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Concurrent Planning for Permanency for Children

Concurrent planning initially developed as a type of permanency case planning in which reunification services were provided to the family of a child in out-of-home care at the same time that an alternative permanency plan was made for the child, in case reunification efforts failed. To be effective, concurrent planning requires not only the identification of an alternative plan, but also the implementation of active efforts toward both plans simultaneously, with the full knowledge of all case participants. Compared to more traditional sequential planning for permanency, in which one permanency plan is ruled out before an alternative is

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developed, concurrent planning may provide earlier permanency for the child.¹

The Adoption and Safe Families Act of 1997 (P.L. 105-89) mandated shortened timelines for achieving permanency for children in foster care. To meet these timelines, many States have come to rely on concurrent planning. Approximately 40 States and the District of Columbia have statutes that address the issue of concurrent planning.² The language in these statutes ranges from general statements that simply authorize concurrent planning activity to statutes that provide, in some detail, the elements that must be included when making a concurrent permanency plan.

The Chafee Foster Care Independence Act has helped identify the need for expanding concurrent planning beyond very young children. Concurrent permanency planning efforts with a teen may include aggressively recruiting adoptive parents while simultaneously helping the youth develop positive relationships with relatives and other adults. The goal is for the youth to have emotional supports in place if an adoptive home cannot be identified by the time the youth turns 18.

Currently, most State concurrent planning statutes allow but do not require concurrent planning. Other States require the use of concurrent planning under specific circumstances. For example, the statute in California states: "If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail." Idaho, Oregon, Texas, and Utah also require that the family's case plan include concurrent efforts toward an alternative permanency goal.

Two States (Mississippi and Oklahoma) require agencies to engage in concurrent planning from the time the child first comes into care. Connecticut and Florida require an assessment of the family when the child has been in care for 6 months;

¹ For a more complete discussion of the implementation of concurrent planning, see Information Gateway's *Concurrent Planning: What the Evidence Shows*, at www.childwelfare.gov/pubs/issue_briefs/concurrent_evidence/index.cfm.

² The word *approximately* is used to stress that the States frequently amend their laws. As of October 2007, Delaware, Hawaii, Indiana, Kansas, Michigan, New York, Pennsylvania, South Dakota, Vermont, and Virginia do not address the issue of concurrent planning in their statutes.

if at that time the prospects of reunification seem unlikely, a concurrent permanency plan must then be developed. Five States and the District of Columbia direct that concurrent planning efforts be utilized to find a permanent placement for the child at the time that proceedings to terminate parental rights have been initiated.³

Minnesota requires the concurrent development of an alternative permanency plan for children who are placed in foster care by a court order or who have been voluntarily placed out of the home by the parents for 60 days or more. The 60-day time limit does not apply if the children who have been voluntarily placed are developmentally delayed or emotionally disturbed. Kentucky uses concurrent planning only when a newborn has been abandoned. In that situation, a foster parent agrees to work with the Cabinet for Children and Families on reunification with the birth parents (if known) and to adopt the infant if reunification fails.

Four States provide definitions of concurrent planning in statute.⁴ Idaho, for example, specifies that a concurrent plan "...prepares for and implements different outcomes at the same time." In Louisiana, "Concurrent planning means departmental efforts to preserve and reunify a family or to place a child for adoption or with a legal guardian, which are made simultaneously." The definition in Montana emphasizes the need to implement as well as develop a concurrent plan in addition to identifying a plan for reunification.

The statutes in Connecticut, Florida, and Minnesota include the requirement for the concurrent plan to be fully disclosed to the family. The statutes in Connecticut and Minnesota specifically state that, "Concurrent permanency planning programs must include involvement of parents and full disclosure of their rights and responsibilities..."

There are a number of State statutes that articulate the need to consider the potential of the first placement in foster care to both support reunification efforts and be a possible

³ Massachusetts, New Hampshire, New Jersey, New Mexico, and Wyoming require concurrent planning when a termination petition is filed. Wyoming and the District of Columbia also allow concurrent planning while reasonable efforts are being made to reunify the family.

⁴ Florida, Idaho, Louisiana, and Montana.

adoptive placement for the child if reunification is not achieved. For example, Illinois specifies, "At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child."

The statutes in five States reflect the need for collaboration between the court system and the State.⁵ These statutes spell out the need for the court to make findings of reasonable efforts on the part of the agency to achieve both concurrent plans during the judicial reviews of reasonable efforts to achieve permanency.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

⁵ Florida, Minnesota, Oregon, Utah, and Washington.