



State of South Carolina

Department of Social Services

Policies and Procedures: Child Welfare Services

Subject	520 Permanency Planning
Authority	42 U.S.C.A 671(a)(15)(E)(i); 42 U.S.C.A. § 675(1); 42 U.S.C.A. § 675(5); 42 U.S.C.A. § 675A (a); 45 C.F.R. § 1356.21(h); Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351); S.C. Code Ann. § 63-7-1640; S.C. Code Ann. § 63-7-1700; S.C. Code Ann. § 63-7-1710; S.C. Code § 63-7-2810, <i>et.seq.</i> ACYF-CB-IM-21-01
Standards	Guiding Principles and Standards (GPS) Practice Model
Application	Foster Care and Adoption Services frontline staff and DSS/Contract Attorneys
Purpose	
All children need and deserve a family. The goal of the child welfare system is to place all children who are removed from their families in a permanent family as soon as possible. Research has shown that children for whom this goal is never achieved can face challenges such as homelessness, unemployment, educational deficits, early pregnancy, and criminal justice system involvement as they transition to adulthood. To this end, DSS is committed to finding legal permanency for every child who enters foster care, whether this permanency comes from Reunification, Adoption, Legal Guardianship, or Another Planned Permanent Living Arrangement (APPLA).	
Policy Statement	
DSS makes reasonable efforts to place children who enter the foster care system in a permanent, safe, and stable family home within twelve months of entry. However, the efforts to achieve a permanent, safe, and stable family home in a timely manner must be guided by what is in the child's best interests. This includes prioritizing a child's attachments and the intentional preservation of family and community connections, while upholding safety as a core value rather than focusing solely on timeframes. Emphasizing the child's attachments and connections helps to preserve families, prevent future maltreatment, and significantly improve a child's foster care experience and future outcomes. Giving consideration to each child's unique needs, attachments, and connections, case managers work with children and families to achieve one of the following permanency plans:	
1. The agency makes reasonable efforts to achieve permanency through Reunification with the parents or guardians whenever it is safe to do so and is in the child's best interest. If the agency has grounds to forego reasonable efforts to reunify the family, the agency shall evaluate whether it is in the child's best interests to seek court approval to forego such efforts as defined in S.C. Code Section 63-7-1640(C).	

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2. If a child cannot be safely reunified with the parents or guardians, the agency conducts a thorough adoption assessment. If the agency concludes that adoptive placement is viable, the agency pursues a permanency plan of the termination of parental rights and **Adoption**.
3. If adoptive placement is not viable, the agency pursues a permanency plan of **Legal Guardianship** with kin or fictive kin. Kin and fictive kin may be eligible for subsidized legal guardianship, which entitles the child placed in the guardianship to receive monthly financial assistance until the child is 20 years of age, based on several factors. All monthly financial assistance must terminate upon the child's 21st birthday (refer to [Policy 930: Subsidized Legal Guardianship Assistance Program](#)).
4. When Legal Guardianship (subsidized or unsubsidized) is not a viable permanency option, the agency seeks to place the child in the **Legal Custody** of kin or fictive kin.
5. A permanency plan of **Another Planned Permanent Living Arrangement (APPLA)** is the least desirable permanency plan for a child and may only be selected if the child is 16 or older and the court has found the agency has documented a compelling reason that demonstrates Reunification, Adoption, Legal Guardianship, and Legal Custody are not in the child's best interests.
6. The agency shall, on an ongoing basis, evaluate whether a concurrent plan of Adoption, Legal Guardianship, or Legal Custody is in the child's best interest.
7. The agency shall, whenever possible, select placements that promote and expedite the finalization of the child's permanency plan, including placements that preserve family and community connections.

Policy Administration

The Division of Child Welfare Services' Office of Permanency is the owner of this policy. The Director, or the Directors' designee, will review this policy annually from the date published in the Child Welfare Manual, or as needed due to changes in law or practice.

