



*Current Through
June 2008*

Case Planning for Families Involved With Child Welfare Agencies

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)).¹ A review of the statutes and administrative codes across the States shows that States are using a variety of approaches to address the issue of case planning.

¹ American Samoa and the Northern Mariana Islands do not participate in the title IV-E program and do not have provisions for case planning in their statutes.

Electronic copies of this publication may be downloaded at

www.childwelfare.gov/systemwide/laws_policies/statutes/caseplanning.cfm

To find statute information for a particular State, go to

www.childwelfare.gov/systemwide/laws_policies/state/index.cfm

To find information on all the States and territories, order a copy of the full-length PDF by calling 800.394.3366 or 703.385.7565, or download it at

www.childwelfare.gov/systemwide/laws_policies/statutes/caseplanningall.pdf



When Case Plans Are Required

- Approximately 19 States, the District of Columbia, Guam, and Puerto Rico address the issue entirely within their statutes.²
- Twenty-one States and the U.S. Virgin Islands address the issue in part in statute, with supplementary information in regulation.³
- Ten States address the issue entirely in regulation.⁴

States require a case plan whenever the child welfare agency places a child in out-of-home care, including foster care, placement with a relative, group homes, and residential placement. Twenty-one States and the District of Columbia, Guam, and the U.S. Virgin Islands also require a case plan whenever the 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.⁵ Most States impose a specific timeframe for completion of a case plan, as follows:

- A specified number of days from the date the child was placed in out-of-home care⁶
- A specified number of days from the date the case was first opened for services⁷
- A specified number of days from the date the child was adjudicated by the court as abused or neglected⁸

² The word *approximately* is used to stress the fact that the States frequently amend their laws. As of April 2008, Arizona, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Indiana, Maine, Michigan, Minnesota, Missouri, Montana, South Carolina, Utah, Virginia, Washington, West Virginia, and Wisconsin provided for case planning in State statute.

³ Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Tennessee, Texas, and Wyoming.

⁴ Alabama, Alaska, Maryland, Massachusetts, Mississippi, North Carolina, Pennsylvania, Rhode Island, South Dakota, and Vermont.

⁵ Alaska, Colorado, Connecticut, Delaware, Florida, Hawaii, Kansas, Massachusetts, Missouri, Montana, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia.

⁶ Ten days (in Arizona), 30 days (in Alabama, Georgia, Idaho, Minnesota, New Jersey, New York, South Dakota, and Tennessee), 45 days (in Illinois, Nevada, North Carolina, Texas, and Utah), or 60 days (in California, Florida, Indiana, Iowa, Louisiana, Maryland, Nebraska, Oregon, Washington, and Wyoming).

⁷ Fourteen days (in Missouri), 30 days (in Alaska, Massachusetts, Mississippi, Ohio, and West Virginia), or 60 days (in Colorado, Oregon, and Pennsylvania).

⁸ Ten days (in South Carolina), 30 days (in Arkansas, Kansas, Kentucky, Oklahoma, and Rhode Island), or 60 days (in Virginia).

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 29 States, Guam, and Puerto Rico, the department must include the parent or guardian in the case planning process unless compelling circumstances prevent the parent's participation.⁹ In 22 States, the child, if he or she is of an appropriate age, must be included in case planning efforts.¹⁰ Approximately six States require that a representative of the child's Tribe be invited to participate when the child receiving services is an Indian child.¹¹

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. In 13 States, participation is open to service providers, therapists, educators, and other professionals who have direct knowledge of the child and family's needs.¹² In seven of these States, the statutes or regulations specifically require that the State agency consider the use of some form of a family group decision-making approach when appropriate.¹³

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:

⁹ States must seek the participation of the parents in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Minnesota, Montana, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Utah, Virginia, and West Virginia. Compelling circumstances include the parent cannot be found, refuses to participate, or has had his or her parental rights terminated.

¹⁰ In Alabama, Alaska, California (age 12 or older), Colorado, Idaho, Iowa, Kansas, Nebraska, Nevada, New Jersey, New York, North Carolina, Oklahoma, Oregon (age 12), Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, and West Virginia (age 12).

¹¹ Alaska, Kansas, Minnesota, New Mexico, Oklahoma, and Oregon.

¹² In Colorado, Hawaii, Kansas, Missouri, Nebraska, New Jersey, North Dakota, Oregon, Pennsylvania, South Carolina, Texas, Utah, and Wyoming.

¹³ Hawaii ('*ohana* conference), Kansas (case planning conference), Missouri (family support team meeting), North Dakota (permanency planning child and family team), Oregon (family decision-making meeting), Utah (multidisciplinary team), and Wyoming (multidisciplinary team).

- 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
- To the extent available, the child's health and education records
- Where appropriate, for a child age 16 years or older, a description of programs and services that will help the child prepare for independent living
- If the permanency goal for the child is adoption, documentation of the steps being taken to find an adoptive family

State requirements for case plans typically include goals and objectives that the parents must meet in order to achieve a safe home for the child and timeframes for achieving those goals. Approximately 30 States and the District of Columbia also require that the case plan state a permanency goal for the child.¹⁴ In addition, 27 States and Puerto Rico require that, for a child who is in out-of-home care, the plan include a schedule of visitation between the child and his or her parent and between the child and any siblings that the placement has separated.¹⁵

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.

¹⁴ Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah, Washington, and Wisconsin.

¹⁵ Arkansas, California, Colorado, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Washington.