

PROBATE COURT

Voluntary Services Review

6-7-5 Page 1 of 2

Policy

Within 120 days after admitting a child/youth to the Department's Voluntary Services Program, the social worker shall petition the Probate Court for a determination as to whether continuation in care is in the child's best interest and, if so, if the Case Plan or Permanency Plan is appropriate.

Note: The initial petition shall be filed regardless of whether the child/youth remains at home or is in out-of-home placement.

An annual review of the Permanency Plan is required for a child/youth admitted into the Department's Voluntary Services Program who has been placed in out-of-home care.

Initial Petition

The Social Worker shall file PC-5010 "Petition for Determination Re: Continuance of DCF Care of Child or Youth/Case Service Plan or Permanency Plan (Voluntary)" along with a copy of the Family Case Plan and Child in Placement Case Plan (for out of home cases).

The petition shall be filed in the Probate Court for the district in which a parent or guardian of the child/youth resides.

A hearing shall be held by the court within 30 days of receipt of the petition. The court shall provide notice to the parties.

Court Determination – In Home cases

For cases where the child/youth remains at home, the Court shall make a determination that there is an appropriate case service plan. In making its determination, the court shall consider whether the plan is in the best interest of the child or youth. The health and safety of the child or youth shall be of paramount concern in formulating the plan.

At hearing, the court shall consider among other things:

- the appropriateness of the department's plan for service to the child or youth and his or her family;
- the treatment and support services that have been offered and provided to the child or youth to strengthen the family;
- any further efforts which have been or will be made to promote the best interest of the child or youth.

At the conclusion of the hearing, the court may direct that services be:

- continued if the court determines that continuation of the child or youth in services is in the child's or youth's best interests;
 - modified to reflect the child's or youth's best interest.
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6-7-5 Page 2 of 2

Court Determination – Out of Home cases

For cases where the child is in out-of-home placement, the Court shall make a determination whether there is an appropriate permanency plan in place. In making its determination, the court shall consider whether the plan is in the best interest of the child or youth and takes into consideration the child's or youth's need for permanency. The health and safety of the child or youth shall be of paramount concern.

At hearing, the court shall consider among other things:

- the appropriateness of the department's plan for service to the child or youth and his or her family.
- the treatment and support services that have been offered and provided to the child or youth to strengthen and reunite the family.
- if return home is not likely for the child or youth, the efforts that have been made or should be made to evaluate and plan for other modes of care.
- any further efforts that have been or will be made to promote the best interests of the child or youth.

Acceptable permanency plans include:

- reunification with parent or guardian;
- transfer of guardianship (including permanent transfer of guardianship);
- termination of parental rights and adoption;
- for youth age 16 or 17, other planned permanent living arrangement, provided the commissioner has documented a compelling reason why another plan is not in the best interest of the youth.

At the hearing, the court shall:

- review the status of the child or youth and the progress being made to implement the permanency plan;
- determine a timetable for attaining the permanency prescribed by the plan;
- determine whether the commissioner has made reasonable efforts to achieve the permanency plan.

At the conclusion of the hearing, the court may direct that the:

- services being provided, or the placement of the child or youth and reunification efforts, be continued if the court determines that continuation of the child or youth in services is in the child's or youth's best interests.
- child's or youth's services or placement be modified to reflect the child's or youth's best interest

Annual Reviews

For in-home cases, no periodic filings are required. However, any party or the court on its own motion, may file at any time a motion for review of the case services plan.

For children and youth in out-of-home placement, 10 months after entering voluntary placement and annually thereafter, the Department shall file PC-5011, "Petition for Review of DCF Permanency Plan for Child or Youth (Voluntary)". The Social Worker shall attach the Family Case Plan and the Child in Placement Case Plan.

The court shall schedule a hearing to be held within 30 days.