

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES		
	CHILD WELFARE POLICY MANUAL		
	Chapter:	Case Management	Effective Date: October 2020
	Policy Title:	Reasonable Efforts	
Policy Number:	TBD	Previous Policy #: 9.5	

CODES/ REFERENCES

O.C.G.A. §15-11-2, §15-11-113, §15-11-133, §15-11-146, §15-11-202, §15-11-203, §15-11-204, §15-11-212
 Title IV-E of the Social Security Act Sections 471 (a) (15) (A), (B), (C), (D) & (F)
 45 CFR Parts 1356 (b), (b)(1)(i) and (ii), (b)(2)(i) and (ii), (b)(3), (b)(3)(i), (ii) and (iii) and (b)(4)
 PL 105-89 Adoption and Safe Families Act
 PL 96-272 The Adoption Assistance and Child Welfare Act of 1980 (PL 96-272)
 PL 93-247 The Child Abuse Prevention and Treatment Act
 PL 109-248 The Adam Walsh Child Protection and Safety Act of 2006

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. *Make reasonable efforts to preserve and reunify families:*
 - a. *Prior to placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and*
 - b. *To make it possible for a child to safely return to the child's home (see Practice Guidance: Reasonable Efforts to Prevent Removal and/or Safely Reunify the Child and Family)*

NOTE: Make "active efforts" to preserve and reunify Indian children with their families. (see policy [1.6 Administration: Indian Child Welfare Act \(ICWA\)/Transfer of a child to a Tribal Agency](#)).

2. *Make the child's health and safety the paramount concern in determining reasonable efforts to be made with respect to a child.*
3. *Not be required to make reasonable efforts to prevent removal or permit return to the home with respect to a parent of a child if a court of competent jurisdiction has determined that a parent of an alleged dependent child has:*
 - a. *Subjected the child to aggravated circumstances defined in state law as the following:*
 - i. Abandoned a child;
 - ii. Aided or abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of another child of such parent;
 - iii. Subjected a child or his or her sibling to torture, chronic abuse, sexual abuse, or sexual exploitation;
 - iv. Committed the murder or voluntary manslaughter of his or her child's other parent or has been convicted of aiding or abetting, attempting, conspiring, or soliciting the murder or voluntary manslaughter of his or her child's other parent;
 - v. Committed the murder or voluntary manslaughter of another child of such parent;
 - vi. Committed an assault that resulted in serious bodily injury to his or her child or another child of such parent; or

- vii. Caused his child to be conceived as a result of having nonconsensual sexual intercourse with the mother of his child or when the mother is less than ten years of age.
- b. *Been convicted of:*
 - i. *Murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) or murder in the second degree of another child of the parent;*
 - ii. *Voluntary manslaughter (which would have been an offense under section 1112 (a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;*
 - iii. *Aiding or abetting, attempting, conspiring, or soliciting to commit murder or voluntary manslaughter of another child of the parent; or*
 - iv. *A felony assault that results in serious bodily injury to the child or another child of the parent;*
 - v. *Rape, sodomy, aggravated sodomy, child molestation, aggravated child molestation, incest, sexual battery, aggravated sexual battery of the alleged dependent child or another child of the parent; or*
- c. *Had their parental rights with respect to a sibling involuntarily terminated and the circumstances leading to such termination of parental rights to that sibling have not been resolved; or*
- d. *Committed sexual abuse against the surviving child or another child of the parent; or*
- e. *Been required to register with the sex offender registry under section 113 (a) of the Adam Walsh Child Protection and Safety Act of 2006 and preservation of a parent-child relationship is not in the alleged dependent child's best interest (see Practice Guidance: Reasonable Efforts to Reunify Family are Not Required).*
- 4. *Obtain a judicial determination that reasonable efforts to prevent a child's removal from the home were made or were not required no later than 60 days from the date the child is removed from the home.*
- 5. *Ensure that a reasonable efforts determination is made even during emergency removals. When child safety precludes efforts to prevent removal, the court must still make a judicial determination regarding reasonable efforts. After considering whether appropriate services were or should have been provided, the court may determine that it was reasonable for the agency to make no effort to provide services to prevent removal in light of exigent circumstances discovered through the assessment of the family, such as the safety or protection of the child.*

NOTE: *If the court does not find that reasonable efforts were made to prevent the removal as specified above or that reasonable efforts were not required, within 60 days of removal, the child is not eligible under the Title IV-E foster care maintenance payments program for the duration of the foster care episode (see Practice Guidance: Reasonable Efforts and Eligibility for Title IV-E Funding).*
- 6. When appropriate, demonstrate by clear and convincing evidence, that a plan of reunification is not appropriate considering the child's health and safety and need for permanence in a non-reunification hearing held no later than 30 days after a case plan is filed that does not include a plan for reunification services.
 - a. The court shall make a presumption that reunification services would be

detrimental to the child and should not be provided if the court finds, as established by clear and convincing evidence, that:

- i. The parent, guardian or legal custodian has unjustifiably failed to comply with a previously court-ordered plan designed to reunite the family; or
- ii. The child has been removed from the home on at least two previous occasions and reunification services were made available on those occasions;
- iii. Any of the grounds for terminating parental rights (TPR) exist (see policy **17.11 Legal: Termination of Parental Rights (TPR)**) and/or
- iv. Any of the circumstances set out in Requirement 3 (O.C.G.A. Section 15-11-203) that eliminate the requirement to make reasonable efforts to reunify.

