

# Section 16. Another planned permanent living arrangement

Another planned permanent living arrangement (APPLA) is the least preferred permanency option for a child or young adult and may only be used for children and young adults aged 16 and over. APPLA does not achieve legal permanency, lasts only through dependency and is reviewed semiannually through the CRB and the court. APPLA is not intended to be a catch-all plan when a youth has complicated needs or is difficult to place or stabilize, rather it is a well thought-out substitute care arrangement that has a semblance of permanency while the youth remains in the legal custody of the department. “Planned” means the arrangement is intended, designed, considered or deliberate. “Permanent” means enduring, lasting or stable. The term “living arrangement” includes not only the physical placement of the child or young adult, it also considers quality of care, stability, supervision and nurturing a youth will receive.

When considering APPLA as a permanency plan, the caseworker must assess and determine the persons in the youth’s life, in addition to the substitute caregiver, who are able and willing to have a lasting, supportive relationship with the youth beyond his or her foster care placement during dependency. A youth for whom a caseworker may be considering an APPLA plan must have these lasting, supportive and caring relationships to provide continuity and a sense of belonging into adulthood.

### Tips for identifying supports and long-term relationships.

- Continue to review the entire case file in detail and talk with everyone familiar with the youth to locate and identify his or her relatives, or other persons with relationships or significant connections that may have been previously missed or have developed during the course of dependency.
- Talk to the youth about important people in his or her life, who he or she looks up to and feels he or she could count on.
- When an individual is identified, assess the individual on his or her willingness and ability to develop and maintain an appropriate and long-lasting relationship with the youth.
- Support the development of these relationships through visitation and information sharing.

APPLA is only considered an appropriate permanency plan when there are compelling reasons not to pursue one of the four more preferred permanency plans, listed below in order of preference:

- Return to a parent;
- Adoption with a relative or nonrelative adoptive home;

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- Guardianship with a relative or nonrelative guardian; and
- Placement with a fit and willing relative.

Compelling reason means a convincing and persuasive reason why it would not be in best interest of the youth to be reunified with a parent, placed for adoption, placed with a legal guardian or permanently placed with a fit and willing relative. A compelling reason must be supported with very strong, case-specific facts and evidence including justification for the reasons and decisions why each more preferred permanency option is not reasonable, appropriate or possible.

## A. Types of APPLA plans

- There are two categories of APPLA plans:
  1. Permanent foster care
  2. Permanent connections and support
- APPLA permanent foster care may be considered only when the youth resides in a foster home or with a relative who is committed to the long-term care, support and well-being of the youth and this placement is not likely to disrupt unless or until a more permanent plan can be accomplished.
- APPLA permanent connections and support may be appropriate when:
  3. The youth is living in foster care or living independently and receiving an Independent Living subsidy from the department; and
  4. The focus of the plan, in addition to education, vocational training, health and treatment needs, is meeting the need to develop and maintain adult relationships including relatives and caregivers who can play a significant role in the child or young adult's life after he or she leaves substitute care; or
  5. A youth in a psychiatric residential setting, Developmental Disabilities placement or residential placement and will not be discharged while the department maintains legal custody of the youth.

## A. When APPLA can be used

### Procedure

- An APPLA plan may be considered only when the department has determined there are compelling reasons it would not be in a youth's best interest to implement one of the four more preferable permanency plans. The caseworker with his or her supervisor must fully explore all permanency options before considering an APPLA plan. The caseworker must consult with his

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or her supervisor to determine if there are compelling reasons for proceeding with an APPLA plan.

The caseworker must consider the following questions:

