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REASONABLE EFFORTS TO PREVENT FOSTER PLACEMENT

A GUIDE TO IMPLEMENTATION

SECOND EDITION

BY DEBRA RATTERMAN
G. DIANE DODSON
MARK A. HARDIN

American Bar Association
National Legal Resource Center
for Child Advocacy and Protection



U.S. Department of Justice
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National Legal Resource Center
for
Child Advocacy and Protection

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The ABA Young Lawyers Division

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TABLE OF CONTENTS

	<i>Page</i>
Foreword	v
Chapter 1	
Introduction to "Reasonable Efforts"	
A. The Federal Reasonable Efforts Requirement	1
B. Purpose of the Requirement	1
C. Federal Guidelines on Reasonable Efforts	1
D. State Implementation of Reasonable Efforts	2
Chapter 2	
Reasonable Efforts to Prevent Placement	
A. Reasonable Efforts Defined	3
1. Federal Guidance	3
2. State Statutes	3
3. Agency Policy	3
4. Termination of Parental Rights Definitions	3
B. Funding Consequences	4
C. The Duty to Make Reasonable Efforts	4
1. The Child Protective Services Agency	4
2. The Caseworker and Supervisor	4
3. Law Enforcement	4
D. Preventive and Reunification Services	4
1. Federal Regulations	4
2. Basic Services	4
3. Family-Based Services	5
4. Hard Services	5
5. Mandated Services	5
6. Exemplary State Programs	5
E. Cases Requiring Reasonable Efforts	5
1. Delinquents	5
2. Status Offenders	6
3. Voluntary Placements	6
4. Protective Supervision	6
F. The Decision to Remove a Child from the Home	6
1. Legal Standard for Removal	6
2. Agency Removal Guidelines	7
Chapter 3	
Judicial Determination of Reasonable Efforts	
A. The Role of the Court	9
B. Removal When Reasonable Efforts Have Not Been Made	9
C. Burden of Proof	9
D. Evidence	10
1. Testimony	10
2. Cross-Examination	10
E. The Standard for Reasonable Efforts Determination	10
1. Factors to be Considered	10
a. Relevance of Services	10
b. Adequacy of Services	10
c. Coordination of Services	11

d. Accessibility of Services	11
e. Availability of Services	11
f. Diligence of Efforts	11
g. Realistic Expectations	11
2. State Guidelines	11
3. Termination of Parental Rights Interpretations	12
F. When No Efforts is Reasonable	13
1. When Reasonable Efforts are Inappropriate	13
2. Emergencies	13
a. Definition	13
b. Federal Guidelines	14
c. State Statutes	14
d. Agency Policy	14
e. Documentation	14
3. Refusal of Services by Family	14
4. When Reunification is Inappropriate	14
G. When the Determination Should Be Made	14
1. Federal Guidelines	14
2. State Statutes	15
3. Subsequent Determinations of Reasonable Efforts	15
H. Reasonable Efforts to Reunify the Family	15
I. Relation to the Indian Child Welfare Act	16

Chapter 4

Documentation of Reasonable Efforts

A. Purpose of Documentation	17
B. Agency Documents	17
1. Case Records	17
2. Case Plans	17
3. Case Summaries	18
4. Title IV-E Eligibility Forms	18
5. Summaries for Agency Attorneys	18
C. Court Documents	18
1. Petitions	18
2. Court Reports	18
3. Reasonable Efforts Forms and Affidavits	19
D. Court Orders	19
1. Content of Orders	19
2. Wording for Orders	19
a. Reasonable Efforts to Prevent Placements	19
b. Emergencies	19
c. Reasonable Efforts to Reunify Families	19
d. State Order Forms	19
3. Findings of Fact	20
4. Court-Ordered Services	20

Chapter 5

Implementing Reasonable Efforts

A. Legislation and Policy	21
1. State Statutes	21
2. Court Rules	21
3. Agency Implementation	21
B. Coordinating Implementation	21
1. Agencies and Courts	21
2. Attorneys and Other Legal Advocates	22
3. Public Agencies and Private Service Providers	22
C. Training	22
Footnotes	23

Appendices	31
A. Federal Regulations on Reasonable Efforts	33
B. HHS Program Announcement on Reasonable Efforts	35
C. State Statutes on Reasonable Efforts	39
D. Preventive and Reunification Services	49
E. Exemplary Service Lists	51
F. Voluntary Placement Forms	55
G. Removal Forms	61
H. Case Plans	63
I. Case Summaries	79
J. Title IV-E Eligibility Forms	85
K. Summaries for Agency Attorneys	89
L. Petitions	91
M. Court Report Formats	101
N. Reasonable Efforts Forms and Affidavits	103
O. Court Orders	115

Bibliography

FOREWORD TO SECOND EDITION

This monograph was written to provide information and guidance on the legal aspects of implementation of the reasonable efforts requirement of Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980. This provision is one of the most important features of Congressional efforts, through Public Law 96-272, to emphasize services to children and their families to enable children to remain in their own homes in safety rather than being placed in foster care. This monograph should provide valuable information on these requirements to judges, lawyers, policymakers, child welfare agency officials, and child advocates.

Since the American Bar Association's *Reasonable Efforts to Prevent Foster Placement* was published in June 1985, several states have adopted new statutes and policies on the reasonable efforts requirement. As of 1986, twenty-one states have legislation addressing the judicial determination of reasonable efforts. The ABA has also received new and revised policy manuals, memoranda, and forms on reasonable efforts from thirty states. In addition, materials and commentary on reasonable efforts was obtained during the American Bar Association's seventeen-month nationwide study of the implementation of reasonable efforts, funded by the U.S. Department of Health and Human Services. This monograph is an update of our prior publication and highlights current trends in reasonable efforts policy.

Dozens of state child welfare agency administrators took the time to respond to our requests for information on state statutes, regulations, policy guidance, court rules and forms related to implementation of the reasonable efforts requirements. Beth Wanger assisted the project and Tom Devine followed up my research and compiled the bibliography. Sally Small Inada of the ABA Resource Center provided production and marketing assistance. I would like to thank Joyce Sinclair for her help on word processing, formatting, and editing on the monograph and her assistance throughout this project.

Debra Ratterman
Washington, D.C.
January 1987

CHAPTER I

INTRODUCTION TO "REASONABLE EFFORTS"

A. The Federal Reasonable Efforts Requirement

The reasonable efforts requirement of the Adoption Assistance and Child Welfare Act of 1980, P.L. 96-272, is actually two requirements. First, states must include in their Title IV-E state plan a commitment that reasonable efforts will be made to prevent unnecessary placement and to return foster children to their homes. The relevant State plan requirement provides:

Sec. 671(a) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which . . .

(15) effective October 1, 1983, provides that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of a child from his home, and (B) to make it possible for the child to return to his home. . . .¹

Second, for each child entering placement after October 1, 1983, there must be a *judicial determination* that reasonable efforts to prevent removal were made in order for the state to be eligible for federal foster care funds under Title IV-E. The child will be eligible only if:

The removal of the child from the home was the result of a judicial determination to the effect that . . . reasonable efforts of the type described in section 671(a)(15) have been made.²

B. Purpose of the Requirement

Prior to enacting the Adoption Assistance and Child Welfare Act of 1980, Congress heard extensive testimony about the unnecessary placement of children into foster care who could have been protected at home had services been available to help their families. Prior to the passage of this legislation, substantial federal funding had been available to help pay for the costs of foster care for these children, while relatively little federal aid was provided for services to enable these same children to remain with their families.

In adopting this legislation in 1980, Congress decided to shift the emphasis of federal programs toward providing preventive services to allow abused or neglected children to remain at home safely rather than being placed in foster care.³ The reasonable efforts requirements represent an effort to insure that before federal dollars are spent to pay for foster care for a child, reasonable efforts will be made to prevent the need to place the child and, after placement, reasonable efforts will be made to reunify the family. The judicial determination of reasonable efforts is a means of insuring that there is a close examination, in each individual child's case, whether reasonable efforts were made to leave the family

intact. It serves to protect the individual rights of each child and family. In addition, it provides a fiscal incentive for states to establish an adequate program of preventive and reunification services in order not to lose federal funding for foster care costs.

The reasonable efforts requirement is only one of the P.L. 96-272 provisions designed to emphasize preventive and reunification services to families. Congress also required that a state must establish programs of preventive and reunification services for all children in foster care in order to obtain maximum funding under the IV-B Child Welfare Service Program. Both programs must also be established for states to be able to claim federal funding for foster care costs for children voluntarily placed in foster care.

Finally, states are permitted to transfer unused federal foster care funds to the child welfare services program to pay for preventive, reunification and adoption services. For a full discussion of these points see Allen and Golubock, "A Guide to the Adoption Assistance and Child Welfare Act of 1980," *Foster Children in the Courts* (M. Hardin ed. 1983).

Congress delayed the effective date of the reasonable efforts requirement until October 1, 1983, almost three years after the other portions of the Act went into effect. It was thought that this would give states ample time to develop preventive services programs.

C. Federal Guidelines and Monitoring of Reasonable Efforts

The Department of Health and Human Services have promulgated regulations concerning the reasonable efforts requirement. See Appendix A. The federal regulations add to the statutory provisions by requiring that documentation of reasonable efforts be included in each child's federally-mandated case plan.⁴ In addition, the Department of Health and Human Services (HHS) issued a Policy Announcement on the subject of reasonable efforts to prevent placement on January 13, 1984. See Appendix B.

HHS has implemented a system to review state compliance with Title IV-E eligibility requirements, including the judicial determination of reasonable efforts. The states with the largest foster care populations (New York, Pennsylvania, Michigan and California), are reviewed annually and other states are reviewed once every three years. Federal auditors review a random sample of fifty case records for documentation showing that the judicial determination of reasonable efforts was made and other eligibility criteria are met. If the error rate is less than ten percent, disallowance is made only for the cases found to be ineligible. If the error rate is greater than 10%, another 150 cases are reviewed and a proportional amount of federal funding for the state is disallowed.⁵

The federal government has already audited thirty-one states for Title IV-E compliance. Reasonable efforts has been audited in sixteen states. Twenty states have passed the audit, while eleven states have gone on to second stage reviews. Given the amount of federal foster care funding that could be lost in these reviews, it is critical that states successfully implement the reasonable efforts requirement.

HHS has recommended that each state should include in its program manual a provision that services will be provided to prevent removal of a child from the home and to reunify families.⁶ HHS has also suggested that states review their statutes to determine whether changes in laws or court rules may be helpful or necessary in securing the court's cooperation in relation to the judicial determination of reasonable efforts.⁷

D. State Implementation of Reasonable Efforts

As of 1986, twenty-one states have statutes addressing the judicial determination of reasonable efforts: Arkansas (1985),

California (1984), Florida (1984), Georgia (1984), Illinois (1985), Indiana (1984), Iowa (1984), Kansas (1986), Louisiana (1985), Maine (1985), Massachusetts (1984), Mississippi (1985), Missouri (1985), Nevada (1985), New Mexico (1984), New York (1984), Oklahoma (1984), Oregon (1985), Virginia (1984), Washington (1984), and Wisconsin (1983). *See* Appendix C. Most states have adopted new policy on the reasonable efforts requirement including new and revised policy manuals, memoranda and forms on reasonable efforts, and instructional materials.

The following chapters examine current trends in reasonable efforts policy. Chapter 2 describes reasonable efforts to prevent placement as it affects agency practice in providing services to families. Chapter 3 focuses on the judge's role in making the judicial determination of reasonable efforts. Chapter 4 describes in more detail the various types of documentation necessary to reasonable efforts. Finally, Chapter 5 discusses various strategies for the successful implementation of the reasonable efforts requirement.

CHAPTER 2

REASONABLE EFFORTS TO PREVENT PLACEMENT

A. Reasonable Efforts Defined

1. Federal Guidance

The federal regulations do not attempt to define the term "reasonable efforts." The definition of reasonable efforts is up to the states and their court systems.⁸

2. State Statutes

Three states have defined "reasonable effort" in their state statutes. Florida defines reasonable efforts as "the exercise of reasonable diligence and care by the department. . . ." "9 Missouri defines it as "the exercise of *ordinary* diligence and care by the division. . . ." (emphasis added).¹⁰ The statutes also differ on the issue of availability of services. Arkansas states that "[r]easonable efforts means the exercise of reasonable diligence and care by the responsible State agency to utilize all *available* services related to meeting the needs of the juvenile and the family." (emphasis added).¹¹ However, in Missouri, the definition of reasonable efforts "assumes the availability of a reasonable program of services to children and their families."¹² The latter is more consistent with the legislative purpose behind the federal requirement to provide states with an incentive to increase their preventive services programs. In Louisiana, reasonable efforts is defined in the juvenile court rules.¹³

3. Agency Policy

Agency policies have also clarified the concept of "reasonable efforts" to provide guidance for caseworkers. One aspect of reasonable efforts is a prompt investigation of reported abuse or neglect.¹⁴ Reasonable efforts includes the caseworker's best efforts to assess the individual child and family situation regarding service needs.¹⁵ This involves the development of a service plan for the family.¹⁶

The key element of reasonable efforts is provision of preventive services to the family. In choosing services, the caseworkers should consider the relevance of the service, i.e., the specific harm that the resource is to alleviate.¹⁷ They also need to consider the availability of the service and the acceptability of the service to the family.¹⁸ While availability needs to be considered by the caseworker in providing services, the lack of services can be deemed unreasonable by the court.

To meet the reasonable efforts requirement, caseworkers need to go beyond merely offering services to the family. They should encourage and assist the family in gaining access to and utilizing these services.¹⁹ Specifically, this means making referrals, setting up appointments, giving necessary assistance to enable parents to keep appointments, and doing follow-up.²⁰ Providing transportation and scheduling around parents' work hours are often critical elements in making these services accessible.²¹ Because some of the families move frequently or do not have a phone, additional efforts may be

necessary to keep track of them and to maintain their involvement in service delivery.²²

Finally, reasonable efforts means keeping children in their current living situation when no imminent danger to their health and safety exists.²³ Removal should only occur when the provision of preventive services fails or when no services would insure the safety of the child.

4. Termination of Parental Rights Definitions

Many state statutes make reasonable efforts an additional requirement for termination of parental rights.²⁴ Others make a factor that may be considered by the court.²⁵ In such states, the documentation of reasonable efforts at removal and all subsequent hearings is particularly important if the case ultimately goes to termination. Judicial findings that the agency has been making reasonable efforts will be persuasive to the judge at termination. For example, a California statute directs the judge to review and consider the contents of the juvenile court file in termination of parental rights cases to determine whether the services offered were reasonable under the circumstances.²⁶

The definition of necessary agency efforts prior to termination of parental rights can offer some guidance to defining reasonable efforts at earlier stages. For example, the New York termination of parental rights statutes defines "diligent efforts" as:

reasonable attempts by an authorized agency to assist, develop, and encourage a meaningful relationship between the parent and the child, including but not limited to:

(1) consultation and cooperation with the parents in developing a plan for appropriate services to the child and his family;

(2) making suitable arrangements for the parents to visit the child except with respect to incarcerated parent, arrangements for the incarcerated parent to visit the child only outside the correctional facility shall not be required unless reasonably feasible and in the best interests of the child;

(3) provision of services and other assistance to the parents, except incarcerated parents, so that problems preventing discharge of the child from care may be resolved or alleviated;

(4) informing the parents at appropriate intervals of the child's progress, development and health; and

(5) making suitable arrangements with a correctional facility and other appropriate persons for an incarcerated parent to visit the child within the correctional facility, if such visiting is in the best interests of the child. . . . Such arrangements shall include, but shall not be limited to, the transportation of the child to the correctional, and providing or suggesting social and rehabilitative services to resolve or correct the problems other than

incarceration itself which impair the incarcerated parent's ability to maintain contact with the child. . . .²⁷

Many of these factors are applicable to the consideration of reasonable efforts to prevent placement and to reunite families.

B. Funding Consequences

If there is no judicial determination of reasonable efforts, the state cannot legally claim federal matching funds for the individual child pursuant to Title IV-E since a condition of eligibility would not be met.²⁸ The possibility of loss of funding has been stressed to agency personnel and to the courts through policy announcements.²⁹ Since a substantial portion of state foster care budgets is derived from federal funds, the failure to comply with the federal requirement can seriously jeopardize state foster care programs.³⁰ Ultimately, the Secretary of Health and Human Services has the right to cut off federal funds if the state's IV-E plan or its administration of the IV-E program substantially fails to meet federal requirements, including those related to reasonable efforts.

C. The Duty to Make Reasonable Efforts

1. The Child Protective Services Agency

The state agency has a duty to make reasonable efforts to prevent or eliminate the need for removal before a child is placed in foster care. It must provide services to resolve family problems and insure the safety of the child. Indiana has codified the duty of its child protective services to make reasonable efforts to prevent removal.³¹ Once the child is removed from the home, the agency has a duty to make reasonable efforts to make it possible for the child to return home. Iowa statutes impose this duty upon transfer of custody to the Department of Human Services.³²

2. The Caseworker and Supervisor

The duty to make reasonable efforts in practice falls upon the caseworker. Caseworkers are charged with evaluating the family situation and then making informed judgments about the appropriateness of services. The caseworker plays a key role in locating, linking and monitoring services and assessing their effectiveness in protecting the child. If services are contracted, the caseworker is responsible for coordinating and monitoring activities of other providers and intervening on the family's behalf to resolve any problems that arise in the family's work with collateral providers. The supervisor also shares the obligation of monitoring the provision or replacement services to at-risk families.³³

3. Law Enforcement

Federal requirements are not excused if a state chooses to make law enforcement officials primarily responsible for responding to protective service calls. Preventive service efforts still must be made prior to removing a child from home when it is reasonable to do so. Because law enforcement personnel may not be trained in service delivery or service evaluation, some states which have been using law enforcement response may be required to change their practice to involve social service personnel in quick response to protective services calls.

States may choose to reassign responsibility for initial protective service response to the state child welfare agency or may provide that a trained social worker, able to evaluate preventive services alternatives, accompany law enforcement officials. Alternatively, law enforcement officials may be allowed or required to call on social workers to evaluate services when a question of removal arises.

D. Preventive and Reunification Services

Child protective service agencies have developed specialized services for abused and neglected children. Preventive services are offered to families in order to prevent the unnecessary removal of a child from the parents and are directed toward insuring the child's development, safety and well-being in the parent's home.³⁴ Reunification services are services directed toward the helping the child's parents achieve adequate parenting standards and insuring the child's safety upon return home.³⁵ The passage of the "reasonable efforts" requirement was intended to create a strong fiscal incentive for states to establish an adequate program of preventive and reunification services.

Congress required that preventive service efforts be made prior to removing a child from home in every case in which it was reasonable to do so. In addition, reasonable efforts to reunite the family are required in all cases in which the child has been removed from home—whatever the reason—even if preventive efforts were made previously. Reunification efforts are an additional responsibility, not an alternative responsibility.

1. Federal Regulations

Each state must designate in their state plan which preventive and reunification services are available to children and families in need.³⁶ The federal government has not required that every state provide a specific set of services.³⁷ However, the regulations do provide a list of suggested services.³⁸ These services are:

- (1) twenty-four hour emergency caretakers and home-maker services;
- (2) day care;
- (3) crisis counseling;
- (4) individual and family counseling;
- (5) emergency shelters;
- (6) procedures and arrangements for access to available emergency financial assistance;
- (7) arrangements for the provision of temporary child care to provide respite to the family for a brief period, as part of a plan for preventing removal from home.

The regulations also give examples of other services that the agency may identify as necessary and appropriate:

- (1) home-based family services;
- (2) self-help groups;
- (3) services to unmarried parents;
- (4) provision of or arrangements for mental health, drug and alcohol abuse counseling, vocational counseling or vocational rehabilitation;
- (5) post-adoption services.³⁹

2. Basic Services

There are an enormous variety of services which are used to maintain children in their homes and to reunite them with

their families. See Appendix D. There are four preventive and reunification services that are most commonly used by child welfare agencies: counseling, day care, homemakers, and parent education. Counseling includes all supportive and therapeutic activities provided to a child or a child's family directed at preventing or alleviating conditions which present a risk to the safety or well-being of the child by improving problem-solving and coping skills, interpersonal functioning, the stability of the family, or the capacity of the family to function independently.⁴⁰ Trained homemakers provide home help, home care skills instruction and child care and supervision in the child's home.⁴¹ Day care is used as part of a family service plan to provide care and supervision for a child outside of the home for part of a day.⁴² Parent education is practical education and training for parents in child care, child development, parent-child relationships, and the experiences and responsibilities of parenthood.⁴³

3. Family-Based Services

Social service practitioners have also developed new preventive services approaches, such as "family-based" or "home-based" services, which focus on extensive and highly intense interactions between social work or para-professional staff and the family. These interactions, which usually occur in the family home, may be as extensive or intensive as family needs indicate. Staff assist the family to obtain any additional services they may require. The focus is on strengthening family skills and supports and allowing a thorough assessment of family functioning while the child is at home. In such systems, while a variety of services may be used, they are all coordinated by the in-home professional and para-professional staff.

This type of preventive service program can be effective with difficult families who are too disorganized or have too many problems to be able to progress adequately with weekly parenting classes or other limited services. Intensive home-based services have had some success with families where removal of a child had already been directed by a court or an agency placement committee. Intensive home-based programs can also give judges a much more sophisticated assessment of a family's parenting abilities. If it then becomes necessary to remove a child, the case for removal is much clearer and documentation is stronger for possible subsequent proceeding.

In addition to a number of demonstration projects around the country in which such intensive service programs are purchased from private providers, several state agencies have begun to apply this approach using their own staff.⁴⁴ Some public agencies have created special in-house intensive service units to deal with the most problematic families. Other public agencies have also designed their service delivery systems to make the major advantages of the family-centered approach available to all client families.⁴⁵

4. Hard Services

While the focus of many child welfare service programs is specialized counseling and instruction, often families in the child welfare system need "hard services" like financial assistance, housing, food, and clothing. Agencies should provide or arrange access to these services for families in need. In addition, providing transportation is often critical to the utilization of services by families.⁴⁶

5. Mandated Services

Some states have established lists of services that must be available throughout the state. California, by statute, has established a set of minimum services which must be available in all parts of the state. For example, under California law, services in emergency situations should include counseling, emergency shelter care, initial intake, crisis intervention and transportation.⁴⁷ New York has established a description of services to be available throughout the state⁴⁸ and Ohio is in the process of doing so.⁴⁹ Lists are most helpful when they not only designate required services but also describe when a specific service is appropriate.

Reports from the states which have statutory lists of required services indicate that agencies will have these services available more often although not in sufficient quantity. As a result of the statutory changes, judges are much more willing to order that listed services be provided to a family when there is evidence that this would allow the child to remain home safely than was the case before the lists of mandated services were developed. However, judges are likely to be more cautious before ordering non-mandated services be provided.

In addition, if the lists include a reasonable array of services, they can serve as a starting point for a determination of whether reasonable efforts were made to prevent removal or facilitate reunification. The court is justified in assuming that it is appropriate for the agency to provide the services on the list when there is evidence that such services might enable the child to stay or return home. If the agency has failed to provide mandated services, the court may find that reasonable efforts were *not* made to prevent removal or to facilitate reunification. Obviously, this does not require that all listed services be provided in every case.

6. Exemplary State Programs

Some states already have a broad array of preventive and reunification services. Both Washington and Indiana have an impressive list of services available to families in need. See Appendix E. In evaluating whether reasonable efforts are being made in particular case, it is important that judges and advocates be knowledgeable about the service resources available in their area. They also should be aware of the service needs of their community.

E. Cases Requiring Reasonable Efforts

The reasonable efforts requirement is most commonly applied to abused or neglected children placed out of their homes. However, federal foster care reimbursement is not limited to abuse and neglect cases. Title IV-E of the Social Security Act allows federal matching funds for children placed in a licensed foster family home or a licensed child care institution which accommodates no more than twenty-five children, regardless of the reason for placement, when all other eligibility criteria (including reasonable efforts) are met.⁵⁰

1. Delinquents

Federal law does provide federal funding for the placement of delinquents in foster care.⁵¹ However, the federal statute specifically excludes funding reimbursement for children placed in detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of

children who are determined to be delinquent.⁵² When delinquents are placed in eligible facilities like non-secure group homes or family foster care, reasonable efforts must be made to prevent placement. The Act does not prescribe which agency must make these efforts, so they could be made by the state agency that handles delinquency rather than the child protection agency, if these agencies are separate.⁵³ The case record must also show that these efforts were made.⁵⁴

Federal funding can also be obtained for delinquents released from a correctional facility and placed in foster care.⁵⁵ Again, reasonable efforts must be made to return the child home before placement in foster care.⁵⁶ If the permanency planning goal is emancipation rather than reunification, the court must find that the lack of efforts to reunify is reasonable under the circumstances.⁵⁷

There must be a judicial determination of reasonable efforts at the time of the court-ordered placement of a delinquent in foster care for the state to be eligible for federal matching funds. For example, an Idaho Youth Rehabilitation program was found *not* to be eligible because the court ordered the delinquents to the custody of the State Department of Health and Welfare but did not order out-of-home placement, allowing the agency to decide whether the child could be supervised at home or should be placed in foster care.⁵⁸

California, Iowa, New York, and Virginia have statutory provisions requiring that a judicial determination of reasonable efforts be made when delinquents are placed in foster care.⁵⁹ Policy in Michigan, Oregon, and Pennsylvania also applies the reasonable efforts requirement to juvenile delinquents.⁶⁰

Defining "reasonable efforts" in delinquency cases requires different considerations from abuse and neglect cases. In delinquency cases, the court also has an obligation to protect the public.⁶¹ The New York statute states:

the court shall determine . . . where appropriate, and where consistent with the need for protection of the community, reasonable efforts were made prior to the date of the dispositional hearing to prevent or eliminate the need for removal of the respondent from his home. (emphasis added).⁶²

The determination as to whether reasonable efforts were made to reunify the delinquent with her/his family may also be different in these types of cases, *e.g.*, if the parents had been contributing to the child's delinquency. Reunification may be inappropriate and preparing the adolescent for independent living may be a preferable alternative.

2. Status Offenders

Some states have a special designation for incorrigible children who are not delinquent nor abused and neglected. These children are sometimes called "children in need of services" (CHINS), "persons in need of supervision" (PINS), "minors in need of authoritative intervention," or "status offenders." If these children are placed in foster care, the state is potentially eligible for federal matching funds. As in the case of delinquents, the court must find that reasonable efforts were made to prevent the placement. California, Illinois, New York, and Virginia have statutory requirements for reasonable efforts determinations in these types of cases.⁶³ Again, special considerations such as the need to prevent the child

from running away may affect the judicial determination of reasonable efforts.

3. Voluntary Placements

Under Title IV-E of the Social Security Act, children voluntarily placed in foster care by their parents are eligible for federal matching funds if specific requirements are met.⁶⁴ Voluntary placements do not require a judicial determination of reasonable efforts. However, in order for a state to be eligible for federal financial participation for voluntary placements, its state plan must certify that in each case, including those involving voluntary placements, reasonable efforts will be made prior to the placement of a child in foster care and to make it possible for the child to return home.⁶⁵ The state must also have implemented a preplacement preventive services program designed to help children remain with their families.⁶⁶ The case plan for voluntary placements must include a description of services offered or provided to prevent removal, a discussion of the reasons it was necessary to place the child, and a description of the services underway to reunite the family, just as in court-ordered placements.⁶⁷

Both Nevada and New York statutes require that reasonable efforts be made prior to court approval of the voluntary placement agreement.⁶⁸ Several state agencies have adopted policy requiring caseworkers to document efforts to prevent placement in cases where the parent voluntarily agrees to foster care.⁶⁹ In New Jersey, caseworkers must document efforts to prevent placement in the court notice of a voluntary placement.⁷⁰ Appendix F contains examples of forms used by agencies to document efforts in voluntary cases.

4. Protective Supervision

Services provided pursuant to court-ordered protective supervision that allows children to remain with their family may be evaluated as efforts to prevent placement should the child later be removed from the home. However, federal law does not require a reasonable efforts determination be made at the time the child is placed under protective supervision. Some state courts monitor the agency's service provision in these cases. For example, at a review hearing for protective supervision in South Carolina, the court must determine:

- (1) What services have been offered to or provided to the parents;
- (2) Whether the parents are satisfied with the delivery of services;
- (3) Whether the agency is satisfied with the cooperation given to it by the parents;
- (4) Whether additional services should be ordered and when termination of supervision by the agency can be expected.⁷¹

F. The Decision to Remove a Child from the Home

1. Legal Standard for Removal

One of the major purposes of the reasonable efforts requirement is to encourage agencies and courts to consider service alternatives to placement. Some states have incorporated the consideration of service alternatives into their standard for removal of children. For example, the Florida shelter placement statute states:

No child shall be removed from home or continued out of home pending disposition if, with the provision of

appropriate and available services, including services provided in the family home, the child could remain safely at home.⁷²

The legal standard for removal in Illinois requires that "appropriate services aimed at family preservation and family reunification have been unsuccessful in rectifying the conditions which have led to such a finding of unfitness. . . ." ⁷³

The standard for emergency removal has also been defined in some states by the lack of service alternatives. For example, Indiana law allows emergency removals only when "consideration for the safety of the child precludes the immediate use of family services to prevent removal of the child." ⁷⁴

A good legal standard for removal of a child from home should focus both on the degree of danger to the child and on whether there are practical alternatives to placement that can allow the child to remain at home safely. For example, the California statute provides that a child must be released by the court unless the court finds that:

[t]here is a substantial danger to the physical health of the minor or the minor is suffering severe emotional damage, and . . . there are no reasonable means by which the minor's physical or emotional health may be protected without removing the minor from the parents' or the guardians' physical custody. . . . ⁷⁵

2. Agency Removal Guidelines

Some state agencies require caseworkers to provide all the agency's services to a family prior to considering placement.⁷⁶ Others require that a service assessment be made prior to removal.⁷⁷ Services must be considered prior to placement in foster care in several states.⁷⁸ The services considered must be both appropriate and available to prevent removal.⁷⁹

Some agencies consistently review caseworker's decisions to place children to insure that service alternatives are fully considered. In North Carolina, the agency uses a team approach to decision-making, including a preplacement screening system that reviews cases prior to placement to ensure that services have been provided to prevent or eliminate the need for placement.⁸⁰

Many programs require that services be documented in the case record prior to placement.⁸¹ In New York, the reason that offered services did not avert placement must also be documented.⁸² Colorado requires that documentation include a description of services considered and rejected and the reasons for rejection.⁸³ If an emergency precluded service delivery, this should also be documented prior to placement.⁸⁴ Florida uses a "Placement Decision Form" to document service alternatives prior to the decision to remove a child from home. See Appendix G.

CHAPTER 3

JUDICIAL DETERMINATION OF REASONABLE EFFORTS

A. The Role of the Court

Eligibility of a child for federal foster care funds is dependent on a judicial determination that continuation in the home would be contrary to the child's welfare and that reasonable efforts were made to prevent the need for placement and to make it possible for the child to return home.⁸⁵ The court, after a hearing on the evidence, must explicitly conclude that the agency's efforts were reasonable.⁸⁶ The court must make a *determination* that reasonable efforts were made—the fact that the agency actually made reasonable efforts is not sufficient without this determination. Review and approval of the agency's report and recommendation by the court alone does not satisfy the requirement.⁸⁷

Twenty-one states have passed state statutes requiring this determination be made. For example, the Arkansas statute states:

Prior to the placement of a child in other than the home of the parent, guardian, or custodian, the juvenile court must make specific findings that reasonable efforts were made to keep the family together and avoid foster care and reasonable efforts to eliminate the need for removal of the child from the home were made by the State.⁸⁸

In determining whether the reasonable efforts requirement is met, federal auditors check case records for court orders containing the appropriate language.⁸⁹ Only a signed court order or a transcript of court proceedings may be used to evidence that the necessary determination was made.⁹⁰ Inclusion in the court order is sufficient even if the case record does not support the finding—the auditor relies on the judge's decision.⁹¹ A reference to reasonable efforts in the petition does not meet the requirement unless the court order expressly adopts the specific relevant wording in the petition.⁹² HHS has also stated that a court order citing a state law allowing removal only for the "best interests" of the child is *not* adequate to meet the reasonable efforts requirement. If, however, the state law allows removal under no other circumstances except those required under the Act and the court order is expressly based on that law, then the order is sufficient evidence that the determinations have been made.⁹³ However, making reasonable efforts a legal prerequisite for removal may be unwise because, as discussed in the next section, there are situations where the child should be removed even though reasonable efforts have not been made.

Most state policy incorporates the requirement that the reasonable efforts determination be included in a written court order.⁹⁴ For example, Missouri judges are advised to include a determination of reasonable efforts in the written court order or enter the finding into the written record of the proceedings.⁹⁵ Minnesota policy does not consider the official court transcript to be sufficient documentation and requires a written finding in the court order.⁹⁶ Agency reports to the court that document

reasonable efforts are not sufficient evidence of compliance, but Florida, Louisiana, and Minnesota have interpreted the requirement as being met if the court specifically determines that this portion of the report is true.⁹⁷ The agency should keep a copy of the court order in the case record.⁹⁸

B. Removal When Reasonable Efforts Have Not Been Made

There is a distinction between the reasonable efforts determination and the decision to remove a child from the home. While the question of whether more could have been done to prevent placement is pivotal in deciding whether to remove a child, removal may sometimes be necessary even though timely and appropriate services were not provided. For example, the agency may have failed to provide an emergency intervention service that would have prevented a family situation from deteriorating to the point that the child is seriously endangered in the home. The child should not be left in an unsafe situation because the agency has not met its responsibility to make efforts to prevent placement. If the child must be removed, the agency will be penalized by not receiving federal matching funds for that child's placement.

Unfortunately, several state statutes have made the reasonable efforts requirement a prerequisite for removal of a child.⁹⁹ It is preferable that the state statute only require the courts to make a finding of reasonable efforts, as other statutes do,¹⁰⁰ instead of requiring a positive determination for removal. Some states have specific statutory provisions that allow removal even if reasonable efforts were not met.¹⁰¹ For example, the Missouri statute states:

The juvenile court may authorize the removal of the child even if the preventive and reunification efforts of the division have not been reasonable, but further efforts could not permit the child to remain at home.¹⁰²

Many states have policy emphasizing that the reasonable efforts determination is *not* a new substantive requirement for removal.¹⁰³

C. Burden of Proof

The agency must affirmatively show that it has made reasonable efforts at the hearing. Some states have established special burden of proof rules for the reasonable efforts determination. For example, Missouri places the burden of demonstrating that reasonable efforts were made on the agency.¹⁰⁴ Louisiana's statute also place the burden of proof on the agency.¹⁰⁵ Florida also gives the agency the burden of demonstrating that reunification efforts would be inappropriate where that is alleged.¹⁰⁶ Placing the legal burden of proof on the agency is consistent with the legislative intent

of creating an affirmative duty on the agency to make reasonable efforts to prevent foster care placement.

D. Evidence

A judge cannot make a finding that the agency made reasonable efforts to prevent placement unless that allegation is supported by evidence produced at the hearing.¹⁰⁷ Allegations made in petitions do not constitute evidence. Neither do court reports or other written documentation submitted to the court unless they are admitted into evidence at the hearing. It is the responsibility of the agency's attorney to prepare and present evidence at the hearing with the cooperation of the caseworker.¹⁰⁸

When insufficient evidence is provided on the issue of reasonable efforts, the court can ask the agency to provide further information on the case or to consider other service alternatives and report back to the court. The court can also ask the parents' or child's attorney to specifically address the question of whether further services might make it possible for the child to remain at home safely. Any of the parties may be directed or ordered to consider specific alternatives the judge believes should be considered. Occasionally, a court might even appoint another social work expert to provide an evaluation of service alternatives or call representatives of possible service providers to talk about the availability and appropriateness of their services. For example, a social work professor or a social worker from a community social services agency might be asked to prepare an alternative social plan. A representative of a daytime facility for the care of a severely handicapped children could be called to testify about whether their services might make it possible for the handicapped child to remain at home.

1. Testimony

The most common evidence on reasonable efforts at the hearing is the testimony of the caseworker.¹⁰⁹ The caseworker should be prepared to testify on all efforts made to prevent placement of the child.¹¹⁰ The worker should outline the services provided to the parents prior to removal and the efforts made to make those services accessible to the parent. If no services were provided, the caseworker should explain the emergency circumstances that made service provision impossible. The attorney for the agency should elicit reasonable efforts testimony from the caseworker at the hearing.¹¹¹ When indicated, the agency attorney should also call service providers who worked with the family to testify on the efforts to prevent placement.

2. Cross-Examination

The parents' attorney should cross-examine the caseworker and try to show that reasonable efforts were not made. Although the reasonable efforts determination affects federal funding and does not determine whether the child is actually removed, a negative finding can be beneficial to the parents at later hearings, can be used to advocate for increased services for the family, and may persuade the agency to delay removal in marginal cases. Parents should also testify about their service needs and problems of accessibility to services that have not been addressed by the agency. Children's attorneys, guardians *ad litem*, and court-appointed special advocates (CASA's) should prepare for and raise the issue of reasonable efforts at the hearing.

