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JUDICIAL AND MANDATED FOSTER CARE REVIEWS

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JUDICIAL AND MANDATED FOSTER CARE REVIEWS

15.1 Introduction

The Code of Virginia requires that service plans for children in custody or foster care placement be reviewed to assure the effectiveness of permanency planning for every child. Procedures for review are described below (§§ [63.2-907](#) and [16.1-282](#)). A formal review shall be held at least every six (6) months. The types of reviews are Foster Care Review Hearings, Permanency Planning Hearings, administrative panel reviews, and supervisory reviews. These review dates shall be entered into OASIS. *Every LDSS shall ensure that, unless it interferes with the safety of the child, the child or youth is available for the judge or hearing authority to meet with and discuss the child or youth's proposed permanency plan.*

15.2 Reassessments and reviews

15.2.1 Types of reviews and hearings

- **Foster care review hearing** (§ [16.1-282](#)). This is a court hearing to review progress made on the foster care service plan. This hearing is held within six months of the 75-day dispositional hearing or the hearing approving the entrustment agreement and continues to be held in certain instances.
- **Permanency planning hearing** (§ [16.2-282.1](#)). This is a court hearing where action is to be taken by the court to achieve permanency for a child. This hearing is held for every child:
 - Within five (5) months of the first Foster Care Review Hearing.
 - Within 11 months of the dispositional hearing.

A Permanency Planning Hearing should be held earlier if permanency can be achieved for the child earlier. If a permanent plan cannot be achieved at this hearing, a second Permanency Planning Hearing shall be held within six (6) months. The court shall make a judicial determination that reasonable efforts have been made. (See [Section 15.4](#) for a basic timeline of the court hearing dates and requirements.)

If the court determines that reasonable efforts do not need to be made to reunite the child with the parent at a hearing other than a Permanency Planning Hearing, a Permanency Planning Hearing shall be held **within 30 days** of that determination.

- **Administrative Panel Reviews.** Federal law requires reviews every six (6) months. These may be court reviews or a court review alternating with an Administrative Panel Review (APR). APRs are not court hearings, but reviews held by LDSS instead of court reviews for children who have a permanency goal of Adoption, or Permanent Foster Care. APR's are also held for those youth assigned the goal of Independent Living prior to July 1, 2011. They are held within six (6) months of the Permanency Planning Hearing where a permanency goal is approved and yearly thereafter, alternating with court reviews as appropriate.
- **Local Supervisory Reviews.** These are reviews for youth age 18 and over who continue to receive foster care and independent living services. Court hearings are not required for these youth. These reviews are held every six (6) months.

15.2.2 Parents' and foster parents' attendance at court hearings

Parents are to be provided notice of each hearing by the court. At each hearing, they will be given notice of the next hearing. If they are not present, they shall be summoned to the next hearing. If they have been given proper notice, or the court determines they cannot be found after diligent efforts to locate the parent(s) have been made on the part of the LDSS, the hearing may be held without parents present. The intent of this requirement is to ensure all possible efforts are made to find and involve the parent(s) in planning for the child. Parents whose rights have been terminated do not receive notice.

Foster parents and pre-adoptive parents are to be notified of every hearing. Their names shall be included on the foster care service plan transmittal submitted to the court. Service workers should also discuss upcoming hearings with the parents and foster or resource parents and encourage their attendance.

The service worker should provide and discuss with the foster parent, pre-adoptive parent, or relative caregiver a copy of the brochure [Adoption and Safe Families Act: Applying the Notice and Right to Be Heard Provision in Virginia's Juvenile and](#)

Domestic Relations District Courts. This brochure explains the requirements that they must be provided with timely notice of and an opportunity to be heard in six month review hearings and permanency hearings held with respect to the child in their care. It explains they do not have the right to standing as a party to the case. It also describes the participants in the case and what they may expect by way of notice and “a right to be heard.”

The foster parent, pre-adoptive parent, or relative caregiver should be encouraged to attend and speak at the hearing, when recognized by the judge, with respect to the child during the time the child is in their care.

15.2.3 Scheduling of court hearings

At each court hearing, the court schedules on the docket the next court hearing. The court shall also provide notice to those present who need to attend the next hearing. If the court establishes the next court date on the docket, the LDSS will not have to ask the court to set a court date.

