

**Reasonable Efforts Guidelines in
Co-Occurring Cases of Domestic Violence & Child Maltreatment**

I. Background

- A. The Adoption and Safe Families Act (42 U.S.C. Sec. 671(a)15) requires that states, in order to be eligible for foster care and adoption assistance, have a plan that provides that reasonable efforts shall be made to preserve and reunify the family
- B. The three points at which reasonable efforts are required are: prior to the placement of a child in foster care to prevent or eliminate the need for removing the child from the child's home; to make it possible for a child to safely return to the child's home; and if continuation of reasonable efforts of the type described previously is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.
- C. Reasonable efforts are not required in certain circumstances involving egregious conduct by the parent

II. Missouri Law

- A. Missouri has incorporated these requirements to make reasonable efforts in its law at sections 211.183 and 211.447, RSMo. (attached)
- B. Section 211.183 provides:
 - 1. In juvenile court proceedings regarding the removal of a child from his or her home, the court's order 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. "Reasonable efforts" means the exercise of reasonable diligence and care by the division to utilize all available services related to meeting the needs of the juvenile and the family. In determining reasonable efforts to be made and in making such reasonable efforts, the child's present and ongoing health and safety shall be the paramount consideration.
 - 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. Before a child may be removed from the parent, guardian, or custodian of the child by order of a juvenile court, excluding commitments to the division of youth services, the court shall in its orders:
 - a. State whether removal of the child is necessary to protect the child and the reasons therefore;
 - b. Describe the services available to the family before removal of the child, including in-home services;
 - c. Describe the efforts made to provide those services relevant to the needs of the family before the 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 upon the needs of the family and child.

II. Reasonable Efforts in General

- A. Not defined in state or federal law, but HHS regulations require state plans to include a description of the services offered and provided to prevent removal of children from their homes and to reunify

the family. They provide an illustrative list of the types of pre-placement preventive and reunification services that may be offered. This list includes: 24 hour emergency caretaker and homemaker services, day care, crisis counseling, emergency shelter, access to available emergency financial assistance, respite care, home-based family services, self-help groups, services to unmarried parents, provision of or arrangement for mental health, drug and alcohol abuse counseling, vocational counseling or vocational rehabilitation and post adoption services. (check regulations). Case law has also helped define reasonable efforts. (check case law).

- B. Mark Hardin from the ABA's Center on Children and the Family, suggests that courts should determine that DFS has made reasonable efforts by determining whether services to the family are accessible, available and appropriate. Courts should consider:
1. Dangers to the child and the family and problems precipitating those dangers
 2. Whether the agency has selected services specifically relevant to the family's problems and needs and whether they have a good chance of successfully resolving the problems requiring placement of the child
 3. Whether caseworkers have diligently arranged those services (did they oversee each service provider, ensure parents and children have access to service, periodically visit children and parents in person)
 4. Whether appropriate services have been made available to the family on a timely basis
 5. The results of the interventions provided
- C. Making Reasonable Efforts: A Permanent Home for Every Child suggests that the agency make guidelines for reasonable efforts at each stage in the process
1. Make good faith efforts to prevent removal. Before the child is removed, the worker should ask, whether there is any assistance, in the form of cash payments, services in lieu of cash, or social support services, that would likely allow the child to remain safely at home. If so, the agency should either provide the assistance or meet a substantial burden of justifying why it cannot do so. The worker should assess the family situation to determine the likelihood of protecting the child effectively in the home. The worker should identify the specific problems that place the child at imminent risk of serious harm; determine whether any available services might effectively address the family's problems and offer them.
 2. Make good faith efforts to reunify the family by doing the same things suggested above and add developing an appropriate case plan and establishing an appropriate visitation schedule and other measures to ensure visits are facilitated and actually occur.
 3. Make good faith efforts to achieve permanency for children.
 4. Categories of services to be provided are "family preservation" services (intensive in-home services), generic "family-based" or "family-centered" services (in-home services), cash payments, non-cash services to meet basic needs (food and clothing, housing, respite care, child care, evaluation and treatment for substance abuse/chemical addiction, counseling/psychotherapy, parenting training, life skills training/household management, non-cash services to address specific problems, "facilitative" services (transportation/visitation), and permanency services.
 5. Each agency should structure its service delivery system to enhance the likelihood that preventive services will be provided to those who need and can benefit from them, families will be maintained and children who can safely return home will be reunified with their families. The agency should encourage parental autonomy, but be willing to provide services that may make parent somewhat dependant on the agency temporarily to allow the family to stay together. Workers should be available by phone and in person 24 hours a day, contact between worker and families should not be limited to business hours on the weekdays, most contacts should occur in the family home in a setting comfortable for the family at times of day when they would be most helpful, services should be provided immediately and most intensively during family crises, or to prevent removal or reunify the family.

