	Department of Human Services **CHILDREN, ADULTS & FAMILIES** **CLIENT SERVICES INDEX** **ISSUED BY:** Office of Safety and Permanency for Children FINAL: 7-01-06	**NUMBER:** I-E.3.6.3 **OAR:** 413-070-0520 thru 0560 **SECTION:** E. Substitute Care **SUBSECTION:** 3. Placement Expectations 6. Achieving Permanency
SUBJECT: 3. Another Planned Permanent Living Arrangement – OAR		

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REFERENCES:

Title IV-E Indian Child Welfare Act
SB 408
PL 105-89, Adoption and Safe Families Act (ASFA)
45 CFR Parts 1355, 1356 and 1357, 1/25/2000
Child Welfare Policy I-A.4.5, Rights of Relatives
Child Welfare Policy I-E.2.1, Placement of Indian Children
Child Welfare Policy I-E.3, Placement Expectations Policy
Child Welfare Policy I-B.2.3.5, Independent Living Programs OAR Transmittal Letter
Child Welfare Policy I-B.2.3.5, Independent Living Programs
Child Welfare Policy I-E.3.6, Achieving Permanency
Child Welfare Policy I-E.3.6.1, Permanent Foster/Kinship Care
Child Welfare Policy I-E.1.1, Working with Relatives Toward Placement of Children
Child Welfare Policy I-F.2, Determining the Appropriateness of Adoption as a Permanency Plan
Child Welfare Policy I-B.3.2.1, Substitute Care Case Reviews
Reasonable Efforts to Finalize a Permanency Plan for Another Planned Permanent Living Arrangement, by Jennifer Renne

FORMS

CF 0305, Code Sheets

413-070-0520
Purpose

The federal Adoption and Safe Families Act of 1997, Pub. L. No. 105-89, 111 Stat. 2116 (1997) and the Department's rules (specifically OAR 413-040-0017 about Reunification and Concurrent Plans and Department Policy I-E.3.6, "Achieving Permanency", OAR 413-070-0500 to 413-070-0517) require the Department to develop, document, and implement a permanency plan for every child placed in the Department's legal custody for substitute care placement. The Department has five

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permanency plans to choose from for these children. The five permanency plans are: Reunification with parents -- see OAR 413-040-0017; Achieve adoption -- see OAR 413-110-0300 to 413-110-0360; Arrange guardianship or legal custody -- see ORS 419B.365; Permanent placement with a fit and willing relative -- see OAR 413-070-0060 to 413-070-0093; and Another planned permanent living arrangement (APPLA, which is any permanency plan other than reunification, adoption, guardianship, or permanent placement with a fit and willing relative). These rules (OAR 413-070-0520 to 413-070-0560) describe the appropriate use of APPLA.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

413-070-0524
Definitions

The following terms are defined for use in these rules (OAR 413-070-0520 to 413-070-0560):

(1) "APPLA" means Another Planned Permanent Living Arrangement. APPLA is one of the five types of permanency plans.

(2) "Compelling reason" means a convincing and persuasive reason why it would not be in a child's best interests to be returned home, placed for adoption, placed with a guardian, or placed permanently with a fit and willing relative.

(3) "Department" means the Department of Human Services Child Welfare Program.

(4) "Family" means a child's parent/guardian(s), sibling(s), and kin.

(5) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

(6) "Permanent foster/kinship care" means a long-term placement decision between the foster/kinship care family and the Department, approved by the juvenile court, in which the permanent foster/kinship care family makes a commitment to

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raise a child until the age of majority, and be accessible to and supportive of the child in adulthood.

(7) "Relative" or "Relatives" means:

(a) Any blood relative or half-blood relative, including persons of preceding generations denoted by the prefixes of grand, great, or great-great who is related to the child through the biological or adoptive mother or the legal or adoptive father of the child as defined by ORS 419.004(16);

(b) Aunts, uncles, adult first cousins and adult first cousins (once removed) who are related to the child through the biological or adoptive mother or the legal or adoptive father of the child as defined by ORS 419.004(16); and

(c) Stepparent(s) or ex-stepparents who have parented the child.

(8) "Service plan" means a written description of the services and activities designed to achieve goals for child safety, a permanent home, and the child's well-being (*see* Department Policy I-B.3.1, "Service Plans: Service Agreement or Letter of Expectations and Family Decisions Meetings," OAR 413-040-0000 to 413-040-0071).

(9) "Substitute care" means the out-of-home placement of a child who is in the legal or physical custody and care of the Department.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

413-070-0528
Values

The values that underlie permanency planning for children are as follows:

(1) Every child needs and deserves a safe, nurturing, and permanent home.

(2) Children need and benefit from familial attachments.

