



**TEXAS**  
**Department of Family  
and Protective Services**

**Permanency Planning Resource  
Guide**

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## *Resource Guides*

The purpose of Resource Guides is to provide information that helps you do your job better. This information includes reference material, procedures, and guidelines that help you complete the tasks you are required to do by policy.

It's important to remember that the information in Resource Guides does not substitute for policy. We may sometimes include policy statements, but only to show you the policy to which the information is related. We will highlight any policy that actually appears in the Resource Guide and will almost always include a link to the actual policy. For example:

Per 4322.2 Re-Allowing Placement:

Any time the caseworker becomes aware of detailed justification for changing the status of and considering placements in a foster family that has been placed on Disallowed Placement status, the caseworker must elevate this consideration through the regional chain of command to the regional director.

The policy in the handbook always takes precedence over what is in the Resource Guide. We try to keep policy and Resource Guides synchronized, but sometimes there is a delay. If you have questions, always follow the policy in the Policy Handbook.

Resource Guides provide important information on a range of topics, for the purpose of assisting and guiding staff to:

- make essential decisions
- develop strategies to address various issues
- perform essential procedures
- understand important processes
- identify and apply best practices

The information in the Resource Guides is not policy (except where noted), and the actions and approaches described here are not mandates. You should adapt the way you perform critical tasks to the individual needs and circumstances of the children and families with whom you work.

State office and field staff are working together to identify Resource Guide topics, define the content, and develop the appropriate guides. CPS will regularly post Resource Guides as they are developed, and update them as needed. Check the Resource Guides page, in the CPS Handbook, to see new or revised Guides.

We hope these Guides provide useful information to guide and assist CPS staff in effectively performing their job tasks. These Guides, combined with clear and concise policy in the Handbook, should help staff provide a high level of service to children in Texas.

Note: If this resource guide is accessed by a Single Source Continuum Contract (SSCC), please note that this guide does not supersede federal and state legislative requirements, Community-Based Care Contract and Statement of Work, SSCC Operations Case Management manual or CBC Joint Operation Manuals. This resource guide is suggested best case practice. SSCCs may have a differing case management approach and may continue to practice in accordance to federal and state law, and their model.

## Overview of Permanency Planning

Permanency refers to a child exiting from DFPS care into a safe, appropriate, and permanent setting. Planning for permanency begins the moment DFPS makes contact with a child and family. DFPS constantly assesses the family, requests information, and acknowledges members of the child's and family's support network in order to engage them in permanency planning. The family's support network will have valuable information to assist DFPS in making careful and realistic case and permanency plans. Engaging the family and support network may also generate an array of permanent placement options for the child if they cannot return home and is an important part of concurrent planning. The process does not end until a child exits DFPS conservatorship, preferably to a permanent family setting.

Positive permanency is the philosophy that guides DFPS in permanency planning for children in DFPS conservatorship. Positive permanency means that DFPS seeks an outcome in which the child exits DFPS care into a permanent setting that includes a legal relationship to a family. Positive permanency is achieved when children are reunified, adopted, or permanent custody is given to another individual.

Every child needs a permanent and stable home, preferably with their family or fictive kin. There is no adequate substitute for stable, permanent family ties. Family ties provide the child with a sense of belonging and connection to the community. When a child cannot return home safely, positive permanency underscores the need for DFPS to actively seek another permanent family setting for the child. If DFPS cannot achieve positive permanency for a child or youth, DFPS must identify, develop, and support connections to caring adults who agree to provide support to the child once they leave foster care.

DFPS must actively work toward a primary permanency plan and a concurrent permanency plan. Because things can quickly change during a DFPS case, it is DFPS's responsibility to develop a permanency plan from the beginning and identify permanency options in the event the primary plan is not achieved. Accordingly, staff must continuously engage the family (including parents, relatives, fictive kin, and the current caregivers and their families). DFPS should actively seek to involve relatives and fictive kin in the life of the child regardless of whether the relative and fictive kin are the planned permanent caregiver.

## Benefits of Permanency for the Child

For a child or youth, *permanency is not theoretical*; it is about providing the child with a sense of belonging and connections to significant people in their lives. Permanency is about assuring the child that someone will be in their life to provide support now and in the future.