NOTE: DFCS has the burden to prove, and should request that the court find, by clear and convincing evidence that a reunification case plan is not appropriate considering the health and safety of the child and the child's need for permanence.

7. Request that the court approve an alternative permanency plan when a judicial determination is made that continuing reunification services would be detrimental to the child and reasonable efforts to reunify are not required. (policy **10.22 Foster Care: Permanency Planning**).
8. *Make reasonable efforts 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, when a court of competent jurisdiction has determined that reasonable efforts to reunify are not required.*
9. Have the burden of demonstrating that reasonable efforts have been made at each stage of the dependency proceeding. When determining whether reasonable efforts have been made the court will consider whether services to the child and family are:
 - a. Relevant to the safety and protection of the child
 - b. Adequate to meet the needs of the child and family
 - c. Culturally and linguistically appropriate
 - d. Available and accessible
 - e. Consistent and timely
 - f. Realistic under the circumstances
10. *Make reasonable efforts to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the state documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless DFCS documents that frequent visitation or other ongoing interaction would be contrary to the safety and well-being of any of the siblings.*
11. *Obtain a judicial determination that it has made reasonable efforts to finalize the permanency plan that is in effect within 12 months of the date the child is considered to have entered foster care and at least once every 12 months thereafter while the child is in foster care. Permanency plans include reunification, adoption, legal guardianship, placement with a fit and willing relative, or placement in another planned permanent living arrangement.*

NOTE: Non-Reunification is not a permanency plan and should not be included in a case plan unless it is done so in conjunction with a permanency plan of permanent guardianship. Permanent placement with a fit and willing relative is not a permanent

placement option in Georgia unless as part of another planned permanent living arrangement. (see Practice Guidance in policy [17.1 Legal: The Juvenile Court Process](#))

- a. *If such a judicial determination regarding reasonable efforts to finalize a permanency plan is not made, the child becomes ineligible under Title IV-E from the end of the 12th month following the date of the child's removal or the end of the 12th month following the month in which the most recent judicial determination of reasonable efforts to finalize the permanency plan was made and remains ineligible until such a judicial determination is made.*
 - b. *If the court finds that the child has been living in a stable home environment with his or her current caregivers for the past 12 months and that removal of the child from such caregivers would be detrimental to the child's emotional well-being, the court may presume that continuation of the child's placement with his or her current caregivers is in the child's best interests and shall enter a finding that a change of placement is a failure by DFCS to make reasonable efforts to finalize the permanency plan which is in effect at the time of the hearing.*
12. *Conduct a comprehensive diligent search for absent parents, relatives, and those who have demonstrated an ongoing commitment to the child and who can be considered placement resources while the child is in foster care. (See policy [19.20 Case Management: Diligent Search](#))*
- NOTE:** In determining whether reasonable efforts have been made to finalize an alternative permanent home for a child adjudicated dependent, the court shall also consider whether DFCS has completed the diligent search required by subsection (e) of Code Section 15-11-211 and has provided notice to persons identified in such diligent search as required by subsection (c) of Code Section 15-11-211
13. *Reasonable efforts to finalize an alternative permanency plan may be made concurrently with reasonable efforts to reunify child and family.*
- NOTE:** When the court approves a concurrent case plan where permanency goals include both reunification and permanent placement away from the parent, guardian, or legal custodian of a child adjudicated as a dependent child, DFCS shall make reasonable efforts on both plans as the court's review of reasonable efforts shall include efforts under both plans. (See policy [10.22 Foster Care: Permanency Planning](#))
14. *Make reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-state/tribal Service area and out-of-state/Tribal service area placements. Such efforts may be made concurrently with reasonable efforts to reunify the child and family.*
15. *In order to support title IV-E eligibility, obtain explicitly documented judicial determinations that reasonable efforts were made to prevent removal or permit return to the home or that reasonable efforts were not required within 60 days of removal and that reasonable efforts were made to finalize the permanency plan within 12 months of the time the child is considered to have entered foster care and at least every twelve months thereafter.*
- a. *If the reasonable efforts judicial determinations are not included as required in the court orders a transcript of the court proceedings is the only other documentation that will be accepted to verify that these required determinations have been made.*
 - b. *Neither affidavits nor nunc pro tunc (or amended) orders will be accepted as verification documentation in support of reasonable efforts and contrary to the welfare judicial determinations.*

