

## JUDICIAL CHECKLIST – POST-TPR PERMANENCY HEARING

A Permanency Hearing is a critical event where the court must assess the appropriateness of a child's permanency goal and progress towards that goal. This checklist is designed to highlight key questions that the court should ask at every Post-Termination of Parental Rights Permanency Hearing to elicit more detailed information. It is not necessarily an exhaustive list and may need to be modified based on the specific circumstances of the case.

### AT EVERY PERMANENCY HEARING:

#### 1. Address appearances, written information and youth consultation:

- Are all parties and participants present, including the child? If not, did they receive proper notice?
- Is the hearing timely?
- Have you consulted with the child? What is the child's opinion about the proposed plan?
- If child is 14 years or older, was the child consulted by the agency in preparation of the plan? Did the agency describe the programs and services for transition from out-of-home care to successful adulthood?
- If the child is an Indian child, have you consulted with the Indian child's tribe?
- If the child is not present, why not? When did the guardian ad litem (GAL) or adversary counsel consult with the child? What is the child's opinion about the proposed plan?
- Were any written statements submitted? If so, have they been distributed to all parties?
- Would the child's caregiver like to make a statement or submission in writing?
- Would the Indian child's tribe like to make a statement or submission in writing?
- Has everyone received a copy of the Permanency Plan and any additional reports?

#### 2. Examine the child's current placement:

- Does the current placement remain necessary, safe, and appropriate?
- Does the current placement meet all the child's physical, emotional, and educational needs?
- Does the child have opportunity to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities?
- How does the child feel about his or her current placement?
- Is the child placed with a relative? If not, why?
- Has the agency searched for relatives and examined them as potential placements or adoptive resources? If not, why?
- If the child has siblings, are the child and siblings placed together? If not, why?
- If the siblings are not placed together, are they spending time together? How often and in what setting? How is the sibling interaction going and is it appropriate and sufficient?
- If this case is subject to the Wisconsin Indian Child Welfare Act, is the child placed in accordance with the placement preferences under Wis. Stat. § 48.028(7)?
  - If not, is there good cause to depart from the order of preference?
  - If not, what efforts have been made in the last six months to locate a placement that meets the preferences?

#### 3. Review the child's post-TPR placement status and permanency goal(s):

- How long has the child resided outside the home?
- What is the proposed permanency goal and concurrent permanency goal (if any)?
- Why is this goal in the child's best interests? Is this goal appropriate?
- How will this goal provide stability and permanency?
- Is concurrent planning appropriate for this child? Why or why not?
- What are the facts and circumstances supporting adoption, guardianship, or OPPLA?
- What is the date by which the permanency or concurrent permanency goal will be achieved?
- Have reasonable efforts been made to achieve the permanency goal, including through an out-of-state placement if appropriate?

#### 4. Evaluate progress made to address service needs of the child:

- What services has the agency offered or provided? Are services available? Are there additional services that should be offered to the child?
- Have adequate efforts been made to involve appropriate service providers?
- Have the agency, service providers, identified permanent resource, and child complied with the permanency plan?
- If this case is subject to the Wisconsin Indian Child Welfare Act, has the agency engaged in active efforts under Wis. Stat. § 48.028(4)(g)? *[The agency should also indicate which activities are not applicable due to the TPR.]*

#### 5. Review the child's progress toward permanency:

- Does the child have an identified permanent resource?

##### **An Identified Permanent Resource Currently Exists:**

- Is the child placed with the identified permanent resource? If not, what are the barriers?
- If this case is subject to the Wisconsin Indian Child Welfare Act, does the resource meet the placement preferences under Wis. Stat. §48.028(7)?
- If the Indian child's resources does not meet the placement preferences under Wis. Stat. §48.028(7), what efforts have been made in the last six months to locate a placement that meets the preferences?
- Is the resource appropriate and willing to serve as a permanent family to the child?
- What is the likelihood of adoption or guardianship finalization?
- Has the home study been completed and approved? If not, what are the delays?
- Has the adoption or guardianship finalization paperwork been completed (including subsidy agreements)? If not, what are the delays? Is a TPR appeal pending?
- Has the adoption or guardianship petition been filed? If not, what is the date it will be filed?

##### **An Identified Permanent Resource DOES NOT Currently Exist:**

- Is the agency making reasonable efforts to locate permanent resource? If not, why?
- What recruitment efforts have been made to locate a permanent resource? If no efforts have been made, why?
  - Has a relative search been completed? If not, why?
  - Was a Child Description for Adoption Recruitment completed? If not, why?
  - If a Child Presentation Meeting was completed, what was the response?
  - Is the child photolisted? If not, why?
  - Does the child have a video recruitment? If not, why?

##### **Other Planned Permanent Living Arrangement (OPPLA) (age 16 or older only):**

- Has the agency made intensive and ongoing efforts to place the child for adoption or guardianship, and have those efforts proven unsuccessful?
- Why is OPPLA the best permanency goal for the child?
- Have compelling reasons been documented as to why it would not be in the child's best interests to have one of the other permanency goals?
- Does the child have regular, ongoing opportunities to engage in age or developmentally appropriate activities and is the caregiver applying the reasonable and prudent parent standard?
- Does the goal include an appropriate, enduring relationship with an adult?

#### 6. Schedule next hearing.

- Has a guardianship or adoption hearing scheduled and, if not, can it be?
- Should a review hearing be scheduled prior to the next Permanency Review/Hearing?