DFPS must strive to identify an appropriate permanent family setting in which a child or youth can:

- develop a mutually strong relationship with the people who are providing the child's day-to-day care;
- feel a sense of belonging as a member of the family or household;
- develop trust in the child's relationships with others;
- feel a part of a wider family, friendship, and community network;
- feel loved and valued for who the child or youth is;
- experience continuity of culture, language, and religion;
- develop a knowledge and acceptance of the child's birth family and personal life history;
- expect that placement will continue;
- have contact with the people who are significant to the child; and
- understand and exercise their rights and responsibilities as a member of the family or household, and in the community.

## The Permanency Planning Process

The permanency planning process directs services toward providing the child:

- a safe living situation;
- a permanent living situation, where the placement is intended to be permanent and consistent with the permanency goal;
- a family committed to the child;
- an enduring and nurturing family relationship that can meet the child's needs;
- a sense of security;
- a legal status that protects the rights of the child without DFPS maintaining conservatorship, whether the child is being placed permanently with a family or transitioning to adulthood; and
- connections to caring adults who will support the youth into adulthood during and after

the transition to adulthood, regardless of the youth's permanency goal.

*See DFPS Rules, 40 TAC [§ 700.1201](#)*

## Entry into Care – Initial Conservatorship with DFPS

Effective case planning begins when a child enters care (or earlier if DFPS has already been working with the family). Case planning is a comprehensive action that includes many of DFPS's interactions with the family to assess needs and plan services. However, the first formal step in the case planning process is to gather information and complete relevant portions of [Form 2279](#) Placement Summary within 72 hours of entry into care.

## Concurrent Placement Planning

Concurrent permanency planning is the process by which DFPS pursues two different permanency goals simultaneously. Working on both outcomes at the same time allows the child to achieve positive permanency as quickly as possible.

Reasonable efforts to finalize an alternative permanency plan may be made concurrently with reasonable efforts to reunify the child and family. The concurrent plan should be discussed openly with the family, the child, child advocates, and substitute caregivers.

*45 CFR [§ 1356.21\(b\)\(4\)](#); Texas Family Code [§ 263.3025\(d\)](#)*

Staff must use concurrent planning when children are in DFPS temporary or permanent managing conservatorship or extended foster care to increase the likelihood of achieving positive permanency for youth exiting care. Specifically, DFPS must adhere to the following:

- Primary and Concurrent Permanency Plan Goals must be developed within 45 days of the child coming into care and entered into IMPACT.
- Both the Primary and the Concurrent Goals must be actively worked at the same time; they are not in lieu of each other.
- Permanency plans must be documented consistently on the Child's Plan of Service (CPOS), in Court Reports, and on the Family Plan of Service (FPOS).
- DFPS must work to engage the parents and the child in case planning activities throughout the case. A FPOS should not be submitted or approved without a demonstration of reasonable efforts to involve the parents, and their attorney, if applicable, guardian ad litem, attorney ad litem, and caregiver in the planning.
- Family Group Conferences and Circles of Support meetings are tools designed to help select appropriate permanency goals for children in a timely manner.

Issues to consider when selecting an appropriate goal for the child:

- Permanency goal must serve the child's best interest and long-term care needs.
- Permanency goal must provide permanency and stability.
- Permanency goal must be realistic and have the potential of being achieved.
- Permanency goal should not be selected for the purpose of satisfying the need to have a concurrent goal.
- Permanency goal must address the need for an enduring and nurturing family relationship.

It is important to reevaluate parents, relatives or fictive kin before eliminating the possibility of family reunification, adoption by relative or fictive kin, or permanent managing conservatorship to a relative or fictive kin. Consider the following during re-evaluation:

- Circumstances that have changed for a parent, family member, relative, or fictive kin;
- Changes in a potential caregiver's willingness or appropriateness to care for the child;
- Efforts being pursued to achieve permanency for the child, or address existing barriers to permanency;
- Efforts being made to preserve or develop the child's relationships with their family, siblings, and other caring adults who are significant to the child;
- Plans for transitioning to adulthood if the youth is 14 or older and the development and use of a Circle of Support meeting for the youth; and
- Issues related to discharging the child or youth from care, if discharge is imminent.

## Special Issues in Concurrent Planning

The IMPACT system requires the identification of a primary and concurrent permanency goal. This includes situations such as a family reunification when a child has already been returned to the parent, as well as adoption.

