



New Hampshire Division for Children, Youth and Families Policy Manual

1570 PERMANENCY HEARING

Chapter: **Case Management Standards for CP and JJ Field Services**

Section: **Legal Processes**

Approved:

Joseph E. Ribsam, Jr., DCYF Director

Policy Directive: **21-51**

Effective Date: **December 2021**

References Of Note

Federal Authority: [45 CFR 1355.20](#), [45 CFR 1356.21](#), [42 USC 671](#), [42 USC 672](#), and [42 USC 675](#)

Statutes: [RSA 169-B](#), [RSA 169-C](#), [RSA 169-D](#), [RSA 629](#), [RSA 630: 1-a](#), [RSA 631](#), and [RSA 632-A](#)

Administrative Rules:

Case Law:

This policy outlines the permanency hearing requirements for children when a court has made a finding for the out-of-home care of the child.

Required Practices

Any deviations to the following information must be documented with Supervisory Approval.

- I. Each child in placement must have a permanency hearing scheduled for the earliest available date required by the applicable statute.
 - A. Permanency hearings for abuse and neglect cases under RSA 169-C:24-b must be scheduled as follows:
 1. For a child that has been in a placement for 12 or more months:
 - (a) 12 months from the date of the finding (through adjudicatory order or consent) if the child was placed at or before the finding; or
 - (b) 12 months from the date the child was placed, if placed subsequent to the finding (through adjudicatory order or consent);
 2. No later than 90 days from a previously scheduled 12-month permanency hearing if the court granted an extension; or
 3. No later than 90 days from the withdrawal or dismissal of a Termination of Parental Rights petition.
 - B. Permanency hearings for CHINS or delinquent cases under RSA 169-D:21-a or 169-B:31-a (respectively) must be held as follows:
 1. For a child who enters a placement prior to an adjudicatory finding and has been in a placement for 12 or more months, the earlier of:

- (a) Within 14 months of the date the child was placed; or
 - (b) Within 12 months of the adjudicatory finding; or
 - 2. Within 12 months from the date the child was placed, if placed subsequent to the adjudicatory finding.
 - C. A subsequent permanency hearing must be held every 12 months after the initial permanency hearing for a child who remains in a placement until the permanency plan is achieved.
 - D. If a parent was located and served with notice subsequent to the court finding (adjudicatory or consent), that parent will have a separate permanency hearing timeline for 12 months from the date they were served.
- II. If not already scheduled by the court, the CPSW/JPPPO must request a permanency hearing be scheduled.
- A. Requests for a permanency hearing are made for 4 to 6 weeks in advance of the applicable date.
- III. A permanency hearing may be requested for additional case circumstances as follows:
- A. A permanency hearing for an abuse and neglect case under RSA 169-C:24-b may be requested by DCYF when:
 - 1. A child has been reunified (at or following a permanency hearing), and re-enters out-of-home care prior to the case closure;
 - 2. A child remains in placement based on their unique needs even though the standard for return (RSA 169-C:23) has been met and there has been a change in circumstances to warrant a review or modification of the permanency plan; or
 - 3. A child in placement is within 14 days of their 6-month review hearing (or after but prior to the 12-month permanency hearing) and the Division identifies sufficient cause to request an early permanency hearing based on the parents making no effort (or only negligible efforts) to comply with dispositional orders or based on another compelling reason; or
 - B. Any party at any time subsequent to the placement of the child may motion the court to request a permanency hearing be conducted within 30 calendar days of:
 - 1. A court determination that reasonable efforts to reunify the child are no longer necessary; or
 - 2. A parent's conviction of any of the following crimes:
 - (a) Murder of another child of the parent, pursuant to RSA 630: 1-a;