- c. *Court orders that reference State or Tribal law to substantiate judicial determinations are not acceptable, even if such law provides that a removal must be based on a judicial determination that remaining in the home would be contrary to the child's welfare or that removal can only be ordered after reasonable efforts have been made (see Practice Guidance: Judicial Determinations in Court Orders).*
16. Demonstrate the following to the court:
- a. When seeking the authorization for removal:
 - i. All reasonable efforts that were made prior to this request for removal.
 - ii. That reasonable consideration has been given to placing the child with persons with whom the child has an existing bond or attachment that can ensure the safety of the child in order to prevent or reduce the trauma of removal and placement in protective custody.
NOTE: Prior to authorizing removal, the court will consider whether there are reasonable temporary alternatives to removal of the child and placement of the child in foster care and may order temporary alternatives to foster care in lieu of removing the child and placing the child in protective custody or continuing the child in protective custody (See policy **22.10 Kinship: Temporary Alternatives to Foster Care**)
 - b. At the preliminary protective hearing:
 - i. It has made reasonable efforts to prevent removal and placement of the child in foster care;
 - ii. There are no appropriate services or reasonable efforts which would allow the child to remain safely in the home given the circumstances of the child and family at the time of removal, so the absence of efforts was justifiable; or
 - iii. Reasonable efforts to prevent placement in foster care are not required and why.
 - c. At the adjudication hearing:
 - i. It has made reasonable efforts to eliminate the need for removal of the child from his/her home and to reunify the child with his/her family at the earliest possible time; or
 - ii. Reasonable efforts to prevent placement and reunify the child are not required and why.
 - d. At all other hearings:
 - i. It has made reasonable efforts to eliminate the need for removal of the child from his/her home and to reunify the child with his/her family at the earliest possible time; or
 - ii. Reasonable efforts to prevent placement and reunify the child are not required and why; and
 - iii. It has made reasonable efforts to finalize an alternate permanency plan for the child.
17. Review each court order to ensure it contains an explicitly documented judicial determination that reasonable efforts were made to prevent removal or permit return to the home, to finalize the permanency plan, or that reasonable efforts were not required.
18. Document the following in Georgia SHINES:
- a. Reasonable efforts made to prevent removal and reunify a child with his/her family.
 - b. When reasonable efforts to prevent removal and reunify the child are not required.
 - c. Reasonable efforts made to finalize the alternate permanency plan.
 - d. Upload each dependency court order in external documentation.

- e. Notify Revenue Maximization (Rev Max) that a new court order has been uploaded.

PROCEDURES

The Social Services Case Manager (SSCM) will:

1. Assess threats to child safety and well-being and engage the family in a consensus on how to resolve those threats (see policies [19.11 Case Management: Safety Assessment](#); [19.13 Case Management: Family Functioning Assessment](#); [10.10 Foster Care: Comprehensive Child and Family Assessment](#)).
2. Determine if services, community resources, and/or positive family supports put in place would help the family protect the children by mitigating or resolving safety threats to a point where children can be maintained in the home safely.
3. Identify and engage non-custodial parents, relatives, fictive kin, formal and informal supports, and other persons who have demonstrated an ongoing commitment to the child and family who may provide support to the family (see Practice Guidance: Engaging Fathers).
 - a. Utilize genograms as a strategy to identify the family's support system (see policy [19.19 Case Management: Genograms](#)).
 - b. Conduct a diligent search for relatives and fictive kin in accordance with policy [19.20 Case Management: Diligent Search](#).
4. Explore the use of in home or out of home safety plans to prevent foster care placement (see policies [19.12 Safety Plan and Management](#); [22.01 Kinship: Use of Voluntary Kinship Caregivers in Child Protective Services](#) and [22.10 Kinship: Temporary Alternatives to Foster Care](#)).
5. Identify and clearly communicate the specific conditions for return that must be present for the child placed out of the home to return safely to the home (see Practice Guidance: Conditions for Return) including:
 - a. The reason(s) the child cannot be maintained safely in the home
 - b. The tasks that would need to be completed to achieve the behavior change desired and the specific timeframes for achieving each task.
6. Use available tools and resources including the Family Team Meeting (FTM), Case Consultation, Roundtables, Pre-removal Staffings, and Pre Teams to develop strategies to reduce or eliminate risk of harm to reasonably prevent removal, reunify the family, or finalize the permanency plan, where applicable (see policy [19.3 Case Management: Solution Focused Family Team Meeting](#); [19.5 Case Management: Case Consultation](#)).
7. Collaborate with the caregivers to develop a case plan for individualized services that describe the behavior change necessary to allow the child to remain safely in the home, return safely to the home, or achieve other permanency (see policy [8.3 Family Preservation Services: Case Planning](#); policy [10.23 Foster Care: Case Planning](#)).
8. Identify providers and community resources and make referrals for individualized services based on the urgency of the circumstances or upon identification of the need for services (see policy [19.17 Case Management: Service Provision](#)).
 - a. Consider using natural helpers (informal networks of those non-professionals who provide assistance and support to families when they are in trouble and may include relatives, friends, and neighbors) to support caregivers in achieving the behavioral change desired.
 - b. When financial concerns threaten safety and family stability, engage the Office of Family Independence (OFI) to provide additional supports. (OFI encompasses all

eligibility programs including Supplemental Nutritional Assistance Program (SNAP, formerly referred to as Food Stamps), Temporary Assistance to Needy Families (TANF), Family Medicaid, Aged Blind and Disabled Medicaid (ABD)).