E. The Standard for Reasonable Efforts Determination

There has been very little guidance for judges in terms of establishing a standard for the judicial determination of reasonable efforts. The requirement leaves a great deal of discretion to the court.¹¹² Reasonable efforts is a difficult standard to define and will, of course, vary with the facts of a particular case.¹¹³

Each judge must make the determination using state law guidelines where they are available. Clearly, the court should be informed on the service efforts that were made and why. The court must also clearly identify the nature of the problem in the family which the service efforts are intended to resolve. Having identified the specific problems, consideration of the following factors will be helpful in reaching a decision.

1. Factors to Be Considered

a. Relevance of Services

The first criteria is the relevance of the services: there should be a match between the family problem and the services offered. For example, a child was found to be sexually abused by the mother's boyfriend and the mother had thrown the abuser out of the home. Services were directed at the mother's alcoholism, even though there was no demonstrated relation between her drinking problem and any abuse and neglect, and no sex abuse counseling was offered to either mother or child. This would not constitute reasonable efforts because the services were not relevant to the substantiated abuse. Agency efforts should be focused on services most likely to alleviate danger to the child.

b. Adequacy of Services

The second consideration, adequacy of services, involves two important elements: quality of effort and quantity of effort. In the process of developing a service plan to meet the needs of a family, the agency should ensure that the family receives quality services. For example, if services are contracted for outside the public agency, the agency should determine whether the selected service provider is well-qualified to meet the family's needs. Quality also related to the caseworker's skills, which are developed through education and experience, compassion and commitment.

Second, the agency case plan should ensure that sufficient services are identified and allocated to meet the needs of the family. The family situation may require a variety of services in order to meet varied needs. The services must also be at an intensity level that will enhance the family's potential for achieving success. For example, a family that is in a crisis situation is unlikely to be helped by a counseling program that sees the family once a month. On the other hand, a parent should not be overwhelmed by the service plan. Reasonable efforts also means the least intrusive level of services to help alleviate the danger to the child.

In evaluating adequacy of services, the judge should examine the number of contacts with the family, the duration and frequency of services, and the quality of the caseworker's involvement. It is also helpful to inquire into the reasons why the services offered were unsuccessful. Would an increased level of services or the addition of new services be sufficient to allow the child to remain at home safely?

c. Coordination of Services

Third, the judge should evaluate whether services are coordinated to give the parent a fair chance to make progress. When more than one service provider is working with the family, they should have compatible goals so that the family is not a victim of competing service directives. For example, a mother of an incorrigible fourteen-year-old may be told by one counselor that she should use strong discipline and structured consequences, while another tells her that she should let him go so he can learn the natural consequences of his actions. As part of reasonable efforts, the public agency has the responsibility for monitoring service coordination even if it contracts with private service providers.

d. Accessibility of Services

An extremely important consideration for the judge is the accessibility of the services to the family. While the parents' refusal or failure to cooperate in services does not bar the agency from having made reasonable efforts, the agency has a duty to encourage the parent's participation and to make reasonable accommodations to ensure their cooperation.

Modifications in services should be made to accommodate schedules of family members. Services may need to be offered during evenings and weekends for working parents. Emergency services need to be available on a 24-hour basis. Services should be available in the parents' first language. Service providers need to be located in clients' neighborhoods or near public transportation. Transportation and baby sitting services may be needed to allow parents to participate in service programs. Consideration should be given to providing the services in the family's home.

The agency must also consider the special needs of the parent. For example, efforts to encourage and strengthen the parental relationship which are reasonable with respect to an average parent are not necessarily reasonable with respect to an intellectually limited person. The agency should involve professionals with expertise in dealing with special problems like mental illness or substance abuse.

e. Availability of Services

The judge should consider the availability of needed services. The unavailability of a service does not mean that reasonable efforts have been met. If a service cannot be provided, the judge should determine whether the absence of the service was reasonable. The reasonable efforts requirement assumes the availability of reasonable preventive and reunification services to meet the needs of the child and family. The legislative purpose behind the federal requirement is to provide states with an incentive to increase their service programs. The court can determine reasonable efforts were not made if a reasonable array of services is not available. Repeated findings could help clarify the service needs of the agency and encourage the state to provide more funding for new and expanded services. If the agency has not requested additional funding for needed services, this could be evidence of failure to make reasonable efforts.

f. Diligence of Efforts

The most difficult criteria to explore is the agency's diligence of efforts. Diligence encompasses the "good faith" of the agency in making meaningful and affirmative efforts to assist the parents in overcoming their problems. The sincerity

of the efforts to help the family is often crucial to the success of any service program. The agency is not excused from their duty to make efforts because they assert efforts would be futile, difficult or burdensome. The agency's inability to deal with the parent does not obviate the duty to offer necessary services.

By examining the prior attempts by the agency to intervene or provide services, including referrals to other professionals and the results, the judge can determine whether the agency perseveres and does not assume that the client is unable or unwilling to follow through. By inquiring into the family's view of its service needs and the services offered, the judge can better evaluate whether sincere, good faith efforts were made.

g. Realistic Expectations

All the above criteria must be considered in light of the constraints under which the agency is functioning. It is appropriate for the court to look at the staffing, caseload, and funding problems that an agency is experiencing in determining whether efforts have been reasonable. If the cost of a service is exorbitantly expensive, it may be unreasonable to expect the agency to provide it. However, in ensuring the child's safety, the agency should at least consider expenditures to assist and support a child's own family that are less or comparable to the cost of out-of-home placement. The ABA study of reasonable efforts implementation found that even in the best of agencies, caseworkers are extremely limited in the amount of time that can be spent on each case. The time spent on administrative tasks (such as preparing court reports), attending staffings, driving to meet with clients, and testifying in court should be considered as part of the efforts made by the agency.

2. State Guidelines

Many states have offered their own guidelines to judges in making the judicial determination of reasonable efforts. Under one state interpretation, reasonable efforts involves two elements.¹¹⁴ The first is the quality of efforts made by the agency. The efforts must be "reasonable"—this connotes absence of negligence and an reasonable level of diligence and good judgment in working with the family. The second element is the nature of the series offered.

Vermont has set three criteria against which to measure whether reasonable efforts at providing preventive services were made.¹¹⁵ The first criterion is the relevance of the services. Agency efforts should be focused on services most likely to alleviate danger to the child.¹¹⁶ The second criterion is the availability of services. The caseworker must make diligent efforts to bring to bear available and appropriate family resources and community services.¹¹⁷ However, as stated earlier, the court can determine no reasonable efforts were made if a reasonable array of services is not available. The third criterion is the acceptability of services. Parents ultimately have the right of self-determination and can refuse to accept the services offered.¹¹⁸ The caseworker also has a duty to encourage the parent's participant and to make reasonable accommodations to ensure their cooperation.

In Wisconsin, a deskbook for juvenile court judges outlines specific factors that the judge should consider in making the reasonable efforts determination:¹¹⁹

- (1) Nature of the problems, *e.g.*, type, degree of violence, severity, duration, family members involved;
- (2) Nature of the services offered or provided, *e.g.*, type of agencies involved, number of contacts with the family, efforts to build a therapeutic relationship with the family or arrange for others to do so;
- (3) Nature of services considered and rejected by the agency;
- (4) Relationship between the services offered or provided and problems, *e.g.*, the appropriateness, accessibility, duration of services, level and quality of family members' involvement;
- (5) Family's view of its service needs and response to services;
- (6) Selection of agency or referral services available to meet the family's needs, *e.g.*, intensive in-home family-based services, respite care, crisis counseling, homemaker, emergency funding;
- (7) Diligence of the agency in making services available or acceptable to the family, *e.g.*, follow-through on agreements with the family or court orders, number of written and face-to-face contacts;
- (8) Prior attempts by the family to obtain services or intervention, and the results;
- (9) Prior attempts by the agency to intervene or provide services, including referrals to other professionals, and the results (The expectation is that the agency perseveres and does not assume that the client is able or willing to follow through);
- (10) Level of services which would have been needed to maintain the child at home or return the child home and the reasonableness of providing those services;
- (11) Reason why further services and efforts to keep the child at home were impractical, *e.g.*, emergency situation, noncooperation of the family;
- (12) Persons responsible for making the decision to remove the child from the home, including agency requirements to staff the case (review);
- (13) Reconsideration of decision to remove the child by the agency staff, *e.g.*, number of times case was reviewed, documentation of formal review or decision-making. . . .

The factors they list for determining reasonable efforts to reunify the child are:¹²⁰

- (1) Reunification plan established upon or after removal;
- (2) Services provided to the family after the child's removal from the home, including the involvement of professionals with expertise in dealing with the family's special problems, *e.g.*, alcohol or drug use, handicaps, mental illness;
- (3) Visitation plan and schedule established upon removal, including appropriateness, modifications made to accommodate schedules of family members or child's anxieties, removal of barriers to visitation;
- (4) Attempts to reunify child and family including the support services provided to make reunification successful.

3. Termination of Parental Rights Interpretations

Case law defining the term "reasonable efforts" for the purpose of the required determination does not exist at this point. However, some helpful information can be drawn from

the the judicial interpretation of reasonable efforts and similar terms in the context of termination of parental rights cases. Most states require that agency efforts to preserve the family unit be evaluated in a termination case.¹²¹

The decisions in termination cases tend to adopt a case-by-case approach to the issue of reasonable or diligent efforts to reunify the family:

The question of what constitutes "reasonable services" is one which cannot be answered by a definitive statement. Instead, it must be answered on the basis of any given factual situation, for it is clear that services which might be reasonable in one set of circumstances would not be reasonable in a different set of circumstances.¹²²

The Rhode Island Supreme Court concluded that "an evaluation of [the agency's] efforts to strengthen the bond between the parents and the child is best achieved through a 'totality of circumstances' approach."¹²³

Although the agency is not charged with a guarantee that the parents succeed in overcoming their problems¹²⁴ nor required to be a "24 hour babysitter" for the parents,¹²⁵ it has been held that it is insufficient for an agency merely to give the parents an ultimatum.¹²⁶ New York courts have also said that it is not an excuse to assert that efforts would have been "futile" or "difficult and burdensome."¹²⁷ Courts have, however, ruled that the failure of parents to keep the agency apprised of their whereabouts for a significant period¹²⁸ or refusal to participate in services¹²⁹ excuses the agency from its duty to make diligent efforts.¹³⁰ Nevertheless, the agency's inability to deal with the parent does not obviate the necessary services.¹³¹

A review of New York case law by Joseph Carrieri found that "diligent efforts" by an agency includes:

- (1) Encouraging visitation between parent and child by:
 - (a) counseling parent and child, and equally important, counseling foster parents in order to insure meaningful visits;
 - (b) where parent cannot afford carfare to visit the child, supplying parent with sufficient funds; and
 - (c) when necessary, bring the child to the parent for a visit.
- (2) If the parent is either on drugs or has a drinking problem, encourage the parent to seek professional help.
- (3) Assist the parent to obtain adequate housing.
- (4) Assist the parent to obtain employment.
- (5) Assist the parent to obtain welfare.
- (6) Assist the parent to obtain medical assistance.
- (7) Assist the parent to formulate a plan for the return of the child.
- (8) Where indicated, involve the extended family in order to facilitate return of the child.
- (9) Counsel foster parents to encourage the child to respect the parent and prepare the child for the return to his natural parent.
- (10) Offer child and parent psychiatric and psychological assistance.¹³²

Termination cases are not consistent concerning the extent of the efforts that are required of the agency. In *In the Matter of Marilyn H.*, the court established a "good faith" test and

stated that the New York "diligent efforts" requirement was aimed only at averting the agency's deliberate discouragement of the parent.¹³³ At the other extreme, an agency has been required to take every conceivable step to insure that reasonable services are provided.¹³⁴ Another court has defined diligent efforts as "affirmative, repeated, and meaningful efforts" to assist the parents in overcoming their problems.¹³⁵

One relevant observation made in these cases is the relatively unequal status of parents to agencies in terms of available resources:

The requirement of diligent efforts stems from both the nature of the proceedings and the relative positions of agency and parent. The proceeding constitutes and interference by the State in the parent-child relationship. In this setting, the parent is severely disadvantaged, being burdened with economic, emotional, mental, and physical problems. On the other hand, the agency is vested with expertise, experience, capital, manpower [sic] and prestige. Agency efforts correlative to their superiority is obligatory. (citation omitted).¹³⁶

Courts have also looked at whether there is a relationship between the reason for removal and the services required to be offered to the parents.¹³⁷ An agency is not required to aid in the correction of unrelated matters in which the parents were having problems. The agency can also prioritize the parents' problems dealing with the most important problems first.¹³⁸ An agency should mold its efforts in the context of and in recognition of a parent's individual situation.¹³⁹ The agency must also consider the special needs of the parent. For example, efforts to encourage and strengthen the parental relationship which are reasonable with respect to an average parent are not necessarily reasonable with respect to an intellectually limited person.¹⁴⁰ One court has suggested that the parent be given an opportunity for counterproposals to the service plan.¹⁴¹ The parent should also be made fully aware of the consequences of non-compliance with the service plan.¹⁴²

If there is no proof of any offer of services, the agency has clearly not met its burden.¹⁴³ It is not sufficient for an agency to rely on independent sources to provide the necessary services.¹⁴⁴ Although some courts did consider availability of services,¹⁴⁵ others have held that specific types of services should be made available to meet the diligent efforts requirements.¹⁴⁶ However, the court in *In re Wardship of B.C.* held that the existence of some other service which might have helped the parent is inadequate to show that the agency did not meet its duty.¹⁴⁷

It is helpful to look at the facts of particular termination cases where the court has found reasonable efforts were made. For example, in an Indiana case, the children had originally been removed because of inadequate shelter and poor housekeeping.¹⁴⁸ The agency had provided a variety of support services to the family: housing assistance, furniture, food stamps, AFDC, transportation services, homemaker services and intensive social work.¹⁴⁹ The court found these efforts to be "reasonable."¹⁵⁰ In a New York case, the daughter was removed because the mother was mentally retarded and unable to adequately care for her child.¹⁵¹ The agency afforded the mother the opportunity to participate in several programs, including Literacy Volunteers, the Association for Retarded Children, the Pelican Club (for new parents), the

Capable and Loving Mothers program, Parents Anonymous and the Mental Health Clinic, as well as providing transportation to these programs.¹⁵² The caseworker testified that she had "exhausted every available resource that we know of for her."¹⁵³ The court found the agency had met its duty of diligent efforts.¹⁵⁴

It is also illustrative to look at the fact situations where the court has found the agency did not meet its duty to make reasonable efforts. In *In the Matter of Jamie M.*, a special needs child was removed from her mother as a result of inadequate housing and income.¹⁵⁵ The agency's case plan provided for a referral to the state employment services and "any employment we hear about," and a referral to a local housing council and "advising them of vacancies we have heard of and by encouraging them in pursuit of housing."¹⁵⁶ No attempts to secure public assistance were made.¹⁵⁷ The court found these efforts to be inadequate to meet the diligent efforts requirement.¹⁵⁸ In another case, a baby was removed from a 16-year-old mother.¹⁵⁹ The agency did provide transportation and information on housing and other services, such as the Women, Infants and Children Program.¹⁶⁰ However, the court held the agency did not meet its duty because it did not give proper consideration to the fact the mother was very young, had been raped several times in her life, had lost her father who had committed suicide, and was experiencing a very difficult pregnancy.¹⁶¹

F. When No Efforts is Reasonable

1. When Reasonable Efforts are Inappropriate

There must be a determination of whether reasonable efforts were made to prevent placement for every child in foster care in order for that child to be eligible for federal foster care matching funds. This is true even in cases where it would be inappropriate to make these efforts. For example, children may be placed in the custody of a child welfare agency after the death of both parents or after being abandoned by their parents. HHS has suggested that in these cases the judge make a finding that in such circumstances it was reasonable not to provide preventive and reunification services.¹⁶² This is analogous to how courts have treated the "diligent efforts" requirement in termination cases when abandonment is the ground for termination.¹⁶³ The agency, however, retains the duty to make reasonable efforts to reunite the child with the family. In North Carolina, caseworkers are instructed to formulate a case plan and to file a motion to review with the court to show that reunification services are being provided.¹⁶⁴

2. Emergencies

a. Definition

The most common type of case where the agency has made no efforts to prevent placement are "emergency" placements. In order for these placement to be eligible for funding, the court must make a determination that the lack of efforts was reasonable. It is important to note, however, that the absence of efforts is not reasonable in every emergency removal. For example, the emergency may have arose because of the agency's failure to provide services in its earlier contacts with the family. An emergency justifies a positive reasonable efforts determination only when *the child could*

not remain safely at home even with the provision of reasonable services.

Furthermore, the existence of an emergency does not necessarily justify a failure to provide preventive services. Emergency services may be available (or may need to be developed) which make it possible to quickly respond in specific types of emergencies and alleviate the immediate danger to the child. Only when emergency services fail or would not be adequate to protect the child in the home should there be a finding that reasonable efforts were made to prevent removal.

b. Federal Guidelines

In emergency situations where the agency felt that services could not prevent removal, HHS requires the court to find that the lack of preventive efforts was reasonable to meet the federal reasonable efforts requirement.¹⁶⁵ HHS has stated that state law and the court's judgment would prevail in the definition of "emergency" cases.¹⁶⁶

c. State Statutes

Many states have defined "emergency" for the purpose of reasonable efforts in statutes¹⁶⁷ and rules.¹⁶⁸ These definitions vary in their interpretation of under what circumstances will the absence of efforts be considered reasonable. The most common wording is exemplified in the Arkansas statute:

Where the State agency's first contact with the family has occurred during an emergency in which the juvenile could not remain safely at home, even with reasonable services being provided, the responsible State agency shall be deemed to have made reasonable efforts.¹⁶⁹

Missouri and Louisiana change this wording to require that "the child could not safely remain at home even with reasonable in-home services"¹⁷⁰ This unnecessarily limits the realm of inquiry to in-home services when the provision of other services (such as housing) could prevent removal. The Florida statute defines an emergency as a situation where "appropriate and available services" could not insure the safety of the child.¹⁷¹ This limitation also fails to allow for the possibility that the unavailability of a specific service may be unreasonable.

Other statutes, such as Mississippi, do not limit emergencies to cases where the agency has had no prior contact but instead defines emergencies as situations where "the circumstances are of such an emergent nature that no reasonable efforts have been made to maintain the child within his own home."¹⁷² Illinois requires the agency to show "good cause . . . why reasonable efforts cannot prevent or eliminate the necessity or removal of the minor."¹⁷³

d. Agency Policy

Agency policy has provided guidance to caseworkers in determining which situations should be presented to the court as "emergencies" where no efforts were possible. For example, Missouri defines an emergency as a situation where "the best interests of the child would not have been served by attempting in-home intervention strategies."¹⁷⁴ Michigan defines lack of services as reasonable where "the child is removed in an emergency because of immediate threat to the child's health or welfare and there is no reasonable opportunity to provide preventive services."¹⁷⁵

e. Documentation

Even if no services are provided, the agency must document the reason the case is considered an emergency where no services were possible. HHS requires that, in emergency situations, the case plan include an explanation of why such services were not provided and a discussion of the reunification services offered and provided following placement.¹⁷⁶ A petition for removal may also state that the emergency precluded efforts to prevent placement and cite the facts on which the evaluation has been made as well as citing the efforts that will be made to make it possible for the child to return home.¹⁷⁷ Most importantly, the court order must state that the absence of efforts was *reasonable*.¹⁷⁸ It may not be sufficient for the court order to say that "reasonable efforts could not be made in the instance of an emergency"¹⁷⁹ and a factual finding that no services were provided is certainly not sufficient.¹⁸⁰

3. Refusal of Services by Family

Whether efforts are reasonable depends upon what steps have been taken by the agency to provide services. If appropriate and available services are refused by the family, the agency can meet the reasonable efforts requirement assuming that the services offered were reasonable.¹⁸¹ Of course, the caseworker's attempts to provide these services should be documented.¹⁸²

4. When Reunification is Inappropriate

In addition to cases where providing preventive services is inappropriate, there are cases where reunification services would be inappropriate. An obvious example is when a child has come into custody because both parents are dead or have abandoned the child and cannot be located.¹⁸³ As in the case of emergencies, the state is not precluded from claiming federal funds in these cases. HHS has said that in these types of cases, the agency must show that "the family relationship was so destructive that it was reasonable not to make an effort to reunify the family."¹⁸⁴

If the goal for a youth is emancipation rather than return home, this also does not mean the minor is ineligible for federal funds.¹⁸⁵ Again, the decision not to make efforts to reunify must be reasonable. Florida has statutorily addressed this issue, stating:

When the severity of the conditions of dependency is such that reunification efforts are inappropriate, the department shall be deemed to have made a reasonable effort for reunification of the family. The department shall have the burden of demonstrating to the court that reunification efforts were inappropriate."¹⁸⁶

The court must find that the lack of reunification services is *reasonable*; a finding that "reunification is not in the best interests of the child"¹⁸⁷ may not be sufficient to meet the reasonable efforts requirement.

G. When the Determination Should Be Made

1. Federal Guidelines

Federal law does not specify at what stage in the court process the judicial determination of reasonable efforts is to

be made. According to HHS, state law and court procedures will prevail.¹⁸⁸

State procedures vary, but there are generally four types of hearings in a child abuse/neglect case: (1) emergency removal hearing (usually *ex parte*); (2) shelter care hearing (held 2 - 10 days after an emergency removal, also called detention, probable cause, or continued custody hearing); (3) adjudicatory or fact-finding hearing; and (4) disposition hearing. Although the determination could be made at any of these hearings,¹⁸⁹ it is more consistent with the purpose of P.L. 96-272 for the determination to be made at or very near to the time of the child's removal from home at a proceeding where the parties have an opportunity for a full hearing. The hearing should allow the parents to make arguments, to present evidence, to cross-examine opposing witnesses and to be represented by counsel. Because federal funding cannot be claimed until the first day of placement in the month when all the eligibility factors are met, it would be to the state's advantage to have the determination made as early as possible in the process.¹⁹⁰

Because early hearings do not provide parties with an adequate opportunity to fully explore services issues and later hearings could delay funding, the best option is to make the determination at each stage. By having a determination at *both* the emergency removal/shelter care hearings *and* the adjudication/disposition, the advantage is gained of immediate federal funding, a focus on service alternatives, and a later opportunity for a full hearing on the issue.

2. State Statutes

Most state reasonable efforts statutes specify the stage(s) at which the judicial determination should be made. Only a few state laws say that the judge should consider reasonable efforts at "removal" without specifying a particular hearing.¹⁹¹ In several states, the statute designates one hearing at which the determination should be made, either the initial evidentiary hearing,¹⁹² the adjudicatory hearing,¹⁹³ or, more often, the disposition hearing.¹⁹⁴ However, the majority of state statutes have chosen to have reasonable efforts findings made at more than one hearing.¹⁹⁵ For example, the Florida statutes require a reasonable efforts determination when the child is placed in shelter care, at the 48-hour detention hearing, at the adjudication hearing, and the disposition hearing.¹⁹⁶ State policy also has adopted the multi-hearing approach.¹⁹⁷

3. Subsequent Determinations of Reasonable Efforts

There will be cases in which the court finds that the agency has not made reasonable efforts to prevent placement or where the judge has made no determination. In these cases, the child is not eligible for Federal Financial Participation (FFP).¹⁹⁸ However, FFP may be claimed for an otherwise eligible child when there is a subsequent judicial determination that reasonable efforts have been made to return the child home.¹⁹⁹ When all eligibility criteria are met, a State may claim federal foster care funds from the first day of the month in which all eligibility criteria are met.²⁰⁰ In federal auditing guidelines, auditors are instructed that if they find a court order containing a determination that reasonable efforts were not made to prevent separation, they should look for a subsequent determination on reasonable efforts and record the date.²⁰¹ Neither the federal law nor regulations set any time limit on when this subsequent determination of reason-

able efforts can be made.²⁰² HHS has said that a subsequent determination can be made when the court feels it has sufficient evidence to make a finding.²⁰³

Some states have specific policy addressing subsequent determinations of reasonable efforts.²⁰⁴ North Carolina and Washington policies require that subsequent determinations in cases where reasonable efforts were not made be considered at the next scheduled hearing, usually a review hearing.²⁰⁵ Delaware, Oregon and Pennsylvania policies require that the caseworker request a new hearing as soon as possible to obtain a subsequent determination of reasonable efforts.²⁰⁶ Pennsylvania designates that the petition requesting this special hearing include a description of new efforts to reunify the family or the family services plan attached and incorporated by reference.²⁰⁷ The sooner the subsequent determination is made, the less federal funding will be lost.

No federal policy has been issued on whether a subsequent finding that reasonable efforts were not made would make the child ineligible for federal funding. Since federal policy is clear that a subsequent positive finding of reasonable efforts can make a previously ineligible child eligible for federal funding, it logically follows that a subsequent negative finding can withdraw eligibility. For example, a judge may find in a particular case that reasonable efforts were made to prevent placement but at the following review hearing that the agency is not making reasonable efforts to reunify the child with the family. Under Pennsylvania's interpretation, no subsequent determinations are required after a finding of reasonable efforts unless the child's placement is terminated and the child is placed again.²⁰⁸ A resourceful advocate seeking better services for the family might well make such an argument at a review hearing. As a practical matter, however, the federal auditing system is not designed to find subsequent negative determinations.

H. Reasonable Efforts To Reunify the Family

The federal statute speaks not only to reasonable efforts to prevent placement but also to reasonable efforts to return the child to the family.²⁰⁹ In order to be eligible for federal funds, a judicial determination that either reasonable efforts have been to prevent placement *or* to return the child is sufficient. A tandem finding is not required.²¹⁰ However, it is preferable that both determinations be made at the hearing, if appropriate.

Several statutes specifically address reasonable efforts to reunify.²¹¹ For example, the Oregon statute provides:

If the court awards custody to the division, the disposition order shall include a determination whether the division has made reasonable efforts to prevent or eliminate the need for removal of the child from the home. If the child has been removed prior to the entry of the order, the order shall also include a determination whether the division has made reasonable efforts to reunify the family after removal.²¹²

The Mississippi statute requires that the judge make a finding that "reasonable efforts will continue to be made towards reunification of the family." It should be noted that this finding alone does *not* meet the federal reasonable efforts requirement which must be based on the *past* efforts of the agency. The court should make a finding as to whether

reasonable efforts *were made* to make it possible for the child to return at each hearing after the child is removed.

I. Relation to Indian Child Welfare Act

The Indian Child Welfare Act of 1978, P.L. 95-608, provides special protection for Native American children placed out of their homes. Under the Act:

Any party seeking to effect a foster care placement of, or termination of parental rights to, an Indian child under State law shall satisfy the court that *active efforts* have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the

Indian family and that these efforts have proved unsuccessful. (emphasis added)²¹³

This "active efforts" requirement for Indian children requires an inquiry into the preventive services provided by the agency similar to the reasonable efforts requirement. However, because of the long history of excessive and indiscriminate removal of Native American children from their families for placement in non-Indian homes, the "active efforts" standard places a higher burden of proof on the agency than reasonable efforts. It should be noted that the reasonable efforts requirement also applies to Indian children removed from their homes.

CHAPTER 4

DOCUMENTATION OF REASONABLE EFFORTS

A. Purpose of Documentation

In order for the reasonable efforts requirement to be effectively implemented, there must be adequate documentation in each case of the efforts made by the agency to fulfill its statutory responsibility. Adequate record-keeping will aid the agency in insuring that the philosophy of reasonable efforts is being carried out by its staff and in proving to the court that they have met the requirement. In addition, documentation of needed but unavailable services in particular should be maintained to assist in substantiating budget increases for services to the state legislature, developing proposals for service demonstration projects, advocating with community agencies and organizations for service development, and determining priorities for worker training. Agency-wide caseworker documentation of resource needs will also assist agency administration in their roles as spokespersons for the service needs of children and families in the community.²¹⁴ The judge also needs to have sufficient information about the provision of preventive and reunification services in order to make a well-informed judgment as to whether reasonable efforts have been made. States have adopted various methods of compiling service information for agencies and for courts.

B. Agency Documents

1. Case Records

It is the responsibility of the agency caseworker to document what efforts have been made to prevent placement.²¹⁵ This information is most commonly compiled in an a child's (or a family's) case record. The case record should contain the most detailed record of dates, times, and length of contacts with clients and service providers. In order to maintain sufficient information to demonstrate reasonable efforts, the caseworker should record:

- (1) *family problems and service needs*
- (2) *efforts to prevent placement*
 - (a) service plan for family;
 - (b) preventive services offered;
 - (c) preventive services considered inappropriate;
 - (d) preventive services unavailable;
 - (e) preventive services provided;
 - (i) length of service;
 - (ii) frequency of contact;
 - (f) reasons services failed to prevent placement;
 - (g) if emergency, reasons no preventive services provided.
- (3) *efforts to reunify family*
 - (a) service plan for family;
 - (b) reunification services offered;
 - (c) reunification services considered inappropriate;

- (d) reunification services unavailable;
- (e) reunification services provided;
 - (i) length of service;
 - (ii) frequency of contact;
- (f) reunification services to be offered;
- (g) if reunification inappropriate, reasons no reunification services provided.²¹⁶

California makes documentation of preplacement services a requirement for Title IV-E eligibility by statute.²¹⁷ Colorado policy requires that "every reasonable effort" be documented in the child's record.²¹⁸ Idaho specifically mandates that the case record contain a complete current record of services requested or offered, service plans, services delivered, client and collateral contacts, and a written history evaluating the effectiveness of services provided.²¹⁹ A "prevention statement" is required by Utah policy in case records which includes preventive services offered, a discussion of why services failed to prevent placement, and a description of reunification services to be offered.²²⁰

2. Case Plans

In addition to documentation of the reasonable efforts determination in the court order, federal regulations require that these efforts be recorded in the child's case plan. The regulations state:

The case plan for each child must . . . after October 1, 1983, include a description of the services offered and the services provided to prevent removal of the child from the home and reunify the family.²²¹

The federal statute²²² and HHS policy²²³ also require the case plan to include a discussion of the appropriateness of the placement and how the responsible agency plans to carry out the judicial determination of reasonable efforts. If the child was removed during an emergency where no services could have prevented placement, the case plans should explain the reasons no services could be provided.²²⁴ The case plan requirements also apply to voluntary placement cases.²²⁵ However, case plan requirements are a state plan compliance issue and not a funding eligibility requirement.²²⁶

The case plan should include all the issues discussed above for case records.²²⁷ Agency policy in general reflects the requirement that services provided to prevent placement be documented in the case plan.²²⁸ Some specifically address documentation of the emergency situation that prevented service delivery.²²⁹ Wisconsin requires that caseworkers discuss in the case plan services that have been investigated and considered and are not available or, if available, why such services are not appropriate.²³⁰ Several states have developed form case plans for caseworkers to complete that include a section on reasonable efforts. See Appendix H. The best of these, Maine and Tennessee, include services checklists.

3. Case Summaries

Several states require documentation of reasonable efforts in special case summary forms. *See* Appendix I. A case summary would be a less detailed record of efforts than a case record but should still address all the issues outlined above for the case record. In the Delaware case summary form, caseworkers must list all services needed, provided, and offered and assess the adequacy of those services. Workers are also asked to include a discussion of resources that would have been useful, but were not available and why they were not available.²³¹ Several of the case summary forms, such as Nebraska and North Dakota, simply provide a section for caseworkers to list efforts to prevent placement. *See* Appendix I. It is important to include a section to explain "emergency" cases²³² and to document efforts to reunify on these forms.²³³ New Mexico also utilizes the case summary form to record whether the judge has made a judicial determination of reasonable efforts in that case. *See* Appendix I.

4. Title IV-E Eligibility Forms

A California statute restates the federal requirement that makes Title IV-E eligibility dependent on a judicial determination of reasonable efforts.²³⁴ A few states have developed forms for determining Title IV-E eligibility which allow for a check-off of whether the reasonable efforts determination has been made. *See* Appendix J. This is important for the agency's monitoring compliance with the reasonable efforts requirement.

5. Summaries for Agency Attorneys

In some jurisdictions, caseworkers are required to provide special summaries to the agency attorney when a case requires judicial action. The attorney should provide oversight on the issue of reasonable efforts by evaluating whether the agency has made adequate efforts to prevent placement before taking legal action in a case. It is very important that the attorney be given information on service provision in the initial legal stages of the case. In Oklahoma, the forms completed by caseworkers for attorneys contain a section on reasonable efforts. *See* Appendix K.

C. Court Documents

1. Petitions

The first legal papers submitted to the court, usually the petition or complaint, should allege in every case where removal of a child is sought that reasonable efforts to prevent placement were made and should summarize those efforts. If no services were provided, the petition should contain an explanation of the "emergency" that precluded the use of services. Efforts made to reunify the child, if made prior to the filing of the petition, should also be described. Finally, the petitioner should request the judge to make a finding on whether reasonable efforts were made. Technically, a judge cannot address reasonable efforts unless it has been alleged in the petition.²³⁵

Indiana, New York, and South Carolina have statutory requirements concerning reasonable efforts allegations to be included in the petition.²³⁶ For example, the New York law states:

The petition shall also set forth the efforts which were made, prior to the placement of the child into foster care,

to prevent or eliminate the need for removal of the child from his home and the efforts made prior to the filing of the petition to make it possible for the child to return to his home. If such efforts were not made, the petition shall set forth the reasons why these efforts were not made.²³⁷

Policies requiring reasonable efforts allegations in petitions for removal are in effect in many states.²³⁸ Some require supporting attachments to the petition outlining agency efforts.²³⁹ Several states have drafted form petitions that include reasonable efforts allegations. *See* Appendix L. The best of these are from Indiana, New York, and South Dakota because they include spaces for specific factual allegations of efforts made.

2. Court Reports

In most states, caseworkers file written reports to the court to give detailed factual information about a specific case. These reports should include a special section which deals specifically with reasonable efforts. Five state statutes mandate that these efforts be outlined in such reports.²⁴⁰ The most comprehensive of these is the Florida law which requires that the predisposition report provide documentation of:

1. The availability of appropriate prevention and reunification services for the family to prevent the removal of the child from the home or to reunify the child with the family after removal;
2. The inappropriateness of other prevention and reunification services that were available;
3. The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the family if appropriate services were available;
4. Whether services were provided;
5. If the services were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home;
6. If the services were not provided, the reasons for such lack of action; and
7. The need for, or the appropriateness of, continuing such services if the child remains in the custody of the family or if the child is placed outside the home.²⁴¹

A large number of states' agency policies require that efforts to prevent placement appear in reports to the court.²⁴² For example, Utah policy states:

This social study will include information to enable the court to make an adequate assessment of the situation in the home and also a history of past problems that have precipitated the current crisis. The worker includes, under a separate heading titled "Preventive Services," a description of services offered and services provided to prevent removal of the child from the home, a discussion of the reasons why it was or may be necessary to place the child, and a description of the services underway to reunify the family. If immediate removal of the child was necessary, the worker describes efforts to return the child home. This section of the report must conclude with a request that the court make a determination as to whether the efforts made to prevent or eliminate the need for placement was reasonable.²⁴³

Some agencies have developed court report formats that specifically refer to reasonable efforts. See Appendix M. Because some courts consider the court report to be evidence which can be used to support a positive determination of reasonable efforts, the content of the report is very important. In uncontested cases, it may be used as the sole basis for the determination.

The court report should be provided to the court prior to the hearing. In addition, it should be provided to the parents, parents' attorney, and the child's attorney, guardian *ad litem* or CASA well in advance of the hearing in order to facilitate meaningful consideration of the reasonable efforts question.

3. Reasonable Efforts Forms and Affidavits

One method of insuring that the reasonable efforts requirement is documented is the creation of a special form specifically on efforts to prevent placement and to reunify the family. Such forms are typically used as a means of providing information for the court on reasonable efforts. However, it can also be used internally by the agency to monitor caseworkers on their provision of preventive services. Alternatively, the caseworker may use the form to prepare testimony for the court concerning reasonable efforts.

Many states have created reasonable efforts forms and affidavits. See Appendix N.²⁴⁴ The affidavit should provide specific information on service provision in that case and not merely be a "biolerplate" affidavit submitted in every case. One particularly well-designed form is used by Illinois agencies—it provides for a check-off of services as either inappropriate, unavailable or ineffective, and requires an explanation for each. A service check-off is a good idea because it reduces the caseworker's time in completing the form and allows the judge to see the array of services the agency has to offer. The form should include a section for an explanation of "emergency" cases and a section on efforts to reunify the family.

D. Court Orders

At the close of the hearing, the agency attorney should request that the judge make a written determination in the court order that reasonable efforts were made to prevent placement and, where applicable, that reasonable efforts were made to reunify the family. Although many state agency policy manuals place this responsibility on the caseworker, it should be the agency's attorney who raises this issue.²⁴⁵

In order to meet the federal reasonable efforts requirement, there must be adequate documentation that the judicial determination has been made. A copy of the court order indicating that reasonable efforts were made in the case record is sufficient documentation to qualify for IV-E funds, according to HHS.²⁴⁶ HHS has also stated that documentation currently used by the State to meet the requirement for the judicial determination regarding the child's welfare may be extended to meet the reasonable efforts requirement.²⁴⁷

1. Content of Orders

The court order removing a child should include a written determination whether or not reasonable efforts were made to prevent foster care placement. If no preventive services were provided, the order should address whether the absence of effort was reasonable. If the child was removed prior to

the hearing, the order should also state whether or not reasonable efforts were made to reunite the child with the family. If the agency asserts that reunification is inappropriate, the order should state whether or not the lack of reunification efforts was reasonable.

