

Section 4 Overview

This section pertains to the policy and procedures necessary when an out-of-home placement of a child is imminent or has occurred.

Chapter 23 Overview

This chapter describes the criteria and process when the Family Support Team (FST) has determined that Another Planned Permanent Living Arrangement (APPLA) is the best permanency option.

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23.1 Definition and Purpose

The Adoption and Safe Families Act (ASFA) created Another Planned Permanent Living Arrangement (APPLA) as the least preferred permanency option for children. Not intended to be a catch all for whatever temporary plan is needed, APPLA is a “living arrangement that is truly planned and permanent” in nature. “Planned” means the arrangement is intended, designed, considered, premeditated, or deliberate. “Permanent” means enduring, lasting, or stable. The term “living arrangement” includes not only the physical placement of the child, but also the quality of care, supervision, and nurturing the child will receive. While “living arrangement” may not necessarily be a specific residence or facility it does imply certain stabilizing features.

The other four preferred permanency plans (reunification, adoption, guardianship, and placement with a fit and willing relative) consider more than the physical place a child resides. They involve a specific adult or couple (as opposed to an organization) who will be in charge of the young person, exercise certain powers and responsibilities, and likely live with the young person. Further, the caregiver’s familial relationship with the child will be continuing in nature. Therefore, it follows that an APPLA either will involve a permanent adult caregiver of the child or at least adult parent figures playing permanent and important roles in the child’s life.

The decision and development of an APPLA should include all parties (parent(s), placement provider, youth, service worker, Guardian ad Litem, and the court) and they should be in agreement and have complete understanding of the commitment required. In addition, the Planned Permanency Agreement, CD-129, should be completed when the permanency options of Placement with a Fit and Willing Relative and Another Permanent Planned Living Arrangement are selected.

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23.2 Case Study Examples of APPLAs

The following case studies are examples of appropriate APPLAs:

Example 1: A 14-year old child, Angela, is in a residential treatment facility.

She spends some weekends and holidays with a family friend, Mrs. S, who she has known for years. Mrs. S is unwilling to adopt Angela because she is concerned that the adoption subsidy would not adequately address Angela's significant mental health needs. Mrs. S is open to the idea of adopting Angela after she turns 18, and possibly being the representative payee for Angela's SSI benefits. In addition to addressing the mental health needs, Angela's permanency plan would include a structure of regular visitation with Mrs. S, and would include Mrs. S in Angela's treatment and therapy as appropriate.

Example 2: A 16-year old boy, Robert, lives in a supervised apartment and is receiving Chafee Independent Living Services. He stays with his aunt and uncle every other weekend. They are unwilling to allow him to live there full-time because they have three children under age 9. Robert has also had problems with drugs in the past, and they are concerned he may be a negative influence on their young children. They do help him with school issues, and are in the process of helping him fill out applications for college. Robert's permanency plan would not only include the Chafee Independent Living Services he needs, but would also address issues between him and his aunt and uncle so that those relationships are strengthened and nurtured.

Example 3: Termination of parental rights will not be pursued for an 8-year old Native American child. This is because the Division does not believe it can prove continued custody of the child by the parent is likely to result in serious emotional or physical damage to the child. Consistent with tribal custom, the tribe has placed the child with a tribal member who will care for the child on a permanent basis.

Example 4: A sibling group, ages 6, 9, and 14, have been in foster care with Mr. and Mrs. J for three years. They visit regularly with their biological mother. The Division is not pursuing termination of parental rights. The children are bonded with Mr. and Mrs. J who have committed to care for the children on a permanent basis. This APPLA could be approved through a Planned Permanency Agreement.

The following **do not** qualify as an APPLA:

Extended Out-of-Home Care or Long-Term Foster Care - The ASFA statute explicitly prohibits long-term foster care as a permanency option. This is not considered a permanent living situation for a child. Long-term foster care is not stable and may disrupt, often leading to frequent moves for the child and instability.

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Emancipation - Emancipation occurs when the court of jurisdiction declares a youth, who may or may not have reached the age of majority, to be independent and releases the youth from custody. It is not a permanency goal because it lacks certain permanency features contemplated by ASFA. Emancipation implies a discharge from foster care simply by virtue of one's age without the necessary support system to provide sustained stability for the youth.

Independent Living - Independent Living is a set of services provided to a youth, not a permanency goal. A youth's APPLA may include independent living classes and other services as part of their permanency plan. An APPLA implies not just simply making a youth "independent", but implies a broader plan that includes a support system the youth can continue to access while in care as well as once they are no longer in custody.

