



## STATE STATUTES

CURRENT THROUGH SEPTEMBER 2019

# Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children

To find statute information for a particular State, go to <https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>.

"Reasonable efforts" refers to activities of State social services agencies that aim to provide the assistance and services needed to preserve and reunify families. The Federal title IV-E program requires States to make reasonable efforts to preserve and reunify families (i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and (ii) to make it possible for a child to safely return to the child's home.<sup>1</sup>

Laws in all States, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands require that child welfare agencies make reasonable efforts to provide services that will help families remedy the conditions that brought the child and family into the child welfare system.

<sup>1</sup> 42 U.S.C. § 671(a)(15) (2018)

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## WHAT ARE REASONABLE EFFORTS?

The statutes in most States 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. Some commonly used terms associated with reasonable efforts include "family reunification," "family preservation," "family support," and "preventive services."<sup>2</sup> These services may include family therapy, parenting classes, treatment for substance use, respite care, parent support groups, and home visiting programs. Reasonable efforts also refer to the activities of caseworkers, including safety checks and home visits, that are performed on an ongoing basis to ensure that parents and other family members are participating in needed services and are making progress on case plan goals.

Examples of services that child welfare agencies can refer families to, to support the achievement of reasonable efforts, include the following:

- Child care
- Homemaker services
- Individual, group, and family counseling
- Health-care services
- Behavioral health evaluation and treatment
- Vocational counseling

<sup>2</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 <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/caseplanning/>.

<sup>3</sup> This began with the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272).

## WHEN REASONABLE EFFORTS ARE REQUIRED

Federal law has long required State agencies to demonstrate they made reasonable efforts 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>3</sup> "Reasonable efforts" are services and supports that are provided by the child welfare agency to assist a family in addressing the problems that place a child at risk of harm with the goal of preventing the need for substitute care or reducing the time the child must stay in an out-of-home placement.

Community-based family support services that promote the safety and well-being of children and families also may be offered. These services are designed to do the following:

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

In many States, the statutes also require that, when a court determines that family reunification is not in the best interests of the child, efforts should 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>4</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 circumstances apply:

- 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 voluntary manslaughter.
- The parent committed a felony assault that resulted 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, Puerto Rico, and the Virgin Islands, reasonable efforts are not required under these circumstances. In addition, several States, the District of Columbia, Puerto Rico, and the Virgin Islands provide one or more additional grounds for not making reasonable efforts to keep the child with his or her families. Examples of these circumstances include the following:

- The parent abandoned the child (36 States, Puerto Rico, and the Virgin Islands).<sup>5</sup>
- The parent abandoned an infant (11 States).<sup>6</sup>
- The parent was convicted of murder or voluntary manslaughter of the child's other parent (13 States and the Virgin Islands).<sup>7</sup>
- The parent was convicted of the crime of trafficking in persons (seven States and Puerto Rico).<sup>8</sup>
- The parent has sexually exploited or allowed the sexual exploitation of the child (seven States).<sup>9</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, Puerto Rico, and the Virgin Islands).<sup>10</sup>
- The parent was convicted of a sexual offense that resulted in the child's conception (four States).<sup>11</sup>

<sup>4</sup> States must comply with the requirements outlined in ASFA as a condition for receiving certain Federal funds.

<sup>5</sup> Alaska, Arizona, California, Connecticut, Delaware, Florida, Idaho, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming

<sup>6</sup> Alabama, Alaska, Arkansas, Hawaii, Indiana, Minnesota, Nevada, Oklahoma, Tennessee, Washington, and Wisconsin

<sup>7</sup> Alabama, Alaska, Florida, Indiana, Maryland, Massachusetts, New Hampshire, New Mexico, Oregon, Utah, Virginia, Washington, and West Virginia

<sup>8</sup> Idaho, Indiana, Maine, Ohio, Texas, Washington, and Wisconsin

<sup>9</sup> Arizona, Arkansas, California, Connecticut, Florida, Maine, and Massachusetts

<sup>10</sup> Alaska, Arizona, Arkansas, California, Florida, Nevada, New York, South Dakota, and Utah

<sup>11</sup> California, Connecticut, Nebraska, and Washington

The term 'crime of violence' includes abduction, arson, kidnapping, manslaughter, mayhem, maiming, rape, robbery, carjacking, sexual offenses, use of a handgun in the commission of a felony or other crime of violence, first-degree child abuse, and assault.

## **MASSACHUSETTS**

*Current Through September 2019*

### **What Are Reasonable Efforts?**

**Citation: Ann. Laws Ch. 119, § 29C**

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

### **When Reasonable Efforts Are Required**

**Citation: Ann. Laws Ch. 119, § 29C**

Reasonable efforts shall be made as follows:

- 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 that any of the following are true:

- 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**

*Current Through September 2019*

### **What Are Reasonable Efforts?**

**Citation: Comp. Laws § 712A.18f**

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

- 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 as follows:

- 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:

- There is a judicial determination that the parent has subjected the child to aggravated circumstances, as provided in § 722.638, including the following:
  - 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 is required by court order to register under the sex offenders registration act.
- The parent has had rights to the child's siblings involuntarily terminated and the parent has failed to rectify the conditions that led to that termination of parental rights.

## **MINNESOTA**

*Current Through September 2019*

### **What Are Reasonable Efforts?**

**Citation: Ann. Stat. § 260.012**

Reasonable efforts are made by the responsible social services agency exercising due diligence 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 met the following standards:

- 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