When a child is placed with a parent during reunification, DFPS continues to ensure that a feasible and appropriate concurrent plan is in place in the event that family reunification fails. In these cases, the concurrent goal may be adoption by a relative or conservatorship to a relative, or the child's former caretaker. Examples of how you can demonstrate working the concurrent plan include:

- collaborating with the parents to make an alternative plan for safe care in emergencies;
- collecting information for relatives, friends, neighbors, teachers, or other important people in the family's life;
- continuous discussion with the child's previous placement regarding their interest and

their intention for caring for the child and the child's relatives who may be interested caring for the child; and

- maintaining contact with the previous placement and the child's relatives and encouraging continued contact between the child and the previous caregiver through:
  - in-person visitation;
  - inviting the caregiver to planning meetings;
  - inviting the caregiver to school or special events (e.g., graduation, birthday parties, recitals, sports events, and holidays);
  - phone calls;
  - letters;
  - and FaceTime/Skype.

When working with children who have a permanency goal of adoption, it is possible to have adoption as both primary and concurrent permanency goals with two different families (such as relative adoption) as the child's **primary** permanency goal and the other type of adoption (unrelated adoption) as the child's **concurrent** permanency goal.

Adoption can be the permanency goal if, based on the totality of the circumstances in a case, and family reunification is not likely to be achieved. A permanency goal of adoption indicates that:

- adoption is in the child's best interest;
- DFPS intends to pursue termination of parental rights to the child or rights have been terminated; and
- safe and permanent family living arrangement has been found or is being sought that is willing and able to:
  - protect the child;
  - assume long-term responsibility for the child's care and upbringing; and adopt the child

DFPS provides services to the child and the family where the child is placed for adoption until the case can be closed; and following the consummation of an adoption, the adoptive parents become the parents of the child for all purposes.

# Factors to Consider When Planning for Permanency

## Working Collaboratively

To achieve permanency as quickly as possible, DFPS collaborates with the child's parents, relatives, caregivers, and others involved with the child's case. Because effective communication is crucial, DFPS should:

- engage the parents in the family assessment, and in-service planning for the family and the child, as soon as possible;
- specifically describe what the parents must do, and ensure that the parents understand all expectations;
- specifically describe what DFPS must do to support the parent's completion of services under the plan
- offer- tangible support services that address:
  - the child's permanency and well-being needs in the Child's Plan of service (CPOS); and
  - the danger indicators, child vulnerability, and;
  - parental protective capacity in the Family Plan of Service (FPOS);
- address special needs related to the family's ethnicity, cultural background, disabilities, etc.;
- involve other people who can help support the parents (e.g., relatives, friends, or church members);
- ensure that the caregiver knows what the permanency plan is and what DFPS expects from them in working towards the plan;
- establish time frames;
- ensure that the parents know how to reach the caseworker; and
- treat case conferences, case plan reviews, and court hearings as opportunities to:
  - review progress toward reducing danger indicators
  - build parental, relative, or fictive kin's protective capacities
  - assess the family's progress and
  - reconsider options.

## Duration of Child's Time in DFPS Conservatorship

DFPS strives to keep every child's and youth's stay in DFPS conservatorship as brief as

possible. To this end, caseworkers should follow the guidelines specified below:

1. Every child's or youth's caseworker is required to periodically review the original reasons for the child's or youth's removal and the situation that currently exists. The crucial question is whether the parent's protective capacities will manage the danger indicators to allow the child to return to a safe home, and *not* whether the parent has completed all the services and achieved goals specified in the FPOS. It is important to review and reflect on the parent's ability to demonstrate behavioral change, not only that they have completed required services. If necessary and appropriate, parents can continue to work on their FPOS and continue their services with the child or youth in the home.
2. If parents have made significant progress in reducing danger indicators and increasing their protective capacities, the caseworker should staff the case with the supervisor and program director to discuss possible family reunification planning. See [6500](#) Family Reunification for policy related to conducting the Family Reunification Assessment and timeframes for completion.
3. If parents have not made significant progress in reducing the danger indicators and improving their protective capacities for the child to return home, the caseworker should staff the case with the supervisor and assess if the services identified were a good fit for the parent or if there are alternative services available to support the parents' change in behavior. If progress is still not being achieved, a possible change of the permanency goal may be needed. The Reunification Assessment aids in helping to assess the progress of the parent and if a new permanency goal should be considered.
4. If a final order has been entered and the child or youth is in DFPS permanent managing conservatorship, (with or without termination of parental rights), the caseworker should continuously re-evaluate the child's or youth's circumstances, and address challenges and barriers to the child or youth achieving the permanency goals. See [6420](#) Rights of Children and Youth in Foster Care

