



**North Carolina Department of Health and Human Services
Division of Social Services**

325 North Salisbury Street • Raleigh, North Carolina 27603
Courier # 56-20-25 MSC 2409

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

Sherry S. Bradsher, Director
(919) 733-3055

July 16, 2007

Dear County Director of Social Services

**Attention: Children's Services Supervisors
Children's Services Social Workers**

Effective Date: Immediately

Subject: Consultation with Child in Permanency Hearing

The Division of Social Services has received clarification from the Administration For Children and Families (ACF) on how to comply with new federal policy requiring age-appropriate consultation with a child during permanency hearings. The new federal policy guidance suggests "We do not interpret the term 'consult' to require a court representative to pose a literal question to a child or require the physical presence of the child at a permanency hearing. However, the child's views on the child's permanency or transition plan must be obtained by the court for consideration during the hearing. For example, a report to the court in preparation for a permanency hearing that clearly identifies the child's views regarding the proposed permanency or transition plan for the child could meet the requirement. Also, an attorney, caseworker, or guardian ad litem who verbally reports the child's views to the court could also meet the requirement. Information that is provided to the court regarding the child's best interests alone are not sufficient to meet this requirement.

Ultimately, if the court is not satisfied that it has obtained the views of the child through these or any other mechanism, it could request that the child be in the courtroom, or make other arrangements to obtain the child's views on his/her permanency or transition plan." The federal policy can be found at http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=58#1720.

If you have any questions about these clarifications, please contact your Children's Program Representative or Thomas Smith, program consultant with the Family Support and Child Welfare Services Section at thomas.smith@ncmail.net or (919) 733-9465.

Sincerely,

A handwritten signature in cursive script that reads "Esther J. High".

Esther High, Acting Chief
Family Support and Child Welfare Services Section

cc: Sherry Bradsher
JoAnn Lamm
Children's Program Representatives
Work First Representatives
Family Support and Child Welfare Services Team Leaders

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