15.2.4 Completing the Foster Care Service Plan Review Form

Prior to the Foster Care Review Hearing, the Permanency Planning Hearing, or the APR, the worker should reassess the progress that has been made toward meeting the permanency goal in the service plan. The worker records the results of that reassessment on the Service Plan Review Form developed in accordance with the requirements below. The review form provides a description of what has happened in the case since the service plan was developed. For children with a goal of Adoption, the Foster Care Review Form and the Adoption Progress Report shall be submitted to the court whenever a hearing is held. However, the Adoption Progress Report may substitute for the Foster Care Review Form at an APR.

Input from the birth family or prior custodian, foster parents, or other providers, the child, and other individuals involved with, or significant to, the child and family such as therapists, friends, relatives, and teachers, shall be sought in completing this reassessment.

The Service Plan Review Form shall be signed by the worker and supervisor, and includes:

- The services which were offered to the child and family to meet the needs identified in the last service plan.
- The appropriateness of services, and the barriers to goal achievement, including identification of resources that are needed by the family that are not available in the community.
- A discussion of the effectiveness of the services provided.

- Any changes in the service plan, such as changes in services, placement, or visitation.
- The reasons for retaining the child in care, including efforts to return the child home, when the child is expected to return home and when appropriate, an assessment of the risk to the child should the child return home or be placed with relatives.
- *If the child is not going to return home, the service plan shall state another goal for the child, when that goal is anticipated to be achieved; and in the case of placement in an adoptive home, when the LDSS will file for TPR. The service plan shall also indicate when out-of-state placements were considered and why; and if the child is placed out-of-state the service plan shall include how this placement is in the best interest of the child.*
- *For youth who have attained age 16, the services needed to transition from foster care to independent living.*
- The birth family's or prior custodian's current situation.
- The frequency, duration, location, and results of any visitation.
- Information about the child's relationship with the birth family, including relatives.
- Information regarding the child's current relationship with siblings and, if siblings are not placed together, the communication or visitation plan describing the plan for maintaining contact between the siblings and services being provided to achieve reunification.
- Pertinent information about birth, medical, and developmental history of the child, if not available in prior assessments.
- Information on current health and physical development and recommendations for any necessary follow-up treatment or further checkup with specialists.
- Current information on psychological, social, and educational functioning with specific descriptions and recommendations regarding peer relationships, coping mechanisms, learning disabilities, emotional symptoms, or behavior problems, and the current educational status of the child.
- Information from the foster parents or other providers about the child's adjustment to foster care and the child's current level of social and emotional functioning. Information about the child's relationship with the foster parents

- or other providers shall be included to assess the degree of attachment with the child.
- Any changes in identified needs and services to be provided during the next six (6) months for children and their families.
 - A statement that parents with residual parental rights or prior custodians have been notified in writing of any change in placement, visitation privileges, and provided with **ten (10) days' advance notice** of the review.

15.2.5 First Foster Care Review Hearing

The purpose of the first Foster Care Review Hearing is to review the progress made on the initial Foster Care Service Plan or make changes in the plan pursuant to [§ 16.1-282](#).

The first Foster Care Review Hearing is scheduled to be held within six (6) months after the 75-day hearing or the hearing at which the foster care plan is initially reviewed.

Thirty (30) days prior to the scheduled hearing, the LDSS will submit to the court:

- A petition for a Foster Care Review Hearing.
- A Foster Care Service Plan Review Form which shall include any updates to the initial Foster Care Service Plan.
- A Foster Care Service Plan Transmittal listing individuals who should receive a copy of the petition and/or be notified of the hearing. These include the child, if age 12 or over, the parents, foster, pre-adoptive, and relative caregivers, guardian or prior custodian, the Guardian ad Litem, the LDSS, and any other interested parties the court directs. A new Foster Care Plan is not required unless the goal changes.

The court will review progress toward meeting the foster care goal, approve changes to the plan, enter any appropriate orders, and determine whether reasonable efforts have been made to return the child home if that is the goal or to finalize another permanent placement.

The service worker shall verify that the judge has correctly checked the box that indicates reasonable efforts have been made.

