

## Reasonable Efforts Scenario Round 2

There is an upcoming permanency hearing in a case involving two young parents and their now 2 year old child. The history of the case is as follows:

DHS had an on-going family preservation case after allegations of substance abuse, injurious environment, and lack of adequate supervision by the parents. DHS provided a parent-aide to address the lack of supervision and other parenting concerns and provided referrals for the parents to receive substance abuse treatment. The parents were initially cooperative with the parent-aide and complied with their treatment program. However, about 6 months into it, both parents began to sporadically attend their treatment program and both failed a random drug screen. The case worker was alerted and decided to petition the court for temporary custody of the child, which the court granted. At that time, the court found that DHS did make reasonable efforts to prevent removal by providing the parent-aide, the referrals for the substance abuse treatment and the supervision of the family preservation case.

The parents were allowed to have supervised visitation with the child, who at the time of removal was a year old. The visitation schedule was for 2 hours one day per week at DHS in its visitation room. The same attorney represented both parents because he was a friend of the mother's parents, but didn't have any prior juvenile court experience. He never pressed the visitation issue with the Courts even though mom and dad continued to ask him when they would be allowed to have more visitations. They also asked their case manager, who always responded by saying that it was up to the court to decide. When they asked the GAL about it, she also said that it was up to the court to decide but that she would support increased visitation at the next hearing. The GAL asked the case manager about increasing the visits and the case manager said she would have to ask her supervisor and would probably have to staff the case. The GAL asked to be present at the staffing and the case manager indicated she would let her know. Fed up with their attorney, and not satisfied with any of the answers they were getting, the parents fired him and asked the court to be allowed to apply for a court-appointed attorney to replace him, which the court allowed.

Their new attorney was appointed and read through the file and immediately became concerned about the infrequency of the visitation throughout the past year. She was told by the county attorney that at the upcoming permanency hearing, DHS was planning on requesting that the permanency plan be changed from reunification to adoption. While it was true that the parents were not making great strides on their case plan, they were still hanging on and did manage to show up for most of their 2 hour/week visitations. The parent's attorney is contemplating arguing that DHS has not made reasonable efforts to facilitate reunification because it has not provided adequate and appropriate visitation in line with the age and developmental stage of the child.