

Amendment: 16

Representative SIMRILL proposes the following amendment:

DEPARTMENT OF SOCIAL SERVICES

Amend Back to Original Version

38.29. (DSS: Foster Care Child Placements) With funds appropriated and authorized to the Department of Social Services for Fiscal Year 2018-19, the department shall ensure that the following provisions are implemented related to child placements. The department shall promulgate any necessary rules or regulations to implement these provisions:

(A) If a child in foster care has been placed within the same foster home for at least 9 consecutive months and if the foster parents are willing to provide permanency through adoption for the child, the department ~~may~~ must obtain an attachment assessment, as defined through rules or regulations promulgated by the agency, of the child and current foster parents before selecting a different adoptive placement or other alternative setting. The attachment assessment must be conducted by a qualified attachment expert. Qualified attachment experts may include individuals who can demonstrate training and or education in attachment theory, developmental psychology, and other qualifications defined through rules or regulations promulgated by the agency.

(B) If a child's permanency plan includes reunification with a parent or caregiver, the department shall develop a transition plan for the child, with input from the Guardian ad Litem and a child-focused or other appropriate mental health professional. The department's proposed transition plan must include sufficient visitation with the permanent guardian to promote a successful and emotionally healthy transition for the child, facilitate a positive relationship between caregiver and child, and lessen trauma that may result from the move. If the department pursues placement with a natural parent, relative, or other adult with whom the child has never lived, as determined to be in the child's best interest, the department's proposed transition plan must be progressive and include increased overnight visitation with ongoing assessment of the plan and the child's adjustment by the Guardian ad Litem and child focused or other appropriate mental health professional. Modifications to the plan must be driven

by the child's adjustment to the transition.

(C) The department must file a Termination of Parental Rights petition if a child has been in foster care for 15 of the last 22 months unless there are extenuating circumstances as defined in Section 63-7-1710 as follows:

(1) When the child is over the age of 16 and the department has identified another planned permanent living arrangement.

(2) The department asserts to the court that the child may be safely returned to the parent because the parent has remedied the conditions that caused the removal, with or without supervision by the department for up to 12 months.

(3) The department's proposed treatment plan can be extended up to 18 months but only if: (a) the department presents compelling and persuasive evidence of how the parent has demonstrated due diligence in completing the plan; (b) the department can articulate for the court specific reasons to believe the parent will timely remedy the conditions which led to the removal; (c) the department affirms that the return of child to the parent would not cause unreasonable risk of harm; (d) the department has compelling reasons to assert that a Termination of Parental Rights is not in the best interests of the child; (e) the department has compelling reasons to assert the best interests of the child will be served by the extension.

(4) If the department assesses the viability of adoption and determines that adoption is not a viable option and has compelling reasons to assert that Termination of Parental Rights is not in the best interests of the child, then the department may pursue a permanent plan of custody or legal guardianship to relative or other person.

(D) In accordance with Sections 63-7-1640(G) and 1700(E), the department must file the petition for a Termination of Parental Rights within sixty days of the family court order designating the child's permanent plan or concurrent plan as Termination of Parental Rights and adoption.

(4) If the department assesses the viability of adoption and determines that adoption is not a viable option and has compelling reasons to assert that Termination of Parental Rights is not in the best interests of the child, then the department may pursue a permanent plan of custody or legal guardianship to relative or other person.

(D) In accordance with Sections 63-7-1640(G) and 1700(E), the department must file the petition for a Termination of Parental Rights within sixty days of the family court order designating the child's permanent plan or concurrent plan as Termination of Parental Rights and adoption.