



Concurrent Planning for Permanency for Children

Concurrent planning initially developed as a type of permanency planning in which reunification services were provided to the family of a child in out-of-home care at the same time that an alternative permanency plan was made for the child, in case reunification efforts failed. To be effective, concurrent planning requires not only the identification of an alternative plan, but also the implementation of active efforts toward both plans simultaneously, with the full knowledge of all participants. Compared to more traditional sequential planning for permanency, in which one permanency plan is ruled out before an alternative

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is developed, concurrent planning may provide earlier permanency for the child.¹

The Adoption and Safe Families Act of 1997 (P.L. 105-89) mandated shortened timelines for achieving permanency for children in foster care. To meet these timelines, many States have identified concurrent planning as a recognized or required practice for achieving permanency. Approximately 38 States and the District of Columbia have statutes that address the issue of concurrent planning.² Seven States address concurrent planning in regulation.³ The language in these statutes and regulations ranges from general statements that simply authorize concurrent planning activity to statutes that provide, in some detail, the elements that must be included when making a concurrent permanency plan.

The Chafee Foster Care Independence Act has helped identify the need for expanding concurrent planning beyond very young children. Concurrent permanency planning efforts with a teen may include aggressively recruiting adoptive parents while simultaneously helping the youth develop positive relationships with relatives and other adults. The goal is for the youth to have emotional supports in place if an adoptive family cannot be identified by the time the youth turns age 18 or becomes ineligible for foster care.

State Approaches to Concurrent Planning

Currently, more than half of the States allow but do not require concurrent planning. Other States require the use of concurrent planning under various circumstances. For example, the statute in California states, "If out-of-home services are used and the

¹ For a more complete discussion of the implementation of concurrent planning, see Information Gateway's *Concurrent Planning: What the Evidence Shows* at https://www.childwelfare.gov/pubs/issue_briefs/concurrent_evidence/index.cfm

² The word *approximately* is used to stress the fact that States frequently amend their laws. As of November 2012, concurrent planning was addressed in statute by Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

³ The States that address concurrent planning in regulation include Alabama, Hawaii, Kansas, Kentucky, Massachusetts, New Mexico, and New York. Delaware, Indiana, Pennsylvania, South Dakota, and Virginia do not address the issue of concurrent planning in their statutes or regulations.

goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.” Sixteen States also require that the family’s case plan include concurrent efforts toward an alternative permanency goal.⁴

Five States require agencies to engage in concurrent planning from the time the child first comes into care.⁵ Connecticut and Florida require an assessment of the family when the child has been in care for 6 months; if at that time the prospect of reunification seems unlikely, a concurrent permanency plan must then be developed.

Kentucky’s statute requires concurrent planning only when a newborn has been abandoned. In that situation, a foster parent agrees to work with the Cabinet for Children and Families on reunification with the birth parents (if known) and to adopt the infant if reunification fails. In regulation, concurrent planning must be considered during case permanency planning for any child in out-of-home care.

Eight States provide definitions of concurrent planning in statute or regulation.⁶ Idaho, for example, specifies that a concurrent plan “...prepares for and implements different outcomes at the same time.” In Louisiana, “Concurrent planning means departmental efforts to preserve and reunify a family or to place a child for adoption or with a legal guardian, which are made simultaneously.” The definition in Montana emphasizes the need to implement as well as develop a concurrent plan in addition to identifying a plan for reunification.

The statutes in six States require that the concurrent plan be fully disclosed to the family.⁷ For example, the statute in Connecticut specifically states that, “Concurrent permanency planning programs must include involvement of parents and full disclosure of their rights and responsibilities...”

⁴ California, Connecticut, Florida, Hawaii, Idaho, Iowa, Kentucky, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Oregon, Texas, Utah, and Vermont.

⁵ Alabama, Illinois, Mississippi, Missouri, and Oklahoma.

⁶ Florida, Hawaii, Idaho, Louisiana, Montana, New Hampshire, New Mexico, and Wisconsin.

⁷ Connecticut, Florida, Hawaii, Minnesota, New Jersey, and Ohio.

Five States require agencies to consider the potential of the first out-of-home placement to be able and willing to both support reunification efforts and be a possible adoptive placement for the child if reunification is not achieved.⁸ For example, Illinois specifies, "At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child."

Statutes in six States reflect the need for collaboration between the court system and the State.⁹ These statutes spell out the need for the court to make findings of reasonable efforts on the part of the agency to achieve both concurrent plans during the judicial reviews of reasonable efforts to achieve permanency.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

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⁸ California, Kansas, Minnesota, Mississippi, and Oklahoma.

⁹ Florida, Massachusetts, Minnesota, Oklahoma, Oregon, and Utah.

