

Additional Permanency Planning Hearings

S.C. Code Ann. § 63-7-1700

Child continues to be out of the home

1. If the child remains in foster care at the initial permanency planning hearing, future permanency planning hearings must be held.
2. The pendency of an appeal does not deprive the family court of jurisdiction to hear a case. The court retains jurisdiction to review the status of the child and can act on matters not on appeal.
3. A named party, child's guardian *ad litem*, or local foster care review board may file a motion for review at any time. Any other party in interest (individual or agency with custody or placement, foster parent, etc.) may move to intervene and, if granted, move for review. The notice of motion and motion for review must be served on the parties at least 10 days prior to the hearing.
4. Criteria for additional permanency planning hearings:
 - a) If termination of parental rights (TPR) case is initiated, the TPR hearing can serve as the next permanency planning hearing; but only if it is held no later than one year from the date of the previous permanency planning hearing.
 - b) If the court ordered extended foster care for the purpose of reunification at the first permanent planning hearing, an additional hearing must be held on or before the completion date specified in the plan, but no later than **six months** from the date of the last court order or **18 months** from the date the child entered foster care. A different permanent plan other than extension for reunification purposes must be selected at the subsequent permanency planning hearing.
 - c) Permanency planning hearings must be held annually after a termination of parental rights hearing. No further permanency planning hearing is required after the filing of a decree of adoption.
 - d) If the court grants custody or guardianship to a parent, relative, or suitable nonrelative with a period of supervision, the services and supervision automatically terminate on the date specified in the court order. During that period, DSS or the guardian *ad litem* can file a motion for a review hearing, which stays the termination of the case. If the court finds by clear and convincing evidence that the child will be threatened with harm if services or supervision do not continue, the court can extend the period of services or supervision for a specified time. The court order must specify the services and supervision necessary to reduce or eliminate the risk of harm to the child.
 - e) Future permanency planning hearings must be held at least annually for every child in foster care.