

Using This Form

1. Copies
 - a. Original – to court.
 - b. Copy – sent by the court to the child, if s/he is twelve years of age or older.
 - c. Copy – sent by the court to the guardian *ad litem* for the child.
 - d. Copy – sent by the court to each parent, unless parental rights have been terminated.
 - e. Copy – sent by the court to any person standing *in loco parentis* to the child at the time the agency obtained custody or placed the child.
 - f. Copy – sent by the court to the person or agency with custody of the child or placement responsibility for the child.
 - g. Copy – sent by the court to the attorney for the person or agency with custody of the child or placement responsibility for the child.
 - h. Copy – sent by the court to the foster parent or foster parents or other care providers of the child, except the section of the foster care plan describing the reasons why the child cannot be returned home and the alternative chosen.
 - i. Copy – sent by the court to such other persons as the court may direct, including but not limited to pre-adoptive parents, if any.
2. Prepared and filed by the public or private child-placing agency with custody or placement responsibility for the child.
3. Attachments
 - a. Foster Care Plan (Agency Form).
 - b. Permanent Foster Care Agreement (Department of Social Services Form), as appropriate.
 - c. Court form DC-510, SUMMONS, if the parent or guardian of the child did not appear at the foster care review hearing held pursuant to Va. Code § 16.1-282 and was not noticed to return for the permanency planning hearing.
 - d. Court form DC-512, NOTICE OF HEARING.
4. Preparation details
 - a. It is suggested that the agency with custody of or placement responsibility for the child should provide the court with enough copies of the petition and foster care plan for service or notice to the parties.
 - b. The copy sent to the child should be to his or her own address, not the custodial or placement agency's address.
 - c. A parent whose residual parental rights to the child have been terminated should not be sent a copy of the petition or foster care plan.
 - d. It is possible that form DC-511, PETITION, requesting termination of residual parental rights has been filed at the same time as the PETITION FOR PERMANENCY PLANNING HEARING. If so, follow the DISTRICT COURT MANUAL instructions (Chapter IX of the Text Volume) on notice of such a petition to the appropriate parties.

PETITION FOR PERMANENCY PLANNING HEARING
Commonwealth of Virginia Va. Code §§ 16.1-282.1, 63.2-906

Court Case No. **1**

Agency Case No. **2**

3 Juvenile and Domestic Relations District Court

In re: **4**
NAME OF CHILD

..... **5** **6** Male
AGE (YEARS/MONTHS) Female **7**
DATE OF BIRTH

who was placed in the custody of or through an agreement with

..... **8** on **9**
PUBLIC OR PRIVATE CHILD-PLACING AGENCY DATE

I, the undersigned Petitioner, state under oath to the best of my knowledge and belief that the following are true:

- 10** {
1. The above-named child is the subject of a permanency planning hearing pursuant to Virginia Code § 16.1-282.1 because:
 - (a) the child
 - i. was the subject of a foster care plan filed in this court pursuant to Virginia Code § 16.1-281, has not previously been the subject of a permanency planning hearing at which the court approved a permanent goal, and
 - ii. has been:
 - placed through an agreement with the local board of social services where legal custody remains with the parents or guardian and such agreement has not been dissolved by court order; or
 - in the legal custody of the local board of social services or a child welfare agency and the child has not had a petition to terminate parental rights granted, filed or ordered to be filed on his/her behalf; has not been placed in permanent foster care; or is age 16 or over and the plan for the child is not independent living.
 - OR
 - (b) the child was the subject of a hearing at which the Court made a determination that reasonable efforts to reunite the child with parents are not required, in accordance with the provisions of Virginia Code § 16.1-281 B.
 - OR
 - (c) the child was the subject of a permanency planning hearing pursuant to Virginia Code § 16.1-282.1 at which the Court approved an interim plan for the child.
 - OR
 - (d) the child has been placed in another planned permanent living arrangement and his/her need for long-term residential treatment for a disabling condition is eliminated such that a permanency planning hearing is required pursuant to Virginia Code § 16.1-282.1 A2.

11 2. A new foster care plan that identifies a permanent goal of **12** for
PERMANENT GOAL
review at this permanency planning hearing is attached hereto and incorporated herein;

Data Elements, *page one*

1. Insert court case number.
2. Insert public or private agency case number.
3. Insert name of court.
4. Insert name of child who is the subject of the case.
5. Insert age of child.
6. Check appropriate box for gender of child.
7. Insert date of birth of child.
8. Insert name of public or private child-placing agency with custody or placement responsibility for the child.
9. Insert date on which child was placed with public or private child-placing agency.
10. Check appropriate box(es) to indicate reason why a permanency planning hearing is required.
11. Check box if this is a new foster care plan that identifies a permanent goal.
12. Insert permanent goal on line provided.