Alabama**Ala. Admin. Code r. 660-5-47-.02 (LexisNexis through 3-31-12)**

Concurrent planning is a case management method that emphasizes candor, goal setting, and completion of selected activities within specified time limits in work with children and families in order to facilitate a more timely achievement of permanence and stability. This method encourages all individualized service plan (ISP) team members to achieve the most desirable permanency goal while, at the same time, establishing and pursuing an alternate permanency goal. Such planning should occur from the time of initial engagement with a family rather than sequentially thereafter.

Alaska**Alaska Stat. § 47.10.086(e), (f) (LexisNexis through 2012 3rd Spec. Sess.)**

The Department of Health and Social Services may develop and implement an alternative permanency plan for the child while the department also is making reasonable efforts to return the child to the child's family. In making determinations and reasonable efforts under this section, the primary consideration is the child's best interests.

American Samoa

This issue is not addressed in the statutes reviewed.

Arizona**Ariz. Rev. Stat. Ann. § 8-845(D) (LexisNexis through 2012 2nd Reg. Sess.)**

Notwithstanding § 8-845(C) [that requires the court to reunify the family if possible], reasonable efforts to place a child for adoption may be made concurrently with reasonable efforts to reunify the family.

Arkansas**Ark. Code Ann. § 9-27-303(47)(D) (LexisNexis through 2012 Sess.)**

Reasonable efforts to place a child for adoption or with a legal guardian or permanent custodian may be made concurrently with reasonable efforts to reunite a child with his or her family.

California**Cal. Welf. & Inst. Code § 706.6(l) (LexisNexis through 2012 Sess.)**

When out-of-home services are used and the goal is reunification, the case plan shall describe the services that were provided to prevent removal of the minor from the home, the services to be provided to assist in reunification, and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.

Cal. Welf. & Inst. Code § 16501.1(f)(10) (LexisNexis through 2012 Sess.)

If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan also shall consider in-State and out-of-State placements, the importance of developing and maintaining sibling relationships pursuant to § 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

Colorado**Colo. Rev. Stat. Ann. § 19-3-508(7) (LexisNexis through 2012 1st Ex. Sess.)**

Efforts to place a child for adoption or with a legal guardian or custodian, including identifying appropriate in-State and out-of-State permanent placement options, may be made concurrently with reasonable efforts to preserve and reunify the family.

Connecticut**Conn. Gen. Stat. Ann. § 17a-110a (LexisNexis through 2012 Supp.)**

In order to achieve early permanency for children, decrease children's length of stay in foster care, reduce the number of moves children experience in foster care, and reduce the amount of time between termination of parental rights and adoption, the Commissioner of Children and Families shall establish a program for concurrent permanency planning.

Concurrent permanency planning involves a planning process to identify permanent placements and prospective adoptive parents so that when termination of parental rights is granted by the court pursuant to § 17a-112 or § 45a-717, permanent placement or adoption proceedings may commence immediately.

The commissioner shall establish guidelines and protocols for child-placing agencies involved in concurrent permanency planning, including criteria for conducting concurrent permanency planning based on relevant factors such as:

- The age of the child and duration of out-of-home placement
- The prognosis for successful reunification with parents
- Availability of relatives and other concerned individuals to provide support or a permanent placement for the child
- The special needs of the child
- Other factors affecting the child's best interests, goals of concurrent permanency planning, support services that are available for families, permanency options, and the consequences of not complying with case plans

Within 6 months of out-of-home placement, the Department of Children and Families shall complete an assessment of the likelihood of the child's being reunited with either or both birth parents, based on progress made to date. The department shall develop a concurrent permanency plan for families with poor prognosis for reunification within such time period. Such assessment and concurrent permanency plan shall be filed with the court.

Concurrent permanency programs must include involvement of the parents and full disclosure of their rights and responsibilities.

Delaware

This issue is not addressed in the statutes reviewed.

District of Columbia**D.C. Code Ann. § 4-1301.09a(f) (LexisNexis through 9-19-12)**

Reasonable efforts to place a child for adoption, with an approved kinship caregiver, with a legal custodian or guardian, or in another permanent placement may be made concurrently with the reasonable efforts required by § 4-1301.09a(b) [to preserve and reunite the family, prevent placement, or make it possible for the child to return home].

Florida

Fla. Ann. Stat. § 39.6011(2) (LexisNexis through 2012 Spec. Sess.)

The case plan must be written simply and clearly in English and, if English is not the principal language of the child's parent, to the extent possible in the parent's principal language. Each case plan must contain:

- A description of the identified problem being addressed, including the parent's behavior or acts resulting in risk to the child and the reason for the intervention by the department
- The permanency goal
- If concurrent planning is being used, a description of the permanency goal of reunification with the parent or legal custodian in addition to a description of one of the remaining permanency goals described in § 39.01

Fla. Stat. Ann. § 39.01(19), (52) (LexisNexis through 2012 Spec. Sess.)