15.2.6 Permanency Planning Hearing

The Code of Virginia [§ 16.1-282.1](#) describes the Permanency Planning Hearing.

15.2.6.1 Purpose of the Permanency Planning Hearing

The purpose of this hearing is to establish a permanent goal for a child and either to achieve the permanent goal or to defer such action through the approval of an interim plan for the child. Because timely permanency is critical for healthy development and a sense of security and safety for children, all efforts to achieve the permanency plan and avoid a continuation of foster care placement shall be made.

15.2.6.2 Scheduling of the Permanency Planning Hearing

This hearing should be scheduled at the previous Foster Care Review Hearing. The first Permanency Planning Hearing shall occur within five (5) months of the Foster Care Review Hearing and within 14 months of the date of placement.

15.2.6.3 Materials submitted to the court

Thirty (30) days prior to the hearing, the service worker submits to the court a Permanency Planning Hearing Petition, a Foster Care Service Plan Transmittal Form, and a new Foster Care Service Plan Review Form. If the permanency goal for the child is changed, a new Foster Care Service Plan is also required. The LDSS shall petition the court to take one of the following actions:

- Return custody to parents or prior custodians;
- Transfer custody to relatives;
- Dissolve the non-custodial foster care agreement and return the child home;
- Terminate parental residual rights pursuant to [§16.1-283](#). The LDSS shall file a service plan changing the goal to Adoption;
- Place the child in permanent foster care. The LDSS shall identify the permanent foster parents with whom the child:
 - Has a significant bond.
 - Is living.
- Approve the goal of Another Planned Permanent Living Arrangement;
- Continue custody with the LDSS; or
- Transfer custody to the LDSS of a child in non-custodial foster care.

15.2.6.4 Submitting new Foster Care Service Plan

The plan submitted at the Permanency Planning Hearing shall address additional issues and the services to be provided related to achieving permanency for the child when permanency is not achieved by this hearing. Issues to address include:

- If the LDSS decides that it is in the best interests of the child to ask for continued custody and the goal is Return Home or Placement with Relatives, the service plan shall describe how the LDSS intends to accomplish the goal of Return Home or Placement with Relatives in the next six (6) months.
- The LDSS shall explain in the Foster Care Service Plan Part B, why the child could not be returned home, adopted, or placed with relatives and custody transferred.
- If the LDSS petitions the court to transfer custody to parents, prior custodians, or relatives, the LDSS does not have to submit a new Foster Care Service Plan to the court at the permanency hearing. It will describe the reunification services that will be provided to the family in the Foster Care Service Plan Review Form. If the court does not approve the transfer of custody, the LDSS will need to develop a new Foster Care Service Plan identifying how it will achieve the goal for the child in the next six (6) months.
- The LDSS shall determine whether it will petition for termination of parental rights. If the LDSS determines it will not petition for termination of parental rights at the Permanency Planning Hearing, it shall document in the Foster Care Service Plan or the Permanency Plan (Part B) one of the following exceptions:
 - Termination of parental rights (TPR) is not in the best interests of the child. The law requires that the LDSS document a compelling reason explaining why termination is not in the best interests of the child;
 - The child is being cared for by a relative *and the relative is pursuing custody of the child and does not want to adopt*, or
 - The LDSS has not provided services to the parents deemed necessary for the safe return of the child.

Examples of compelling reasons for not petitioning for TPR would include:

- A youth not wishing to be adopted after a thorough discussion of adoption;
- A child in a long-term permanent foster care home where the foster parents do not wish to adopt;
- A plan to return the child to a parent or place with relative which needs additional time to achieve; or
- Lack of grounds for termination

See [Section 9.5.4.1](#) for additional information.

If the LDSS determines it will petition for TPR at this hearing, it shall:

- File a petition which states termination of parental rights is in the best interests of the child.
- File a service plan with the goal of Adoption.
- File petition(s) for termination of parental rights if it is ready to do so. If the LDSS does not petition at that hearing, it should petition **within 30 days** of the hearing to assure that federal requirements are met. Federal law requires that the LDSS petition for TPR by the end of the 15th month of placement for children adjudicated abused and neglected, who have been in care 15 of the last 22 months and by the end of the 15th month of placement for all other children who have been in care 15 out of the last 22 months unless an exception cited above exists.
- If the court does not approve the request of the LDSS to change the goal to Adoption or seek termination of parental rights, the LDSS will not be required to petition for TPR since the court had determined that another course of action is in the best interests of the child.

