

Adoption and Safe Families Act

(Also Known As ASFA)

ASFA is a federal law that is intended to assist child welfare agencies to balance family preservation and reunification with the child's health, safety and need for permanency.

Safety

ASFA requires that a child's safety be the paramount concern when a child is placed outside of his or her home.

The Division of Child Protection & Permanency (DCP&P) will develop a permanent plan for a child that could be family reunification, adoption or some other permanent alternative placement.

Permanency

ASFA requires the court to conduct a permanency hearing to consider whether the division's permanency plan is appropriate. The permanency plan addresses the child's need for permanency through:

- return to the home, if the child can be returned home without endangering the child's health or safety;
- adoption, if family reunification is not possible; or
- an alternative placement plan, if termination of parental rights is not appropriate.

Any court hearing may serve as a permanency hearing to provide judicial review and approval of a permanency plan for a child if the requirements for a permanency hearing are met.

Timeframes

The permanency hearing must be held when the division is not required to make reasonable efforts to reunify a child with his or her parents or no later than when a child has been in out-of-home placement for 365 days.

ASFA requires the division to seek termination of parental rights when grounds are established, ***but no later than when a child has been in placement for 15 out of the most recent 22 months***, unless one of the following exceptions is met:

- (1) the child is being cared for by a relative;
- (2) the division has documented a compelling reason why termination of parental rights would not be in the child's best interests; or
- (3) the division has not provided to the child's family the services necessary for the child's safe return home.

These timeframes give parents a limited amount of time to get their children back.

It is important for parents to cooperate with court orders so that their children can be returned as quickly as possible. It is also important for the division to act quickly to provide families with the services they need after a child goes into foster care.