



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

*Reasonable efforts* refer to activities of State social services agencies that aim 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 help families remedy the conditions that brought the child and family into the child welfare system. The statutes in most States use a broad definition of what constitutes reasonable efforts. Generally, these efforts consist of accessible, available, and culturally appropriate services that are designed to improve the capacity of families to provide safe and stable homes for their children. These services may include family therapy, parenting classes, drug and alcohol abuse treatment, respite

Electronic copies of this publication may be downloaded at

[www.childwelfare.gov/systemwide/laws\\_policies/statutes/reunify.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/reunify.cfm)

To find statute information for a particular State, go to

[www.childwelfare.gov/systemwide/laws\\_policies/state/index.cfm](http://www.childwelfare.gov/systemwide/laws_policies/state/index.cfm)

To find information on all the States and territories, order a copy of the full-length PDF by calling 800.394.3366 or 703.385.7565, or download it at

[www.childwelfare.gov/systemwide/laws\\_policies/statutes/reunifyall.pdf](http://www.childwelfare.gov/systemwide/laws_policies/statutes/reunifyall.pdf)



## When Reasonable Efforts Are Required

care, parent support groups, and home visiting programs. Some commonly used terms associated with reasonable efforts include “family reunification,” “family preservation,” “family support,” and “preventive services.”<sup>1</sup>

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

In many States, the statutes also require that when a court determines that reunification of the family is not in the best interests 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.<sup>3</sup>

## When Reasonable Efforts Are NOT Required

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

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

<sup>1</sup> Services to be provided to the child and family are specified in a case plan. For more information on the case planning process, see Information Gateway’s *Case Planning for Families Involved With Child Welfare Agencies* at [www.childwelfare.gov/systemwide/laws\\_policies/statutes/caseplanning.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/caseplanning.cfm)

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

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

- The parent 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 were terminated involuntarily.

In all States, the District of Columbia, and Puerto Rico, reasonable efforts are not required under these circumstances. In addition, several States and Puerto Rico provide one or more additional grounds for not making reasonable efforts. The following are examples of these additional grounds:

- The parent abandoned the child (28 States and Puerto Rico).<sup>4</sup>
- The parent abandoned an infant (nine States).<sup>5</sup>
- The parent was convicted of murder or voluntary manslaughter of the child's other parent (12 States).<sup>6</sup>
- The child was removed from the home previously due to abuse or neglect and was removed again due to a subsequent incident of abuse or neglect (nine States and Puerto Rico).<sup>7</sup>
- The parent was convicted of a sexual offense that resulted in the child's conception (three States).<sup>8</sup>
- The parent failed to comply with the terms of a reunification plan (six States and Puerto Rico).<sup>9</sup>
- The parent has been incarcerated for a substantial term in relation to the child's age, and there is no suitable relative to care for the child (seven States).<sup>10</sup>
- The parent suffers from a mental illness of such duration or severity that there is little likelihood that the parent will be

<sup>4</sup> California, Connecticut, Delaware, Iowa, Maine, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and Puerto Rico.

<sup>5</sup> Arkansas, Hawaii, Indiana, Minnesota, Nevada, Oklahoma, Tennessee, Washington, and Wisconsin.

<sup>6</sup> Alabama, Alaska, Florida, Indiana, Maryland, Massachusetts, New Hampshire, New Mexico, Oregon, Virginia, Washington, and West Virginia.

<sup>7</sup> Alaska, Arizona, Arkansas, Florida, California, Kentucky, Nevada, South Dakota, Utah, and Puerto Rico.

<sup>8</sup> California, Connecticut, and Washington.

<sup>9</sup> Alaska, Florida, Kansas, Maine, Utah, Washington, and Puerto Rico.

<sup>10</sup> Alabama, Alaska, California, Kentucky, New York, North Dakota, and South Dakota.

able to resume care for the child within a reasonable time (six States and Puerto Rico).<sup>11</sup>

- The parent suffers from chronic abuse of drugs or alcohol and has refused or failed treatment (seven States and Puerto Rico).<sup>12</sup>
- The parent indicated a lack of interest in reunification with the child (two States and Puerto Rico).<sup>13</sup>

Other grounds found in one or two States include:

- A newborn infant tests positive for the presence of alcohol or a controlled substance (Florida).
- The parent 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 allowed the child to be present where a clandestine illegal laboratory is operated (Utah).
- The parent is a convicted 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 as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

<sup>11</sup> Alaska, Arizona, California, Kentucky, Maryland, Utah, and Puerto Rico.

<sup>12</sup> Alabama, California, Florida, Kentucky, North Dakota, Ohio, South Dakota, and Puerto Rico.

<sup>13</sup> Alabama, California, and Puerto Rico.