



Child Welfare Information Gateway

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STATE
STATUTES
SERIES

Current Through
April 2006

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

Reasonable efforts refer to efforts made by State social services agencies to provide the assistance and services needed to preserve and reunify families.

Laws in all States, the District of Columbia, Guam, and Puerto Rico require the provision of services that will assist families in remedying the conditions that brought the child and family into the child welfare system. The statutes in most States, however, use a broad definition of what constitutes reasonable efforts. Some commonly used terms associated with reasonable efforts include

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“family reunification,” “family preservation,” “family support,” and “preventive services.”¹

When Reasonable Efforts Are Required

Federal law has long required State agencies to demonstrate that reasonable efforts have been made to provide assistance and services to prevent the unnecessary removal of a child from his or her home and make it possible for a child who has been placed in out-of-home care to be reunited with his or her family.²

In many States, the statutes also require that when a determination is made that reunification of the family is not in the best interest of the child, efforts be made to finalize another permanent placement for the child. Under the Adoption and Safe Families Act of 1997 (ASFA), while reasonable efforts to preserve and reunify families are still required, the child’s health and safety constitute the paramount concern in determining the extent to which reasonable efforts should be made.³

When Reasonable Efforts Are Not Required

Under the provisions of ASFA, reasonable efforts to preserve or reunify the family are not required when the court has determined that:

- The parent has subjected the child to aggravated circumstances, as defined by State law. The definition of aggravated circumstances may include, but need not be limited to, abandonment, torture, chronic abuse, and sexual abuse.
- The parent has committed murder of another child of the parent.
- The parent has committed voluntary manslaughter of another child of the parent.
- The parent has aided or abetted, attempted, conspired, or solicited to commit such a murder or such voluntary manslaughter.

¹ The specific services provided to the child and the family are specified in a case plan. For more information on the case planning process, see *Case Planning for Families Involved With Child Welfare Agencies* on the Child Welfare Information Gateway website at www.childwelfare.gov/systemwide/laws_policies/statutes/caseplanning.cfm

² Beginning with the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272).

³ States must comply with the requirements outlined in ASFA as a condition for receiving certain Federal funds.

- The parent has committed a felony assault that results in serious bodily injury to the child or another child of the parent.
- The parental rights of the parent to a sibling of the child have been terminated involuntarily.

The laws in all States, the District of Columbia, and Puerto Rico are substantially in compliance with these requirements. In addition, several States and Puerto Rico provide one or more additional grounds for not making reasonable efforts. The following are some examples of these additional grounds:

- The parent has abandoned the child or infant.⁴
- The parent has been convicted of murder or voluntary manslaughter of the child's other parent.⁵
- The child has previously been removed from the home due to abuse or neglect and has been removed due to a subsequent incident of abuse or neglect.⁶
- The parent has been convicted of a sexual offense that resulted in the child's conception.⁷
- The parent has failed to comply with the terms of a reunification plan.⁸
- The parent has been incarcerated for a long term in relation to the child's age, and there is no suitable relative to care for the child.⁹
- The parent suffers from a mental illness of such duration or severity that there is little likelihood that the parent will be able to resume care for the child within a reasonable time.¹⁰

⁴ Abandoning a child is a ground in California, Connecticut, Delaware, Iowa, Massachusetts, Michigan, Nevada, New Hampshire, Oklahoma, Texas, and Utah. Abandoning an infant is a ground in Arkansas, Hawaii, Indiana, Minnesota, Nevada, Oklahoma, Washington, and Wisconsin.

⁵ In Alaska, Indiana, Maryland, New Hampshire, New Mexico, Oregon, Virginia, Washington, and West Virginia.

⁶ In Alaska, Arizona, California, Kentucky, Nevada, Oklahoma, South Dakota, Utah, and Puerto Rico.

⁷ In California, Connecticut, Oklahoma, and Washington.

⁸ In Alaska and Maine.

⁹ In Alaska, Kentucky, New York, North Dakota, and South Dakota.

¹⁰ In Alaska, Arizona, California, Kentucky, Maryland, Utah, and Puerto Rico.

- The parent suffers from chronic abuse of drugs or alcohol and has refused or failed treatment.¹¹

Some other grounds found in just one or two States include:

- The parent has indicated a lack of interest in reunification with the child (California and Puerto Rico).
- The parent has withheld medical treatment or food from the child (Ohio).
- A putative father has failed to establish paternity of the child (Montana and Nevada).
- The parent has allowed the child to be present where a clandestine illegal laboratory is operated (Utah).
- The parent has been found to be a sexually violent predator (Washington).

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures.

¹¹ In California, Kentucky, North Dakota, Ohio, Oklahoma, South Dakota, and Puerto Rico.