NOTE: No child in Georgia should be placed into foster care solely due to temporary financial problems in the family

- c. Work in partnership with the family and service providers to promptly address barriers to services such as transportation issues, waitlists, unavailability, or funding problems.
 - d. Ensure identified services are relevant, necessary, timely, accessible, available and culturally appropriate.
 - i. When addressing the relevance and necessity of services, confirm the offered services address the specific threat to child safety that must be reduced or eliminated to allow the child to remain in or return safely to the home.
 - ii. Ensure meaningful and equal access, including reasonable accommodations, to services for any individual with a disability in accordance with policy [1.5 Administration: Americans with Disabilities Act \(ADA\)/ Section 504 and Reasonable Modifications](#).
- NOTE:** DFCS must ensure that its service providers agree to comply with the provisions of the ADA when providing services on behalf of DFCS.
9. Encourage, facilitate, and monitor the family's participation in services and the effectiveness of the services as it relates to individual and family level outcomes and family functioning, adjusting services as necessary to address the specific needs of the family that threaten child safety (see policies [5.2 Investigations: Purposeful Contacts During an Investigations](#), [8.2 Family Preservation Services: Purposeful Contacts with Families Receiving Family Preservation Services](#); and [10.18 Foster Care: Purposeful Contacts in Foster Care](#); policy [19.16 Case Management: Collateral Contacts](#)).
 10. As often as necessary, but at a minimum on a monthly basis, consult with Social Services Supervisor (SSS) for support in identifying the best practices to make reasonable efforts to prevent removal or finalize the permanency plan or resolve any barriers to reasonable efforts (see policy [19.6 Case Management: Supervisor Staffing](#))
 11. Document in Georgia SHINES, all reasonable efforts made or the lack of opportunity to provide reasonable efforts due to an immediate threat of harm to the child within 72 hours of each activity.
 12. Staff with the SSS and Special Assistant Attorney General (SAAG) in order to demonstrate to the court that reasonable efforts were made, were not required, or would not have allowed the child to remain safely in the home given the particular circumstances.
 13. Review the resulting court order from every hearing to ensure reasonable efforts are explicitly documented within (see policy [17.3 Legal: Court Orders and Placement Authority](#); and Practice Guidance: Judicial Determinations in Court Orders).
 - a. If the finding of reasonable efforts in the court's written order does not properly reflect the court's verbal order the SSCM will notify the SSS and SAAG immediately.
 - b. Upload the court order and document, in Georgia SHINES, the court's finding of reasonable efforts as recorded in the court order after any court hearing within 72 hours of receipt.
 - c.** Notify the Revenue Maximization (Rev Max) Specialist via the Notification of Change (NOC) in Georgia SHINES when the received court order has been uploaded.

14. Make a request to the SAAG to schedule a hearing at the earliest possible opportunity following any judicial determination that reasonable efforts were not made to finalize the permanency plan. At this hearing, the SSCM will demonstrate how reasonable efforts have been made to cure the previous finding.

To prevent unnecessary removal, the SSCM will:

1. Initiate a Pre-Removal Staffing or Pre Team prior to making any decision to remove a child from their home unless a present danger situation is indicated, as determined by the safety assessment, and there is no means to control the immediate safety threat (see policy [19.11 Case Management: Safety Assessment](#)).
2. Engage the caregiver's family and service providers in developing a family plan aimed at identifying threats to child safety, desired behavior change, and outcomes in accordance with policy [8.3 Family Preservation Services: Case Planning](#). This includes assisting the family in targeting everyday challenges with plans to prevent, interrupt, and escape high risk situations that lead to unwanted behaviors or conditions.
3. If the child cannot remain safely in the home, prioritize use of an out-of-home safety plan using a kinship caregiver, to prevent foster care placement, when appropriate (see policies [19.12 Case Management: Safety Planning and Management](#); [22.01 Kinship: Use of Voluntary Kinship Caregivers in Child Protective Services](#) and [22.10 Kinship: Temporary Alternatives to Foster Care](#)).
4. Consider using court intervention in the form of Protective Orders to prevent unnecessary removals when voluntary service provision is insufficient to control or mitigate the identified safety threat (see Practice Guidance: Use of Protective Orders).

To reunify the family, the SSCM will:

1. Jointly develop an appropriate written case plan and action plans with the family that clearly identify the behavior change that must occur to enable the safe return of the child to his/her home. Include specific tasks, services, expected outcomes and their projected dates of completion (see policy [10.23 Foster Care: Case Planning and Practice Guidance: Case Plan](#)).
2. Develop and implement appropriate parent/child visitation, giving consideration to the age and developmental stage of the child, and parenting opportunities when planning the location, time of day, and frequency of visitation (see Practice Guidance: Visitation).
3. Place siblings together in the same foster home at the time of initial placement unless placing them together is contrary to their safety and wellbeing. Place siblings unable to be placed together in close proximity to each other to increase opportunities for contact. If not placed together, ensure frequent and meaningful visitation or other ongoing interaction between them (see policy [10.20 Foster Care: Preserving Sibling Connections](#)).
4. Prioritize placement with kinship caregivers (see policy [22.2 Use of Kinship Caregivers in Foster Care](#)).
5. Assist foster parents in developing mentorship relationships with parents as they work towards reunification, when appropriate.
6. Engage the child and family in regular purposeful contacts in accordance with their identified needs to review or modify action plans, document task completion, support, and celebrate the family (see policy [10.18 Foster Care: Purposeful Contacts in Foster Care](#)).
7. Present evidence to the court outlining the reasonable efforts made to eliminate the

need for protective custody and return child safely to the home.

8. In conjunction with the SSS, seek consultation on reunification cases with the SAAG to determine what services could eliminate the need for protective custody and/or whether trial home visits or aftercare services would allow the safe return of the child to his/her family home (see policy [10.25 Foster Care: Trial Home Visit](#) and [10.27 Foster Care: After Care](#)).