## Staying Focused on Permanency

During the life of the case, events may occur that may have direct or indirect impacts on achieving permanency goals. The following is a non-exhaustive list of factors to consider:

- Whenever possible, try to keep a child or youth in the same placement. Transferring children to new caregivers tends to disrupt their progress towards achieving permanency.
- If a child's or youth's placement changes, make sure that decisions about the child's

next placement address the child's need for a safe, permanent home and their ability to remain connected to their family and community, if appropriate. If possible, the child's or youth's next placement should represent a step towards achieving permanency.

- The child should be consulted in an age-appropriate manner regarding any placement changes before the placement change occurs to ensure that any factors that are important to the child are considered.
- When a child's progress towards achieving permanency appears to be stalled, involve the program director in the case (or anyone else who may be helpful) to (i) identify the obstacles to achieving permanency, and to (ii) specify tasks and time frames for overcoming the obstacles. Consider referring the case for a Family Group Conference.
- Always remain aware that children and youth entering into DFPS conservatorship are victims of child abuse and maltreatment. A child's or youth's ability to cope with trauma varies from one individual to another. A child's or youth's resilience to trauma and how the needs of the child or youth are met have a direct impact on permanency outcomes.
- When a case appears to be stalled in court, confer with the attorney representing DFPS in the case to look for ways to bring it to a conclusion.
- CANS assessments must be updated annually, unless the child is in a Community Based Care (CBC) catchment area where the timeline to update the CANS assessment may be different.
- Children must attend court reviews permanency hearings unless specifically excused by the court. A child may participate by electronic means such as telephone, video conferencing, or Skype if there is a prohibitive distance between the child's placement and the court location.
- Child and Youth voice is an important part of the permanency planning process. It is not something that should just be sought at the moment the plan is being prepared. When a youth's wishes are not fully considered and addressed with the youth as a participant, positive outcomes are less likely.

## Developing and Documenting the Permanency Plan

In developing a permanency plan for a child, DFPS collaborates with the child, family, and others to identify specific steps to achieve the identified permanency goal. Since these steps are considered part of the permanency plan for the child, the presentation of the child's

permanency plan includes a discussion of the steps needed to achieve the goal.

These steps are also considered part of the case planning process. For further information about case planning, see [6240](#) Case Planning.

DFPS must address the following in order to develop an appropriate permanency plan for the child:

- the needs and wants of the parents to ensure that they safely maintain the child in the home;
- needs and wants of relatives or extended family members to ensure care for the child on a permanent basis;
- the needs and wants of the child to ensure their return to the care of the parents;
- the needs and wants of the child to ensure placement in the care of a relative or fictive kin;
- the needs and wants of the child's caregiver to ensure care for the child on a long-term basis and support of the permanency goal for the child; and
- identification of other caring adults.

In order to develop an appropriate permanency plan, DFPS must gather information from a variety of sources, using appropriate methods to:

- assess the child's and the family's needs, wishes, strengths, and problems;
- reach out to the child, the child's family, and the child's extended family, as appropriate;
- develop relationships and rapport as circumstances warrant;
- gather sufficient information about the child and the family;
- assess the extended family for their strengths, needs, supports, wishes, and problems;
- obtain additional assessments as needed; and
- learn and stay up to date about the resources and services that are needed and that are available in the community for children and families.

From this information, DFPS develops a permanency plan and service plan with the child and family that contains appropriate tasks for those involved and identified time frames.

# Presenting and Implementing the Permanency Plan

## Court Review and Determination

The caseworker submits the permanency plan to the court through the use of the Permanency Report. This ensures that the court reviews the plan at regular intervals. The Permanency Report to the Court with the stated goals must be provided to each person entitled to notice 10 days before the permanency hearing. The court then makes a determination at every permanency hearing that DFPS is making reasonable efforts to finalize the permanency plan and if the parents are in compliance with their court ordered services.

