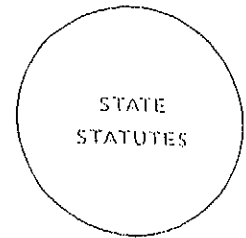




# Child Welfare Information Gateway

PROTECTING CHILDREN ■ STRENGTHENING FAMILIES



Current Through  
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## Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children: Summary of State Laws

*Reasonable efforts* refer to activities of State social services agencies that aim to provide the assistance and services needed to preserve and reunify families.

Laws in all States, the District of Columbia, Guam, and Puerto Rico require the provision of services that will help families remedy the conditions that brought the child and family into the child welfare system. The statutes in most States, however, use a broad definition of what constitutes reasonable efforts. Generally, these efforts consist of accessible, available, and culturally appropriate services that are designed to improve the capacity of families to provide safe and stable homes for their children. These services may include family therapy, parenting classes, drug and alcohol abuse treatment, respite

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## When Reasonable Efforts Are Required

care, parent support groups, and home visiting programs. Some commonly used terms associated with reasonable efforts include "family reunification," "family preservation," "family support," and "preventive services."<sup>1</sup>

Federal law has long required State agencies to demonstrate that reasonable efforts have been made to provide assistance and services to prevent the removal of a child from his or her home and to make it possible for a child who has been placed in out-of-home care to be reunited with his or her family.<sup>2</sup>

In many States, the statutes also require that when a court determines that reunification of the family is not in the best interests of the child, efforts be made to finalize another permanent placement for the child. Under the Adoption and Safe Families Act of 1997 (ASFA), while reasonable efforts to preserve and reunify families are still required, the child's health and safety constitute the paramount concern in determining the extent to which reasonable efforts should be made.<sup>3</sup>

## When Reasonable Efforts Are NOT Required

Under the provisions of ASFA, reasonable efforts to preserve or reunify the family are not required when the court has determined any of the following:

- The parent subjected the child to aggravated circumstances as defined by State law. The definition of aggravated circumstances may include, but is not limited to, abandonment, torture, chronic abuse, and sexual abuse.
- The parent committed murder of another child of the parent.
- The parent committed voluntary manslaughter of another child of the parent.
- The parent aided or abetted, attempted, conspired, or solicited to commit such a murder or such voluntary manslaughter.

<sup>1</sup> Services to be provided to the child and family are specified in a case plan. For more information on the case planning process, see Information Gateway's *Case Planning for Families Involved With Child Welfare Agencies* at [www.childwelfare.gov/systemwide/laws\\_policies/statutes/caseplanning.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/caseplanning.cfm)

<sup>2</sup> Beginning with the Adoption Assistance and Child Welfare Act of 1980 (PL 96-272).

<sup>3</sup> States must comply with the requirements outlined in ASFA as a condition for receiving certain Federal funds.

- The parent committed a felony assault that results in serious bodily injury to the child or another child of the parent.
- The parental rights of the parent to a sibling of the child were terminated involuntarily.

In all States, the District of Columbia, and Puerto Rico, reasonable efforts are not required under these circumstances. In addition, several States and Puerto Rico provide one or more additional grounds for not making reasonable efforts. The following are examples of these additional grounds:

- The parent abandoned the child (28 States and Puerto Rico).<sup>4</sup>
- The parent abandoned an infant (nine States).<sup>5</sup>
- The parent was convicted of murder or voluntary manslaughter of the child's other parent (12 States).<sup>6</sup>
- The child was removed from the home previously due to abuse or neglect and was removed again due to a subsequent incident of abuse or neglect (nine States and Puerto Rico).<sup>7</sup>
- The parent was convicted of a sexual offense that resulted in the child's conception (three States).<sup>8</sup>
- The parent failed to comply with the terms of a reunification plan (six States and Puerto Rico).<sup>9</sup>
- The parent has been incarcerated for a substantial term in relation to the child's age, and there is no suitable relative to care for the child (seven States).<sup>10</sup>
- The parent suffers from a mental illness of such duration or severity that there is little likelihood that the parent will be

<sup>4</sup> California, Connecticut, Delaware, Iowa, Maine, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and Puerto Rico.

<sup>5</sup> Arkansas, Hawaii, Indiana, Minnesota, Nevada, Oklahoma, Tennessee, Washington, and Wisconsin.

<sup>6</sup> Alabama, Alaska, Florida, Indiana, Maryland, Massachusetts, New Hampshire, New Mexico, Oregon, Virginia, Washington, and West Virginia.

<sup>7</sup> Alaska, Arizona, Arkansas, Florida, California, Kentucky, Nevada, South Dakota, Utah, and Puerto Rico.

<sup>8</sup> California, Connecticut, and Washington.

<sup>9</sup> Alaska, Florida, Kansas, Maine, Utah, Washington, and Puerto Rico.

<sup>10</sup> Alabama, Alaska, California, Kentucky, New York, North Dakota, and South Dakota.

able to resume care for the child within a reasonable time (six States and Puerto Rico).<sup>11</sup>

- The parent suffers from chronic abuse of drugs or alcohol and has refused or failed treatment (seven States and Puerto Rico).<sup>12</sup>
- The parent indicated a lack of interest in reunification with the child (two States and Puerto Rico).<sup>13</sup>

Other grounds found in one or two States include:

- A newborn infant tests positive for the presence of alcohol or a controlled substance (Florida).
- The parent withheld medical treatment or food from the child (Ohio).
- A putative father has failed to establish paternity of the child (Montana and Nevada).
- The parent allowed the child to be present where a clandestine illegal laboratory is operated (Utah).
- The parent is a convicted sexually violent predator (Washington).

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

<sup>11</sup> Alaska, Arizona, California, Kentucky, Maryland, Utah, and Puerto Rico.

<sup>12</sup> Alabama, California, Florida, Kentucky, North Dakota, Ohio, South Dakota, and Puerto Rico.

<sup>13</sup> Alabama, California, and Puerto Rico.

## Alabama

### What Are Reasonable Efforts

Citation: Ala. Code § 12-15-301(6)

"Reasonable efforts" are efforts made to preserve and reunify families prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from his or her home, and to make it possible for a child to return safely to his or her home.

In determining the reasonable efforts to be made with respect to a child, and in making these reasonable efforts, the health and safety of the child shall be the paramount concern.

### When Reasonable Efforts Are Required

Citation: Ala. Code § 12-15-312(b)

As used in this chapter, reasonable efforts refers to efforts made to preserve and reunify families prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from his or her home, and to make it possible for a child to return safely to his or her home. In determining the reasonable efforts to be made with respect to a child, and in making these reasonable efforts, the health and safety of the child shall be the paramount concern. If continuation of reasonable efforts is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan including, if appropriate, through an interstate placement, and to complete whatever steps are necessary to finalize a permanent plan for the child.

### When Reasonable Efforts Are NOT Required

Citation: Ala. Code § 12-15-312(c)

Reasonable efforts shall not be required to be made if the parental rights of the parent to a sibling have been involuntarily terminated or the parent has done any of the following:

- Subjected the child or a sibling to an aggravated circumstance that made the risk of abuse or neglect too high for the child to remain at home or return home. An aggravated circumstance includes, but is not limited to, rape, sodomy, incest, aggravated stalking, abandonment, torture, chronic abuse, or sexual abuse. An aggravated circumstance may also include any of the following:
  - » A child is allowed to use alcohol or illegal drugs to the point of abuse, neglect, or substantial risk of harm.
  - » Substance misuse or abuse, or both, by a parent interferes with the ability to keep the child safe, and the parent refuses to participate in or complete treatment or treatment has been unsuccessful.
  - » A parent demonstrates extreme disinterest in the child by either not complying with a case plan for more than 6 months or repeatedly leaving the child with someone who is unwilling or incapable of providing care, and the parent does not return for the child as promised.
  - » An infant or young child has been abandoned, the identity of the child is unknown, and the parent is unknown or unable to be located after a diligent search.
  - » The parent has an emotional or mental condition, and there is clearly no treatment that can improve or strengthen the condition enough to allow the child to remain at home safely or to return home safely.
  - » The parent is incarcerated and the child is deprived of a safe, stable, and permanent parent-child relationship.
- Committed murder or manslaughter of another child or the child's other parent
- Aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of another child or the child's other parent
- Committed a felony assault that resulted in serious bodily injury to the child, another child, or the child's other parent

## Alaska

### What Are Reasonable Efforts

Citation: Alaska Stat. § 47.10.086

The department's responsibilities include the duty to:

- Identify family support services that will assist the parent or guardian in remedying the conduct or conditions in the home that made the child a child in need of aid
- Actively offer the parent or guardian, and refer the parent or guardian to, those services
- Document its actions

### When Reasonable Efforts Are Required

Citation: Alaska Stat. § 47.10.086

The department shall make timely efforts to provide family support services to the child and parents that are designed to prevent out-of-home placement of the child or to enable the safe return of the child to the family home, when appropriate.

If the child cannot be returned home safely, the department shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan, and complete whatever steps are necessary to finalize the permanent placement of the child.

### When Reasonable Efforts Are NOT Required

Citation: Alaska Stat. § 47.10.086

The court may determine that reasonable efforts are not required if the court has found by clear and convincing evidence that:

- The parent has subjected the child to circumstances that pose a substantial risk of harm, including abandonment, sexual abuse, torture, chronic mental injury, or chronic physical harm.
- The parent has committed or attempted to commit murder of the other parent of the child, or has committed felony assault that results in serious physical injury.
- The parent has failed, during the preceding 12 months, to participate in family support services.
- The department cannot identify and locate the parent.
- The parent has a mental illness and will be unable to care for the child in the foreseeable future.
- The parent has a previous conviction for a crime involving a child and, after the conviction, the child was returned to the parent and later removed because of an additional substantiated report of physical or sexual abuse.
- A child has suffered substantial physical harm as the result of abuse or neglect by the parent or by a person known to the parent, and the parent knew or reasonably should have known that the person was abusing the child.
- Rights to another child have been previously terminated, and conditions in the home have not been remedied.
- The parent is incarcerated for a substantial period of time during the child's minority.

The department is not required to make reasonable efforts to return the child to his or her family home if the department took emergency custody of an infant under § 47.10.142 after the infant was abandoned safely within the meaning of § 47.10.013(c).

## American Samoa

### What Are Reasonable Efforts

This issue is not addressed in the statutes reviewed.

### When Reasonable Efforts Are Required

This issue is not addressed in the statutes reviewed.

### When Reasonable Efforts Are NOT Required

This issue is not addressed in the statutes reviewed.

## Arizona

### What Are Reasonable Efforts

Citation: Rev. Stat. § 8-801

The term "protective services" is defined as a specialized child welfare program that is administered by the department to investigate allegations and seek to prevent, intervene in, and treat abuse and neglect to promote the well-being of the child in a permanent home and to coordinate services to strengthen the family.

### When Reasonable Efforts Are Required

Citation: Rev. Stat. § 8-846

If the child has been removed from the home, the court shall order the protective services department to make reasonable efforts to provide services to the child and the child's family.