Policy Guidelines

A. Recommending a Permanency Plan	1. The following Child and Family Team Meetings (CFTM) shall be conducted, regardless of the permanency plan identified for the child, in accordance with the procedures outlined in Work Aid 520.1: Permanency Planning and Policy 1642: Child and Family Team Meetings: a. 25-Day CFTM; b. 90-Day Status CFTM; c. 6-Month Permanency CFTM; d. Transitional CFTM; or e. Closure CFTM. 2. The case manager and team leader shall revisit the appropriateness of the child's permanency plan during monthly case consultations in accordance with Work Aid 520.1: Permanency Planning.
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	3. If, at any time during the case, the case manager or team leader determines a different plan is needed, the case manager shall convene a Child and Family Team Meeting (CFTM) to discuss the plan. 4. The Family Permanency Plan (FPP) shall be created or updated during the CFTM to address the recommended permanency plan for the child. 5. If, at any time during the case, the case manager or team leader determine a concurrent plan is recommended, adhere to the relevant policies and procedures related to the concurrent plan as outlined in Policy 1651: Concurrent Planning. 6. The case manager shall make reasonable efforts to finalize any permanency plan ordered by the court or required by state and/or federal law. 7. The agency shall not deny or delay foster or adoptive placement based upon the requirements outlined in P.L. 103-382.
B. Plan of Reunification	1. Upon a child entering foster care, the case manager shall document a permanency case plan goal of Reunification in CAPSS unless: a. Federal and/or state law do not require reasonable efforts to reunify the child with their parents and the agency determines Reunification would not be in the child's best interests; or b. Federal and/or state law requires the agency to file a Termination of Parental Rights (TPR) petition and no statutory exception exists. 2. The recommended plan shall be documented in the Family Permanency Plan (FPP) after the 25-Day CFTM, but no later than 30 days of a child entering foster care. 3. A 90-Day CFTM shall be conducted to review and discuss the family's progress toward their FPP which includes the permanency plan. 4. If, at the 6-Month Permanency CFTM, it is determined the primary plan is unlikely to be accomplished within 12 months of the child entering foster care, the Child and Family Team (CFT) shall consider permanency plan options other than Reunification in accordance with Work Aid 520.1: Permanency Planning. 5. Please refer to Work Aid 520.1: Permanency Planning for detailed procedures on how to prepare and return the child home including placement in the home and supervision/post-placement support if DSS retains legal custody after Reunification.

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	6. Please refer to Work Aid 520.1: Permanency Planning for current practice guidance.
C. Termination of Parental Rights/Adoption	1. If a Termination of Parental Rights (TPR) is being considered as the primary or concurrent legal plan, the case manager and team leader must: a. Decide if possible grounds for a TPR exist, as outlined in S.C. Code of Laws 63-7-2570, in addition to being in the child's best interests, safety, and well-being; and b. Refer the case to the Regional Adoption Office for adoption services in accordance with Work Aid 520.1: Permanency Planning. Note: <i>The adoption case manager must diligently seek adoptive placement when Adoption becomes the permanency plan and during the pendency of a TPR proceeding.</i> 2. A Child and Family Team Meeting must be conducted to discuss recommending TPR/Adoption as the permanency plan for the child. 3. The foster care case manager and adoption case manager shall complete DSS Form 3026: Adoptive Resource Certification in accordance with Work Aid 520.1: Permanency Planning. 4. If DSS Form 3026 is approved, the case manager and team leader shall consult with the DSS Attorney to determine appropriate legal action. Note: <i>If the only ground upon which to proceed with a TPR is that the child has been in foster care for 15 of the most recent 22 months, the case management and legal team must certify there are no compelling reasons to continue making Reunification efforts before proceeding with a termination action.</i> 5. Foster care staff retain case management in all foster care cases in which Adoption is the permanency plan until the child is legally free at which point the case shall be transferred to Adoptions to provide case management. 6. For details regarding adoption services, recruitment, and placement, please see Chapter 7 of the Child Welfare Manual. 7. If relinquishment or TPR is necessary to achieve the permanency plan of Adoption, please see Work Aid 520.1: Permanency Planning for related procedures. Note: <i>DSS may file an action for the termination of parental rights without first seeing the court's approval of a change in the permanency plan and without first seeking an amendment of the Family Permanency Plan.</i>