'Concurrent planning' means establishing a permanency goal in a case plan that uses reasonable efforts to reunify the child with the parent, while at the same time establishing another goal that must be one of the following options:

- Adoption when a petition for termination of parental rights has been filed or will be filed
- Permanent guardianship of a dependent child under § 39.6221
- Permanent placement with a fit and willing relative under § 39.6231
- Placement in another planned permanent living arrangement under § 39.6241

The permanency goal also is the case plan goal. If concurrent case planning is being used, reunification may be pursued at the same time that another permanency goal is pursued.

Fla. Stat. Ann. § 39.701(10)(e) (LexisNexis through 2012 Spec. Sess.)

Within 6 months after the date that the child was placed in shelter care, the court shall conduct a judicial review hearing to review the child's permanency goal as identified in the case plan. At the hearing, the court shall make findings regarding the likelihood of the child's reunification with the parent or legal custodian within 12 months after the removal of the child from the home. If the court makes a written finding that it is not likely that the child will be reunified with the parent or legal custodian within 12 months after the child was removed from the home, the Department of Children and Family Services must file with the court and serve on all parties a motion to amend the case plan under § 39.6013 and declare that it will use concurrent planning for the case plan. The department must file the motion within 10 business days after receiving the written finding of the court. The department must attach the proposed amended case plan to the motion. If concurrent planning is already being used, the case plan must document the efforts the department is taking to complete the concurrent goal.

Georgia

Ga. Code Ann. § 15-11-58(a)(6) (LexisNexis through 2012 Reg. Sess.)

Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts of the type described to reunify the family.

Guam

This issue is not addressed in the statutes reviewed.

Hawaii

Haw. Code of Rules § 17-1610-2 (LexisNexis through 10-17-12)

'Concurrent planning' means an ongoing assessment, planning, and service process with concurrent service planning, treatment, and permanency goals depending upon the family situation to ensure the safety, permanency, and well-being of the child.

Haw. Code of Rules § 17-1610-25 (LexisNexis through 10-17-12)

Based on an assessment of the family, the department shall determine and initiate assessment and treatment services, including, but not limited to, *ohana* conferencing; concurrent planning; multidisciplinary team consultation; and psychological, psychiatric, psychosexual, or other needed evaluations pursuant to departmental procedures. The department shall provide appropriate and available services to eligible children and their families subject to the availability of funding and resources.

Haw. Code of Rules § 17-1610-39 (LexisNexis through 10-17-12)

For all children and families under the jurisdiction of the department and assessed as needing ongoing child welfare casework services, either voluntarily or by court order, the department shall initiate concurrent planning in accordance with departmental procedures. Concurrent planning shall include but not be limited to the following:

- An assessment to determine the needs of each child to ensure that each child's needs for safety and permanency are recognized and incorporated into intervention services, treatment, placement, and timely permanency decision making
- An assessment of the family's potential to maintain the child in the home or to reunify the child with the family
- A casework strategy developed with the family that incorporates a plan to maintain or reunify the child with the legal custodian and a plan to provide a permanent home in the following order of preference: through adoption; legal guardianship; or other permanent, out-of-home placement should reunification not be successful

Concurrent planning shall be initiated in any case in which the department has joined in a petition to terminate parental rights. Concurrent planning for those cases shall include but not be limited to identification, recruitment, processing, and approving a qualified adoptive family for the child.

Concurrent planning shall not be implemented in a case in which there is a finding that the child is an abandoned infant or where there has been a finding of aggravated circumstances by the court.

Idaho**Idaho Code § 16-1602(10) (LexisNexis through 2012 Reg. Sess.)**

'Concurrent planning' means a planning model that prepares for and implements different outcomes at the same time.

Idaho Code § 16-1621(3) (LexisNexis through 2012 Reg. Sess.)

The case plan shall set forth reasonable efforts that will be made to make it possible for the child to return to his or her home and shall concurrently include a plan setting forth reasonable efforts to place the child for adoption, with a legal guardian, or in another approved permanent placement. Whenever possible, the child's connections to the community, including individuals with a significant relationship to the child, religious organizations, and community activities, will be maintained through the transition. The plan shall state with specificity the role of the Department of Health and Welfare toward each parent.

Illinois**Ill. Comp. Stat. Ann. Ch. 20, § 505/5(l-1) (LexisNexis through 2012 Legis. Sess.)**

The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practically possible. To achieve this goal, the legislature directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. At the time of placement, consideration also should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The department shall adopt rules addressing concurrent planning for reunification and permanency. The department shall consider the following factors when determining the appropriateness of concurrent planning:

- The likelihood of prompt reunification
- The past history of the family
- The barriers to reunification being addressed by the family
- The level of cooperation of the family
- The foster parents' willingness to work with the family to reunite
- The willingness and ability of the foster family to provide an adoptive home or long-term placement
- The age of the child
- Placement of siblings

Indiana

This issue is not addressed in the statutes reviewed.