2. Wording for Orders

a. Reasonable Efforts to Prevent Placement

The particular language used in the order is important. The court order must contain a statement that "the state agency has made reasonable efforts to prevent or eliminate the need for removal of the child from her/his home" to meet the eligibility requirement for federal foster care funding. This wording is taken from the federal statute.²⁴⁸ Variations on this language are permissible, but a mere listing or acknowledgment that services were offered is inadequate unless it is explicitly stated that these efforts were *reasonable*.²⁴⁹ It is also insufficient to state that reasonable efforts "will be made" — the court must evaluate the *prior* efforts of the agency to determine if they were reasonable.

b. Emergencies

The wording for "emergency" case is particularly important because it is not explicitly mentioned in the federal statute. The best wording is "the lack of preventive efforts was reasonable in light of the emergency circumstances."²⁵⁰ Another alternative is "Because emergency circumstances where the child could not be protected even with the provision of reasonable services, the state agency is deemed to have made reasonable efforts."²⁵¹ Wording that an "emergency" existed or it was not feasible to provide services or that the agency had no prior contact with the family is inadequate if it does not explicitly say that the lack of services was *reasonable*.²⁵² As discussed earlier, the fact that services that would have prevented removal were unavailable does not necessarily mean that it qualifies as an "emergency" for the purpose of the reasonable efforts requirement.²⁵³ The judge could find that the absence of a particular service is unreasonable.

c. Reasonable Efforts to Reunify Families

Where the agency has provided reasonable reunification services prior to the hearing, the order should state "the state agency has made reasonable efforts to make it possible for the child to return to her/his home." This wording is from the federal statute.²⁵⁴ This finding should also be stated in past tense. Eligibility requirements are *not* met if the order states "the agency *shall* make reasonable efforts to reunite the family."²⁵⁵ In situations where reunification is inappropriate, the court order should state "The lack of reunification services was reasonable under the circumstances."²⁵⁶

d. State Form Orders

Many state agencies and courts have suggested specific wording for court orders.²⁵⁷ The most common method of implementation has been new language printed in court order forms. See Appendix O. Form orders can be useful in that they provide a consistent reminder to the judge that the issue of reasonable efforts must be considered in all removal hearings.

However, when the necessary language becomes a "boilerplate" provision, it defeats the purpose of the federal legislation to encourage judicial scrutiny of child placement. To insure adequate inquiry, form orders should allow for the judge to make a finding that reasonable efforts were *not* made. One method is to provide a "check-off" in front of a positive finding of reasonable efforts; if the finding is negative, the box will not be checked.²⁵⁸ Another option is put in "made/not made" and allow for a check-off or cross-out.²⁵⁹ There can be a check-off for a negative as well as a positive finding of efforts.²⁶⁰ Finally, there can be a "yes/no/not applicable" check-off for each finding of reasonable efforts.²⁶¹

It is preferable that the form allows judges to provide reasons for their findings.²⁶² The form proposed for Mecklenburg County, North Carolina gives the judge a listing of potential services to check-off.²⁶³ North Carolina, Oregon, Pennsylvania and Vermont have the most comprehensive court order formats. *See* Appendix O.

3. Findings of Fact

Factual findings on the efforts of the agency to remedy family problems should be made in each case. These findings help assure that the court carefully considered whether reasonable efforts have occurred and make a record that will assist permanency planning in later court proceedings.²⁶⁴ Several states have statutory requirements that the judge make findings of fact on reasonable efforts. For example, the Oregon statute states:

In support of its determination whether reasonable efforts have been made by the division, the court shall enter a brief description of what preventive and reunification efforts were made and why further efforts could or could not have prevented or shortened the separation of the family.²⁶⁵

The Indiana statute lists specific issues that the judge must address at removal and at disposition. At removal, the written findings must state that:

- (1) whether removal of the child . . . was necessary to protect the child;
- (2) a description of the family services available before the removal of the child;
- (3) efforts made to provide family services before the removal of the child;

- (4) why the efforts made to provide family services did not prevent removal of the child; and
- (5) whether the efforts made to prevent removal were reasonable.²⁶⁶

At disposition, the judge must make findings on the record concerning:

- (1) the needs of the child for care, treatment, or rehabilitation;
- (2) the need for participation by the parent, guardian, or custodian in the plan of care for the child;
- (3) efforts made, if the child is a child in need of services, to prevent the child's removal from or to reunite the child with his parent, guardian or custodian in accordance with federal law; and
- (4) the court's reasons for the disposition.²⁶⁷

In addition to these issues, the judge should explain in emergency cases why the lack of services was (or was not) reasonable. In cases where the agency alleges that reunification is inappropriate, the judge should record the reasons the absence of reunification services was (or was not) reasonable. If the court finds that the unavailability of a particular services is unreasonable, this should also appear in the factual findings.

4. Court-Ordered Services

It varies state-to-state whether a juvenile court judge has the power to order the agency to provide specific services to dependent children and their families.²⁶⁸ Several states have explicit statutory authorization for the court to order services.²⁶⁹ These statutes give the court the power to order the agency to provide services²⁷⁰ and to order the parents, guardians, and child to participate in these services.²⁷¹ The Wisconsin statute lists the services that the judge may order: individual or group counseling, homemaker or parent aide services, respite care, housing assistance, day care or parent skills training.²⁷² California and Wisconsin allow the judge to order services when the child remains at home under court supervision.²⁷³ Mississippi mandates that reunification services be ordered by the court when an "emergency" prevented the provision of preventive services.²⁷⁴ Special form orders used in New York and North Carolina give the judge an opportunity to list the services to be offered. *See* Appendix O.

CHAPTER 5

IMPLEMENTATION OF REASONABLE EFFORTS

A. Legislation and Policy

1. State Statutes

In order to insure state compliance with the judicial determination of reasonable efforts requirement, state legislation may be amended to specifically require the individual judge to make a determination of reasonable efforts. This may be necessary because present state law may only give the judge discretion to do so or may even prevent the judge from making the determination. While federal law clearly makes the judicial determination of reasonable efforts a condition of Title IV-E eligibility, it is not clear that the federal law, by itself, compels juvenile judges to make a determination of reasonable efforts.²⁷⁵ Putting the requirement in state legislation also serves to put all parties, including parents and children's attorneys who generally will not be privy to court-agency agreements or agency policy, on notice that these determinations will be made. Legislation also provides for statewide uniformity in the determinations. Twenty-one states already have such legislation.

2. Court Rules

State courts may also adopt the court rules on a state or local level requiring a determination of reasonable efforts. If there is already a statute requiring the determination, court rules might clarify the precise procedure to be followed. For example, court rules can fill in details of the specific issues to be addressed in court reports or petitions or of the types of findings the court must make.²⁷⁶

3. Agency Implementation

The child protective services agency should require by regulation or official policy that reasonable efforts must be made in every case to prevent the need to remove the child from home. A Wisconsin statute specifically authorizes the child welfare department to promulgate rules establishing standards for reasonable efforts to prevent placement of children outside their homes.²⁷⁷ The agency should issue guidelines on the efforts to prevent removal that will be expected in various kinds of cases. The policy should specify the types of services to be made available statewide and locally. Proper documentation of reasonable efforts in case plans and other documents should be required. The agency may want to draft or revise forms for case records, case plans, court reports, and petitions. The agency may have to reorganize the agency in such a way that workers are able to evaluate services needs and arrange and provide services as part of the initial protective services response. Agency budgets should be formulated so that there are not budgetary constraints making it easier to spend dollars on foster care for a child than to spend the same dollars on services to allow the child to remain at home.

The reasonable efforts requirement should change protective service practice if at present the agency is not emphasizing the provision of preventive services in lieu of removal when it is reasonable to do so. If current state child protective practice already places a strong emphasis on preventive and in-home services, the required changes may be minimal. If it does not, the changes required may be substantial. Agencies need to evaluate the accessibility of their services and barriers which may prevent clients from using them. The agency needs to be organized in such a way that someone maintains continuity of contact with the family. The agency should also investigate special family-based/in-home services.

Agencies are using several methods to disseminate information about the reasonable efforts requirements to local agencies. These include state agency memos to local directors²⁷⁸ and memos from agency attorneys to local directors.²⁷⁹

B. Coordinating Implementation

1. Agencies and Courts

Because of the fiscal implications of the reasonable efforts requirement, close and frequent communication and coordination between the local social services agencies and the courts are essential.²⁸⁰ Special meetings between judges and agency officials can be arranged to discuss implementation of reasonable efforts. A number of states have established Children-in-Placement Committees and other interdisciplinary or court/agency task forces which may be used to resolve problems relating to the reasonable efforts determinations.

Agencies need to educate courts to insure that the judicial determinations of reasonable efforts are being made. The relationship between the responsibility of the agency and the actions of the court makes a close working arrangement crucial to the effectiveness of the system.²⁸¹ Agencies and courts can redesign their own petitions, motions and orders to try to build in a reasonable efforts determination statement.²⁸² Many states have prepared explanatory memos to judges explaining the reasonable efforts requirement.²⁸³ Several state agencies have also recommended that local agencies plan special meetings with judges to discuss implementation of reasonable efforts.²⁸⁴ Local agencies should prepare materials explaining what services are available in the area, how the agency will present information to the court to assist judges in making the appropriate findings, and local financial implications of the reasonable efforts requirement.²⁸⁵

Agency letters to court administrators can initiate changes in court orders and other forms used by the court.²⁸⁶ In some instances, court administrators have instituted meetings with agencies to request routinized documentation of reasonable efforts.²⁸⁷

2. Attorneys and Other Legal Advocates

Working with agency attorneys, parents' and children's attorneys, guardians *ad litem*, and CASA's is also crucial to the successful implementation of the reasonable efforts requirement. Agency attorneys must be educated in the importance of the requirement and to routinely request a finding on reasonable efforts.²⁸⁸ Some state agencies have recommended that local agencies meet with their attorneys to insure their cooperation in obtaining the necessary court findings.²⁸⁹ Agency attorneys can also be useful in drafting uniform or suggested language or formats for petitions, court reports and other information submitted to the court.²⁹⁰ Agency attorneys should be prepared to answer the agency's questions about legal issues raised by the reasonable efforts requirement.²⁹¹ Finally, agency attorneys can act as a liaison to the court on the reasonable efforts requirement.²⁹²

3. Public Agencies and Private Service Providers

The reasonable efforts requirement also poses special problems of implementation for agencies that contract with other agencies to provide preventive and reunification services. Although the public agency may rely on the action of other service providers to help make reasonable efforts, it retains the responsibility for meeting the requirement. Consequently, these other agencies should be made aware of the agency's commitment to working with children in their own homes with emphasis on keeping families together and preventing inappropriate placement.²⁹³ Case conferences and staffings provide an excellent opportunity for the public agency to evaluate whether reasonable efforts are being made.²⁹⁴

Service providers should be expected to provide the agency with periodic written statements for the case record regarding services provided to family members.²⁹⁵

C. Training

Protective services workers should be trained to evaluate the risks to a child of remaining at home if services are provided. In addition, they should be trained either to provide preventive and reunification services themselves or to arrange for services available through others. Workers handling voluntary placement cases also must be trained to evaluate services as an alternative to accepting a child for placement and to provide or arrange for these services.

States should also provide training for judges, attorneys, and agency personnel on the reasonable efforts requirement. A number of states have conducted training programs for judges covering the reasonable efforts determination. Special training will result in a more meaningful implementation of the goals of preventing foster care placement.

The best kind of training is multi-disciplinary including caseworkers, judges, agency counsels, parent and children's attorneys, guardians *ad litem*, and law enforcement officials. This approach gives each participant exposure to the roles of others and a better overview of the process. It can also provide a forum for exchange of concerns and suggestions. Because the reasonable efforts determination requires the judge to evaluate the caseworker's efforts, it is particularly important that the judge have a good understanding of the demands of the caseworker's job.

FOOTNOTES

¹⁴²U.S.C. § 671(a)(15) (1986).

²⁴²U.S.C. § 672 (1986). *See also* H. Conf. Rep. 96-900, 96th Cong., 2d Sess. (1980), reprinted in 3 U.S. Code Cong. & Ad. News 1569-70 (1980).

³Several states have incorporated this policy into their statutes, e.g., Ark. Stat. Ann. § 45-406(b) (Supp. 1986); R.I. Gen. Laws § 42-72-2(2)(b) (1986); N.C. Gen. Stat. § 7A-646 (1986); Vt. Stat. Ann. tit. 33, § 631 (3) (1981).

⁴⁴⁵C.F.R. § 1356.21(d)(4) (1986).

⁵U.S. Dept. of Health & Human Serv. [hereinafter cited as HHS], Human Development Serv., Information Memorandum, ACYF-IM-85-25 (Aug. 14, 1985).

⁶HHS Human Development Serv., Policy Announcement, ACYF-PA-84-1 (Jan. 13, 1984), p.3.

⁷*Id.* at 5.

⁸Letter to Henry Gunn, Director of Region III Resource Center for Children, Youth & Families from Alvin Pearis, Regional Program Director of Children, Youth & Families Div. (Apr. 18, 1984), p. 4.

⁹Fla. Stat. Ann. § 39.41(2)(b) (West Supp. 1986). *See also* Ark. Stat. Ann. § 45-436(5)(a)(3) (Supp. 1985).

¹⁰Mo. Ann. Stat. § 211.183(2) (Vernon Supp. 1986). *See also* La. Code Juv. Pro., Art. 87(F) (West 1985).

¹¹Ark. Stat. Ann. § 45-436(5)(a)(3) (Supp. 1986).

¹²Mo. Ann. Stat. § 211.183(2) (Vernon Supp. 1986). *See also* Fla. Stat. Ann. § 39.41(2)(b) (West 1985) ("assumes the availability of appropriate services to meet the needs of child and family." (emphasis added)); La. Code Juv. Pro. art. 87(F) (West 1985).

¹³La. Code Juv. Pro. art. 87(F) (West 1985).

¹⁴*See, e.g.*, Letter to Mo. Judges from Joseph O'Hara, Director of Mo. Div. of Family Serv. (Dec. 20, 1983).

¹⁵*See, e.g.*, Wash. Dept. of Soc. & Health Serv., *Manual G* § 32.32(a) (Apr. 1984), p. 9.

¹⁶*See, e.g.*, Letter to N.C. County Directors of Soc. Serv. from Bonnie Cramer, N.C. Div. of Soc. Serv. (Mar. 25, 1985).

¹⁷Me. Dept. of Human Serv., "Proposed Policy Statement on Reasonable Efforts," PPS 096 (Jul. 23, 1984), p. 2.

¹⁸*Id.*

¹⁹*See, e.g.*, Ariz. Dept. of Economic Security, *DES Manual*, Revision No. 241, § 5-53-08(c)(4)(e) (Nov. 1984).

²⁰*See, e.g.*, Ark. Div. of Economic & Medical Serv., *Policy and Procedure SPP.2410.2* (Mar. 1, 1985).

²¹*Id.*

²²*See, e.g.*, Ind. Dept. of Pub. Welfare, *Providing Family-Centered Preplacement Preventive Services: A Handbook* (Sept. 1983), p. 148.

²³*See, e.g.*, Ariz. Dept. of Economic Security, *DES Manual*, Revision No. 241, § 5-53-08(c)(4)(e) (Nov. 1984).

²⁴*See, e.g.*, Cal. Civ. Code § 232(a)(7) (Deering Supp. 1986); La. Rev. Stat. Ann. § 13:1601(D)(4), (F)(4) (1985); Minn. Stat. Ann. § 260.221(b)(5) (Supp. 1987); N.Y. Soc. Serv. Law § 384-b (McKinney 1983 & Supp. 1986); N.C. Gen. Stat. § 7A-289.32(3) (1986); R.I. Gen. Laws § 15-7-7 (1985); S.D. Codified Laws Ann. § 26-8-35.2 (1985); Wis. Stat. Ann. § 48.415 (West 1986).

²⁵*See, e.g.*, Ala. Code § 26-18-7(a)(6) (1986); Kan. Stat. Ann. § 38-1583(b)(7) (1985); Mont. Code Ann. § 41-3-609(2)(g) (1985) Neb. Rev. Stat. § 43-292(6) (1985); Nev. Rev. Stat. § 128.106(7) (1985); N.H. Rev. Stat. Ann. § 170-C:5(V)(b) (Supp. 1985); Or. Rev. Stat. § 419.523(2)(e) (1986); Tenn. Code Ann. § 37-1-147(e)(2) (Mitchie Supp. 1986).

²⁶*See* Cal. Civ. Code § 232(a)(7) (Deering Supp. 1986).

²⁷N.Y. Soc. Serv. Law § 384-b(2)(f) (McKinney Supp. 1986).

²⁸HHS, Human Development Serv., Policy Announcement, ACYF-PA-84-1 (Jan. 13, 1984), p. 4.

²⁹*See, e.g.*, Memorandum to La. Judges with Juv. Jurisdiction from

John Koppler, President of La. Council of Juv. Court Judges (Jul. 22, 1983), p. 6; Minn. Dept. of Pub. Welfare, Instructional Bulletin No. 84-25 (Apr. 16, 1984), Attachment, p. 2; Memorandum to Mont. County Attorneys from John LaFaver, Director of Mont. Dept. of Soc. & Rehab. Serv. (Aug. 10, 1983), p. 2.

³⁰*See, e.g.*, Memorandum to Mont. County Attorneys from John LaFaver, Director of Mont. Dept. of Soc. & Rehab. Serv. (Aug. 10, 1983), p. 2; Neb. Dept. of Soc. Serv., Administrative Memorandum—Social Services No. 20-84 (Mar. 5, 1984), p. 1.

³¹Ind. Code Ann. § 31-6-11-10 (b) (West Supp. 1986).

³²Iowa Code Ann. §§ 232.52(5), 232.102(4) (West 1985 & Supp. 1986).

³³*See* Ind. Dept. of Pub. Welfare, *Providing Family-Centered Preplacement Preventive Services: A Handbook* (Sept. 1983), p. 157.

³⁴*Id.* at 5; Wyo. Div. of Pub. Assistance & Soc. Serv., Draft Rules and Regulations, ch. I, § 5 (Jul. 28, 1985).

³⁵Wyo. Div. of Pub. Assistance & Soc. Serv., Draft Rules and Regulations, ch. I, § 5 (Jul. 28, 1985).

³⁶45 C.F.R. § 1357.15(e)(1) (1986).

³⁷48 Fed. Reg. 23106 (1983).

³⁸45 C.F.R. § 1357.15(e)(2) (1986).

³⁹*Id.*

⁴⁰*See, e.g.*, 55 Pa. Admin. Code § 3130.35(1) (Shepard's 1985).

⁴¹*See, e.g., id.*

⁴²*See, e.g., id.*

⁴³*See, e.g., id.*

⁴⁴*See* Nat'l Resource Center on Family-Based Serv., *Family-Centered Social Services: A Model for Child Welfare Agencies* (1983).

⁴⁵Two selected bibliographies on preventive & reunification services are Nat'l Resource Center on Family-Based Serv., *Annotated Bibliography on Family-Based Services* (1986) (available from National Resource Center on Family-Based Services, School of Social Work, University of Iowa, Iowa City, Iowa 52242) & A. Maluccio & P. Sinanoglu, *Parents of Children in Foster Care: An Annotated Bibliography* (1981) (available from Practitioners' Press, Inc., 80 Slocum Road, Hebron, Conn. 06248).

⁴⁶*See* Golubuck, *Cash Assistance to Families: An Essential Component of Reasonable Efforts to Prevent or Eliminate Foster Care Placement of Their Children*, 19 Clearinghouse Rev. 1393 (Apr. 1986).

⁴⁷*See* Cal. Welf. & Inst. Code §§ 16501 (Deering 1985).

⁴⁸*See* N.Y. Admin. Code tit. 18, § 423 (1986).

⁴⁹*See* Ohio Admin. Code (1986).

⁵⁰*See* 42 U.S.C. § 672(c) (1986).

⁵¹*See* Letter to Henry Gunn, Director of Region III Resource Center for Children, Youth & Families from Alvin Pearis, Regional Program Director of Children, Youth & Families Div. (Apr. 18, 1984), p. 2.

⁵²42 U.S.C. § 672(c) (1986).

⁵³Letter to Henry Gunn, Director of Region III Resource Center for Children, Youth & Families from Alvin Pearis, Regional Program Director of Children, Youth & Families Div. (Apr. 18, 1984), p. 2.

⁵⁴*Id.*

⁵⁵*Id.*, p. 4.

⁵⁶*Id.*

⁵⁷*See* Chapter 3, Section F.4.

⁵⁸HHS, Human Development Serv., Program Information Question, ACYF-PIQ-84-5 (Jul. 5, 1984), pp. 1-2.

⁵⁹*See* Cal. Welf. & Inst. Code §§ 300(c), 361(B) (Deering Supp. 1986); Iowa Code Ann. § 232.52(b) (West 1985); N.Y. Fam. Ct. Act § 352.2(2)(b) (McKinney Supp. 1986); Va. Code § 16.1-279(e)(9)(c) (Supp. 1986).

⁶⁰*See* Mich. Dept. of Soc. Serv., Manual Bulletin No. 83-17 (Oct. 20, 1983), p. 2; Or. Children's Serv. Div., *Substitute Care Manual* § V-C-10 (May 15, 1984), p. 5; Pa. Dept. of Pub. Welfare, Children's

Youth and Families Bulletin No. 3130-84-04 (Jul. 20, 1984), p. 4. Virginia policy mandates that services offered by the probation department prior to placement be included in the child's foster care case plan. See Va. Dept. of Soc. Serv., *Foster Care Manual* (Jul. 1984), pp. 83a - 83b.

⁶¹See, e.g., Letter to Pa. Juv. Court Judges from James Anderson, Deputy Director of Pa. Juv. Court Judges Comm'n (Apr. 9, 1984), p. 5.

⁶²N.Y. Fam. Ct. Act § 352.2(2)(b) (McKinney Supp. 1986).

⁶³See Cal. Welf. & Inst. Code §§ 1300(a), 361(B) (Deering Supp. 1986); Ill. Ann. Stat. ch. 37, § 703-6(2) (Smith-Hurd 1985); N.Y. Fam. Ct. Act § 754(2) (McKinney Supp. 1986); Va. Code § 167.1-279(5)(C)(5)(c) (Supp. 1986).

⁶⁴See 42 U.S.C. § 672 (1986). For further discussion of Title IV-E requirements for voluntary placements, see Hardin, *Setting Limits on Voluntary Foster Care*, in *Foster Children in the Courts* 70, 78-79 (M. Hardin ed. 1983).

⁶⁵See also Letter to Henry Gunn, Director of Region III Resource Center for Children, Youth & Families from Alvin Pearis, Regional Program Director of Children, Youth & Families Div. (Apr. 18, 1984), p. 3.

⁶⁶See 42 U.S.C. §§ 672(d), 627(b)(3) (1986). See also Letter to Henry Gunn, Director of Region III Resource Center of Children, Youth & Families from Alvin Pearis, Regional Program Director of Children, Youth & Families Div. (Apr. 18, 1984), p. 3.

⁶⁷HHS, Human Development Serv., Policy Announcement, ACYF-PA-84-1 (Jan. 13, 1984).

⁶⁸See Nev. Rev. Stat. § 432B.360(1)(a) (1985); N.Y. Soc. Serv. Law § 358-a (McKinney Supp. 1986).

⁶⁹See, e.g., Minn. Dept. of Pub. Welfare, Instructional Bulletin No. 84-25 (Apr. 16, 1984), Attachment, p. 3; Letter to N.C. County Directors of Soc. Serv. from Bonnie Cramer of N.C. Div. of Soc. Serv. (Mar. 25, 1985), p. 5; R.I. Dept. of Children & Their Families, "Voluntary Placement," Policy No. 603 (Jul. 19, 1984), p. 2.

⁷⁰See New Jersey, "Notice of Placement Pursuant to a Voluntary Agreement (Complaint)" AOC-LR-37 (Sept. 20, 1983).

⁷¹S.C. Code Ann. § 20-7-762 (Law Co-op 1985).

⁷²Fla. Stat. Ann. § 39.402(8) (West Supp. 1986). See also Memorandum to La. Judges with Juv. Jurisdiction from John D. Koppler, President of La. Council of Juv. Court Judges (Jul. 22, 1983), p. 11.

⁷³Ill. Ann. Stat. ch. 37 § 705-7 (1) (Smith-Hurd Supp. 1986). See also Or. Rev. Stat. § 419.577(2)(B) (1986).

⁷⁴Ind. Code Ann. § 31-6-4-4(c)(3) (West Supp. 1986). See also Fla. Dept. of Health & Rehab. Serv., *Dependency and Delinquency Intake HSRM 210-1B*, § 7-11 (Jul. 1, 1985), p. 7-13; Ill. Dept. of Children & Family Serv., *Client Services Planning Procedure* § 302.390(d) (n.d.), p. R 302(27).

⁷⁵Cal. Welf. & Inst. Code § 319(a) (Deering Supp. 1986).

⁷⁶See, e.g., Ark. Div. of Economic & Medical Serv., *Policy and Procedure SPP 2403.5* (Oct. 31, 1981); Ind. Dept. of Pub. Welfare, *Providing Family-Centered Preplacement Preventive Services: A Handbook* (Sept. 1983), p. 35; N.Y. Dept. of Soc. Serv., Administrative Directive, No. 82-ADM-42 (Jul. 20, 1982), p. 20.

⁷⁷See, e.g., Colo. Div. of Family & Children's Serv., *Alternative Programs and Foster Care* § 7.802.513 (Jun. 5, 1985), pp. 16 - 17; N.J. Div. of Youth & Family Serv., *Policy and Procedure* §§ II-D-201, 202 (Dec. 1, 1981), p. 1 - 2; Wash. Dept. of Soc. & Health Serv., *Manual G* § 32.99 (Apr. 1984).

⁷⁸See, e.g., Fla. Dept. of Health & Rehab. Serv., *Dependency and Delinquency Intake HSRM 210-1B*, §§ 7-11, 7-12 (Jul. 1, 1985), pp. 7-13 - 7-15; La. Div. of Children, Youth & Family Serv., *Program Policy Manual* § 4-805 (Apr. 1985), p. 1; Maryland, "Draft Child Protective Services Manual" § 02.06.22 (1984), pp. 302 - 303. See also *In the Interest of S.M.S.*, 424 A.2d 1365, 1370 (Pa. Super. Ct. 1981).

⁷⁹See, e.g., Ky. Dept. for Soc. Serv., *Foster Care Manual*, KY DHR-BSS, MTL #17 (Mar. 1982).

⁸⁰N.C. Dept. of Soc. Serv., *Family Services Manual* vol. 1, ch. II, § 1000 (Oct. 1, 1985), p. 2.

⁸¹See, e.g., Ark. Div. of Economic & Medical Serv., *Policy and Procedure SPP 2403.5* (Oct. 31, 1981); Ill. Dept. of Children & Family Serv., *Client Services Planning Procedure* § 302.390(a) (Jul. 1, 1984), p. P.302(71); La. Div. of Children, Youth & Family Serv., *Program Policy Manual* § 4-805 (Apr. 1985), p. 1; Maryland, "Draft Child

Protective Services Manual" (1984), p. 15; Wash. Dept. of Soc. & Health Serv., *Manual G* § 32.32 (Apr. 1984), p. 15.

⁸²N.Y. Dept. of Soc. Serv., Administrative Directive, No. 82-ADM-42 (Jul. 20, 1982), p. 20.

⁸³Colo. Div. of Family & Children's Serv., *Alternative Programs and Foster Care* § 7.802.513 (Jun. 5, 1985), pp. 16 - 17.

⁸⁴See, e.g., Ark. Div. of Economic & Medical Serv., *Policy and Procedure SPP 2403.5* (Oct. 31, 1981); Ill. Dept. of Children & Family Serv., *Client Services Planning Procedure* § 302.390(a) (Jul. 1, 1984), p. P302(71); La. Div. of Children, Youth & Family Serv., *Program Policy Manual* § 4-805 (Apr. 1985), p. 1; Maryland, "Draft Child Protective Services Manual" § 02.06.21 (1984), p. 303; Wash. Dept. of Soc. & Health Serv., Administrative Directive No. 82-ADM-42 (Jul. 20, 1982), p. 20.

⁸⁵42 U.S.C.A. § 672(a)(1) (West 1983 & Supp. 1986).

⁸⁶HHS, Human Development Serv., Policy Announcement, ACYF-PA-84-1 (Jan. 13, 1984), p. 4.

⁸⁷*Id.*

⁸⁸Ark. Stat. Ann. § 45-436(5)(c)(2) (Supp. 1985).

⁸⁹See HHS Human Development Serv., Information Memorandum, ACYF-IM-85-25 (Aug. 14, 1985).

⁹⁰HHS Human Development Serv., Policy Interpretation Questions, ACYF-PIQ-86-02 (May 8, 1986), p. 5.

⁹¹*Id.* at 4.

⁹²*Id.* at 4 - 5.

⁹³*Id.* at 3 - 4.

⁹⁴States requiring court orders include: Alabama, Delaware, Florida, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, North Carolina, Oklahoma, Rhode Island, South Dakota, Virginia, Washington, Wisconsin, and Wyoming. Pennsylvania requires the reasonable efforts determination to appear in court orders, but challenges the legal validity of HHS' requirement of a judicial determination of reasonable efforts. Pa. Dept. of Pub. Welfare, Children's Youth and Families Bulletin No. 3130-84-04 (Jul. 20, 1984), pp. 2 - 3.

⁹⁵Letter to Mo. Judges from Andrew Jackson Higgins, Chairman of Mo. Supreme Court Task Force on Permanency Planning (Nov. 14, 1984).

⁹⁶Minn. Dept. of Pub. Welfare, Instructional Bulletin No. 84-25 (Apr. 16, 1984).

⁹⁷Memorandum to Fla. Juv. Judges from Judge Dorothy Pate, Chairman of Fla. Juv. Section (Feb. 23, 1984); Memorandum to La. Council of Juv. Court Judges (Jul. 22, 1983), p. 5; Minn. Dept. of Pub. Welfare, Instructional Bulletin No. 84-25 (Apr. 16, 1984), Attachment, p. 1.

⁹⁸See, e.g., Pa. Dept. of Pub. Welfare, Children's Youth and Families Bulletin No. 3130-8404 (Jul. 20, 1984), p. 5.

⁹⁹See Fla. Stat. Ann. §§ 39.402(2), (9)(a) (West Supp. 1986); Ga. Code Ann. § 15-11-41(c) (Supp. 1986); Ill. Ann. Stat. ch. 37, § 703-6(2) (Smith-Hurd 1986); Iowa Code Ann. §§ 232.52(6), .95(2)(a), .102(3)(b) (West 1985); Me. Rev. Stat. Ann. tit. 15, § 3314(1)(C-1) (Supp. 1986); Miss. Code Ann. §§ 43-21-301(4)(c), -309(4)(c), -603(7)(a) (Supp. 1986); N.Y. Soc. Serv. Law § 358-a(3) (McKinney Supp. 1986); Va. Code §§ 16.1-251(A)(2), -252(E)(2) (Supp. 1986); Wash. Rev. Code Ann. §§ 13.32A.170(1)(d), 13.34.060(6)(a) (Supp. 1986); Wis. Stat. Ann. § 48.355(2)(a) (West 1986).

¹⁰⁰See Ark. Stat. Ann. §§ 45-436(5)(b)(1), (c)(2) (Supp. 1985); Cal. Welf. & Inst. Code §§ 319, 361(B) (Deering Supp. 1986); Fla. Stat. Ann. §§ 39.402(10), .41(2)(a) (West Supp. 1986); Ind. Code Ann. § 31-6-4-15.3(g) (West 1986); La. Code Juv. Pro. art. 87(F) (West 1985); Mass. Gen. Laws Ann. ch. 119, § 29C (West Supp. 1986); ch. 119 § 29C (West 1984); Mo. Ann. Stat. § 211.183(2) (Vernon Supp. 1986); Nev. Rev. Stat. § 432B.360 (1985); N.M. Stat. Ann. § 32-1-34(A)(9) (1984); N.Y. Fam. Ct. Act §§ 352.2 (2)(b), .754(2) (McKinney Supp. 1986); Okla. Stat. Ann. tit. 10 § 1104.1(D) (Supp. 1987); Or. Rev. Stat. §§ 419.505(2) [Or. Laws 1985, ch. 721, § 17(2)], .577(b)(A) (1985); Va. Code §§ 16.1-279(A)(3)(c), (C)(5)(c) (Supp. 1986).

¹⁰¹See Ark. Stat. Ann. § 45-436(5)(d) (Supp. 1985); Fla. Stat. Ann. § 39.41(2)(f) (Supp. 1986); Mo. Ann. Stat. § 211.183(4) (Vernon Supp. 1986); Or. Rev. Stat. § 419.505(5) (1985) [Or. Laws 1985, ch. 721, § 17(2)]. See also La. Code Juv. Pro. art. 87(F) (West 1985).

¹⁰²Mo. Ann. Stat. § 211.183(4) (Vernon Supp. 1986).

¹⁰³See, e.g., Memorandum to La. Judges with Juv. Jurisdiction from John Koppler, President of La. Council of Juv. Court Judges (Jul.