### When Reasonable Efforts Are NOT Required

Citation: Rev. Stat. § 8-846

Reunification services are not required if the court finds by clear and convincing evidence that one of the following aggravated circumstances exist:

- The parent cannot be identified or located.
- The parent suffers from a mental illness that will likely prevent the parent from resuming care of the child within 12 months.
- The child previously was removed and adjudicated dependent due to physical or sexual abuse. After the adjudication the child was returned to the custody of the parent and then subsequently removed within 18 months due to additional physical or sexual abuse.
- The child has suffered severe physical or emotional injury by the parent or a person known to the parent.
- A child was removed from the parent on at least two previous occasions, reunification services were offered or provided after the removal, and the parent is unable to discharge parental responsibilities.
- The parent's rights to another child were terminated, and the conditions that led to the termination were not remedied.
- The parent was convicted of murder, manslaughter, sexual abuse, sexual assault, molestation, or sexual exploitation of a child, or aiding or abetting any such crimes.

The court shall consider any criminal prosecution relating to the offenses that led to the child's removal from the home and any orders of the criminal court. Information may be provided by law enforcement or the county attorney.

If a dependency petition was filed pursuant to § 8-874(J), the court may direct the division not to provide reunification services to the child's parents unless the court finds by clear and convincing evidence that these services would be in the child's best interests.

## Arkansas

### What Are Reasonable Efforts

Citation: Ann. Code § 9-27-303

Reasonable efforts are measures taken to preserve the family and can include reasonable care and diligence on the part of the department or agency to utilize all available services related to meeting the needs of the juvenile and the family.

### When Reasonable Efforts Are Required

Citation: Ann. Code § 9-27-303

Reasonable efforts shall be made:

- Prior to the placement of a child in foster care to prevent the need for removing the child from the child's home
- To reunify a family after a child has been placed out of the home to make it possible for the child to return home safely
- To obtain permanency for a child who has been in placement more than 12 months, or 15 of the previous 22 months

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Code § 9-27-303

Reasonable efforts to reunite a child with his or her parent or parents shall not be required in all cases. Reunification shall not be required if a court finds by clear and convincing evidence that the parent has:

- Subjected the child to aggravated circumstances that may include:
  - » A child has been abandoned, chronically abused, subjected to extreme or repeated cruelty, or sexually abused, or a determination has been made by a judge that there is little likelihood that services to the family will result in successful reunification.
  - » A child has been removed from the custody of the parent or guardian and placed in foster care or in the custody of another person three or more times in the past 15 months.
- Committed or attempted to commit murder or manslaughter of any child
- Committed felony battery to any child that results in serious bodily injury
- Had parental rights terminated to a sibling of the child
- Abandoned an infant

#### California

##### What Are Reasonable Efforts

Citation: Welf. & Inst. Code § 361.5

The term "reunification services" includes:

- Child welfare services
- Court-ordered counseling and other treatment services for the reunification of the child with the child's family

##### When Reasonable Efforts Are Required

Citation: Welf. & Inst. Code § 361.5

Family reunification services are required when a child is removed from a parent's or guardian's custody and shall be provided as follows:

- For a child age 3 or older, services may not be offered for longer than a period of 12 months from the date the child entered foster care.
- For a child under age 3, services may not be offered for longer than a period of 6 months from the date the child entered foster care.

For the purpose of placing and maintaining a sibling group together in a permanent home if reunification efforts fail, for a child in a sibling group that was removed from the physical custody of his or her parent or guardian and in which one member of that group was under age 3 on the date of initial removal, court-ordered services to some or all of the sibling group may be limited to a period of 6 months from the date the child entered foster care. For the purposes of this paragraph, a sibling group is two or more children who are related to each other as full or half siblings.

#### When Reasonable Efforts Are NOT Required

Citation: Well. & Inst. Code § 361.5

Reunification services need not be provided when the court finds by clear and convincing evidence any of the following:

- The whereabouts of the parent are unknown.
- The parent has a mental disability that makes him or her incapable of utilizing services.
- There is a prior adjudication of physical or sexual abuse of a child, and after the child was returned home, the child has been removed due to additional physical or sexual abuse.
- The parent caused the death of another child through abuse or neglect.
- The parent has inflicted severe physical or sexual abuse on the child or a sibling, and the court finds that it would not benefit the child to pursue reunification with the offending parent.
- The parent is not receiving reunification services for a sibling of the child.
- The child was conceived as a result of a sexual offense.
- The parent has willfully abandoned the child.
- The parent's rights to another child have been terminated, and conditions that led to the termination have not been remedied.
- The parent has been convicted of a violent felony.
- The parent has a history of chronic use of drugs or alcohol and refused to comply with a treatment program.
- The parent has indicated a lack of interest in reunification services.
- The parent has on one or more occasions abducted the child or a sibling from his or her placement.

#### Colorado

##### What Are Reasonable Efforts

Citation: Rev. Stat. § 19-1-103(89)

The term "reasonable efforts" means the exercise of diligence and care for children who are in out-of-home placement or are at imminent risk of out-of-home placement. The term includes supportive and rehabilitative services that are required to prevent unnecessary placement of a child outside of a child's home or to foster the safe reunification of a child with a child's family, as described in § 19-3-208.

##### When Reasonable Efforts Are Required

Citation: Rev. Stat. § 19-1-115

Reasonable efforts must be made:

- To prevent or eliminate the need to remove the child from the home
- To reunite the child and the family if legal custody has been awarded to the department.

##### When Reasonable Efforts Are NOT Required

Citation: Rev. Stat. § 19-1-115

Reasonable efforts are not required to prevent the child's removal from the home or to reunify the child and the family in the following circumstances:

- The court finds that the parent has subjected the child to aggravated circumstances to such an extent that grounds exist for termination of the parent's parental rights, as described in § 19-3-604(1).
- The parental rights of the parent with respect to a sibling of the child have been involuntarily terminated, unless the prior sibling termination resulted from a parent delivering a child to a firefighter or a hospital staff member pursuant to § 19-3-304.5.
- The court finds that the parent has been convicted of murder or voluntary manslaughter of another child of the parent; aiding, abetting, or attempting to commit such crimes; or a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

## Connecticut

### What Are Reasonable Efforts

Citation: Gen. Stat. § 46B-129

Reasonable efforts are services to be provided to the parents and steps the parents may take to address the problems that prevent the child from safely reuniting with the parents.

### When Reasonable Efforts Are Required

Citation: Gen. Stat. § 46B-129

The department must make reasonable efforts to keep the child or youth with his or her parents prior to the issuance of an order to remove the child from the home. If the child is removed from the home, reasonable efforts must be made to achieve the goals of the permanency plan.

### When Reasonable Efforts Are NOT Required

Citation: Gen. Stat. § 17a-111b

The court, upon clear and convincing evidence, may determine that reasonable efforts are not required if:

- The parent has subjected the child to aggravated circumstances.
- The child has been abandoned.
- The parent has inflicted or knowingly allowed another person to inflict sexual molestation or exploitation or severe physical abuse or engaged in a pattern of abuse of the child.
- The parent has killed, through a deliberate, nonaccidental act, another child of the parent or a sibling of the child, or has requested, commanded, importuned, attempted, conspired, or solicited to commit or knowingly allowed another person to commit the killing of the child, another child of the parent, or sibling of the child, or has committed or knowingly permitted another person to commit an assault, through a deliberate, nonaccidental act, that resulted in serious bodily injury of the child, another child of the parent, or a sibling of the child.
- The parent's parental rights to a sibling have been involuntarily terminated within the past 3 years.
- The parent was convicted of sexual assault resulting in the conception of the child.

## Delaware

### What Are Reasonable Efforts

Citation: Ann. Code Tit. 29, § 9003

The Division of Family Services will provide family preservation services.

The division must prepare and maintain a written case plan for each child under its supervision or custody that shall include, but not be limited to, a description of the child's problems, the care and treatment of the child, and any other services to be provided to the child and the child's family.

### When Reasonable Efforts Are Required

Citation: Ann. Code Tit. 29, § 9003

The division will provide family preservation services to those families whose children are at imminent risk of out-of-home placement when it is determined that out-of-home placement can be avoided.

Each case plan must be designed to achieve any placement of the child outside of the child's home in the least restrictive setting available and in close proximity to the child's home, consistent with the best interests and special needs of the child.

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Code Tit. 13, § 1103

The division is not required to perform, but is not prohibited from performing, reunification and related services, as outlined in Title 29, § 9003, when the grounds for termination of parental rights are those stated below:

- The child has been abandoned.
- The parent has been found by a court of competent jurisdiction to have:
  - » Committed a felony-level offense against a child
  - » Aided or abetted, attempted, conspired, or solicited to commit an offense listed above
  - » Committed or attempted to commit the offense of Dealing in Children
  - » Committed the felony-level offense of endangering the welfare of a child
- The parent's parental rights over a sibling of the child have been involuntarily terminated in a prior proceeding.
- The parent has subjected the child to torture, chronic abuse, sexual abuse, and/or life-threatening abuse.
- A child has suffered unexplained serious physical injury, death, or near death under circumstances that would indicate that the injuries resulted from the intentional or reckless conduct or willful neglect of the parent.

#### District of Columbia

##### What Are Reasonable Efforts

Citation: Ann. Code § 4-1301.02

Family preservation services are services for children and families that are at risk of abuse or neglect, or in crisis, and include:

- Services designed to help children return to families from which they have been removed, or be placed for adoption, when safe and appropriate, or with a legal guardian, or, if adoption or legal guardianship is determined not to be safe and appropriate for the child, in another permanent living arrangement
- Replacement prevention services
- Services that provide follow-up care to families to whom a child has returned after commitment
- Respite care services
- Services designed to improve parenting skills and abilities

Family support services promote the safety and well-being of children and families, are community-based, and are designed to:

- Increase family strength and stability
- Increase parent confidence and competence
- Afford children safe, stable, and supportive family environments
- Enhance child development

##### When Reasonable Efforts Are Required

Citation: Ann. Code § 4-1301.09a

The agency shall make reasonable efforts to preserve and reunify the family:

- Prior to the removal of the child from the home to prevent or eliminate the need for removing the child
- To make it possible for the child to return home safely
- To place the child in accordance with that plan in order to finalize a permanent placement if return home is inconsistent with the child's permanency plan

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Code § 4-1301.09a

Reasonable efforts to reunify are not required if the parent:

- Subjected the child, a sibling, or other child to cruelty, abandonment, torture, chronic abuse, or sexual abuse
- Committed, aided, abetted, solicited, or attempted to commit murder or voluntary manslaughter of a sibling or other child
- Committed a felony assault against the child, a sibling, or other child
- Had his or her parental rights terminated involuntarily with respect to a sibling

#### Florida

##### What Are Reasonable Efforts

Citation: Ann. Stat. § 39.521(1)(f)

The term "reasonable efforts" means the exercise of reasonable diligence and care by the department to provide the services ordered by the court or delineated in the case plan.

##### When Reasonable Efforts Are Required

Citation: Ann. Stat. § 39.521(1)(f)

If the court finds that the prevention or reunification efforts by the department will allow the child to remain safely at home or be returned to the home safely, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, well-being, and physical, mental, and emotional health will not be endangered.

If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot remain at home safely with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child is removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department made a reasonable effort to reunify the parent and child. The department has the burden of demonstrating that it made reasonable efforts.

