



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

To: Amanda Metivier, Aide to Alaska Rep. Les Gara
From: Amy Taylor, NCSL Intern and Kelly Crane, NCSL
Date: November 17, 2010
Subject: Another Planned Permanent Living Arrangement

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Following is information on state legislation around Another Permanent Planned Living Arrangement as a permanency goal for children in foster care. Also, below is information on states that allow for the reinstatement of parental rights (a strategy states may use to reduce the use of APPLA as a permanency option).

➤ State Legislation

New York:

2005 N.Y. Laws, SB 5805, Chap. 3: Specifies the required contents of permanency hearing reports to the court. Describes acceptable permanency goals. Provides that the permanency goal of "another planned permanent living arrangement" must include a significant connection to an adult who is willing to be a permanency resource for the child.

2007 N.Y. Laws, SB 4551, Chap. 327: Clarifies that the plan of "another planned permanent living arrangement" must include documentation of the child's significant connection to an adult who is willing to be a permanency resource for the child.

New York FCA §§1089(c)(1)(v), 1089(d)(2)(i)(E) can be retrieved at:

Alabama:

Section 12-15-315 of the Alabama Code: States that if the juvenile court determines the permanent plan shall be placement in another planned permanent living arrangement, the Department of Human Resources must document to the juvenile court a compelling reason for determining that it would not be in the best interests of the child to return home, be placed for adoption with no identified resource or with the current foster parent, or be permanently placed with a relative, with a transfer of legal and physical custody to the relative or with a transfer of physical custody to the relative but with the Department of Human Resources retaining legal custody, be placed with a kinship guardian, or be placed in adult custodial care.

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Connecticut:

Sec. 4. Section 46b-129 of the Connecticut Code: Orders that at a permanency hearing the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. Another Planned living arrangement can be ordered by the court, provided the Commissioner of Children and Families has documented a compelling reason why it would not be in the best interest of the child or youth for the permanency plan to include a different permanency goal. (Sec. 4. Section 46b-129 of the 2010 supplement to the general statutes)

West Virginia:

Section 49-6-5 of West Virginia Code: Orders that a child may be placed in another planned permanent living arrangement, but only in cases where the department has documented to the circuit court a compelling reason for determining that it would not be in the best interests of the child to follow one of the other permanency options. (Section 49-6-5. Disposition of neglected or abused children)

➤ **Reinstatement of Parental Rights**

Several states have also passed legislation that allows for the reinstatement of parental rights following termination of parental rights. The laws were developed in response to children who were aging out of the foster care system and re-establishing ties with parents and family members.

Legislation for Reinstatement following Termination of Parental Rights

State	Statute or Code	Who Can File Motion or Petition	Who Must Be Notified
Alaska	Alaska Stat. § 47.10.089	A person who has voluntarily relinquished the child.	
California	Cal. Welfare and Institutions Code § 366.26	Child for whom court has determined that adoption is no longer the permanent plan.	Social worker or probation officer, child's attorney, child's tribe, if applicable, former parent
Hawaii	Act 135, 2010 Session Laws	Child who is 14 or older; child's GAL; department	Former parent; child's GAL; department; child's resource family
Illinois	705 Ill. Comp. Stat. 405/2-28 and 705 Ill. Comp. Stat. 405/2-34	Dept of Child and Family Services on behalf of 13 years or older child	Parties to the Juvenile Court proceeding

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Louisiana	<u>La. Child. Code Ann. art. 1051</u>	Child in foster care over the age of 15.	Parents, foster parents, CASA volunteer.
Nevada	<u>Nev. Rev. Stat. Ann. § 128.160, 128.170</u>	Child or legal custodian or guardian of child	Parents, child's legal custodian or guardian, person or entity that petitioned for TPR, child's attorney
New York	<u>N.Y. Fam. Ct. Act, §§ 635-637</u>	Attorney, Guardian of child age 14 or older	Court may issue summons to child, guardian and custodian, respondent in TPR proceeding.
Oklahoma	<u>Okla. Stat. Ann. tit. 10 A, § 1-4-909</u>	Child 15 or older	Department, child's attorney, child, former parent, foster parent or relative guardian, GAL, child's tribe
Washington	<u>Wash. Rev. Code Ann §13.34.215</u>	Child 12 or older, or younger if good cause is shown	Department, child's attorney, child, former parent, existing parent, current caregiver, child's tribe.

Please let us know if we can be of further assistance!

Amy Taylor

National Conference of State Legislatures
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