- 22, 1983), p. 6; Letter to Mass. Dist. Court Judges from Samuel Zoll, Chief Justice of Mass. Dist. Court Dept. of Trial Courts (Oct. 21, 1983); Minn. Dept. of Pub. Welfare, Instructional Bulletin No. 84-25 (Apr. 16, 1984), Attachment, p. 2; N.Y. Dept. of Soc. Serv., Administrative Directive No. 85-ADM-23 (Jun. 5, 1985), p. 4; Letter to N.C. County Directors of Soc. Serv. from Bonnie Cramer of N.C. Div. of Soc. Serv. (Mar. 25, 1958), p. 3; S.D. Children, Youth & Family Service, *Implementation of P.L. 96-272 and P.L. 95-608: Recommended Procedure and Guidelines for States Attorneys and Court Judges* (Feb. 1985), p. 9.
- ¹⁰⁴Mo. Ann. Stat. § 211.183(3) (Vernon Supp. 1986). See also Ark. Stat. Ann. § 45-436(5)(1)(3) (Supp. 1985); Fla. Stat. Ann. § 39.41(2)(a) (Supp. 1986).
- ¹⁰⁵La. Code Juv. Pro. art. 87(F) (West 1985).
- ¹⁰⁶Fla. Stat. Ann. § 439.41(2)(e) (West Supp. 1986).
- ¹⁰⁷See, e.g., Letter to Ray Winterowd, Chief of Idaho Bureau of Soc. Serv., from Kit Furey, Judicial Educ. Officer of the Idaho Admin. Offices of the Courts (Dec. 19, 1983).
- ¹⁰⁸See, e.g., Ill. Dept. of Children & Family Serv., *Program Policy Manual* § 4-710 (Apr. 1985), p. 5; Memorandum to Mont. County Attorneys from John La Faver, Director of Mont. Dept. of Soc. & Rehab. Serv. (Aug. 10, 1983), p. 1.
- ¹⁰⁹Cf., e.g., *In re Armand*, 433 A.2d 957, 962 (R.I. 1981) (termination of parental rights).
- ¹¹⁰Ill. Dept. of Children & Family Serv., *Client Services Planning Procedure* (May 1, 1984) Appendix E, p. 1; La. Div. of Children, Youth & Family Serv., *Program Policy Manual* § 4-710 (Apr. 1985), p. 5; Mich. Dept. of Soc. Serv., *Children and Youth Services Manual* § 713 (Oct. 20, 1983), p. 3; Nev. State Welfare Div., *Service Manual* § 417.7(c)(1)(d) (Mar. 26, 1984).
- ¹¹¹E.g., Memorandum to Mont. County Attorneys from John LaFaver, Director of Mont. Dept. of Soc. & Rehab. Serv. (Aug. 10, 1983), p. 1.
- ¹¹²Letter to Mo. Judges from Joseph O'Hara, Director of Mo. Div. of Family Serv. (Dec. 20, 1983).
- ¹¹³Memorandum to N.C. Judges from Bonnie Cramer, N.C. Div. of Soc. Serv. (Nov. 26, 1984), p. 3.
- ¹¹⁴See, e.g., Del. Div. of Child Protective Serv., "Reasonable Efforts" (Jul. 18, 1984), p. 2; Memorandum to Fla. Juv. Judges from Judge Dorothy Pate, Chairman of Juv. Section (Feb. 23, 1984); Memorandum to La. Judges with Juv. Jurisdiction from John Koppler, President of La. Council of Juv. Court Judges (Jul. 22, 1983), p. 6; Letter to Mich. Juv. Div. Judges & Juv. Court Administrators from Shirley Tate, Director of Mich. Office of Children & Youth Serv. (Aug. 5, 1983); Minn. Dept. of Pub. Welfare, Instructional Bulletin No. 84-25 (Apr. 16, 1984), Attachment, p. 2.
- ¹¹⁵Vt. Div. of Soc. Serv., *A Task Based System of Case Management and Supervision* (5th ed. Jul. 1985), pp. 17 - 22.
- ¹¹⁶*Id.* at 18.
- ¹¹⁷*Id.* at 18 - 19.
- ¹¹⁸*Id.* at 19 - 20.
- ¹¹⁹Cheryl Huenink et al., *Permanency Planning Deskbook for Wisconsin Judges* (Sept. 1985)
- ¹²⁰*Id.*
- ¹²¹See, e.g., Ala. Code § 26-18-7(a)(6) (Supp. 1986); Cal. Civ. Code § 232(a)(7) (Deering Supp. 1986); Conn. Gen. Stat. Ann. § 45-61(f)(1) (West Supp. 1986); Iowa Code Ann. § 232.116(3)(c) (1985); Kan. Stat. Ann. § 38-1583(b)(7) (Supp. 1987); La. Rev. Stat. Ann. 13:1601(D)(4), (F)(4) (West 1985); Md. Fam. Law Code Ann. § 5-313(c)(1) (1985); Minn. Stat. Ann. § 260.221(b)(5) (Supp. 1987); Mont. Code Ann. § 41-3-609(2)(g) (1985); Neb. Rev. Stat. § 43-292(6) (1985); Nev. Rev. Stat. § 128.106(7) (1985); N.H. Rev. Stat. Ann. § 170-C:5(V)(b) (Supp. 1985); N.Y. Soc. Serv. Law § 384-b(7)(a), (8)(a)(ii), (8)(b)(ii) (McKinney 1983); N.C. Gen. Stat. § 7A-289.32(3) (Supp. 1985); Or. Rev. Stat. § 419.523(2)(e) (1986); R.I. Gen. Laws § 15-7-7 (1986); S.D. Codified Laws Ann. § 26-8-35.2 (Law Coop 1986); Tenn. Code Ann. § 37-1-147(e)(2) (Mitchie Supp. 1986); Wis. Stat. Ann. § 48.415(2)(b) (West Supp. 1986).
- ¹²²*In the Matter of Myers*, 417 N.E.2d 926, 931 (Ind. App. 1981)
- ¹²³*In re William*, 448 A.2d 1250, 1255 (R.I. 1982).
- ¹²⁴*In the Matter of Sheila G.*, 462 N.E.2d 1139, 1148 (N.Y. 1984).
- ¹²⁵*In the Matter of Jamie M.*, 472 N.E.2d 311, 313 (N.Y. 1984).
- ¹²⁶*In the Matter of Joyce Ann R.*, 371 N.Y.S.2d 607, 609 (Fam. Ct. 1974).
- ¹²⁷*In the Matter of Star A.* 435 N.E.2d 1080, 1083 (N.Y. 1982).
- ¹²⁸*In the Matter of Nicole M.*, 466 N.Y.S.2d 235, 237 (Fam. Ct. 1983).
- ¹²⁹*In the Matter of Gregory Fries*, 416 N.E.2d 908, 910 (Ind. App. 1981).
- ¹³⁰See also *In the Matter of Sheila G.*, 462 N.E.2d 1139, 1148 (N.Y. 1984).
- ¹³¹See *In the Matter of Suzanne N Y*, 423 N.Y.S.2d 394, 400 (Fam. Ct. 1979).
- ¹³²Joseph Carrieri, "Practice Commentary," N.Y. Soc. Serv. Law § 384-b (McKinney Supp. 1986).
- ¹³³436 N.Y.S. 2d 814, 821 22 (Fam. Ct. 1981).
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- ¹³⁵*In the Matter of Sheila G.*, 462, N.E.2d 1139, 1148 (N.Y. 1984).
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- ¹³⁷*In the Matter of Darla Jones*, 436 N.E.2d 849, 850 n.1 (Ind. App. 1982).
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- ¹⁴¹*In the Matter of Joyce Ann R.*, 371 N.Y.S.2d 607, 609 (Fam. Ct. 1975).
- ¹⁴²*In the Matter of Suzanne N Y*, 423 N.Y.S.2d 394, 397 (Fam. Ct. 1979).
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- ¹⁴⁵See, e.g., *In re William*, 448 A.2d 1250, 1256 (R.I. 1982).
- ¹⁴⁶See, e.g., *In the Matter of Star A.*, 435 N.E.2d 1080, 1082 (N.Y. 1982) (psychiatric services.)
- ¹⁴⁷*In re Wardship of B.C.*, 441 N.E.2d 208, 211 (Ind. 1982).
- ¹⁴⁸*In the Matter of Leckrone*, 413 N.E.2d 977 (Ind. App. 1980).
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- ¹⁵⁶*Id.* at 313.
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- ¹⁶¹*Id.*
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- ¹⁶³See, e.g., Joseph Carrieri, "Practice Commentary," N.Y. Soc. Serv. Law § 384-b (McKinney Supp. 1986).
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- ¹⁶⁵HHS, Human Development Serv., Policy Announcement, ACYF-PA-84-1 (Jan. 13, 1984), p. 4.
- ¹⁶⁶Letter to Henry Gunn, Director of Region III Resource Center for Children, Youth & Families, from Alvin Pearis, Regional Program Director of Children, Youth & Families Div. (Apr. 18, 1984), p. 4.
- ¹⁶⁷See Ark. Stat. Ann. § 45-436(5)(b)(2) (Supp. 1986); Cal. Welf. & Inst. Code § 319 (Deering Supp. 1986); Fla. Stat. Ann. §§ 39.402(9)(a), 39.41(2)(d) (West Supp. 1986); Ill. Ann. Stat. ch. 37, § 703-6(2) (Smith-Hurd 1985); Miss. Code Ann. §§ 43-21-301(4)(c)(ii), -309(4)(c)(ii), -603(7)(b) (1986); Mo. Ann. Stat. § 211.183(1) (Vernon Supp. 1986); Okla. Stat. Ann. tit. 10, § 1104.1(d)(2) (Supp. 1987); Or. Rev. Stat. § 419.505(4) (1985) [Or. Laws 1985, ch. 721, § 17(2)]; Va. Code §§ 16.1-252(E)(2) (Supp. 1986).
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- ¹⁷⁵Mich. Dept. of Soc. Serv., *Children and Youth Services Manual* § 712 (Oct. 20, 1983).
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- ¹⁷⁸*See, e.g.*, Letter to Pa. Juv. Court Judges from James Anderson, Deputy Director of Pa. Juv. Court Judges Comm'n (Apr. 9, 1984); Wash. Dept. of Soc. & Health Serv., *Manual G* § 33.15 (Jul. 1984), p. 9.
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- ¹⁸⁴Letter to Henry Gunn, Director of Region III Resource Center for Children, Youth & Families, from Alvin Pearis, Regional Program Director of Children, Youth & Families Div. (Apr. 18, 1984), p. 2.
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- ¹⁸⁶Fla. Stat. Ann. § 39.41(2)(3) (West Supp. 1986).
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- ¹⁹⁰*Id.* at 1.
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- ²⁴⁹See, e.g., Indiana, "Dispositional Order (Wardship for Purposes of Placement)," C-11.05 (n.d.); Memorandum to La. Judges with Juv. Jurisdiction from John Koppler, President of La. Council of Juv. Court Judges (Jul. 22, 1983) Appendix 1-B, p. 23.
- ²⁵⁰See also North Carolina, Proposed Mecklenburg County Local Rules Governing Abuse, Neglect and Dependency Proceedings (1985) Appendix 2, p. 4; Letter to Pa. Juv. Court Judges from James Ander-

son, Deputy Director of Pa. Juv. Court Judges Comm'n (Apr. 9, 1984), p. 3; Vt. Div. of Soc. Serv., *A Task Based System of Case Management and Supervision* (5th ed., Jul. 1985); Wash. Dept. of Soc. & Health Serv. *Manual G* § 33.15 (Jul. 1984), p. 9.

²⁵¹See, e.g., Virginia, "Preliminary Removal Order" No. DC-528 (May 1984), p. 1.

²⁵²See, e.g., Delaware, "Affidavit of Reasonable Efforts," (n.d.); Ga. Dept. of Human Resources, Social Service County Letter No. 84-19 (Dec. 26, 1984); Letter to Kan. Dist. Court Judges from Howard Schwartz, Judicial Administrator of Kan. Supreme Court (May 11, 1984), p. 2; Memorandum to La. Judges with Juv. Jurisdiction from John Koppler, President of La. Council of Juv. Court Judges (Jul. 22, 1983) Appendix 1-B, p. 23; Mont. Dept. of Soc. & Rehab. Serv., "Order for Protective Service and Order to Show Cause," Form A-2 (1983); Memorandum to N.C. Div. of Soc. Serv. (Nov. 26, 1984) Attachment, p. 8; Letter to Charles Ferrell, Director of Okla. Supreme Court Administration Office from C. Tunnell, Assistant Director of Okla. Div. of Children & Youth Serv. (May 23, 1985); Or. Children's Serv. Div., "Juvenile Department Shelter Order" CSD #514 (Apr. 1984), p. 1.

²⁵³See, e.g., Tenn. Dept. of Human Serv., "Interlocutory Order" Form 1250 (Apr. 1984), p. 1.

²⁵⁴See 42 U.S.C.A. §§ 671(a)(15), 672(a)(1) (West 1983 & Supp. 1986).

²⁵⁵See, e.g., Letter to Jim Thomas, Colo. State Court Administrator, from Mark Tandenburg, Deputy Director of Colo. Div. of Family & Children's Serv. (Nov. 4, 1984); New Hampshire, "Dispositional Hearing" No. AOC-300-045 (Jun. 1985), p. 2; N.D. Dept. of Human Serv., Draft Findings and Recommendations of Juvenile Court Referee (1984), p. 2; Letter to Pa. Juv. Court Judges from James Anderson, Deputy Director of Pa. Juv. Court Judges Comm'n (Apr. 9, 1984), p. 4; S.D. Children, Youth & Family Serv., *Procedures Manual* (Dec. 1983) Appendix—Legal, "Order of Custody," p. 6.

²⁵⁶See, e.g., Letter to Pa. Juv. Court Judges from James Anderson, Deputy Director of Pa. Juv. Court Judges Comm'n (Jun. 13, 1984), p. 2.

²⁵⁷See, e.g., Letter to Jim Thomas, Colo. State Court Administrator, from Mark Tandenburg, Deputy Director of Colo. Div. of Family & Children's Serv. (Nov. 4, 1983); Memorandum to Fla. Juv. Judges from Judge Dorothy Pate, Chairman of the Juv. Section (Feb. 23, 1984); Ga. Dept. of Human Resources, Social Services County Letter No. 84-19 (Dec. 26, 1984); Letter to Kan. Dist. Court Judges from Howard Schwartz, Judicial Administrator of Kan. Supreme Court (May 11, 1984), p. 2; Memorandum to Joseph O'Hara, Director of Mo. Div. of Family Serv. from Dee Dee Tate (Jan. 3, 1984); Nev. State Welfare Div., *Service Manual* § 417.7(c)(1)(e) (Mar. 26, 1984); Letter to Charles Ferrell, Director of Okla. Supreme Court Admin. Office from C. Tunnell, Assistant Director of Okla. Div. of Children & Youth Serv. (May 23, 1985).

²⁵⁸See, e.g., New Hampshire, "Preliminary Hearing: Findings and Orders" No. AOC-300-045 (June 1985), p. 2; Virginia, "Preliminary Removal Order" No. DC-528 (May 1984), p. 1; Wash. Dept. of Soc. & Health Serv., "Dependency Disposition Hearing Order" DSHS 9-429 (Jun. 1984), p. 1.

²⁵⁹See, e.g., N.Y. State Office of Court Admin., "Order of Fact-Finding and Disposition" Form 10-10 (Oct. 1984), p. 2; Or. Children's Serv. Div., "Commitment to Children's Services Division" CSD #1040 (Apr. 1984); Vt. Div. of Soc. Serv., *A Task Based System of Case Management and Supervision* (5th ed. Jul. 1985), p. VIII-5b; Virginia, "Commitment Order" No. DC-572 (May 1984), p. 1.

²⁶⁰See, e.g., Delaware, "Affidavit of Reasonable Efforts" (n.d.); North Carolina, Proposed Mecklenburg County Local Rules Governing Abuse, Neglect and Dependency Proceedings (1985) Appendix 2, p. 6; Va. Dept. of Soc. Serv., "Court Order" (n.d.), p. 1; Pa. Juv. Court Judges' Comm'n, "Order of Disposition" (1985), p. 1.

²⁶¹See, e.g., Mass. Dept. of Social Service, "Federal Financial Participation Form" DSS-4E (1983), p. 1; Neb. Dept. of Soc. Serv., "Reasonable Efforts Determination" g/d4/f3 (1984); R.I. Dept. of Children & Their Families, "Decree or Order" (1984), p. 1.

²⁶²See, e.g., Indiana, "Dispositional Order (Wardship for Purposes of Placement)" C-11.05 (n.d.); North Carolina, Proposed Mecklenburg County Local Rules Governing Abuse, Neglect and Dependency Proceedings (1985) Appendix 2, pp. 3-4; Or. Children's Serv. Div., "Juvenile Department Shelter Order" CSD #514 (Apr. 1984), p. 1; Pa. Juv. Court Judges' Comm'n, "Order of Disposition" (1984),

p. 1; S.D. Children, Youth & Family Serv., *Implementation of P.L. 96-272 and P.L. 95-608: Recommended Procedures and Guidelines for States Attorneys and Court Judges* (Feb. 1985), p. 19.

²⁶³See North Carolina, Proposed Mecklenburg County Local Rules Governing Abuse, Neglect and Dependency Proceedings (1985) Appendix 2, p. 6.

²⁶⁴Memorandum to La. Judges with Juv. Court Jurisdiction from John Koppler, President of La. Council of Juv. Court Judges (Jul. 22, 1983), p. 9.

²⁶⁵Or. Rev. Stat. § 419.505(3) (1985) [Or. Laws 1985, ch. 721, § 17(2)]. See also Fla. Stat. Ann. § 39.41(2)(c) (Supp. 1986); La. Code Juv. Pro. art. 87(F) (West 1985); Mo. Ann. Stat. § 211.183(3) (Vernon Supp. 1986).

²⁶⁶Ind. Code Ann. § 31-6-4-6(e) (West 1986). See also Ark. Stat. Ann. § 45-436(5)(b)(1) (Supp. 1985).

²⁶⁷Ind. Code Ann. § 31-67-4-15.3(g) (West 1986).

²⁶⁸See Dodson, *Advocating at Periodic Review Proceedings* in Foster Children in the Courts 86, 101-104 (M. Hardin ed. 1983).

²⁶⁹See Cal. Welf. & Inst. Code §§ 360(a), 362(d) (Deering Supp. 1986); Fla. Stat. Ann. § 39.402(10) (West Supp. 1986); Ind. Code Ann. § 31-6-4-15.4(6) (West 1986); Miss. Code Ann. §§ 43-21-309(4)(c), -603(7) (Supp. 1986); Wis. Stat. Ann. § 48.34(2m) (West 1986).

²⁷⁰See Cal. Welf. & Inst. Code § 360(a) (Deering Supp. 1986); Miss. Code Ann. § 43-21-603(7) (Supp. 1986); Wis. Stat. Ann. § 48.34(2m) (West Supp. 1986).

²⁷¹See Cal. Welf. & Inst. Code § 362(d) (Deering Supp. 1986); Ind. Code Ann. § 31-6-4-15.4(6) (West 1986).

²⁷²Wis. Stat. Ann. § 48-34(2m) (West Supp. 1986).

²⁷³See Cal. Welf. & Inst. Code §§ 360(a), 362(d) (Deering Supp. 1986); Wis. Stat. Ann. § 48.34(2m) (West 1986). Florida requires the judge to order specific services when it finds that reasonable efforts have not been made. Fla. Stat. Ann. § 39.402(10) (West Supp. 1986).

²⁷⁴Miss. Code Ann. § 43-21-309(4)(c) (Supp. 1986).

²⁷⁵See English, *Litigating Under the Adoption Assistance and Child Welfare Act of 1980* in Foster Children in the Courts 612, 626-627 (M. Hardin ed. 1983).

²⁷⁶See, e.g., Cal. Juv. Ct. R. 1337, 1377 (Deering 1986). See also North Carolina, Proposed Mecklenburg County Local Rules Governing Abuse, Neglect and Dependency Proceedings (1985). See also M. Hardin & A. Shalleck, *Court Rules to Achieve Permanency for Foster Children: Sample Rules and Commentary* (1985).

²⁷⁷Wis. Stat. Ann. § 48.38(6)(6) (West Supp. 1986).

²⁷⁸Colo. Div. of Family & Children's Serv., *Alternative Programs and Foster Care*, § 7.802.513 (Jun. 5, 1985); Idaho Dept. of Health & Welfare, *Social Services Manual*, 16 IDAPA § 3-2060 (Jan. 3, 1978); Mich. Dept. of Soc. Serv., *Services Manual Bulletin* No. 84-9 (Jun. 8, 1984); Minn. Dept. of Pub. Welfare, *Instructional Bulletin* No. 84-25 (Apr. 16, 1984); Memorandum to Mo. Area Directors from Joseph O'Hara, Director of Mo. Div. of Family Serv. (Nov. 8, 1984); Neb. Dept. of Soc. Serv., *Administrative Memorandum—Social Services* No. 20-84 (Mar. 5, 1984); Memorandum to All N.H. Dist. Directors from Director of N.H. Div. of Children & Youth Serv. (Sept. 30, 1983); Memorandum to N.M. Agencies from Virginia Gilmer, Director of N.M. Div. of Soc. Serv. (Apr. 18, 1984); Letter to N.C. County Directors of Soc. Serv. from Bonnie Cramer, N.C. Div. of Soc. Serv. (Mar. 25, 1985); Memorandum to All Okla. Child Welfare Serv. Supervisors from James Bohanon, Okla. Dept. of Human Serv. (Jan. 30, 1984); Memorandum to Wis. Soc. Serv. Directors from Gerald Berge, Administrator for Wis. Dept. of Health & Soc. Serv., No. 83-65 (Oct. 7, 1983).

²⁷⁹Memorandum to All Miss. County Directors from J.G. Dedeaux, General Counsel of Miss. Div. of Legal Serv., and Robert Jenkins, Director of Termination of Parental Rights (Nov. 28, 1983).

²⁸⁰HHS, Human Development Serv., Policy Announcement, ACYF-PA-84-1 (Jan. 13, 1984), p. 5.

²⁸¹*Id.*

²⁸²See, e.g., Minn. Dept. of Pub. Welfare, *Instructional Bulletin* No. 84-25 (Apr. 16, 1984) Attachment, p. 2.

²⁸³See, e.g., Memorandum to Judges with Juv. Court Jurisdiction from Commissioner Leon Frazier, Ala. Dept. of Pensions & Security (Dec. 29, 1983); All County Letter No. 83-93 from Kyle McKinsey, Deputy Director of Cal. Dept. of Soc. Serv. (Aug. 31, 1983); Memorandum to Fla. Juv. Judges from Judge Dorothy Pate, Chairman of Fla. Juv. Section (Feb. 23, 1984); Memorandum to Judges of the Idaho Magistrate Div., from Kit Furey, Judicial Educ. Officer of

Idaho Admin. Office of the Courts (Feb. 9, 1984); Letter to Kan. Dist. Court Judges from Howard Schwartz, Judicial Administrator of the Kan. Supreme Court (May 11, 1984); Memorandum to La. Judges with Juv. Jurisdiction from John Koppler, President of La. Council of Juv. Court Judge. (Jul. 22, 1983); Letter to Mass. Dist. Court Judges from Samuel Zoll, Chief Justice of Mass. Dist. Court Dept. of Trial Court (Oct. 21, 1983); Letter to Mich. Juv. Div. Judges & Juv. Court Administrators from Shirley Tate, Director of Mich. Office of Children & Youth Serv. (Dec. 12, 1983); Memorandum to Mo. Area Directors from Joseph O'Hara, Director of Mo. Div. of Family Serv. (Nov. 8, 1984); Letter to Neb. Judge Thomas Gist from Gina Dunning, Director of Neb. Dept. of Soc. Serv. (Dec. 28, 1983); Memorandum to All N.Y. State Family Court Judges & Clerks from Joseph Bellacosa, Chief of N.Y. State Office of Court Administration (Feb. 8, 1985); Memorandum to N.C. Dist. Court Judges from Bonnie Cramer, N.C. Div. of Soc. Serv. (Nov. 26, 1984); Letter to Pa. Juv. Court Judges from James Anderson, Deputy Director of Pa. Juv. Court Judges Comm'n (Apr. 9, 1984); Letter to Judge Edward Gallogly, Chief Judge of R.I. from John Farley, Chief Legal Counsel for R.I. Dept. for Children & Their Families (Jun. 27, 1983); S.D. Children, Youth & Family Serv., *Implementation of P.L. 96-272 and P.L. 95-608: Recommended Procedures and Guidelines for States Attorneys and Court Judges* (Feb. 1985); Cheryl Huenink et. al., *Permanency Planning Deskbook for Wisconsin Judges* (Sept. 1985).

²⁸⁴See, e.g., County Letter No. 83-377-A from Colo. Div. of Family & Children's Serv. (Nov. 21, 1983); Memorandum to Ray Winterowd, Chief of the Idaho Bureau of Soc. Serv., from Rich Donovan, Idaho Region IV Serv. Manager (Feb. 8, 1984), p. 1; Minn. Dept. of Pub. Welfare, Instructional Bulletin No. 84-25, Attachment p. 2; Memorandum to All Miss. County Directors from J.G. Dedeaux, General Counsel of Miss. Div. of Legal Serv., and Robert Jenkins, Director of Termination of Parental Rights (Nov. 28, 1983); Memorandum to Mo. Area Directors from Joseph O'Hara, Director of Mo. Div. of Family Serv. (Nov. 8, 1984), pp. 2 - 3; N.Y. Dept. of Soc. Serv., Administrative Directive, No. 85-ADM-23 (Jun. 5, 1985), p. 4; Letter to N.C. County Directors of Soc. Serv. from Bonnie Cramer of N.C. Div. of Soc. Serv. (Mar. 25, 1985), p. 5; N.C. Dept. of Soc. Serv., Administrative Letter No. PFFCS-4-84 (Jun. 25, 1984), p. 1; Minn. Dept. of Pub. Welfare, Instructional Bulletin No. 84-25, Attachment, p. 2.

²⁸⁵Letter to N.C. County Directors of Soc. Serv. from Bonnie Cramer of N.C. Div. of Soc. Serv. (Mar. 25, 1985), p. 5.

²⁸⁶See, e.g., Letter to Jim Thomas, Colo. Court Administrator, from Mark Tandenburg, Deputy Director of Colo. Div. of Family & Children's Serv. (Nov. 4, 1983); Letter to Charles Ferrell, Director of Okla. Supreme Court Admin. Office from C. Tunnell, Assistant Director of Okla. Div. of Children & Youth Serv. (May 23, 1985); Memorandum to Tom Lehrer, Vt. Court Administrator, from Steve McLeod, Vt. Assistant Attorney General (Dec. 9, 1983).

²⁸⁷See, e.g., Memorandum to Ray Winterowd, Chief of Idaho Bureau of Soc. Serv. from Carl Bianchi, Admin. Director of the Idaho Supreme Court (Jan. 4, 1984).

²⁸⁸See, e.g., County Letter No. 83-377-A from Colo. Div. of Family & Children's Serv. (Nov. 21, 1983); Ga. Dept. of Human Resources, Social Service County Letter No. 84-19 (Dec. 26, 1984); Letter to Richard McConnell, HHS Administration for Children, Youth & Families, from Ray Winterowd, Chief of Idaho Bureau of Soc. Serv. (Jan. 18, 1984), p. 1; Ill. Dept. of Children & Family Serv., *Client Services Planning Procedure* (May 1, 1984) Appendix E, p. (1); Letter to Kan. Area Managers from Robert C. Barnum, Commissioner of Kan. Dept. of Soc. & Rehab. Serv. (Jun. 6, 1984), p. 2; N.C. Dept. of Soc. Serv., Administrative Letter No. PFSC-4-84 (Jun. 25, 1984), p. 1.

²⁸⁹See, e.g., Memorandum to Idaho Regional Serv. Managers from Ray Winterowd, Chief of Idaho Bureau of Soc. Serv. (Jan. 6, 1984).

²⁹⁰See, e.g., Letter to Richard McConnell, HHS Administration for Children, Youth & Families, from Ray Winterowd, Chief of Idaho Bureau of Soc. Serv. (Jan. 18, 1984), p. 1; Memorandum to All Miss. County Directors from J.G. Dedeaux, General Counsel of Miss. Div. of Legal Serv., and Robert Jenkins, Director of Termination of Parental Rights (Nov. 28, 1983); Memorandum to Mont. County Attorneys from John LaFaver, Director of Mont. Dept. of Soc. & Rehab. Serv. (Aug. 10, 1983), p. 1.

²⁹¹Memorandum to N.C. Dist. Court Judges from Bonnie Cramer, N.C. Div. of Soc. Serv. (Nov. 26, 1984).

²⁹²See, e.g., Letter to Diane Dodson, ABA Foster Care Project, from Gordon Johnson, Director of Ill. Dept. of Children & Family Serv. (Jul. 16, 1984), pp. 1 - 2.

²⁹³Letter to N.C. County Directors of Soc. Serv. from Bonnie Cramer of N.C. Div. of Soc. Serv. (Mar. 25, 1985), p. 5.

²⁹⁴See, e.g., Ind. Dept. of Pub. Welfare, *Providing Family-Centered Preplacement Preventive Services: A Handbook* (Sept. 1983), p. 156.

²⁹⁵See, e.g., *id.*

APPENDICES

Appendix A

FEDERAL REGULATIONS ON REASONABLE EFFORTS

45 CODE OF FEDERAL REGULATIONS §1356 - 7 (1986)

§1356.21 Foster care maintenance payment program implementation requirements.

(a) To implement the foster care maintenance payments program provisions of the title IV-E State plan and to be eligible to receive Federal financial participation for foster care maintenance payments under this part, a State must meet the requirements of this section, and sections 472, 475(1), 475(4), 475(15)(A) and (b) and 475(6) of the Act.

(b) In meeting the "reasonable efforts" requirements of sections 471(a)(15) and 472(a)(1) of the act, effective October 1, 1983, the State must meet the requirements of paragraph (d)(4) of this section. (See also section 45 CFR 1357.15(e) for examples of services.)

* * *

(d) In meeting the case plan requirements of sections 471(a)(16), 475(1) and 475(5)(A) of the Act, the State agency must promulgate policy materials and instructions for use by State and local staff to determine the appropriateness of and necessity for the foster care placement of the child. The case plan for each child must:

(1) Be a written document, which is a discrete part of the care record, in a format determined by the State, which is available to the parent(s) or guardian of the foster child; and

(2) Be developed within a reasonable period, to be established by the State, but in no event later than 60 days starting at the time the State agency assumes responsibility for providing services including placing the child; and

(3) Include a discussion of how the plan is designed to achieve a placement in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s), consistent with the best interest and special needs of the child; and

(4) After October 1, 1983, include a description of the services offered and the services provided to prevent removal of the child from the home and to reunify the family.

§1357.15 Child welfare services State plan requirements and submittal.

(e)(1) In implementing the requirements of this section and sections 427(a)(2)(C) and 427(b)(3) of the Act, the State must specify, in its title IV-B State plan, which preplacement preventive and reunification services are available to children and families in need.

(2) The services specified may include: twenty-four hour emergency caretaker, and homemaker services; day care; crisis counseling; individual and family counseling; emergency shelters; procedures and arrangements for access to available emergency financial assistance; arrangements for the provision of temporary child care to provide respite to the family for a brief period, as part of a plan for preventing children's removal from home; other services which the agency identifies as necessary and appropriate such as home-based family services, self-help groups, services to unmarried parents, provision of, or arrangements for, mental health, drug and alcohol abuse counseling, vocational counseling or vocational rehabilitation; and post adoption services.

Appendix B

HHS PROGRAM ANNOUNCEMENT ON REASONABLE EFFORTS

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children, Youth and Families Human Development Services

1. Log No. ACYF-PA-84-1
2. Issuance Date: 13 JAN 1984
3. Originating Office: Children's Bureau
4. Key Word: Reasonable Efforts to Prevent Placement Title IV-E

POLICY ANNOUNCEMENT

TO: STATE ADMINISTRATORS OF STATE PUBLIC WELFARE AGENCIES ADMINISTERING OR SUPERVISING THE ADMINISTRATION OF TITLE IV-E FOSTER CARE MAINTENANCE PAYMENTS PROGRAMS

SUBJECT: The requirements of Sections 471(a)(15) and 472(a)(1) of the Social Security Act Regarding Preventive and Reunification Services and the Judicial Determination Necessary for Eligibility Under Title IV-E.

BACKGROUND: Questions have been raised regarding the meaning of the requirements in title IV-E that "reasonable efforts" be made prior to the placement of a child in foster care to prevent or eliminate the need for removal and to make it possible for a foster child to return to his home. These requirements, which apply to State plans and to a removal resulting from a judicial determination, are effective October 1, 1983, and are found in:

- (1) section 471(a)(15) as one of the title IV-E State plan requirements, and
- (2) section 472(a)(1) which sets out the requirements of removal of a child from the home by voluntary placement or judicial determination in order for the child to be eligible to have payments made on his behalf by a State in the title IV-E Foster Care Maintenance Payments Program.

LEGAL AND RELATED REFERENCES: Sections 471(a)(15) and 472(a)(1) of the Social Security Act; 45 CFR 1356.21(a), (b), and (d).

POLICY INTERPRETATION: (1) Title IV-E, section 471(a)(15) applies to the responsibilities of the State agency in meeting the title IV-E State plan requirements;

"In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary, which—
effective October 1, 1983, provides that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home . . ."

To meet the requirements of this section, after October 1, 1983 the State must assure that the case plan for each child will include a description of the services offered and the services provided to prevent removal of the child from the home, a discussion of the reasons why it was necessary to place the child, and a description of the services underway to reunify the family (45 CFR 1356.21(b) and (d)(4)). This applies to children placed through voluntary agreement as well as to those placed as a result of a judicial order.

In emergency situations where the safety of the child would preclude provision of services to prevent placement, the State must assure that the case plan will include an explanation of the reasons why such services were not provided

and a discussion of the reunification services offered and provided following placement.

The case plan must be developed within 60 days after the State agency assumes responsibility for providing services, including placing the child (45 CFR 1356.21(d)(2)).

In order to ensure implementation of the reasonable efforts requirements, States should include in their program manuals a provision that services will be provided to prevent removal of the child from the home and to reunify the family (1356.21(d)).

- (2) Title IV-E, section 472(a)(1) applies to the child's eligibility under this title as determined pursuant to judicial action by the court:

"Each State with a plan approved under this part shall make foster care maintenance payments . . . under this part with respect to a child who would meet the requirements of section 406(a) or of section 407 but for his removal from the home of a relative . . . if—

the removal from the home . . . was the result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child and (effective October 1, 1983) that reasonable efforts of the type described in section 471(a)(15) has been made."

The courts, at the time of the removal of a child from his home, have, as required by section 472(a)(1) made a judicial determination to the effect that the continuation in the home would be contrary to the welfare of the child. After October 1, 1983, in order to continue to meet the requirements of this section, the judicial determination must include a finding to the effect that the continuation in the home would be contrary to the welfare of the child, and also *to the effect that reasonable efforts were made to prevent or eliminate the need for removal and to make it possible for the child to return to his home.*

The court, after hearing the evidence, must be satisfied that reasonable efforts of the type discussed above have been made. Review and approval of the agency's report and recommendations alone are not sufficient to meet the requirements of the Act; the court must make a determination that the agency's efforts were, in the judgment of the court, reasonable for preventing placement.

With regard to emergency situations, if the agency's judgment was that services could not have prevented removal of the child, the court at the time of the adjudicatory hearing must find that the lack of preventive efforts was reasonable.

Documentation currently used by the State to meet the requirement for the judicial determination regarding the child's welfare may be extended to meet the new requirement.

The new requirements in Title IV-E are meant to assure that children are not separated unnecessarily from their homes. To receive reimbursement for the costs of foster care for an otherwise eligible child, a State must meet these requirements.

If the court finds that the agency's preventive services efforts have not been reasonable, Federal financial participation may not be claimed for that child, as all eligibility requirements would not be met. FFP may be claimed in the case of an otherwise eligible child who has not previously met this eligibility requirement when there is a subsequent judicial determination to the effect that reasonable efforts are under way to make it possible for the child to return to his home.

When all eligibility criteria in section 472(a) are met, a State may claim FFP from the first day of placement in the month in which all eligibility criteria have been met.

Because the fiscal implications for State agencies of the judicial determination requirements in section 472(a)(1), close communication and coordination between

the State agency and the court is essential. The relationship between the responsibility of the agency under section 471 to the actions of the court under section 472 makes a close working arrangement crucial to the effectiveness of the system.

To ensure implementation of the reasonable efforts requirement, a State should review its statutes to determine whether legislative change or change in court rules may be helpful or necessary in assuring the court's cooperation in relation to the judicial determination requirements in section 472(a)(1).

Inquiries to: Regional Program Directors, ACYF
Region I - X

Lucy C. Biggs
Acting Commissioner
Administration for Children,
Youth and Families

Appendix C

STATE STATUTES ON REASONABLE EFFORTS

ARKANSAS

Ark. Stat. Ann. §45-436(5) (Supp. 1985) **Procedures for Review of Disposition of Abused or Neglected Juveniles**

- (a) (3) "Reasonable Efforts" means the exercise of reasonable diligence and care by the responsible State agency to utilize all available services related to meeting the needs of the juvenile and the family. The State agency shall have the burden of demonstrating reasonable efforts.
- (b) (1) Before a child may be removed from the parent, guardian, or custodian of the child by order of a juvenile court, excluding commitments to Youth Services Centers, the court shall in its orders:
- (a) state whether the removal of the child is necessary to protect the child and the reasons therefor;
 - (b) describe the family services available to the family before removal of the child;
 - (c) describe the efforts made to provide those family services relevant to the needs of the family before removal of the child;
 - (d) state why efforts made to provide family services described did not prevent removal of the child; and
 - (e) state whether efforts made to prevent removal of the child were reasonable, based on the needs of the family and child.
- (2) Where the State agency's first contact with the family has occurred during an emergency in which the juvenile could not safely remain at home, even with reasonable services being provided, the responsible State agency shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.
- (c) (2) Prior to the placement of a child in other than the home of the parent, guardian, or custodian, the juvenile court must make specific findings that reasonable efforts were made to keep the family together and avoid foster care and reasonable efforts to eliminate the need for removal of the child from the home were made by the State.
- (d) Where the court finds the State agency's preventative or reunification efforts have not been reasonable, but further preventative or reunification efforts could not permit the child to safely remain at home, the court may authorize or continue the removal of the child, but shall note the failure of the State agency in the record of the case.
- (Amended 1985)

CALIFORNIA

Cal. Welf. & Inst. Code §319 (Deering Supp. 1986) **Examination and report; release; grounds for continued detention; placement**

The probation officer shall report to the court on the reasons why the minor has been removed from the parent's custody, the need, if any, for continued detention, and on the available services and the referral methods to be used which would facilitate the return of the minor to the custody of the minor's parents or guardians. . . .

Whenever a court orders a minor detained, the court shall state the facts on which the decision is based. The court shall also make a determination in the order as to whether reasonable services have been provided to aid the parents or guardians in order to prevent the need for removal of the child. Where the first contact with the family has occurred during an emergency situation in which the child could not safely remain at home, even with reasonable services being provided, the court shall make a finding that the lack of preplacement preventive efforts were reasonable.

(Amended 1984)

Cal. Welf. & Inst. Code §361 (Deering Supp. 1986) **Limitation on parental control; grounds for removal of child; placement; findings; child welfare services**

(B) . . . The court shall make a determination as to whether reasonable efforts were made to prevent or to eliminate the need for removal of the child from his or her home. . . .

(Amended 1984)

Cal. Welf. & Inst. Code §11404 (Deering 1986) **Eligibility for aid; agency responsibility for the child's placement and care; duties**

(b) In order for the child to be eligible for AFDC-FC, the agency with responsibility for the child's placement and care must in accordance with departmental regulations:

(1) For children removed after October 1, 1983, document it provided preplacement services to the child prior to the child's placement in foster care, and document why provisions of these services were not successful in maintaining the child in his or her home, unless it is documented that these services were not provided due to:

(A) Either the voluntary relinquishment of the child by one or both the parents or court action declaring the child free from the custody and control of one or both parents.

(B) The child's residence with a nonrelated legal guardian.

(Amended 1982)

FLORIDA

Fla. Stat. Ann. §39.402 (West Supp. 1986) **Placement in a Shelter**

(2) A child taken into custody may be placed in a shelter only if . . . a determination has been made that the provision of appropriate and available services will not eliminate the need for placement.