Iowa**Iowa Code Ann. § 232.102(10)(b), (11) (LexisNexis through 2011 Supp.)**

As used in this section, 'family-centered services' means services and other support intended to safely maintain a child with the child's family or with a relative; to safely and in a timely manner return a child to the home of the child's parent or relative; or to promote achievement of concurrent planning goals by identifying and helping the child secure placement for adoption, with a guardian, or with other alternative permanent family connections.

The performance of reasonable efforts to place a child for adoption or with a guardian may be made concurrently with making reasonable efforts as defined in this section.

Iowa Code Ann. § 232.2(4)(h) (LexisNexis through 2011 Supp.)

If reasonable efforts to place a child for adoption or with a guardian are made concurrently with reasonable efforts as defined in § 232.102, the concurrent goals and timelines may be identified. Concurrent case permanency plan goals for reunification and for adoption or for other permanent out-of-home placement of a child shall not be considered inconsistent in that the goals reflect divergent possible outcomes for a child in an out-of-home placement.

Kansas**Pol. & Proc. Man. § 3232 (10-1-12)**

Concurrent case planning emphasizes frequent interactions with birth families to achieve the preferred permanency goal of reintegration while simultaneously developing another goal as an alternative permanency plan for the child, if reintegration cannot be achieved. Concurrent case planning minimizes the negative impact of separation and loss on the child and maintains the continuity in the child's family and sibling relationship.

While efforts are being made to reintegrate the child with his or her family, diligent efforts shall be made to locate an absent parent, relatives, and/or nonrelated kin. Reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-State and out-of-State placements, may be made concurrently with reasonable efforts to reunify the child and family. Assessing the out-of-State placement possibilities when it is in the best interests of the child allows them to become placement options when it is appropriate. These persons shall be explored as a possible resource for the child if reintegration cannot be achieved.

If relatives and/or nonrelated kin are not an option, efforts shall be made to find a foster/adopt family. A foster/adopt family provides out-of-home placement care for the child and works toward reintegration with the family if the plan is feasible. They also agree to be the permanent/adoptive resource for the child if parental rights are terminated.

Kentucky**Ky. Rev. Stat. Ann. § 620.350(2)(b) (LexisNexis through 2012 1st Ex. Sess.)**

Upon notice from any emergency medical services provider or hospital staff that a newborn infant has been abandoned at a hospital, the Cabinet for Health and Family Services shall immediately seek an order for emergency custody of the infant.

Upon the infant's release from the hospital, the cabinet shall place the child in a foster home approved by the cabinet to provide concurrent planning placement services. As used in this paragraph, 'concurrent planning placement services' means the foster family shall work with the cabinet on reunification with the birth family, if known, and shall seek to adopt the infant if reunification cannot be accomplished.

Ky. Admin. Regs. Tit. 922, § 1:140 (LexisNexis through Nov. 2012)

'Concurrent planning' means the cabinet simultaneously plans for:

- The return of a child in the custody of the cabinet to the child's parent
- Another permanency goal for the child if return to parent is not achieved within 15 of the last 22 months, in accordance with 42 U.S.C. § 671(a)(16)

Concurrent planning shall be considered during development of the case permanency plan and at the 6-month case review.

Louisiana**La. Children's Code Ann. Art. 615(C) (LexisNexis through 2012 Reg. Sess.)**

In addition to investigation or assessment of reports, or both, the local child protection family services unit may offer available information, referrals, or services to the family when there appears to be some need for medical, mental health, social, basic support, supervision, or other services. Assignments for case response and allocation of resources shall be made in the order of children at greatest risk of harm to the lowest risk of harm. The individualized intervention strategies based on this risk assessment may include concurrent planning.

La. Children's Code Ann. art. 603(8) (LexisNexis through 2012 Reg. Sess.)

'Concurrent planning' means departmental efforts to preserve and reunify a family or to place a child for adoption or with a legal guardian, which are made simultaneously.

Maine**Me. Rev. Stat. Ann. Tit. 22, § 4041(1-A)(D) (LexisNexis through 2012 2nd Reg. Sess.)**

The Department of Human Services may make reasonable efforts to place a child for adoption or with a legal guardian concurrently with reunification efforts if potential adoptive parents have expressed a willingness to support the rehabilitation and reunification plan.

