

# FAMILY-CENTERED PRACTICE

## Concurrent Case Planning Model

Concurrent case planning is an integral part of the family-centered practice model as it brings the caregiver and the biological family together to improve the safety and well-being of the child. The caregiver can offer support and parenting assistance as the biological family works through the case plan tasks with needed services. As a team, both families can focus on the best interests of the child and possibly continue the relationship long after the dependency case is closed.

This model serves as suggested guidelines for how concurrent case planning should be utilized in dependency cases. Rule 65C-30.001(33), Florida Administrative Code, defines concurrent case planning as “working toward a primary permanency goal while at the same time establishing an alternative permanency goal for the child to be utilized in the event reunification does not occur within a time period that is reasonable with the child’s sense of time.” In many cases, this means utilizing a relative placement who is willing to commit to the child long term so that the child can maintain family ties and heritage. In other cases, foster parents who are interested in adoption can be utilized.

### The process.

At the initial hearing: At the shelter hearing (or the arraignment hearing if there is not a shelter hearing), the court shall:

- If the identity of a parent is unknown, § 39.503 requires the court to conduct an inquiry to help determine the identity and location of the missing parent. If the identity or location cannot be discovered, the court should order a diligent search. § 39.503(5). The court should also inquire of the parent whether the parent has relatives who might be considered as a placement for the child. The parent(s) must provide the court with identification and location information regarding the relatives. § 39.402(17). Fla.R.Juv.P. Form 8.976 provides a guide for the parents to utilize when listing relatives that might be suitable placements for the children. Judges should consider mandating that the parents fill out this form and file it with the court at the shelter. The child protective investigator can assist the parent(s) with filling out the form, if necessary. All adults with a significant relationship with the child should also be considered and be assessed as a possible placement resource. New legislation that became effective July 1st, 2008, stated that an adoptive parent of the child’s sibling should be given priority over placing the child with a non-relative or placing the child in foster care.
- The court shall advise the parent that the parent has a continuing duty to inform the department of any relative who should be considered for placement of the child. § 39.402(17).

Pursuant to § 39.01(66), “Relative” means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

- Place the child in a temporary placement.
  - § 39.401(2)(a)(3) states that a responsible adult relative shall be given priority consideration over a non-relative placement when this is in the best interests of the child. Adoptive parents of the child's siblings shall be given priority consideration over a non-relative placement.
  - Rule 65C-13.014(3)(c)(8), F.A.C., states that before placing a child in foster care, relative placements must be explored. If possible, siblings must be placed together. Rule 65C-13.014(3)(c)(7), F.A.C.
  - The court may consider ordering a family team meeting. This is especially helpful when more than one relative resource is identified so that the family, along with involved professionals can determine which resource will best meet the child's safety, well-being, and permanency needs.
  - Meet the foster parents/custodian of the child and verify that they are willing and able to meet the child's needs.
  - Note that non-relatives who are willing to assume custody and care of a dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the nonrelative caregiver under chapter 39 might qualify for the Relative Caregiver Program. The court must find that a proposed placement under § 39.5085(2)(a)3 is in the best interest of the child. § 39.5085(2)(a)3.

Prior to a subsequent hearing, the department/CBC should perform the following actions:

- The child protection investigator (CPI) must make diligent efforts to locate an adult relative, legal custodian, or other appropriate adult willing and able to care for the child until the CPI's supervisor deems the CPI's efforts are sufficient. Rule 65C-30.003(b), F.A.C.
- For the purpose of concurrent planning, once the case is transferred to the services worker, the worker must initiate or continue diligent efforts to identify and locate any relatives who would be willing and able to care for the child. Rule 65C-30.003(4), F.A.C.
- If a concurrent goal of TPR is announced, DCF should obtain birth certificates and other necessary documents needed for adoption proceedings.
- The case worker shall perform a home study on possible relative placements.
- The case worker shall perform an assessment of the families' strengths, needs and current/past problems to assist in determining the placement of the child with a "permanency planning resource family" who is actively engaged in supporting family reunification efforts, but who is also willing to serve as a permanency resource if the child cannot return to the birth parents.
- Rule 65C-30.006(4)(a), F.A.C., requires that every case involving a child in an out-of-home placement must be evaluated to determine if concurrent case planning is appropriate. Determining the appropriateness of concurrent goals shall occur in the early stages of the case, and concurrent case planning shall be performed if deemed appropriate. In making these determinations, the DCF/CBC will ensure that the child is involved, depending on his or her age and developmental level. Also, information from others involved with the child shall be obtained such as the child's therapist and school personnel. Medical,

educational, emotional, developmental, and child safety issues shall be considered when making determinations regarding concurrent case planning.

- The case worker begins all necessary Interstate Compact on the Placement of Children (ICPC) paperwork and/or notifies the tribal authorities, if appropriate.
- The case worker encourages the adults who care about the child to become collaborators rather than adversaries as they care for and plan where that child will grow up. This includes encouraging and even requiring the foster parents and the biological parents to have frequent and meaningful contact and encouraging the biological parents to have immediate and frequent contact with the child(ren).
- The case worker should also make arrangements for the foster parents or custodians to attend the subsequent hearings.

