR EACH PERMANENCY GOAL, EXPLORE THE FOLLOWING:

Return Home:
- ❒ What is the status of the original threats of danger and any new threats? What are the specific facts about changes in parent behavior, attitudes, motivation, and interactions?
- ❒ What is needed for an in-home safety plan to be sufficient?
- ❒ What supervision or case management will be provided after return home?
- ❒ Is a case closure order or modification of a family court order needed?
- ❒ Is trial reunification appropriate?

Placement for Adoption:
- ❒ What are the facts and circumstances supporting the grounds for termination of parental rights?
- ❒ Is the agency making reasonable efforts to locate an adoptive resource (foster parents and relatives)?
- ❒ Has a TPR petition been filed and, if not, what is the date it will be filed?
- ❒ What is the likelihood of adoption?
- ❒ Does the child have an identified permanent resource?
  - ❒ If not, is the agency making reasonable efforts to locate permanent resource? (such as relative search, Child Description for Adoption Recruitment, photolisting, video recruitment)
  - ❒ If so, what recruitment efforts have been made?
- ❒ If this case is subject to the Wisconsin Indian Child Welfare Act:
  - ❒ Is the tribe supportive of adoption as a permanency option?
  - ❒ Is the agency making diligent efforts to locate an adoptive resource that meets the placement preferences under Wis. Stat. §48.028(7)(a)?

Placement with a Guardian:
- ❒ What are the facts and circumstances supporting guardianship?
- ❒ Is the proposed guardian appropriate and willing to serve as a permanent family to the child?
- ❒ Can the guardian manage the relationship between the child and parents?
- ❒ How will this goal provide stability and permanency?
- ❒ Has a §48.977 guardianship subsidized guardianship been considered?
- ❒ Has the guardianship petition been filed and, if not, what is the date it will be filed?
- ❒ If this case is subject to the Wisconsin Indian Child Welfare Act, does the proposed guardian meet the placement preferences?

Permanent Placement with a Fit and Willing Relative:
- ❒ What are the facts and circumstances supporting this permanent placement?
- ❒ Is the proposed caregiver appropriate and willing to serve as a permanent family to the child?
- ❒ How will this goal provide stability and permanency?
- ❒ Why is guardianship or subsidized guardianship not being pursued?

Other Planned Permanent Living Arrangement (OPPLA) (age 16 or older only):
- ❒ Has the agency made intensive and ongoing efforts to return the child home or place for adoption, with a guardian, or with a fit and willing relative 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 (required)?