Texas Family Code §§[263.303](#) & [263.306](#)

## Implementing the Permanency Plan

To assist with implementing the permanency plan, DFPS may also consult with a variety of professionals and community resources that can assist with the necessary steps to achieve the permanency goal.

Examples of specific actions that may be needed to implement the permanency plan are:

- referring parents for testing, counseling, parenting classes, alcohol or drug addiction rehabilitation services, or other specific services;
- meeting with parents on a regular basis to discuss ongoing issues;
- facilitating frequent parent-child visits and modeling parenting skills as necessary;
- arranging for siblings to maintain frequent contact (see [6416.1](#) Sibling Visitation);
- completing home assessments on families for potential long-term placement;
- helping a relative find resources to be able to support a child;
- identifying steps for relatives or fictive kin to become verified foster care placements for possible preparation for permanency care assistance;
- making specific adoption recruitment efforts when termination of parental rights has occurred (e.g., registering children on adoption exchanges, making presentations, or setting up media events);
- developing specific steps and resources to help a 17-year-old prepare for transitioning to adulthood;
- placing coordinating with the Developmental Disability Specialist to place a child on a Medicaid Waiver list; and
- ensuring the child has consistent therapy that meets their needs including, assisting

- caregiver in arranging for that therapy and accessing needed Star Health assistance;
- sharing case information with other state and private agencies to obtain long-term services or locate families

Activities such as these are examples of the reasonable efforts DFPS is required to make to achieve or finalize the identified permanency goals.

## Changing or Revising the Permanency Plan

As a result of the permanency plan review, DFPS modifies the permanency plan for a child as required by circumstances and the child's needs. DFPS must consider the length of time to achieve potential permanency goals.

## Documenting Efforts to Achieve the Permanency Goal

The permanency plan addresses the efforts made by DFPS to achieve the permanency goals.

DFPS documents efforts to achieve permanency for a child in the:

- reviews of the Child's Plan of Service (see [6241.22](#) Review of Child's Plan of Service). The worker should share the Child's Plan of Service with the Child's Attorney Ad Litem, the Child's Guardian Ad Litem, the parents, the parent's attorneys and the Court;
- Permanency Report to the Court – Temporary Managing Conservatorship, which is completed for permanency hearings before final order (see [5530](#) Permanency Hearings for Children Under Temporary DFPS Conservatorship); and
- Permanency Report to the Court – Permanent Managing Conservatorship, which is completed for permanency hearings after final order (see [5580](#) Permanency Hearings After Final Orders for Children Under DFPS Permanent Managing Conservatorship (PMC)). DFPS ensures that the information in IMPACT is accurate and updated promptly, particularly the permanency goals, legal status, placement information, and child characteristics.

[Section 475](#) of Title IV-E of the Social Security Act (SSA) requires each state that receives Title IV-E funds for substitute-care services to establish (i), in consultation with the parents and their attorneys if they are represented by counsel, a written case plan for each child in substitute care and (ii) a case review system. Both requirements are set forth below:

[42 U.S.C. §675](#) & [45 C.F.R. §1356.21\(g\)](#)

## Case Plan

The act defines the case plan as a written document that includes the following:

- A description of the type of living arrangement in which the child will be placed, including a discussion of:
  - the safety and appropriateness of the placement; and
  - how DFPS plans to carry out the voluntary placement agreement entered into or judicial determination made with respect to the child pursuant to Social Security Act sec. 472(a)(1) ([42 U.S.C. 672\(a\)\(1\)](#)).
- A plan for assuring that the child receives safe and proper care and that services are provided to the parents, child, and foster parents to:
  - improve the conditions in the parents' home;
  - facilitate return of the child to their own safe home or the permanent placement of the child; and
  - address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the plan.
- The health and education records of the child, including the most recent information available regarding:
  - the names and addresses of the child's health and educational providers;
  - the child's grade-level performance;
  - the child's school record;
  - a record of the child's immunizations;
  - the child's known medical problems;
  - the child's medications; and
  - any other relevant health and education information concerning the child determined to be appropriate by DFPS.
- For a child age 14 or over, a written description of the programs and services (where appropriate) available to assist which will help the child with transitioning from foster care to adulthood.
- When the permanency plan is adoption or permanent custody to another person, documentation of the steps taken to find an adoptive family or other permanent living arrangement for the child must highlight the DFPS's efforts to place the child with:
  - an adoptive family;
  - a fit and willing relative;

- a permanent managing conservator; or
- another planned permanent living arrangement.