1. Is it possible for the youth to return home, and if not, why not? What are the barriers to this and what actions has the department taken to address these barriers?
  2. Is it possible for the youth to be adopted, and if not, why not? What are the barriers to this and what actions has the department taken to address these barriers?
  3. Is it possible to establish guardianship plan with a relative or with the substitute caregiver, and if not, why not? What are the barriers to this permanency plan and what actions has the department taken to address these barriers?
  4. Is it possible for the youth to be placed permanently with a fit and willing relative, and if not, why not? What are the barriers to this and what actions has the department taken to address these barriers?
  5. Does the case file indicate a thorough relative search? Have paternal and maternal relatives been identified and contacted? What is the current status of the relatives' interest in involvement with this youth?
  6. Review the case file thoroughly to ensure something has not been missed.
- The caseworker must review all previous department efforts to identify relatives, the outcomes of any assessment of a relative, and confirm there are no current actions to identify or assess a youth's relative as a permanency resource.
  - The caseworker must review all previous department efforts to develop and maintain relationships with any potential permanency resources and with identified relatives.
  - Youth being considered for an APPLA plan must have the opportunity to fully-explore alternative permanency options in a safe environment, weigh the pros and cons of each of the permanency options, think about what he or she wants and needs as well as what an APPLA plan means in terms of important decisions in his or her life and the legal status of dependency.
  - When all more preferred permanency options have been considered, and after the caseworker has discussed APPLA and the youth is in agreement with this plan, the caseworker must convene a meeting of the youth's team to consider APPLA as a permanency plan.

Research indicates all young people must have a relationship with at least one adult who is nurturing, protective and fosters trust and security over time to become a psychologically healthy human being.

## C. Process for approval of an APPLA plan

### Procedure

- Before APPLA permanent foster care is considered by the youth's team, the caseworker should meet individually with both the youth and the substitute caregiver to assess the needs of the youth and the substitute caregiver's commitment to the long-term plan of foster care placement. Ideally the relationship between the youth and substitute caregiver will last beyond his or her legal custody with the department. The caseworker should discuss the specific requirements, responsibilities and approval process for the Permanent Foster Care Placement Agreement and APPLA permanency plan.
- When the caseworker and supervisor agree to consider an APPLA plan, the caseworker must convene a team of individuals familiar with the youth who have an interest in his or her safety, permanency and well-being needs.
  1. The team must include the caseworker, the parents (unless a supervisor has approved a parent not participating), the parent's attorney, youth (unless he or she refuses to attend or is unable to participate), at the option of a youth, up to two members of the youth's team, the youth's assigned CASA, attorney, and the tribe (if the youth has ICWA status) or a member of the RCWAC if the child is a refugee child.
  2. Other members of the team may consist of those listed below but is not limited to these persons:
    - a. The substitute caregiver, the caregiver's certifier, the youth's relatives, persons with a caregiver relationship, any other persons who may hold or have held an important role or significant involvement in the youth's life, and individuals with expertise in permanency.
  3. The team's responsibility is to consider whether an APPLA plan meets youth's best interest and needs as well as ensuring there are compelling reasons a more preferred permanency option cannot be considered. At this meeting, the caseworker must ensure:
    - a. All permanency options should be discussed to determine if the APPLA plan is truly the most appropriate option.
    - b. The youth, along with his or her parent(s) if present at the meeting, have the opportunity to identify any individuals who may be available as a permanency resource.
    - c. The parent(s) have the opportunity to talk about their feelings and ideas about the APPLA plan, what services would be appropriate to meet the youth's needs, and their desire to maintain contact with their son or daughter, including appropriate visitation.

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- d. The substitute caregiver is given the opportunity to discuss their abilities to meet the youth's needs and their long term commitment to him or her.
- e. At the conclusion of the meeting, if the team concurs, the team will recommend one of the two types of APPLA permanency plans. The caseworker must document the considerations and determinations made during the team meeting in the youth's case plan and in meeting notes or case notes.