6. The parent, as well as the child if they are old enough, should be involved in developing the case plan.
7. Agency staff should receive training about agency policy and protocol regarding reasonable efforts, as well as the availability of specific services in the community, including eligibility criteria, payment requirements, and referral procedures.
8. Written guidelines should be developed on reasonable efforts, covering each stage of its interaction with the family.
 - (a) Criteria for determining when to remove a child without provision of preventive services should include: whether there is sufficient parental concern or desire to maintain the child at home; if it is an older child, do they want to stay in the home and work out the areas of difficulty; can adequate range of “assistance” be garnered to sustain the family and child. Questions that should be asked are: what is the harm that removal is designed to prevent; can less intrusive measures than placement prevent that harm; which services have been considered and rejected; and which services have been offered and rejected
 - (b) Procedures to determine what services would allow a child to remain in, or return to, his or her family
 - (c) Procedures to document services offered to the family and the family’s response
 - (d) Criteria for determining an appropriate visitation schedule
 - (e) Procedures for involving parents and children of appropriate ages in the development of case plans
 - (f) Procedures for implementing concurrent planning if appropriate
 - (g) Criteria for terminating efforts to reunify a family

III. Reasonable Efforts When DV is Present Incorporating Fundamental Assumptions of the Greenbook

- A. Assessing for safety for non-abusing parent and child, with focus on keeping child safe with non-abusing parent and holding perpetrator accountable
- B. Constructing a safety plan with non-abusing parent for her and child (or with child if child is old enough) where non-abusing parent’s voice is central to the construction
- C. Assessing goals with non-abusing parent for her and child (or with child if child is old enough) to maintain safety
- D. Assessing for needed services with non-abusing parent for her and child (or with child if child is old enough) and abuser in light of goals
- E. Identifying services that are available and accessible to non-abusing parent, child and abuser to reach those goals
- F. Identifying barriers to obtaining needed services and how they can be overcome
- G. Constructing separate service plans with non-abusing parent for her, child and perpetrator, with the goal of keeping non-abusing parent and child together safely and holding perpetrator accountable
- H. Monitoring the service plan to assure continued availability and accessibility of services as well as efficacy of services
- I. Modifying service plan as needed
- J. Assuring the non-abusing parent knows her legal rights and has access to counsel separate from perpetrator
- K. Assuring those with decision-making authority in the child protection system and the courts understand the dynamics of domestic violence

IV. Reasonable Efforts When Domestic Violence is Present in Specific (Ganley and Schechter Curriculum)

- A. Services should be provided by those who have an understanding of the dynamics of domestic violence and should be culturally competent and/or culture-specific
- B. Services for non-abusing parent and child may include:
 1. Individual/group counseling through battered women’s program or otherwise for her and child (without the perpetrator present)
 2. Mental health services

3. Legal, housing, welfare, employment and economic advocacy
 4. Shelter and transitional living services
 5. Visitation center services
 6. Parent group support
 7. Crisis nursery/Day care
 8. Substance abuse treatment
 9. Transportation services
 10. Filing for Child OP against perpetrator
 11. Emergency funds
 12. Translator/Interpreter services when appropriate
- C. Service Plan tasks for non-abusing parent might include
1. Participate in safety planning for herself and child
 2. Participate in counseling
 3. Participate in goal planning
 4. If perpetrator cannot be removed from home, obtain stable housing elsewhere
 5. Obtain OP against perpetrator if appropriate
 6. Obtain financial orders against perpetrator if appropriate
 7. Increase economic education and economic self-sufficiency
 8. Increase awareness of impact of domestic violence on children
- D. Services for batterer might include
1. Appropriate batterer intervention program (program that challenges assumptions about gender roles, appropriateness of use of power and control dynamics)
 2. Visitation center
 3. Substance abuse
 4. Mental health services
 5. Parenting classes
 6. Probation and parole
 7. Translator/Interpreter services when appropriate
- E. Service Plan tasks for perpetrator might include
1. Perpetrator will cease verbal, emotional, sexual, or physical abuse toward partner or child
 2. Perpetrator will cease power and control tactics against partner or child
 3. Perpetrator will not involve children in attempts to control partner (e.g. monitoring partner's behavior)
 4. Perpetrator will complete batterer intervention program focused on changing values around treatment of women and children
 5. Perpetrator will attend parenting program that increases awareness of impact of domestic violence on children
 6. Perpetrator will support parenting of adult victim and not interfere with her parenting
 7. Perpetrator will follow all condition of court orders and probation
 8. Perpetrator will provide financial support for adult victim and child when appropriate

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