(9)(a) No child shall be held in a shelter longer than 48 hours, excluding Sundays and legal holidays, unless an order so directing is made by the court after a detention hearing finding that . . . the department has made reasonable efforts to prevent or eliminate the need for removal of the child from his home . . . When the first contact of the department with the family occurred during an emergency in which the child could not safely remain at home, either because there were no preventive services which could ensure the safety of the child or because, even with appropriate and available services being provided, the safety of the child could not be ensured, the department shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

(10) No child shall be held in a shelter under an order so directing for more than 21 days unless an order of adjudication has been entered by the court. . . . At any arraignment hearing or determination of detention, . . . the court shall make a determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal of the child from his home.

(Amended 1984)

Fla. Stat. Ann. §39.408 (West Supp. 1986) **Hearings for Dependency Cases**

(3) Disposition Hearing

(a) . . . The predisposition study also shall provide the court with documentation regarding:

1. The availability of appropriate prevention and reunification services for the family to prevent the removal of the child from the home or to reunify the child with the family after removal;
2. The inappropriateness of other prevention and reunification services that were available;
3. The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the family if appropriate services were available;
4. Whether services were provided;
5. If the services were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home;
6. If the services were not provided, the reasons for such lack of action; and
7. The need for, or the appropriateness of, continuing such services if the child remains in the custody of the family or if the child is placed outside the home.

(Amended 1984)

Fla. Stat. Ann. §39.41 (West Supp. 1986) **Powers of Disposition**

(2) (a) If the court commits the child to the temporary legal custody of the department, the disposition order shall include a determination as to whether the department has made reasonable efforts to prevent or eliminate the need for removal of the child from his home. If the child has been removed prior to the disposition hearing, the order shall also include a determination as to whether, after removal, the department has made a reasonable effort to reunify the family. The department shall have the burden of demonstrating that it has made reasonable efforts pursuant this subsection.

(b) For the purposes of this subsection, the term "reasonable effort" means the exercise of reasonable diligence and care by the department and assumes the availability of appropriate services to meet the needs of the child and family.

(c) In support of its determination as to whether reasonable efforts have been made, the court shall:

1. Enter findings as to whether or not prevention or reunification efforts were indicated;
2. If prevention or reunification efforts were indicated, include a brief description of what appropriate and available prevention and reunification efforts were made; and
3. Indicate why further efforts could or could not have prevented or shortened the separation of the family.

(d) When the first contact of the department with the family occurred during an emergency in which the child could not safely remain at home, either because there were no preventive services which could ensure the safety of the child or because, even with appropriate and available services being provided, the safety of the child could not be ensured, the department shall be deemed to have made a reasonable effort to prevent or eliminate the need for removal.

(e) When the severity of the conditions of dependency is such that reunification efforts are inappropriate, the department shall be deemed to have made a reasonable effort for reunification of the family. The department shall have the burden of demonstrating to the court that reunification efforts were inappropriate.

(f) If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this part.

(Amended 1984)

GEORGIA

Ga. Code Ann. §15-11-41 (Supp. 1986) **Limitations of time on orders of disposition; extension; termination**

(c) A court's order removing a child from the child's home shall be based upon a finding by that court . . . that reasonable efforts were made to prevent or eliminate the need for removal and to make it possible for the child to return to the child's home.

(Amended 1984)

ILLINOIS

Ill. Ann. Stat. ch. 37, §703-6 (Smith-Hurd 1986) **Detention or shelter care hearing**

(2) If the court . . . , for minors described in Sections 2-3 [minor requiring authoritative intervention], 2-4 [neglected or abused minor] and 2-5 [dependent minor] finds that reasonable efforts have been made or good cause has been shown why reasonable efforts cannot prevent or eliminate the necessity of removal of the minor from his or her home, the court may prescribe detention or shelter care and order that the minor be kept in a suitable place designated by the court or in a shelter care facility designated by the Department of Children and Family Services or a licensed child welfare agency . . . ; otherwise it shall release the minor from custody.

(Amended 1985)

INDIANA

Ind. Code Ann. §31-6-4-6 (West 1986) **Child in need of services; custody; detention; hearings; findings; order**

(e) If the child is not released, a detention hearing must be held within seventy-two (72) hours (excluding Saturdays, Sundays, and legal holidays) after he is taken into custody. . . . If a child has been removed from his parent guardian or custodian . . . then in accordance with federal law, at the detention hearing the court shall make written findings and conclusions that state:

- (1) whether removal of the child . . . was necessary to protect the child;
- (2) a description of the family services available before removal of the child;
- (3) efforts made to provide family services before removal of the child;
- (4) why the efforts made to provide family services did not prevent removal of the child; and
- (5) whether the efforts made to prevent removal of the child were reasonable.

(Amended 1984)

Ind. Code Ann. §31-6-4-10 (West 1986) **Petition alleging child in need of services; request for authorization to file; probable cause determination; verification; contents; detention**

(c) The petition . . . must contain the following information:

(7) A statement indicating whether the child has been removed from his parent, guardian, or custodian, and, if so, a description of:

(A) efforts made to provide the child or his parent, guardian, or custodian with family services before the removal; and

(B) reasons why family services were not provided before the removal of the child, if they were not provided.

(Amended 1984)

Ind. Code Ann. §31-6-4-15.3 (West 1986) **Dispositional hearing; admissibility of reports; decree; findings and conclusions**

(g) The juvenile court shall accompany its dispositional decree with written findings and conclusions upon the record concerning:

(1) the needs of the child for care, treatment, or rehabilitation;

(2) the need for participation by the parent, guardian, or custodian in the plan of care for the child;

(3) efforts made, if the child is a child in need of services, to prevent the child's removal from or to reunite the child with his parent, guardian, or custodian in accordance with federal law; and

(4) family services that were offered and provided to a child in need of services or his parent, guardian or custodian in accordance with federal law; and

(5) the court's reasons for the disposition.

(Amended 1984)

Ind. Code Ann. §31-6-11-10 (West 1986) **Local child protection service; establishment by counties; powers and duties; local plan; certification**

(b) . . . Reasonable efforts must be made to provide family services designed to prevent a child's removal from his parent, guardian, or custodian.

(Amended 1984)

IOWA

Iowa Code Ann. §232.52 (West 1986) **Disposition of a child found to have committed a delinquent act**

5. If the court orders the transfer of custody of the child to the department of human services or other agency for placement, the department or agency responsible for the placement of the child shall submit a case permanency plan to the court and shall make every effort to return the child to the child's home as quickly as possible.

6. When the court orders the transfer of legal custody of a child Pursuant to subsection 2, paragraph "d" [transfer of legal custody], "e" [transfer of guardianship], or "f" [commitment to an institution], the order shall state that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home.

(Amended 1984)

Iowa Code Ann. §232.95 (West 1986) **Hearing concerning temporary removal**

2. a.

If removal is ordered, the order shall, in addition, contain a statement that removal from the home is the result of a determination . . . that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home.

(Amended 1984)

Iowa Code Ann. §232.102 (West 1986) **Transfer of legal custody of juvenile and placement**

4. b.

The order shall, in addition, contain a statement that removal from the home is the result of a determination . . . that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home.

5. . . . If the court orders the transfer of custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every effort to return the child to the child's home as quickly as possible.

(Amended 1984)

KANSAS

Kan Stat. Ann. §§38-1542(f), -1543(i), -1563(h) (Supp. 1985 as amended by S.B. 713)

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 from evidence presented by the petitioner that reasonable efforts have been made to prevent or eliminate the need for removal of the child or that an emergency exists which threatens the safety of the child and requires the immediate removal of the child. Such findings shall be included in any order entered by the court.

(Amended 1986)

LOUISIANA

La. Code Juv. Pro. art. 87 (West 1986) **Judgment of disposition**

F. In child in need of care proceedings, the judgment of disposition shall include a determination of whether the department has made reasonable efforts to prevent or eliminate the need for removal of the child from his home and, after removal, to make it possible for the child to return home. If the department's first contact with the family occurred during an emergency in which the child could not safely remain at home even with reasonable in-home services provided to the family, the department shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal. The court may authorize the removal of the child even if the department's preventive and reunification efforts have not been reasonable. For the purpose of this Paragraph, "reasonable efforts" shall mean the exercise of ordinary diligence and care by department caseworker and supervisors and shall assume the availability of a reasonable program of services to children and their families. In support of its determination of whether reasonable efforts have been made, the court shall enter findings, including a brief description of what preventive and reunification efforts, or both, were made and why further efforts could or could not have prevented or shortened the separation of the family. The department shall have the burden of demonstrating reasonable efforts pursuant to this Paragraph.

(Amended 1985)

La. Rev. Stat. Ann. §2418 **Case permanency plan; filing; contents**

C. The case permanency plan shall include, but shall not be limited to:

(6) A discussion of the services previously provided.

(Act 1984)

MAINE

Me. Rev. Stat. Ann. tit. 15, §3314-1 (Supp. 1986)

C-1. The court may commit a juvenile to the custody of the Department of Human Services when the court has determined that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from his home. . . .

(Act 1985)

Me. Rev. Stat. Ann. tit. 15, §3317 (Supp. 1986)

" . . . When reviewing a commitment to the Department of Human Services, the court shall consider efforts made by the Department of Corrections and the Department of Human Services to reunify the juvenile with his parents or custodians, shall make a finding regarding those efforts. . . ."

(Amended 1985)

MASSACHUSETTS

Mass. Gen. Laws Ann. ch. 119, §29C (West Supp. 1986) **Certification of Court Upon Commitment, Grant of Custody or Transfer of Responsibility of Child to Department**

Whenever a court of competent jurisdiction commits, grants custody or transfers responsibility of a child to the department or its agent, the court . . . shall certify whether or not the department or its agent, where appropriate, made reasonable efforts, prior to the placement of the child in substitute care, to prevent or eliminate the need for removal from his home; or shall certify whether or not the department or its agent, where appropriate, made reasonable efforts to make it possible for the child to return to his parent or guardian. Failure by the court from making any appropriate order with respect to the care and custody of the child [sic].

(Amended 1984)

MISSISSIPPI

Miss. Code Ann. §43-21-301 (Supp. 1986)

(4) . . . Custody orders as provided by this chapter and authorizations for temporary custody may be written or oral, but, if oral, reduced to writing as soon as practicable. The written order shall:

(c) Except in cases where the child is alleged to be a delinquent child, state that there is probable cause to believe that (i) reasonable efforts have been made to maintain the child within his own home, but that the circumstances warrant his removal and there is no reasonable alternative to custody; or (ii) the circumstances are of such an emergency nature that no reasonable efforts have been made to maintain the child within his own home, but that the circumstances warrant his removal and there is no reasonable alternative to custody;

. . .

(Amended 1985)

Miss. Code Ann. §43-21-309 (Supp. 1986)

(4) At the conclusion of the detention or shelter hearing, the youth court shall order that the child be released to the custody of the child's parent, guardian or custodian unless the youth court finds:

(c) (i) That reasonable efforts have been made to maintain the child within his own home, but that the circumstances warrant his removal and there is no reasonable alternative to custody; or (ii) the circumstances are of such an emergency nature that no reasonable efforts have been made to maintain the child within his own home, but that the circumstances warrant his removal and there is no reasonable alternative to custody. In the event that the court makes a finding in accordance with subparagraph (ii), the court shall order that reasonable efforts be made towards reunification of the child with his family.

(Amended 1985)

Miss. Code Ann. §43-21-405 (Supp. 1986)

(6) . . . In no event shall the custody or supervision of a child which has been placed with the Department of Public Welfare be continued or extended except upon a written finding by the youth court judge or referee that reasonable efforts have been made to maintain the child within his own home, but that the circumstances warrant his removal and there is no reasonable alternative to custody, and that reasonable efforts will continue to be made towards reunification of the family.

(Amended 1985)

Miss. Code Ann. §43-21-603 (Supp. 1986)

(7) In the event that the youth court orders that the custody or supervision of a child be placed with the Department of Public Welfare, the youth court shall find and the disposition order shall recite that: (a) reasonable efforts have been made to maintain the child within his own home, but that the circumstances warrant his removal and there is no reasonable alternative to custody; or (b) the circumstances are of such an emergency nature that no reasonable efforts have been made to maintain the child within his own home, but that the circumstances warrant his removal and there is no reasonable alternative to custody. . . .

(Amended 1985)

MISSOURI

Mo. Ann. Stat. §211.183 (Vernon Supp. 1986)

1. In juvenile court proceedings regarding the removal of a child from his home, the order of disposition shall include a determination of whether the division of family services has made reasonable efforts to prevent or eliminate the need for removal of the child and, after removal, to make it possible for the child to return home. If the first contact with the family occurred during an emergency in which the child could not safely remain at home even with reasonable in-home services, the division shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

2. For the purposes of this section, "reasonable efforts" shall mean the exercise of ordinary diligence and care by the division and shall assume the availability of a reasonable program of services to children and their families.

3. In support of its determination of whether reasonable efforts have been made, the court shall enter findings, including a brief description of what preventive or reunification efforts were made and why further efforts could or could not have prevented or shortened the separation of the family. The division shall have the burden of demonstrating reasonable efforts.

4. The juvenile court may authorize the removal of the child even if the preventive and reunification efforts of the division have not been reasonable, but further efforts could not permit the child to remain at home.

(Act 1985)

NEVADA

Nev. Rev. Stat. §432B-360 (1985)

1. A parent or guardian of a child who is in need of protection may place the child with a public agency authorized to care for children or a private institution or agency licensed by the department of human resources to care for such children if:

(a) Efforts to keep the child in his own home have failed. . . .

(Amended 1985)

Nev. Rev. Stat. §432B-550 (1985)

1. If the court finds that the child is in need of protection, it shall determine if reasonable efforts were made by the agency which provides protective services to prevent or eliminate the need for his removal from his home and to facilitate his return to his home.

(Amended 1985)

NEW MEXICO

N.M. Stat. Ann. §32-1-34 (1984) **Disposition of adjudicated neglected or abused child, delinquent child or a child in need of supervision**

A. At the conclusion of the dispositional hearing, the court shall for neglected or abused children and may for delinquent children and children in need of supervision make and include in the dispositional judgment its findings on the following:

(9) whether reasonable efforts were utilized by the human services department to prevent removal of the child from the home prior to placement in substitute care or whether reasonable efforts were utilized to attempt reunification of the child with natural parents.

(Amended 1984)

NEW YORK

N.Y. Soc. Serv. Law §358-a (McKinney Supp. 1986) **Dependent children in foster care**

(1) **Initiation of judicial proceeding**

(a) . . . If such official or division determines that the child is likely to remain in care for a period in excess of thirty consecutive days, such official or division shall petition the family court judge . . . [for a] determination . . . that where appropriate, reasonable efforts were made prior to the placement of the child into foster care to prevent or eliminate the need for removal of the child from his home and that prior to the initiation of the court proceeding required to be held by this subdivision, reasonable efforts were made to make it possible for the child to return to his home. . . .

(2) **Contents of petition** . . . The petition shall also set forth the efforts which were made, prior to the placement of the child into foster care, to prevent or eliminate the need for removal of the child from his home and the efforts made prior to the filing of the petition to make it possible for the child to return to his home. If such efforts were not made, the petition shall set forth the reasons why these efforts were not made. . . .

(3) **Disposition of petition** If the judge is satisfied . . . that where appropriate, reasonable efforts were made prior to placement of the child to prevent or eliminate the need for removal of the child from his home and that prior to the initiation of court proceedings . . . , reasonable efforts were made to make it possible for the child to return to his home, he may [remove the child from home].

(Amended 1984)

N.Y. Fam. Ct. Act §352.2 (McKinney Supp. 1986) **Order of disposition**

2. (b) In an order of disposition . . . or where the court has determined . . . that restrictive placement is not required, which order places the respondent with the commissioner of social services or with the division for youth placement with an authorized agency or class of authorized agencies or in such schools, centers, or youth centers operated and maintained by the division for youth as are eligible for federal reimbursement pursuant to Title IV-E of the social security act, the court shall determine . . . that where appropriate, and where consistent with the need for protection of the community, reasonable efforts were made prior to the date of the dispositional hearing to prevent or eliminate the need for removal of the respondent from his home.

(Amended 1985)

N.Y. Fam. Ct. Act §754 (McKinney Supp. 1986) **Disposition on adjudication of person in need of supervision**

2. The order shall state the court's reasons for a particular disposition. If the court places the child . . . , the court shall determine . . . where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and, if the child was removed from his or her home prior to the date of such hearing, that . . . where appropriate, reasonable efforts were made to make it possible for the child to return home.
(Amended 1985)

OKLAHOMA

Okla. Stat. Ann. tit. 10 §1104.1 (Supp. 1987) **Filing petition when child in custody—Time —Hearing—Order to remove child from home**

D. No order of the court providing for the removal of an alleged or adjudicated deprived child from his home shall be entered unless the court finds that the continuation of the child in the home is contrary to the welfare of the child. Said order shall include either:

1. a determination as to whether or not reasonable efforts have been made to prevent the need for removal of the child from his home and, as appropriate, reasonable efforts have been made to provide for the return of the child to his home; or
2. a determination as to whether or not an absence of efforts to prevent the removal of the child from his home is reasonable under the circumstances, if such removal of the child from his home is due to an alleged emergency and is for the purpose of providing for the safety of the child.

(Amended 1984)

OREGON

Or. Rev. Stat. §419.505 (1985) [Or. Laws 1985, ch. 721, §17]

(1) At the termination of the hearing or hearings in the proceedings, the court shall enter an appropriate order directing the disposition to be made of the case.

(2) If the court awards custody to the division, the disposition order shall include a determination whether the division has made reasonable efforts to prevent or eliminate the need for removal of the child from the home. If the child has been removed prior to the entry of the order, the order shall also include a determination whether the division has made reasonable efforts to reunify the family after removal.

(3) In support of its determination whether reasonable efforts have been made by the division, the court shall enter a brief description of what preventive and reunification efforts were made and why further efforts could or could not have prevented or shortened the separation of the family.

(4) Where the first contact with the family has occurred during an emergency in which the child could not remain without jeopardy at home even with reasonable services being provide, the division shall be considered to have made reasonable efforts to prevent or eliminate the need for removal.

(5) Where the court finds that preventive or reunification efforts have not been reasonable, but further preventive or reunification efforts could not permit the child to remain without jeopardy at home, the court may authorize or continue the removal of the child.

(Amended 1985)

Or. Rev. Stat. §419.576 (1985)

(2) . . . The [agency] reports [to the court] shall include, but not limited to:

(c) A description of agency efforts to return the child to the parental home or find permanent placement for the child, including, where applicable, efforts to assist the parents in remedying factors which contributed to the removal of the child from the home.

(Act 1986)

Or. Rev. Stat. §419.577

(b) . . . At the [shelter care] hearing:

(A) The court shall determine, where applicable, whether the division has made reasonable efforts to prevent or eliminate the need for removal of the child from the home;

(Amended 1985)

VIRGINIA

Va. Code §16.1-251 (Supp. 1986) Emergency removal order

A. A child may be taken into immediate custody and placed in shelter care pursuant to an emergency removal order in cases of abuse and neglect. Such order may be issued ex parte by the court upon a petition supported by an affidavit or by sworn testimony in person before the judge or intake officer which establishes that:

2. Reasonable efforts have been made to prevent removal of the child from his home. . . . When a child is removed from his home and there is no reasonable opportunity to provide preventive services, reasonable efforts to prevent removal shall be deemed to have been made.

(Amended 1984)

Va. Code §16.1-252 (Supp. 1986) Preliminary removal order; hearing

A. A preliminary removal order in cases in which a child is alleged to have been abused and neglected may be issued by the court after a hearing wherein the court finds that reasonable efforts have been made to prevent removal of the child from his home. . . .

E. In order for a preliminary order to issue or for an existing order to be continued, the petitioning party or agency must prove:

2. Reasonable efforts have been made to prevent removal of the child from his home. . . . When a child is removed from his home and there is no reasonable opportunity to provide preventive services, reasonable efforts to prevent removal shall be deemed to have been made.

(Amended 1986)

Va. Code §16.1-279 (Supp. 1986) Disposition

A. If a child is found to be abused or neglected, . . . the court . . . may make any of the following orders of disposition to protect the welfare of the child:

3. After a finding that there is no less drastic alternative, transfer legal custody . . . to any of the following:

c. The local board of public welfare or social services. . . . Any order authorizing removal from the home and transferring legal custody of a child to a local board of public welfare or social services as provided in this paragraph shall be entered only upon a finding by the court whether reasonable efforts have been made to prevent removal . . . and the order shall so state.

C. If a child is found to be in need of services, the . . . court . . . may make any of the following orders of disposition for the supervision, care and rehabilitation of the child:

5. Transfer legal custody to any of the following:

c. The local board of public welfare or social services. . . . Any order authorizing removal from the home and transferring legal custody of a child to a local board of public welfare or social services as provided in this paragraph shall be entered only upon a finding by the court whether reasonable efforts have been made to prevent removal . . . and the order shall so state.

E. If a child is found to be delinquent, the juvenile court or the circuit court may make any of the following orders of disposition for the his supervision, care and rehabilitation:

9. Transfer legal custody to any of the following:

c. The local board of public welfare or social services. . . . Any order authorizing removal from the home and transferring legal custody of a child to a local board of public welfare or social services as provided in this paragraph shall be entered only upon a finding by the court whether reasonable efforts have been made to prevent removal . . . and the order shall so state.

(Amended 1984)

WASHINGTON

Wash. Rev. Code Ann. §13.32A.170 (Supp. 1986) **Alternative residential placement—fact-finding hearing—Three-month placement disposition plan—Hearing, when—Approval or denial of petition—Contempt proceedings, when**

(1) . . . The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence that:

(d) Reasonable efforts have been made 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.

(Amended 1984)

Wash. Rev. Code Ann. §13.34.060 (Supp. 1986) **Placing child in shelter care—Court procedures and rights of parties—Release from, when—Amendments to orders**

(6) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) Reasonable efforts have been made 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.

(Amended 1984)

Wash. Rev. Code Ann. §13.34.130 (Supp. 1986)

If, after a fact-finding hearing . . . , it has been proven by a preponderance of the evidence that the child is dependent . . . , after consideration of the predisposition report . . . and after a disposition hearing has been held . . . , the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility. . . . Such an order may be made only if the court finds that reasonable efforts have been made 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. . . .

(Amended 1984)

WISCONSIN

Wis. Stat. Ann. §48.21 (West 1986) **Hearing for child in custody**

(5) **Orders in writing**

(a) All orders to hold in custody shall be in writing, listing the reasons and criteria forming the basis for the decision.

(b) An order relating to a child held in custody outside of his or her home shall also describe any efforts that were made to permit the child to remain at home and the services that are needed to ensure the child's well-being, to enable the child to return to his or her home and to involve the parents in planning for the child.

(Amended 1984)

Wis. Stat. Ann. §48.355 (West 1986) **Dispositional orders**

(2) **Content of order**

(a) In addition to the order, the judge shall make written findings of fact and conclusions of law based on the evidence presented to the judge to support the disposition of each individual coming before him or her. If the child is placed outside the home, the findings of fact shall include a finding that reasonable efforts have been made to prevent the need to remove the child from his or her home, or, if applicable, that reasonable efforts have been made to make it possible for the child to return to his or her home.

(Amended 1983)

Wis. Stat. Ann. §48.38 (West 1986) **Permanency planning**

(6) **Rules** The department shall promulgate rules establishing the following:

(6) Standards for reasonable efforts to prevent placement of children outside of their homes.

(Amended 1984)

Appendix D

PREVENTIVE AND REUNIFICATION SERVICES

Emergency Services

shelter care/foster homes
homemakers
crisis counseling
financial assistance
housing assistance
food
clothing
energy assistance
furnishing

disability services
sex abuse counseling
education services
therapeutic pre-school
child support enforcement
recreation/social development
consumer education/assistance
marital counseling
domestic violence services

Specialized Programs

homemakers (on-going)
parent aide
housekeeper
chore services
parent advocates
visiting nurse
day care
respite care
therapeutic day care
parent education
peer support/self-help groups
home management services
family planning
single parent services
substance abuse services
rodent control
lead-based poisoning testing
employment services
mental health services

Legal Services

Transportation

Medical Services

medical care
dental care
hospital emergency room
pre-natal/peri-natal services

Diagnostic Services

medical
psychiatric
psychological

Counseling

individual
families

Home-Based Family Services

Appendix E

EXEMPLARY SERVICE LISTS

Washington

WASHINGTON DEPARTMENT OF SOCIAL AND
HEALTH SERVICES
CHILD WELFARE RESOURCES

FAMILY-RELATED

Income

AFDC, CA-U, Social Security
Credit Counseling
Churches
Employment Referrals

Clothing

Clothing Bank
Salvation Army/Goodwill

Housing

Low-Income Housing
Missions
Emergency Shelter

Medical Care/Dental Care

Medical Insurance
Community Health Nurse, Well-Child Clinics, Hospice
Crippled Children's Services
Medical Assistance Programs
Civic Groups, Kiwanis, Etc.

Nutrition

WIC
Food Stamps/Commodities
Food Banks
Community Health Nurse

Transportation

FISH/Volunteers
Bus Passes

Job Training/Employment

Vocational Rehabilitation
College Financial and Women's Centers
Employment Security, (E&T, WIN)

Mental Health

Community Mental Health
Casework Counseling
Day Treatment
Specialized Counseling
In-home Therapy
Group Therapy

Abuse/Neglect

Anger Control Group
Parent's Anonymous
Mother's Groups
Parent Aids
CPS/CSW Day Care

Chore Services

Respite Care
Co-op Preschools
Headstart, Bug-in-the-Ear
Parenting Classes
Parent Workshops
Parent Advocates
In-home Specialists (Health or Education)
Emergency Caretakers
Crisis Nursery
Homemaker Services
Public Health
Court

Substance Abuse

Alcoholics Anonymous
Narcotics Anonymous
Community Alcohol/Drug Agencies
Alateen/Alanon
Inpatient Treatment

Social Isolation

Extended Family
Churches
Clubs, Civic Groups
Special Interest/Support Groups (SIDS, DDD)
Friends
Parents without Partners
Recreational activities, YMCA, YWCA

Coordination

Diagnostic Teams
Consultation
Staffings
Resource Development

Mental Retardation/Developmental Disabilities

Referral to DDD
Civic/Community Groups for Special Needs
Special Education Services

CHILD-RELATED SERVICES

School Attendance

School Counselors
Staffings
Alternative Schools
Teachers

School Performance

Tutoring
Alternative Schools
Evaluation Special Needs Education Services

Job Training/Employment

Youth Jobs
Vocational Programs

Mental Health

Group Therapy
Community Mental Health
Family Therapy
Casework Counseling
Specialized Counseling
Therapeutic Day Care

Behavior (Acting Out, Running Away)

Peer Counseling
One-to-One Programs (Big Brothers, Big Sisters)
Family Reconciliation Services

Recreational (Camps, Sports, YMCA, YWCA)
Skills-Building Classes
Preschool-Coops

Substance Abuse

Youth Service Bureau
Inpatient Treatment
Community Alcohol/Drug Agencies
Alateen
Alcoholics Anonymous, Narcotics Anonymous

Mental Retardation/Developmental Disabilities

Referral to DDD
Civic Groups for Special Needs (Shriners, etc.)
Special Education Services

From: Washington Department of Social and Health Services, *Manual G* §32.32 (Apr. 1984).

Indiana
INDIANA DEPARTMENT OF PUBLIC WELFARE
CHILD WELFARE SERVICES

Services for Children

Day Care
Therapeutic Pre-School
Recreation and Social Development
Training and Employment
Counseling Services
Diagnostic and Evaluation Services
Special Education
Temporary Placement
Respite Care

Services for Parents

Parent Education Programs
Homemakers
Visiting Nurses
Consumer Education and Assistance Services
Family Planning Services
Services for Pregnant Women
Employment and Training Programs

Services to the Handicapped
Personal Growth, Self-help and Support Services
Legal Services
Crisis Counseling and Support Services
Counseling Services
Substance Abuse Services

Financial Assistance/Essential Needs

Monetary Grants
Food Assistance
Housing Assistance
Household Furnishings
Clothing
Healthcare Services
Transportation

From: Indiana Department of Public Welfare, *Providing Family-Centered Pre-Placement Services: A Handbook* (Sept. 1983) pp. 125 - 145.

Appendix F

VOLUNTARY PLACEMENT FORMS

New Jersey

(The Child Placement Review Act—N.J.S.A. 301:4C-50 et seq.)
Notice of Placement Pursuant to a Voluntary Agreement (Complaint)
Juvenile and Domestic Relations Court
Court of _____

Date of Child's Birth: _____ In the matter of _____, a minor
 M F
Race: _____ Docket No.: _____
School and Grade: _____ DYFS Case No.: _____

Name of Caseworker: _____

I, _____ (Print Name) of the _____ Dept. of Law and Public Safety or DYFSP upon oath say that to the best of my knowledge, information or belief:

1. The aforementioned child is subject to the provisions of the Child Placement Review Act (N.J.S.A. 30:14C-50 et. seq.).
2. The child was placed outside his/her home pursuant to a voluntary agreement on (month, day, year) .
3. This county is the county of supervision for the child.
4. The reasons for the placement of the child are:
5. Attached to the Court Copy of this notice are:
 - a. A list of the names and addresses of the child, parents or legal guardian, siblings, temporary caretaker, and any other persons or agencies which have an interest in or information relating to the welfare of the child.
 - b. A statement as to:
 1. The specific efforts (including services offered, services provided and the results) made to prevent or eliminate the need for removal of the child from his/her home and to make it possible for the child to return to his/her home if he/she has been removed.
 2. The views of the child, parents or legal guardian and temporary caretaker with respect to the placement.
 3. The nature and extent of the child's present (or last) contact with the parents or legal guardian.
 4. Prior placements of the child including type of each placement, date of placement and date of child's return home or alternative permanent placement.
 5. The caseworker's recommendation with respect to the placement.
 6. Any other information which the caseworkers believes will assist the court in making its determination.
 - c. A copy of the placement plan for the child, if completed.
6. I am authorized to sign this Notice of Placement (Complaint) pursuant to R.5:7B(c)

[Data excluded pertaining to signature.]

Form: New Jersey, "Notice of Placement Pursuant a Voluntary Agreement (Complaint)," AOC-LR-37 (Sept. 20, 1983.)

New York

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF _____

In the Matter of the Application for Approval of an Instru-
ment concerning _____

Docket No. _____

PETITION FOR APPROVAL OF AN INSTRUMENT

Pursuant to Section 358-a of the Social Service Law

TO THE FAMILY COURT:

The undersigned petitioner respectfully shows that:

1. The Petitioner is authorized to file this petition in that (s)he is an official of the (Department of Social Services for _____ County) (Division for Youth), having (his) (her) office and place of business at _____
2. The above-named child is a (fe)male, born on _____, 19 _____, to _____, (mother) (father).
3. Said child was removed from (his) (her) home on _____, 19 _____, pursuant to a written instrument, executed pursuant to (section 384 of the Social Services Law) (section 384-a of the Social Services Law) (section 502 of the Executive Law), on the _____ day of _____, 19 _____, a copy of which instrument is attached hereto.
- *4. **The following efforts were made to prevent or eliminate the need for removal of the child from (his) (her) home:**
 - *4. **No efforts were made to prevent or eliminate the need for removal of the child from (his) (her) home because:**
 5. Said child now resides at _____ and is likely to remain in the care and custody of the (Department of Social Services) (Division for Youth) for a period in excess of thirty (30) consecutive days.
 6. _____ executed the attached instrument because (he) (she) (they) would be unable to make adequate provision for the care, maintenance and supervision of the child in (his) (her) (their) own home for the reasons that:
 - *7. **The following efforts have been made to enable the child to return to (his) (her) home:**
 - *7. **No efforts were made to enable the child to return to (his) (her) home because:**
 - *8. Care and custody of the child has been transferred to the Department of Social Services by means of an instrument executed pursuant to section 384-a of the Social Services Law, and all of the requirements of such section have been satisfied in that:
 - *9. Pursuant to the attached instrument, _____ (has) (have) consented to the jurisdiction of the Family Court over this proceeding and (has) (have) waived service of the petition and notice of this proceeding.
 10. The names and last known addresses of the child's parents and all other persons required to be given notice of this proceeding pursuant to sections 358-a and 384-c of the Social Services Law are:

[Data excluded.]

From: New York State Office of Court Administration, "Petition for Approval of an Instrument," Form 358-a-1 (Oct. 1984).

New York

At a term of the Family Court of the State of New York, held
in and for the County of _____ at New York, on

PRESENT

Hon.

Judge

In the Matter of the Application for Approval of an Instru-
ment concerning

Docket No.

ORDER OF DISPOSITION—
APPROVAL OF AN INSTRUMENT

Pursuant to Section 358-a of the Social Services Law

The petition of an authorized official of (the Department of Social Services, _____ County) (the Division for Youth) dated the _____ day of _____, 19 _____, having been filed with this Court requesting approval of an instrument (transferring custody and (guardianship) (care) of the child to the agency) (placing the child with the Division for Youth) and _____ (parents) (guardians) (having been duly served with notice of this proceeding and having (appeared) (failed to appear) (with) (out) (by) jurisdiction of this Court and having waived service of the petition and notice of proceeding and the Court having dispensed with such service); (and a law guardian having been appointed to represent the child) and

The matter having duly come on for a hearing before this Court, and **the Court, after hearing the proof and testimony offered in relation to the case, (not) being satisfied that the (parent(s)) (guardian(s)) executed instrument knowingly and voluntarily and because (s)he (they) would be unable to make adequate provision for the care, maintenance and supervision of the child in (his) (her) (their) home and that, where appropriate, reasonable efforts (were) (were not) made to prevent or eliminate the need for removal of the child from (his) (her) home and that, where appropriate, reasonable efforts (were) (were not) made to enable the child to return to (his) (her) home, and that the requirements of Section 384-a of the Social Services law have been satisfied, finds that the best interest and welfare of the child would (not) be promoted by removal of the child from the home, and it would (not) be contrary to the welfare of the child for (him) (her) to continue in the home; (not) be contrary to the welfare of the child for (him) (her) to continue in the home;**

Now therefore, it is hereby

*(ORDERED that the petition herein is granted and the instrument dated _____ executed by _____ is hereby approved;) (and it is further)

*(ORDERED that (the transfer of custody and (guardianship) (care) (to) (the placement of the child with) the Petitioner is hereby approved;) (and it is further)

*(ORDERED that the child shall be returned to in accordance with the terms and conditions of the aforesaid instrument without further Court order;) (and it is further)

*(ORDERED that the petition herein is denied and the instrument date executed by _____ is hereby disap-
proved. . . .

[Data excluded.]

From: New York State Office of Court Administration, "Order of Disposition—Approval of an Instrument," Form 358-1-5 (Oct. 1984).

Rhode Island

RHODE ISLAND DEPARTMENT FOR CHILDREN AND THEIR FAMILIES

Voluntary Application/Authorization/Consent for Placement of Children

Family Surname(s) _____

Children _____ Date of Birth _____ Social Security No. _____

PLEASE READ THE FOLLOWING AUTHORIZATION CAREFULLY BEFORE SIGNING:

- A. I/We, the undersigned, being the parent(s)/guardian(s) of the above children hereby make application to, voluntarily authorize, and give consent to the Department for Children and Their Families to place the above child(ren) in substitute care.
- B. I/We, the undersigned, being the parent(s)/guardian(s) of the above child(ren) state at the time of application/authorization/consent for placement that efforts to maintain and support the child(ren) with the family have been explored and exhausted. The Department is authorized to explore with and refer the child(ren) and the parent(s) to appropriate community-based support systems to help maintain the family unit.
- C. I/We, the undersigned, being the parent(s)/guardian(s) of the above child(ren) indicate at the time of placement the desire to work actively and cooperate with the Department in a plan for the child(ren); and it is anticipated that through these efforts the child(ren) can be reunited with the family in a period of _____ months. (Indicate the number of months anticipated for the placement—refer to E, 2 and 3 below.)
- D. I/We, the undersigned, being the parent(s)/guardian(s) of the child(ren) agree:
1. Cooperate with the Department in planning for my/our child(ren).
 2. Maintain contact with my/our child(ren).
 3. Keep the Department informed of my/our current address and situation.
 4. To contribute to the extent of my/our ability to provide financial support.
- E. I/We, the undersigned, being the parent(s)/guardian(s) of the above child(ren), am informed at the time of signing this document (in accordance with Federal and Rhode Island Law) that:
1. There must be written notice of ten (10) days from the parents(s)/guardian(s) to terminate this agreement. (R.I. GL 42-72-148)
 2. If the above-named child(ren) remain in placement for twelve (12) months, a dependency petition will be filed in Family Court. (R.I. GL 14-1-11.1)
 3. Termination of parental rights will be sought if (a) the parent(s) have willfully neglected to provide proper care and maintenance for the child(ren) for a period of at least one (1) year where financially able to do so . . . (b) if the parent(s) are unfit by reasons of conduct or conditions seriously detrimental to the child(ren) . . . (c) the child(ren) have been in care either voluntarily or involuntarily for at least six (6) months and the Court finds that integration of the child(ren) into the home of the parent(s) is improbable in the foreseeable future due to conduct or conditions unlikely to change . . . (d) the parent(s) have abandoned or deserted the child(ren) (i.e. lack of communications or contact for at least (6) month period. (R.I. GL 15-7-7)
 4. If the above-named child(ren) remain in placement for six (6) months, an agency review and a review by Family Court will be held to determine whether the placement continues to be in the best interest of the child. (F.R. 96-272)
- F. I/We, hereby agree to pay the sum of \$ _____ per week, the first payment to be made on _____. Check or money order should be made out to General Treasurer, State of Rhode Island, Department for Children and Their Families, Attention: Division of Management and Budgeting, Building #8, 610 Mt. Pleasant Avenue, Providence, RI 02908 (refer to Table of Contribution Rates, DCF #023A).
- G. I/We, the undersigned, being the parent(s)/guardian(s) of the above child(ren) wish to have the above child(ren) reared under _____ religious auspices or influence when possible.
- H. Parents have the following rights:
- Parent(s) can refuse to place the child with the agency and can be represented by an attorney if the agency takes the matter to Court.
 - If parent(s) cannot afford an attorney, the Court will appoint one.
 - Parent(s) can visit the child at reasonable times and places.
 - Parent(s) shall be given information about the child and will be consulted concerning major medical and educational decisions involving the child.
 - The Department shall notify the parent(s) of any change in caseworker or in the location, progress, or condition of the child.
 - The Department shall notify the parent(s) of any change in caseworkers or in the location, progress, or condition of the child.

