

Rule 34. Findings and Orders at Permanency Hearing

The judicial officer shall promptly make findings and enter an order following the permanency hearing. In its findings and order:

(a) Permanency plan. The Court shall make a determination of one permanency goal, either reunification, adoption, guardianship or custody, and the steps to be taken to achieve the goal and to ensure the safety and stability of the permanent placement, including the services to be provided to the child, parents or caretakers. When there are compelling reason(s) why one of these goals is not in the child's best interest, the Court may determine that an alternative planned permanent living arrangement is the permanency plan and shall set forth in writing the compelling reason(s) for this plan.

(b) Timetable. When a permanency goal is determined, the Court shall set forth the date for the achievement of that goal.

(c) Reasonable efforts. At the first permanency hearing, the Court shall make a finding of whether reasonable efforts have been made to reunify the child with the parent from whose home the child has been removed, unless there has been a determination that reasonable efforts are not required. At each subsequent permanency hearing the Court shall make a finding of whether reasonable efforts have been made to carry out the permanency goal established for the child.

(d) Termination of parental rights status. If the child has been in foster care for 15 of the most recent 22 months, the Court shall make a finding of whether there is a compelling reason(s) why termination of parental rights is not in the child's best interest and, if so, shall set forth in writing the compelling reason(s).

(e) Return home not possible-guardianship or legal custody. If it is not appropriate that the child either return home or be adopted, the Court shall determine whether the child should be placed pursuant to an award of guardianship or legal custody. If the Court determines that the child should be placed pursuant to an award of guardianship or legal custody, its Order shall include a statement of:

- (1) The rights and responsibilities that should remain with the parents;
- (2) Reasons why the alternative selected will best meet the needs of the child; and
- (3) Steps that the parties must take to initiate further legal proceedings.

(f) Alternative planned permanent living arrangements. The Court shall determine whether the child should be placed in an alternative planned permanent living arrangement. This may include placement with a kinship caregiver, in another relative placement or in an independent living program.

(1) The Court's findings shall specify the compelling reason(s) why reunification, adoption, legal custody, and guardianship were not practical, appropriate, or in the child's best interests;

(2) If the Court determines that the child should remain or be placed in an institution or group home, the Court's findings shall include a statement of:

(A) Reasons why continued treatment outside a family environment is necessary, including why parents or specially trained foster parents or relatives cannot care for the child;

(B) Reasons why a less restrictive group home or institutional placement are not possible; and

(C) The steps to be taken by the agency to prepare the child to be placed with a family.

(3) If the Court determines that the child should be emancipated or placed in an independent living program, the Court's findings shall include a statement of:

(A) Reasons why foster family care is no longer appropriate;

(B) What services, supervision, and support for the child should be provided or arranged by the agency.

(g) Additional matters. In addition, the order shall specify, as appropriate, and if not previously addressed:

(1) The legal status and placement of the child;

(2) If the child is returned home without dismissing the case, any conditions that will be required of the agency, parents and other parties;

(3) If the child will be removed from home or remain outside the home, whether reunification services will continue to be provided to the family, what those services will be, and the time frame for continuation of services;

(4) Actions to be taken by the parents to correct the identified problems;

(5) If the child will be placed or remain in foster care with a goal of reunification, whether the agency will place the child with a foster family willing to provide a permanent home for the child in the event that reunification is unsuccessful;

(6) Changes in the terms of visitation and other parental involvement, including information about the child to be provided to the parents;

(7) Services to be provided to the child and family;

(8) If the child is separated from siblings, steps to reunite them or maintain regular contact during the separation;

(9) Protective orders controlling the conduct of any party subject to the Court's jurisdiction;

(10) Conditions regarding the child's placement, including the type, location and degree of restrictiveness of the placement;

(11) Steps to meet the child's special needs while in placement;

(12) Any aspect of the case plan, including modification of the case plan, that should be included in the Court's order; and

(13) Any other matter within the Court's dispositional powers.