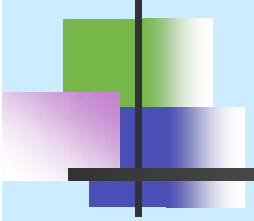


Appropriate Use of APPLA as a Permanency Goal



OCS Regional Office
Staff Development & Appreciation Day
Louisiana Child Welfare Comprehensive
Workforce Project



National Resource Center for
Family-Centered Practice and Permanency Planning

*A Service of the Children's Bureau
at the Hunter College
School of Social Work*



Louisiana Child Welfare
Comprehensive Workforce Project



Major Changes in Foster Care in Last Ten Years

- **Signing of Adoption and Safe Families Legislation, 1997**
- **Creation of Child & Family Service Review System in States, 2001**
- **Signing of Chaffee Legislation, 1999**
- **Focus on Permanency for Older Youth, 2002**
- **New Law 683- Fostering Connections, 2008**



Some Statistics About Youth In Foster Care

AFCARS (Adoption and Foster Care Analysis and Reporting System) data, as of January, 2008, indicates that there are:

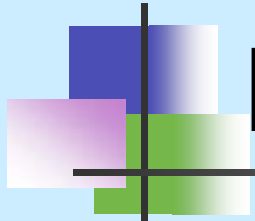
- 510,000 children/youth in foster care
- 129,000 children/youth waiting to be adopted
- Children/youth wait 39.4 months on average
- 51,000 children/youth are adopted annually
- 597 children/youth adopted in Louisiana 2007



Some Louisiana Statistics About Youth In Foster Care

State of Louisiana OCS data, as of May 15, 2009, indicates that there are:

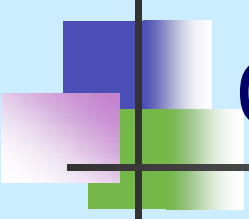
- 4,857 children/youth in foster care
- children in Lake Charles
- 9 children in Lake Charles, goal of LTFC
- 597 children/youth adopted Louisiana 2008



Race/Ethnicity

Nationally, 56% of the children and youth in care are children and youth of color:

32% African American; 19% Latino; Indian Children in many states are over-represented as well, especially in South Dakota where 3% of the population identify as Indian and 63% of the children and youth in the foster care systems are of Indian ancestry.



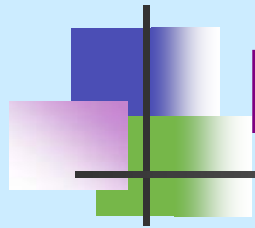
Placement settings for all children/youth in care were:

Nationally

- preadoptive homes (4%)
- relative foster family home (24%)
- non-relative foster family home (48%)
- group home (8%)
- institution (10%)
- SILP programs (1%)
- Runaway youth (2%)
- Trial discharge to their families (3%)

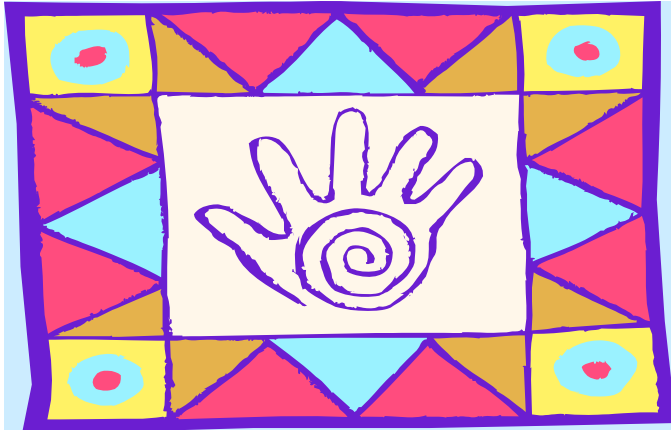
Louisiana

- preadoptive homes (4%)
- relative foster family home (3%)
- non-relative foster family home (59%)
- group home (6%)
- institution (18%)
- IL programs (3%)
- Runaway youth (2%)
- Trial discharge to their families (3%)



Permanency Planning Goals

- Reunification – 53%
- Adoption – 17%
- Relative care – 11%
- 9% or 26,517 youth had a goal of emancipation.



Pathways to Permanency Under Adoption and Safe Families Act

- **Return to the Parent**
- **Adoption**
- **Legal Guardianship**
- **Permanent Placement with a Fit and Willing Relative**

- **Another Planned Permanent Living Arrangement (APPLA)* must be accompanied by compelling reasons**



Defining Permanency

Permanence is not a philosophical process, a plan, or a foster care placement, nor is it intended to be a family relationship that lasts only until the youth turns age 18.



Defining Permanency

Permanence is about locating and supporting a lifetime family. For young people in out-of home placement, planning for permanence should begin at entry into care, and be youth-driven, family-focused, culturally competent, continuous, and approached with the highest degree of urgency.