The court shall determine whether reasonable efforts have been made by reviewing:

- Whether or not prevention or reunification services were indicated
- A written description of what appropriate and available prevention and reunification efforts were made
- Why further efforts could or could not have prevented or shortened the separation of the parent and child

A reasonable effort has been made if the appraisal of the home situation indicates the severity of conditions is such that reunification efforts were inappropriate.

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. §§ 39.521(1)(f); 39.806(1)

Reasonable efforts to preserve and reunify a family are not required if a court has determined that any of the events described below have occurred:

- A child has been adjudicated dependent, a case plan has been filed with the court, and:
  - » The child continues to be abused, neglected, or abandoned by the parent(s).
  - » The parent(s) have materially breached the case plan.
- The parent(s) engaged in egregious conduct or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct that threatened the life, safety, or physical, mental, or emotional health of the child or the child's sibling.
- The parent(s) have subjected the child or another child to aggravated child abuse, sexual battery, sexual abuse, or chronic abuse.
- The parent(s) have committed the murder, manslaughter, aiding or abetting the murder, or conspiracy or solicitation to murder the other parent or another child, or a felony battery that resulted in serious bodily injury to the child or to another child.
- The parental rights of the parent to a sibling of the child have been terminated involuntarily.
- The parent(s) have a history of extensive, abusive, and chronic use of alcohol or a controlled substance that renders them incapable of caring for the child and have refused or failed to complete available treatment.
- A newborn child had a positive test that indicated the presence of alcohol or a controlled substance, the presence of which was not the result of medical treatment administered to the mother or the newborn infant, and the mother is the birth mother of at least one other child who was adjudicated dependent after a finding of exposure to a controlled substance or alcohol.
- On three or more occasions the child or another child of the parent(s) has been placed in out-of-home care, and the conditions that led to the child's out-of-home placement were caused by the parent(s).

#### Georgia

##### What Are Reasonable Efforts

Citation: Ann. Code § 15-11-58

Reasonable efforts are measures taken by the Division of Family and Children Services of the Department of Human Services and other appropriate agencies to preserve and reunify families.

##### When Reasonable Efforts Are Required

Citation: Ann. Code § 15-11-58

Reasonable efforts shall be made to preserve and reunify families:

- Prior to placement of a child in the custody of the department to prevent or eliminate the need for removing the child from the child's home
- To make it possible for a child to return safely to the child's home

If continuation of reasonable efforts of the type described above is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Code § 15-11-58

Reasonable efforts are not required when a court determines that:

- The parent has subjected the child to aggravated circumstances that may include abandonment, torture, chronic abuse, and sexual abuse.
- The parent has committed or attempted to commit murder or voluntary manslaughter of another child of the parent.
- The parent has committed a felony assault that resulted in serious bodily injury to the child or another child of the parent.
- The parent's parental rights to a sibling have been terminated involuntarily.

#### Guam

##### What Are Reasonable Efforts

Citation: Ann. Code Tit. 19, § 13304

A service plan is a specific written plan prepared by Child Protective Services and presented to members of the child's family. The service plan should also include but not necessarily be limited to the specific services or treatment that the parties will be provided and the specific actions the parties must take or specific responsibilities that the parties must assume.

##### When Reasonable Efforts Are Required

Citation: Ann. Code Tit. 19, § 13304

The service plan should set forth:

- The steps that will be necessary to facilitate the return of the child to a safe family home if the proposed placement of the child is in foster care or in alternate placement outside of the child's home
- The steps that will be necessary for the child to remain in a safe family home with the assistance of a service plan, if the proposed placement of the child is in a family home under Child Protective Services' supervision
- The steps that will be necessary to make the family home a safe family home and to terminate intervention of Child Protective Services into the family and eliminate, if possible, the necessity for the filing of a petition with the court under this chapter

##### When Reasonable Efforts Are NOT Required

This issue is not addressed in the statutes reviewed.

#### Hawaii

##### What Are Reasonable Efforts

Citation: Rev. Stat. § 587-26

A service plan is a specific written plan that sets forth the steps that will be necessary to make the family home safe and to terminate the agency's intervention into the family.

The service plan should include steps that are structured and balance the priority, intensity, and quantity of services needed with the family's ability to benefit from those services.

#### When Reasonable Efforts Are Required

Citation: Rev. Stat. § 587-26

The service plan should include the steps that will be necessary:

- To facilitate the return of the child to a safe family home if the proposed placement of the child is in foster care
- To allow the child to remain in a safe family home with the assistance of a service plan if the proposed placement of the child is in a family home under family supervision
- To make the family home safe and to terminate the agency's intervention into the family and eliminate, if possible, the necessity for the filing of a petition with the court under this chapter

#### When Reasonable Efforts Are NOT Required

Citation: Rev. Stat. §§ 587-2; 587-71

The court need not order a service plan if the court finds that aggravated circumstances are present. The term "aggravated circumstances" means that:

- The parent has committed, aided, attempted, or conspired to commit murder or voluntary manslaughter of another child of the parent.
- The parent has committed a felony assault that results in serious bodily injury to the child or another child of the parent.
- The parent's parental rights to a sibling have been judicially terminated.
- The parent has tortured the child.
- The child is an abandoned infant.
- A court previously has determined, under § 587-73, in a finding regarding a sibling of the child, that the parent is not willing and able to provide a safe family home.

### Idaho

#### What Are Reasonable Efforts

This issue is not addressed in the statutes reviewed.

#### When Reasonable Efforts Are Required

Citation: Idaho Code §§ 16-1615; 16-1621

Reasonable efforts must be made prior to the placement of the child in care to prevent the removal of the child from his or her home. Efforts to prevent placement are not required if the parent(s) subjected the child to aggravated circumstances.

If the child is removed from his or her home, reasonable efforts must be made to make it possible for the child to return home. The case plan may include concurrent efforts to place the child for adoption, with a legal guardian, or in another approved permanent placement. Whenever possible, the child's connections to the community, including individuals with a significant relationship to the child, religious organizations, and community activities, will be maintained.

#### When Reasonable Efforts Are NOT Required

Citation: Idaho Code § 1619(b)(d)

Reasonable efforts are not required if the parent has subjected the child to aggravated circumstances as determined by the court, including but not limited to:

- The parent has subjected the child to abandonment, torture, chronic abuse, or sexual abuse.
- The parent has committed murder or voluntary manslaughter of another child or aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter.
- The parent committed a battery that results in serious bodily injury to a child.
- The parental rights of the parent to a sibling of the child have been terminated involuntarily.

## Illinois

### What Are Reasonable Efforts

Citation: Cons. Stat. Ch. 325, § 5/8.2

The term "family preservation services" refers to all services to help families, including adoptive and extended families, and may include, but is not limited to, homemakers, counseling, family therapy, group therapy, self-help groups, drug and alcohol abuse counseling, vocational counseling, and postadoptive services.

### When Reasonable Efforts Are Required

Citation: Cons. Stat. Ch. 20, § 505/5

The department shall offer family preservation services to help families, including adoptive and extended families. Such services shall be offered:

- To prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare
- To reunite children with their families
- To maintain an adoptive placement

Family preservation services shall only be offered when doing so will not endanger a child's health or safety. The child and his or her family shall be eligible for services as soon as the report of suspected child abuse or neglect is determined to be indicated. The department may also provide services to any child or family when the report of suspected abuse or neglect is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary.

When a child is placed in foster care, the department shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The department must make reasonable efforts to reunify the family when temporary placement of the child occurs unless otherwise required.

### When Reasonable Efforts Are NOT Required

Citation: Cons. Stat. Ch. 20, § 505/5; Ch. 705, § 405/2-13.1

When the department believes that further reunification services would be ineffective, it may request a finding from the court that reasonable efforts are no longer appropriate. The court shall grant this motion with respect to a parent of the minor if the court finds after a hearing that the parent has:

- Had his or her parental rights to another child involuntarily terminated
- Been convicted of:
  - » First degree or second degree murder of another child of the parent
  - » Attempt, conspiracy, or solicitation to commit first degree or second degree murder of another child of the parent
  - » Aggravated battery, aggravated battery of a child, or felony domestic battery, any of which has resulted in serious bodily injury to the minor or another child of the parent
  - » An offense in any other State substantially similar to any of the above offenses

The department is not required to provide further reunification services after such a finding.

## Indiana

### What Are Reasonable Efforts

Citation: Ann. Code § 31-34-21-5.5

The term "reasonable efforts" refers to measures taken to provide services to preserve and reunify families.

#### When Reasonable Efforts Are Required

Citation: Ann. Code § 31-34-21-5.5

The department shall make reasonable efforts to preserve and reunify families as follows:

- If the child has not been removed from the home, to prevent or eliminate the need for removing the child
- If the child has been removed from the home, to make it possible for the child to return safely home as soon as possible

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Code § 31-34-21-5.6

Reasonable efforts to reunite a child with his or her family or to preserve a family are not required when the court finds any of the following:

- A parent has been convicted of causing a suicide, involuntary manslaughter, rape, criminal deviate conduct, child molesting, or exploitation of a victim who is the parent's child or the child's other parent.
- A parent has been convicted of murder or voluntary manslaughter of a victim who is the parent's child or the child's other parent.
- A parent has been convicted of attempting, aiding, or conspiring to commit any of the above crimes.
- A parent has been convicted of battery, aggravated battery, criminal recklessness, or neglect against a child.
- The parental rights of a parent with respect to a sibling have been involuntarily terminated.
- The child is an abandoned infant.

#### Iowa

##### What Are Reasonable Efforts

Citation: Ann. Stat. § 232.102

The term "reasonable efforts" refers to efforts made to preserve and unify a family.

Reasonable efforts may include, but are not limited to, family-centered services if the child's safety in the home can be maintained during the time the services are provided.

The term "family-centered services" means services and other support intended to maintain a child safely with the child's family or with a relative, to return a child, safely and in a timely manner, to the home of the child's parent or relative, or to promote achievement of concurrent planning goals by identifying and helping the child secure placement for adoption, with a guardian, or with other alternative permanent family connections. Family-centered services are adapted to the individual needs of a family in regard to the specific services and other support provided to the child's family and the intensity and duration of service delivery. Family-centered services are intended to preserve a child's connections to the child's neighborhood, community, and family and to improve the overall capacity of the child's family to provide for the needs of the children in the family.

##### When Reasonable Efforts Are Required

Citation: Ann. Stat. § 232.102

Reasonable efforts are required:

- Prior to out-of-home placement of a child in foster care to eliminate the need for removal of the child
- To make it possible for the child to return safely to the family's home

If returning the child to the family's home is not appropriate or possible, reasonable efforts shall include the efforts made in a timely manner to finalize a permanency plan for the child.

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. § 232.102

If the court determines by clear and convincing evidence that aggravated circumstances exist, the court may waive the requirement for making reasonable efforts. Aggravated circumstances include:

- The parent has abandoned the child.
- The court finds the child in need of assistance based on a finding of physical or sexual abuse or neglect.
- The parent's parental rights to another child have been terminated and there is clear and convincing evidence that services likely will not, within a reasonable time, correct the conditions that led to the child's removal from the home.
- The parent has been convicted of murder or voluntary manslaughter of another child or the attempt to commit either crime.
- The parent has been convicted of a felony assault that resulted in serious bodily injury to the child or another child of the parent.