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D. Legal Guardianship with Kin or Fictive Kin	1. If Reunification and Adoption are not viable permanency options, then the agency may consider Legal Guardianship as a permanency option with a person who is known to the child or family. 2. When a prospective caregiver that is known to the child and/or family becomes interested in providing a permanent home for the child, the case manager shall explore all permanency options with the individual by providing DSS Brochure 37141 and DSS Chart 37143. 3. The case manager shall explain the implications of legal guardianship in accordance with Work Aid 520.1: Permanency Planning. 4. If the prospective caregiver needs financial assistance after guardianship or desires to seek Subsidized Legal Guardianship (SLG), the agency will seek to achieve permanency through SLG with a kin or fictive kin whenever feasible, timely, and appropriate per Policy 930: Subsidized Legal Guardianship Assistance Program. 5. If unsubsidized legal guardianship is the desire of the prospective caregiver, the case manager shall complete DSS Form 3029: Unsubsidized Legal Guardianship or Legal Custody Certification in accordance with Work Aid 520.1: Permanency Planning.
E. Legal Custody with Kin or Fictive Kin	1. If Reunification, Adoption, and Legal Guardianship are not viable permanency options, the agency may consider Legal Custody as a permanency option with a person who is known to the child or family. 2. When a prospective caregiver that is known to the child or family becomes interested in providing a permanent home for the child, the case manager shall explore all permanency options with the individual by providing DSS Brochure 37141. 3. The case manager shall explain the implications of Legal Custody in accordance with Work Aid 520.1: Permanency Planning. 4. If the prospective caregiver needs financial assistance to care for the child after exiting care, another permanency option must be sought (e.g., Adoption or SLG). 5. If legal custody is the desire of the prospective caregiver, the case manager shall complete DSS Form 3029 in accordance with Work Aid 520.1: Permanency Planning.
F. Another Planned Permanent Living Arrangement	1. This permanency plan is appropriate only if the child has reached the age of 16 and DSS has documented a compelling reason that it would not be in the child's best interests for parental rights to be terminated, to be placed for Adoption, or in the Legal

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	Guardianship (subsidized or unsubsidized) or Legal Custody of kin or fictive kin (S.C. Code of Laws 63-7-1700). 2. A Transition Plan Meeting must be conducted with the child and their chosen supportive person(s) prior to seeking written approval from the Deputy State Director of Child Welfare Services per Work Aid 520.1. 3. Case managers must obtain the written approval of the Deputy State Director of Child Welfare Services, or designee, before recommending a permanency plan of APPLA be established by a Family Court Order per Work Aid 520.1. 4. Once the Deputy State Director of Child Welfare Services, or designee, has made a determination, the form must be submitted to the Managing County Attorney. 5. DSS Form 3027 must be linked to the case file in CAPSS within two business days of receipt. 6. If it is determined APPLA is not in the child's best interest, a new permanency plan must be selected. 7. If a plan for a child, who is legally free for Adoption, is changed to APPLA, case management shall remain with the office that has current case management.
G. Types of Court Hearings Impacting the Permanency Plan	1. There are five types of hearings which may have an impact on the permanency plan for a child. They are as follows: a. Probable Cause Hearing; b. Merits Hearing; c. Permanency Planning Hearing; d. Review Hearing; and e. Termination of Parental Rights (TPR) Hearing. 2. The number of hearings is dependent upon the nature of the case and the length of time a child is in foster care. 3. The permanency plan for a child can be established, amended, or reviewed during any court hearing related to the child.
H. Documentation Requirements	Regardless of the permanency plan, the following must be documented in CAPSS dictation: 1. A permanency plan of Reunification unless either B(1)(a) or B(1)(b) applies; 2. Contacts with the child, the child's placement provider, all service providers, the child and/or parent's Guardian ad Litem (GAL), and any other relevant individuals;

