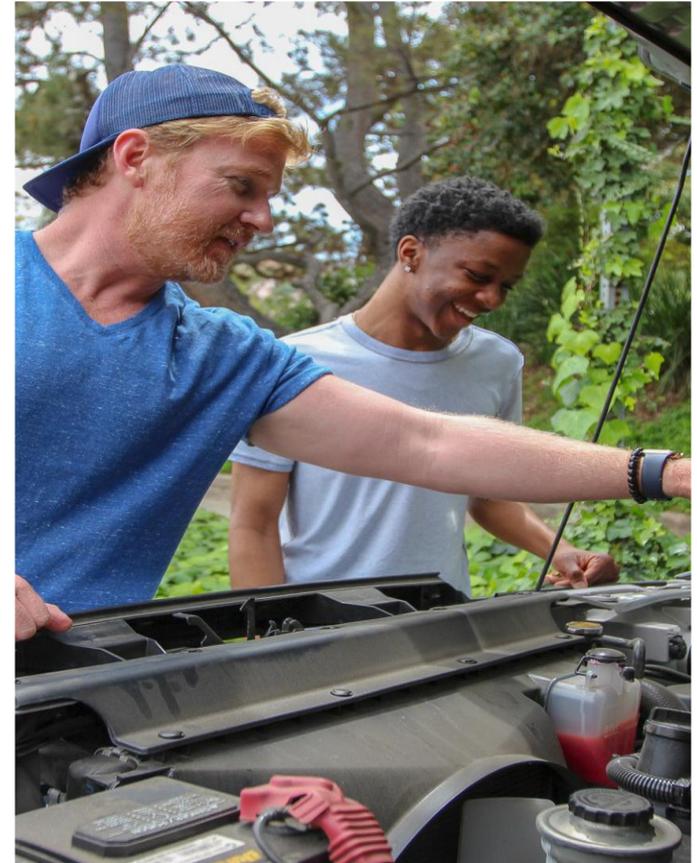


Permanency



**in the Juvenile
Justice System**

Permanency – Legal or Emotional

- Permanency can only be achieved by having these things **first**:
 - Leadership
 - Collaboration
 - Consistency
 - Accountability

Leadership Video

- [The First Follower - Google Search](#)



Permanency in Your County

- **Tell us how your leadership supports Permanency.**
- **Have you had an adoption? Legal Guardianship?**
- **Have you had Permanency go wrong? Fall through?**
- **What barriers are you experiencing that you would like to discuss today?**

Best Permanency Practices in Los Angeles County

- **Promotion of Family Reunification** – Child and Family Team Meetings and Home Passes with debriefing process
- **Promotion of Family Finding** – Dedicated Upfront Family Connections Team that take referrals and solely conduct family finding, complete family trees, complete interviews, send letters, utilize search engines and social media, and use the CFT to introduce information and potential matches
- **Promotion of Permanency through Legal Guardianship and Adoption** – the bi-monthly Permanency Collaboration Meeting with multi-agencies

The Federal Framework: Permanency Hierarchy - WIC 727.3 (b)

- Federal and State Law Establishes the Hierarchy of Permanency Goals
 - 1. Return home
 - 2. Adoption
 - 3. Guardianship
 - 4. Placement with a fit and willing relative
 - 5. Another planned permanent living arrangement

The Least Restrictive Setting and Reasonable Efforts



Federal and State law (WIC 706.5, 706.6, 727.2, 727.3.) requires that:

- Each youth has a case plan that provides the least Restrictive/Most Family Like Setting.
- The court must make findings at each permanency review hearing that concerted (vs. reasonable) efforts are being made to finalize the youth's permanency plan for the first 12 months.
- At the 12-month hearing, the permanency plan of Family Reunification (FR) must be ordered, or the court must do one of the following:
 - Provide an additional 6 months of FR services due to compliance from parents and FR is likely at the 18-month hearing
 - Terminate FR services and set hearing for Legal Guardianship
 - Terminate FR services and set hearing for Termination of Parental Rights and Adoption

Family Reunification

- Court must order Family Reunification (FR), **unless a bypass provision is established under 727.2(b)1: (also referred to as Fast Track to Permanency): (also in 361.5{b})**
- Reunification services need not be provided to a parent or legal guardian if the court finds by clear and convincing evidence that one or more of the following is true:
 - Deceased or whereabouts of the parent are unknown, and reasonable efforts to locate the parent have been unsuccessful.
 - Chronic Substance Use or Child Abuse
 - Long-term incarceration
 - Caused the death of a child of the parent
 - Parents' rights were previously terminated, or parents waive FR

