
OVERVIEW

Permanency planning has been described as the intent to provide children with a sense of connectedness and continuity, or a sense of belonging that lasts over a period of time. Permanency planning is not, nor should it be thought of as, a separate child welfare service.

Permanency planning is a core concept that guides the delivery of all child welfare services. It is the basis for programs that maintain families and enables children to remain within their own homes, and for programs that provide permanent family resources when a child's parents cannot be expected to ever provide adequate care for their child(ren).

In Indian child welfare, it also means maintaining ties with extended family and tribe; see also FOM 722-7, Permanency Planning. Indian youth 12 years or older, as developmentally appropriate, must be engaged to solicit their preferences in case planning for active efforts, placement priorities, and culturally appropriate service delivery.

Cross-Cultural Elements of Permanency Planning

Several elements of the Indian culture contribute to effective cross-cultural services¹ in permanency planning, such as:

- The primary right and responsibility for Indian child rearing lies with the parent(s) or extended family.
- Permanence exists only if an Indian child perceives security and a sense of belonging to a family, extended family, clan and tribe. A sense of permanence enhances the Indian child's ability to form a healthy relationship, a clear identity, and satisfying adjustments to society.
- A wide variety of family and extended family relationships exist for Indian people, as influenced by tribal identity, degree of assimilation and other factors.

1. Cross-Cultural Skills In Indian Child Welfare: A Guide for the Non-Indian, National Indian Child Welfare Association publication, Second Edition, 2004.

- The best permanency plan for an Indian child is usually to grow up in their own family or extended family.
- Respect for the thoughts, feelings, and rights to self-determination of Indian children.
- Indian parents have the right to culturally sensitive services that enable them to be a permanent resource for their Indian child.

PERMANENCY PLANNING GOALS

A permanency planning goal for each Indian child must be documented within each service plan. This goal is the intended outcome of the caseworker's active efforts to move the Indian child from temporary placement to permanent placement. There may be interim goals that are necessary to achieve the ultimate goal of permanence. While permanency planning involves placing the Indian child permanently, there is not one preferred living arrangement over another. Instead, it is the direction of the activity that will allow wardship to be dismissed; see FOM 722-7, Permanency Planning Goals.

CONCURRENT PERMANENCY PLANNING

In cases involving a child who is a member of or eligible for membership in a federally recognized tribe, tribal government will be involved in all aspects of case planning, placement and interventions. In these situations, sequential planning rather than concurrent planning may be the process of choice.

As soon as affiliation in an Indian tribe is identified, the tribe must be included in every aspect of the process. Indian Outreach Services (counties where applicable), tribal representation and urban Indian organizations must be invited to all family team meetings where a family has or declares tribal membership or Native American heritage.

All recommendations will be made in consultation with the tribe for families who have or declare tribal membership or Native American heritage. Family members may not become involved at the onset of the case in order to not appear as interfering. If the family wants to be considered at a later date, the caseworker must assess the

family that comes forward. Caseworkers must understand that culturally, it is not a lack of interest but rather respect for the family. Indian culture values lifelong connections to the tribe over any attachments that may be developed in placement. Placement in an Indian home supersedes any connection or attachment developed in a foster placement (including concurrent permanency planning).

Integration of ASFA and the ICWA

The Adoption and Safe Families Act of 1997 (ASFA) 12-month hearing requirement is not a cut-off date for parental rights. When a parent is making progress towards reunification by the time of the 12-month hearing, it may be appropriate to continue reunification as the permanency goal. If a parent has made no progress in the 12-month period, a permanency plan other than reunification, must be presented to the court or documentation of compelling reasons why termination petition should not be filed; see NAA 250, Compelling Reasons.

Another Planned Permanent Living Arrangement (APPLA)

If, with active efforts, the Indian child cannot be safely returned to the parents or Indian custodian within 12 months after removal, the caseworker must develop another planned permanent living arrangement (APPLA). The APPLA must be developed in collaboration with the Indian child's tribe, the parents and extended family members. The caseworker must document when the tribe declines to collaborate in the case plan. In such a case, the caseworker should strongly and regularly encourage the tribe to assist in the early identification of an another planned permanent living arrangement for the Indian child.

If it is concluded that (after considering reunification, adoption, guardianship or permanent placement with a fit and willing relative) the most appropriate permanency plan for an Indian child is placement in another planned permanent living arrangement, the compelling reasons for this decision must be documented in the updated service plan (USP). These compelling reasons must detail why none of the other goals are not in the child's best interest; see NAA 250, Compelling Reasons.

Termination of Parental Rights Requirements

See NAA 255, Indian Child Welfare Act requirements.

ONGOING PERMANENCY PLANNING

The permanency planning goal listed in the service plan must match the goal that is coded in the Michigan Statewide Automated Child Welfare Information System (MISACWIS) and for Juvenile Justice. The appropriateness of the goal depends primarily upon whether the Indian child is a temporary or permanent ward, and the individual circumstances of the case, including the determination of the applicability of the Indian Child Welfare Act.

When considering whether adoption is the most appropriate permanency plan, evaluate the following factors:

- Does the Indian child's tribe have long-standing social and cultural objections to termination of parental rights? Is adoption recognized by the tribe?
- If termination and adoption are opposed by the tribe, is there an alternative permanent placement available with extended family or other tribal member which will provide comparable stability for the Indian child?
- If a placement within the Indian child's tribe cannot be identified, what efforts have been made to identify an adoptive placement not belonging to the tribe, including a non-Indian family?
- If a placement within the Indian child's tribe cannot be identified, have efforts been made to obtain the tribe's support for an **alternative** adoptive placement within the placement preference order?
- Has the Indian child expressed an objection to termination and adoption?
- If the Indian child's parent(s) expressed a placement preference, what efforts have been made to choose a placement that accommodates their wishes?

Continuing Efforts

No Indian child may leave the child welfare system without a legal permanency goal or statutory relationship to an adult who cares about them and is unconditionally committed to them. It is critical that foster care caseworkers continue to search out permanent

options for Indian children in care. However, the reality is that there are times when Indian children are not placed for adoption, or do not have legal guardians; see FOM 722-7, Permanency Planning Goals.

Caseworkers must ask the Indian youth to help identify possible permanency options. Caseworkers must review the case file of the Indian youth to look for foster parents/relative/unrelated caregivers to contact and pursue as potential permanency options. These efforts must be documented by the caseworker in the service plan.

DEVELOPING AN ADULT SUPPORT SYSTEM

If it appears that an Indian child may not have a legal relationship with an adult when leaving the child welfare system, the caseworker must assist the Indian youth to develop an adult support system. A case conference or team decision making meeting may be held prior to the Indian youth's 18th birthday to identify all adults which may provide support to the Indian youth when the Indian youth leaves the system. If foster parents agree to be an informal support for the Indian youth, the caseworker must meet with the foster parents and the Indian youth to clarify the continued relationship.

Adolescents need to be taught skills that will prepare them to live independently; see FOM 722-6, Older Youth and Independent Living Preparation.

Indian youth under care and supervision of the department, placement agency foster care and/or tribe may access the young adult voluntary foster care program (YAVFC), Youth in Transition (YIT), Michigan Youth Opportunities Initiative (MYOI), and education and training voucher (ETV) programming; see NAA 415, TAM, FOM 722-16 Young Adult Voluntary Foster Care, FOM 950 Youth In Transition, and FOM 960 Educational and Training Voucher.

LEGAL BASIS

Adoption and Safe Families Act, 42 USC 601 et seq.

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.