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	3. All efforts made to reunify the family including services, referrals, efforts to encourage parent(s)/guardian(s) to reduce safety risks through demonstrated behavioral changes; 4. CFTMs to determine the appropriate permanency plan; 5. The agency's decision regarding the permanency plan; 6. Legal actions in the legal screen; 7. All efforts to finalize Family Permanency Plan goals; and 8. All efforts to finalize a concurrent permanency plan.
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Forms:	<u>DSS Form 3026: Adoptive Resource Certification</u> <u>DSS Form 3027: Another Planned Permanent Living Arrangement Certification</u> <u>DSS Form 3029: Unsubsidized Legal Guardianship or Legal Custody Certification</u> <u>DSS Form 3030: Prospective Legal Guardian or Legal Custodian Affidavit</u> <u>DSS Form 37141: Know Your Options - Kinship Permanency</u> <u>DSS Chart 37143: KinGAP vs. Adoption – Benefits, Rights, and Responsibilities</u>
Related Management Reports:	FC List 15+ Months FC Open Cases and Length of Service Open Adoption Services KinGAP Eligibility Report

Glossary:
Child: a person under the age of 18, or a person aged 18, 19, or 20 who meets the education or employment requirements of Section 63-7-2710 or who is incapable of meeting such requirements due to a physical, intellectual, emotional, or psychiatric condition that limits participation in education or employment activities Family of Origin: biological/adoptive parents, siblings, extended family, and caregivers Fictive Kin: a relative who is not related by blood, marriage, or Adoption, but has a significant relationship with the child or child's family Home of Origin: the setting from which the child was removed from Kin: a relative within the first, second, or third degree to a parent or stepparent of a child who may be related through blood, marriage, or Adoption Kinship Guardianship Assistance Program (KinGAP): a Title IV-E program which makes funding available to child welfare agencies to offer subsidized legal guardianship to a committed adult who has a significant relationship with the family of origin or foster child when all required criteria are met and approval for this permanency option has been granted

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Legal Custodian: a person appointed by the court through the judicial establishment of legal custody to become the custodian of the child

Legal Custody: the right to the physical custody, care, and control of a child; the right to determine where the child shall live; the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency to authorize surgery or other extraordinary care. The court may in its order place other rights and duties with the legal custodian. Unless otherwise provided by court order, the parent or guardian retains the right to make decisions of substantial legal significance affecting the child, including consent to a marriage, enlistment in the armed forces, and major nonemergency medical and surgical treatment, the obligation to provide financial support or other funds for the care of the child, and other residual rights or obligations as may be provided by order of the court.

Legal Guardian: a person appointed by the court through the judicial establishment of a legal guardianship to become the caregiver of the child

Legal Guardianship: a judicially established relationship between a child and caregiver that is intended to be permanent and self-sustaining and transfers to the caregiver the following parental rights and responsibilities with respect to the child:

- a. The duty to provide protection, support, food, clothing, shelter, supervision, education, and care;
- b. Physical custody of the child;
- c. Legal custody when family court has not awarded legal custody to another person, agency, or institution;
- d. The right to consent to marriage, enlistment in the armed forces, and medical and surgical treatment;
- e. The duty and authority to represent the child in legal actions and to make decisions of substantial legal significance affecting the child;
- f. The right to determine the nature and extent of the child's contact with other persons; and
- g. The right to manage the child's income and assets.

Unless the court so orders, legal guardianship does not terminate the parent-child relationship, including the right of the child to inherit from their parents, the parent's right to consent to the child's Adoption, and the parent's obligation to provide financial, medical, or other support for the child as the court may order.

Subsidized Legal Guardianship Benefits: monthly payments made by the department to a Legal Guardian pursuant to and after entering a written agreement with kin or fictive kin to provide support for a child who without subsidized support may not achieve permanency through Legal Guardianship