To finalize the permanent placement of a child, the SSCM will:

1. Implement concurrent planning if it is determined to be in the best interest of the child.
2. Ensure fidelity to the permanency goal(s) of any court-ordered case plan. Make reasonable efforts on both the primary and alternative permanency goals of a concurrent plan (see policy [10.22 Foster Care: Permanency Planning](#)).
3. Make good faith efforts to achieve timely permanency by ensuring that permanency hearings are timely held; petitions to terminate parental rights are timely filed (see policy [17.11 Legal: Termination of Parental Rights](#)); and reasonable efforts are made to timely place children in permanent placements.
4. Make reasonable efforts to locate permanent homes for the child including:
 - a. Ensuring that diligent efforts for kin and others with an ongoing commitment to the child are completed from the beginning and throughout the life of the case.
 - b. Timely identifying and communicating financial and non-financial supports and approval processes to relative/kin caregivers (policy [22.8 Foster Care: Financial and Non-Financial Supports for Children in Foster Care or Who Have Achieved Permanency](#)).
 - c. Ensuring timely assessments of kin caregivers for the placement/permanency of the child (see policy [22.3 Kinship: Kinship Assessment](#) and [22.4 Kinship: Kinship Family Evaluation](#)).
5. Make child-specific recruitment efforts to find adoptive homes for children, including timely adoption studies of both child and potential adoptive family, and the prompt pursuit of adoption assistance funds for special needs children (see policies [11.7 Adoption: Child Specific Recruitment Efforts](#) and [12.2 Adoption Assistance: Adoption Assistance Application](#)).
6. Make timely effective steps to complete the adoption or permanent guardianship process and thereby finalize the permanency plan (see policies [10.22 Foster Care: Permanency Planning](#) and [11.4: Adoptions: Finalizing the Adoption](#)).
7. In conjunction with the SSS, seek consultation from the SAAG to prepare for courtroom testimony on reasonable efforts (see policy [17.1 Legal: Juvenile Court Process](#) and [19.6 Case Management: Supervisor Staffing](#)).
8. Present evidence to the court outlining the reasonable efforts made to finalize permanency plan and, if indicated, why continued protective custody is in the best interests of the child.
9. Review resulting court order upon receipt, to ensure reasonable efforts are explicitly documented within (see policy [17.3 Legal: Court Orders and Placement Authority](#)).

The SSS will:

1. Provide guidance to the SSCM regarding how the safety of the child can be addressed with services.
2. Discuss what behavioral change of the caregiver would be required to enable the child to remain in or return safely to the home.

3. Determine with SSCM if an out-of-home safety plan using a kinship caregiver, is the appropriate to prevent foster care placement, or for the foster care placement if the child must enter foster care.
4. Approve the safety plan or case plan for the family.
5. In conjunction with SSCM, initiate a pre-removal staffing if removal is being considered. If the pre-removal staffing decision is removal, initiate a Pre Team.
6. Provide guidance and oversight to SSCM throughout case management to determine appropriateness of services and engagement of collaterals.
7. Assist the SSCM in strategizing how to overcome any barriers to service provision.
8. Provide timely approval on of decisions regarding reunification or finalizing any other permanency plan.
9. Ensure SSCM is prepared to participate in FTMs, Citizen Panel Reviews, and provide courtroom testimony.
10. Review all court orders, upon receipt, and ensure reasonable efforts are explicitly documented therein. Promptly consult with the SAAG regarding any inaccuracies within the order.
11. Ensure court orders are uploaded to Georgia SHINES external documentation
12. Verify that The NOC is sent to Rev Max notifying them of uploaded court orders.
13. Assist the SSCM in contacting the SAAG when a court order does not meet the reasonable efforts language or case specific requirements.

PRACTICE GUIDANCE

Reasonable Efforts and Eligibility for Title IV-E Funding

For DFCS to be eligible for title IV-E funding reimbursement for foster care maintenance payments, a judicial determination must be obtained within 60 days of removal that “reasonable efforts to prevent removal” were made. If the finding is not made within 60 days of the child’s removal, the child is not eligible for IV-E foster care maintenance payments for the duration of the child’s stay in foster care. It is recommended that the finding be obtained in the earliest possible order (i.e., the removal order or the order as a result of the preliminary protective hearing). In emergency situations, the judge may find to the effect that it is “reasonable to make no efforts to maintain the child in the home” or “reasonable efforts to prevent removal were not appropriate or in the best interest of the child.”

For continuing eligibility for title IV-E funding, at the court hearings following removal, the juvenile court judge must find that reasonable efforts to finalize the permanency plan were made. This finding is treated differently than the first reasonable efforts finding made within 60 days of removal. Here, if a judge finds that no reasonable efforts were made to finalize the permanency plan, this finding can be cured. To cure, the court must make a finding that DFCS is now making reasonable efforts to finalize the permanency plan. Until the finding of no reasonable efforts is cured by a new finding of reasonable efforts, DFCS will be unable to obtain title IV-E funding reimbursement.

Judicial Determinations in Court Orders

The judicial determinations regarding reasonable efforts to prevent removal, and to finalize the permanency plan in effect, including judicial determinations that reasonable efforts are not required, must be explicitly documented and must be made on a case-by-case basis and so stated in the court order.

NOTE: If the court makes a finding of no reasonable efforts the SAAG may request the court make a specific finding of fact to make a record of the circumstances supporting the finding. The court's order may enumerate the specific facts of the case or may reference the facts in such documents as the petition, court report, case plan, comprehensive child and family assessment (CCFA), etc.