The LDSS may submit to the court a written Post-Adoption Contact and Communication Agreement (PACCA), if appropriate (see [Section 9.12](#)).

15.2.6.5 Court-ordered permanency actions

The court will order one of the following permanency actions, documenting its findings on the permanency plan order:

- Approve the LDSS plan for the child, which transfers custody to parents, prior custodians, or relatives;

- *Approve a plan for return home or placement with relative and continue the child in care;*
- Change the goal to Adoption and begin the termination of parental rights process;
- Place the child in permanent foster care; or
- Approve the goal of Another Planned Permanent Living Arrangement and schedule a Foster Care Review Hearing to be held within six (6) months to review the child's placement. The court shall review a Foster Care Plan for any child who is placed in another planned permanent living arrangement every six (6) months from the date of the Permanency Planning Hearing. These six-month reviews shall continue as long as the child continues to have a severe disabling condition for which the child requires residential treatment and remains in the legal custody or placement authority of the LDSS. ([§ 16.1-282.1](#)) The court order shall document that reasonable efforts to achieve a permanency plan are being made.

Hearings may end for children whose custody is transferred to parents, prior custodians, or relatives. In those cases where hearings will continue, the court will schedule the next appropriate hearing and provide notice to all present.

The court shall incorporate the written Post-Adoption Contact and Communication Agreement (PACCA) into an order entered at the conclusion of the hearing, if appropriate, and all requirements have been met ([§ 16.1-283.1 B](#)) (see [Section 9.12](#)).

Permanency Planning Hearings shall be documented on the Court/Hearing Details screen and the Hearing Detail Results screen in OASIS.

15.2.7 Subsequent Permanency Planning Hearing

This hearing will occur within six (6) months of the first Permanency Planning Hearing should a permanency goal or plan not be achieved by the first Permanency Planning Hearing. The same requirements apply to this hearing as apply to the first Permanency Planning Hearing. The court order shall document that reasonable efforts are being made to return the child home or achieve another permanency plan.

15.2.8 Foster Care Review Hearings after permanency goal approved

Where the goals of Adoption, Permanent Foster Care, or Independent Living, for those youth with the goal prior to July 1, 2011, are approved, the Foster Care Review Hearings are held annually after the Permanency Planning Hearing. The

purpose of these hearings is to review the child's progress. For cases where the goal of Adoption has been approved, the court may require hearings every six (6) months.

Administrative Panel Reviews (APR) are held at six-month intervals between these yearly court reviews. These court hearings are discontinued once the final order of adoption is issued or the child turns age 18, *except in the circumstance where IV-E funding is used for completion of an educational/vocational program by the age of 19 years old.* (Where the goal of Permanent Foster Care has been approved, see [Section 15.3](#) regarding annual Foster Care Review Hearings.)

When a youth in foster care is being paid through IV-E because he is to complete an educational/vocational program by his 19th birthday, there shall be an annual judicial review. That means, for example, if the youth has a hearing two months before he turns 17, there shall be another hearing within the next 365 days if the youth is to continue with IV-E funding. If the same youth leaves care or his funding stream shifts to CSA before the 365 days elapses, then no court hearing is required to meet federal requirements.

Where the goal of APPLA is approved, Foster Care Review Hearings are held every six (6) months.

Thirty days prior to a scheduled hearing, the LDSS submits a Petition for Foster Care Review, an Adoption Progress Report if the goal is Adoption, the Foster Care Service Plan Transmittal, Service Plan Review Form, and a new Foster Care Service Plan if there is a change in goal.

The court reviews progress in the case, approves the Foster Care Service Plan, and enters appropriate orders documenting findings on reasonable efforts to achieve a permanency plan.

15.3 Permanent foster care and reviews

Once children are placed in a court-approved permanent foster care placement with a permanent foster family named in the court order, they are to have annual Foster Care Review Hearings scheduled at the conclusion of the hearing where the permanent foster care order was entered ([§ 16.1-282.2](#)). Annual court reviews are intended to allow the court to consider the appropriateness of the services provided and changes in circumstances that led to the court placing the child in permanent foster care.