Documentation must also highlight DFPS' efforts to finalize the adoption or legal guardianship.

At a minimum, such documentation must include child-specific recruitment efforts (e.g., the use of state, regional, and national adoption exchanges, including electronic exchange systems to facilitate orderly and timely in-state and interstate placements).

- When the permanency plan is placement with a relative and receipt of permanency care assistance (PCA), a description of:
  - the steps taken to determine that return to the home or adoption is not appropriate for the child;
  - the reasons for any separation of siblings during placement;
  - the reasons why a permanent placement with a fit and willing relative through a permanency care assistance arrangement is in the child's best interests;
  - the ways in which the child meets the eligibility requirements for permanency care assistance;
  - the efforts made to discuss adoption by the child's relative foster parent as a permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefor; and
  - the efforts made to discuss the permanency care assistance arrangements with the child's parents, or the reasons why the efforts were not made.
- A plan for ensuring the educational stability of the child while in foster care, including:
  - assurances that each placement of the child regarding the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
  - assurances made by DFPS regarding its coordination with appropriate local educational agencies (as defined by section 8101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or, if this is not in the child's best interests, assurances that DFPS and the local educational agencies provide immediate and appropriate enrollment of the child in a new school, with all of the educational records of the child provided to the new school.

*42 U.S.C. §675(1)*

## Case Reviews

### Setting and Proximity

The case review system assures that each child in substitute care has a case plan designed to achieve placement in the least restrictive (most family-like), safest, and most appropriate setting available that is in close proximity to the parents' home, accounting for the best interest and special needs of the child.

The case review system also provides assurances that the case plan is followed including that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of the placement. The case review system also addresses why a child is placed a substantial distance from the parents or in a different state, the case review system addresses (i) why such placement is in the child's best interest, and (ii) ensures if the child is placed out-of-state, that a caseworker visits the child monthly and provides a report to DFPS at least every six months, if applicable.

42 U.S.C. §§[675\(1\)&\(5\)](#)

### Periodic Review

At a minimum, the status of each child is reviewed by a court every six months to determine:

- the safety of the child
- the continuing necessity for and appropriateness of the placement;
- the extent of compliance with the case plan; and
- the extent of progress which has been made towards alleviating or mitigating the reasons for the child's removal.

Additionally, the periodic review serves to project a date by which the child may be: (i) safely returned to the home, (ii) placed for adoption, or (iii) placed in a permanent managing conservatorship.

The periodic review ensures that the child's placement is following the "reasonable and prudent parent" standard, the child has regular, ongoing opportunities to engage in age (or developmentally) appropriate activities, and the child is consulted about the available activity

opportunities.

## Permanency Hearings and Other Procedural Safeguards

With respect to each child, procedural safeguards must be applied to ensure that:

- an initial permanency hearing for each child is held no later than 180 days at the date the court enters a temporary order appointing the department temporary managing conservator; and subsequent hearings should be held no later than the 120th day of last permanency hearing until final order is issued. (TFC 263.305 and 263.306). After final order, permanency hearings must be held at least once every six months, with the first hearing being held no later than 90 days after final order was issued if parental rights were terminated.

Texas Family Code §§263.304 & 263.305

The purpose of the hearings is to determine the permanency plan for the child, including: (i) when the child will be returned to the parent, if applicable; (ii) whether the child will be placed for adoption; or (iii) whether the child will be placed in a non-parent sole permanent managing conservatorship with another adult.

Additionally, DFPS must:

- consider in-state and out-of-state placement options for a child who will not be returned to the parent and determine whether any current placement continues to be appropriate and in the best interests of the child;
- if a child is 16 years of age or older and has a permanency plan of another planned permanent living arrangement, demonstrate that there is a compelling reason for determining that another permanency goal is not in the child's best interests to return home, be adopted, be with a fit and willing relative, be placed in a permanent managing conservatorship, or be placed in another planned permanent living arrangement, subject to section 475A(a); and
- if a child is 14 years of age or older, consider the services needed to assist the child in successfully transitioning from foster care to adulthood.

Procedural safeguards apply to parental rights with regard to removal, to a change in the child's placement, and to any determination affecting the parents' visitation privileges.