AND

- 2** { (a) the board or agency seeks to achieve the permanent goal for the child and, therefore, petitions the court for the following relief:
- transfer custody of child to his/her prior family, namely
.....
NAME
 - dissolve the board's placement agreement and return the child to his/her prior family.
 - transfer custody of the child to a relative other than the child's prior family, namely
.....
NAME
 - approve termination of residual parental rights as being in the best interest of the child, and, upon separate petitions filed to be filed, terminate residual parental rights pursuant to Virginia Code § 16.1-277.01 or § 16.1-283.
 - place child in permanent foster care. A permanent foster care agreement is appended.
 - direct the agency with custody of the child to provide the child with services to transition to independent living if the child has been admitted to the United States as a refugee or asylee, has attained the age of 16 years and the plan is independent living; OR
 - place the child in another planned permanent living arrangement.

OR

- 3** { (b) The board or agency has thoroughly investigated the feasibility of the alternatives listed in Virginia Code § 16.1-282.1 A (i) – (v) and alleges that none of these alternatives is in the best interest of the child and, therefore, petitions the court for approval of an interim plan and the following relief:
- continue custody with the board or agency or continue placement with the board through a parental agreement; or
 - transfer custody to the board or agency from the parents or guardian of a child who has been in foster care through an agreement where the parents or guardian retained legal custody.
- 4** 3. If 2(b) above is applicable, the foster care plan pursuant to Virginia Code § 16.1-282.1 B includes provisions for accomplishing the permanent goal within 6 months, and summarizes the investigation conducted of the alternatives listed in Virginia Code § 16.1-282.1 A (i) – (v) and states why achieving each of these is not in the best interest of the child at this time.

Wherefore, Petitioner requests that the court grant the following relief and such other relief as the child's best interest requires:

- 5** 1. Docket the case for a permanency planning hearing to be held within thirty days, since a hearing was not previously scheduled pursuant to Virginia Code § 16.1-281 B, 16.1-282 E, or § 16.1-282.1 B.
2. Provide notice of the hearing and a copy of the petition, pursuant to Virginia Code §§ 16.1-282.1 and 16.1-282, to the following at addresses provided on the attached transmittal form:
- Child, if he/she is 12 years of age or older;
 - Guardian *ad litem* for child;
 - Child's parents and any person standing *in loco parentis* at time agency assumed custody;
 - Foster parents or other care providers of the child;
 - Petitioning board of social services or other child welfare agency; and
 - Such other persons as the court may direct, including, but not limited to, pre-adoptive parents, if any.

Data Elements, *page two*

1. Insert court case number.
2. Check boxes, if applicable, to propose achieving the child's permanent goal and insert the indicated name, as appropriate.
3. Check box, if applicable, to indicate proposed interim plan for the child.
4. Check box, if applicable.
5. Check box if hearing was not previously scheduled.

3. Enter a finding that:
- Reasonable efforts have been made have not been made by the agency to reunite the child with his or her parents, guardian or other person standing *in loco parentis* to the child.
2. Reasonable efforts to reunite the child with parents are not required pursuant to Virginia Code § 16.1-281 B.
- The board or agency has identified a permanent goal for the child other than returning the child home and reasonable efforts
- have been made have not been made to achieve the permanent goal identified in the foster care plan.

4. Enter an order of disposition that adopts and approves the attached foster care plan for the child.

5. Schedule a future hearing date and give notice to all parties of the following:
- a second permanency planning hearing pursuant to Virginia Code § 16.1-282.1 B to be held within six months of this permanency planning hearing, if a continuation of foster care is the interim plan for the child.
 - a foster care review hearing in 6 months pursuant to Virginia Code § 16.1-282.1 A2 to review the foster care plan for a child who is placed in another planned permanent living arrangement.
 - an annual foster care review hearing within 12 months pursuant to Virginia Code § 16.1-277.01 E, § 16.1-277.02 D, § 16.1-278.3 E, or § 16.1-283 F.

4
PUBLIC OR PRIVATE CHILD-PLACING AGENCY

5
DATE

6
PETITIONER

Subscribed and sworn to before me this 7
DATE

8
[] INTAKE OFFICER [] CLERK

FOR NOTARY PUBLIC'S USE ONLY: 9

State of [] City [] County of

Acknowledged, subscribed and sworn to before me this day of, 20

.....
NOTARY REGISTRATION NUMBER

.....
NOTARY PUBLIC
(My commission expires:)

Data Elements, page three

1. Insert court case number.
2. Check box(es) to indicate the requested findings.
3. Check box(es) to indicate requested future necessary events.
4. Insert name of petitioning public or private child-placing agency.
5. Insert date signed by petitioner.
6. Signature of petitioner.
7. Insert date sworn/affirmed.
8. Signature of intake officer or clerk. Check box to indicate title.
9. If acknowledgement taken by notary public, all enclosed fields must be completed, including notary's registration number and commission expiration date.