

## Back to the Basics: Achieving Permanency for Infants and Toddlers Through the Resource Guidelines and Adoption and Permanency Guidelines



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### Summary

When the stakeholders are well trained on the *Resource Guidelines* and *Adoption and Permanency Guidelines*, judges should receive probative information about infants, toddlers and their parents.

When our youngest and most vulnerable children are placed in foster care, permanency planning must begin at the protective custody hearing. A judge plays a major role in making sure infants and toddlers do not languish in foster care. The Adoption and Safe Families Act requires that children achieve permanency (reunification or adoption) within 12 months from being placed in foster care. Is that happening in your court?

For brevity's sake, please review prior articles in The Judge's Page newsletter on various topics to better serve little ones in care (including the March 2007 issue - [nationalcasa.org/download/Judges\\_Page/0702\\_children\\_and\\_youth\\_involved\\_in\\_the\\_court\\_experience\\_issue\\_0119.pdf](http://nationalcasa.org/download/Judges_Page/0702_children_and_youth_involved_in_the_court_experience_issue_0119.pdf)

and my article in the October 2007 issue- [nationalcasa.org/download/Judges\\_Page/0710\\_reasonable\\_efforts\\_in\\_the\\_dependency\\_court\\_issue\\_0119.pdf](http://nationalcasa.org/download/Judges_Page/0710_reasonable_efforts_in_the_dependency_court_issue_0119.pdf) ).

You may not have the resources to implement specialty programs. Even so, an accessible and effective way to obtain permanency for infants and toddlers is to go back to the basics. When was the last time you read the *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases (NCJFCJ 1995)* and the *Adoption and Permanency Guidelines: Improving Court Practice in Child Abuse and Neglect Cases (NCJFCJ 2000)*? I do not mean the bullet cards, but all the chapters. I find that few colleagues do that regularly. Every time I reread the guidelines, I learn something new. So, why don't you take the lead and read?

Invite your court and community stakeholders to a roundtable discussion on the *Resource Guidelines and Adoption and Permanency Guidelines*. As a group, review one chapter per month. Each chapter contains a great deal of material. Have subcommittees (which may already exist) tackle various issues. Compare current practice with what is recommended and make improvements.

The most important hearing is the protective custody hearing. The judge can set the tone for problem solving and a timely response to infants, toddlers and their parents in need. This hearing sets the foundation for all subsequent hearings.

The parents should be encouraged to fully participate in this hearing and all others. The court should not allow hallway "professional" conferences that exclude parents. Parents must be shown respect and dignity. Judges, and all others, should affirm parental strengths while offering help in areas requiring improvement. In the end, lawyers must present evidence if the judge is to make informed decisions.

### Some Protective Custody Hearing Key Questions:

- Can the child be returned home safely pending adjudication? What timely services will allow a child to remain at home safely? Will parents voluntarily participate in services?
- Has the agency made reasonable efforts to avoid out-of-home placement? To reunify?
- Are responsible relatives available? Is the placement proposed by the agency the least disruptive and the most family-like setting?
- Does the Indian Child Welfare Act apply? Who will send notice? When?

- What evaluations, treatment or other services are needed for the baby and the baby's parents? Of particular importance is referring the child for the Early Intervention Program for children under the age of three years, also known as Part C of the IDEA [20 U.S.C. Section 1431 (2000)] and referral to the Early Development Network for services for any infant and toddler delays or damage.
- What are the conditions for parental and child visitation? Use parenting time for skill-based parenting practice and training. Do not accept "parenting classes" where certificates are awarded for mere attendance.
- Have a concurrent permanency plan of reunification and adoption from day one.

**Some Guidelines to Follow:**

- The first foster placement should be the last: foster/adoptive placement.
- Issue specific, time sensitive and "doable" orders.
- Set the next hearing date in court.

Judges do not work in a vacuum. The quality of a judge's decision about permanency for babies and their parents is directly related to the quality of the hearings and the information the judge receives. When the stakeholders are well trained on the *Resource Guidelines and Adoption and Permanency Guidelines*, judges should receive probative information about infants, toddlers and their parents. Both guidelines have been around for years. Both remain timely. *Please*, don't let these vital best practice documents be dust-collectors in your court or communities. Get back to the basics—they work!

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