

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Administrative Issuance: CFSA-06-11

TO: All CFSA Staff
FROM: Audrey L. Sutton, Deputy Director for Program Operations
EFFECTIVE DATE: July 21, 2006
RE: Permanent Guardianship Disruptions

This administrative issuance outlines the process and requirements for post-permanency disruptions in permanent guardianship cases. Permanent guardianship was created to meet the needs of children living with kinship caregivers who provide a stable and safe placement, but for whom goals of adoption and reunification have been ruled out as permanency goals. Permanent guardianship is available to children in kin placements where the caregiver has consistently demonstrated the ability to meet the child's physical and emotional needs and where reunification with the birth parents is unlikely. As there are several circumstances in which a permanent guardianship placement may disrupt, the permanent guardian should be encouraged to name a successor guardian in the permanent guardianship petition prior to the finalization of the permanent guardianship.

This administrative issuance addresses the most common reasons for disruption.

If you have any questions about this administrative issuance please contact your administrator.

Death or Incapacitation of a Permanent Guardian

1. If a permanent guardian dies or becomes incapacitated and unable to care for the child(ren), the previously assigned social worker shall assist the family in identifying a successor guardian, if one has not been named, and with "certification" of the selected successor guardian.

Note: The case shall be assigned to the previous unit and whenever possible, the previously assigned social worker.

2. Upon learning that the permanent guardian has died or is incapacitated, the assigned social worker shall notify the Office of the Attorney General to file a motion to reactivate the neglect case and to modify the Permanent Guardianship order to appoint a successor guardian.
3. The licensing social worker shall complete an assessment of the identified successor guardian, including a criminal background check and Child Protection Register (CPR) clearance to determine whether this is a safe and appropriate placement for the children. (See [Temporary Licensing of Foster Homes for Kin policy](#).)
4. If appropriate, the child shall be placed with the identified successor guardian, if not already in the home.

Note: A temporary license must be issued within 30 days of placement with the successor guardian. If this does not occur within 30 days, the children will be placed in foster care until the identified successor guardian becomes licensed, unless (a) the successor guardian chooses not to receive a subsidy for the care of the children and (b) the Family Court grants permanent guardianship or permanent custody or some other permanent disposition, including adoption, in favor of the successor

guardian. CFSA shall not recommend any of these dispositions as it will not have approved or licensed the home and would not have sufficient information to address the safety and welfare of the children.

5. The assigned social worker shall enter any demand payments in FACES for the care of the children while placed with the identified successor guardian.
6. The successor guardian must complete the process for full-licensure prior to being named the permanent guardian. See [Temporary Licensing of Foster Homes for Kin policy](#).
7. When necessary, the social worker shall complete the Interstate Compact on the Placement of Children (ICPC) form (see [ICPC Policy](#)).
8. Once permanent guardianship with the successor guardian is achieved (after 6 months), the guardianship subsidy shall be transferred to the successor guardian.

Children in Need of Services

1. Post-permanency services shall be initiated in situations where a permanent guardian expresses that they can no longer care for a child due to the child's health or mental health needs.
2. Upon notification, the Post-Permanency Services social worker shall contact the permanent guardian to assess the situation, identify the concerns, and evaluate the need for services.
3. The Post-Permanency Services social worker shall contact the previous social worker and supervisor to inform them of the potential placement disruption and need for a Family Team Meeting (FTM).
4. To prevent disruption, the previously assigned social worker shall schedule an FTM or a clinical staffing, as appropriate, to include the following individuals:
 - a. Permanent guardian
 - b. Service providers, as appropriate
 - c. Child, as appropriate
 - d. Post-Permanency Services social worker

5. The team meeting shall be held to identify services and to develop a plan to preserve the placement.
6. If the placement cannot be preserved, the child shall be removed and placed in foster care.

Note: The permanent guardian shall not be placed on the Child Protection Register as a result of this type of placement disruption.

7. The assistant attorney general (AAG) shall notify the Family Court at least 10 days prior to the placement disruption and the need to reopen the neglect case. In emergency situations, the AAG shall notify the Family Court no later than 24 hours after the placement disruption.
8. The social worker shall work with the family to identify potential guardians or persons willing to adopt the child.

Abuse or Neglect Allegations

1. In situations where an abuse or neglect report is substantiated against the permanent guardian, the original neglect case shall be reopened and the case shall be transferred to the appropriate administration for services. See the [Hotline](#) and [Investigations](#) policies.

Note: The permanent guardian shall be placed on the Child Protection Register as a result of this type of placement disruption.

2. If the children are removed from the permanent guardian, efforts to reunify the children with the permanent guardian may be made, as appropriate.

ATTACHMENT A DEFINITIONS

- A. **Certification** – A successor guardian is considered certified when all of the following steps have been completed and approved:
1. An abbreviated home study
 2. Child Protective Register clearance
 3. Criminal history record, including fingerprinting
- B. **Incapacitated** – Physically, mentally, or emotionally unable to continue to care for the day-to-day needs of the children on a permanent basis, and/or unable to provide a safe environment for the children to remain in the home.
- C. **Kin** - A relative of the foster child by blood, marriage, or adoption; or an individual, identified by a relative of the foster child by blood, marriage, or adoption, in a sworn affidavit, to have close personal or emotional ties with the foster child or the foster child's family which pre-dated the foster child's placement with the individual
- D. **Post-Permanency Services** – Post-permanency services are offered to permanent guardians prior to and following the finalization of permanent guardianship. Post-permanency services provide information and referral to permanent guardians in order to assist them with services in the community.
- E. **Successor Guardians** – A successor guardian is a person that the permanent guardian identifies as caregiver in the event that the permanent guardian is no longer able to care for the children. Although it is not required, it is recommended that permanent guardians name a successor guardian prior to achieving permanent guardianship.