Defining Permanency

Child welfare agencies, in partnership with the larger community, have a moral and professional responsibility to find a permanent family relationship for each child and young person in foster care.



Defining Permanency

Permanence should bring physical, legal and emotional safety and security within the context of a family relationship and allow multiple relationships with a variety of caring adults.



Defining Permanency

Permanence is achieved with a family relationship that offers safe, stable, and committed parenting, unconditional love and lifelong support, and legal family membership status.



Defining Permanency

Permanence can be the result of preservation of the family, reunification with birth family; or legal guardianship or adoption by kin, fictive kin, or other caring and committed adults.

Compelling Reasons



2 different provisions:

1. The agency determines it has a “compelling reason” not to file a termination petition for child/youth who has been in care “15 of the last 22 months.”
2. “Compelling reason” why “another planned permanent living arrangement” is being selected as a permanency option.

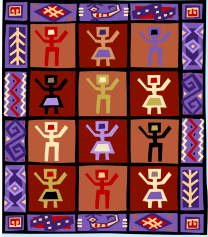
Compelling Reasons

2 types are separate and distinct

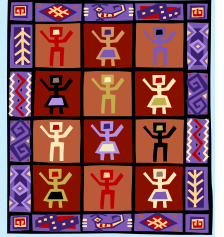


There must be a documented compelling reason for why TPR is not being pursued, *and* there must be documented compelling reason why one of the four preferred permanency options is not being selected.

Court may address compelling reasons in court order, but is not required to do so.



Compelling Reasons



Examples cited in federal regulations:

1. An older teen who specifically requests that emancipation be established as his/her permanency plan;
2. The case of a parent and child/youth who have a significant bond, but the parent is unable to care for the child/youth because of an emotional or physical disability; and the child/youth's foster parents have committed to raising him/her to the age of majority and to facilitate visitation with the disabled parent; or
3. The Tribe has identified another planned permanent living arrangement for the child/youth.

45 C.F.R. § 1356.21 (h)(3)(i), (ii), & (iii).

Definition of Permanency

- A safe, nurturing and stable home environment and set of relationships
- Opportunity to live in a permanent home, one which can be returned to for support even as an adult
- Home intended to last indefinitely
- Family which gives a commitment to continuity for the young person and allows for a lasting, supportive lifetime family relationship to be established
- Gives young person a sense of belonging and a definitive legal and social status



What is “APPLA?”

ASFA defines the term as “any permanent living arrangement not enumerated in the statute.”

42 U.S.C. 475(5)(C)

“Planned” means the arrangement is intended, designed, considered, premeditated, or deliberate.

“Permanent” means enduring, lasting, or stable.

Includes:

- ***physical placement of the youth***
- ***quality of care***
- ***supervision***
- ***nurture***



What is “APPLA?”

- Permanency *goal* for the youth
- The objective is to craft the most stable, secure arrangement possible.
- “Permanency” includes something more than merely meeting the child’s immediate physical, educational, social, and mental health needs.
- Key to the youth’s future happiness and success is the development of relationships with members of the youth’s family and communities.



Long-Term Foster Care

Group Care / Residential Treatment

Independent Living

Emancipation



Use of Long-Term Foster Care



- The statute struck the term “long-term foster care.”
- The preamble to the regulations further explains:
“Far too many children are given the permanency goal of long-term foster care, which is not a permanent living situation for a youth.” 65 Fed. Reg. 4036.
- LTF/C is not stable, may disrupt often, leading to frequent moves for the child/youth and instability.



What about Group Care/Residential Treatment?

Rarely is group care a living arrangement that is planned and permanent.

- Consider group care *a step* towards achieving the youth's permanency plan of adoption, reunification, etc., not *a goal*.
- Group care should not be considered an APPLA, if the youth's release from group care is reasonably likely during the child's minority.
- Group care as an APPLA should require clear evidence that the young person will not be able to function in a family setting before reaching adulthood.

What about Group Care/Residential Treatment?

Factors to consider:

- **Advocate or Guardian**
 - Has the agency made attempts to locate/identify?
 - Does a close relationship exist?
 - Will relationship continue indefinitely?
 - Can paid staff ever qualify to perform that role?

- **Are there designated contacts--relatives, for example, who provide respite care?**

What about Independent Living & Emancipation?