### **D. Review and approval of an APPLA plan**

#### **Procedure**

- Within 30 days of the team's recommendation of APPLA as the youth's permanency plan, the caseworker requests a review by the Permanency Committee. In preparation for the Permanency Committee meeting the caseworker must:
  1. Ensure the youth's CASA and attorney, a tribal representative if the youth is an American Indian/Alaska Native child or a member of the RCWAC if the youth is a refugee child, are informed of the date, time and location of the meeting and are invited to present comments in person or in writing to the Permanency Committee for consideration.
  2. Ensure other individuals from the youth's team the caseworker believes can provide important information for consideration have been invited to the Permanency Committee meeting. This may include the substitute caregiver, the youth and others. Ensure these individuals know that they will be excused after their respective presentations to the Permanency Committee.
  3. Prepare written materials or presentation materials on the youth's needs, including, but not limited to, those subject areas required in the case plan, as outlined in Section E.
  4. Ensure the substitute caregiver is prepared to answer questions and address the long-term needs of the child or young adult.
- The committee will receive and review all information and make a recommendation whether the proposed APPLA permanency plan is the most appropriate permanency plan for the youth.
- The caseworker presents the case history including:
  1. All prior efforts to achieve a more permanent permanency plan.
  2. The efforts to identify the youth's maternal and paternal relatives, and the results of those efforts before considering an APPLA plan.
  3. The case plan that includes all the current information on how the department is addressing the child's safety, permanency and well-being needs and transition planning.
- The Permanency Committee provides a recommendation to the Child Welfare program manager. When the committee members cannot come to a consensus, the committee facilitator

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documents each Permanency Committee member's recommendation and its basis, and provides all the recommendations to the Child Welfare program manager.

- The Child Welfare program manager makes the decision whether to recommend an APPLA permanency plan to the court.
- When the Child Welfare program manager does not approve the recommendation of an APPLA plan, the caseworker must go back to the youth's team to gather and document any additional information to justify the appropriateness of an APPLA plan, or begin the actions and activities to achieve another more permanent permanency goal.

### E. APPLA case plans

#### **Procedure**

- When APPLA has been recommended as the preferred permanency plan and will be presented to the court, the caseworker must update the case plan, which must include the following information:
  1. Family composition, which includes the identifying information of each parent (unless parental rights have been terminated), legal guardian and sibling.
  2. The identified impending danger/safety threats identified in the CPS assessment, except when parental rights have been terminated.
  3. The ongoing safety plan, except when parental rights have been terminated.
  4. A description of how the department determined the APPLA is the most appropriate permanency plan for the youth and each compelling reason why the more preferred permanency plan options were not selected for the youth. The caseworker can use, but is not limited to, the documentation gathered through the team meeting to document this information.
  5. A description of how the youth's attachments and relationships with each parent, sibling, other family member, advocate, substitute caregiver and other person who provides continuity, belonging, stability, support, nurturing, caring relationships and cultural connections for the youth will be developed while he or she is in substitute care and maintained when the youth reaches the age of majority or the juvenile court relieves the department of legal custody of the youth. When appropriate, the description may include the following:
    - a. A description of how each parent and sibling of the youth may participate actively in his or her life. Include the description of visitation plans and other plans for ongoing connection with the youth's family.
    - b. For each existing permanent adult caregiver or parental figure capable of sustaining a significant relationship with the youth, a description of how these relationships may

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be maintained. Include the description of visitation plans and other plans for ongoing connection with the youth's family.

- c. A description of how relationships with relatives and other persons involved in the youth's life may be developed and maintained. Include the description of visitation plans and other plans for ongoing connection.
  6. Current placement information including the location of the youth's substitute caregiver when this individual authorizes release of their address, except when doing so would jeopardize the youth's safety.
  7. A record of the youth's visits with his or her parents and siblings.
  8. When applicable, a description of the plan to transition a developmentally delayed youth to an appropriate adult program and what active steps are currently underway to facilitate a smooth transition into an adult program.
  9. The comprehensive transition plan required for the youth and services that assist his or her transition to adulthood.
  10. A description of the reasonable efforts made by the department to put the services and structures in place to meet the needs of the youth and to enhance the stability of his or her living arrangement when the youth is not living with a specified adult, including the frequency of face-to-face contact and the assurance he or she is in a safe and stable living arrangement.
  11. A description of the services the department is providing to ensure the emotional, medical, educational, cultural and physical needs of the youth are being met, including:
    - a. His or her health information, which documents the youth's specialized medical, dental and mental health services;
    - b. The youth's education services, including his or her school or educational placement history, high school credits earned when older than 14 years of age or any special educational needs;
    - c. The services required to prepare the youth to live in the least restrictive setting possible at the most appropriate time;
  12. The services that may make it possible to achieve a more preferred permanency plan; and
  13. The services the department may continue to make available to the youth's parents, upon request, considered to be in the best interests of the youth. These types of services can vary widely, from visitation assistance through services improving protective capacity so the youth may eventually return to the parent's home.
- Except when parental rights have been terminated or the department is unable to obtain the signature of the parent or legal guardian, the case plan must include the signature of the caseworker, the supervisor and each parent or legal guardian.