Family Reunification Services

- FR Services at the Disposition Hearing under the Removal Findings:
 - As soon as possible, the Probation Department must provide services to the youth's parents or legal guardians that will help them.....for the youth to return home. The parents or legal guardians are ordered to cooperate.....and to participate in the services.
- The DPO must document and provide 12 months of efforts to assist the parents/legal guardians in complying with the court order or begin the process of due diligence to locate parents/legal guardians whose whereabouts are unknown and concurrently:
 - Conduct upfront family finding search for concurrent plan
 - Ascertain from the youth their desired plan should FR fail



Upfront Family Finding

Family Finding Models, Training, & Resources

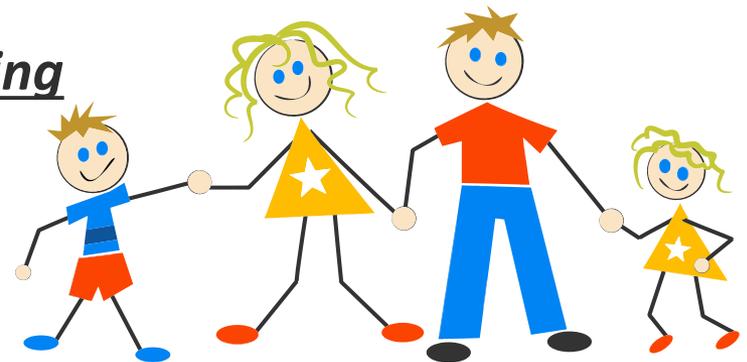
- Center for Excellence in Family Finding, Engagement and Support (UC Davis Website)
- CPOC's trainings and webinars
- Kevin Campbell, Bob Friend, Seneca & Other Expert Training
- Search Engines (Lexis Nexis, Zaba, Social Media)

Building a Network

- Youth Voice & Choice
- Lifelong Connections

Trauma Informed Approaches and Matching

- Relationship Building
- Grief & Loss Counseling





Stephen



Termination/Waiver of FR Services

- The Court must order the Permanent Plan at the Permanency Hearing. When the plan is Legal Guardianship (LG), the court verifies prospective Legal Guardian has gone through or is in the Resource Family Approval (RFA) process and is an approved Resource Parent or will be by the date of the LG hearing. The court can do one of the following:
 - Provide available and willing parents the opportunity to waive their rights with or without counsel, based on their preference (JV 195 – Waiver of Reunification Services)
 - Provide unwilling parents the opportunity to appear, provide counsel, and hear their case and either order Family Reunification returning the youth home, or terminate FR services.
 - Determine Parent's Whereabouts Unknown or proper notice to known parents and terminate FR services
- Court sets date for parents who desire counsel, provide counsel, and either order FR and set next hearing to terminate FR services or terminate FR services and order Legal Guardianship
- Court makes order of parents' whereabouts unknown or deceased after review of Due Diligence report, based on the Due Diligence Check List, and supporting documentation such as Death Certificate.

Due Diligence Report

Los Angeles County Probation Department
Placement Permanency and Quality Assurance
11701 South Alameda Street, 2nd Floor
Lynwood, CA 90262-4023
Angelina M. Aranda
323/240-5331
323/357-5514

SAMPLE ONLY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
200 West Compton Boulevard, Compton, CA 90221

DECLARATION OF DUE DILIGENCE

<u>Hearing Date</u>	<u>Hearing Time</u>	<u>Dept./Room</u>	<u>Hearing Type/Subtype</u>
10/15/2014	8:00 a.m.	260	366.26 Due Diligence

IN THE MATTER OF

<u>Name</u>	<u>Date of Birth</u>	<u>Age</u>	<u>Sex</u>	<u>Court Number</u>
Ezykel	11/xx/xxxx	16	M	TJiiii

SEARCH IDENTIFIERS/PARAMETERS

DPO Name

SEARCH EFFORTS

<u>Client Name</u>	<u>Relationship</u>	<u>To Whom</u>
Gabello 4/XX/XXXX	Father	Ezykel

JV 195 – Waiver of Reunification Services

JV-195

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____ SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____ CHILD'S NAME: _____	<div style="border: 2px solid red; padding: 5px; color: red; text-align: center;"> <p>To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.</p> </div>
WAIVER OF REUNIFICATION SERVICES (Juvenile Dependency)	CASE NUMBER: _____

To parent or guardian of child: Read this form carefully. The judge will ask you if you understand your rights and are voluntarily giving up those rights.