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23.3 Criteria for Selection of APPLA as a Permanency Option

Prior to selecting this permanency option, the worker shall consider the following criteria to determine if this is the most appropriate option for the child(ren). The criteria are as follows:

- The Family Support Team has determined that reunification, adoption, guardianship, and/or placement with a fit and willing relative are not in the best interests of the youth.
- The child objects to TPR, and the juvenile court and/or Division believes it is in the best interest of the child not to pursue termination;
- There is an identified appropriate planned permanent living arrangement in which the child wishes to continue living;
- The out-of-home placement provider is in agreement with the plan and is able/willing, with the assistance of the Division, to meet the safety, permanency, and well-being needs of the youth.
- The youth has strong emotional/familial ties with the placement provider.
- The youth is able to understand the APPLA plan and all possible additional services are explored with the child and/or the placement provider to ensure the APPLA is safe, stable, and of the highest quality.

NOTE: A disabled youth may not be able to fully participate in this decision, but every effort shall be made to involve them to their ability.

- Parent is actively involved in youth's life, but unable to resume full care, i.e., chronic and pervasive emotional/physical health problems, etc.
- The out-of-home care provider will make a formal Planned Permanency Agreement, CD-129, with the Division for this purpose.
- The parent(s) agrees with the plan.
- Compelling reasons for selecting an APPLA are clearly documented for the court.

NOTE: The birth parent should have been involved throughout the treatment process and should be aware of the plan. However, some parents may elect not to remain involved in their child(ren)'s life and will not participate in the APPLA plan.

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23.4 Responsibilities in Development of the Planned Permanency Agreement

A Planned Permanency Agreement, CD-129, should be completed whenever either of the two permanency options, Placement with a Fit and Willing Relative or Another Planned Permanent Living Arrangement (APPLA), are selected for a youth. The purpose of the agreement is to identify an appropriate planned permanent living arrangement in which the youth wishes to continue living by specifying an adult who will play a permanent role in the youth's life. Establishing permanency is a federal requirement and a guiding principle of the Children's Division. In explaining the Planned Permanency Agreement, the worker must ensure that the youth, parent and placement provider understand:

- The differences between out-of-home care when the permanency plan is reunification versus when the permanency plan is Placement with a Fit and Willing Relative or APPLA.
- Continued rights and responsibilities of the biological parents;
- Rights and responsibilities of the placement provider;
- Placement provider's commitment to the youth; and
- Youth's contact with biological parents, siblings, relatives or kinships.

Some of the statements may not apply when the parent's rights have been terminated, if they are not involved in the youth's life, or if the youth resides in an Independent Living Arrangement (ILA), or Transitional Living Placement (TLP). For statements in the agreement that do not apply, write "not applicable" (N/A). The statement should be signed by all FST members and maintained in the case file.

Once a Planned Permanency Agreement has been signed, the Children's Division (CD) will continue to provide services. If the child is in the custody of the Division, staff should follow the Family Centered Out-of-Home practice guidelines. Home visits and FST/PPRT meetings shall be held. Supportive services will be offered/provided as identified and agreed to by the FST/PPRT until a legal final permanency plan is achieved and the court has released jurisdiction of the case.

If the child is under CD's supervision only, services provided include:

- Face-to-face in-home visits no less than once a month or more as needed to assure the safety of the child and to achieve the case goal;
- Reports to the court every 6 months to provide updates on the child's progress;
- Family Support Team meetings as per policy; and

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- The follow through with any services identified by the FST.

Services should continue until the child and CD are released from the jurisdiction of the court.

Related Subject: Section 4 Chapter 6 [Out-of-Home Placement Support Activities](#), and Section 4 Chapter 7 [Begin Work with the Family/Children](#)

Developing a positive rapport with the child and resource provider to meet their needs will help assure permanency for the child.

The Planned Permanency Agreement, CD-129, should be filed in the older youth section of the case record.

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23.5 Disruption Of A Planned Permanency Agreement

A child with a Planned Permanency Agreement remains in the legal custody of the Division, but may or may not be in the physical custody of the Division. If the child is in the physical custody of a permanent care provider, the Division must consult with the family/juvenile court to determine if the worker can legally remove the child from the placement prior to a change in the court order. If disruption occurs, the CD Worker must do the following:

- Interview the child and placement provider individually and jointly to determine if the relationship is irretrievably broken and, if not, determine what the placement provider and child need/want to keep the relationship intact.
- Involve the placement provider in the plan for removal from the home including explaining to the child why the placement did not succeed.
- Select a new placement resource and prepare the youth for the new placement.
- Maintain close contact with the youth following disruption.
- Prepare the youth and new placement provider for issues surrounding separation and loss.
- Reassess the permanency plan for youth.

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