#### Kansas

##### What Are Reasonable Efforts

Citation: Ann. Stat. § 38-2255

The court may place the child in the custody of either parent subject to terms and conditions that the court prescribes to assure the proper care and protection of the child that include but are not limited to:

- Supervision of the child and the parent by a court services officer
- Participation by the child and the parent in available programs operated by an appropriate individual or agency
- Any special treatment or care the child needs for his or her physical, mental, or emotional health and safety

##### When Reasonable Efforts Are Required

Citation: Ann. Stat. § 38-2255

The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that:

- The child is likely to sustain harm if not immediately removed from the home.
- Allowing the child to remain in home is contrary to his or her welfare.
- Immediate placement of the child is in his or her best interests, and reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home.
- An emergency exists that threatens the safety of the child.

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. § 38-2255

If custody of the child has been awarded to a person other than a parent, a permanency plan shall be prepared. If a permanency plan is provided at the dispositional hearing, the court may determine whether reintegration is a viable alternative. In determining whether reintegration is a viable alternative, the court shall consider whether:

- The parent has been found by a court to have committed one of the following crimes or to have aided and abetted, attempted, conspired, or solicited the commission of one of these crimes:
  - » First- or second-degree murder
  - » Capital murder
  - » Voluntary manslaughter
  - » Felony battery that resulted in bodily injury
- The parent has subjected the child or another child to aggravated circumstances.
- The parent has previously been found to be an unfit parent.
- The child has been in extended out-of-home placement.
- The parents have failed to work diligently toward reintegration.
- The secretary has provided the family with services necessary for the safe return of the child to the home.
- It is reasonable to expect reintegration to occur within a timeframe consistent with the child's developmental needs.

#### Kentucky

##### What Are Reasonable Efforts

Citation: Rev. Stat. § 620.020

The term "reasonable efforts" means the exercise of ordinary diligence and care by the department to utilize all preventive and reunification services that are available to the community and necessary to enable the child to live safely at home.

##### When Reasonable Efforts Are Required

Citation: Rev. Stat. § 620.020

Reunification services are remedial services that are designed to:

- Strengthen the family unit
- Secure reunification of the family and child, where appropriate, as quickly as practicable
- Prevent the future removal of the child from the family

#### When Reasonable Efforts Are NOT Required

Citation: Rev. Stat. §§ 610.127; 600.020

Reasonable efforts shall not be required if a court determines that:

- The parent has subjected the child to aggravated circumstances, including any of the following:
  - » The parent has not had contact with the child for more than 90 days.
  - » The parent is incarcerated for at least 1 year, will be unavailable to care for the child, and there is no appropriate relative to care for the child.
  - » The parent has sexually abused the child and refused available treatment.
  - » The parent has engaged in abuse of the child that required removal two or more times in the last 2 years.
  - » The parent has caused the child serious physical injury.
- The parent has been convicted of having caused the death of another child of the parent.
- The parent has committed a felony assault that resulted in serious bodily injury to the child or another child of the parent.
- The parent has engaged in a pattern of conduct due to alcohol or drug abuse that has rendered the parent incapable of caring for the immediate and ongoing needs of the child, and has refused or failed to complete a treatment plan.
- The parent has a mental illness or retardation that places the child at substantial risk of harm even if services were provided to the parent for 12 months.
- Other circumstances make reasonable efforts inconsistent with the best interests of the child and the permanency plan for the child.

#### Louisiana

##### What Are Reasonable Efforts

Citation: Ch. Code Art. 603(23)

The term "reasonable efforts" means the exercise of ordinary diligence and care by department caseworkers and supervisors and shall assume the availability of a reasonable program of services to children and their families.

##### When Reasonable Efforts Are Required

Citation: Ch. Code Art. 626; 684

The court shall determine whether the department has made reasonable efforts to prevent or eliminate the need for removal of the child from his or her home and, after removal, to make it possible for the child to return home safely.

When the child is to be removed from his or her parents' custody, the court shall determine whether reasonable efforts have been made to prevent removal and what preventive or reunification efforts, or both, were made, and why further efforts could or could not have prevented or shortened the separation of the family.

#### When Reasonable Efforts Are NOT Required

Citation: Ch. Code Art. 672.1

At any time in a child in need of care proceeding when a child is in the custody of the department, the department may file a motion for a judicial determination that efforts to reunify the parent and child are not required. The department shall have the burden of demonstrating by clear and convincing evidence that reunification efforts are not required, considering the health and safety of the child and the child's need for permanency.

Efforts to reunify the parent and child are not required if a court has determined that:

- The parent has subjected the child to egregious conduct or conditions, including any of the grounds for termination of parental rights pursuant to Article 1015.
- The parent has committed or attempted to commit murder or manslaughter of another child of the parent or has aided or abetted, attempted, conspired, or solicited to commit such a murder or manslaughter.
- The parent has committed a felony that resulted in serious bodily injury to the child or another child of the parent.
- The parent's parental rights to a sibling have been terminated involuntarily.

#### Maine

##### What Are Reasonable Efforts

Citation: Ann. Stat. Tit. 22, § 4041(1-A)

The department shall develop a written rehabilitation plan that includes:

- Services that must be provided to address the problems in the family that present a risk of harm to the child
- Provisions to ensure the safety of the child while the parent engages in those services
- A means to measure the extent to which progress has been made
- Visitation that protects the child's physical and emotional well-being

##### When Reasonable Efforts Are Required

Citation: Ann. Stat. Tit. 22, § 4036-B

The department shall make reasonable efforts to:

- Prevent removal of the child from home, unless the court finds the presence of an aggravating factor
- Rehabilitate and reunify the family, as provided in § 4041(1-A), unless the court has ordered that the department need not commence or may cease reunification
- Finalize the permanency plan

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. Tit. 22, §§ 4041(A-2); 4002(1-B)

The court may order that reunification efforts are not required if it finds one of the following:

- The existence of an aggravating factor
- That continuation of reunification efforts is inconsistent with the permanency plan for the child

An aggravating factor includes any of the following circumstances with regard to the parent:

- The parent has subjected a child for whom the parent was responsible to rape, gross sexual misconduct, gross sexual assault, sexual abuse, incest, aggravated assault, kidnapping, promotion of prostitution, abandonment, torture, chronic abuse or any other treatment that is heinous or abhorrent to society.
- The parent refused for 6 months to comply with treatment required in a reunification plan with regard to the child.
- The parent has been convicted of any of the following crimes and the victim of the crime was a child for whom the parent was responsible or was a child who was a member of a household lived in or frequented by the parent:
  - » Murder, felony murder, or manslaughter
  - » Aiding, conspiring, or soliciting murder or manslaughter
  - » Felony assault that results in serious bodily injury
  - » Any comparable crime in another jurisdiction
- The parental rights of the parent to a sibling have been terminated involuntarily.
- The parent has abandoned the child.

#### Maryland

##### What Are Reasonable Efforts

Citation: Family Law § 5-525(c)

The department shall provide time-limited family reunification services to a child placed in an out-of-home placement and to the parent or guardian of the child, in order to facilitate the child's safe and appropriate reunification in a timely manner.

##### When Reasonable Efforts Are Required

Citation: Family Law § 5-525(e)

Reasonable efforts shall be provided to preserve or reunify a family:

- Prior to an out-of-home placement to prevent or eliminate the need for removing the child from home
- To make it possible for a child to return home safely
- To finalize a permanent placement for the child if continuation of reasonable efforts is determined to be inconsistent with the permanency plan

##### When Reasonable Efforts Are NOT Required

Citation: Courts & Jud. Proc. § 3-812(b)

A local department may ask the court to find that reasonable efforts to reunify a child with his or her parent or guardian are not required if the local department concludes that a parent or guardian has:

- Subjected the child to chronic abuse, chronic and life-threatening neglect, sexual abuse, or torture
- Been convicted, in any State or court of the United States, of a crime of violence against the child, a minor offspring, or another parent or guardian of the child
- Been convicted of aiding or abetting, conspiring, or soliciting to commit a crime described above
- Involuntarily lost parental rights of a sibling of a child

## Massachusetts

### What Are Reasonable Efforts

Citation: Ann. Laws Ch. 119, § 29C

The court shall determine the reasonable efforts to be made, consistent with the best interests of the child.

### When Reasonable Efforts Are Required

Citation: Ann. Laws Ch. 119, § 29C

Reasonable efforts shall be made:

- Prior to placement to prevent or eliminate the need for removal from the home
- To make it possible for a child to return safely to his or her parent or guardian
- To place the child, in a timely manner, in accordance with the permanency plan if reasonable efforts to reunify the child with his or her parent or guardian are inconsistent with the permanency plan

### When Reasonable Efforts Are NOT Required

Citation: Ann. Laws Ch. 119, § 29C

Reasonable efforts shall not be required if the court finds:

- The child has been abandoned.
- The parent's rights to another child have been involuntarily terminated.
- The parent has been convicted of murder or voluntary manslaughter of another child of the parent or aiding or abetting in the commission of such crime.
- The parent has been convicted of a felony assault resulting in serious bodily injury of the child or another child of the parent.
- The parent has subjected the child to aggravated circumstances that may include murder of another parent of the child in the presence of the child, subjecting the child or other children in the home to sexual abuse or exploitation, or severe or repetitive conduct of a physically or emotionally abusive nature.

## Michigan

### What Are Reasonable Efforts

Citation: Comp. Laws § 712A.18f

Reasonable efforts are measures taken to preserve and reunify the family and may include:

- Efforts to be made by the parents
- Efforts to be made by the agency
- A schedule of services to be provided, including in-home services
- A schedule of parenting time between the child and the parent, if appropriate

### When Reasonable Efforts Are Required

Citation: Comp. Laws § 712A.18f

Reasonable efforts must be made:

- To prevent the child's removal from his or her home
- To rectify conditions that caused removal of the child from his or her home

#### When Reasonable Efforts Are NOT Required

Citation: Comp. Laws §§ 712A.19a; 722.638

Reasonable efforts to reunify the child and family must be made in all cases, except when any of the following apply:  
in § 722.638, including:

- There is a judicial determination that the parent has subjected the child to aggravated circumstances, as provided in § 722.638, including:
  - Abandonment of a young child
  - Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate
  - Battering, torture, or other severe physical abuse
  - Loss or serious impairment of an organ or limb
  - Life-threatening injury
- The parent has been convicted of one or more of the following:
  - Murder of another child of the parent
  - Voluntary manslaughter of another child of the parent
  - Aiding or abetting in the murder or voluntary manslaughter of another child of the parent, the attempted murder of the child or another child of the parent, or the conspiracy or solicitation to commit the murder of the child or another child of the parent
  - A felony assault that results in serious bodily injury to the child or another child of the parent
- The parent has had rights to the child's siblings involuntarily terminated.

#### Minnesota

##### What Are Reasonable Efforts

Citation: Ann. Stat. § 260.012

Reasonable efforts are made upon the exercise of due diligence by the responsible social services agency to use culturally appropriate and available services to meet the needs of the child and the child's family. Services may include those provided by the responsible social services agency and other culturally appropriate services available in the community.