1. I am the mother legally presumed father of the child, and I understand that if my child is removed from my custody that I have a right to receive services to help me reunify with my child.
2. I am an alleged biological father of the child, and I understand that if I have been or am judged to be the biological father of the child, the court may order service to help me obtain custody of the child.
3. I am the legal guardian.

For items 4 through 9, initial each box that applies unless you have a question.

4. The types of services that may be available have been explained to me.	Initial
5. I do not wish to receive services of any kind.	<input type="checkbox"/>
6. I do not wish to reunify with the child or have the child placed in my custody.	<input type="checkbox"/>
7. I understand that if no services are ordered, the court may	<input type="checkbox"/>
a. order services to the other parent.	
b. set the matter for a hearing to decide on the best permanent plan for the child.	
8. I understand that if I sign this form and the court is satisfied that I understand my rights and the consequences of giving them up, at the hearing to select a permanent plan for the child, the court may terminate parental rights and have the child placed for adoption.	<input type="checkbox"/>
9. I have discussed my rights with my attorney, and I knowingly and intelligently waive these services.	<input type="checkbox"/>

Date: _____

(TYPE OR PRINT NAME) ▶ (SIGNATURE OF PARENT OR GUARDIAN)

Declaration of Interpreter

10. The parent or guardian is unable to read or understand this form of waiver because his or her primary language is _____
 Spanish other (specify): _____

11. I declare under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated this form of waiver to the parent or guardian. The parent or guardian said he or she understood the form before signing it.

Date: _____

(TYPE OR PRINT NAME) ▶ (SIGNATURE OF INTERPRETER)

Declaration of Attorney (Required)

12. I am the attorney for the parent or guardian. I have explained to the parent or guardian the nature of reunification services, including the statutory time limits for such services. I have advised the parent or guardian of the parent's or guardian's right to such services and the potential consequences of waiving them, including the likelihood that parental rights will be terminated and the child placed for adoption. I am satisfied that the parent or guardian understands these rights and is voluntarily waiving them.

Date: _____

(TYPE OR PRINT NAME) ▶ (SIGNATURE OF ATTORNEY)

Form Adopted by the Judicial Council of California JV-195 (New July 1, 1998) Welfare & Institutions Code, § 361.5

WAIVER OF REUNIFICATION SERVICES (Juvenile Dependency)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Save This Form

Print This Form

Clear This Form

Notice of Hearings – JV 300 & 310

- If all parties are in court, the court can order all parties back making any further notice unnecessary; however, the DPO must provide the following:
 - Notice via the JV 300 to any necessary party that was not in court, including any siblings 10 years or older and grandparents.
 - The JV 310 is the proof of service that must accompany the JV 300, with personal service being optimal.
 - Personal service must be completed 45 days before the court hearing
 - Any other service must be completed 55 days before the court hearing with proof of service by a returned receipt.



Informing of Legal Guardianship

- The DPO is required to provide the JV 350 – Legal Guardianship Pamphlet to the parents, prospective legal guardian, and youth.
- The DPO must discuss what Legal Guardianship is, the benefits, and the responsibilities such as educational, medical, and financial.

GUARDIANSHIP PAMPHLET

(FOR GUARDIANSHIPS OF DEPENDENT CHILDREN
OF THE JUVENILE COURT UNDER WELFARE AND
INSTITUTIONS CODE SECTIONS 366.25 AND 366.26)

This pamphlet gives basic information to individuals thinking about becoming a legal guardian of a child who has been declared a dependent of the juvenile court. This pamphlet explains how to become a guardian of these children and discusses the basic rights, duties, and obligations of a legal guardian of a dependent child. This pamphlet is for general information only. If you want additional information or have specific questions, you may want to consult with an attorney.

Form Adopted by the
Judicial Council of California
JV-350 [Rev. Jan. 1, 2001]
Mandatory Form

The 727.31 Legal Guardianship Hearing

- The court reviews the 727.31 Report and proceeds with the hearing:
 - Indicate on the record that counsel is provided to parents, unless they waive counsel;
 - Indicate on the record that proper Notice of Hearing was provided to all parties and that parent's whereabouts are officially unknown or that parent is deceased;
 - Indicate on the record that all parties received the pamphlet and understand what guardianship is
- The Court must read on the record the JV 320 – Legal Guardianship Orders

Visitation Plan for Youth

The JV 320 – Legal Guardianship Orders (WIC 727.31) 14 (b & c) provide the court the latitude to set up the Visitation Plan should one be necessary by:

- 1) Specifying who can visit (mother, father, others) and the schedule such as days, hours, length of visit, etc.
- 2) Specifying who cannot visit and terminating visitation because they are detrimental to the youth's physical and/or emotional well-being.