If the judicial determination is not explicitly stated in the order as required, a transcript of the court proceedings is the only other documentation that will be accepted to verify that these required determinations have been made. (See Requirement 15)

Reasonable Efforts to Prevent Removal

DFCS shall make reasonable efforts to prevent the unnecessary removal of children. The Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) requires that support services be provided to families to strengthen and support them in their ability to provide for the safety and care of their children. When a child first comes to the attention of DFCS as a potentially abused child, and it appears that the child may have to be removed for his/her safety, the SSCM should determine, before removing the child, whether there is any assistance, in the form of financial assistance, services, or social support services, that would likely allow the child to remain safely at home. If so, DFCS should either provide the assistance or meet a substantial burden of justifying why it cannot do so.

Further, if the child must be removed, DFCS must be prepared to present sufficient evidence of all prior agency contact with the family to determine if the DFCS' involvement with the family and prior services were reasonable efforts to prevent the current removal.

Reasonable Efforts to Safely Reunify the Child and Family

Should removal be necessary because of safety threats, a judicial determination is required by the court as to whether reasonable efforts were made by DFCS to prevent the removal of the child. Once the child is in foster care, the court must decide that "reasonable efforts are being made to safely reunify the child and family unless reasonable efforts were not required. For the court to make a "reasonable efforts to reunify" finding, the case plan for reunification (see policy [10.23 Foster Care: Case Planning](#)) must provide a description of the specific actions and services required of the parent(s), guardian or legal custodian and DFCS in order for the child to be safely returned. Such judicial findings at each stage of juvenile court proceedings, clarify what services were offered and provided to the caregivers and their outcome. Later, should termination of parental rights be pursued, then such findings may be used as evidence.

Early Efforts

The early stages of a dependency case can be the most critical. The initial and early efforts to preserve a family should be executed with a sense of urgency. While the law requires objectively reasonable efforts, diligently assessing, engaging, and supporting the preservation of a family may easily take on the appearance of "active efforts" (see policy 1.6 Administration: Indian Child Welfare Act). Once a specific safety threat is identified, the services to elicit the behavior change that would allow the child to remain safely in the home must be initiated. It is essential, in the early stages, to connect the family with appropriate services and resources that address their specific needs. The services must be specific to the family situation and be accessible and available. Commitment to this critical work in the early stages of the work with a family can mean the difference between a child's removal or remaining in the home. Caregivers may initially struggle with identifying supports or setting and keeping appointments for services. Therefore, the extra support by the SSCM early on can make a crucial difference.

At some point, caregivers will have to demonstrate a commitment and capacity to participate in services independently, but this is often not in the early stages of a case. It is helpful for the SSCM to proactively assist parents in the early stages of a case, matching parents with appropriate providers, engaging and supporting families, identifying gaps in service provision, and ensuring available community resources and positives supports are in place.

Trauma

Identification of the underlying causes for behaviors known to inhibit the protective capacities of caregivers or to create safety threats to a child is a crucial aspect of early assessment of children and families. Oftentimes families present to DFCS with complex trauma histories. There can be multiple contributing factors to the presenting safety threat. To truly serve a family attention must be given to identification of these underlying causes. Early comprehensive assessment of trauma histories can avoid services addressing symptoms and not root issues, and lead to a more appropriate selection of services to address the challenges faced by the family.

Conditions for Return

The decision to reunify a child with the family from whom he/she was removed is approached as a safety intervention decision. It requires careful consideration of the safety concerns and the diminished caregiver protective capacity that existed at the time of removal. Reunification decisions must be based on the determination that there has been sufficient change related to caregiver behavior or other necessary changes in circumstances to allow the child to be safely returned home. Conditions for return describe what must exist or be different with respect to specific family circumstances, home environment, caregiver perception, behavior, capacity, and/or safety service resources that would allow for reunification with the use of the in-home safety plan. Without these, protective custody of the child is necessary. It is essential that DFCS only recommend reunifying a child with the caregiver when his/her protective capacity has been sufficiently enhanced and the safety threat can be controlled with the use of an in-home safety plan, or the safety threat has been eliminated and the caregiver has developed sufficient protective capacity. To properly identify the conditions of return for a child and family, a thorough assessment of the safety concerns existing in the home must occur. Critical attention should be given to child vulnerability and the caregiver's awareness of the safety concern, attitude, and protective capacity. Consultation with the SSS regarding the reunification decision should precede any recommendation for reunification. If the court has approved a reunification case plan, the conditions for return should be shared with the court during the case review process and must be discussed during each court hearing when discussing progress on the reunification case plan. The court must approve the child's return home if a court ordered removal.

Kinship

DFCS has kin 1st philosophy and prioritizes placement with kin caregivers, when possible, to safely prevent their unnecessary entry into foster care or to reduce the trauma of their experience in foster care after removal. Research shows that kinship care is best if children cannot live with their own parents. Kin placements should be given priority and first consideration when safe and appropriate for a child. Appropriate kinship placements allow the opportunity to strengthen the entire family structure while making reasonable efforts as required by law. Children benefit from remaining in their same community, being placed with siblings, maintaining connection with cultural identity, experiencing less trauma than living with

strangers, and having consistent contact with their birth parents. Children placed with kin have greater placement stability and experience fewer moves.