When determining whether reasonable efforts have been made, the court shall consider whether services to the child and family were:

- Relevant to the safety and protection of the child
- Adequate to meet the needs of the child and family
- Culturally appropriate
- Available and accessible
- Consistent and timely
- Realistic under the circumstances

In the case of an Indian child, the responsible social services agency must provide active efforts, as required by the Indian Child Welfare Act of 1978.

##### When Reasonable Efforts Are Required

Citation: Ann. Stat. § 260.012

The social services agency has the burden of demonstrating that:

- It has made reasonable efforts to prevent placement of the child in foster care.
- It has made reasonable efforts to eliminate the need for removal of the child from the child's home and to reunify the child with the child's family at the earliest possible time.
- It has made reasonable efforts to finalize an alternative permanent home for the child, and it has considered permanent alternative homes for the child inside or outside of the State.
- Reasonable efforts to prevent placement and to reunify the child with the parent or guardian are not required.

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. § 260.012

Reasonable efforts are not required when:

- A parent has subjected the child to egregious harm.
- The parent's parental rights to another child have been terminated involuntarily.
- The child is an abandoned infant.
- The parent's custodial rights have been involuntarily transferred to another relative.
- A determination has been made that additional reasonable efforts would be futile and unreasonable under the circumstances.
- The parent has been convicted of murder, manslaughter, assault, or assault with substantial bodily injury, or an attempt or conspiracy to commit any of these crimes, and the victim was another child of the parent.
- The parent has been convicted of assault or assault with substantial bodily injury, and the victim was the surviving child.

#### Mississippi

##### What Are Reasonable Efforts

Citation: Ann. Code § 43-51-3

Family preservation services are services designed to help families alleviate risks or crises that might lead to out-of-home placement of children. The services may include procedures to maintain the safety of children in their own homes, support to families preparing to reunify or adopt and assistance to families in obtaining services and other sources of support necessary to address their multiple needs in a culturally sensitive environment.

Family support services are preventive community-based activities designed to alleviate stress and to promote parental competencies and behaviors that will increase the ability of families to successfully nurture their children and will enable families to use other resources and opportunities available in the community. These services may include supportive networks designed to enhance child-rearing abilities of parents and to help compensate for the increased social isolation and vulnerability of families. Examples of these services and activities include:

- Respite care for parents and other caregivers
- Early developmental screening of children to assess their needs and assistance in obtaining specific services to meet their needs
- Mentoring, tutoring, and health education for youth
- A range of center-based activities, such as informal interactions in drop-in centers and parent support groups, and home visiting programs

##### When Reasonable Efforts Are Required

Citation: Ann. Code § 43-21-609

If the child has not been taken into care previously, the court shall determine:

- Reasonable efforts have been made to maintain the child within his or her own home unless the circumstances warrant his or her removal, and there is no reasonable alternative to custody.
- The circumstances are of such an urgent nature that no reasonable efforts have been made to maintain the child within his or her own home, and there is no reasonable alternative to custody.

If the court finds that the child should be taken into care, the court shall order that reasonable efforts be made toward the reunification of the child with his or her family.

If the child has been taken into care before the disposition hearing, the court shall determine whether reasonable efforts were made by the Department of Human Services to finalize the child's permanency plan that was in effect on the date of the disposition hearing.

### When Reasonable Efforts Are NOT Required

Citation: Ann. Code § 43-21-603(7)

Reasonable efforts to maintain the child within his or her home shall not be required if the court determines that:

- The parent has subjected the child to aggravated circumstances, including, but not limited to, abandonment, torture, chronic abuse, and sexual abuse.
- The parent has been convicted of murder or voluntary manslaughter of another child of that parent, aiding, abetting, attempting, conspiring, or soliciting to commit that murder or voluntary manslaughter, or a felony assault that results in the serious bodily injury to the surviving child or another child of that parent.
- The parental rights of the parent to a sibling have been terminated involuntarily.
- Continuation of the child's residence within his or her own home would be contrary to the welfare of the child, and placement of the child in foster care is in the best interests of the child.

### Missouri

#### What Are Reasonable Efforts

Citation: Ann. Stat. § 211.183

The term "reasonable efforts" means the exercise of reasonable diligence and care by the division to utilize all available services related to meeting the needs of the juvenile and the family.

#### When Reasonable Efforts Are Required

Citation: Ann. Stat. § 211.183

Reasonable efforts must be made:

- To prevent or eliminate the need for the removal of the child
- After removal, to make it possible for the child to return home

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. § 211.183

The division shall not be required to make reasonable efforts, but it has the discretion to make reasonable efforts if the court has determined that:

- The parent has subjected the child to severe or recurrent acts of physical, emotional, or sexual abuse, including an act of incest.
- The parent has committed murder or voluntary manslaughter of another child of the parent, or aided, abetted, or attempted such act.
- The parent has committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.
- The parent's parental rights to a sibling have been terminated involuntarily.

## Montana

### What Are Reasonable Efforts

Citation: Ann. Code § 41-3-423

Reasonable efforts include, but are not limited to:

- Voluntary protective services agreements
- Development of individual written case plans specifying State efforts to reunify families
- Placement in the least disruptive setting possible
- Provision of services pursuant to a case plan
- Periodic review to ensure timely progress

### When Reasonable Efforts Are Required

Citation: Ann. Code § 41-3-423

The department shall make reasonable efforts:

- To prevent the necessity of removal of a child from a child's home
- To reunify families that have been separated

### When Reasonable Efforts Are NOT Required

Citation: Ann. Code § 41-3-423

Reasonable efforts are not required if a court finds by clear and convincing evidence that a parent has:

- Subjected a child to aggravated circumstances, including abandonment, torture, chronic abuse, sexual abuse, or chronic, severe neglect
- Committed, aided, abetted, or attempted to commit homicide of a child
- Committed aggravated assault against a child
- Committed neglect of a child that resulted in serious bodily injury or death
- Had parental rights to a sibling terminated involuntarily, and circumstances of the termination are relevant to the parent's ability to adequately care for the child at issue

Preservation or reunification services are not required for a putative father if the court finds that the putative father has failed to do any of the following:

- Contribute to the support of the child for an aggregate period of 1 year, although able to do so
- Establish a substantial relationship with the child, as demonstrated by:
  - » Visiting the child at least monthly when physically and financially able to do so
  - » Having regular contact with the child
  - » Manifesting an ability and willingness to assume legal and physical custody of the child if the child was not in the physical custody of the other parent
- Register with the putative father registry, been adjudicated to be the father of the child for the purposes of child support, or been recorded on the child's birth certificate as the child's father

## Nebraska

### What Are Reasonable Efforts

Citation: Rev. Stat. § 43-532(2)

When children and families require assistance from a State department or agency, the health and safety of the child is the paramount concern, and reasonable efforts shall be made to provide such assistance in the least intrusive and least restrictive method consistent with the needs of the child and to deliver such assistance as close to the home community of the child or family requiring assistance as possible.

When Reasonable Efforts Are Required

Citation: Rev. Stat. § 43-283.01

Reasonable efforts shall be made:

- Prior to placement to prevent or eliminate the need for removing the juvenile from the home
- To make it possible for the juvenile to return home safely
- To place the juvenile in a timely manner and to finalize a permanent placement if continuation of reasonable efforts is determined to be inconsistent with the permanency plan

When Reasonable Efforts Are NOT Required

Citation: Rev. Stat. § 43-283.01

Reasonable efforts to preserve and reunify the family are not required if the court has determined that:

- The parent has subjected the juvenile or another minor child to aggravated circumstances, including abandonment, torture, chronic abuse, or sexual abuse.
- The parent has committed murder or voluntary manslaughter of another child, or aided, abetted, or attempted to commit such a crime.
- The parent has committed felony assault resulting in serious bodily injury to the child or another child.
- The parent has been convicted of felony sexual assault of the other parent of the child.
- The parent's parental rights to another child have been terminated involuntarily.

Nevada

What Are Reasonable Efforts

Citation: Rev. Stat. § 432B.393

Reasonable efforts have been made if an agency has exercised diligence and care in arranging appropriate and available services for the child.

When Reasonable Efforts Are Required

Citation: Rev. Stat. § 432B.393

Reasonable efforts must be made:

- Before placement of the child in foster care to prevent or eliminate the need for removal from the home
- To make it possible to return home safely
- If continuation of reasonable efforts is determined to be inconsistent with the permanency plan, to place the child in a timely manner and to finalize a permanent placement

When Reasonable Efforts Are NOT Required

Citation: Rev. Stat. § 432B.393

Reasonable efforts are not required if the court finds:

- A parent has committed, aided, abetted, or attempted to commit murder or voluntary manslaughter.
- A parent caused the abuse or neglect of the child or another child that resulted in substantial bodily harm or was so extreme or repetitious as to result in an unacceptable risk to the health and welfare of the child.
- A parent has abandoned the child for 60 days or failed to make more than token contact for 6 months
- The parent's parental rights to a sibling have been terminated involuntarily.
- The child or a sibling was previously removed from the home and has been subsequently removed due to additional abuse or neglect.
- The child is younger than age 1, the father of the child is not married to the mother of the child, and he has failed to visit the child, commence proceedings to establish paternity, or provide support.
- The child is younger than age 1 and was delivered to a provider of emergency services.

## New Hampshire

### What Are Reasonable Efforts

Citation: Rev. Stat. § 169-C:24-a

Reasonable efforts are services to the family that are accessible, available, and appropriate.

### When Reasonable Efforts Are Required

Citation: Rev. Stat. § 169-C:24-a

Reasonable efforts must be made:

- To prevent placement
- To reunify the family
- To make and finalize a new permanent home for the child

### When Reasonable Efforts Are NOT Required

Citation: Rev. Stat. § 169-C:24-a

The State agency shall discontinue reasonable efforts and file a petition for termination of parental rights when one or more of the following circumstances exist:

- The child has been in an out-of-home placement due to a finding of child neglect or abuse for 12 of the most recent 22 months.
- The court has determined that the child has been abandoned.
- The parent has been convicted of murder of another child of the parent, a sibling or stepsibling of the child, the child's other parent, or other persons related by consanguinity or affinity, including a minor child who resided with the defendant.
- The parent has been convicted of manslaughter of another child of the parent.
- The parent has been convicted of attempt, solicitation, or conspiracy to commit any of the offenses specified above.
- The parent has been convicted of a felony assault that resulted in injury to the child, a sibling or stepsibling of the child, the child's other parent, or other persons related by consanguinity or affinity, including a minor child who resided with the defendant.

## New Jersey

### What Are Reasonable Efforts

Citation: Ann. Stat. § 30:4C-15.1

The term "reasonable efforts" means attempts by an agency to assist parents in remedying the circumstances and conditions that led to placement of the child and to reinforce family structure, including:

- Consultation with the parent in developing a plan for appropriate services
- Providing the services agreed upon
- Informing the parent of the child's progress, development, and health
- Facilitating appropriate visitation

### When Reasonable Efforts Are Required

Citation: Ann. Stat. § 30:4C-11.1

Reasonable efforts must be made:

- Prior to placement, to preserve the family in order to prevent the need for removing the child from the home
- After placement, to make it possible for the child to return home safely
- In any case where reunification is not the permanency plan, to place the child in a timely manner and finalize the permanent placement of the child

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. §§ 30:4C-11.2; 30:4C-11.3

Reasonable efforts to reunify the child with the family are not required when:

- The parent has subjected the child to aggravated circumstances of abuse, neglect, cruelty, or abandonment.
- The parent has been convicted of murder or manslaughter of a child, aiding, abetting, or attempting to commit such a crime; or committing or attempting to commit an assault resulting in serious bodily injury to a child.
- The parent's parental rights to another child have been terminated involuntarily.