Letters of Guardianship

- The final order of the hearing is to officially declare the Resource Parent a Legal Guardian by:
 - Stating it on the record
 - Signing the JV 330 – Letters of Guardianship
 - Make it a positive experience with clapping and praise to the guardian for caring for the youth
 - Ensure guardian's name is spelled out in open court and get their confirmation while making the guardianship orders. Compare the guardianship papers and the child's birth certificate for accuracy.

Letters of Guardianship

JV-330

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	STATE BAR NUMBER: _____	FOR COURT USE ONLY CASE NUMBER: _____
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____		
CASE NAME: _____		
LETTERS OF GUARDIANSHIP (JUVENILE)		

LETTERS

1. (Name): _____ is appointed guardian of the PERSON of (child's name): _____ (date of birth): _____ with powers to make decisions about, and duties to provide for, the child's care, custody, control, education, residence, and medical treatment as set forth in sections 2351(a), 2352, and 2353 of the Probate Code, subject to any limits or conditions in 2.
2. Other powers granted or conditions imposed (specify):

 continued on Attachment 2.

AFFIRMATION

3. I solemnly affirm (promise) that I will perform the duties of a guardian of the person as required by law. I have received and had a chance to read a copy of *Becoming a Child's Guardian in Juvenile Court* (form JV-350-INFO).
 Signed on (date): _____ at (place): _____, California.

 (TYPE OR PRINT NAME)

 (SIGNATURE OF APPOINTED GUARDIAN)

ISSUED, clerk of the court, with seal of the court affixed:

(SEAL)

Date: _____

Clerk, by _____, Deputy

NOTICE

The juvenile court named above has jurisdiction over this guardianship. Any request to change or end the guardianship, including a request to move the child's residence out of California, to change a visitation order, or to appoint a successor guardian, must be filed in the juvenile court using *Request to Change Court Order* (form JV-180).

(Continued on the next page)

Page 1 of 2

Kinship-Guardianship Assistance Payments (Kin-GAP)

- Ensure the SOC 369 (Agency-Relative Guardianship Disclosure) and the SOC 369A (Memorializes terms, conditions, rights, responsibilities, and agreements reached between all parties) were completed and included in the court packet
- Continue case based on at least six consecutive months from the date of placement in the approved home of the prospective relative or fictive Kin guardian
- At the next hearing, terminate Probation and order Kin-GAP. The DPO of Record will supply the minute order to DCFS Revenue Enhancement who will initiate the funding process



Sample Recommendation

RECOMMENDATION

It is respectfully recommended that the court indicate in the record that parents, Robert Osuna and Anna Wright, were provided legal counsel and that they have waived their right to Family Reunification Services, that the court finds notice has been given to parents, Robert Osuna and Anna Wright, and Sam Banuelo's siblings over the age of 10, that the JV 350 Legal Guardianship Pamphlet was provided to parents, youth, and grandmother, Ethel Faith and that the court find that legal guardianship is the appropriate and permanent plan for youth, Sam Banuelo, and complete the JV 419A – Guardianship (Juvenile) – Child's Consent and Waiver of Rights, JV 320 – Orders for Legal Guardianship, the JV 330 – Letters of Guardianship, and JV 195 – Waiver of Family Reunification Services. It is further recommended that the court appoint Ms. Ethel Faith as the Legal Guardian of Sam Banuelo and provide her with Legal Guardianship papers and minute order, and that matter be continued for a six-month hearing from the date of placement in the approved home to terminate Probation jurisdiction and initiate Kin-GAP for Ethel Faith and Sam Banuelo.

Adoption Requires Time

- **12-18 months Reunification Services**
- **Birth Parent Identification, Notification, Representation**
- **ICWA Notifications**
- **Waiver of FR Services or Termination of Reunification Services**
- **Birth Certificates, Death Certificates, Marriage Certificates**
- **Discuss Relinquishment of Parental Rights, establish paternity (birthfather, presumed and alleged)**
- **Due Diligence for Parents whose whereabouts are unknown**
- **Child Welfare completes Home Study**
- **727.31 heard in Delinquency to terminate parental rights, and order adoption finalization**











Conclusion

- **Key factors for effective Permanency is:**
 - ❖ **Supportive Leadership, an effective System Improvement Plan, and consistent Training of Probation Officers** – upper management and supervisors must highlight successes and support areas needing improvement.
 - ❖ **Collaboration with multiple key partners** is another critical factor to effective Permanency outcomes.
 - ❖ **Stakeholder feedback** such as focus groups and surveys with staff, caregivers and youth, etc. is key to ensuring consistent positive permanency outcomes.