Reasonable Efforts to Reunify Family are Not Required

Some circumstances or conditions do not require DFCS to reunify families. However, the court must make a judicial determination based on clear and convincing evidence following submission of a case plan to the court recommending that reunification services are not appropriate. Such reasons, specified in both Federal and State law, are considered potentially harmful to the child's health and safety. A hearing is held within 30 days of the filing of a Non-Reunification Case Plan (see policy [10.23 Foster Care: Case Planning](#)). At such hearing, the court determines whether reunification services will be detrimental to the child or not required [by law](#), and enters a finding to that effect. As with all hearings and reviews, the court is informed as to whether and when DFCS intends to proceed with TPR. The court also holds a permanency hearing, at this time, to consider the proposed permanency plan and the steps to be taken to finalize the permanent placement of the child (see policy [17.1 Legal: The Juvenile Court Process](#)). Once the court determines that reunification services are no longer required, the court requires that reasonable efforts be made to finalize an alternative permanency plan. Non-reunification is not a permanency plan. If a court has granted non-reunification, it must also order an alternative permanency plan.

NOTE: Non-Reunification is not a permanency plan and should not be included in a case plan unless it is done so in conjunction with a permanency plan of permanent guardianship.

Case Planning

Federal and state law require the creation of a case plan that outlines the family's issues requiring state intervention and the services being offered to address and remedy those specific issues (see policy [10.23 Foster Care: Case Planning](#)). Case planning is closely connected to the legal requirements of reasonable efforts. The identified needs and service provision plan of the court ordered case plan and jointly developed action plans should support a judicial determination that reasonable efforts were made to reunify the family or finalize an alternate permanency plan (see policy [19.14 Case Management: Action Planning](#)).

A reunification plan must be appropriate for each family and must be based on the unique facts relating to that family. Services in the case plan should be individualized to the parent or caregiver and the underlying causes of the safety concern (i.e. trauma history, untreated mental illness, lack of parenting education, etc.) in order to efficiently reunify the family or otherwise finalize the permanency plan. Outcomes should reflect the family's current stage of change in order to best ensure that reasonable efforts are made to assist families with achieving change.

- (1) To ensure permanency for children in out-of-home care, the achievement of change must occur within certain time frames established by law
- (2) The SSCM will continually assess the child and family to evaluate family change and progress and to document caregiver protective capacities and child needs.
- (3) The case will be terminated when the parents/caregivers have achieved sufficient change in caregiver protective capacities so that the child can achieve permanency.

Use of Protective Orders

Use of protective orders can be one way DFCS makes reasonable efforts to prevent removal or reunify a family. Where appropriate, protective orders may be used to effectively restrain identified parental behaviors thereby eliminating the need for removal. Protective orders may

also facilitate safe reunification between children who have been removed with parents who have controlled or mitigated the identified safety threat with effective service provision.

Prior to removal, DFCS is required to make reasonable efforts to preserve the family. This can be done through timely assessments and implementation of appropriate in-home or community-based services. It may be determined that the voluntary nature of DFCS offered services is insufficient to control or mitigate the identified safety threat. The juvenile court's issuance of a protective order may then be an effective involuntary means to prevent removal. A court may allow the child to remain in the home of the caregiver by granting a protective order to control the behavior of the caregiver; while the family receives Family Preservation Services, with an in-home safety plan.

A protective order can also be used when a caregiver whose child is in foster care has substantially completed case plan goals, but the court finds that it has not been given enough evidence of expected outcomes from the court ordered case plan. If the child returns to the home of a caregiver with a protective order to control the safety threats, DFCS must develop and implement an in-home safety plan with the parent(s)/caregiver(s) (see [policy 19.12 Case Management: Safety Plan & Management](#)). This in-home safety plan developed by DFCS may remain in effect for as long as necessary during DFCS involvement with the family provided that the safety intervention sufficiently controls or mitigates the identified safety threat with the child in the home. SSCMs can recommend detailed and specific conditions of return for a protective order to have evidence to show the court that parents are making progress on all outcomes.

Visitation

Visitation is one of the most essential reasonable efforts to reunify families. Research shows that visitation is a significant contributing factor to reunification. Conditions, location, frequency, duration, and terms of visitation that are consistent with the age and developmental needs of the child are the primary consideration for effectuating an appropriate visitation plan. Regular visitation provides both parent and child the opportunity to maintain their bond, provides parent and child with a guarantee of continued contact and an understanding of their responsibilities in maintaining that contact. Visits should also be used to involve a parent in child-focused activities such as a child's medical appointments, meetings with a child's teachers, or family therapy. For young children, whenever possible, visits should provide parents the opportunity for hands-on care of the child such as feeding, bathing, or putting the child to bed.