Reasonable efforts to prevent placement are not required when:

- Removal of the child was necessary due to imminent danger to the child's life, safety, or health.
- Efforts to prevent placement were not reasonable due to risk of harm to the child's health or safety.

#### New Mexico

##### What Are Reasonable Efforts

Citation: Ann. Stat. § 32A-4-21

Reasonable efforts may include:

- An intervention plan designed to achieve placement of the child in the least restrictive setting available, consistent with the best interests and special needs of the child, including a statement of the likely harm the child may suffer as a result of being removed from the parents' home, including emotional harm that may result due to separation from the child's parents, and a statement of how the intervention plan is designed to place the child in close proximity to the parents' home without causing harm to the child due to separation from parents, siblings, or any other person who may significantly affect the child's best interests
- Services offered to the child, his or her family, and the foster care family

##### When Reasonable Efforts Are Required

Citation: Ann. Stat. § 32A-4-22

Reasonable efforts shall be made:

- To prevent the removal of the child from the child's family
- To reunite the child with the child's family
- To implement and finalize the permanency plan in a timely manner when reasonable efforts to reunify are not required

##### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. §§ 32A-4-2; 32A-4-22

Reasonable efforts are not required when:

- The efforts would be futile.
- The parent has subjected the child to aggravated circumstances.

Aggravated circumstances are those in which the parent, guardian, or custodian has:

- Attempted, conspired to cause, or caused great bodily harm to the child or great bodily harm or death to the child's sibling
- Attempted, conspired to cause, or caused great bodily harm or death to another parent, guardian, or custodian of the child
- Attempted, conspired to subject, or has subjected the child to torture, chronic abuse, or sexual abuse
- Had parental rights over a sibling of the child terminated involuntarily

#### New York

##### What Are Reasonable Efforts

Citation: Soc. Serv. Law § 384-b

The term "diligent efforts" means reasonable attempts by an agency to assist, develop, and encourage a meaningful relationship between the parent and child that include but are not limited to:

- Consulting and cooperating with the parents to develop a plan for appropriate services
- Making suitable arrangements for the parent to visit with the child
- Providing services and other assistance so that problems preventing the child's discharge from care can be resolved
- Informing the parents of the child's progress, development, and health
- Making suitable arrangements with a correctional facility for an incarcerated parent to visit with the child, if such visiting is in the best interests of the child

##### When Reasonable Efforts Are Required

Citation: Soc. Serv. Law § 358-a

Reasonable efforts must be made:

- Prior to placement to prevent or eliminate the need for removal of the child from the home
- To make it possible for the child to return home
- If the permanent plan for the child is other than reunification, to make and finalize the alternative permanent placement

##### When Reasonable Efforts Are NOT Required

Citation: Soc. Serv. Law §§ 358-a; 384-b

Reasonable efforts are not required when the court determines that:

- The parent has subjected the child to aggravated circumstances, where the child has been either severely or repeatedly abused
- The parent has been convicted of murder or manslaughter, and the victim was another child of the parent. However, the parent must have acted voluntarily in committing such crime.
- The parent has been convicted of an attempt to commit any of the above crimes, and the victim or intended victim was the child or another child of the parent; or has been convicted of conspiring, soliciting, or facilitating any of the above crimes, and the victim or intended victim was the child or another child of the parent.
- The parent has been convicted of assault or aggravated assault upon a person younger than age 11, and the crime resulted in serious physical injury to the child or another child of the parent.
- The parental rights of the parent to a sibling of the child have been involuntarily terminated.

Evidence of diligent efforts by an agency to encourage and strengthen the parental relationship shall not be required when:

- The parent has failed for a period of 6 months to keep the agency apprised of his or her location.
- An incarcerated parent has failed on more than one occasion while incarcerated to cooperate with an authorized agency in its efforts to help the parent plan for the future of the child or in the agency's efforts to plan and arrange visits with the child.

#### North Carolina

##### What Are Reasonable Efforts

Citation: Gen. Stat. §§ 7B-101; 7B-507

"Reasonable efforts" means the diligent use of abuse prevention or reunification services by the Department of Social Services when a juvenile remaining at home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time. If a court of competent jurisdiction determines that the juvenile is not to be returned home, then reasonable efforts are the diligent and timely use of permanency planning services by a department of social services to develop and implement a permanent plan for the juvenile.

#### When Reasonable Efforts Are Required

Citation: Gen. Stat. §§ 7B-101; 7B-507

Reasonable efforts must be made:

- To prevent or eliminate the need for placement of the juvenile out of the home
- To develop and implement a permanent plan for the child when a court determines that the juvenile is not to be returned home

#### When Reasonable Efforts Are NOT Required

Citation: Gen. Stat. §§ 7B-101; 7B-507

The court may direct that reasonable efforts are not required when:

- The efforts clearly would be futile or inconsistent with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time.
- The parent has subjected the child to aggravated circumstances, including abandonment, torture, chronic abuse, or sexual abuse.
- The parent's parental rights to another child have been terminated involuntarily.
- The parent has committed murder or voluntary manslaughter of another child or has aided, abetted, or attempted to commit murder or voluntary manslaughter of the child or another child of the parent.
- The parent has committed a felony assault that resulted in serious bodily injury to the child or another child of the parent.

#### North Dakota

##### What Are Reasonable Efforts

Citation: Cent. Code § 27-20-32.2

The term "reasonable efforts" means the exercise, by the agency granted authority over the child, of due diligence in using appropriate and available services to meet the needs of the child and his or her family in order to prevent removal of the child from the child's family or, after removal, to use appropriate and available services to eliminate the need for removal, to reunite the child and his or her family, and to maintain family connections. In determining reasonable efforts to be made with respect to a child under this section, and in making reasonable efforts, the child's health and safety must be the paramount concern.

##### When Reasonable Efforts Are Required

Citation: Cent. Code § 27-20-32.2

Reasonable efforts must be made to preserve families, reunify families, and maintain family connections:

- Prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from his or her home
- To make it possible for a child to return safely to his or her home
- To place siblings in the same foster care, relative, guardianship, or adoptive placement, unless it is determined that such a joint placement would be contrary to the safety or well-being of any of the siblings
- In the case of siblings removed from their home who are not jointly placed, to provide for frequent visitation or other ongoing visitation between the siblings, unless it is contrary to the safety or well-being of any of the siblings

When Reasonable Efforts Are NOT Required

Citation: Cent. Code §§ 27-20-02; 27-20-32.2

Reasonable efforts are not required if:

- The parent has subjected the child to aggravated circumstances, in which a parent:
  - » Abandons, tortures, chronically abuses, or sexually abuses a child
  - » Fails to make substantial efforts to secure treatment for an addiction, mental illness, or other condition for 1 year or one-half a child's lifetime, whichever time period is less
  - » Engages in deviant sexual acts, sexual abuse, etc., in which the victim is a child
  - » Commits murder, manslaughter, or negligently causes the death of another, or the attempt to commit such crimes, and the victim is another child of the parent
  - » Commits aggravated assault in which the victim is a child of the parent and suffers serious bodily injury
  - » Commits assault, aggravated assault, reckless endangerment or terrorizing in which a child is the victim or intended victim
  - » Has been incarcerated under a sentence for which the release date is:
    - » In the case of a child age 9 or older, after the child's majority
    - » In the case of a child under age 9, after the child is twice the child's current age
- The parent has had parental rights to another child terminated involuntarily.

Northern Mariana Islands

What Are Reasonable Efforts

This issue is not addressed in the statutes reviewed.

When Reasonable Efforts Are Required

This issue is not addressed in the statutes reviewed.

When Reasonable Efforts Are NOT Required

This issue is not addressed in the statutes reviewed.

Ohio

What Are Reasonable Efforts

Citation: Rev. Code § 2151.419

Reasonable efforts are relevant services provided by the agency to the family of the child.

When Reasonable Efforts Are Required

Citation: Rev. Code § 2151.419

Reasonable efforts must be made:

- To prevent removal of the child from the home
- To eliminate the continued removal of the child from home
- To make it possible for the child to return safely home

**When Reasonable Efforts Are NOT Required**

Citation: Rev. Code § 2151.419

The court shall determine that reasonable efforts are not required if any of the following apply:

- The parent has been convicted of murder or voluntary manslaughter of another child in the household.
- The parent has been convicted of assault, endangering children, rape, sexual battery, corruption of a minor, or sexual imposition of the child or another child in the household.
- The parent has been convicted of conspiracy or attempt to commit, or complicity in committing, an offense described above.
- The parent has repeatedly withheld medical treatment or food from the child.
- The parent has placed the child at substantial risk of harm two or more times due to drug or alcohol abuse and has rejected treatment two or more times.
- The parent has abandoned the child.
- The parent's parental rights to another child have been terminated involuntarily.

**Oklahoma**

**What Are Reasonable Efforts**

Citation: Ann. Stat. Tit. 10A, § 1-4-808

Effective May 21, 2009

The court shall determine whether the nature and extent of services being provided to the child and the child's parent(s) are adequate to ensure the safety of the child and to protect the child from further physical, mental, or emotional harm, or to correct the conditions that led to the adjudication.

**When Reasonable Efforts Are Required**

Citation: Ann. Stat. Tit. 10A, §§1-4-201; 1-4-808

Effective May 21, 2009

Reasonable efforts are required:

- To prevent the removal of the child from the child's home
- To provide for the safe return of the child to the child's own home
- To place the child in a timely manner in accordance with the permanency plan when the court has determined that reasonable efforts to reunite the child with his or her family are not required
- To place siblings, when they have been removed from the home, together in the same foster care, guardianship, or adoptive placement
- To provide for frequent visitation or other ongoing interaction in the case of siblings who have been removed and who are not placed together

**When Reasonable Efforts Are NOT Required**

Citation: Ann. Stat. Tit. 10A, § 1-4-809

Effective May 21, 2009

Reasonable efforts are not required if the court finds, based upon a preponderance of the evidence, that:

- The parent or legal guardian of the child, who is an infant age 12 months or younger, has abandoned the child.
- The parent or legal guardian of the child has:
  - » Committed murder or manslaughter of any child
  - » Aided or abetted, attempted, conspired, or solicited to commit the murder or manslaughter of any child
  - » Committed a felony assault upon any child that resulted in serious bodily injury
  - » Subjected any child to aggravated circumstances, including, but not limited to, heinous and shocking abuse or neglect
- The parental rights of a parent to the child's sibling have been terminated involuntarily.

## Oregon

### What Are Reasonable Efforts

Citation: Rev. Stat. § 419B.340

Reasonable efforts include preventive and reunification services.

For an Indian child, the department must make active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.

