



Gateways to Information: Protecting Children and Strengthening Families

2003 Child Abuse and Neglect State Statute Series Ready Reference Permanency Planning: Concurrent Planning

What Is Concurrent Planning?

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, most States have come to rely on concurrent planning. Approximately¹ 36 States, the District of Columbia, and Puerto Rico have enacted legislation addressing the issue of concurrent planning. The language in these statutes 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.

Concurrent planning initially developed as a type of permanency planning in which reunification services are provided to the family of a child in out-of-home care, but at the same time an alternative permanency plan is made for the child should reunification efforts fail. Today, we know that effective concurrent planning requires that not only an alternative plan be identified but also active efforts be made toward both plans simultaneously with the full knowledge of all case participants.

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 aggressive adoptive home recruitment while simultaneously helping the youth develop positive relationships with extended relatives and other adults so the youth will have emotional supports in place if an adoptive home cannot be located by the time the youth turns 18.

Statutes regarding concurrent planning for the following States and Territories are included in this publication:

Alabama	Idaho	Montana	Puerto Rico
Alaska	Illinois	Nebraska	Rhode Island
Arizona	Iowa	Nevada	South Carolina
Arkansas	Louisiana	New Hampshire	Tennessee
California	Maine	New Jersey	Utah
Colorado	Maryland	New Mexico	West Virginia
Connecticut	Massachusetts	North Carolina	Wisconsin
District of Columbia	Minnesota	North Dakota	Wyoming
Florida	Mississippi	Oklahoma	
Georgia	Missouri	Oregon	

Ready Reference publications contain excerpts of text with citations from specific sections of each State's code that focus on a single issue of special interest. 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 in agency regulations, case law, and informal practices and procedures. Ready Reference publications also are available on the Clearinghouse Web site (<http://nccanch.acf.hhs.gov/general/legal/statutes/index.cfm>). Our online State Statutes database is searchable by State or Region.



The Clearinghouses are services of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

¹ The word *approximately* is used to stress the fact that statutes are constantly being revised and updated.

ALABAMA***Ala. Code § 12-15-65(n) (Supp. 1998)***

Reasonable efforts to place a child for adoption or with a legal guardian or custodian may be made concurrently with other reasonable efforts.

ALASKA***Alaska Stat. § 47.10.086(e), (f) (Michie Supp. 1998)***

The department may develop and implement an alternative permanency plan for the child while the department is also 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.

ARIZONA***Ariz. Rev. Stat. Ann. § 8-845(D) (West, WESTLAW through End of 2001-02 1st Reg. & 4th Spec. Sess.)***

Notwithstanding the section above, 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(43)(D) (West, WESTLAW through Ark. 2003 Legis. Serv., Acts 1166 & 1319)***

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(k) (West, WESTLAW through 2002 Reg. Sess., 3rd Ex. Sess., & 3-2-02)***

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, those 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)(9) (West, WESTLAW through 2002 Reg. Sess., 3rd Ex. Sess., & 3-2-02)

When 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 shall also consider the importance of developing and maintaining sibling relationships pursuant to § 16002.

COLORADO

Colo. Rev. Stat. Ann. § 19-3-508(7) (West, WESTLAW through Colo. 2003 Legis. Serv., Ch. 158 & 409)

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

CONNECTICUT

Conn. Gen. Stat. Ann. § 17a-110a (West, WESTLAW through 7-11-01)

In order to achieve early permanency for children, decrease children's length of stay in foster care and 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 a 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 are 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:

- Age of the child and duration of out-of-home placement;
- Prognosis for successful reunification with parents;
- Availability of relatives and other concerned individuals to provide support or a permanent placement for the child;
- Special needs of the child; and
- 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 of Children and Families 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.

The commissioner shall provide ongoing technical assistance, support, and training for local child-placing agencies and other individuals and agencies involved in concurrent permanency planning.

DISTRICT OF COLUMBIA***D.C. Code Ann. § 4-1301.09a(f) (WESTLAW through 5-21-02)***

Reasonable efforts to place a child for adoption, with a 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).

D.C. Code Ann. § 16-2354(f) (WESTLAW through 5-21-02)

The agency shall take steps to identify, recruit, process, and approve a qualified family for an adoption concurrently with the District government's filing of the motion (for termination of parental rights) or its joinder to the petition.

FLORIDA***Fla. Stat. Ann. § 39.601(3)(a) (West, WESTLAW through 2000 2nd Reg. Sess.)***

Reasonable efforts to place a child in a home that will serve as an adoptive placement if reunification is not successful, or with a legal custodian, may be made concurrently with reasonable efforts to prevent removal of the child from the home or make it possible for the child to return safely home.