Maryland**Md. Code Ann. Fam. Law § 5-525(c)(1)-(2), (e)(3) (LexisNexis through 2012 2nd Spec. Sess.)**

In establishing the out-of-home placement program, the Social Services Administration shall:

- Provide time-limited family reunification services to a child placed in an out-of-home placement and to the parents or guardian of the child, in order to facilitate the child's safe and appropriate reunification within a timely manner
- Concurrently develop and implement a permanency plan that is in the best interests of the child

Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with the reasonable efforts to preserve or reunify the family.

Massachusetts**Mass. Code of Regs. Tit. 110, § 6.11 (LexisNexis through 10/26/2012)**

The court shall determine the permanent plan for the child at the permanency hearing. In making such determination, the court shall consult with the child, in an age-appropriate manner, the proposed permanency plan for the child. Such consultation may occur through a report by the department social worker, the child's attorney, or a guardian *ad litem* who has discussed with the child the proposed permanent plan. A child age 16 and over may attend the permanency hearing review. The department shall use reasonable efforts to achieve the permanency plan determined by the court. The department concurrently may use reasonable efforts to achieve an alternative permanent plan if the permanent plan determined by the court is reunification with the family and the goal established through the department's permanency planning conference is other than reunification.

Michigan**Mich. Comp. Laws § 712A.19(12)-(13) (LexisNexis through 2012 Sess.)**

Reasonable efforts to finalize an alternate permanency plan may be made concurrently with reasonable efforts to reunify the child with the family.

Reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-State or out-of-State options, may be made concurrently with reasonable efforts to reunify the child and family.

Minnesota**Minn. Stat. Ann. §260C.605, subd. 1(b) (LexisNexis through 2012 Spec. Sess.)**

Reasonable efforts to make a placement in a home according to the placement considerations under § 260C.212, subd. 2, with a relative or foster parent who will commit to being the permanent resource for the child in the event the child cannot be reunified with a parent are required under § 260.012 and may be made concurrently with reasonable efforts, or if the child is an Indian child, active efforts to reunify the child with the parent.

Minn. Stat. Ann. § 260.012(a), (k) (LexisNexis through 2012 Spec. Sess.)

Once a child alleged to be in need of protection or services is under the court's jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate services, by the social services agency are made to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time. The court also must ensure that the responsible social services agency makes reasonable efforts to finalize an alternative permanent plan for the child as provided below.

Reasonable efforts to place a child for adoption or in another permanent placement may be made concurrently with reasonable efforts to prevent placement or to reunify the child with the parent or guardian from whom the child was removed. When the responsible social services agency decides to concurrently make reasonable efforts for both reunification and permanent placement away from the parent, the agency shall disclose its decision and both plans for concurrent reasonable efforts to all parties and the court. When the agency discloses its decision to proceed on both plans for reunification and permanent placement away from the parent, the court's review of the agency's reasonable efforts shall include the agency's efforts under both plans.

Minn. Stat. Ann. § 260C.201, subd. 2(5)(c) (LexisNexis through 2012 Spec. Sess.)

If the child has been identified by the responsible social services agency as the subject of concurrent permanency planning, the court shall review the reasonable efforts of the agency to develop a permanency plan for the child that includes a primary plan for reunification with the child's parent or guardian and a secondary plan for an alternative, legally permanent home for the child in the event reunification cannot be achieved in a timely manner.

Mississippi**Miss. Code Ann. § 43-15-13(2)(f), (8) (LexisNexis through 2012 2nd Reg. Sess.)**

At the time of placement, the Department of Human Services shall implement concurrent planning so that permanency may occur at the earliest opportunity. Consideration of possible failure or delay of reunification should be given, to the end that the placement made is the best available placement to provide permanency for the child.

The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practicably possible. To achieve this goal, the department is directed to conduct concurrent planning so that a permanent living arrangement may occur at the earliest opportunity.

When a child is placed in foster care or relative care, the department shall first ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The department's first priority shall be to make reasonable efforts to reunify the family when temporary placement of the child occurs or shall request a finding from the court that reasonable efforts are not appropriate or have been unsuccessful.

At the time of placement, consideration also should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide a permanent living arrangement for the child. The department shall consider the following factors when determining appropriateness of concurrent planning:

- The likelihood of prompt reunification
- The past history of the family
- The barriers to reunification being addressed by the family
- The level of cooperation of the family
- The foster parents' willingness to work with the family to reunite
- The willingness and ability of the foster family or relative placement to provide an adoptive home or long-term placement
- The age of the child
- Placement of siblings

Missouri**Mo. Ann. Stat. § 211.183(9) (LexisNexis through 2012 2nd Reg. Sess.)**

The Division of Family Services may concurrently engage in reasonable efforts, as described in this section, while engaging in such other measures as are deemed appropriate by the division to establish a permanent placement for the child.

Mo. Ann. Stat. § 210.112(4) (LexisNexis through 2012 2nd Reg. Sess.)