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(3) The purpose of permanency planning is to locate a permanent family or, if that is not possible, develop lifetime supportive relationships for a child in an out-of-home placement.

(4) Permanency planning must begin when a child enters substitute care; planning should be driven by the particular needs of each child; planning should be family-focused, culturally competent, and continuous; and planning should be accomplished with urgency.

(5) Permanency for a child is best achieved by placing the child in a family-like setting that provides the child with caring, nurturing relationships and an enduring sense of stability.

(6) APPLA is the least permanent of all the permanency plans and must be used only when the other plans have been ruled out.

(7) When APPLA is utilized as a child's permanency plan, the plan should be regularly reviewed to determine whether a more permanent plan has become appropriate for the child.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

413-070-0532
APPLA, Described

Another Planned Permanent Living Arrangement (APPLA) is a plan for a stable, secure living arrangement, developed for a child, that includes building relationships with significant people in the child's life that will continue beyond substitute care. "Planned" means the arrangement is intended, designed, considered, premeditated or deliberate. "Permanent" means enduring, lasting, or stable. An APPLA plan includes not only the physical placement of the child, but also the quality of care, supervision, and nurture the child will be provided by a specified adult or adults. APPLA is the least preferred permanency plan for a child.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

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413-070-0536
Uses of APPLA

(1) The Department may identify APPLA as a permanency plan for a child only if the Department has determined that there is a *compelling reason* (defined in OAR 413-070-0524) that it would not be in the best interests of the child to be placed on a permanent basis---

(a) With a parent;

(b) In an adoptive home;

(c) In a guardianship; or

(d) In a permanent placement with a fit and willing relative.

(2) For purposes of implementing an APPLA permanency plan, the Department may document and the court may determine that there is a *compelling reason* that it would not be in the best interests of the child to implement a more preferred permanency plan in circumstances that include, but are not limited to the following:

(a) The child is an older teen, who rejects all of the other more favored permanency plans.

(b) The child's tribe has identified an APPLA as the preferred plan for an Indian child.

(c) The adult with whom the child has formed a permanent attachment is unable or unwilling to adopt the child or become the child's guardian.

(3) The examples provided in section (2) of this rule are not intended to eliminate from consideration any permanency plan for any group of children in substitute care. Each child's permanency plan must be based on the best interests and individual needs and circumstances of each child and determined on a case-by-case basis. A child's age or disability alone should never be a disqualifier for a more preferred permanency plan, such as adoption or guardianship.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

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413-070-0540
Decision-making Process

The following process will be used to identify APPLA as the permanency plan of a child:

(1) If it appears that the child cannot be reunified with a parent, placed for adoption, placed with a guardian, or permanently placed with a fit and willing relative, the child's caseworker must convene a team of individuals knowledgeable about the child's needs to discuss permanency plans for the child. The team must include the child's caseworker, and should include, but need not be limited to, the child's parents (unless their parental rights have been terminated or their participation in the meeting would be harmful to the child), the child's attorney, the court-appointed special advocate, the child's substitute caregiver, and the child, if appropriate.

(2) The team must provide the child and parents an opportunity to identify available permanency resources.

(3) After section (2) of this rule has been accomplished, the team must:

(a) Discuss and explore the child's needs and best interests;

(b) Explore and discuss the various permanency options that would meet the needs and best interests of the child; and

(c) If considering APPLA, rule out all other more preferred permanency options.

(4) After section (3) of this rule has been accomplished, the team may recommend APPLA as the best permanency plan for the child.

(5) Although the team provides input, Department staff present at the meeting are responsible for selecting the permanency option for the child. The Department will incorporate the team's recommendations for permanency to the extent that these recommendations protect the child, achieve permanency for the child, and provide the child with support in adulthood.

(6) If APPLA is selected, the Department must develop a permanency plan recommendation that meets the requirements of an APPLA for the child and a

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list of reasons why implementation of each of the other, more preferred permanency plans is not in the child's best interests.

(7) The caseworker's supervisor must review the Department's recommended plan and the reasons that each of the more preferred permanency plans is not in the child's best interests.

(8) After reviewing a plan under section (7) of this rule, the supervisor of the caseworker must give written approval for the plan if the supervisor determines that---

(a) There is a *compelling reason* (defined in OAR 413-070-0524) why a more preferred permanency plan is not in the child's best interests; and

(b) The APPLA developed by the Department is the appropriate plan for the child.

(9) The child's caseworker must schedule a permanency hearing and obtain approval for implementation of the APPLA plan from the court.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

413-070-0544
APPLA Categories

An APPLA permanency plan may follow one of the categories described in this rule:

(1) APPLA – Permanent Foster Care. To qualify as APPLA – Permanent Foster Care, the arrangement must not be likely to disrupt and must include a commitment and a plan for how the substitute care provider will continue a familial relationship with the child beyond the child's majority. See Department Policy I-E.3.6.1, "Permanent Foster/Kinship Care", OAR 413-070-0700 to 413-070-0750, for more details on this permanency plan.