Permanent foster care cases shall have an Administrative Panel Review which will occur every six (6) months between the annual judicial reviews.

15.4 Basic timeline

TIMING	STATUTE	HEARING TYPE	FORMS
Immediately	§ 16.1-251 § 16.1-253	Emergency Removal Order (ERO)	Petition DC – 511 Emergency Removal Order DC-526 Preliminary Child Protective Order, if necessary, DC-527
Within 5 Days	§ 16.1-252 § 16.1-253	Preliminary Removal Order (PRO) & Adjudication	Petition DC – 511 Preliminary Removal Order DC – 528 Preliminary Child Protective Order, if necessary, DC – 527
Within 30 Days	§ 16.1-252 § 16.1-253	Adjudication, only if no adjudication at PRO	Petition DC – 511 <i>Adjudicatory Order-561</i>
Within 60 Days	§ 16.1-281	Submission of Foster Care Service Plan. No court hearing at this time	Foster Care Service Plan
Within 75 Days of Preliminary Removal Order Hearing	§ 16.1-277.01 § 16.1-277.02 § 16.1-278.2 § 16.1-278.3 § 16.1-281	Disposition – Initial Foster Care Service Plan Reviewed	Child protective Order DC-532 Foster Care Plan Transmittal DC - 552 Foster Care Service Plan Part A Permanency Plan Part B, if initial goal is not return home Dispositional Order for Petition DC – 553
Within 6 Months of Disposition	§ 16.1-282.1	Foster Care Review Hearing	Petition for Foster Care Review Hearing DC – 554 Foster Care Service Plan Transmittal DC – 552 Foster Care Service Plan Review Foster Care Review Order DC - 555

TIMING	STATUTE	HEARING TYPE	FORMS
Within 5 Months of Foster Care Review Hearing	§ 16.1-282.1 § 16.1-283	Initial Permanency Planning Hearing	Petition for Permanency Planning Hearing DC – 556 Foster Care Service Plan Transmittal DC – 552 New Foster Care Service Plan Part A Permanency Plan Part B Foster Care Service Plan Review Permanency Planning Order DC – 557
Within 6 Months of Initial Permanency Planning Hearing or Second Permanency Planning Hearing	§ 16.1-282.1	Subsequent Permanency Planning Hearing for goals of Return Home, Placement with Relatives, (If interim plan approved at Initial PPH)	Petition for Permanency Planning Hearing DC – 556 Foster Care Service Plan Transmittal New Foster Care Service Plan Part A Permanency Plan Part B Foster Care Service Plan Review Permanency Planning Order DC – 557
Within 6 Months of Second Permanency Planning Hearing and Every 12 Months Thereafter		Administrative Review	Foster Care Service Plan Review Form or Adoption Progress Report Administrative Panel Review Form
6 Months from Date of Approval of Another Planned Permanent Living Arrangement (APPLA) or 12 Months from Last Permanency Planning	§ 16.1-282.1	Foster Care Review Hearing Foster Care Review Hearing	Petition for Foster Care Review DC – 554 Foster Care Review Order DC – 555 Foster Care Service Plan Transmittal DC – 552 Foster Care Service Plan Review Foster Care Review Order DC - 555

TIMING	STATUTE	HEARING TYPE	FORMS
Hearing for Adoption Prior to Final Order, Permanent Foster Care, or Independent Living when assigned prior to July 1, 2011 Filed Every 6 Months from the Date of Final Order Terminating Parental Rights		Adoption Progress Report Filed until final order of adoption is issued; the court may not hold a hearing	Adoption Progress Report (DSS Form)

15.5 The Adoption Progress Report

If parental rights have been terminated and the goal for the child is Adoption, the LDSS shall submit the Adoption Progress Report to the court documenting progress toward adoption within six (6) months of termination of parental rights. The court has the option to schedule a hearing to review this report. The court will hold annual Foster Care Review Hearings after termination of parental rights until the final order of adoption is issued. The court order shall document reasonable efforts to finalize a permanency plan. The LDSS shall continue to submit the Adoption Progress Report every six (6) months to the court until the adoption is finalized.

The court will provide a copy of the Adoption Progress Report to the Guardian ad Litem (GAL) for the child.