—When the parent gives written notice of (10) days and requests the return of the child, the Department must either return the child or obtain a Court order.

—If the Department refuses to return the child, parent(s) can take the Department to Court.

- I. The Department may terminate the admission of any child after giving reasonable notice in writing to the parent(s)/guardian(s) of any child. (42-72-148)
- J. I/We, the undersigned, being the parent(s)/guardian(s) of the above child(ren) agree/do not agree to waive my right to participation in the educational decision-making process for my child(ren) for the length of time she/he (they) remains in the care of the Department.

The agency has thoroughly explained the terms of this agreement, and I/We have read and understand this agreement.

SIGNATURES

Social Worker

Mother

Other Child Caring Person

Father

Date

Legal Guardian

[Data excluded.]

From: Rhode Island Department of Children and Their Families, "Voluntary Application/Authorization/Consent for Placement of Children," DCF #023 (Jul. 9, 1984).

Rhode Island

DEPARTMENT FOR CHILDREN AND THEIR FAMILIES

Request for Review of Children in Voluntary Placement

Name of Child: _____

DOB: _____ Race: _____

Child's Worker: _____

Supervisor: _____

Name of Parent(s): _____

Parent(s) Home Address: _____

Child's Present Placement: _____

Date Voluntary Signed: _____

Expectation of worker as to continuance of voluntary: _____

Why child continues in placement: _____

The following efforts were made to prevent the need for placement: _____

From: Rhode Island Department of Children and Their Families, "Request for Review of Children in Voluntary Placement" DCF #059 (Jul 9, 1984).

Appendix G

REMOVAL FORMS

Florida

State of Florida
Department of Health and Rehabilitative Services
PLACEMENT PLANNING CHECKLIST

Child(ren) Name(s)	Date of Birth	Sex	Race
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Referral Source: (Check appropriate box)

- Intake
 Protective Service
 Foster Care
 Community control
 (Child returning from delinquency commitment program)

1. Reasons for considering Foster Care Placement: _____

2. In-home Treatment Services Rendered: _____

3. Alternative Placements Explored (List names of agencies/relatives, addresses, dates of contact and findings): _____

4. Parent/Child Problem Areas/Behaviors Indicate Mo./Fa./Ch.)

Substance Abuse _____	Anti Social _____	Bedwetting _____
Mental Illness _____	Aggressive _____	Soiling _____
Mental Retardation _____	Destructive _____	Lying _____
Medical Problems _____	Runaway _____	School Problems _____
Sexual Acting Out _____	Stealing _____	
Other _____		

Comment on significant areas (School Problems, Allergies, Psychiatric Diagnosis and Evaluations available, Doctors' Names/ Location of Medical and Shot Records): _____

5. Identify parent figures (indicate relationship) and siblings who are significant in the child's life: _____

6. List any known medical problems and any medication the child is now taking: _____

7. School grade: _____ ; School child is attending: _____

8. List any special needs of child which should be considered in selecting a placement: _____

9. Based on a review of the child's needs, describe any special attributes desired in a foster care provider for the child: _____

10. Placement Committee Action:

- Committee approves seeking placement.
 Committee does not approve seeking placement.

[Data excluded.]

From: Florida Department of Health and Rehabilitation Services, *Dependency and Delinquency Intake* HSRM 210-1B, §12-13 (Jul. 1, 1985), p. 12-16, HRS Form 5031.

Appendix H
CASE PLANS

Alaska

INITIAL CASE PLAN
Face Sheet

Date of Initial Case Plan: _____
 Next Case Plan Review Date: _____
 Next Court Date: _____

Parents	Name	DOB	Legal Status	Current Placement	*Permanency Planning Goal
Father					
Mother					
Children					

SUMMARY OF PRESENTING PROGRAM

A copy of this plan was provided to mother on: _____
 to father on: _____

The undersigned have reviewed the case plan:

	Date
Child(ren) if age appropriate	_____
Parent(s)/Guardian	_____
*Social Worker	_____
*Supervisor	_____

*Required signatures.

KEY TO LEGAL ISSUES

- | | |
|---|--------------------------------------|
| 1. Temporary Custody | 6. (b)(5)—delinquent—adventure based |
| 2. (b)(1) delinquent—secure placement | 7. (c)(1) CINA placement |
| 3. (b)(2) delinquent—probation + home | 8. (c)(2) CINA supervision |
| 4. (b)(3) delinquent—probation + home or non-secure | 9. (c)(3) termination |
| 5. (b)(4) delinquent—restitution | 10. Voluntary |

KEY TO PERMANENT PLAN GOAL

- | | |
|--|-----------------------------------|
| 1. Maintain in home | 6. Permanent foster; non-relative |
| 2. Return home | 7. Adoption: non-relative |
| 3. Independent living | 8. Guardianship: relative |
| 4. Permanent placement with relatives/foster | 9. Guardianship: non-relative |
| 5. Permanent placement with relatives/adoption | 10. Termination |

Complete plan must contain sections (a), (b), (c) for children in placement; sections (a) and (b) for children in home or other permanent placement.

1. Is child out of home? Yes _____ No _____ Date of placement _____
2. Services offered to prevent removal. If emergency removal indicate why preventive services were not possible.

3. Does this placement meet the requirements of at least restrictive, in close proximity to parental home, and relative requirement? Yes ____ No ____ . If no, what efforts have been made to secure a more appropriate placement?

EDUCATION INFORMATION

1. Is the child enrolled in school? Yes ____ No ____ Grade ____ School _____ Teacher _____

If no, explain.

2. Is child special education eligible? Yes ____ No ____ If yes, date of last I & P _____ Name of surrogate parent if applicable: _____

MEDICAL INFORMATION

1. Are childhood shots up to date? Yes ____ No ____ If no, what is being done?

2. PSDT eligible? Yes ____ No ____

Date of last medical exam _____ Provider _____

Date of last dental exam _____ Provider _____

3. Special problems, e.g., allergies, chronic conditions, medications.

SERVICE PLAN

(Educational, medical, psychological, support services, placement services)

Objectives	Method	Who is responsible	Time Frame
1.			
2.			

Services to be provided to foster parents:

Objectives	Method	Who is responsible	Time Frame
1.			
2.			

PARENT(S) SERVICE PLAN

Objectives	Method	Who is responsible	Time Frame
1.			
2.			

From: Alaska Division of Youth and Family Services, "Initial Case Plan" 06-9175 (Jun. 1985).

Arizona

INITIAL CASE PLAN

- I. *Reasons for Services:*
A. Reason
B. History of Reports
C. Evidence of Abuse and/or Neglect (See also Social History, Section I. A through C.)
- II. *Background:*
Attach social history.
- III. *Efforts to Prevent Removal and/or Reunify Families:*
A. Reason removal is/was necessary, if applicable.
B. Services provided to prevent removal and the outcome of those preventive services.
C. Services provided to reunify the family and if applicable the outcome of those reunification services.
- IV. *Description of Placement:*
A. Appropriateness including:
1. Whether the placement is the least restrictive placement appropriate to the needs of the child.
2. How the placement meets the needs of the child with respect to religious and ethnic practices of the child and family as well as dietary habits, bilingual needs and family relationships, if applicable.
3. How the placement relates to the school age child's education and any special educational needs.
B. Proximity to the child's/family home.
- V. *Case Plan:*
Section V should be on separate pages so that the parents and service team members can each have a copy of the case plan. Attach Case Plan Agreement, FW-182.
A. Case plan goal (permanent plan):
1. Appropriateness of case plan to child and family needs.
2. Target date.
B. Case plan objectives:
Objectives are tasks, activities, or services to be completed or provided by the family, the child, or service team members. Objectives should include both immediate and long term needs of the child and family, the economic needs, housing, employment, health, education, special education, counseling, and family interaction (including visitation) needs.
Each case plan objective should be listed and include:
1. Task or activity to be completed or service provided.
2. Date of anticipated completion.
3. Who is responsible to implement/complete task or activity or provide service.
4. Consequence(s) of meeting or not meeting the objective.
- VI. *Case Managers Opinions:*
For court cases only.
- VII. *Foster Parents/Other Team Member's Opinions/Comments if Applicable, Including Written Reports:*
- VIII. *Recommendations:*
A. ACYF/agency
B. Financial (include information regarding benefits being received and/or parental assessment payment status.)

Submitted: _____

Approved: _____

Date: _____

From: Arizona Department of Economic Security, *DES Manual* revision no. 241 (Nov. 1984) DES 5-53, exhibit I, pt. B.

Maine

_____ CW Number _____ Social Security Number _____
 CW Status and Dates: Initial _____ Current _____ Date of Birth _____
 Region _____

CASE ASSESSMENT AND CASE PLAN

I. SERVICES TO PREVENT REMOVAL

Prevention of Removal

This child entered the custody of the Department prior to October 1, 1983. Therefore, a description of services to prevent removal is not required in this document.

OR

This child entered custody after September 30, 1983 and

The date of the case plan which describes services to prevent removal of the child from his home was _____ .

OR

This is the first case plan since entry into voluntary care or custody. The following is a description of the services which were offered or provided to the child and his parents to prevent removal from the parents' home.

Service	Offered but Refused (give date)		Provided		Child
	Mother	Father	Mother	Father	
<input type="checkbox"/> Individual Counseling	_____	_____	_____	_____	_____
<input type="checkbox"/> Group Counseling	_____	_____	_____	_____	_____
<input type="checkbox"/> Family Counseling	_____	_____	_____	_____	_____
<input type="checkbox"/> Psychological or Psychiatric Evaluation and/or Treatment	_____	_____	_____	_____	_____
<input type="checkbox"/> Day Care	_____	_____	_____	_____	_____
<input type="checkbox"/> Homemaker	_____	_____	_____	_____	_____
<input type="checkbox"/> Transportation	_____	_____	_____	_____	_____
<input type="checkbox"/> Emergency Shelter	_____	_____	_____	_____	_____
<input type="checkbox"/> Parent Aides	_____	_____	_____	_____	_____
<input type="checkbox"/> Self-Help Group (ex. P.A., AA)	_____	_____	_____	_____	_____
<input type="checkbox"/> Court Ordered Study	_____	_____	_____	_____	_____
<input type="checkbox"/> Respite Care	_____	_____	_____	_____	_____
<input type="checkbox"/> Advocacy	_____	_____	_____	_____	_____
<input type="checkbox"/> Case Study	_____	_____	_____	_____	_____
<input type="checkbox"/> Case Supervision	_____	_____	_____	_____	_____
<input type="checkbox"/> (Other—please specify)	_____	_____	_____	_____	_____

[Data excluded to PLACEMENT AND IDENTIFICATION OF NEEDS AND CASE PLAN.]

B. PARENTS

1. Services to Promote Family Reunification

There were no services offered or provided in the last six months toward reunification of this child with his parent(s). The parents were notified of the Department's intent to cease reunification efforts on _____ or parental rights were terminated on _____.

OR

Reunification services were offered or provided in the last six months. These were:

<u>Service</u>	<u>Offered but Refused</u> <u>(give date)</u>		<u>Provided</u>		<u>Child</u>
	<u>Mother</u>	<u>Father</u>	<u>Mother</u>	<u>Father</u>	
<input type="checkbox"/> Individual Counseling	_____	_____	_____	_____	_____
<input type="checkbox"/> Group Counseling	_____	_____	_____	_____	_____
<input type="checkbox"/> Family Counseling	_____	_____	_____	_____	_____
<input type="checkbox"/> Psychological or Psychiatric Evaluation and/or Treatment	_____	_____	_____	_____	_____
<input type="checkbox"/> Day Care	_____	_____	_____	_____	_____
<input type="checkbox"/> Homemaker	_____	_____	_____	_____	_____
<input type="checkbox"/> Transportation	_____	_____	_____	_____	_____
<input type="checkbox"/> Emergency Shelter	_____	_____	_____	_____	_____
<input type="checkbox"/> Parent Aides	_____	_____	_____	_____	_____
<input type="checkbox"/> Self-Help Group (ex. P.A., AA)	_____	_____	_____	_____	_____
<input type="checkbox"/> Court Ordered Study	_____	_____	_____	_____	_____
<input type="checkbox"/> Respite Care	_____	_____	_____	_____	_____
<input type="checkbox"/> Advocacy	_____	_____	_____	_____	_____
<input type="checkbox"/> Case Study	_____	_____	_____	_____	_____
<input type="checkbox"/> Case Supervision	_____	_____	_____	_____	_____
<input type="checkbox"/> (Other—please specify)	_____	_____	_____	_____	_____

[Data excluded IDENTIFICATION OF NEEDS AND CASE PLAN.]

From: Maine Department of Human Services, "Case Assessment and Case Plan" No. BSSSC-015 (Jan. 1984).

Michigan

INITIAL SERVICE PLAN FORMAT

The following format indicates the information to be included in the initial service plan which must be completed within 30 working days following placement:

IDENTIFYING INFORMATION

NAME: _____ CASE NUMBER: _____

DATE OF BIRTH: _____

COUNTY OF COMMITMENT/PLACEMENT: _____

ASSISTANCE PAYMENTS CLEARANCE COMPLETED ON (Date):

LEGAL STATUS (List most recent court action first)

Petition (Date) Allegation (as contained in petition) Adjudication (Hearing Date(s) and status)

Disposition (A statement of all requirements of the court at the time of judicial determination)

Statement of Presenting Problem Necessitating Placement

SOCIAL WORK CONTACTS

Dates With Whom Type (i.e., home call, telephone, office, etc.)

ASSESSMENT OF TOTAL FAMILY (for each member)

1. Name
2. Age
3. Description of services offered or provided which were intended to help the child remain with his family (as applicable to each family member targeted for such service).
4. Diagnosis of presenting problem (in analysis of the cause of the problem necessitating placement, as applicable to each family member).
5. Parent Assessment (if rights have not been terminated).
 - needs as they relate to the care of the child
 - role while the child in placement
 - goals in respect to the return of the child and time frames for such
6. Child Assessment (for each child in placement)
 - Social history information
 - emotional and physical development
 - family situation
 - past experience and problems
 - if relevant, reason the child is not placed with his/her siblings and the plan for sibling contact.
 - Needs and goals
(Needs, specific goals and time frames for meeting the goals in all of the following areas, as appropriate to the individual case of each child in placement.)
 - Social Services
 - Family visitation
 - Discipline and child-handling techniques
 - Education
 - Health
 - Vocational training
 - Psychological, psychiatric, and mental health services

CURRENT PLACEMENT SITUATION

1. A description of the type of home or institution in which the child is placed (see SMI 912).
2. A justification of the appropriateness of the placement that discusses the child's best interests and any special needs, and whether the placement is in the least restrictive setting available and in the closest proximity to the parent(s) home.
3. The ability of the foster parents to meet the needs of the child and a description of the discipline and child handling techniques to be used.
 - a. If relevant, the reason child is not placed with a family of the racial identity.
4. A projection of the expected length of stay and anticipated next placement.

PERMANENT WARDS (if applicable)

1. What the child's adjustment has been
2. Attitudes regarding termination of parental rights and adoption.
3. Possibility of adoption by foster parents.

LONG TERM FOSTER CARE (Goal of PFFA or Custodial Care)

1. Statement of the special need or circumstances that would not allow the child to be returned home or placed for adoption.
2. Statement of the efforts that were made to place the child with parent(s) or other family or in adoption.

TREATMENT PLAN

1. Permanency planning goal and time frame for achievement (estimated date).
2. Conditions that must exist to achieve the goal.
3. Action steps for parent(s), child and worker related to the problem(s) and goal. (Refer to Parent/Agency Agreement, PFFA, Independent Living Agreement, Inter-County Placement Agreement or Purchase of Service Agreement as applicable).
4. Services to be provided to the child, the child's parent(s) and family, and a discussion of the appropriateness of these services in meeting the goals and the child's adjustment.
5. A description of the services to be provided to the foster parent(s) to facilitate and support the child's adjustment.
6. Project frequency and location(s) of visitation (be specific, i.e., with family, youth and between youth and family.)
7. Extent of parental participation in paying for the cost of the child's care.

WORKER RECOMMENDATIONS

DISTRIBUTION OF PLAN

Worker's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

From: Michigan Department of Social Services, *Children and Youth Services Manual* (Oct. 20, 1983) §722, p. 15.

Missouri

CHILDREN'S SERVICE CASE PLAN

FAMILY NAME: _____ FAMILY DCN: _____
(NAME OF CHILD(REN)) (CHILD'S DCN) (DATE OF CUSTODY)

Significant Relatives (Names & Addresses): _____

Date of Opening or Reopening _____ CASE PLAN ACTION: Initial

Update: Plan No.: 1 2 3 4 5 6

Date of Assessment: _____ Reassessment: _____ Period of Time Covered by this Case

Plan: From: _____ to _____

1. What is the permanency goal including the reasons for the selection of the placement resource for each child?
2. What are the specific reasons the family and the child(ren) are in need of children's services and describe the specific harm or conditions to be remedied?
3. What services were provided for what period of time to prevent the child's removal from the care of his/her parents?
4. Identify and list the problem to be resolved and describe who will do what, and within what time period. Include any judicial requirements.

[Data excluded pertaining to Problem Charts and Individual Tasks]

5. What are the child's placement needs?
6. How does the current placement facility meet the following requirements?
 - a. The needs of the child
 - b. Least restrictive or most family like setting correlated to the needs of the child
 - c. Closest proximity of an appropriate placement facility to the residence of the parent(s)
7. Do any of the circumstances required in No. 6 need to be changed? If so, which ones and how will this be accomplished?
8. What is the visiting plan for the child with the parents? (frequency, location and responsibility for arrangements)
9. List the indicators of parental behavior which will determine that placement is no longer needed.
10. Dates of WSA which identify those actions necessary to achieve this case plan.
11. Describe how and by whom this plan's implementation will be monitored.
12. Evaluation of the plan's success/failure:

[Data excluded pertaining to Signatures of Parties Designated.]

From: Missouri Division of Family Services, "Children's Service Case Plan" CS-1 (Mar. 1984).

Nevada

INITIAL CASE PLAN

Child's Name _____ Case No. _____ D.O.B. _____

Social History of Child and Family:

1. Describe the family functioning prior to placement of the child, the parent/child relationship and the marital relationships, family composition, housing, financial and detail regarding child care, such as diet, medical attention, discipline, habit training.
2. Describe the conditions which required intervention of the Court.
3. Describe what harm, if any, is the child likely to suffer as a result of his/her removal from the home.
4. Was the removal of judicial determination of the child's continuation in the home or return to his home would be contrary to his welfare? — Yes — No

Preventive/Reunification Services: (Describe the services provided to the parents, the child and foster parents to a) improve conditions in the home to prevent the child's removal, b) improve conditions in the home to facilitate the return of the child to his own home, and/or c) facilitate the permanent placement of the child. State the services offered and provided. If a service was offered but not provided, explain why.)

Placement—Name of Foster Home/Institution: _____

1. Describe the type of home or institution in which child is placed. Describe child's needs. Discuss the appropriateness of the placement including how foster parent/facility staff are able to meet child's needs. If not appropriate, discuss plans to change placement. Discuss child's wishes relating to placement.
2. Least Restrictive—Is child placed in least restrictive setting? If not, discuss child's special needs that can only be met through this placement.
3. Close Proximity (defined as placement in same district in which parent resides)—If child is not placed in close proximity to parents, explain why not, e.g., special needs of child, frequent move of parents, parents' whereabouts unknown, parental rights terminated, etc.

Plan—The long-term plan is _____

Projected date for completion of plan _____

Service to Parents: (Describe services to be provided to parents to facilitate the child's return home or other permanent plan. Why have these services been selected? Describe plan to assure services available.)

Services to Child: (Describe plan for assuring child will receive proper care. Describe services to be provided to child while in foster care.)

Services to Foster Parents/Facility: (Describe services to be provided to foster parents or facility including frequency of contacts.)

Court-Ordered Services: (Describe plan to provide court-ordered services, if any.)

From: Nevada State Welfare Division, "Initial Case Plan" No. 3480-SG (Oct. 1983).

New Hampshire

CASE PLAN FORMAT

The following items must be included in the case plan for a child in placement. The main headings are areas that must be addressed. The subheadings represent factors the worker may consider in formulating a case plan, depending upon the circumstances surrounding the case. Definitions of certain terms are included.

A. General Information

1. Child's name
2. Date of birth
3. Individual number
4. Parent(s)' names and present location
5. Legal Status
6. Original date of placement
7. Location (town) and date of child's current placement.

B. Brief summary of events or factors which lead to child's placement, including preventive services that were provided.

C. Statement of goals for child and family

1. long and short-term goals for child and family
2. factors relevant to case decision
 - a. If child is to be returned to his family, list conditions that must be met by the family and/or the child
 - b. If there are other permanent plans, list the factors considered in this decision.
3. describe present circumstances and any improvements since the last court or administrative review.

D. Description of parents' and child's involvement with the case plan.

E. Identification of services to the child, family, and foster parents. (This section covers both services required in court orders and other services planned by the CFS worker which will lead to permanency for the child.)

1. visits between parents and child
2. plan for and purpose of worker's visits to child and family
3. supportive work with foster parents
4. other services being provided and
 - a. results of services already provided
 - b. planned changes in any services
 - c. expected outcome of service delivery

Appropriateness of placement. Consider the following factors:

1. type of facility
2. least restrictive setting
3. close proximity to parents
4. child's best interests
 - a. whether the advantages of the placement outweigh the disadvantages
 - b. how child has adjusted to his present foster home
5. child's special needs
6. number of previous placements and the reasons for the move
7. If the child cannot return home, address the present foster parents desire to provide a permanent home and the appropriateness of such a plan.

G. Long range plan and target date

1. If the plan is to return the child home, give the date of proposed return.
2. If long term foster care is the plan, state the reason(s), specifically addressing,
 - a. the needs of the child
 - b. circumstances that do not allow other permanent plans.

Definitions

Close Proximity to Parents—a placement nearest the home community or residence of the child's parent(s) or legal guardian(s) that is consistent with the child's best interest and special needs. Factors to be considered included the ease with which the child and the family may visit each other and the availability of services the child may require.

Original Date of Placement—the date of the child's most recent removal from his home and placement into foster case under the case and responsibility of the state agency. This definition is the point in time used in calculating all time periods relating to the case review system.

Permanent Plan—any one of the following plans that may be chosen for a child in foster care:

1. return home
2. adoption
3. guardianship by a relative or other person
4. permanent foster case (contracted foster case)
5. independent living or
6. some other appropriate arrangement.

Placement in the Least Restrictive Setting—the most family-like setting that can provide the environment and services needed to serve the child's best interests and special needs. In order of consideration this means placement with relative(s), foster family care, group home care and institutional care.

Special Needs—the medical, psychological, emotional or social needs which exceed those of a child of normal development, and which should be given primary consideration while considering placement in the least restrictive setting, close proximity to parents, and the continuing need for placement.

From: Memorandum to All New Hampshire District Directors from Director of New Hampshire Division of Children and Youth Services (Sept. 30, 1983) pp. 8-10.

Tennessee

Tennessee Department of Human Services
FOSTER CARE PLAN FOR CHILDREN IN CARE BY COURT ORDER OR VOLUNTARY PLACEMENT
PART I

1. Child's Name _____ Birth Date _____ Sex _____

2. Parent(s): Mother _____ Birth Date _____

Marital Status _____

Address _____ City _____ State _____

Father _____

Marital Status _____

Address _____ City _____ State _____

3. Purpose for which child has been placed in foster care: _____

4. Services offered and/or provided to prevent removal:

_____ N/A child placed voluntarily for

_____ Homemaker Services

_____ Counseling

_____ Exploration of Relative Resources

_____ Services to Unmarried Parents

_____ Post Adoption Services

_____ Not possible to provide preventive services

_____ Day Care

_____ Emergency Homemaker Services

_____ Vocational Rehabilitation

_____ Respite Care

_____ Emergency Food/Financial Assistance

_____ Other _____

(Identify)

5. Description of each preventive service(s), identified above, indicating the child and/or family's level of acceptance of the service, why the service was offered or provided, and the outcome from the service(s). If it was not possible to provide preventive services, explain in detail why. _____

6. Date custody awarded to agency _____ Court _____ Record Dkt. No. _____

[Data excluded.]

19. Upon consideration of the appropriateness of the foregoing plan and the evidence presented in support thereof with all parties having the opportunity to be heard, the court finds the efforts to prevent placement and to reunite the child with his family to be reasonable and the contents of the plan to be in the best interest of the child. Therefore the court hereby APPROVES the said plan.

This the _____ day of _____, 19 _____.

JUDGE

From: Tennessee Department of Human Services, "Foster Care Plan for Children in Care by Court Order or Voluntary Placement" Form 960 Feb. 1984).

Vermont

CASE PLAN ADDENDUM

VI. WHEN PLACEMENT OUTSIDE NATURAL FAMILY BECOMES NECESSARY

Instructions: Complete within 30 days of actual out-of-home placement. (Questions do not refer to short-term emergency placement resources).

Child's name _____ Date of V.C. or DOB _____ Disposition Order _____

Legal Status _____ Child Living With _____ Worker _____

Relationship Or Type
Of Current Placement _____

Date of Current Placement _____ Date of Initial Placement _____

Out-Of-Home Placement _____

Placement _____

1. What conditions exist in the home or what changes in conditions occurred which make it unsuitable for the child to remain there?

2. List services offered and services provided to prevent removal of the child from the home. Comment on reasons why they were insufficient to enable the family to remain intact; specify when the child or family refused services offered.

Preventive services may include:

- A. 24-hour emergency caretaker, and homemaker services
- B. Day care
- C. Crisis counseling
- D. Individual and family counseling or caseworker
- E. Emergency shelters
- F. Procedures and arrangements for access to available emergency financial assistance
- G. Arrangements for the provision of temporary child care to provide respite to the family for a brief period, as part of a plan for preventing children's removal from home.
- H. Other services which the agency identifies as necessary and appropriate such as home-based family services, self-help groups, services to unmarried parents, provision of, or arrangements for, mental health, drug and alcohol abuse counseling, vocational counseling or vocational rehabilitation, and
- I. Post-adoption services

In the event of emergency placement where no prior SRS involvement exists, so state.

Describe the nature, type and frequency of the child's planned contact with members of the natural family. Include rationales. Estimated date when a decision will be made to retain the child to his/her parent(s) or family to seek an alternative permanent placement.

Describe the extent to which the child and parents and placement resource participated in the development of the plan.

Preplanning Meeting:

Supervisor's Signature

Date

From: Vermont Division of Social Services, *A Task Based System of Case Management and Supervision* (5th ed., Jul. 1985) p. VII-B-6.

Virginia

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

COURT FILE NO.: _____

DSS Case No.: _____

Date: _____

FOSTER CARE SERVICE PLAN: Part A

The Code of Virginia requires the involvement of biological parents/prior custodians, foster parents, and the child (where applicable) in the mutual development of the Service Plan. Part A should reflect the involvement and responsibility of the parties mentioned above. Part A is to be distributed to all involved.

Child _____ Birthdate _____ Date of Custody _____

Date of most recent removal from own home _____

Program Goal _____ Target date for goal achievement _____

Custody Status Abuse/Neglect Parent(s) Request CHINS Delinquent

NOTE: Numbers 1, 2, and 3 are to be completed on initially. (See attached affidavit/Social History if available).

1. State briefly why child came into care and why placement is needed.
2. Describe services offered to prevent removal. If no services given, explain why.
3. Briefly state child's situation, at the time his/her custody is transferred, relative to family, health, education, etc.

[Data excluded pertaining to FOSTER CARE SERVICE PLAN: PART B and PART C.]

From: Virginia Department of Social Services, "Foster Care Service Plan" No. 03202504/2 (n.d.).

Washington

INITIAL INDIVIDUAL SERVICE PLAN

Child _____ Birthdate _____ DSHS Case # _____
Placed at _____ Placement Effective _____
Date _____
Address _____ Medical Effective _____
Date _____
City _____ Placement is: Voluntary Court Ordered
Court order attached

State: Zip _____

This plan is to be developed in consultation with parents and must be consistent with any court orders.

1. Appropriateness of Placement (Include: (1) Services provided to prevent foster care: (2) Reason for foster care placement versus remaining in own home/other alternatives. (3) Verification that placement is least restrictive available in closest proximity to parents home, and if not, explain; (4) Plan consistent with best interests and special needs of child. _____)

2. Circle Permanent Planning Goal: (1) Return home: (2) Placement with Relative (3) Guardianship: (4) Adoption Planning and Placement: (5) Other _____

Goal should be met by (date) _____

3. Services to be provided by agency to attain goal and meet special needs of child while in care (include time frames):

a. Child: (include medical, developmental, psychological and educational information. If child/expectant mother is in special education, confirm that arrangements have been made with new school for continuation):

b. Foster Parents: _____

c. Parents: _____

4. Actions, including time frames, to be taken to implement case plan and support child's needs by:

[Data excluded.]

From: Washington Department of Social and Health Services, "Initial Individual Service Plan" No. DSHS 23-05(X) (Mar. 1984).

Appendix I
CASE SUMMARIES

Delaware
CASE SUMMARY

Client's Name _____ Worker _____
Case Number _____ Supervisor _____
Period Covered _____ to _____ Date _____

I. Summary of Contacts/Events.

- A. Legal actions and dates.
- B. Visitation—Number scheduled, significant facts.
 - 1. between parents/other and child
 - 2. between siblings
- C. Recommendations from last review.
- D. Significant changes that have occurred since last summary was completed.

II. Assessment

- A. Services needed/provided/offered by DSS and others.
 - 1. to parents/other
 - 2. to child(ren)
- B. Adequacy of services provided.
 - 1. to parents/other
 - 2. to child(ren)
- C. Assessment of
 - 1. child's progress
 - 2. parents' progress in making changes, achieving goals/objectives
 - 3. appropriateness and adequacy of previous plan

III. Changes in Plan (if any)

- A. New goal(s), time frames, reasons
- B. New services, dates for provision
- C. New visitation plan, reasons
- D. Placement changes, dates, reasons

IV. Recommendations

From: Delaware Division of Child Protective Services, "Case Summary" (n.d.).

Missouri

Request and Summary for Termination of Division Services or Authority to Remove Child

1. Reason for referral.
2. Parental background.
3. Parents' current situation (i.e., home, emotional, health, and financial).
4. Efforts made to prevent placement.
5. Parents' response to treatment plan and casework.
6. Child's present adjustment.
7. Child's past and present physical, emotional, mental condition.
8. Suggested witness list and how each may be reached.
9. Other pertinent information according to requirements of local court.
10. Identification of grounds in Chapter 211 which authorize the decision to remove a child if this is the request.
11. A brief description of services which can be provided which would make it possible to reunify child with parent(s).
12. Evaluation and recommendation, including, a request for finding that in court's judgment *reasonable effort* was/was not made to prevent removal of the child from the care of the parent(s) or that risk to the child was too great for the child to remain in the care of the parent(s).

From: Missouri Division of Family Services, *Protective Services Manual* §C-7 (Nov. 8, 1984) Attachment A, p. 1.

Nebraska
INITIAL CASE REPORT

Child's Name _____ Age _____
Date Prepared _____
Child's Address _____
County of Responsibility _____
Child's Worker _____ Office/Location _____
Parent's Worker (if different) Name _____
Address _____

LEGAL STATUS

Date of Relinquishment to Nebraska Department of Social Services (state) _____
Father _____ Mother _____
Date of Commitment to Nebraska Department of Social Services _____
Parental Rights Terminated: Yes _____ No _____ Date _____
Number of siblings in placement: _____

Names:	Ages:	Type of Placement:
_____	_____	_____
_____	_____	_____

Number of siblings in parent's home:

Names:	Ages:
_____	_____
_____	_____

INITIAL PLACEMENT: Specific Reasons/Causes of Placement

Parent(s) behavior or condition: _____
Child's behavior or condition/Diagnostic Statement _____
Services provided to prevent or eliminate need for child's removal: _____

INITIAL PLACEMENT: Date _____ Relative _____

Foster/Adoptive Family _____ Group Home _____ Institution _____ Other _____
Name: _____ Telephone: _____
Address: _____

Statement of initial permanency planning and goal for the child and parents with special requirements, instructions, agreements and actions to comply.

Target date for achievement of above plan: _____

From: Nebraska Department of Social Services, "Initial Case Report" g/d4/f1-2 (1984).

New Mexico

CHILD'S PLACEMENT PLANNING

CHILD'S NAME _____ DOB _____

I. A. Type of Placement (check one):

- | | |
|--|---|
| <input type="checkbox"/> 1. Relative Foster Home | <input type="checkbox"/> 3. Group Home |
| <input type="checkbox"/> 2. Licensed Family Foster Home | <input type="checkbox"/> 6. Out of State Placement |
| <input type="checkbox"/> 4. Specialized Family Foster Home | <input type="checkbox"/> 7. Crisis Shelter Group Home |
| <input type="checkbox"/> 5. Indian Family Foster Home | <input type="checkbox"/> 10. Residential Treatment Center |
| <input type="checkbox"/> 8. Emergency Shelter (less than 1 week) | <input type="checkbox"/> 11. Public/private institution |
| <input type="checkbox"/> 9. Emergency Family Foster Home | <input type="checkbox"/> 12. Boarding School |
| | <input type="checkbox"/> 13. Semi-Independent living |

B. *Least Restrictive Most Family Like Setting.* Does child have special needs—emotional, physical, behavioral, educational, etc? Are there specific racial, cultural or ethnic factors to be addressed? Discuss why placement in other than in Column #1 type placements was chosen. Were relatives unavailable, unwilling or inadequate to provide care? _____

C. *Appropriateness of Placement* (consistent with best interest and special needs of the child.) Explain why this placement chosen, what does child need most in substitute care? _____

Special needs (check all that apply)

- ethnic background
- age
- sibling group
- medical condition
- physical handicap
- developmental disability condition
- emotional condition

How will this placement meet special needs?

If placement is not appropriate, discuss time frame for change in placement (e.g., waiting for group home; waiting for specialized foster family, etc.) _____

D. Close Proximity. (Check one):

- 1. Child is placed in same county as parents.
- 2. Parents live in separate counties. Child is placed where (mother, father, other relative) lives, and this person is judged to be most likely to provide permanent home for child.
- 3. Child is placed out of the county where parents reside. Explain why child is not placed in closer proximity. _____

Judicial Determination—was a determination made by the judge that:

- 1. reasonable efforts had been made to prevent placement? _____ yes _____ no
- 2. placement is appropriate? _____ yes _____ no

Check one:

- This is stated in court order.
- This was stated by the judge and should be part of the official transcript.

