



**STATE STATUTES**  
CURRENT THROUGH APRIL 2018

# Case Planning for Families Involved With Child Welfare Agencies

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Since the passage of the Adoption Assistance and Child Welfare Act (P.L. 96-272) in 1980, Federal law requires the development of a written case plan for any child receiving foster care maintenance payments under title IV-E (42 U.S.C. 671(16)). As described in Federal regulation,<sup>1</sup> the case plan for each child must:

- Be a written document that is developed jointly with the parents or guardian of the child in foster care
- Be developed within a reasonable period of time but in no event later than 60 days from the child's removal from the home

## WHAT'S INSIDE

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<sup>1</sup> 45 C.F.R 1356.21

- Include a discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive, most familylike setting available and in close proximity to the home of the parents when the case plan goal is reunification
- Include a discussion of how the placement is consistent with the best interests and special needs of the child
- Include a description of the services offered and provided to prevent removal of the child from the home and to reunify the family
- Document the steps to finalize a placement when the case plan goal is or becomes adoption or placement in another permanent home

## WHEN CASE PLANS ARE REQUIRED

A review of statutes, administrative codes, and agency policies reveals that all States, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands require a case plan when a child welfare agency places a child in out-of-home care, including foster care, placement with a relative, group homes,

and residential placement. Approximately 26 States and the District of Columbia, Guam, and the Virgin Islands also require a case plan when a child and his or her family are receiving any kind of in-home services to prevent placement or when the child has been placed in the legal custody of the State agency.<sup>2</sup> Most States impose a specified number of days for completing a case plan, as follows:

- From the date the child was placed in out-of-home care<sup>3</sup>
- From the date the case was first opened for services<sup>4</sup>
- From the date the child was adjudicated by the court as abused or neglected<sup>5</sup>

## PARTICIPANTS IN THE PROCESS

The department or agency in each State that has the responsibility for providing child welfare services must formulate a case plan for each child placed in its care or custody. In 44 States, Guam, and Puerto Rico, the department must include the parents, guardians, or other caregivers in the case-planning process, unless compelling circumstances prevent their participation.<sup>6</sup> In

<sup>2</sup> The word “approximately” is used to stress the fact that States frequently amend their laws and applies to all data in this publication. The information in this publication is current only through April 2018. As of this date, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Kansas, Massachusetts, Missouri, Montana, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin require case plans for all families receiving services from the State agency.

<sup>3</sup> Five days in Delaware; 10 days in Arizona; 30 days in Alabama, Arkansas, Georgia, Idaho, Minnesota, Mississippi, Montana, New Jersey, New York, North Carolina, North Dakota, Ohio, South Dakota, and Tennessee; 45 days in Illinois, Nevada, Texas, Utah, and Virginia; 55 days in Massachusetts; or 60 days in Alaska, California, Colorado, Florida, Idaho, Indiana, Iowa, Louisiana, Maryland, Nebraska, Oregon, Washington, West Virginia, and Wyoming.

<sup>4</sup> Fourteen days in Missouri; 20 days in Kansas; 30 days in Alaska, Arkansas, and Mississippi; or 60 days in Arizona, California, Colorado, New Jersey, Oregon, Pennsylvania, and Vermont.

<sup>5</sup> Ten days in South Carolina; 30 days in Arkansas, Idaho, Kansas, Kentucky, Missouri, Oklahoma, Rhode Island, and West Virginia; or 60 days in California, Indiana, and Washington.

<sup>6</sup> States must seek the participation of the parents in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia. Compelling circumstances include the parent cannot be found, refuses to participate, or has had his or her parental rights terminated.

31 States, if the child is of an appropriate age, he or she must be included in case-planning efforts.<sup>7</sup> Approximately nine States require that a representative of the child's Tribe be invited to participate when the child receiving services is an Indian child.<sup>8</sup>

Laws in 14 States and the District of Columbia require the team developing the plan to include the child who has reached age 14 and, at the option of the child, up to two members chosen by the child who are not the child's foster parent or caseworker.<sup>9</sup> One of these individuals may be designated to be the advisor of the child and, as needed, advocate for the child with respect to the application of the reasonable and prudent parent standard to the child. Any individual chosen by the child may be excluded by the department when the department has good cause to believe that the person would not act in the child's best interests.

