

## IV-E Court Order Compliance Issues - By Margaret A. Burt

**Remember that looking at reasonable efforts is always a backward look.** What DID the agency do is the question. The court always has the authority to order the agency to do things differently in the future but the reasonable efforts assessment is about what has been **done**.

**At the Removal:** When deciding if reasonable efforts have been made to prevent the placement could consider

- Recent preventive efforts – specify all that were done or offered – like homemaker. Parent aide, visiting nurse, day care, parenting classes, substance abuse or mental health
- Past efforts if they explain not offering certain efforts at this point
- Recent casework contacts or casework counseling
- Recent emergency type assistance that is relevant to current concerns such as emergency food vouchers or housing help or shelter or emergency funds
- Anything the agency did to try to consider or review a non- foster care safety plan for the child that would keep the child in their home – like looking at relatives or other resources who could move into the child’s home or looking at non – perp parent, considering an order to protect the child without removal, offering alternative shelter for child and not-perp parent,

**At Permanency hearings:** The reasonable efforts review is not about the removal now, it is about efforts to achieve the most recent permanency goal:

### **What kinds of things can be documented in a court order that show reasonable efforts to complete a permanency plan for a child in foster care?**

In each court order that places, continues or extends a child in foster care, the court should assess if the agency is making reasonable efforts toward the permanency plan for the child. There is a loss of federal funding for the full stay in placement if this finding is not made when the child is removed from the home. There is a loss of federal funding for any period of time when the finding is not made yearly regarding the child. Since the whole point of court review of children in care is to determine that the child is headed toward a permanent safe home, it is good practice for this topic to be looked at during any court appearance.

If the child’s goal has been reunification, reasonable efforts could include:

- Services offered to the parent - DETAILED
- Clarifying paternity
- Locating missing parents
- Visitation offered to the parent
- Transportation for services or visitation
- Services offered to the child such as counseling
- Sibling/Relative visitation
- Service plan review meetings with the parent
- Casework counseling and meetings with the parent

- Information to the parent on the child's status

If the child's goal is adoption, reasonable efforts could include:

- filing a TPR petition
- counseling, preparing a parent to do a surrender
- handling the TPR matter including discovery proceedings, hearings, plea negotiation
- negotiating a conditional surrender
- handling the appeal of a TPR petition
- looking for adoptive resources
- processing a subsidy or other papers for an adoption
- helping adoptive parents find a lawyer
- working on ICPC process for an out of state adoption or with tribe in an ICWA case
- counseling for child or adoptive family around adoption issues
- working on sibling and grandparent visitation issues

If the child's goal is permanent placement/custody/guardianship with a relative or other, reasonable efforts could be:

- looking for relative or other non foster care resources for child's placement
- helping person file legal papers/get legal counsel
- using ICPC process to get a placement out of state or with tribe in an ICWA case
- doing a homestudy on potential resources

If the child's goal is APPLA - reasonable efforts could be:

- counseling for the child
- independent living skills for the child
- locating, working with long term resources for the child
- locating, working with adult custodial services for handicapped child