F. Describe what was done by the agency to prevent the need for placement of the child out of his home. (Examples are counseling with family; providing protective services day care, emergency caretaker, home care services, etc.) _____

North Dakota

DEPARTMENT OF HUMAN SERVICES PERMANENCY PLANNING COMMITTEE INITIAL REPORT

1. Name of Child: _____ Birthdate _____
Child's Social Security No. _____ Sex _____ Race _____
Payment Case Number _____
2. Name of parent/guardian/custodian: _____
Parent's address: _____ Phone: _____ Marital Status: _____
3. Physical County: _____ Legal County: _____ Financial Resp. Co. _____
4. Primary Reason for Foster Care (check one):
(A) Parent/caretaker unable to cope with child's conduct or condition:
(01) delinquent _____
(02) unruliness _____
(77) child disability or handicap _____
(78) other child-related conduct or condition _____
(B) Parent/caretaker conduct, condition or absence:
(03) indicated report of child abuse _____ (08) parent/caretaker temporary absence _____
(04) indicated report of child neglect _____ (09) parent/caretaker death _____
(05) other family interaction problems _____ (10) relinquishment of parent rights _____
(06) housing or financial hardship _____ (88) other parent caretaker-related conduct, condition or
(07) parent/caretaker illness, disability or substance abuse absence _____
5. Problem(s) Precipitating Placement (describe):
 - 1.
 - 2.
 - 3.
6. Attempt(s) to Prevent Placement (describe):
 - 1.
 - 2.
 - 3.
7. Court Order ___ Voluntary Placement Agreement ___ Date ___ Expiration Date ___
If court order, check one ___ a) Juvenile Court, ___ b) Tribal Court, ___ c) District
Legal Custodian _____
8. Date of most recent entry into foster care system _____
Initial Placement Date: _____ TPR Date: _____
Date of Placement into current foster home/facility _____
Were parent/guardians notified of their current visitation rights? ___ Yes ___ No If no, why not _____
If change in the child's placement took place, were the parent/guardians notified? ___ Yes ___ No If no, why not _____
9. Type of Placement: ___ Family Foster Home, ___ Group Home, ___ Res. Childcare Facility ___ Name Where
Placed: _____ Address: _____
10. If the placement is not in a family home, explain why: _____
11. If child is placed outside of his/her own region, explain why—specify how it is in the child's best interest: _____
12. Current Case Plan Goal (check one):
(01) return child to own home _____ (05) place with legal guardian(s) or other caretaker _____
(02) place with relative _____ (06) independent living _____
(03) place for adoption _____ (07) goal is pending _____
(04) long term foster care _____
13. Proposed Goal Accomplishment Date _____ Actual Accomplishment Date _____

14. *Case Plan Narrative*: (specify the treatment plan to achieve the goal checked in 12 above through identifying the responsibility(s) of those listed below and the estimated time frame for accomplishment:

- (A) *Natural Parents/Guardian*
- (B) *Foster Child*
- (C) *Foster Parents*
- (D) *Agency*

Are the above in agreement with the plan: Yes _____ No _____

15. Persons attending permanency planning committee meeting: _____

16. Next permanency planning committee review date: _____

Parent/Guardian Signature

Case Manager's Signature

Child's Signature
(if appropriate)

Case Manager's Supervisor Signature

From: North Dakota Department of Human Services, "Permanency Planning Committee Initial Report," Form 624-1SS (Oct. 1982) p. 1-2.

Appendix J

TITLE IV-E ELIGIBILITY FORMS

Michigan

[Data excluded.]

SECTION C—DETERMINATION OF TITLE VI-E ELIGIBILITY (continued)

3. Youth's Age _____ Date of Birth _____
- a. If age 15 or younger, proceed to question no. 4.
 - b. If the youth is 16 or 17, he/she is
 - Regularly attending full-time an elementary, secondary or vocational school, OR
 - Registered for and participating in the Employment and Training Program.
- NOTE: If neither is true, youth is NOT Title IV-E eligible.
-

4. Income and Property
- a. Does youth's available income exceed cost of care?
 - Yes Youth is NOT Title IV-E eligible.
 - No
 - b. Does youth's available property exceed \$1,000?
 - Yes Youth is NOT Title IV-E eligible.
 - No
-

5. Is there a court order for the Department to provide services?
- No Youth is NOT Title IV-E eligible.
 - Yes Complete the following item:

The dispositional order contains a statement that reasonable effort was made to prevent removal from the home.

- Yes
 - Not applicable. Order is preliminary or emergency.
 - No Youth is NOT Title IV-E eligible.
-

6. IS YOUTH ELIGIBLE FOR TITLE IV-E FUNDING BASED ON ANSWERS TO QUESTIONS 1-5 SECTION C?

- Yes
- No If NO, is youth Title IV-E eligible except for current placement?
(Question No. 2)
 - No Once determined not Title IV-E eligible, youth cannot later become eligible under this petition and court order.
 - Yes Review Title IV-E eligibility when placement change is made.

[Data excluded.]

From: Michigan Department of Social Services "Initial Determination of Appropriate Foster Care Funding Source" DSS-352 (Aug. 1983).

Vermont

TITLE IV-E/MEDICAID ELIGIBILITY

Check One

- IV-E/Medicaid Initial Application Review
 Medicaid only Change if Circumstances (Between Reviews)

Complete 3 Copies: Original for Case file; 2nd—DSW District Dir; 3rd—SRS Accounting

- a. Child's Name (last, first, middle): _____
Child's Address: _____
b. Date of Birth _____
c. Social Security No. _____
d. Committed
 Voluntary Care
 Date Agency Responsible
e. Child Removed From ANFC Family
 Yes No
f. IV-E Subsidized Adoption Date
g. Voluntary Care Beyond 6 Months Approved by Court
 Yes No
h. Child is placed out-of-home in other than a public institution. Yes No
i. The Court has determined that "reasonable efforts" were made to prevent need for placement or to return the child home.
 Yes No Pending
j. If mandatory WIN registrant, is child registered with WIN? Yes No

II. Child is deprived of parental support due to:

- a. Death of Parent
 b. Absence of Parent
 c. Incapacity of Parent
 d. Unemployment of Parent
 e. There is no deprivation factor.

III. Child lived with the following relative of specified degree at time of initial application or within 6 months prior:

Name _____
Address _____
Relationship to Child _____

IV. Family Financial Need Complete for non-ANFC (initial application only)

- a. income—enter total income with source:
Earned _____ \$ _____
Unearned _____ \$ _____
Total Income _____ \$ _____
- b. Resources—enter total resources, with type:
Savings _____ \$ _____
Cash _____ \$ _____
Other _____ \$ _____
Total Resources _____ \$ _____
- c. Number of individuals (including subject child) dependent on family income _____
- d. ANFC Standard: Income _____ Resources _____ 1,000
- e. Eligible: Income _____ Yes _____ No _____ Resources _____ Yes _____ No _____

[Data excluded.]

From: Vermont Division of Social services *A Task Based System of Case Management and Supervision* (5th ed. Jul. 1985) p. VII-B-10.

Washington

[Data excluded.]

SOURCE OF FUNDS APPLICATION FOR CHILD IN PLACEMENT

Child's Name (Last, First, M.I.)

Case Number

MAINTENANCE FUNDING SOURCE DETERMINATION (Continued)

e. FOR APPLICABLE CASES, HAS THE COURT DETERMINED THAT "REASONABLE EFFORTS" HAVE BEEN MADE TO MAKE IT POSSIBLE FOR THE CHILD TO BE RETURNED HOME OR THAT THE LACK OF EFFORTS WAS REASONABLE?

1st Funding
Source
YES NA NO
____ _

2nd Funding
Source
YES NA NO
____ _

[Data excluded.]

(2) IF "YES" TO a, b, & c BUT d & e ARE "NO" BECAUSE NO DETERMINATION HAS YET BEEN MADE REGARDING "REASONABLE EFFORTS", DO THE FOLLOWING:

- (a) CONSIDER TITLE IV-E ELIGIBILITY AS PENDING USE STATE FUNDS BY COMPLETING PART 5 BELOW AND AUTHORIZING STATE FUNDS FOR 60 DAYS OR LESS;
- (b) TICKLE THE CASE FOR ANOTHER DETERMINATION OF TITLE IV-E ELIGIBILITY TO COINCIDE WITH THE NEXT COURT HEARING;
- (c) WHEN THE COURT DETERMINATION ON "REASONABLE EFFORTS" IS MADE, COMPLETE THE "SECOND FUNDING SOURCE" COLUMNS IN SECTIONS I-1 AND I-4 TO DETERMINE FINAL TITLE IV-E ELIGIBILITY, IF ELIGIBLE, COMPLETE SECTION H ON PAGE 2 CHANGING SOURCE OF FUNDS TO CODE 2 AND
- (d) SIGN AND DATE FORM AND STOP.

THE SERVICE WORKER IS RESPONSIBLE FOR INITIATING FILE CLEARANCES AND NOTIFYING FINANCIAL SERVICES WHEN A CHILD IS REMOVED FROM AN ACTIVE AFDC HOUSEHOLD.

From: Washington Department of Social and Health Service, "Source of Funds Application for Child in Placement" DSHS 14-140(X) (Jun 1984).

Appendix K

SUMMARIES FOR AGENCY ATTORNEYS

Oklahoma

Report to the District Attorney

Family Name _____ Case Numbers: Court JF _____
DHS K _____

A. REFERRAL:

1. Date: _____ 2. Allegation/Source: _____

B. CHILD(REN) IN HOUSEHOLD: (Indicate with asterisk each child referred. If child(ren) is/are Indian, state tribal affiliation.)

	NAME	DOB	SEX	RACE	TRIBAL AFFILIATION	SCHOOL
1.	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____

C. PARENT(S) LEGAL GUARDIAN/CARETAKER: (indicate alleged perpetrator with asterisk.)

NAME	RELATIONSHIP	NO.	ADDRESS	TELEPHONE
_____	_____	work	_____	_____
_____	_____	work	_____	_____

D. INTAKE DATA/OTHER:

- Yes No 1. Is child a ward of this or another court? (If yes explain)

- Yes No 2. Is there a custody proceeding pending? (If yes explain)

- Yes No 3. Were the parent(s)/legal guardian/caretaker and child advised to their rights?
- Yes No 4. Were preventive services offered to this family? (If no, state reason.) _____
- Yes No 5. Was child taken into protective custody? (If yes, state date taken into custody and name of child(ren).)

E. INVESTIGATIVE FINDS: Confirmed Ruled out Uncertain

F. RECOMMENDATION TO THE DISTRICT ATTORNEY: The following is recommended to the District Attorney for _____ County Juvenile Court.

- Court Action Emergency custody for placement Adjudication
 No Court Action Information Only Service provided by: _____

G. RECOMMENDATION TO THE DISTRICT ATTORNEY: The following is recommended by the District Attorney for _____ County Criminal Court with reference to allegation of non-accidental physical or mental injury, sexual abuse or neglect. Additional investigation by appropriate law enforcement official regarding possible criminal prosecution:

Appears Indicated

Does Not Appear Indicated

H. DISTRICT ATTORNEY'S DECISION/COMMENTS:

1. Recommendation for Juvenile Court

Approved

Disapproved

2. Recommendation for Criminal Court

Approved

Disapproved

3. Comments: _____

District Attorney

Date

I. WITNESS/REFERENCES:

NAME

RELATIONSHIP
to child(ren)

ADDRESS

TELEPHONE

J. SUMMARY/CONCLUSION/RECOMMENDATION:

K. FACTUAL DATA & SOURCES OF SUBSTANTIATION:

Worker

Supervisor

County

From: Oklahoma Department of Human Services, CSU-14-A (Feb. 15, 1984), p. 1-2.

Appendix L
PETITIONS

Idaho

Exhibit 6
PETITIONS

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATES DIVISION

In the Interest of:)
)
(2))
)
A child under Eighteen)
Years of Age)

Case No. _____

PETITION FOR HEARING UNDER
CHILD PROTECTIVE ACT

The Idaho Department of Health and Welfare, Petitioner, alleges as follows:

1. This court has jurisdiction pursuant to Rule 82(c)(1), I.R.C.P. and order of the District Court.
2. Petitioner is an authorized agency within the meaning of Idaho Code Section 16-1602(d) and believes that action is necessary which cannot be provided pursuant to Idaho Code section 16-1625.
3. a. Petitioner had investigated and found no reason to invoke U.S. Public Law 95-608 as the above named child does not appear to be an Indian child.

OR

b. Petitioner has investigated and as it appears that the above named child is an Indian child, has invoked U.S. Public Law 95-608, according to Title I, Section 102(a). (3 "name & title") has been notified of the proceedings by registered mail.

4. The child subject to this petition is:

<u>Name</u>	<u>Birthdate</u>	<u>Sex</u>	<u>Residence</u>
-------------	------------------	------------	------------------

5. The names and residence of the child's parents, guardian, other custodian or relative are:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
-------------	----------------	---------------------

6. On (6) the above-named child was taken into the custody by a peace officer for immediate protection as authorized by Idaho Code Section 16-1612, notice was furnished pursuant to Idaho Code Section 16-1612(a), and a shelter care hearing was scheduled pursuant to Idaho Code Section 16-1614.

7. The following facts bring the child within the purview of the Child Protective Act:

8. a. **WHEREAS** in compliance with U.S. Public Law 96-272, Petitioner has made reasonable effort to prevent or eliminate the need for removal of the child from his or her own home;
- b. Continuation in the home would be contrary to the welfare of the child;
- c. Reasonable efforts have been taken to make it possible for the child to return to his or her own home.

[Data excluded.]

From: Idaho Department of Health and Welfare, "Petition for Hearing under Child Protection Act." (n.d.).

Indiana

STATE OF INDIANA

_____ COURT

In The Matter of _____

Cause No. _____

A Child Alleged to be a Child in Need of Services

PETITION ALLEGING CHILD IN NEED OF SERVICES

Your petitioner alleges and says:

1. The above named child, _____, was born _____ and is _____ years of age.
2. That said child resides at _____ with _____.
3. That the names and addresses of the child's parents, guardian, or custodian are as follows:

Name	Parent, Guardian or Custodian	Address
_____	_____	_____

4. The citation to the section of the Indiana Juvenile Code that gives this Court jurisdiction in this proceeding is IC 31-6-2-1(a)(2).
5. The said child is a child in need of services as defined in IC 31-6-4-3 in that _____

(OPTIONAL)

(To be completed if the child is removed from his parent, guardian or custodian.)

6. That the child (has)(has not) been removed from his parent, guardian, or custodian.
 - a. The following efforts were made to provide the (child) and/or his parent, guardian, or custodian with family services before the removal: _____.
 - b. Family services were not provided before the removal of the child, for the following reasons: _____.

Wherefore, your petitioner prays that the child herein be adjudged to be a Child in Need of Services and for any and all relief proper in the premises.

The undersigned affirms under the penalties of perjury that the foregoing statements and representations are true.

Dated: _____

Signature of Petitioner

Name and Title of Person signing Petition

From: Indiana, "Petition Alleging Child in Need of Services" C-5.05 (n.d.).

Mississippi

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI
YOUTH COURT DIVISION

IN THE INTEREST OF _____

No. _____

PETITION

COMES NOW _____ of the _____ County Department of Public Welfare and being so authorized by the direction of the Court files this Petition and would allege and show unto this Court the following:

1. The Name(s) Age(s) Birthday(s) Sex and Residence(s) of the child(ren) involved in this action is/are _____
2. The parent guardian or custodian of said child(ren) is/are _____ who may be found at _____
3. The facts which bring the above child(ren) within the jurisdiction of this Court are as follows _____

The _____ County Department of Public Welfare has made diligent efforts to maintain this family unity, and there is no alternative to the relief sought.

Wherefore, premises considered, Petitioner prays that this Court upon proper hearing of this Petition will find said child(ren) to be _____ child(ren) and order the following relief _____ . Respectfully submitted this the _____ day of _____ 198 ____ .

From: Memorandum to all Mississippi County Directors from J. G. Dedeaux, General Counsel of Mississippi Division of Legal Services, and Robert Jenkin, Director of Termination of Parental Rights (Nov. 28, 1983) Attachment "Petition."

Nevada

IN THE JUVENILE DIVISION OF
THE JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF

IN THE MATTER OF
Child(ren)'s Name(s) and Date(s) of Birth
CHILD(REN) UNDER 18 YEARS OF AGE.

No.

PETITION FOR TEMPORARY CUSTODY

Your undersigned petitioner is informed and believes, and therefore on information and belief alleges, that the above-named child(ren) is (are) now within the County of, State of Nevada, and (an) abused or neglected child(ren) within the meaning of NRS 200.5011, as amended by Statues of Nevada 1981, and NRS Chapter 62, and in immediate need of protective custody in shelter care by reason of the following facts:

The child(ren) is (are) now in the custody and control of at
The father (guardian) of the child(ren) is and resides at
The mother of the child(ren) is and resides at

WHEREFORE, your petitioner prays:

- 1. That the court find:
(a.) Continuation in the parent's home would be contrary to the welfare of the above-named child(ren);
(b.) Reasonable efforts have been made prior to the placement of the child(ren) in foster care to prevent or eliminate the need for removal of the child(ren) from his (their) home; and
(c.) Reasonable efforts have been made to make it possible for the child(ren) to return to his (their) home.
2. That custody of the above-named child(ren) be awarded to the Nevada State Welfare Division for temporary protective custody in shelter care; and
3. That the court make such other and further order(s) as to the court may seem meet and proper for the protection of the best interest of the child(ren).

[Data excluded pertaining to verification of caseworker's signature.]

From: Nevada State Welfare Division, "Petition for Temporary Custody," No. 3064-56 (Nov. 1983).

New York

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

In the Matter of the Application for Approval of an Instrument concerning

Docket No.

PETITION FOR APPROVAL OF AN INSTRUMENT

Pursuant to Section 358-a of the Social Service Law

TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

1. The Petitioner is authorized to file this petition in that (s)he is an official of the (Department of Social Services for _____ County) (Division for Youth), having (his) (her) office and place of business at _____
2. The above-named child is a (fe)male, born on _____, 19 __, pursuant to a written instrument, executed pursuant to (Section, 384 of the Social Services Law) (Section 384-a of the Social Services Law) (Section 502 of the Executive Law), on the _____ day of _____, 19 __, a copy of which instrument is attached hereto.
3. Said child was removed from (his) (her) home on _____, 19 __, pursuant to written instrument, executed pursuant to (Section 384 of the Social Services Law) (Section 348-a of the Social Services Law) (Section 502 of the Executive Law), on the day of _____, 19 __, a copy of which instrument is attached hereto.
- *4. The following efforts were made to prevent or eliminate the need for removal of the child from (his) (her) home:
- *4. No efforts were made to prevent or eliminate the need for removal of the child from (his) (her) home because:
5. Said child now resides at and is likely to remain in the care and custody of the (Department of Social Services) (Division for Youth) for a period in excess of thirty (30) consecutive days.
6. Executed the attached instrument because (he) (she) (they) would be unable to make adequate provision for the care, maintenance and supervision of the child in (his) (her) (their) own home for the reasons that:
- *7. The following efforts have been made to enable the child to return to (his) (her) home:
- *7. No efforts were made to enable the child to return to (his) (her) home because:
- *8. Care and custody of the child has been transferred to the Department of Social Services by means of an instrument executed pursuant to Section 384-a of the Social Services Law, and all of the requirements of such section have been satisfied in that:
- (*9. Pursuant to the attached instrument, (has) (have) consented to the jurisdiction of the Family Court over this proceeding and (has) (have) waived service of the petition and notice of this proceeding.)
10. The names and last known addresses of the child's parents and all other persons required to be given notice of this proceeding pursuant to Sections 358-a and 384-c of the Social Services Law are:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
-------------	----------------	---------------------

and there are no persons other than those set forth who are entitled to notice.

11. No previous application has been made to any court or judge for the relief requested herein, (except _____.)

WHEREFORE, petitioner prays:

- A. That process be served on those entitled thereto in accordance with Sections 358-a or 384-c of the Social Services Law; and
- B. That pending any hearing which the Family Court may require, a temporary order be made (approving the transfer of custody and (guardianship) (care) of the child to the Social Services official of _____ County) (approving the placement of the child with the Division for Youth), pursuant to Section 358-a of the Social Services Law; and
- C. That the Court enter a final order granting the petition approving the annexed instrument and (approving the transfer of custody and (guardianship) (care) of the child to the Social Services official of _____ County) (approving the placement of the child with the Division for Youth); and
- D. That the Court grant such other and further relief as the Court may deem just and proper.

Dated:

Petitioner

Title

* Delete inapplicable provision.

* Applicable where transfer made pursuant to 384-a Soc. Serv. Law

North Dakota

JUDICIAL DISTRICT

IN THE JUVENILE COURT OF _____ COUNTY

IN THE INTEREST OF _____, A CHILD

File No. _____

_____,
Petitioner,)

vs.)

PETITION

_____,
Respondents.)

TO THE ABOVE-NAMED JUVENILE COURT:

Your Petitioner, _____, resides at _____ in the City of _____ and State of North Dakota, respectfully represents and states to the Court:

I.

That the above-named child is _____ years of age, having been born on the _____ day of _____, 19 ____, and resides at _____ in _____ County, North Dakota.

II.

That the names and residence addresses of the parent ____, guardian, or custodian of said child are as follows:

III.

That the said child was taken into custody on the _____ day of _____, 19 ____, at _____ o'clock ____ .m. and is being detained at _____ in the custody of _____.

IV.

That certain facts bring said child within the jurisdiction of this Court as a _____ child, as follows:

V.

(For placement in Foster Care)

That the affidavit of _____, hereto attached and made a part of the petition, sets forth the efforts taken to prevent removal of said child from home and the services to be considered, or offered in making possible that return of the child to the home.

VI.

That your Petitioner believes that said child is in need of protection as a deprived child and that it is for the best interest of said child and of the State of North Dakota that a further investigation be had of said matter, that a hearing be had thereon, and that a determination be made concerning the care, custody, and control of said child as provided by law.

WHEREFORE, Petitioner prays:

1. That this Petition be ordered filed; that a Summons issued thereon, and that the Petition be promptly heard; and
2. That the Court, upon proof by clear and convincing evidence, make appropriate Findings of Fact; including a finding that reasonable efforts have been made to prevent removal and that a finding be made that reasonable efforts will be made to return the child to the home.
3. That the Court, upon proof by clear and convincing evidence, make an Order of Disposition best suited to the protection and physical, mental, and moral welfare of said child.

Dated this _____ day of _____, 19 ____.

Petitioner

Pennsylvania

JUVENILE PETITION

In the Interest of _____ D.O.B. _____ No. _____

To the Honorable Judge of Said Court:

Petitioner _____ respectfully

requests that said child _____

resides at _____

and is alleged to be a dependent child
 delinquent child who is in need treatment, supervision or rehabilitation

It is within the jurisdiction of this Court and in the best interest of the child and the public that this proceeding be brought to wit:

FATHER'S NAME AND ADDRESS

UNKNOWN

MOTHER'S NAME AND ADDRESS

UNKNOWN

SPOUSE'S NAME AND ADDRESS (IF APPLICABLE)

GUARDIAN'S NAME AND ADDRESS

UNKNOWN

IF THE NAMES & ADDRESS IN ABOVE ITEMS ARE UNKNOWN OR DO NOT RESIDE WITHIN THIS COMMONWEALTH, GIVE NAME OF A KNOWN ADULT RELATIVE RESIDING NEAREST TO THE LOCATION OF THIS COURT.

RELATIONSHIP

ADDRESS

DATE/TIME TAKEN INTO CUSTODY

AM PM

DATE/TIME ADMITTED TO DETENTION OR SHELTER CARE

AM PM

IS CHILD PRESENTLY DETAINED?

IS YES, WHERE?

Wherefore, Petitioner prays our Honorable Court to inquire into the matters alleged and to make such order as deemed appropriate.

Further, if said child is found to be a delinquent or dependent child and is to enter placement or commitment, or is otherwise removed from his/her home at disposition, your petitioner prays your Honorable Court to determine whether reasonable efforts were made by the _____ (Agency) to prevent such placement or if preventive services were not offered due to the emergency nature of the placement, where such lack of services was reasonable.

From: Pennsylvania Juvenile Court Judges Commission, "Juvenile Petition" (1984).

VI.

That your Petitioner believes that said child is in need of protection as a dependent/neglected child and that it is for the best interest of said child and of the State of South Dakota that a further investigation be had of said matter, that a hearing be had thereon, and that a determination be made concerning the care, custody, and control of said child as provided by law.

WHEREFORE, Petitioner prays:

1. That this Petition be ordered filed; that a Summons issued thereon, and that the Petition be promptly heard, and
2. That the Court, upon proof by clear and convincing evidence, make appropriate Findings of Fact; including a finding that reasonable efforts will be made to return the child to the home.
3. That the Court, upon proof by clear and convincing evidence, make an Order of Disposition best suited to the protection and physical, mental, and moral welfare of said child.

Dated this _____ day of _____, 19 ____.

Petitioner

From: South Dakota Children, Youth & Family Services, *Procedure Manual*, App-Legal (Dec. 1983) pp. 10-13. "Petition."

Appendix M

COURT REPORT FORMATS

Alabama

REPORT TO COURT SUGGESTED OUTLINE

Since permanent planning cases almost always involve the juvenile court, it is often necessary for workers to send reports to the court describing activities of the case and making recommendations. It is often difficult to separate out, from the multitude of details and bits of information, those facts that are most descriptive and persuasive and that will support the caseworker's recommendations. The following outline covers the major areas that are usually included in reports to the court:

1. Name, address, age of all family members.
2. Brief chronology of significant past events, such as:
 - child's prior foster care history
 - dates and dispositions of prior custody hearings.
 - other.
3. Brief description of the current situation.
4. **Summary of efforts made and services offered by the agency to prevent or eliminate the need for removal of the child from his own home.**
5. Conditions in the child's own home that need to be improved and those services which can be provided by the Department to improve those conditions.
6. All Court Reports prepared for any purpose after the Judicial Decision to remove a child from his home should include:
 - Summary of efforts made and services provided (or to be provided) to reunify the child with his family.**
 - Summary of visitation, including number of visits and an assessment of their quality.
 - Summary of support, including the amount of support ordered and whether it has been paid.
7. Recommendation for court action, and a brief statement explaining why the action is being requested.

From: Alabama Department of Pensions and Security, *Family and Children's Service Manual*, Revision No. 158 (Dec. 1983) p. XI-153.

Missouri

INFORMATION FOR COURT SUMMARY

Detention or Adjudication Hearing Summary Report to Court

1. Reason for referral.
2. **Explanation of the reasons why services were not provided which would have prevented removal of child from care of parents.**
3. Parental background.
4. Parents' current situation (*i.e.*, home, emotional, health, and financial).
5. Parents' response to treatment plan and casework.
6. Child's move and present adjustment.
7. Child's past and present physical, emotional, mental condition.
8. Suggested witness list and how each may be reached. (This includes identified reporters when child was placed as a result of a CA/N hotline call.)
9. Other pertinent information according to requirements of local court.
10. **A brief description of services which can be provided which would make it possible to reunify child with parent(s).**
11. **Evaluation and recommendation, including a request for finding that in court's judgement *reasonable effort* was/was not made to prevent removal of child from care of the parent(s) or that risk to child was too great for the child to remain in the care of the parent(s) and that the lack of prevention of placement services was/was not reasonable.**

From: Missouri Division of Family Services, *Protective Services Manual* §D-3 (Nov. 8, 1984) Attachment A.

Appendix N

REASONABLE EFFORTS FORMS AND AFFIDAVITS

Arkansas

ARKANSAS SOCIAL SERVICES STATEMENT OF PREVENTIVE SERVICES/EMERGENCY REMOVAL

I. Child(ren):

II. _____ Custody of the above named child(ren) was received on _____
DATE

III. The following services have been provided or offered:

_____ individual casework	_____ day care	_____ services to unmarried parents
_____ family casework	_____ respite child care	_____ budget information/education
_____ crisis casework	_____ economic assistance	_____ placement with relatives or friends
_____ housing assistance	_____ in home caretakers	_____ homemaker
_____ Other _____		

IV. _____ No preventive services were provided for the following reason(s): _____

V. Custody was given to SSD with/against our recommendation. (circle one)

Comments: _____

County Director Signature

County

Date

Original: Case Record

Copy to: Services Field Representative
Field Operations

From: Arkansas Division of Economic and Medical Services, "Statement of Preventive Services/Emergency Removal" SS-495-022-(049505 (Mar. 1984).

Delaware

The Family Court of the State of Delaware
For _____ New Castle _____ Kent _____ Sussex County

IN RE: _____ (Family Court File No. _____

(
(
(

AFFIDAVIT OF REASONABLE EFFORTS

STATE OF DELAWARE

_____ County (ss:
(
(

_____, being duly sworn, deposes and says as follows:

1. I am the Social Worker employed by the Division of Child Protective Services assigned to the above-captioned matter.
2. I do hereby state that the following reasonable efforts have been made, in the case of the above-named child, to prevent or eliminate the need for removal of the child from his/her home, and/or to make it possible for the child to return home:

- a. _____
- b. _____
- c. _____

Continued on reverse side of form.

[Data excluded.]

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 19____.

From: Delaware Division of Child Protective Services "Affidavit of Reasonable Efforts" (n.d.).

Illinois

Family Case Name _____
Case I.D. _____
SCR No. _____

PLACEMENT PREVENTION SUMMARY

Name(s) of child(ren) place _____

Before placing a child the worker must have considered the following placement prevention services or must have determined that prevention services were not appropriate at this time.

	<i>Not Appropriate</i>	<i>Considered But Not Available</i>	<i>Used But Not Effective</i>
1. 24-hour emergency caretaker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Homemaker services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Day care services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Crisis counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Individual and family counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Emergency family shelter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Self-help groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Parenting training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Other placement prevention services (Specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If services were not appropriate, please explain: _____

If services were considered but not available, please explain: _____

If services were used but not effective, please explain: _____

Worker's name _____

From: Illinois Department of Children and Family Services, "Placement Prevention Summary" IL 416-497A/CANTS 20 (Sept. 1983).

Indiana
STATE OF INDIANA
_____ COURT

In the Matter of _____

A Child Alleged to be a Child in Need of Services

CHECKLIST

Preplacement Preventive or Reunification Services Certification

The following efforts were made by _____ (agency name) to eliminate or prevent the need to remove the child/reunify the child and family:

1. Please include the contact persons, phone numbers, addresses for each service provided.
2. The caseworker should be prepared to testify in court with this documented checklist.

Also, please note the following:

- no efforts/services made to prevent removal/reunify the family;
- services (available) (unavailable) to prevent removal/reunify the family;
(Identify) _____
- the safety of the child precluded (preplacement preventive services) (reunification services) (Please specify) _____
- (preplacement preventive services) (reunification services) were provided or offered and include: (check all that apply)
 - _____ twenty-four (24) hour emergency caretaker and homemaker services;
 - _____ day care;
 - _____ crisis counseling;
 - _____ individual and family counseling;
 - _____ emergency shelters;
 - _____ procedures and arrangements for access to available emergency financial assistance;
 - _____ arrangement for the provision of temporary child care to provide respite to the family for a brief period, as a part of a plan for preventing children's removal from home;
 - _____ home-based family services;
 - _____ self-help groups;
 - _____ mental health counseling;
 - _____ drug and alcohol abuse counseling;
 - _____ vocational counseling or vocational rehabilitation;
 - _____ post adoption services;
 - _____ transportation
 - _____ visitation
 - _____ other services which the agency identifies as necessary and appropriate: _____
 - _____ other information: _____

Dated: _____

Intake Officer/Caseworker

From: Indiana, "Preplacement Preventive or Reunification Services Certification." C-1.09 (n.d.).

Kentucky

COMMONWEALTH OF KENTUCKY
COURT OF JUSTICE
KRS 208.080, 208.200
42 U.S.C. 672

Case No. _____
Court Juvenile
County _____

(To be attached to Juvenile Emergency Custody Order or Juvenile Dependency Disposition if child is committed.)

In the interest of _____, a child:

I, _____ do hereby state that I have made the following reasonable efforts, in the case of the above named child, to prevent or eliminate the need for removal of the child from his/her home, and/or to make it possible for the child to return home: _____

Signature, Title, Address
and Telephone of Affiant

Sworn to before me this _____ day of _____, 19_____.

Title

From: Kentucky, "Affidavit of Efforts" AOC-655 (Mar. 1984).

Louisiana

STATE OF LOUISIANA
IN THE INTEREST OF

DOCKET NO. _____
JUVENILE COURT, CITY COURT OR JUDICIAL
DISTRICT _____
PARISH OF _____
STATE OF LOUISIANA
SECTION _____

FILED: _____

Deputy Clerk of Court

AFFIDAVIT IN SUPPORT OF AN INSTANTER ORDER

BEFORE ME, the undersigned authority, personally came and appeared _____, who after first being duly sworn, did depose and say:

That affiant is an employee of the STATE OF LOUISIANA, DEPARTMENT OF HEALTH AND HUMAN RESOURCES, OFFICE OF HUMAN DEVELOPMENT, PARISH OF _____, STATE OF LOUISIANA.

That affiant's responsibilities include investigating report of possible child abuse and/or neglect and/or supervising families;

That on the _____ day of _____, 19____, a report of alleged _____ was received by said Office concerning the following child(ren) _____.

That, as a result of that report, affiant conducted an initial investigation and is continuing in that investigation.

That during the course of said investigation, affiant has acquired personal knowledge of the following facts: _____.

That there is good cause to believe that said child(ren) cannot adequately be protected from the following dangers or harms if the child(ren) remain(s) in parental custody: _____.

That the following services have been offered to prevent the necessity of removal, to no avail, or, alternatively, the following circumstances exist which indicate that there is a substantial, immediate danger to the child(ren) which precludes provision of preventive services as an alternative to removal:

That there is good cause to believe that the child(ren) should be removed from the custody of the parents pending the completion of the investigation, the filing of reports to the District Attorney's Office, and the resolution of this case, and that an instanter order should issue granting temporary custody to the OFFICE OF HUMAN DEVELOPMENT.

That should an Instanter Order be issued, necessary steps will be taken to ensure the protection of the child(ren) in the least restrictive setting as soon as possible.

SWORN TO AND SUBSCRIBED before me, Notary/Deputy Clerk, in and for the Parish of _____, this _____ day of _____, 19____.

AFFIANT

NOTARY/DEPUTY CLERK

Name (Print)

Name (Print)

Address

City and State

Please Serve: _____

Name

Address

Name

Address

From: Memorandum to Judge with Juvenile Jurisdiction in the State of Louisiana from John D. Koppler, President of the Louisiana Council of Juvenile Court Judges (Jul. 22, 1983), Appendix 1-A, pp. 21-22.

North Dakota

_____ JUDICIAL DISTRICT

IN THE JUVENILE COURT OF _____ COUNTY IN THE
INTEREST OF _____, A CHILD

AFFIDAVIT

Comes now, _____ being first duly sworn on oath, deposes and says:

1. That the affiant is a resident of _____ and over the age of 18 years.
2. That the affiant is a _____ (position) for _____ (CSSB or agency).
3. That in the above capacity, the affiant was consulted and involved concerning the removal of the child from the child's home.
4. That in the above capacity the affiant is aware of services available by _____ (CSSB or agency) which would be appropriate for consideration as services to prevent the removal of the child from the home. These services include, but are not limited to:

Child-parent Counseling	Volunteer Services
Family Counseling	Information Referral Services
Group Counseling	Psychiatric Evaluation and Services
Psychological Evaluation	Medical Consultative Services
Marital Counseling	Day Care Services
Homemaker and Home Health Aid Services	
5. That those services as well as other services or actions, were considered or offered and deemed inappropriate or ineffective prior to removal of the child.
6. That, to the best of the affiant's knowledge and belief, reasonable efforts were taken to prevent the removal of the child from the home.
7. That, to the best of the affiant's knowledge and belief, those services shown above, as well as other services or actions, will be used as appropriate to facilitate the possible return of the child to the home.

Further Affiant sayeth not.

Dated this _____ day of _____, 19____.

[Data excluded pertaining to verification of petitioner's signature.]

From: North Dakota Department of Human Services, Draft Affidavit (1984).

Rhode Island

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC
IN THE MATTER OF

FAMILY COURT

: F.C. NO. _____
:
:

AFFIDAVIT IN SUPPORT OF THE ORDER OF DETENTION, *EX PARTE*

(Now comes _____, in his/her capacity as a Social Caseworker for the Department for Children and Their Families, and states the following facts:

1) That on _____, said child, _____ age _____, was examined _____ by Dr. _____, a staff member of said hospital.

2) That subsequent to said examination Dr. _____ filed a Physician's Report of Battered and/or Abused Child with the Department for Children and Their Families, which is attached hereto as Exhibit A.

3) That said report indicated in part, "_____."

4) That _____.

5) That _____.

6) That the following services have been offered to prevent the necessity of removal, to no avail: _____

OR

6) That the following circumstances exist which would indicate that there is a substantial, immediate danger to the child/children which precludes the provision of preventive services as an alternative to removal: _____

7) That the "Summary of Facts to Substantiate Allegations of Dependency, Neglect, and/or Abuse" signed by _____ and dated _____ is attached hereto and incorporated herein by reference as Exhibit B.

8) That said child is in need of the care, protection, and jurisdiction of this Honorable Court.

WHEREFORE, the Department for Children and Their Families, prays that an Order of Detention, *Ex Parte*, be issued.

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public

From: Rhode Island Department of Children and Their Families, "Affidavit in Support of the Order of Detention, *Ex Parte*" (1984).

South Dakota

STATE OF SOUTH DAKOTA)
) IN CIRCUIT COURT
) SS _____ JUDICIAL CIRCUIT
COUNTY OF)
) JUVENILE DIVISION
)
The People of the State of)
South Dakota in the interest)
(Name of Child))
) AFFIDAVIT
a Child, and concerning)
)
(Father's Name))
(Mother's Name))

Comes not _____ being first duly sworn on oath deposes and says:

1. That the affiant is a resident of _____ and over the age of 18 years.
2. That the affiant is a (Social Worker) for Children, Youth and Family Services.
3. That in the above capacity, the affiant was consulted and involved concerning the removal of the child from the child's home.
4. That in the above capacity the affiant is aware of services available by Department of Social Services which would be appropriate for consideration as services to prevent the removal of the child from the home. These services include, but are not limited to:

Child-parent Counseling

Family Counseling

Group Counseling

Special Needs Day Care

Parental Functioning Service

Information Referral Services

Psychiatric Evaluation and Services

Medical Consultative Services

Intensive Placement Prevention Services

Parent Aide Services

5. That those services as well as other services or actions, were considered or offered and deemed inappropriate or ineffective prior to removal of the child.
6. That, to the best of the affiant's knowledge and belief, those services shown above, as well as other services or actions, will be used as appropriate to facilitate the possible return of the child to the home.