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## F. Court review

### Procedure

- Within 30 days after an APPLA permanent foster care or APPLA permanent connections and support plan approved by the Child Welfare program manager, the caseworker must schedule a permanency hearing in court.
  1. For the court, the caseworker must document and submit a case plan report as described in Section E that clearly describes the compelling reasons why it is not in the child or young adult's best interest to implement a more preferable permanency plan and justification for this recommendation.
  2. Caseworker will request the court approve the APPLA plan.
  3. Except in cases of aggravated circumstances as described in ORS 419B.340(5), the caseworker must provide the court with information regarding the services the department will provide the youth's parents that meet the best interest of their son or daughter until another permanency plan can be achieved or the youth reaches age of majority, reaches independence or he or she is no longer in the custody of the department.

#### Some common compelling reasons are:

- The youth is an older teen who refuses adoption or guardianship as the permanency plan;
- An adult in the youth's life with whom there is a significantly supportive relationship is not able to adopt or become the legal guardian; or
- The tribe has identified APPLA as the preferred plan.

4. Provide the court with information regarding the status of parent and sibling visitation.
  - a. When the court has previously ordered or the department recommends no contact or restricted contact involving the youth and his or her parents or his or her siblings, the caseworker must request the court issue an order outlining the restriction or prohibition, including the reasons why.
5. When the court does not approve the APPLA plan, the caseworker should inform all members of the youth's team and reconvene the team to reconsider the youth's permanency options.

## F. Court review

### Procedure

- Once an APPLA plan has been approved by the court, the caseworker continues to meet with the caregiver and youth, or the youth alone when he or she is living independently with an independent living housing subsidy.
- The caseworker should always discuss the youth's personal and service needs and address any barriers to those needs being met.
- The caseworker is responsible for monitoring the safety of the youth during every visit.
- The caseworker must develop the comprehensive transition plan by the time the youth reaches 14 years of age, and must monitor the progress towards achieving the goals of the transition plan. For more information on transition planning, refer to Chapter 4, Section 29 of this manual.
- The caseworker must document the annual efforts made by the department to identify and contact maternal and paternal relatives and efforts to place with or develop and maintain the youth's connection and support from identified relatives.
- The caseworker should continue to examine the youth's current circumstances and that of the youth's parents to determine if the APPLA plan remains the most appropriate and permanency plan or whether a more permanent plan can be achieved. The caseworker must always be able to clearly document the justification for a continuation of the APPLA plan.
- When the APPLA permanent foster care plan is approved by the court, minimum monthly contact with the youth and substitute caregiver is required to monitor his or her safety and stability in the caregiver's home.

## H. APPLA permanency reviews

### Procedure

- APPLA plans are reviewed by a body external to the department at a minimum of every six months by the CRB or the court. An internal review must occur before the external review.
- The caseworker must meet with the youth and the substitute caregiver in a face to face meeting.
  1. Members of the youth's team may also be invited to participate in the case review.
    - a. Whether the caseworker chooses to only meet with youth and his or her substitute caregiver or to convene the youth's team as outlined below, at the conclusion of the review, the caseworker needs to determine whether the current placement is the most appropriate to meet the youth's permanency needs and whether a higher level of permanency can be achieved.

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2. The caseworker must consider input from the youth, his or her substitute caregiver, service providers, CASA, attorney, parents, other persons with attachments to the youth, the tribe if the youth is an American Indian/Alaska Native child and a member of the RCWAC if the child is a refugee child. This meeting is an opportune time to share information regarding the youth's needs and how these needs are being met.
  - a. Communicate any work the department has completed in identifying or reconnecting a youth with relatives, and to achieve a higher level of permanency.
  - b. Discuss and determine whether a higher level of permanency might be achieved and if so, what steps are needed for this to occur.
  - c. Discuss and determine the youth's progress in achieving the goals of the comprehensive transition plan.
3. At the conclusion of this meeting the caseworker must document in the case record:
  - a. How the current placement continues to be the least restrictive placement available to meet the youth's permanency needs; and
  - b. Whether a more permanent permanency plan of return home, adoption or guardianship is more appropriate at this time and the steps the department is taking to achieve a higher level of permanency.
- When the court has approved an APPLA plan the case must be reviewed:
  1. At every 90 day case review;
  2. In court at least every 12 months;
  3. Within 90 days of any change in substitute care placement; and
  4. By the Citizen's Review Board every six months, unless the court has relieved the CRB of that responsibility. A copy of the Permanent Foster Care Placement Agreement should accompany these reports.

