

ABA Center on Children and the Law
Role of the Legal Proceedings in Concurrent Planning

The court process should be part of the monitoring of progress toward achieving the primary permanency goal as well as toward pursuing the concurrent plan. All decisions should be child-centered decisions, keeping the child's time frame and need for permanency in mind.

Suggested ASFA/Concurrent planning explanation that the Judge could say to the parents at the original placement and at each hearing:

“Our federal and state law requires that the agency begin to finalize permanency for a child when the child has been in out of home care for 15 months. This law applies to you no matter how or why the child was placed out of your home – including if you asked for the placement voluntarily. Our first plan is to return the child to the parents; however at the same time, the agency must also develop a concurrent or a back-up plan. A back up plan could be placing your child for adoption or having your child live permanently with a relative. You as the parent should do everything you can to work toward a safe return to the child but you can and should help in the development of a back up plan. Do you understand what we are talking about here?”

“I want to make sure that you understand that if you have not completed the services ordered by this court and have not made the necessary changes to make your home safe for your child within a reasonable time, your parental rights may be terminated and your child may be placed for adoption or your child may be permanently placed in some other living arrangement.”

Questions the court can ask at every hearing after a thorough discussion of the primary permanency goal and the progress being made or not toward achieving that goal – all counsel should be prepared for these questions

- ✓ What is the agency's concurrent plan for this child? Does anyone else have a different concurrent plan to offer or have the court consider?
- ✓ What are the specific steps that have been taken toward achieving the agency's concurrent plan? If that plan became the primary goal, what obstacles would need to be overcome?
- ✓ Is the current caregiver willing to consider adoption if the child is freed in the future? If not adoption, would the current caretaker be willing to be a permanent placement in another fashion?
- ✓ Have all the parents of each child be identified and located? Are any of them in the position to or being considered as the long-term custodian?
- ✓ Have all the relatives, on both parent's sides, been explored? Are any of them willing to adopt the child or be guardians of the child?
- ✓ Has adoption been ruled out as a possible permanency goal for this child and if so, why?