



OJJDP FACT SHEET

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Permanency Planning for Abused and Neglected Children

by Mary Mentaberry

When children are abused or neglected, the juvenile justice system and youth-serving agencies must decide whether they can remain with their families or whether another environment would be safer and more desirable. If the decision is to remove the child from the home, the new environment is most often some type of foster care arrangement. However, placing an abused or neglected child in foster care is just a temporary solution to an immediate problem.

The juvenile justice system and other agencies that serve children must look beyond foster care and plan for permanent placement for all children who have been abused or neglected. The goal of permanency planning is to expeditiously secure a safe, permanent placement for every maltreated child, either by making it possible for children to stay with or return to their own families in safety or by finding safe adoptive homes for them. The security of being permanently placed within a family promotes a child's healthy emotional and physical development. Conversely, social scientists have documented correlations between child abuse, frequent foster care placements, and later juvenile delinquency.

All too often, social service systems have inadequate permanency planning. Agency abuse and neglect caseloads frequently soar well above recommended levels, and these cases must compete with other pressing matters on crowded juvenile and family court calendars. Juvenile justice and social service system resources of time and personnel remain inadequate. In many jurisdictions, abused and neglected children wait—and grow up without the permanency that contributes to healthy development.

Since the early 1980's, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has actively supported permanency planning for abused and neglected children. OJJDP supports training and technical assistance to judges and others to avoid unnecessary out-of-home placement of children, reunify children with their families when feasible, and facilitate the timely adoption of children unable to return home. The most significant OJJDP initiative in this area of activity is the Permanency Planning for Children Project developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) in 1983.

This OJJDP initiative is in accord with the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), which placed new responsibilities on each branch of government in regard to decisions affecting abused or neglected children. Subsequent to passage of this Act, State foster care populations were inventoried, case planning was scrutinized, and regular, periodic judicial review was required for every child in foster care.

A primary provision of this landmark Federal legislation is that "reasonable efforts" be made either to safely avoid the use of foster care placement or to rehabilitate families in order to reunite children already in foster care with their families. Although fiscal incentives were incorporated into the Federal legislation to encourage State compliance, the lack of a statutory definition of "reasonable efforts" has impeded full implementation of the statute. Judges, social service officials, attorneys, and child advocates struggle to define, develop, and deliver "reasonable efforts" to safely preserve or reunify the families of abused and neglected children in their jurisdictions. When reunification is not possible, their efforts turn to timely termination of parental rights and the search for an available adoptive home.

NCJFCJ's Permanency Planning for Children Project provides national, State, and locally based training in the provisions of the Adoption Assistance and Child Welfare Act and related statutory requirements. Over the years State permanency planning task forces and selected "model courts" have made significant, systemic achievements. Six of the ten "model" courts active in the Model Dependency Court project and one "observer" court have established one-family/one-judge court calendaring systems in which a single judge conducts all hearings involving a particular family. This calendaring innovation induces judicial familiarity with abuse and neglect caseloads, increases the frequency and comprehensiveness of review hearings, and provides for improved court/agency collaboration on casework and permanency planning. The success of these courts is shared with other States and court systems to encourage replication of these improvements.

The Permanency Planning for Children Project provides juvenile and family court judges with training and technical assistance for effective permanency planning. In many courts, however, comprehensive and regular judicial review of every abused or neglected child remains an unfulfilled goal. Many juvenile and family courts have neither the trained staff nor the financial resources to meet the rigorous demands of permanency planning. Inadequate permanency planning means delayed decisionmaking, extended foster care, multiple substitute placements, long waits for adoptive homes, dissolution of sibling bonds, and other outcomes harmful to children.

Child advocacy is an essential element in successful permanency planning, and the Permanency Planning for Children Project places special emphasis on the use of volunteer child advocates in juvenile and family courts. The term "Court Appointed Special Advocate," or CASA, was coined to clarify the roles of attorneys and lay persons in juvenile proceedings. Historically, attorneys were appointed guardians ad litem to represent allegedly abused or neglected children. Today, all States provide for the appointment of nonattorney guardians ad litem—often called CASA's—who are screened and trained to serve as advocates for children and to advise the court about the child's best interests. The National Court Appointed Special Advocate Association, headquartered in Seattle, Washington, administers grant funds awarded by OJJDP under the Victims of Child Abuse Act to assist States and local jurisdictions to establish and expand CASA programs. Some 40,000 CASA volunteers are serving 129,000 children in 641 CASA programs in the 50 States, the District of Columbia, and the Virgin Islands.

In addition to working with judges, the Permanency Planning for Children Project offers training and technical assistance designed to help each juvenile or family court social worker, police officer, attorney, CASA, or other child advocate to understand the importance of permanence to a young child. One project initiative emphasizes model court efforts to increase community resources for children. Another seeks public and private sector support for a nationwide increase in adoptive placements, a goal advocated by President Clinton.

Project judges and staff developed an NCJFCJ publication entitled *Resource Guidelines—Improving Court Practice in Child Abuse & Neglect Cases* (1995). It is designed to improve judicial involvement in and the effectiveness of court permanency planning efforts. The guidelines recommend minimum requirements for careful, complete, and fair hearings at all stages of child abuse and neglect hearings. The participants, timing, content, and recordkeeping required for each hearing are specified. The guidelines also detail the key decisions judges must make to allow each child's case to progress toward a safe and permanent resolution.

Other materials available from the NCJFCJ Permanency Planning for Children Project's library of publications and technical assistance resources include:

- ◆ *Protocol for Making Reasonable Efforts in Drug-Related Dependency Cases* (1992).
- ◆ Reasonable Efforts Training Video Notebook and Directory, 1991.
- ◆ NCJFCJ annual calendar of judicial and interdisciplinary training workshops, seminars, and conferences.

For Further Information

To receive copies of the publications listed above and learn about training programs and technical assistance resources, contact NCJFCJ, Permanency Planning for Children Project, University of Nevada at Reno, P.O. Box 8970, Reno, Nevada 89507; 702-784-6012. Information about permanency planning, the CASA program, and other child protection and juvenile justice issues is also available by calling OJJDP's Juvenile Justice Clearinghouse at 800-638-8736.

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Founded in 1937, the National Council of Juvenile and Family Court Judges is a membership organization of juvenile and family court judges.

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