

## **Topic 6: Counting 15 of 22 Months**

Link to [Procedure](#)

When a child has been in foster care under the responsibility of the state for 15 of the most recent 22 months, the Department shall initiate the process to file a petition to terminate parental rights. The petition must be filed by the end of the child's fifteenth month in foster care.

To meet this deadline, permanency planning is required at 12 months. If a child is in foster care for 15 months continuously or for 15 of the last 22 months, follow local protocols for initiating a petition to terminate parental rights unless:

- ◆ The child is placed with a relative, or
- ◆ There is a [compelling reason](#) that it is not in the best interest of the child, or
- ◆ The Department has not provided services identified in the case plan necessary for the safe return of the child, and the court grants a limited extension.

It is important that permanency planning occur early in all foster care cases. Nothing prevents earlier petitions to terminate parental rights.

To calculate "15 of 22 months," begin counting from the date the child was actually removed from the home. Use a cumulative method of calculation when a child goes in and out of foster care during the 22-month period.

Do not include trial home visits or runaway episodes in calculating 15 months in foster care. For example, if the child is in foster care for 10 months, then goes home for a trial home visit, the deadline for filing a termination is five months after the child returns to foster care.