### When Reasonable Efforts Are Required

Citation: Rev. Stat. § 419B.340

Reasonable efforts must be made:

- To prevent or eliminate the need for removal of the child from the home
- To make it possible for the child to return home safely

### When Reasonable Efforts Are NOT Required

Citation: Rev. Stat. § 419B.340

The court may find that the department is not required to make reasonable efforts if one of the following circumstances exists:

- The parent has subjected the child to aggravated circumstances including, but not limited to, the following:
  - » The parent by abuse or neglect has caused the death of any child.
  - » The parent has attempted, solicited, or conspired to cause the death of any child.
  - » The parent by abuse or neglect has caused serious physical injury to any child.
  - » The parent has subjected any child to rape, sodomy, or sexual abuse.
  - » The parent has subjected any child to intentional starvation or torture.
  - » The parent has abandoned the child.
  - » The parent has unlawfully caused the death of the other parent of the child.
- The parent has been convicted in any jurisdiction of one of the following crimes:
  - » Murder or manslaughter of another child of the parent
  - » Aiding, abetting, attempting, conspiring, or soliciting to commit any such crime
  - » Felony assault that results in serious physical injury to the child or another child of the parent
- The parent's rights to another child have been terminated involuntarily.

## Pennsylvania

### What Are Reasonable Efforts

Citation: Cons. Stat. Tit. 23, § 6373; Tit. 42, § 6351

Reasonable efforts include:

- Efforts to assist the child and the child's parent
- Preventive services

### When Reasonable Efforts Are Required

Citation: Cons. Stat. Tit. 23, § 6373; Tit. 42, § 6351

Reasonable efforts must be made:

- To prevent or eliminate the need for removal of the child from the home
- To make it possible for the child to return home
- To finalize the permanency plan in effect

When Reasonable Efforts Are NOT Required

Citation: Cons. Stat. Tit. 42, §§ 6351; 6302

Reasonable efforts are not required if the court has determined that aggravated circumstances exist and no new or additional efforts are required. Aggravated circumstances include any of the following:

- The child is in the custody of a county agency; the identity or location of the parents is unknown; and the parent does not claim the child within 3 months or has failed to maintain contact for a period of 6 months.
- The child or another child of the parent has been the victim of serious physical abuse, sexual violence, or aggravated physical neglect by the parent.
- The parent has been convicted of any of the following crimes in which the victim was a child: criminal homicide, aggravated assault, rape, statutory sexual assault, indecent assault, or the attempt to commit any such crime.
- The parent's parental rights to another child have been terminated involuntarily.

Puerto Rico

What Are Reasonable Efforts

Citation: Ann. Laws Tit. 8, § 447s

The department shall make use of resources for the support of individuals, families, and the community, as well as internal and external resources of the department and other public and nongovernmental agencies, to improve the living conditions of families that may endanger the life and safety of a minor.

When Reasonable Efforts Are Required

Citation: Ann. Laws Tit. 8, § 447s

Reasonable efforts shall be made to ensure the well-being and full protection of the minor and to preserve the integrity of the family prior to the removal of a minor from his or her home. After removing a minor from his or her home, reasonable efforts shall be made for a period not to exceed 12 months to reunite the minor with his or her family. Moreover, support services shall continue once the minor is permanently placed.

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Laws Tit. B, § 447s

No reasonable efforts shall be undertaken under the following circumstances:

- The parent suffers from a mental disability of such a magnitude that it prevents the parent from caring properly for the child.
- The child has been previously removed from the home, and after being returned home, he or she is again made a victim of abuse, sexual abuse, and/or neglect.
- The parent has been deprived of *patria potestas* of another child and has been unable to resolve the problems that led to the loss of *patria potestas*.
- The parent has caused severe physical harm, abuse, and/or neglect of the child, putting the child's health and physical, mental, and emotional integrity at grave risk.
- The parent has committed:
  - » Murder, assault, or mutilation
  - » Rape, incest, or lewd or obscene acts
  - » Trafficking of individuals for sexual purposes
  - » Remittance, transportation, sale, distribution, publication, exhibition, or possession of obscene materials or obscene shows, and exposing minors to those crimes
  - » Kidnapping or aggravated kidnapping
  - » Abandonment of minors
  - » Abduction or perversion of minors
  - » Inciting a minor to commit a crime
- The parent covers up or conspires to commit one or more of the crimes above.
- Efforts to change the behavior of the parent have not succeeded 12 months after the service plan was initiated.
- The parent has stated that he or she has no interest in being reunited with the minor.
- A health-care professional certifies that the parent suffers from a chronic controlled substance abuse problem that prevents the return of the minor to the custody of the parent within a period of 12 months of initiating the procedures.

#### Rhode Island

##### What Are Reasonable Efforts

Citation: Gen. Laws § 40-11-12.2

Reasonable efforts are measures taken to preserve and reunify families.

##### When Reasonable Efforts Are Required

Citation: Gen. Laws § 40-11-12.2

Reasonable efforts must be made:

- Prior to placement of a child in foster care to prevent or eliminate the need for removing the child from the home that may include placement of the child with a relative
- To make it possible for the child to return home safely
- If continuation of efforts is determined to be inconsistent with the permanency plan for the child, to place the child in a timely manner and finalize a permanent placement

#### When Reasonable Efforts Are NOT Required

Citation: Gen. Laws § 40-11-12.2

Reasonable efforts are not required if a court determines that:

- The parent has subjected any child to conduct of a cruel and abusive nature.
- The parent has:
  - » Committed murder of another child of the parent
  - » Subjected the child to aggravating circumstances, including abandonment, torture, chronic abuse, or sexual abuse
  - » Committed voluntary manslaughter of another child of the parent or attempted to commit such crime
  - » Committed a felony assault that results in serious bodily injury of the child or another child of the parent
- The parent's parental rights to a sibling of the child have been terminated involuntarily.

#### South Carolina

##### What Are Reasonable Efforts

Citation: Ann. Code § 63-7-1680

Reasonable efforts include services to the parents or guardian and the child, as well as the location of the placement and visitation arrangements.

##### When Reasonable Efforts Are Required

Citation: Ann. Code §§ 63-7-720; 63-7-1640

Reasonable efforts must be made by the department to prevent removal of the child unless the court finds that continuation of the child in the home would be contrary to the welfare of the child.

The family court may rule on whether reasonable efforts to preserve or reunify a family should be required in hearings regarding removal of custody, review of amendments to a placement plan, review of the status of a child in foster care, or permanency planning.

##### When Reasonable Efforts Are NOT Required

Citation: Ann. Code § 63-7-1640

The family court may authorize the department to terminate or forego reasonable efforts when one or more of the following conditions exist:

- The parent has subjected the child to one or more aggravated circumstances, including severe or repeated abuse or neglect, sexual abuse, torture, or abandonment.
- The parent has been convicted of murder or voluntary manslaughter of another child of the parent or of aiding, abetting, or attempting to commit such crime.
- The physical abuse of the child has resulted in the child's death or admission to the hospital for in-patient care, and the abuse is an act for which the parent has been convicted for committing, aiding, abetting, conspiring to commit, or soliciting an offense against the person, criminal domestic violence, or assault and battery.
- The parental rights of the parent to a sibling of the child have been terminated involuntarily.
- Other circumstances exist that make continuation or implementation of reasonable efforts inconsistent with the permanent plan for the child.

## South Dakota

### What Are Reasonable Efforts

Citation: Ann. Laws § 26-8A-21

The term "reasonable efforts" means the provision by the department of any services or assistance that:

- Are appropriate for the child's parents, including instruction on parenting
- Are available or could be made available without undue financial burden on the department
- Would have a significant likelihood of protecting the child from substantial danger to his or her physical health or from severe emotional damage while enabling the child to remain in the home or to be returned to the home

### When Reasonable Efforts Are Required

Citation: Ann. Laws § 26-8A-21

Reasonable efforts must be made:

- Prior to removal of an alleged or adjudicated abused or neglected child to prevent or eliminate the need for removal from the home
- To make it possible for the child to return home if he or she has been removed from the home

### When Reasonable Efforts Are NOT Required

Citation: Ann. Laws § 26-8A-21.1

Reasonable efforts to reunify are not required when the parent:

- Has committed murder, manslaughter, rape, incest, sexual exploitation of a minor, or abuse or cruelty to a minor
- Committed aggravated assault against the child or another child of the parent
- Has subjected the child or another child to torture or sexual abuse; abandonment for at least 6 months; chronic physical, mental, or emotional injury; or chronic neglect
- Is incarcerated and unavailable to care for the child during a significant period of the child's minority
- Has had parental rights to another child terminated involuntarily
- Has a documented history of abuse or neglect associated with chronic alcohol or drug abuse
- Has exposed the child to or demonstrated an inability to protect the child from substantial harm or the risk of substantial harm, and the child or another child has been removed from the parent's custody because he or she was adjudicated abused and neglected by a court on at least one previous occasion
- Has exposed the child to or demonstrated an inability to protect the child from substantial harm or the risk of substantial harm; the child has been removed from the parent's custody on two separate occasions; and the department offered or provided family services on each of the two separate occasions the child was removed
- Has exposed the child to or demonstrated an inability to protect the child from substantial harm or risk of harm resulting from a crime, act, or omission listed above

## Tennessee

### What Are Reasonable Efforts

Citation: Ann. Code § 37-1-166

The term "reasonable efforts" means the exercise of reasonable care and diligence by the department to provide services related to meeting the needs of the child and the family

### When Reasonable Efforts Are Required

Citation: Ann. Code § 37-1-166

Reasonable efforts must be made:

- To prevent the need for removal of the child from the child's family
- To make it possible for the child to return home
- To place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child, if continuation of reasonable efforts is determined to be inconsistent with the permanency plan for the child

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Code §§ 36-1-102(9); 37-1-166

Reasonable efforts shall not be required if a court has determined that:

- The parent has subjected the child or any child in the household to aggravated circumstances, including:
  - » Abandonment or abandonment of an infant
  - » Aggravated assault
  - » Aggravated kidnapping or especially aggravated kidnapping
  - » Aggravated child abuse and neglect
  - » Aggravated sexual exploitation of a minor or especially aggravated sexual exploitation of a minor
  - » Aggravated rape, rape of a child, or incest
  - » Severe child abuse, as defined in § 37-1-102
- The parent has committed murder or manslaughter of any sibling or other child residing in the household, or aided, abetted, or attempted such crime.
- The parent has committed a felony assault that resulted in serious bodily injury to any child residing in the household.
- The parental rights of the parent to another child have been terminated involuntarily.

#### Texas

##### What Are Reasonable Efforts

Citation: Family Code § 262.001

In determining the reasonable efforts that are required to be made with respect to preventing or eliminating the need to remove a child from the child's home or to make it possible to return a child to the child's home, the child's health and safety are the paramount concerns.