Other persons who may be invited to participate include foster parents, guardians ad litem, court-appointed special advocates, and other members of the child's family if they have significant ties to the child.<sup>10</sup> In 16 States, participation is open to service providers,

therapists, educators, and other professionals who have direct knowledge of the child and family's needs.<sup>11</sup> In 10 of these States, statutes or regulations specifically require that the State agency consider the use of some form of a family group decision-making approach when appropriate.<sup>12</sup>

## CONTENTS OF A CASE PLAN

Federal law under title IV-E (in 42 U.S.C. 675(1)) requires that the case plan describe specifics of a child's care while in placement, including, at a minimum, the following:

- A description of the type of home or institution in which the child is to be placed
- A plan for ensuring that the child receives safe and proper care and that appropriate services are provided to the parents, child, and foster parents:
  - To improve the conditions in the parents' home
  - To facilitate the child's return to his or her own safe home or the alternative permanent placement of the child
  - To address the child's needs while in foster care

<sup>7</sup> In Alabama, Alaska, Arizona (age 12 or older), Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, New York (age 10 or older), North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island (age 12 or older), South Carolina, Tennessee (age 12 or older), Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming.

<sup>8</sup> Alaska, Arizona, Idaho, Kansas, Minnesota, New Mexico, North Dakota, Oklahoma, and Oregon.

<sup>9</sup> Arizona, California, Delaware, Georgia, Indiana, Iowa, Minnesota, New York, North Carolina, North Dakota, Oregon, Virginia, West Virginia, and Wisconsin.

<sup>10</sup> The foster parents may participate in 18 States (Arizona, Arkansas, Colorado, Georgia, Kansas, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Oregon, Rhode Island, Tennessee, Texas, Utah, and Wyoming). The child's guardian ad litem may participate in 14 States (Alaska, Arizona, Arkansas, Florida, Kansas, Minnesota, North Dakota, Ohio, Oklahoma, Texas, Utah, Washington, West Virginia, and Wyoming). A court-appointed special advocate may participate in four States (Arizona, Arkansas, Kansas, and West Virginia). Members of the child's extended family may be invited to participate in eight States (Alabama, Arizona, Colorado, Kansas, Mississippi, Oregon, Texas, and Vermont).

<sup>11</sup> In Colorado, Connecticut, Hawaii, Kansas, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Dakota, Oregon, Pennsylvania, South Carolina, Texas, Utah, and Wyoming.

<sup>12</sup> The approaches used include case-planning conferences (Kansas), family team meetings (Mississippi), family support team meetings (Missouri), permanency planning child and family teams (North Dakota and Tennessee), family decision-making meetings (Oregon), interdisciplinary teams (Utah), case conferences (Washington), and multidisciplinary teams (West Virginia and Wyoming).

- Efforts to maintain the child's educational stability while in foster care, including continuing the child's enrollment in his or her current school whenever possible
- To the extent available, the child's health and education records
- Where appropriate, for a child age 14 years or older, a description of programs and services that will help the child transition from foster care to successful adulthood
- If the permanency goal for the child is adoption or placement in another permanent home, documentation of the steps being taken to find an adoptive family or other permanent living arrangement for the child

State requirements for case plans typically include descriptions of the problems that led to the family's involvement with the State agency and the services that will be provided to the parents to address those problems, as well as any services needed by the child and the child's caregivers. The plans also include goals and objectives that the parent(s) must meet in order to ensure that they can provide a safe home for the child and timeframes for achieving those goals. In 20 States and the District of Columbia, the plan for a child age 14 and older must include the services and supports needed to assist the child in his or her transition from foster care to successful adulthood.<sup>13</sup>

Approximately 39 States and the District of Columbia also require that the case plan state a permanency goal for the child.<sup>14</sup> In addition, 38 States and Puerto Rico require that, for a child who is in out-of-home care, the plan include a schedule of visits between the child and his or her parent and between the child and any siblings that have been separated during placement.<sup>15</sup>

<sup>13</sup> California, Colorado, Connecticut, Delaware, Idaho, Iowa, Louisiana, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Tennessee, Virginia, West Virginia, and Wisconsin.

<sup>14</sup> Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

<sup>15</sup> Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, and Wisconsin.

## SUGGESTED CITATION:

Substitute the following text: Child Welfare Information Gateway. (2018). Case planning for families involved with child welfare agencies. U.S. Department of Health and Human Services, Children's Bureau. <https://www.childwelfare.gov/resources/case-planning-families-involved-child-welfare-agencies/>

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. 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 agency regulations, case law, and informal practices and procedures.



U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau



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