Further Affiant sayeth not.

Dated this _____ day of 19____ .

[Data excluded pertaining to verification of petitioner's signature.]

From: South Dakota Children, Youth and Family Services, Procedures Manual, "Affidavit" App—Legal (Dec. 1983).

Vermont

Child's Name _____ Docket No. _____

AFFIDAVIT

NOW COMES, _____ of the Department of Social and Rehabilitation Services, having been duly sworn, to make the following statement(s):

It is the Agency's judgment that this case represented an emergency situation and the lack of preventive efforts was reasonable, because of the following:

The following efforts were made to prevent or eliminate the need for removal of the child from home, and/or to make it possible for the child to return to his home:

Signature—SRS Designee

Sworn to before this _____ day of _____, 19____ /

Notary

Expiration Date

From: Vermont Division of Social Services, *A Task Based System of Case Management and Supervision* (5th ed. 1985), "Affidavit," SRS-602 (Mar. 1984), p. VIII-5b.

Virginia

AFFIDAVIT

File No. _____

IN THE JUVENILE COURT OF _____ COUNTY/CITY

IN RE _____, A CHILD

1. That I am a social worker for the _____ Department of Social Services and in this capacity have been involved concerning the removal of the above child from the home.

2. That services listed below were offered and made available to prevent the removal of the child from the home: _____

3. That these services as well as other services or actions were considered or offered and deemed inappropriate or ineffective prior to removal of the child.

4. That, to the best of the affiant's knowledge and belief, reasonable efforts were taken to prevent removal of the child from the home.

5. That, to the best of the affiant's knowledge and belief, these services shown above, as well as other services or actions, will be used as appropriate to facilitate the possible return of the child to the home.

Date _____

(Signature)

Sworn to and signed before me on this date

Date _____

Clerk

Notary Public

My Commission Expires _____

Parents were notified of agency's intent to remove the child.

From: Virginia Department of Social Services, "Affidavit" (n.d.).

Appendix O

COURT ORDERS

Delaware

The Family Court of the State of Delaware
For _____ New Castle _____ Kent _____ Sussex County

IN RE: _____ (Family Court File No. _____

(
(

The Court finds, as of this date, that:

- Reasonable efforts were made by the Division of Child Protective Services or others to prevent the placement of this child.
- Reasonable efforts were not made by Division of Child Protective Services or others to prevent the placement of this child.
- Services were not offered to prevent the placement of this child due to the emergency nature of the placement.

Date

Judge

From: Delaware, "Affidavit of Reasonable Efforts" (n.d.).

Indiana

STATE OF INDIANA

COURT

In The Matter of _____

Cause No. _____

A Child Alleged to be a Child in Need of Services

DISPOSITIONAL ORDER

(Wardship for the Purposes of Placement)

The State of Indiana appears by _____, (Attorney for Welfare Department) (Deputy/Prosecuting Attorney). This child, _____ appears in person. The parent(s) (guardian) (custodian) appear in person. Also, (Intake Officer) _____, appears.

The CHINS petition comes on for a Dispositional Hearing.

The juvenile, parent, guardian or custodian having entered an admission of CHINS (having been found to be a CHINS) alleged in the petition filed herein, he is now (or as heretofore been) adjudicated a CHINS. The Court, after reviewing the predispositional report (and hearing statements and evidence presented to the Court regarding the disposition of the cause of action), now finds:

The following are the needs of the child for care, treatment, or rehabilitation:

_____;

The following reason(s) are why participation by the parent, guardian or custodian in the plan of care for the child is needed:

The following efforts were made to (prevent the child's removal from) or (to reunite the child) with his parent, guardian, or custodian:

The following family services were offered and provided to the child or his parent, guardian, or custodian: (See FORM C-1.09)

Other findings of fact and reasons for the court's disposition, pursuant to IC 31-6-4-15.3(g): _____

_____ is now made a ward of the _____
(name of juvenile)

County Department of Public Welfare for placement by said Department in a suitable facility and the Welfare Department is authorized to expend necessary funds for the care of said juvenile, said determination being made for the following reasons:

(Here include reasons for the disposition)

(OPTIONAL)

A Parental Participation Petition having been filed with this Court and jurisdiction obtained upon _____, parents (custodian or guardian) of _____, the Court after hearing evidence and being duly now finds

Name of juvenile

that the allegations contained in the Petition for Parental Participation are true and that the parents (guardian or custodian) shall participate in a treatment program or pay for services as follows:

(Set forth specifically what the parents are to do and for what they are to be financially responsible)

From: Indiana, "Dispositional Order (Wardship for Purposes of Placement)" C-11.05 (n.d.).

Kentucky

Attachment A ("Order Temporary Custody")

Court Number _____ DISTRICT COURT
JUVENILE SESSION

In the interest of _____, a child _____ years of age whose birthdate is _____.

ORDER
KRS 208.080 (Temporary Custody)

The court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from his home.

DATE

JUDGE

Attachment B ("Order-Commitment")

Court Number _____ DISTRICT COURT
JUVENILE SESSION

In the interest of _____, a child _____ years of age whose birthdate is _____.

ORDER
KRS 208.200 (Temporary Custody)

The court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from his home, and, if the removal occurred prior to this order, to reunite the family.

DATE

JUDGE

From: Kentucky Department for Social Service, *Foster Care Manual KY CHR-DSS, MTL #51* (Apr. 1984) p. 40b.

Louisiana

STATE OF LOUISIANA
IN THE INTEREST OF

FILED: _____

DOCKET NO. _____
JUVENILE COURT, CITY COURT OR
JUDICIAL DISTRICT
PARISH OF _____
STATE OF LOUISIANA
SECTION _____

Deputy Clerk

CHILD IN NEED OF CARE
JUDGMENT OF ADJUDICATION
AND/OR DISPOSITION
PURSUANT TO ARTICLES 76, 87
OF THE
CODE OF JUVENILE PROCEDURE

The minor child(ren) _____

are hereby found to the Child(ren) in Need of Care pursuant to Article 76 of the Code of Juvenile Procedure by virtue of admissions to the petition(s) or proof of allegations in the petition(s) and being of the opinion that there are reasonable grounds to believe that the child(ren) is/are in need of care, abused or neglected, **that preventive services have been offered to no avail or that there is a substantial immediate danger which precludes preventive services as an alternative to removal**, that it is necessary to take the child(ren) into custody for his/her/their protection, and it is for the best interest of the minor child(ren), to place him/her/them in the custody of the STATE OF LOUISIANA THROUGH THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES.

Therefore, pursuant to Article 87 of the Code of Juvenile Procedure, this Court enters the following Judgment of Disposition and directs the Clerk of Court to transmit immediately, certified copies of this judgment to the various agencies, institutions or custodians required by the provisions of Article 90 of the Code of Juvenile Procedure.

- (1) Nature of Disposition and Duration: _____
- (2) Agency or person to whom legal custody of child is assigned: _____
- (3) Agency or person to whom physical custody of the child is assigned: _____
- (4) Plan of Agency to reunite child with parents or guardians (to be submitted and attached with judgment).
- (5) Supervisory provisions: _____
- (6) (a) Date of original entry of child(ren) into State custody) _____
(b) Review Hearing date (not to exceed 180 days from original entry into State custody) _____
- (7) Other applicable terms and conditions including but not limited to:
 - (a) Visitation _____
 - (b) Evaluations _____
 - (c) Counseling _____
 - (d) Schooling _____
 - (e) Other _____

_____, Louisiana, this _____ day of _____, 19 _____.

JUDGE

From: Memorandum to Judges with Juvenile Jurisdiction in the State of Louisiana from John Koppler, President of Louisiana Council of Juvenile Court Judges (Jul. 22, 1983) Appendix 2, p. 25.

Maine

STATE OF MAINE

_____, ss.

MAINE DEPARTMENT OF HUMAN RESOURCES
IN RE:

DISTRICT COURT

District _____

Division of _____

CIVIL DOCKET NO. _____

CHILD PROTECTION
ORDER

A Petition for a Child Protection Order having been signed by _____, duly authorized agency of the State of Maine, Department of Human Services, and notice of pendency of these proceedings having been duly and timely given, according to law, and this cause having been heard before me,

The Court finds, by a preponderance of the evidence, that the above-named minor child(ren), is/are in circumstances of jeopardy to his/her/their health or welfare, and that the Department of Human Services made reasonable efforts to prevent the need to remove the child(ren) from the home.

Dispositional evidence having been heard, the Court makes the following disposition:

1. IT IS HEREBY ORDERED, pursuant to 22 M.R.S.A. §§4035 and 4036, that,

minor child(ren) of _____ and _____ (_____
is an interested party), be given the following protection:

2. IT IS FURTHER ORDERED, pursuant to 22 M.R.S.A. §4036(l-g), that

(a) Child support be paid by each parent to the State of Maine Department of Human Services as follows:

(b) No support by a specified parent has been ordered for the following reasons:

3. IT IS FURTHER ORDERED that the foregoing Child Protection Order be reviewed by this court on _____
19_____, at _____ am/pm, or within 18 months of this order, or earlier upon Motion of a party.

Service of this Order by the means indicated below shall constitute notice of the scheduled review. No further notice of the review need be given.

The Clerk shall enter the following in the docket: The Child Protection Order dated _____ is incorporated in the docket by reference. This entry is made in accordance with M.D.C. Civ. R. 79(a) at the specific direction of the court.

Dated _____ 19 _____, at _____, Maine

Judge of the

District Court

From: Maine Department of Human Services, "Child Protection Order" BSSCP-21 (Oct. 1985).

Massachusetts

FEDERAL FINANCIAL PARTICIPATION FORM

This form is intended for use in meeting the requirement of the federal Adoption Assistance and Child Welfare Act of 1980, the new Title IV-E of the Social Security Act. Its completion will enable the commonwealth to receive federal financial assistance for foster care.

County: _____ Court: _____

Name of Child: _____ Case/Docket No.: _____

Upon granting of care, custody or responsibility to the Department of Social Services or its agent in accordance with M.G.L.c. 199, 201, 208, 209A or 210, I determine that:

- | Yes | No | N/A | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Continuation in the home is contrary to the welfare of the child. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Reasonable efforts have been made prior to the placement of child to prevent or eliminate the need for removal of children from his/her home. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Reasonable efforts were made to make it possible for the child to return to his/her home. |

Date: _____ (Judge)

From: Massachusetts Department of Social Services, "Federal Financial Participation Form" DSS-4E (1983).

Mississippi

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI

YOUTH COURT DIVISION

CAUSE NO. _____

IN THE INTEREST OF

ORDER

This cause came to be heard on Petition of _____ and the Court being fully advised finds that it has proper jurisdiction of the parties and subject matter of this cause and after having conducted a hearing in this matter finds as follows:

That _____ is a _____ child. That the _____ County Department of Public Welfare has made reasonable efforts to maintain the family unit and no alternative to custody exists.

Therefore it is Ordered that _____

Ordered Adjudged and Decreed this the _____ day of _____, 198 ____ .

From: Memorandum to all Mississippi County Directors from J.G. Dedeaux, General Counsel of Mississippi Division of Legal Services, and Robert Jenkins, Director of Termination of Parental Rights (Nov. 28, 1983) "Order" Attachment.

Montana

TIA ORDER TO SHOW CAUSE

IN THE DISTRICT COURT OF _____ JUDICIAL DISTRICT OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF INQUIRY INTO)
_____))
(NAME OF YOUTH(S)))
)

No. _____
ORDER FOR
PROTECTIVE SERVICES AND
ORDER TO SHOW CAUSE

* * *

Upon reading the Petition for Temporary Investigative Authority and Protective Services, the Affidavit (and/or Social and Rehabilitation Worker Report to Court) alleging that _____ is/are in danger of being abused and neglected within the meaning of Section 41-3-102, MCA;

And further, it having been established that the (*county welfare department*) has made reasonable efforts to prevent or eliminate the need for removal of the child(ren) and to make it possible for the child(ren) to return to or remain in the family home as is more fully described in the Affidavit in Support of Petition (or Department of Social and Rehabilitation Service Report to Court).

OR

And, further, it having been established that the (*county welfare department*) removed the above-named child(ren) from the home because the child(ren) was/were in immediate or apparent danger of harm as is more fully described in the Affidavit in Support of Petition (or Department of Social and Rehabilitation Service Report to Court). For the reasons set forth in the Affidavit (or Report to the Court), no services could have been provided to the family which would have prevented or eliminated the need for the emergency removal.

IT IS HEREBY ORDERED:

1. That the (*county welfare department*) shall have the following authority:

[list authority requested in Petition]

2. That _____, Attorney at Law is hereby appointed counsel and guardian ad litem for the above-named youth(s).

IT IS FURTHER ORDERED that [*parent(s), guardian(s) or custodian(s)*], shall immediately comply with the terms of this Order, or appear before this Court on the ____ day of _____, 19 __, at _____ o'clock __ .m. to show cause, if any there be, why he/she/they have not complied with this Order. Failure to comply with this Order or to show cause why he/she/they have not complied could result in the court holding [*parent(s), guardian(s) or custodian(s)*] in contempt of court or placing _____ (*child*) in the temporary legal custody of the Department of Social and Rehabilitation Services of Montana.

IT IS FURTHER ORDERED that the Petition and this Order shall be personally served on all necessary parties to this action unless personal service cannot be made, in which case service shall be made by publication in accordance with the Montana Rules of Civil Procedure.

DATED this ____ day of _____, 19__ .

District Judge

FROM: Montana Department of Social and Rehabilitation Services, "Order for Protective Services and Order to Show Cause" Form A-2 (1983).

Nebraska

IN THE SEPARATE JUVENILE COURT OF LANCASTER COUNTY, NEBRASKA

THE STATE OF NEBRASKA
IN THE INTEREST OF

REASONABLE EFFORT DETERMINATION

A CHILD UNDER EIGHTEEN YEARS
OF AGE

JVL. DOC.

PAGE

Now on this _____ day of _____, 19 __, after reviewing the evidence and orders in this case, the court finds, determines, and order as follows:

Continuation of the child _____ in the parental home would be contrary to the welfare of the child _____. Yes. No.

Reasonable efforts have been made prior to placement of the above-named child _____ in foster care to prevent or eliminate the need for removal of the child _____ from the parental home. Yes. No.

The facts establish that emergency removal from the parental home was necessary and that services available to the family could not have prevented placement of said endangered child _____. Yes. No. Not applicable.

Dated this _____ day of _____, 19 __.

BY THE COURT:

Judge-Juvenile Court

From: Nebraska Department of Social Services, "Reasonable Efforts Determination" g/d4/f3 (1984).

New Hampshire

PRELIMINARY HEARING: FINDINGS AND ORDERS

On _____, 19 __, a preliminary hearing was held. Present were _____.

After hearing the evidence submitted the Court finds and orders as follows:

- The evidence does does not substantiate the petition: case dismissed.
 - The circumstances and/or surroundings present an imminent danger to the child's health or life.
 - Reasonable cause exists to believe the child is abused neglected.
 - Attorney _____ is appointed to represent said child.
 - Other _____
-

Child is to remain with _____

Legal supervision of child is transferred to _____

- Legal liability is assigned to: _____
 - All reasonable efforts have been made to prevent placement of the child in foster care**
 - Child parents (guardian or custodian) are ordered:
 - To undergo mental health evaluation
 - To undergo physical examination
 - Other _____
-

From: New Hampshire, "Preliminary Hearing: Finding and Orders," No. AOC-300-045 (Jun. 1985).

New York

At a term of the Family Court of the State of New York, held
in and for the County of _____ at _____
New York, on _____

PRESENT

Hon.
Judge

In the Matter of

(A) Child(ren) under Eighteen Years of Age Alleged to be
(Abused) (and) (Neglected) by

Docket No.
ORDER OF FACT-FINDING
AND DISPOSITION
(Neglect) (Child Abuse)

Respondents(s)

[Data excluded.]

The Court, after hearing the proofs and testimony offered in relation to the case, finds on a preponderance of the evidence that Respondent(s) _____ ; and

The matter having thereafter duly come on for a dispositional hearing before the Court, and the Court, after having made an examination and inquiry into the facts and circumstances of the case and into the surroundings, conditions and capacities of the persons involved;

***(and it appearing the continuation in the child's home would be contrary to the best interests of the child and that, where appropriate, reasonable efforts (were) (were not) made to prevent or eliminate the need for removal of the child from (his) (her) home)**

***(and it appearing that the removal of the child from (his) (her) home prior to the date of the dispositional hearing was in the child's best interests and that, where appropriate, reasonable efforts (were) (were not) made to enable the child to return to (his) (her) home.**

[Data excluded.]

* delete inapplicable provision

From: New York State Office of Court Administration, "Order of Fact-Finding and Disposition" Form 10-10 (Oct. 1984).

North Carolina

STATE OF NORTH CAROLINA

_____ County

In the Matter of

Name of Juvenile _____

Date of Birth _____ Age _____

Address _____

City, State, Zip _____

File No.

In the General Court of Justice
District Court Division

JUVENILE ORDER

This cause coming on for hearing pursuant to G.S. 7A-577, the Court heard testimony and finds the following facts:

1. The child was removed from his/her home pursuant to a non-secure custody order dated _____, 19 ____.
2. The following services were provided to prevent the need for removal of the child from his/her home:

or
3. Circumstances existed at the time of removal which prevented DSS from providing protective services to the child in his/her home, to wit:
4. Any other relevant findings of fact.

The Court concludes that removal of the child from his/her home was in his/her best interest and that return of the child to his/her home at this time would be contrary to the welfare of the child. **The Court further concludes that reasonable efforts were made to prevent or eliminate the need for removal of the child from his/her home or that under the circumstances which existed at the time of removal, no reasonable efforts could have been made to prevent or eliminate the need for removal of the child from his/her home.**

It is therefore ordered that the child remain in the custody of the _____ County Department of Social Services, for placement as DSS deems appropriate.

Date Order Entered _____ Date Signed _____

Signature of Presiding Judge

From: Memorandum to North Carolina District Court Judges from Bonnie Cramer, North Carolina Division of Social Services (Nov. 16, 1984) Attachment.

STATE OF NORTH CAROLINA
IN THE MATTER OF:

D.O.B.

NON-SECURE CUSTODY
HEARING ORDER

A non-secure custody hearing was held pursuant to N.C.G.S. §50A-9 and it appears in _____ . The Court finds by CLEAR AND CONVINCING EVIDENCE that:
[Data excluded.]

6. The following services were offered and refused or have been provided to prevent or eliminate the need for removal of the child from his/her home:

The lack of efforts on the part of DSS to prevent removal was reasonable in that:

Among the services that might have been or might be provided are:

- psychological services
- parenting skills training
- medical assistance
- extended family placement
- emergency financial assistance
- public health
- in-home training
- assistance with removing the abuser from the home
- assistance offered in obtaining other available community services
- non-judicial outside home placement
- homemaker services
- day care
- crisis counseling
- individual and family counseling
- drug and alcohol abuse counseling
- vocational counseling or vocational rehabilitation
- transportation
- parent aide services
- temporary family shelter
- other

[Data excluded.]

Based on the above findings of fact, the Court CONCLUDES AS A MATTER OF LAW that:

1. The Court has jurisdiction over the parties and of the subject matter in controversy pursuant to the provisions of N.C.G.S. 50A and N.C.G.S. §7A-523.

2. The Department of Social Services did not have a reasonable opportunity to provide protective services in the home prior to removing the child due to the immediate nature of the danger to the child and lack of prior involvement of the Department; or

Reasonable efforts were not made to prevent removal of the child from the family; or

(a) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the home; and

(b) Continuation of the child in the home is contrary to the child's welfare, and

(c) Continued non-secure custody is no longer necessary pending a hearing on the merits and the less restrictive provision of in-home services.

3. There is a reasonable factual basis to believe the matters alleged in the petition are true;

AND (a) The juvenile has been abandoned; or

(b) The juvenile has suffered physical injury or sexual abuse; or

(c) The juvenile is exposed to a substantial risk of physical injury or sexual abuse because the parent, guardian, or custodian has created the conditions likely to cause injury or abuse or has failed to provide or is unable to provide adequate supervision or protection; or

[Data excluded.]

From: North Carolina, Mecklenburg County Local Rules Governing Abuse, Neglect and Dependency Proceedings (1985) Appendix 2.

North Dakota

_____ JUDICIAL DISTRICT
IN THE JUVENILE COURT OF _____ COUNTY
IN THE INTEREST OF _____, A CHILD

_____)
_____)
Petitioner _____)
vs. _____)
_____)
Respondents. _____)

FILE NO. _____
FINDINGS AND RECOMMENDATION
OF
JUVENILE COURT REFEREE

TO THE HONORABLE _____ JUDGE OF THE ABOVE-NAMED COURT:

The undersigned Juvenile Referee does hereby certify and return that the Position herein was heard before me a Referee on the _____ day of _____, 19 __, at _____ and the Respondents having appeared in person as follows:

and it appearing that the Court has jurisdiction of the subject matter and of the parties and all interested parties having been heard:

FINDINGS OF FACT

NOW, THEREFORE, the undersigned Juvenile Referee finds upon the admissions of the parties, or upon [proof beyond a reasonable doubt] [clear and convincing evidence], the following:

I.

That the above-named child is _____ years of age, having been born on the _____ day of _____, 19 __; and resides with _____, h _ parents, guardian, or other custodian at _____ in _____ County, North Dakota.

II.

That said child

III.

The undersigned Juvenile Court Referee Further finds, from clear and convincing evidence that said child comes within the provisions of the Uniform Court Act (Chapter 27-20, N.D.C.C.) and is in need of treatment or rehabilitation as _____ child.

IV.

(In case of placement into Foster Care)

That reasonable efforts were made to prevent or eliminate the need of the removal of the child from the home.

V.

That it is in the best interest of said child _____ and of the public that

RECOMMENDATION

Upon the foregoing findings of fact the undersigned Referee recommends:

I.

That the above-named child

II.

That _____ (CSSB or agency) shall make reasonable efforts to make possible the return of the child to the child's home.

Dated this _____ day of _____, 19 __.

Referee of the Juvenile Court

From: North Dakota Department of Human Services, Draft Findings and Recommendation so of Juvenile Court Referee (1984).

Oregon

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____
Juvenile Department
Shelter Order

In the Matter of _____, age _____ No. _____
_____, age _____ No. _____

On the date of _____, a hearing was duly held to consider the matter of the temporary custody of the above child(ren). Present were:

The child(ren) _____ Counselor _____

Mother _____ Attorney(s) _____
Father _____
CSD _____ Other _____

IT APPEARING TO THE COURT after examining the following documents:

That:

1. _____ There is probable cause to believe that the child(ren)'s condition and circumstances are such as to endanger the welfare of the child(ren) and that Juvenile Court jurisdiction is probable, in that: _____
2. _____ The continuation of the child in the home would be contrary to the welfare of the child, in that the child could not safely remain at home even with reasonable services being provided.
3. _____ The following services have been provided by CSD: _____ and they constitute reasonable efforts to prevent or to eliminate the need for removal from the home; or
_____ CSD has no prior recent contact with the child and the family and no preventative or reunification services have been provided; or
_____ CSD has not made reasonable efforts to prevent or eliminate the need for removal of the child from the home.
4. _____ The following services are to be provided by CSD pending the adjudicatory hearing in this matter, which shall constitute reasonable efforts to make return of the child possible: _____
_____ The services that CSD plans to provide, if any, do not constitute reasonable efforts to make it possible for the child(ren)'s return.
5. _____ Shelter care is the least restrictive placement to protect the child(ren).

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. _____ Temporary custody of the child is granted to CSD; or
_____ Temporary commitment of the child to CSD is continued.
2. _____ The child shall remain be placed in shelter care.
3. _____ The child's parent(s) is (are) allowed visitation: _____ as reasonable, _____
4. _____ A petition regarding the child's circumstances shall be filed.
5. _____ The child shall be released to _____

REFEREE

DATE

From: Oregon Children's Service Division, "Juvenile Department Shelter Order" CSD #514 (Apr. 1984).

Oregon

IN THE _____ COURT OF THE STATE OF OREGON FOR _____ COUNTY

JUVENILE DEPARTMENT

In the Matter of _____

Number _____
COMMITMENT TO CHILDREN'S
SERVICES DIVISION

A Male Female _____ Child

The above cause coming on for hearing this _____ day of _____, 19 ____ upon the duly verified petition(s) *(i) dated: _____; the following persons having appeared. *(ii)

The court having heard all the evidence adduced at the hearing and being fully advised in the premises finds that:

1) The child was born on _____, is _____ years of age, and resides in *(iii) _____ County, Oregon.

2) The child is within the jurisdiction of the court for the following reasons: *(iv)

3) Reasonable efforts, in light of the child(ren)'s and the parent's circumstances, _____ have _____ have not been made to prevent or eliminate the need for removal of the child(ren) from the home.

Reasonable efforts, in light of the child(ren)'s and the parent's circumstances, have been made to make it possible for the return of the child(ren) to the home.

4) It is in the best interest and welfare of the child that he/she be placed in the legal custody of the Children's Services Division, State of Oregon, for care, placement and supervision.

NOW, THEREFORE, IT IS THE ORDER OF THE COURT THAT:

1) The above-named child is made/continued a ward of the court.

2) The child is committed to and placed in the legal custody of Children's Services Division, State of Oregon, for care, placement and supervision for:

*(v) (a) _____ an indefinite period not to extend beyond the date on which the child becomes 21 years of age.

(b) _____ a period not to exceed _____, but said period shall not extend beyond the date on which the child becomes 21 years of age.

3) Guardianship of the child is granted to the Children's Services Division of the State of Oregon.

4) The court directs the following action to be taken within the time frame stated.

PLACEMENT PREFERENCE PER ORS 419.507 (1(b)(D)):

Dated this _____ day of _____, 19 ____ . Signature _____
Judge

From: Oregon Children's Service Division, "Commitment to Children's Services Division" CSD#1040 (Apr. 1984).

Pennsylvania

IN THE COURT OF COMMON PLEAS _____ JUDICIAL DISTRICT
_____ COUNTY

In the Interest Of
A MINOR

No.

ORDER OF COMMITMENT

And now, this _____ day of _____, 19 __, after having been found to be a delinquent child on _____ . It is hereby ordered that this child (name) _____ D.O.B. _____, be committed to _____ under the supervision of the _____ (County) Probation Department with case management responsibility to be shared by said probation department and the _____ (County) Children and Youth Agency;

Further, the Court, having determined that to allow _____ (Name) to remain in the home would be contrary to his/her welfare, finds that:

- Reasonable efforts were made by the _____ (Agency/Probation Dept.) to prevent the placement of this child.
- Reasonable efforts were not made by the _____ (Agency/Probation Dept.) to prevent the placement of this child.
- Services were not offered in an effort to prevent the placement of this child due to the emergency nature of the placement, to wit: _____

_____ and such lack of services was, therefore, reasonable.

Subject to further Order of this Court.

By the Court

J.

From: Pennsylvania Juvenile Court Judges' Commission. "Order of Commitment" (1984).

Rhode Island

Juvenile No. _____

Juvenile Name (LAST, FIRST, MIDDLE) _____

PETITION NO. _____

1. Date of Hearing _____

2. Type of Hearing _____ Trial _____ Prob. Cause _____ Motion
 _____ Arraignment _____ Review _____ Ex Parte _____ Other _____

3. PRESENT <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Putative Father <input type="checkbox"/> Guardian <input type="checkbox"/> Child	4. ADVISED OF RIGHTS <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	5. COUNSEL PRESENT (NAME) _____ _____ _____ _____	6. GUARDIAN AD LITEM PRESENT (NAME) _____ _____ _____ _____	7. ANSWER _____ _____ _____ _____
--	---	---	--	---

DECREE OR ORDER

7. GUARDIAN AD LITEM TO BE APPOINTED FOR <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Putative Father <input type="checkbox"/> Child	8. CASA TO BE APPOINTED <input type="checkbox"/> Other _____ <input type="checkbox"/>
---	--

9. COUNSEL TO BE APPOINTED FOR <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Putative Father <input type="checkbox"/> Child	<input type="checkbox"/> Other _____
---	--------------------------------------

[Data excluded pertaining to FINDING.]

11. Prior to placement in foster care, were reasonable efforts made by the state to prevent or eliminate the need for removal of child from his home?

Yes No

Were reasonable efforts made by the state to make it possible for the child to return to his home?

Yes No

Is continuation in the home contrary to the welfare of said child?

Yes No

[Data excluded pertaining to DISPOSITION, HEARING, AND NOTICE.]

From: Rhode Island Department of Children and Their Families, "Decree or Order" (1984).

South Dakota

STATE OF SOUTH DAKOTA

)
) SS
)

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL COURT

IN THE MATTER OF

*
*
*
*
*

ADJUDICATORY FINDINGS OF FACT

ALLEGED DEPENDENT CHILD(REN)
AND CONCERNING _____
(MOTHER/FATHER)

AND CONCLUSIONS OF LAW

The above matter having come on for hearing on the _____ day of _____, 19 __, in the Courtroom of the Courthouse in _____, South Dakota; the State of South Dakota being represented by _____ (deputy) State's Attorney; the Department of Social Services being represented by its agent(s) _____; the respondent(s) (not) appearing in person (but/and) (with/without) counsel) _____. The Court having heard the testimony herein, and having considered the files herein and being fully informed now makes and enters the following Findings of Fact and Conclusions of Law regarding the adjudication of the child(ren) _____;

FINDINGS OF FACT

1. That the child _____ was born on the _____ day of _____.
2. The natural parent(s) of said child(ren) is/are _____, mother, and _____ father; who had due and legal notice of these proceedings (and has appeared throughout in person).
3. The child(ren) _____ (is/are) a resident of _____ county, South Dakota, and was/were present in _____ county when these proceedings were commenced.
4. On the _____ day of _____, 19 __, a petition was filed in the Circuit, alleging that _____ was/were dependent and neglected.
5. (The facts of the case in detail).
6. The child(ren) do lack proper parental care (repeat allegations of petition) for the following reasons:
7. **The state made the following reasonable efforts to prevent or eliminate the need for the removal of the child(ren) from the home:**
 8. It would be contrary to the best interests and welfare of the child(ren) for (him/her/them) to remain in the care of _____ respondent(s).
 9. Findings of Fact contained in the Court's Memorandum Opinion, dated _____, are by reference specifically made part hereof as though fully set forth herein.
 10. The findings of fact were proven by clear and concerning evidence.

Based on the forgoing Findings of Fact, the Court makes and issues the following Conclusions of Law:

[Data excluded pertaining to CONCLUSIONS OF LAW.]

From: South Dakota Children, Youth and Family Services, *Implementation of P.L. 96-272 and P.L. 95-608; Recommended Procedures and Guidelines for States Attorneys and Court Judges* (Feb. 1985) "Adjudicatory Findings of Facts and Conclusions of Law" P009SR01.OCYFS, p. 19-20.

Tennessee

IN THE JUVENILE COURT OF _____ COUNTY,
TENNESSEE

STATE OF TENNESSEE)
DEPARTMENT OF HUMAN SERVICES)

PETITIONER)

IN THE MATTER OF:)

Name of Child(ren))

No. _____

Child(ren) Under Eighteen)
Years of Age)

Address: _____)
_____)

INTERLOCUTORY ORDER

It appearing to the Court from the sworn allegations of Petition filed in this cause that the above-named children is/are dependent and neglected child(ren) and that said child(ren) is/are subjected to an immediate threat to his/her/their health and safety to the extent that delay for a hearing would be likely to result in severe or irremediable harm, or that the child(ren) is/are about to be removed from the jurisdiction of the Court and further that there is not less drastic alternative to removal available which could reasonably and adequately protect the child(ren)'s health and safety pending a preliminary hearing, and that **there are no reasonable services available which could prevent the necessity of the child's removal at the present time.**

IT IS THEREFORE ORDERED:

1. That Name of Child(ren) be and the same is/are hereby brought into the protective custody of this Court.

From: Tennessee Department of Human Services, "Interlocutory Order" Form 1250 (Apr. 1984).

Vermont

DISPOSITIONAL FACT FINDINGS AND FURTHER ORDER

Upon consideration of the evidence presented, the Court makes the following findings of fact:

1. Continuation of placement of the child in the home is contrary to the child's welfare; and,
2. Reasonable efforts _____ were _____ were not made to eliminate the need for removal from the home, and to make it possible for the child to return home; or, (if applicable)
3. The Department of Social and Rehabilitation Services' judgment, that this was an emergency situation which precluded provision of preventive services, _____ was _____ was not reasonable.

Found and ordered:

Judge (typed)

BY ORDER OF THE COURT

Signature of Judge/Clerk

Date

From: Vermont Division of Social Services, *A Task Based System of Case Management and Supervision* (5th ed., Jun. 1985) p. VIII-5b.

Virginia

Emergency Removal Order
Commonwealth of Virginia

VA. CODE ANN. §16.1-25 FILE NO. _____

Juvenile and Domestic Relations District Court

STREET ADDRESS OF COURT

In re:

TO: ANY AUTHORIZED OFFICER:

It appearing that the above-named child is a juvenile within the purview of the Juvenile and Domestic Relations District Court Law, and is alleged to be abused and neglected in a petition supported by:

- an affidavit,
- the appropriate sworn testimony,

and if further appearing to the Court that under the circumstances existing at this time that:

1. The child would be subjected to an imminent threat to life or health to the extent that severe or irremediable injury would be likely to result if the child were returned to or left in the custody of his parents, guardian, legal custodian or other person standing loco parent is pending a final hearing on the petition; and

2. reasonable efforts have been made to prevent removal of the child from his home *or*
 reasonable efforts are deemed to have been made to prevent removal of the child from his home because there was no reasonable opportunity to provide preventive services.

AND there are no alternatives less drastic than removal of the child from his home as defined by the Code of Virginia, 1950, as amended, which could reasonably protect the child's life or health pending a final hearing on the petition,

IT IS THEREFORE ORDERED, that the child be taken into immediate custody and placed in shelter care, namely: _____

_____ IT IS FURTHER ORDERED that a preliminary removal hearing on the aforesaid petition be held at this Court on Date and Time and that the parents, guardian, legal custodian or other person standing in loco parent is to the child (and the child if he or she is 12 years of age or older) be given notice of this hearing. The factual circumstances allegedly necessitating the removal of this child are:

From: Virginia, "Emergency Removal Order" (n.d.).

Virginia

COMMITMENT ORDER
COMMONWEALTH OF VIRGINIA

FILE NO.

Juvenile and Domestic Relations District Court

In re:

The above-named juvenile has been brought before this Court upon the filing of a written petition; and proper notice has been given to all proper and necessary parties; the parties have been informed by this Court of their right to representation by a lawyer, the contents of the petition filed in this Court, and the right of the juvenile to remain silent with regard to any allegation of delinquency; and all provisions of the Juvenile and Domestic Relations District Court Law, and amendments thereto, have been duly complied with in assuming jurisdiction of the juvenile.

Having considered all relevant and material evidence, the Court finds that the juvenile is within the jurisdiction of this Court and the Juvenile and Domestic Relations District Court Law and that the Juvenile is guilty of the following charge:

The Court hereby ORDERS the juvenile to be committed to:

the State Department of Corrections

(and, if committed to a local board of social services or public welfare, it has been further found that reasonable efforts:

a. have been made have not been made to prevent removal and that continued placement in the home would be contrary to the welfare of the child.

a. have been made have not been made to reunite the child with his/her parents, guardian or other person standing in loco parent is to the child. Upon the following terms and conditions:

Date

Judge

From: Virginia, "Commitment Order": No. DC-572 (May 1984).

Washington

SUPERIOR COURT OF WASHINGTON—COUNTY OF _____ JUVENILE

DEPENDENCY OF:

:
:
:
:
:

No.

DEPENDENCY DISPOSITIONAL
HEARING ORDER

The above named minor child was found to be dependent on _____, 19 ____.

I. DISPOSITIONAL HEARING

A dispositional hearing was held on _____, 19 ____ . Present at the hearing were: () child's mother; () mother's attorney; () child's father; () father's attorney; () child's GAL; () GAL's attorney; () Probation counselor; () DSHS caseworker _____ ; Assistant Attorney General or Prosecutor _____ ; () Other _____ .

Testimony was taken from (see clerk's minutes): _____

The court having reviewing the evidence, the social file, the dispositional report, and the information provided by the parties, now makes the following:

II. FINDINGS AND CONCLUSIONS

A. The child should be placed or should remain in the parent's or guardian's home.

B. Reasonable efforts have been made 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, and the child should be placed or remain in foster care because:

- There is no parent or guardian available to care for such child; or
- The parent or guardian is unwilling to take custody of the child; or
- A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home; or
- The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child, and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside the home.
- Other

[Data excluding pertaining to ORDER.]

From: Washington Department of Social and Health Services, "Dependency Dispositional Hearing Order" DSHS 9-429 (Jun. 1984).

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