GEORGIA***Ga. Code Ann. § 15-11-58(a)(6) (WESTLAW through End of 2003 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.

IDAHO***Idaho Code § 16-1602(10) (WESTLAW through Idaho 2003 Legis. Serv., Ch. 279)***

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

Idaho Code § 16-1610(c) (WESTLAW through Idaho 2003 Legis. Serv., Ch. 279)

The case plan shall set forth reasonable efforts which will be made to make it possible for the child to return to his 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.

ILLINOIS

20 Ill. Comp. Stat. Ann. 505/5(I-1) (West, WESTLAW through 2002 Reg. 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 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.

The department shall adopt rules addressing concurrent planning for reunification and permanency. 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 to provide an adoptive home or long-term placement;
- The age of the child;
- Placement of siblings.

IOWA

Iowa Code Ann. § 232.2(4)(h) (West, WESTLAW through Iowa 2003 Legis. Serv., H.F. 457)

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.

LOUISIANA

La. Children's Code Ann. art. 603(7.1) (West, WESTLAW through La. 2003 Legis. Serv., Acts 567 & 1187)

"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)(E) (West, WESTLAW through 5-30-03)***

The department 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(b)(2), (d)(3) (WESTLAW through Md. 2003 Legis. Serv., Ch. 250)***

In establishing the out-of-home placement program, the administration shall 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. Gen. Laws Ann. ch. 210, § 3 (West, WESTLAW through 2000 2nd Ann. Sess.)***

[When a petition is filed to dispense with parental consent to adoption, custody, guardianship or other disposition of the child], the department shall concurrently identify, recruit, process and approve a qualified family for adoption.

MINNESOTA***Minn. Stat. Ann. § 260.012(f) (West, WESTLAW through End of 2002 1st Sp. Sess.)***

Reasonable efforts to place a child for adoption or in another permanent placement may be made concurrently with reasonable efforts to prevent removal or to reunify families. 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.

Minn. Stat. Ann. § 260C.213, Subd. 1-3 (West, WESTLAW through End of 2002 1st Sp. Sess.)

The Commissioner of Human Services shall establish a program for concurrent permanency planning for child protection services.

Concurrent permanency planning involves a planning process for children who are placed out of the home of their parents pursuant to a court order, or who have been voluntarily placed out of the home by the parents for 60 days or more and who are not developmentally disabled or emotionally handicapped. The responsible social services agency shall develop an alternative permanency plan while making reasonable efforts for reunification of the child with the family, if required by law. The goals of concurrent permanency planning are to:

- Achieve early permanency for children;
- Decrease children's length of stay in foster care and reduce the number of moves children experience in foster care; and
- Develop a group of families who will work towards reunification and also serve as permanent families for children.

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

- Age of the child and duration of out-of-home placement;
- Prognosis for successful reunification with parents;
- Availability of relatives and other concerned individuals to provide support or a permanent placement for the child; and
- Special needs of the child and other factors affecting the child's best interests.

In developing the guidelines and protocols, the commissioner shall consult with interest groups within the child protection system, including child protection workers, child protection advocates, county attorneys, law enforcement, community service organizations, the councils of color, and the ombudsperson for families.

Concurrent permanency planning programs must include involvement of parents and full disclosure of their rights and responsibilities; goals of concurrent permanency planning; support services that are available for families; permanency options; and the consequences of not complying with case plans.

MISSISSIPPI

Miss. Code Ann. § 43-15-13(2)(f), (8) (West, WESTLAW through End of 2001 2nd Ex. Sess.)

At the time of placement, the department shall implement concurrent planning, as described below, 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 of Human Services is directed to conduct concurrent planning so that a permanent living arrangement 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.

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 were unsuccessful. A decision to place a child in foster care or relative care shall be made with consideration of the child's health, safety and best interests. 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 a permanent living arrangement for the child. The department shall adopt rules addressing concurrent planning for reunification and a permanent living arrangement. 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; and
- The placement of siblings.

MISSOURI

Mo. Ann. Stat. § 211.183(9) (West Supp. 1998)

The division 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.

MONTANA

Mont. Code Ann. § 41-3-102(8) (WESTLAW through Mont. 2003 Legis. Serv., Ch. 555)

"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) (WESTLAW through Mont. 2003 Legis. Serv., Ch. 555)

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 may be used.