Procedural safeguards are also applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to adulthood, the child attends the hearing and the court consults with the child in an age-appropriate manner regarding the proposed transition or permanency plan.

For any child who is 14 years of age or older, the permanency plan, as well as any revisions to the plan, must be developed in consultation with the child.

## Review of the Health and Education Record

A child's health and education records are reviewed and updated and provided to the child's foster parent or foster care provider each time the child is placed in a new placement. In addition, a child must be provided with the child's health including immunizations and education records are provided to the child at the time the child leaves foster care, at no cost to the child.

42 U.S.C. [§675\(5\)\(D\)](#) & Texas Family Code [§264.121\(e-1\)](#)

## Termination of Parental Rights

If a child was in foster care for 15 of the last 22 months, or if the court determined that a child is abandoned or made an aggravated circumstance finding, DFPS must seek termination and begin recruitment for adoption unless:

- the child is being cared for by a relative;
- DFPS has documented in the case plan a compelling reason why termination would not be in the child's best interest; or
- DFPS has not made reasonable efforts to reunify.

Note that because many jurisdictions file pleadings in the alternative and request termination at initial filing and because of Texas's mandatory dismissal deadline, this requirement almost never needs to be addressed separately.

42 U.S.C. [§675\(5\)\(E\)](#)

## Other Considerations for Planning

## Child/Youth Participation

Youth in care have a right to actively participate in creating their plan for services and determining their permanent living arrangements. At age 14, they have the right to invite two or more additional people of their choosing, that are not their foster parent or caseworker, to participate in their case planning meetings.

42 U.S.C. [§675\(1\)\(B\)](#)

## Plans for Transitioning to Adulthood

DFPS must assist and support the youth by developing a plan to successfully transition the youth into adulthood. A transition plan included in the child's plan of service beginning at age 16, if the child is in the Department's TMC or at age 14, if the Department has PMC. Additionally, the transition plan is reviewed during the 90 days before the child turns 18, and during the 90 days before the young adult leaves extended foster care. A plan under this section must:

- be personalized at the direction of the child;
- include specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services;
- explain costs associated with housing in relation to income, including any benefits or rental assistance available, discuss plans to live with family or friends, shelters, resources including supervised independent living and dorms and review a common rental application and identify potential co-signers or references;
- include information about the importance of designating another individual to make health care treatment decisions on behalf of the child, who would then be a young adult, if the child becomes unable to participate in such decisions if he or she does not have, or does not want, a relative who would otherwise be authorized under state law to make such decisions.
- provide the child with the option to execute a medical power of attorney form under Texas Health and Safety Code §166.164 if the child will reside in Texas as a young adult, and if the child will live out of state a health care power of attorney or health proxy that is legally recognized in that state; and
- be as detailed as provided for by the child.

42 U.S.C. [§675\(5\)\(H\)](#) and Texas Family Code § [264.121\(i\)](#)

## Credit Report

Each year until the child leaves DFPS conservatorship, any child 14 or older must be provided with a copy of any consumer credit reports pertaining to the child at no cost to the child. The child must also receive assistance in interpreting and resolving any inaccuracies in the reports, including assistance from any court-appointed advocate when feasible.

If the child is a young adult (18 or older) and in extended foster care, the young adult must receive help pulling their own reports. This can be done by being referred to the [Annual Credit Report](#) website to request and obtain their credit reports from each reporting agency (Equifax, Experian, TransUnion). This is the only website authorized to provide a free credit reports from each reporting agency. Use of a consumer reporting app is not a substitute for requesting the full credit reports from each reporting agency.

42 U.S.C. [§675\(5\)\(I\)](#)

## Identification Documents

If the child is a young adult (18 or older), prior to the young adult leaving DFPS conservatorship, the young adult must be provided with an official or original certified copy of their United States birth certificate from their state of birth (even if the state of birth is not Texas), an original social security card, health insurance information and cards, a copy of their medical records including immunization records, and a Texas driver's license or identification card, and any official documentation necessary to prove the young adult was previously in foster care. If applicable, the child should also be provided with all their original immigration documents.

Texas Family Code [§264.121\(e-1\)](#)

## Immigration/Citizenship

Correctly identifying a child or youth's citizenship or immigration status and promptly pursuing available options promotes permanency. Consulting CPS Handbook Section 6700 on International and Immigration issues and the International and Immigration resources guide is critical for the permanency planning process.