Case management plans shall focus on attaining permanency in children's living conditions to the greatest extent possible and shall include concurrent planning and independent living where appropriate in accordance with the best interests of each child served.

The delivery system shall provide a mechanism for the assessment of strategies to work with children and families immediately upon entry into the system to maximize permanency and successful outcomes in the shortest time possible and shall include concurrent planning.

Montana**Mont. Code Ann. § 41-3-102(8) (LexisNexis through 2011 Spec. Sess.)**

'Concurrent planning' means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

Mont. Code Ann. § 41-3-423(6) (LexisNexis through 2011 Spec. Sess.)

Reasonable efforts to place a child permanently for adoption or to make an alternative out-of-home permanent placement may be made concurrently with reasonable efforts to return a child to the child's home. Concurrent planning, including identifying in-State and out-of-State placements, may be used.

Nebraska**Neb. Rev. Stat. Ann. § 43-283.01(6) (LexisNexis through 2012 2nd Sess.)**

Reasonable efforts to place a juvenile for adoption or with a guardian may be made concurrently with reasonable efforts to preserve and reunify the family, but priority shall be given to preserving and reunifying the family as provided in this section.

Nevada**Nev. Rev. Stat. Ann. § 432B.393(2) (LexisNexis through 6-1-12)**

The agency that provides child welfare services may make reasonable efforts to place the child for adoption or with a legal guardian concurrently with making the reasonable efforts required to preserve and reunify the family of a child.

New Hampshire**N.H. Rev. Stat. Ann. § 169-C:3(VII-a) (LexisNexis through 2012 Sess.)**

'Concurrent plan' means an alternate permanency plan for use in the event that a child cannot be safely reunified with his or her parents.

N.H. Rev. Stat. Ann. § 169-D:17(II-a) (LexisNexis through 2012 Sess.)

When a minor is in an out-of-home placement, the court shall adopt a concurrent plan other than reunification for the minor. The other options for a permanency plan include termination of parental rights or parental surrender when an adoption is contemplated, guardianship with a fit and willing relative or another appropriate party, or another planned permanent living arrangement.

New Jersey**N.J. Stat. Ann. § 30:4C-55 (LexisNexis through 2012 1st Sess.)**

The Division of Child Protection and Permanency shall prepare, and revise as necessary, a placement plan for each child placed outside his or her home. This shall be done in consultation with the child's parents or legal guardian and the child, when appropriate. The placement plan shall include a statement of the services to be provided to the parent or legal guardian or an exception to the requirement to provide reasonable efforts toward family reunification, in accordance § 30:4C-11.3. Services to facilitate adoption or an alternative permanent placement may be provided concurrently with services to reunify the child with the parent or guardian.

N.J. Stat. Ann. § 30:4C-11.1(c) (LexisNexis through 2012 1st Sess.)

Reasonable efforts to place a child for adoption or with a legal guardian or in an alternative permanent placement may be made concurrently with reasonable efforts to preserve and reunify the child's family.

New Mexico**N.M. Admin. Code § 8.10.8.8(D) (LexisNexis through 10-30-12)**

During the time that reasonable efforts are being made to reunify the child and family, the Children, Youth, and Families Department also may concurrently make reasonable efforts to finalize one of the other permanency plans (adoption, permanent guardianship, permanent placement with a fit and willing relative, or planned permanent living arrangement) for the child.

N.M. Admin. Code § 8.10.8.7(G) (LexisNexis through 10-30-12)

'Concurrent plan' means a second permanency plan in addition to a primary permanency plan of reunification.

N.M. Admin. Code § 8.26.2.7(L) (LexisNexis through 10-30-12)

'Concurrent plan' refers to case planning and legal practices providing reunification services while simultaneously implementing an alternative case plan should the reunification efforts be unsuccessful.

N.M. Admin. Code § 8.10.8.20(G) (LexisNexis through 10-30-12)

The department develops a concurrent plan when it is indicated by the concurrent plan assessment. Any of the approved permanency plan goals may be appropriate as a permanency goal for the concurrent plan. The concurrent plan is implemented concurrently with the permanency plan and becomes the treatment plan whenever the court determines this is in the child's best interests.

New York**N.Y. Reg. Tit. 18, § 428.6(a)(1) (LexisNexis through 11-16-12)**

When the family assessment determines that concurrent planning is warranted, the family assessment and service plan must include a description of the alternate plan to achieve permanency for the child if the child cannot be returned home safely.