The LDSS should email both Permanency Regional Consultants and the Resource Family Consultants to advise that an APR has been completed. The email should provide to the consultants the case number and client ID so that the report may be reviewed.

The Adoption Progress Report is completed and filed every six (6) months from the date Termination of Parental Rights is achieved in Juvenile Domestic and Relations Court, until the adoption has been finalized. The service worker should notify the court when the adoption is finalized. The Adoption Progress Report form may also be used to

document the Administrative Panel Review required for children who have the goal of Adoption and for whom the timing of the Administrative Panel Review and the required adoption Progress Report coincide (see [Section 15.6](#)).

15.6 Administrative Panel Reviews

Administrative Panel Reviews (APR) are held for children who have a foster care goal of:

- Adoption.
- Permanent Foster Care.
- Independent Living, assigned prior to July 1, 2011

APRs begin six (6) months after a Permanency Planning Hearing when one of the above referenced goals is approved by the court. The child will continue to have APRs alternating with annual Foster Care Review Hearings until a final order of adoption is issued or the child reaches age 18.

15.6.1 Function and purpose of the Administrative Panel Review

The function of the APR is advisory. Recommendations made as a result of the APR process should be considered in planning services for the child and family. These reviews provide a forum for consideration, discussion, and planning for the care of the child as well as for a review of the effectiveness of service provision for the child and family. These reviews provide an opportunity to ensure that children, parents, the LDSS, and other team members involved with the family remain committed to and are making every reasonable effort to achieve the goal identified for the child.

15.6.2 Composition of the Review Panel and notification

The APR shall be conducted by a panel of appropriate persons at least one of whom is not responsible for the case management or delivery of services to either the child or the parent(s).

The following individuals shall be invited to participate in the APR and shall be provided with written notice of the meeting **at least 30 days** in advance:

- Parents who have not had parental rights terminated.
- Foster parents, resource parents, and pre-adoptive parents.
- Staff from child-placing agencies and residential placements when applicable.
- The child unless it is determined to be detrimental to the child's well-being.

- Guardian ad Litem (GAL).
- Any professional providing services to the child and parents.
- An outside objective panel member.
- At the child's request, relatives or other significant persons who have a positive relationship with the child.

Attorneys representing parents and the LDSS may be invited when determined appropriate by the LDSS.

Outside objective panel members participating in the review may be, but are not limited to:

- Court service workers;
- Private citizens;
- Staff of other services agencies;
- Multi-discipline team members;
- Other LDSS workers;
- FAPT team members; or
- Placement providers not involved in the case being reviewed.

Confidentiality of case records shall be maintained and all panel members shall sign a confidentiality statement such as those contained in the Administrative Panel Review form or the Individual Family and Service Plan (IFSP).

Input from all panel members should be considered, and the LDSS is the responsible agency to ultimately decide how all input is used in the planning for the child.

The Family Assessment and Planning Team (FAPT) staffing may substitute for an APR as long as the requirements for the APR are met.

15.6.3 Preparation and planning for Administrative Panel Review

Panel Reviews are an administrative review mechanism and should be planned and prepared for with the same diligence as workers would for a court hearing. It is the service worker and administration of the LDSS who establishes an atmosphere that conveys the importance of the APR and sets the expectation for all involved. By thoroughly documenting the child and family's well-being and progress, preparing

written material well in advance of the meeting, extending invitations to participate **thirty days in advance** of the review, and facilitating the meeting in a manner that encourages active participation, the service worker creates a forum that promotes engagement of all parties.

Invitation letters to parents, previous caretakers, foster and pre-adoptive parents, and any other individuals identified by the child or family as having a significant positive role in their lives shall communicate information in understandable terms and in the family's primary language. Specifically, invitation letters should inform the invited party of the reason for the meeting and stress the LDSS' desire to include those individuals as part of the team that is planning for the child.

Since it is critical that all individuals who are significantly connected to the life of the child are invited to the review, LDSS staff should make active and ongoing efforts to encourage their attendance and participation. Telephone follow-up to the invited party after the invitation letter is sent to discuss the review and the reason their attendance is valuable is one simple step workers should make to further encourage involvement. Offers to assist in transportation, scheduling the review at times conducive to the family and other parties' schedule, and consideration of holding the meeting at a location that provides easier access for these members are additional best practices to facilitate involvement.