At the subsequent hearing, the court shall:

- Inquire of the CPI and case worker if concurrent case planning was considered and deemed appropriate.
- Determine if concurrent planning is appropriate based upon the facts of the case.
- Make an appropriate placement for the child.
  - Rule 65C-28.004(1), F.A.C., states that “the most appropriate available out-of-home placement shall be chosen after analyzing the child’s age, sex, sibling status, special physical, educational, emotional and developmental needs, alleged type of abuse, neglect or abandonment, community ties and school placement. In making a placement with a relative or non-relative, the Services Worker shall consider whether the caregiver would be a suitable adoptive parent if reunification is not successful and the caregiver would wish to adopt the child.”
  - Rule 65C-28.004(6), F.A.C., states that when a concurrent case plan is in effect, the child shall be placed in a setting where the caregivers are willing both to assist the biological family in successfully completing required tasks, which shall allow for the safe return of the child to his or her home, and be willing to provide a long-term, permanent, and stable living arrangement in the event that reunification is not achieved.
  - Relatives are also given priority in adoption cases, so relatives should be utilized as soon as possible in the dependency process. Rule 65C-16.002(3)(b), F.A.C. Families that have adopted siblings to the child in question should also be considered as possible placements, and siblings should always be placed together, if possible. Rule 65C-16.002(4)(e) F.A.C.; § 39.401(2)(a)(3).
  - The judge should meet the custodians/foster parents in court and verify that they can and are willing to meet the child’s needs. Especially with younger children, the judge should confirm that the substitute placement is a possible pre-adoptive placement.
  - Note that non-relatives who are willing to assume custody and care of a dependent child in the role of substitute parent as a result of a court’s determination of child abuse, neglect, or abandonment and subsequent placement with the nonrelative caregiver under chapter 39 might qualify for the Relative Caregiver Program. The court must find that a proposed placement under § 39.5085(2)(a)3 is in the best interest of the child. § 39.5085(2)(a)3.

- The court may consider ordering the parties to participate in mediation.

Prior to a subsequent hearing, the department/CBC should perform the following actions:

- Child welfare mediation can be utilized as a non-adversarial approach to resolving disputes about permanency planning and child welfare issues or as an alternative to lengthy and often painful termination of parental rights proceedings when efforts to plan for family reunification are not successful.
- The case worker shall develop an appropriate case plan.
  - § 39.6011(2)(c) states that if concurrent planning is being used, the case plan must include a description of the permanency goal of reunification with the parent or legal custodian in addition to a description of one of the remaining permanency goals.
    - If a child has not been removed from a parent, but is found to be dependent, even if adjudication of dependency is withheld, the court may leave the child in the current placement with maintaining and strengthening the placement as a permanency option.
    - If a child has been removed from a parent and is placed with a parent from whom the child was not removed, the court may leave the child in the placement with the parent from whom the child was not removed with maintaining and strengthening the placement as a permanency option.
    - If a child has been removed from a parent and is subsequently reunified with that parent, the court may leave the child with that parent with maintaining and strengthening the placement as a permanency option.
  - Rule 65C-30.006(4)(b), F.A.C., states that concurrent case plans require early decision-making and front-loading of services. Front-loading represents an effort to provide immediate, meaningful, and individualized services with intensive follow up in order to make determinations as to the most appropriate permanency goal in a timely manner.
  - When there are concurrent goals, the services worker shall ensure that the case plan includes services and tasks addressing both goals. Rule 65C-30.006(4)(c), F.A.C.
  - The case plan shall provide participants with a clear understanding of which services and tasks are related to each goal. Rule 65C-30.006(4)(d), F.A.C.
  - When a case has concurrent goals, the participants shall be provided with an explanation of the purpose of concurrent planning and how it impacts the case. Rule 65C-30.006(4)(e), F.A.C.
  - The case plan may be amended by the court or upon motion of any party at any hearing in order to change the goal of the plan or to employ the use of concurrent planning. § 39.6013(2)(4), Rule 8.420(a)(1)(3).

At the adjudicatory hearing:

- The court shall inquire again if the parents have any relatives who might be considered as a placement for the child. The parents shall provide to the court and all parties identification and location information of the relatives. § 39.507(7), Rule 8.330(g)(3).

At the disposition/case plan acceptance hearing, the court should:

- Stress to the birth parents the importance of visitation and compliance with the case plan tasks in a timely manner.
- Inform the birth parents of the legal consequences if they fail to successfully complete the tasks and objectives in the case plan in a timely fashion.
- If the child is in out-of-home placement, the court shall inquire of the parents whether the parents have relatives who might be considered as placement for the child. The parents shall provide to the court and all parties the identification and location information for the relatives. § 39.507(7)(c), Rule 8.330(g)(3).

At the initial judicial review hearing the court shall:

- Review the child's permanency goal as identified in the case plan.
- Make findings regarding the likelihood of the child's reunification with the parent or legal custodian within 12 months after the removal of the child from the home. If the court makes a written finding that it is not likely that the child will be reunified with the parent or legal custodian within 12 months after the child was removed from the home, the department must file with the court, and serve on all parties, a motion to amend the case plan under § 39.6013, and declare that it will use concurrent planning for the case plan. The department must file the motion within 10 business days after receiving the written finding of the court. The department must attach the proposed amended case plan to the motion. If concurrent planning is already being used, the case plan must document the efforts the department is taking to complete the concurrent goal. § 39.701(2)(d)(5), Rule 8.415.
- If the child is in out-of-home placement, the court shall inquire of the parents whether they have relatives who might be considered as placement for the child. The parents shall provide to the court and all parties identification and location information for the relatives. § 39.507(7), Rule 8.330(g)(3).

At the permanency hearing, the court should:

- § 39.621(8) provides that the case plan must list the tasks necessary to finalize the permanency placement and shall be updated at the permanency hearing if necessary. If a concurrent case plan is in place, the court may choose between the permanency goal options presented and shall approve the goal that is in the child's best interest.
- Should reunification seem unlikely, the parents should be carefully counseled by the case worker/adoptions unit about relinquishment options and any possibilities of open or cooperative adoption arrangements.