N.Y. Reg. Tit. 18, § 428.9 (LexisNexis through 11-16-12)

A case consultation must be held for each child in preparation for each permanency hearing, including in those cases where the permanency hearing will constitute the service plan review. The purpose of such case consultation is to assist with the development of the permanency hearing report. The issues addressed in the report shall include the following:

- A review of the reasonable efforts made to assist with the achievement of the child's permanency planning goal
 - An assessment of the need for modification or continuation of the current permanency planning goal
 - For a child who is not free for adoption, a review of the status of the concurrent permanency plan for the child, in the event the child is unlikely to be able to return home safely
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North Carolina**N.C. Gen. Stat. § 7B-507(d) (LexisNexis through 2012 Reg. Sess.)**

Reasonable efforts to preserve or reunify families may be made concurrently with efforts to plan for the juvenile's adoption, to place the juvenile with a legal guardian, or to place the juvenile in another permanent arrangement.

North Dakota**N.D. Cent. Code § 27-20-32.2(5) (LexisNexis through 9-25-12)**

Efforts to place a child for adoption, with a fit and willing relative or other appropriate individual as a legal guardian, or in another planned permanent living arrangement, may be made concurrently with reasonable efforts [to preserve and reunify the family].

Northern Mariana Islands

This issue is not addressed in the statutes reviewed.

Ohio**Ohio Admin. Code Ann. § 5101:2-38-05(CC) (LexisNexis through 10-19-12)**

The public children's services agency may develop a supplemental plan for locating a permanent family placement for a child concurrently with reasonable efforts to preserve and reunify families. The supplemental plan shall not be considered a part of the case plan. Any supplemental plan shall be discussed and reviewed with the parent, guardian, or custodian. The supplemental plan does not require agreement or approval by the parties.

Ohio Rev. Code Ann. § 2151.412(J) (LexisNexis through 9-28-12)

A case plan [for a child and family receiving services] may include, as a supplement, a plan for locating a permanent family placement. The supplement shall not be considered part of the case plan.

Oklahoma**Okla. Stat. Ann. Tit. 10A, § 1-4-706(B) (LexisNexis through Okla. 2012 2nd Reg. Sess.)**

If the child is removed from the custody of the child's parent, the court or the Department of Human Services, as applicable, shall immediately consider concurrent permanency planning, and, when appropriate, develop a concurrent plan so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The court shall further establish an initial permanency plan for the child, determine if aggravated circumstances exist pursuant to title 10A, § 1-4-809, and determine whether reunification services are appropriate for the child and the child's family.

When reunification with a parent or legal guardian is the permanency plan and concurrent planning is indicated, the court shall determine if efforts are being made to place the child in accord with the concurrent permanency plan, including whether appropriate in-State and out-of-State permanency options have been identified and pursued.

Every effort shall be made to place the child with a suitable relative of the child.

Oregon**Or. Rev. Stat. Ann. § 419B.343(2) (LexisNexis through 9-26-12)**

Except in cases when the plan is something other than to reunify the family, the Department of Human Services shall include in the case plan:

- Appropriate services to allow the parent the opportunity to adjust the parent's circumstances, conduct, or conditions to make it possible for the ward to return home safely within a reasonable time
- A concurrent permanent plan to be implemented if the parent is unable or unwilling to adjust the parent's circumstances, conduct, or conditions in such a way as to make it possible for the ward to return home safely within a reasonable time

Or. Rev. Stat. Ann. § 419B.449(5)-(6) (LexisNexis through 9-26-12)

In making the findings under this section, the court shall consider the efforts made to develop the concurrent case plan, including, but not limited to, identification of appropriate permanent placement options for the child or ward both inside and outside this State and, if adoption is the concurrent case plan, identification and selection of a suitable adoptive placement for the child or ward.

In addition to findings of fact required by this section, the court may order the Department of Human Services to consider additional information in developing the case plan or concurrent case plan.

Pennsylvania

This issue is not addressed in the statutes reviewed.

Puerto Rico

This issue is not addressed in the statutes reviewed.

Rhode Island**R.I. Gen. Laws § 40-11-12.2(g) (LexisNexis through 2012 Sess.)**

Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to reunite the family.

South Carolina**S.C. Code Ann. § 63-7-1640(D) (LexisNexis through 10-25-12)**

The Department of Social Services may proceed with efforts to place a child for adoption or with a legal guardian concurrently with making efforts to prevent removal or to make it possible for the child to return safely to the home.

South Dakota

This issue is not addressed in the statutes reviewed.

Tennessee**Tenn. Code Ann. § 37-1-166(g)(6) (LexisNexis through 2012 Reg. Sess.)**

Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts [to preserve and reunify the family].

Texas

Tex. Fam. Code § 263.102(e) (LexisNexis through 2011 Legis. Sess.)