(2) APPLA – Independence. An APPLA – Independence plan may be appropriate for an older teen who has left substitute care or is receiving subsidy, and should focus not only on the child's educational, vocational, and treatment needs, but also on the needs of the child to develop or maintain relationships with adults

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who can play a significant role in the child's life after the child leaves substitute care.

(3) APPLA - Other

(a) An APPLA - Other plan may be appropriate for a child in a psychiatric residential facility, Developmental Disabilities placement, or residential treatment facility who will not be discharged from the facility while the Department maintains legal custody of the child; a child for whom no placement that will commit to permanency can be found; or an older child who does not agree to a permanent foster care agreement or who is already living independently.

(b) This APPLA plan must include all of the following:

(A) Identification of the most secure, long-term, stable placement for the child. Group care or residential care is not generally considered appropriate as a permanent, long-term living arrangement. If the child's departure from group care is likely while the Department maintains legal custody of the child, a different plan should be chosen for the child.

(B) A strategy to develop relationships with significant people who will remain in the child's life beyond the time the child leaves substitute care. This strategy includes the identification of a permanent adult caregiver or adult parent figure that will play a permanent or important role in the child's life.

(C) When applicable, a plan to transition a developmentally delayed child to an appropriate program for adults who are developmentally disabled.

(D) A description of the reasonable efforts (OAR 413-070-0515(6)) made by the Department to put the services and structures described in this rule in place to meet the needs of the child and to enhance the stability of the child's living arrangement when the child is not living with a specified adult.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

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413-070-0548
Contents of APPLA Plan

An APPLA permanency plan must include all of the following:

(1) An APPLA service plan (see OAR 413-070-0552).

(2) A description of how permanent ties with family members, advocates, and others who provide a nurturing and supportive environment for the child will be established and maintained. This description may include the following:

(a) A description of how the parents and siblings of the child will actively participate in the life of the child if appropriate.

(b) For each existing relationship the child has with another adult who can sustain a significant relationship with the child, a description of how the relationship will be maintained.

(3) The comprehensive transition plan required by Department Policy I-B.2.3.5, "Independent Living Programs", OAR 413-030-0400 to 413-030-0455.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

413-070-0552
APPLA Service Plan

In addition to meeting the requirements of Department Policy I-B.3.1, "Service Plans: Service Agreement or Letter of Expectation", OAR 413-040-0000 to 413-040-0071, the APPLA permanency plan must have a service plan that identifies all of the following:

(1) The relatives, advocates, guardians, current and former foster parents, or other individuals who can provide for the child lifelong support, but not permanent placement, a sense of continuity, belonging, and stability, and supportive, caring relationships. Individuals identified may include coaches, mentors, teachers, or employers. Attempts to locate these support resources must be documented in the case file.

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(2) The services that will ensure the emotional, medical, educational, cultural, and physical needs of the child are being met.

(3) The services that will strengthen and nurture the relationship between the identified support persons and the child: for example, visitation schedule and inclusion of the support person in the child's counseling.

(4) The services that will prepare the child to live in the least restrictive setting possible at the most appropriate time.

(5) The services that will provide the child with a reasonable opportunity to achieve one of the permanency plans listed in OAR 413-070-0536(1).

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

413-070-0556
APPLA Permanency Plan Reviews

If APPLA is the permanency plan for a child in its legal custody, the Department will review that plan, prior to each review conducted by the Citizen Review Board in accordance with ORS 419A.106 and prior to the permanency hearing required by ORS 419B.470(2), to determine the appropriateness of the permanency plan. The APPLA permanency plan should be reviewed to determine whether---

(1) A different permanent plan should be implemented for the child, such as reunification, adoption, guardianship, or permanent placement with a fit and willing relative; and

(2) The current placement is the least restrictive setting that meets the health and safety needs of the child.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005

413-070-0560
APPLA Permanency Plan Documentation Requirements

The caseworker must document all of the following in the case record:

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(1) The recommendations of the Department described in OAR 413-070-0540(1) and the approval of the supervisor required by OAR 413-070-0540(6) showing why APPLA is the most appropriate permanency option for the child.

(2) The efforts of the Department to identify and recruit a permanent placement for the child.

(3) How the current placement and services meet the special needs of the child and what structures are in place to support the current placement.

(4) Any approved exception to the 30-day face-to-face contact with the child required by OAR 413-080-0060.

(5) The *compelling reason* (defined in OAR 413-070-0524) why it would not be in the best interests of the child to be placed with a parent, freed for adoption, permanently placed with a fit and willing relative, or placed with a legal guardian.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005