



STATE STATUTES
CURRENT THROUGH AUGUST 2021

Concurrent Planning for Timely Permanency for Children

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When a child is placed in out-of-home care, the primary goal of social services agencies is to reunite the child with his or her family. Concurrent planning is a type of permanency planning in which reunification services are provided to the family of the child at the same time that an alternative permanency plan is made for the child, in case reunification efforts fail. To be effective, concurrent planning requires not only the identification of an alternative plan but also the implementation of active efforts toward both plans simultaneously with the full knowledge of all participants. Compared with more traditional sequential planning for permanency, in which one permanency goal is ruled out before an alternative goal is identified, concurrent planning may provide earlier permanency for the child.

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Two Federal laws have influenced concurrent planning as practiced today. The Adoption and Safe Families Act of 1997 (P.L. 105-89) mandated shortened timelines for achieving permanency for children in foster care. To meet these timelines, many States have identified concurrent planning as a recognized or required practice for achieving permanency. The Fostering Connections Act of 2008 (P.L. 110-351) requires State agencies to contact adult relatives of children entering foster care to notify them of their eligibility to become placement resources. Both statutes support the use of concurrent planning, including the simultaneous pursuit of two permanency goals and a commitment to timeliness. For this publication, statutes, regulations, and policies were collected for all States, the District of Columbia, and the District of Columbia, and the results indicate that most States are utilizing concurrent planning for children in out-of-home care.¹

DEFINING CONCURRENT PLANNING

Approximately 41 States and the District of Columbia define or describe the basic concepts of concurrent planning in statute, regulation, or policy.² In nine States³ and the District of Columbia, "concurrent planning"

is defined as a requirement for the child welfare agency to simultaneously develop and implement two different permanency plan goals for a child in out-of-home care and make simultaneous reasonable efforts toward both goals with all case-plan participants. In 30 States⁴, definitions of concurrent planning require that in most cases the primary permanency goal be reunification of the child with his or her family, while working toward an alternate permanency goal (e.g., kinship guardianship or adoption) should reunification efforts fail.

In Colorado, concurrent planning is defined as "the simultaneous preparation of plans to assist the child's parents or caregivers in completing a treatment plan that, when completed successfully, will allow the child to return home safely and place the child in a setting that will become the child's permanent home if the parents or caregivers are unable to successfully complete their treatment plan." In Connecticut, concurrent permanency planning is described as "a planning process to identify permanent placements and prospective adoptive parents so that when termination of parental rights is granted by the court, permanent placement or adoption proceedings may commence immediately."

¹ Concurrent planning is not addressed in available statutes, regulations, or policies in Pennsylvania, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands.

² 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 August 2021. The States that define concurrent planning in their laws or policies include Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

³ Alabama, Hawaii, Idaho, Indiana, Tennessee, Texas, Utah, Wisconsin, and Wyoming

⁴ Arkansas, California, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Virginia, Washington, and West Virginia

STATE APPROACHES TO CONCURRENT PLANNING

In approximately 46⁵ States and the District of Columbia, concurrent planning begins when a child is first placed in out-of-home care with the identification of a primary and an alternative permanency goal. In 41 States⁶ and the District of Columbia, unless a court has determined that reasonable efforts to preserve or reunify the family are not required⁷, the primary permanency goal usually will be reunification of the child with his or her family of origin.

In 17 States,⁸ the family is assessed when the case is opened for services to determine their potential for achieving timely reunification. In 10 States,⁹ an alternative permanency plan is required when timely reunification seems unlikely. In Iowa and Kansas, a concurrent permanency plan is not required when the assessment indicates that timely reunification of the child and family will occur. Connecticut and Florida require an assessment of the family when the child has been in care for

6 months; if at that time the prospect of reunification seems unlikely, a concurrent permanency plan must then be developed.

Laws and policies in 33 States require that the concurrent plan and the concurrent-planning process be fully explained to the family.¹⁰ For example, the statute in Connecticut specifically states that, "Concurrent permanency planning programs must include involvement of parents and full disclosure of their rights and responsibilities." In 17 States,¹¹ extended family must be identified and notified of the child's placement in care and assessed for their willingness and ability to provide care for the child. In Michigan, in cases involving a child who is a member of or eligible for membership in a federally recognized Tribe, Tribal government will be involved in all aspects of case planning, placement, and interventions. In these situations, sequential planning rather than concurrent planning may be the process of choice.

⁵ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming

⁶ Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Washington, West Virginia, and Wisconsin

⁷ For more information, see the Child Welfare Information Gateway publication [Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children](#).

⁸ Arizona, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Mississippi, Montana, Nevada, New York, Rhode Island, Virginia, West Virginia, and Wisconsin

⁹ Alaska, Arizona, Florida, Georgia, Iowa, Kansas, Massachusetts, Nevada, North Carolina, South Dakota

¹⁰ Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wisconsin

¹¹ Arizona, Connecticut, Delaware, Georgia, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, and West Virginia

Twenty-four States require agencies to consider the potential of the first or current out-of-home placement resource to be able and willing to both support reunification efforts and be a possible permanent placement for the child if reunification is not achieved.¹² For example, Illinois specifies, "At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child."

Laws in 19 States discuss the role of the court in permanency planning and reflect the need for collaboration between the court system and the State agency.¹³ These laws spell out the need for the court to make findings of reasonable efforts on the part of the agency to achieve both concurrent plans during the judicial reviews of progress to achieve permanency.

¹² Arizona, California, Colorado, Connecticut, Georgia, Illinois, Kansas, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Vermont, Virginia, and West Virginia

¹³ Connecticut, Delaware, Florida, Georgia, Kansas, Massachusetts, Michigan, Minnesota, New Hampshire, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, and Wisconsin

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, 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.

SUGGESTED CITATION:

Child Welfare Information Gateway. (2021). *Concurrent planning for timely permanency for children*. U.S. Department of Health and Human Services, Administration for Families and Children, Children's Bureau. <https://www.childwelfare.gov/resources/concurrent-planning-timely-permanency-children/>



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Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau



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