- (b) Manslaughter of another child of the parent, pursuant to RSA 630:2;
 - (c) Attempt, pursuant to RSA 629:1, solicitation, pursuant to RSA 629:2, or conspiracy, pursuant to 629:3, to commit any of the offenses in 1 or 2 above; and/or
 - (d) A felony assault under RSA 631:1, 631:2, 632-A:2, or 632-A:3 which resulted in serious bodily injury to the child or to another child of the parent.
- IV. Parents, foster parents, prospective adoptive parents, and relatives providing care must be notified of the hearing's date and informed that they will be able to present information on the status of the child at the hearing.
- V. CPSWs/JPPOs will notify age/developmentally appropriate youth of the date and time of the permanency hearing, and talk to them about what to expect in court.
- VI. The CPSW/JPPO prepares a court report prior to the permanency hearing to address:
- A. Reasonable efforts made by DCYF to make and finalize a permanent placement;
 - B. Compliance with the outstanding dispositional order and Case Plan, and whether the conditions or circumstances leading to the child's removal have been corrected;
 - 1. If CPS requested an early permanency hearing, identify what grounds the Division is basing the request on and outline the facts to support that the parent(s) is highly unlikely to satisfy the standard for return by the 12-month permanency hearing;
 - C. A review of the permanency plan and the progress in obtaining the permanency goal and concurrent goal;
 - 1. For a youth 14 years of age or older this includes identification of:
 - (a) How the permanency plan was developed or revised in consultation with the youth;
 - (b) 2 members of the youth's permanency team who they selected, that are not a foster parent of, or CPSW/JPPO for, the youth to assist in case planning; and
 - (c) Identification of one individual selected by the youth to be the youth's advisor and advocate with respect to the reasonable and prudent parent standard;
 - 2. For a youth 16 years of age or older with a permanency goal of APPLA, and as applicable on a case-by-case basis as determined by the CPSW/JPPO:

- (a) Document the compelling reason for determining that it would not be in their best interest to return home, be placed for adoption, or be placed with a legal guardian; and
 - (b) Document the steps taken to ensure the foster family home or residential treatment program is following the reasonable and prudent parent standard, and the youth has regular, ongoing opportunities to engage in age or developmentally appropriate activities;
- D. For youth age 14 and older, the services needed to assist them in making a successful transition to adulthood;
- E. The applicability, if any, of the Indian Child Welfare Act of 1978; and
- F. If the child is placed in a qualified residential treatment program, documentation of:
 - 1. The ongoing assessments of the child that support the continued need for QRTP placement as the most appropriate and least restrictive level of care for the child consistent with their short- and long-term goals;
 - 2. The specific treatment or service needs for the child and the length of time the child is expected to need them; and
 - 3. The efforts made to prepare the child for a less restrictive placement setting.
- VII. The report prepared by the CPSW/JPPPO and any reports from counselors and guardian ad litem must be submitted to the court at least 5 days prior to the hearing, in accordance with RSA 169-B:5-a, 169-C:12-b, or 169-D:4-a.
 - A. A copy of the court report and any provider reports must be sent to all parties involved in the case and to those who are ordered by the court.
- VIII. During the hearing, the CPSW/JPPPO must provide information and make a recommendation concerning the child's permanent placement.
- IX. A signed copy of each court order (incorporating the determination of the permanency plan for the child) and each court report must be filed in the case record.
 - A. Any continuances granted by the court (including for good cause shown) in any of the proceedings must be filed in the case record.
- X. If a permanency hearing order discontinues efforts to reunification and identifies Adoption as the permanency goal, DCYF will be required to:
 - A. File a TPR petition within 2 business days of receiving the permanency hearing order (unless already filed at the permanency hearing); and
 - B. Make reasonable efforts to finalize a new permanent home for the child.

Standard Operating Procedures		
SOP	Title	Applicable Disciplines
1570.1	Child Protective Permanency Hearings	CPS
1570.2	Juvenile Justice Permanency Hearings	JJS

Applicable Forms	
Form	Title
1630	Hearing Notice for Placement Provider

Glossary and Document Specific Definitions

A - B C - D E - F G - I J - L M - N O - Q R - S T - V W - Z

Document Change Log			
PD	Modification Made	Approved	Date