### **I. Ongoing casework responsibilities**

- The caseworker must continue to provide services to any youth with a permanency plan of APPLA and must ensure:
  1. The youth is safe and safety is confirmed through face to face contact.
  2. The youth has a comprehensive transition plan and the services and supports are available to transition to successful adulthood.
  3. The youth is receiving appropriate services to succeed in all aspects of his or her life and is receiving health, mental health, dental and educational services that meet his or her needs.
  4. The youth has appropriate contact with family and continues to develop a network of supports and persons who will remain in the youth's life into adulthood.

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- The caseworker must also continue to seek a higher level of permanency and must ensure:
  1. If parental rights have not been terminated, review whether there are services and supports available to successfully meet the expected outcomes for a return home.
  2. If a return to parent is not possible, efforts have been made to achieve adoption, guardianship or permanent placement with a fit and willing relative. Have these options been explored again with the substitute caregiver and any barriers eliminated?
  3. The caseworker must complete an annual review of the department's efforts to identify, locate and seek to place a child with relatives. Have both maternal and paternal relatives been identified? Has any further contact with the youth's relatives resulted in additional family connections or potential placement resources?

### **J. Termination of APPLA permanent foster care plan**

#### **Procedure**

- APPLA permanent foster care plan must be terminated when:
  1. Court wardship is terminated;
  2. The youth has reached the age of majority;
  3. The court has relieved the department of legal custody; or
  4. The court has determined the APPLA plan is no longer appropriate.
- APPLA permanent foster care plan may be terminated when:
  1. One of the more preferred permanency plans is accomplished;
  2. The department and certified caregiver mutually agree to termination;
  3. The substitute caregiver's certificate of approval cannot be maintained;
  4. The youth is removed from the substitute caregiver's home by the department; or
  5. The youth requests termination of the agreement because of serious or extraordinary circumstances.
- When an APPLA plan has terminated the caseworker must notify the court in writing of the changes in the youth's placement and request a permanency hearing within 90 days after the change in placement for the court to review the permanency plan.
- When an APPLA plan is terminated but the youth remains in the care and custody of the department, it is critical that the caseworker review his or her safety, permanency and well-being needs. It is important to understand the reasons for the disruption and to work with the youth to review his or her needs and placement options.
  1. This may be an appropriate time to schedule a meeting of the youth's team to discuss placement and permanency options.

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2. If the youth is an older teen or a young adult, discuss not only placement needs but transition planning and services.
3. There must be a court hearing within three months of a youth being removed from a court approved APPLA permanent foster care placement. The court will review the permanency plan for the youth.

## **The role of the supervisor**

- Determine with the caseworker if the case meets all requirements for an APPLA plan and ensure the caseworker has provided the youth and his or her substitute caregiver the opportunity to fully explore more permanent permanency options.
- When an APPLA plan is being considered, instruct the caseworker to bring a team together, identify who should be on the team and the function of the team. Supervisor can attend, but attendance is not mandatory.
- Ensure the caseworker has developed an APPLA case plan that meets all of the youth's needs.
- Ensure the caseworker schedules a Permanency Committee to review a proposed APPLA case plan.
- Review the Permanent Foster Care Placement Agreement.
- Regularly review with the caseworker the APPLA plan and the efforts the department is making to achieve a higher level of permanency.

## **Forms and references**

### **Forms**

- CF 1014, Permanent Foster Care Placement Agreement  
<https://apps.state.or.us/Forms/Served/Ce1014.doc>

### **Legal references**

- Another Planned Permanent Living Arrangement, [OAR 413-070-0520 to 0565](#)
- Youth Transitions, [OAR 413-030-0400 to 0460](#)

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