##### When Reasonable Efforts Are Required

Citation: Family Code §§ 262.001; 262.2015

Reasonable efforts must be made:

- To prevent or eliminate the need to remove a child from the child's home
- To make it possible for the child to return home
- To finalize the permanent placement of a child for whom the court has made a finding that reasonable efforts to return the child home are not required

#### When Reasonable Efforts Are NOT Required

Citation: Family Code § 262.2015

The court may waive the requirement to make reasonable efforts if the court finds that the parent has subjected the child to aggravated circumstances such as the following:

- The parent abandoned the child without a means of identifying the child.
- The child is a victim of serious bodily injury or sexual abuse inflicted by the parent or another person with the parent's consent.
- The parent has committed murder or manslaughter of a child, indecency with a child, sexual assault, aggravated assault, injury to a child, abandoning or endangering a child, prohibited sexual conduct, sexual performance by a child, possession or promotion of child pornography, or continuous sexual abuse of a child.
- The parent voluntarily left the child alone or in the possession of another person for at least 6 months without expressing the intent to return and without providing adequate support for the child.
- The parent's parental rights to another child have been terminated involuntarily based on a finding that the parent knowingly placed or allowed the child to remain in conditions or surroundings, or with persons engaged in conduct, that endangered the child's physical or emotional well-being.
- The parent has been convicted for the murder or voluntary manslaughter of another child, or aiding, abetting, or attempting such crime.
- The parent has been convicted of a felony assault that resulted in serious bodily injury of the child or another child of the parent.
- The parent's parental rights with regard to two other children have been involuntarily terminated.

#### Utah

##### What Are Reasonable Efforts

Citation: Ann. Code § 78A-6-312

The division shall make reasonable efforts to provide services to the child and the child's parent for the purpose of facilitating reunification of the family for a specified period of time.

##### When Reasonable Efforts Are Required

Citation: Ann. Code §§ 62A-4a-203; 78A-6-312

Because the removal of a child from his or her home affects protected, constitutional rights of the parent and has a dramatic, long-term impact on a child, the division shall:

- When possible and appropriate, without danger to the child's welfare, make reasonable efforts to prevent or eliminate the need for removal of a child from the child's home prior to placement in substitute care
- Determine whether there is substantial cause to believe that a child has been abused or neglected or is in danger of abuse or neglect prior to removing the child from his or her home
- When it is possible and appropriate, make reasonable efforts to make it possible for a child in substitute care to return to his or her home
- Take measures in a timely manner to place the child in accordance with the permanency plan and complete whatever steps are necessary to finalize the permanent placement of the child if continuation of reasonable efforts to reunify a minor is determined to be inconsistent with the final permanency plan for the child

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Code § 78A-6-312

In cases of obvious sexual abuse, abandonment, or serious physical abuse or neglect, the division has no duty to make reasonable efforts to attempt to rehabilitate the offending parent(s).

Reasonable efforts are not required if the court finds by clear and convincing evidence that any of the following circumstances exist:

- The parent(s)' whereabouts are unknown.
- The parent is suffering from a mental illness of such a magnitude that it renders the parent incapable of using reunification services.
- The child was previously adjudicated as an abused child due to physical or sexual abuse, was removed from the custody of the parent, subsequently returned to the parent, and is being removed due to additional physical or sexual abuse.
- The parent:
  - » Caused the death of another minor through abuse or neglect
  - » Committed, aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of a child, or child abuse homicide
- The child suffered severe abuse by the parent or by any person known by the parent, and the parent knew or reasonably should have known that the person was abusing the child.
- The child was adjudicated an abused child as a result of severe abuse by the parent, and the court finds that it would not benefit the child to pursue reunification services with the offending parent.
- The parent's rights were terminated with regard to any other child.
- The child was removed from his or her home on at least two previous occasions and reunification services were offered or provided to the family at those times.
- The parent abandoned the child for a period of 6 months or longer.
- The parent permitted the child to reside, permanently or temporarily, where the parent knew or should have known that a clandestine laboratory operation was located.
- Other circumstances preclude reunification efforts or services.

#### Vermont

##### What Are Reasonable Efforts

Citation: Ann. Stat. Tit. 33, § 5102

The term "reasonable efforts" means the exercise of due diligence by the department to use appropriate and available services to prevent unnecessary removal of the child from his or her home or to finalize a permanency plan.

##### When Reasonable Efforts Are Required

Citation: Ann. Stat. Tit. 33, §§ 5102; 5321

Reasonable efforts must be made to prevent unnecessary removal of the child from the home. In cases involving a child who has been removed from the home, reasonable efforts must be made to finalize the permanency plan for the child.

Reasonable efforts to finalize a permanency plan may consist of:

- When the permanency plan for the child is reunification, efforts to reunify the child and family following the child's removal from the home
- When the permanency plan for the child does not include reunification, efforts to arrange and finalize an alternate permanent living arrangement for the child

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. Tit. 33, § 5102

When making the reasonable efforts determination, the court may find that no services were appropriate or reasonable considering the circumstances. If the court makes written findings that aggravated circumstances are present, the court may make but is not required to make written findings as to whether reasonable efforts were made to prevent removal of the child from the home. Aggravated circumstances include:

- The parent has subjected a child to abandonment, torture, chronic abuse, or sexual abuse.
- The parent has been convicted of murder or manslaughter of a child.
- The parent has been convicted of a felony crime that results in serious bodily injury to the child or another child of the parent.
- The parental rights of the parent with respect to a sibling have been terminated.

#### Virgin Islands

##### What Are Reasonable Efforts

This issue is not addressed in the statutes reviewed.

##### When Reasonable Efforts Are Required

This issue is not addressed in the statutes reviewed.

##### When Reasonable Efforts Are NOT Required

This issue is not addressed in the statutes reviewed.

#### Virginia

##### What Are Reasonable Efforts

Citation: Ann. Code § 16.1-281

Reasonable efforts include programs, care, services, and other support that will be offered to the child and his or her parents that will lead to the return of the child to his or her parents within the shortest practicable time.

##### When Reasonable Efforts Are Required

Citation: Ann. Code §§ 16.1-278.4; 16.1-282.1

Reasonable efforts must be made to prevent removal of the child from his or her home, unless continued placement in the home would be contrary to the welfare of the child.

If the child has been removed from the home, reasonable efforts must be made:

- To reunite the child with the child's family, if returning home is the permanent goal for the child
- To achieve the permanent goal identified in the case plan, if the goal is other than returning the child home

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Code § 16.1-281

Reasonable efforts to reunite the child with a parent are not required if the court finds that:

- The parental rights of the parent regarding a sibling of the child have previously been involuntarily terminated.
- The parent has been convicted of murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, and the victim of the offense was a child of the parent, a child with whom the parent resided at the time the offense occurred, or the other parent of the child.
- The parent has been convicted of felony assault resulting in serious bodily injury, felony bodily wounding resulting in serious bodily injury, or felony sexual assault, and the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense.
- Based on clear and convincing evidence, the parent has subjected any child to aggravated circumstances.
- The parent has abandoned a child.

Aggravated circumstances include torture, chronic or severe abuse, or chronic or severe sexual abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at the time such conduct occurred. Aggravated circumstances also include failure to protect the child from such conduct, if the conduct or failure to protect demonstrates a wanton or depraved indifference to human life, or has resulted in the death of the child or in serious bodily injury to the child.

#### Washington

##### What Are Reasonable Efforts

Citation: Rev. Code § 13.34.130

Reasonable efforts include specific services, such as housing assistance, that are provided to the child and the child's parent, guardian, or legal custodian, and preventive services that are offered or provided, to prevent the need for out-of-home placement.

##### When Reasonable Efforts Are Required

Citation: Rev. Code § 13.34.130

Reasonable efforts are required to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home.

##### When Reasonable Efforts Are NOT Required

Citation: Rev. Code § 13.34.132

Reasonable efforts are not required when there are aggravated circumstances. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

- Conviction of the parent of rape, criminal mistreatment, or assault of the child
- Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child
- Conviction of the parent of attempting, soliciting, or conspiring to commit any of the above crimes
- A finding by a court that a parent is a sexually violent predator
- Failure of the parent to complete a treatment plan where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim
- Abandonment of an infant younger than age 3
- Conviction of the parent of a sex offense or incest when the child is born of the offense

### West Virginia

#### What Are Reasonable Efforts

Citation: Ann. Code § 49-6-5

Reasonable efforts are measures taken by the department to provide remedial and reunification services.

#### When Reasonable Efforts Are Required

Citation: Ann. Code § 49-6-5

Reasonable efforts must be made:

- To preserve the family and to prevent placement
- To eliminate the need for removing the child from the child's home
- To make it possible for the child to return home safely

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Code § 49-6-5

The department is not required to make reasonable efforts to preserve the family if the court determines:

- The parent has subjected the child, another child of the parent, or any other child residing in the same household to aggravated circumstances that include, but are not limited to, abandonment, torture, chronic abuse, and sexual abuse.
- The parent has committed murder or voluntary manslaughter of the child's other parent, another child of the parent, or any other child residing in the same household.
- The parent has attempted or conspired to commit murder or voluntary manslaughter or been an accessory before or after the fact to either such crime.
- The parent has committed a felonious assault that results in serious bodily injury to the child, the child's other parent, another child of the parent, or any other child residing in the same household.
- The parental rights of the parent to another child have been terminated involuntarily.

### Wisconsin

#### What Are Reasonable Efforts

Citation: Ann. Stat. § 48.355

Reasonable efforts shall include but not be limited to:

- A comprehensive assessment of the family's situation
- Financial assistance to the family, if applicable
- Provision of services, including in-home support and intensive treatment services, community support services, or specialized services for family members with special needs

#### When Reasonable Efforts Are Required

Citation: Ann. Stat. § 48.355

Reasonable efforts must be made:

- To prevent the removal of the child from the home
- To return the child safely to the child's home
- To achieve the goal of the child's permanency plan

#### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. § 48.355

Reasonable efforts are not required if the court finds any of the following:

- The parent has subjected the child to aggravated circumstances, including abandonment, torture, chronic abuse, and sexual abuse.
- The parent has committed, has aided or abetted the commission of, or has solicited, conspired, or attempted to commit, intentional homicide, reckless homicide, or felony murder, and the victim is a child of the parent.
- The parent has committed battery, sexual assault, sexual assault of a child, or physical child abuse that resulted in great or substantial bodily harm to the child or another child of the parent.
- The parental rights of the parent to another child have been involuntarily terminated.
- The parent has relinquished custody of the child when the child was 72 hours old or younger.

#### Wyoming

##### What Are Reasonable Efforts

Citation: Ann. Stat. § 14-3-440

Reasonable efforts require services to the family that are accessible, available, and appropriate.

##### When Reasonable Efforts Are Required

Citation: Ann. Stat. § 14-3-440

Reasonable efforts must be made:

- Prior to placement of the child outside the home to prevent or eliminate the need for removing the child from the child's home
- To make it possible for the child to return home safely
- If continuation of reasonable efforts is determined to be inconsistent with the permanency plan for the child, to complete the steps necessary to finalize the permanent placement of the child

##### When Reasonable Efforts Are NOT Required

Citation: Ann. Stat. § 14-2-309(c)

Evidence that reasonable efforts have been made to preserve and reunify the family is not required in any case in which the court determines by clear and convincing evidence that:

- The parent's parental rights to another child have been terminated involuntarily.
- The parent abandoned, chronically abused, tortured, or sexually abused the child.
- Other aggravating circumstances exist indicating that there is little likelihood that services to the family will result in successful reunification.