NEBRASKA

Neb. Rev. Stat. Ann. § 43-283.01(6) (Michie Supp. 1998)

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) (WESTLAW through Nev. 2003 Legis. Serv., Ch. 2)

The agency which 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:24-a(II) (Lexis, WESTLAW through 1999 Reg. Sess.)***

Concurrent with the filing or joinder in a petition for termination of parental rights, the State shall seek to identify, recruit, and approve a qualified family for adoption in accordance with law, and in accordance with the principle that the health and safety of the child shall be the paramount concern.

NEW JERSEY***N.J. Stat. Ann. § 30:4C-11.1(d) (West, WESTLAW through 1999 ch. 53)***

In any case in which family reunification is not the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner and to complete the steps necessary to finalize the permanent placement of the child.

N.J. Stat. Ann. § 30:4C-15 (West, WESTLAW through 1999 ch. 53)

Upon filing the petition [to terminate parental rights], the division shall initiate concurrent efforts to identify, recruit, process and approve a qualified family to adopt the child.

NEW MEXICO***N.M. Stat. Ann. § 32A-4-29(J) (WESTLAW through N.M. 2003 Legis. Serv., Ch. 108)***

When a motion to terminate parental rights is filed, the department shall perform concurrent planning.

NORTH CAROLINA***N.C. Gen. Stat. § 7B-507(d) (Lexis, WESTLAW through 2002 Reg. & Ex. 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) (West, WESTLAW through 2001 Reg. Sess.)***

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].

OKLAHOMA

Okla. Stat. Ann. tit. 10, § 7003-5.5(B) (West, WESTLAW through 2000 1st Ex. 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, 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.

OREGON

Or. Rev. Stat. Ann. § 419B.343(2) (WESTLAW through Or. 2003 Legis. Serv., Ch. 396)

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 safely return home with a reasonable time; and
- 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 safely return home within a reasonable time.

Or. Rev. Stat. Ann. § 419B.449(3)-(4) (WESTLAW through Or. 2003 Legis. Serv., Ch. 396)

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

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

PUERTO RICO

P.R. Laws Ann. tit. 8, § 441(bb) (Lexis, WESTLAW through Dec. 2000)

"Concurrent permanency plans" means a plan designed for a minor to be implemented simultaneously with other options to safeguard his/her stability and sense of permanence.

P.R. Laws Ann. tit. 8, § 443c(f) (Lexis, WESTLAW through Dec. 2000)

After the removal of the minor [from his or her home], the department shall promptly undertake all reasonable efforts as well as the concurrent permanence plan. The department shall inform the court of the concurrent permanence plans established for the minor.

RHODE ISLAND***R.I. Gen. Laws § 40-11-12.2(g) (Supp. 1998)***

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. § 20-7-763(D) (WESTLAW through End of 2000 Reg. Sess.)***

The department 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.

TENNESSEE***Tenn. Code Ann. § 37-1-166(g)(6) (WESTLAW through End of 2000 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.

UTAH***Utah Code Ann. § 78-3a-311(2)(b) (West, WESTLAW through 2002 5th Spec. Sess.)***

In addition to the primary permanency goal, the court shall establish a concurrent permanency goal. The concurrent permanency goal shall include a representative list of the conditions under which the primary permanency goal will be abandoned in favor of the concurrent permanency goal and an explanation of the effect of abandoning or modifying the primary permanency goal.

A permanency hearing shall be conducted within 30 days if something other than reunification is initially established at the child's primary permanency goal.

The court may amend a child's primary permanency goal before establishment of a final permanency plan under § 78-3a-312. 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 child's primary permanency goal, the court shall conduct a permanency hearing within the earlier of 30 days of the court's determination of 12 months from the original removal of the child.

WEST VIRGINIA***W. Va. Code Ann. § 49-6-5(a) (West, WESTLAW through End of 2002 2nd Ex. Sess.)***

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.

WISCONSIN***Wis. Stat. Ann. § 48.355(2b) (West, WESTLAW through 2003 Act 28)***

A county department, the department, 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 may, at the same time as the county department, department or agency is making the reasonable efforts required by law to prevent the removal of the child from the home or to make it possible for the child to return safely to his or her home, work with the department, a county department or a licensed child welfare agency in making reasonable efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement.

WYOMING***Wyo. Stat. Ann. § 14-3-431(e) (WESTLAW through 2002 Reg. Sess.)***

Concurrently with the filing of a petition [for termination of parental rights] under § 14-3-431(d), the State agency shall identify, recruit, process and approve a qualified family for adoption of the child.

Wyo. Stat. Ann. § 14-3-440(c) (WESTLAW through 2002 Reg. 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.