

ATTACHMENT S

Permanency Planning Requirements

ICF/IID and HCS Residential Settings

The LA shall conduct and document permanency planning for consumers under age 22 years enrolling in or currently residing in an ICF/IID or HCS residential setting in accordance with DADS rules 40 TAC, Chapter 9, Subchapter D (Home and Community-Based Services (HCS) Program) and 40 TAC, Chapter 9, Subchapter E (ICF/IID Programs – Contracting) and as follows.

- A. For consumers who *are enrolling* from a family-based setting into an ICF/IID, including a state supported living center (SSLC), or an HCS residential setting, the LA shall conduct *initial* permanency planning at the time of the consumer's enrollment.
- B. For consumers who *currently reside* in an ICF/IID, including an SSLC, or an HCS residential setting, the LA shall conduct a *review* of the permanency plan six (6) months after the initial permanency plan was conducted and every six (6) months after the review until the consumer reaches age 22 years or the consumer leaves the ICF/IID or HCS residential setting to live in a family-based setting. The LA shall provide to and review with the consumer and family or LAR the *A Message for Families ...* document (referenced in the Table of Contents).

Note: DADS rules governing ICF/IID Programs – Contracting, specifically §9.250(1), and Home and Community-Based Services (HCS) Program, specifically §9.167(b)(1) both of which relate to permanency planning reviews, state that the LA must provide written notice to the LAR of a meeting to conduct a review of the individual's permanency plan no later than 21 days before the meeting date and include a request for a response from the LAR.

- C. The LA shall use the following CARE XPTR reports to identify the consumers in need of permanency planning and the timeframes for conducting permanency planning:
 - 1. HC021395 (Permanency Plan Reviews Needed); and
 - 2. HC021393 (PPRS Status By Consumer).

These CARE XPTR reports indicate consumers newly identified as needing permanency planning. The LA has 20 days to conduct permanency planning starting the first business day a consumer's name first appears on either report.

- D. The LA shall submit a copy of the permanency plan to the ICF/IID or HCS provider and LAR or family by the plan of care implementation date.

- E. The LA shall enter into the Client Assignment and Registration system (CARE):
 - 1. the initial permanency planning information within ten (10) days after meeting with the family; and
 - 2. the permanency planning review information within ten (10) days after the review date.

For consumers who are younger than ten (10) years of age, the LA shall also fax the permanency planning information (initial and reviews) to DADS (Attention: Permanency Planning Coordinator) for approval.

- F. The LA shall develop permanency plans using one of the following instruments, as appropriate, located at <http://www.dads.state.tx.us/providers/pi/permanency/forms/index.html>
 - 1. Permanency Planning Instrument for Children Under 18 Years of Age, or
 - 2. Permanency Planning Instrument for Individuals 18 through 21 Years of Age.
- G. If a consumer is 18-22 years of age and does not have an LAR but does have an actively-involved family member, the LA must include the actively-involved family member in permanency planning unless the consumer is opposed to such inclusion.