Regardless of whether the goal stated in a child's service plan is to return the child to the child's parents or to terminate parental rights and place the child for adoption, the Department of Family and Protective Services shall concurrently provide to the child and to the child's family as applicable:

- Time-limited family reunification services, as defined by 42 U.S.C § 629a, for a period not to exceed the period within which the court must render a final order in or dismiss the suit affecting the parent-child relationship with respect to the child
- Adoption promotion and support services, as defined by 42 U.S.C. § 629a

Tex. Fam. Code § 263.3025(d) (LexisNexis through 2011 Legis. Sess.)

In accordance with department rules, a child's permanency plan must include concurrent permanency goals consisting of a primary permanency goal and at least one alternate permanency goal.

Tex. Fam. Code § 263.306 (LexisNexis through 2011 Legis. Sess.)

At each permanency hearing the court shall determine whether the department has made reasonable efforts to finalize the permanency plan that is in effect for the child, including the concurrent permanency goals for the child.

Utah

Utah Code Ann. § 78A-6-312(8)-(10) (LexisNexis through 2012 4th Spec. Sess.)

In addition to the primary permanency goal, the court shall establish a concurrent permanency goal that shall include:

- A representative list of the conditions under which the primary permanency goal will be abandoned in favor of the concurrent permanency goal
- An explanation of the effect of abandoning or modifying the primary permanency goal

A permanency hearing shall be conducted in accordance with § 78A-6-314(1)(b) within 30 days if something other than reunification is initially established as a minor's primary permanency goal.

The court may amend a minor's primary permanency goal before the establishment of a final permanency plan under § 78A-6-314. The court is not limited to the terms of the concurrent permanency goal in the event that the primary permanency goal is abandoned.

If, at any time, the court determines that reunification is no longer a minor's primary permanency goal, the court shall conduct a permanency hearing in accordance with § 78A-6-314 on or before the earlier of the following:

- Thirty days from the day on which the court makes the determination [that reunification is no longer the primary permanency goal]
 - The day on which the provision of reunification services ends, as described in § 78A-6-314
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Vermont

Vt. Stat. Ann. Tit. 33, § 5316(b)(1) (LexisNexis through 9-14-12)

The long-term goal for a child found to be in need of care and supervision is a safe and permanent home. A disposition case plan shall include a permanency goal and an estimated date for achieving the permanency goal. The plan shall specify whether permanency will be achieved through reunification with a custodial parent, guardian, or custodian; adoption; permanent guardianship; or other permanent placement. In addition to a primary permanency goal, the plan may identify a concurrent permanency goal.

Virgin Islands

This issue is not addressed in the statutes reviewed.

Virginia

This issue is not addressed in the statutes reviewed.

Washington**Wash. Rev. Code § 13.34.136(2)(a) & (b)(iv) (LexisNexis through 2012 2nd Spec. Sess.)**

The permanency plan shall include a permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals:

- Return of the child to the home of the child's parent, guardian, or legal custodian
- Adoption, including a Tribal customary adoption as defined in § 13.38.040
- Guardianship
- Permanent legal custody
- Long-term relative or foster care, until the child is age 18, with a written agreement between the parties and the care provider
- Successful completion of a responsible living skills program
- Independent living, if appropriate and if the child is age 16 or older

The plan shall state whether both in-State and, where appropriate, out-of-State placement options have been considered by the Department of Social and Health Services or supervising agency.

West Virginia**W. Va. Code Ann. § 49-6-5(a) (LexisNexis through W. Va. 2012 Legis. Serv., S.B. 484)**

The term 'permanency plan' refers to that part of the case plan that is designed to achieve a permanent home for the child in the least restrictive setting available. The plan must document efforts to ensure that the child is returned home within approximate time lines for reunification as set out in the plan. Reasonable efforts to place a child for adoption or with a legal guardian may be made at the same time reasonable efforts are made to prevent removal or to make it possible for a child to safely return home. If reunification is not the permanency plan for the child, the plan must state why reunification is not appropriate, detail the alternative placement for the child, and include approximate time lines for when such placement is expected to become a permanent placement.

Wisconsin**Wis. Stat. Ann. § 48.355(2b) (LexisNexis through Wis. 2012 Legis. Serv., Act 181)**

A county department, the Department of Health and Family Services in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to a child under a court order shall determine, in accordance with standards established by the department, whether to engage in concurrent planning. If, according to those standards, concurrent planning is required, the county department, department, or agency shall engage in concurrent planning unless the court or permanency review panel determines under § 48.38(5)(c)5m that concurrent planning is inappropriate.

In this subsection, 'concurrent planning' means appropriate efforts to work simultaneously towards achieving more than one of the permanency goals listed in § 48.38(4)(fg), 1 to 5, for a child who is placed in out-of-home care and for whom a permanency plan is required.

Wyoming

Wyo. Stat. Ann. § 14-3-440(c) (LexisNexis through 2012 Sess.)

Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with the reasonable efforts to reunify the family.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