15.6.4 Conducting and documenting the Administrative Panel Review (APR)

The Foster Care Service Plan Review Form or the Adoption Progress Report shall be completed prior to the APR. When the goal for the child is Adoption, the APR should, whenever possible, be timed to coincide with the submission of the Adoption Progress Report to the court.

During the APR, the panel shall address and make recommendations when needed concerning the following:

- How the services provided during the preceding six (6) months met the needs of the child as defined in the service plan.
- In what ways the child's current placement is appropriate, meeting his need for safety as well as all other needs.
- The parent(s)', child's, and foster care or pre-adoptive provider's or other attending family members issues and concerns regarding planning for the child.
- The LDSS, parent(s)', child's, and foster care or pre-adoptive provider's engagement in services and activities identified in the service plan.
- Any barriers to progress.

- Appropriateness of the program goal for the child and of the date for goal achievement.
- Continuing need for placement.

The findings of the panel and any recommendations made by the panel, including changes to the service plan, shall be recorded on the Administrative Panel Review Form or the Adoption Progress Report in OASIS. Recommendations from the APR that result in a change from the existing service plan should be documented. The LDSS should consult with their attorney regarding the appropriate process for communicating these changes to the court.

The birth parent(s)/prior custodians, foster parents, or pre-adoptive parent(s) not in attendance should be given a copy of the final report from the Administrative Panel Review.

15.7 Local Supervisory Reviews

A Local Supervisory Review is required every six (6) months for children placed in their own homes, but still in the custody of LDSS, and for youth ages 18-21.

When a child returns home after being in a foster care placement and remains in the custody of LDSS, the supervisory review should be scheduled six (6) months following the last court hearing, APR, or supervisory review.

The Foster Care Service Plan Review Form is to be used for the Local Supervisory Review. A new Review Form shall be completed each time a review is held. The supervisor shall sign the review.

15.8 Exception to required reviews

15.8.1 Hearings when cases are on appeal

When a case is on appeal for TPR, the Juvenile and Domestic Relations District Court retains jurisdiction on all matters not on appeal and shall continue to hold reviews. The appeal hearing may substitute for a review hearing if the appeal court adjudicates the future status of the child.

15.8.2 Children committed to the Department of Juvenile Justice

Children formerly in the custody of the LDSS who have been committed to the Department of Juvenile Justice (DJJ) shall be discharged from foster care and no foster care requirements apply, including court hearings or reviews ([§ 16.1-278.7](#)).

Children committed to DJJ who have their commitment ending prior to their 18th birthday shall return to LDSS custody unless an alternative arrangement for the

custody of the youth has been made and communicated in writing to DJJ. The court services unit shall consult with the LDSS **twelve (12) weeks prior** to the youth's release from commitment on parole supervision concerning return of the youth to the LDSS and the placement of the youth post-commitment ([§ 16.1- 293](#)).

Pre-release planning for the youth is integral to determining the best placement resource and service needs for the youth and should involve discussions with family, relatives, and the DJJ regarding the best alternatives for the youth. The LDSS is responsible for considering and pursuing the feasibility of a safe placement with family members instead of returning the youth to foster care.

If the youth is returned to foster care, the youth is to be provided all needed foster care services ([§ 16.1- 293](#)). When the LDSS is notified by DJJ of the date that the youth will be returning to the LDSS, the LDSS should immediately file a CHINS petition to schedule a hearing to enable the case to be placed back on the court calendar. Once the youth has had his initial court hearing upon his return to foster care, subsequent court hearings and reviews shall be scheduled according to required timelines. Youth returning to the LDSS from the custody of DJJ shall not be eligible for Title IV-E. However, a Title IV-E eligibility form shall be completed in order to begin the Medicaid application process.

15.8.3 Foster Care Plan change to Adoption

At the Permanency Planning Hearing, or at any other hearing that results in the decision to change the child's goal to Adoption, the LDSS shall file a petition with the court **30 days prior** to the hearing to terminate parental rights, along with the Foster Care Service Plan. For more information on developing the service plan when the goal is changed to adoption, see [Section 12.10](#)