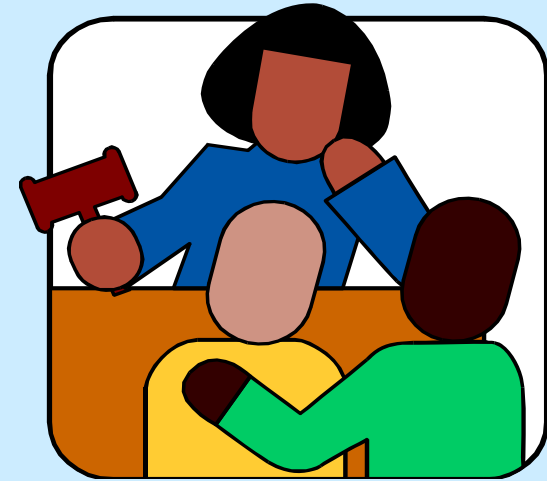
- **Consider Independent Living a set of services, not a permanency goal.**
- **IL services should meet the youth's physical, psychological, emotional, educational needs**
 - **Job skills**
 - **Safe housing**
 - **Connections to family, i.e. siblings, extended family**
 - **Continuing education**
 - **Peer connections**
 - **Cultural identity**



Frame this as a “reasonable efforts” issue

APPLA: R/E to Finalize the Permanency Plan

- **Second required R/E finding under ASFA.**
- **Judicial finding - whether the agency provided reasonable efforts to finalize the permanency plan.**
- **Within 12 months of the youth’s entry into foster care and every 12 months thereafter.**
- **A negative, late, insufficient or missing finding means the agency is ineligible for IV-E dollars until the court makes a positive finding.**
- **The finding must be detailed and child specific.**



Frame this as a “reasonable efforts” issue

- The agency should provide reasons why the living arrangement is expected to endure
- What services has the agency provided to:
 1. meet needs of youth?
 2. ensure stability of placement?
- What support structures are being put in place?
- What efforts has the agency made to enhance the safety, quality, and stability of the APPLA?

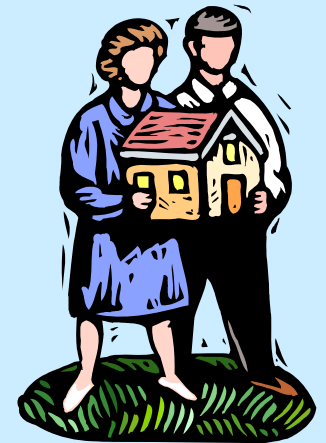
Reasonable Efforts Inquiry

Have other permanency options been fully considered and ruled out for valid reasons?

- Review compelling reasons at each and every permanency hearing and at each review to determine whether a more preferred permanency option is possible.

What efforts has the agency made to identify and recruit a permanent placement for the youth?

- Parents?
- Relatives?
- Current and former caretakers?
- Mentors, coaches, teachers, counselors, or employers?



Have we asked the young person?

Is this placement the best way to meet youth's needs?

Reasonable Efforts Inquiry

Did the agency conduct a timely assessment and provide relevant services when the case first came in?

- **Permanency planning should begin when children are initially placed in out-of-home care.**
- **Sometimes the youth is left in an arrangement that was originally intended as an emergency placement.**
- ***The agency's reasonable efforts should include early assessment and planning to reduce the likelihood of a youth being in a nonpermanent long-term arrangement by default instead of a more permanent one by design.***
- **Permanency planning becomes more complicated as the youth becomes attached to the foster parents.**
- ***What might have been a successful reunification case, or relative placement case, has now become an APPLA.***

CONCURRENT PLANNING

Reasonable Efforts to finalize an alternate permanency plan

APPLA and :

Reunification?
Adoption?

Relative Placement?



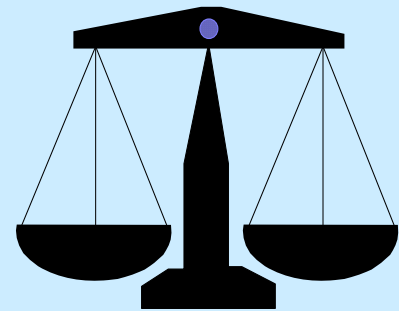
Recommendations for Advocates and Courts

- Don't use "APPLA" as a catchall for temporary plan.

(Is the proposed plan a *permanent living arrangement*?)

- Conduct an individual assessment of the youth's placement *at each permanency hearing*.

- Review the youth's service agreement.

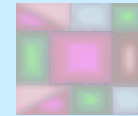


- Consider all issues pertaining to well-being of youth, including issues of visitation with parents, siblings, and others.



Recommendations for Advocates and Courts

- Ideally, the plan will involve a specific adult or couple (as opposed to an organization)
 - **certain powers and responsibilities**
 - **playing permanent and important roles in the youth's life**
 - **likely live with the young person, although not necessarily**
 - **familial relationship with the youth will continue beyond the life of the dependency case**
- :
- Focus on building relationships between the youth and those adults who will be a network of support for the youth





**Gerald P. Mallon, DSW,
NRCFCPPP**

**Louisiana Child Welfare Comprehensive
Workforce Project**

Hunter School of Social Work

LSU School of Social Work

***A Service of the Children's
Bureau/ACF\DHHS***

Gmallon@hunter.cuny.edu

www.nrcfcppp.org

www.lcwcwp.org