Engaging Fathers

Paternal engagement is a critical factor in strengthening families. SSCM should promote meaningful father engagement regardless of the father's physical location or custodial participation. Failure to engage fathers and paternal relatives is a failure to exercise reasonable efforts to reunify a family or finalize an alternative permanency plan. From the beginning of DFCS involvement there should be a commitment to identifying relatives and fictive kin from both the maternal and paternal sides of the family. Just as mothers are interviewed regarding potential relative placement resources, so should fathers (putative or legal) be interviewed to identify their family members. It is important that the DFCS Case Manager fully consider the family of the putative father to exercise reasonable efforts. Reasonable efforts should be made to identify and engage paternal family as soon as possible. Then case work must be coordinated to promote and sustain the meaningful engagement of fathers. To enhance

paternal involvement in child welfare cases and better serve children and families:

- Mitigate known barriers to father engagement
- Create a culture of engagement
- Invite, support, and reward positive paternal involvement and
- Avoid tactics of fear, sanction, and intimidation that create reticence for fathers looking to come forward and claim paternity or engage with the child welfare system

Studies show that paternal involvement can impact family stability and well-being. The financial contribution of fathers can improve their children's health and development. Quality father-child interactions can increase feelings of emotional security in children
(Source: ACF Log No: ACF-ACF-IM-18-01 October 17, 2018)

Placing Siblings Together

Reasonable efforts shall be made to place siblings removed from their home in the same placement. Exceptions will be considered if a clear and convincing rationale is documented and approved that demonstrates that such a joint placement would be contrary to the safety or well-being of any of the siblings. This rationale must include reference to and copies of evaluations by professionals and documentation of siblings' preferences, if age appropriate. Should siblings be separated, reasonable efforts shall be made to provide for frequent visitation or other ongoing interaction between the siblings, unless a clear and convincing rationale is documented and approved that demonstrates that such contact would be contrary to the safety or well-being of any of the siblings.

Incarcerated Parents

One of the critical functions of DFCS is to strengthen families. It is not uncommon for parents of children involved in the child welfare system to be incarcerated. The incarceration of parents does not eliminate DFCS responsibility to engage them in permanency planning and exercise reasonable efforts. Incarcerated parents are often good sources of information regarding kin who can assist in child rearing in their absence. The rights of children with incarcerated parents require respect and diligence in coordinating appropriate resources or services. These children should have adequate opportunity to visit with their parents. The SSCM should communicate with the correctional facility to obtain information on the guidelines for visitation and services available to the parent within the facility upon incarceration of the parent. The SSCM is responsible for ensuring access to these parents for their substantive engagement. A team approach may be required to facilitate collaboration between DFCS and correctional facilities. Reasonable efforts to reunify families and finalize permanency plans involves engaging incarcerated parents in the following ways:

1. Efforts should be made to locate parents in the criminal justice system.
2. Preliminary assessment to determine appropriateness of child-parent contact.
3. Whenever possible, coordination with correctional facility service coordinator or social worker in case planning to ensure collaboration in the provision of services.
4. Regular contact with incarcerated parent.
5. Preparing child mentally and emotionally for in-person or technology-assisted visitation. At times, therapeutic services should be arranged to prepare child for visitation.
6. Preparing for parent to have initial or continuous contact with child by explaining their parental rights and responsibilities have not been terminated, identifying the types and frequency of the contact permitted. Parents may need assistance working through shame, isolation, fear, guilt, or depression.

7. Research must be conducted to be aware of correctional facility rules that may affect contact or visits.
8. Case planning with incarcerated parents.
9. Explaining to caregivers and non-incarcerated birth parents the importance of engaging the incarcerated parent.
10. Maintaining confidentiality of foster home, child's schools, and other information to protect the safety and security of the child, at all times.
11. Ensuring case plans, court reports, court orders, child's pictures and school or artwork are mailed to them as permitted by the facility rules.
12. Providing parent with contact information for their appointed dependency attorney.
13. Providing parent with dates of court hearings, FTM's, panel reviews for their participation via telephone or video conferencing or actual presence for court hearings.
14. Providing outcome updates of court hearings, if the parent cannot attend along with the next court date.

Domestic Violence

Domestic violence (also known as intimate partner violence) is any behavior purposed with overpowering and maintaining control over one's partner. It may be through physical violence, sexual abuse, psychological abuse, isolation, threats, intimidation, stalking, and/or economic abuse. These different forms of domestic violence can occur simultaneously in a relationship. Domestic violence happens among every age, race, sexual orientation, religion or gender. Data shows that domestic violence can occur among people of any education level or socioeconomic status. Anyone may be victim or perpetrator. Research shows that children may be threatened with injury or injured accidentally in homes where there is domestic violence. Domestic violence can be one factor among many in families involved with the DFCS. In cases involving domestic violence reasonable efforts should be made to eliminate the safety threat to the family to prevent removal where possible. Careful consideration should be given to the protective capacities of the non-offending caregiver and the specific vulnerabilities of their children. Exercising reasonable efforts to prevent removal of children should always prioritize child safety. Implementing a domestic violence safety plan may mitigate the safety threat, stop the abusive behavior, and allow the child to remain with the non-offending caregiver. Safety plans promote safety by planning ahead. Careful consideration should be given to how the violence occurs and the severity in determining if the safety threat can be controlled. Reasonable efforts should also address the trauma experienced by both caregiver and children. Services can be offered through community based domestic violence shelter or outreach services. See the Georgia DFCS: Intimate Partner Violence (Domestic Violence) Guideline and Protocol for effective safety plan strategies.

Mental Health

Oftentimes both children and adults involved with DFCS have experienced acute, chronic, or complex trauma. Many require mental health assessment and treatment. Mental health issues alone are not a basis for removal or continued protective custody. The mental illness must impair the parent's ability to keep their child safe. To exercise reasonable efforts to prevent removal, reunify families, or finalize an alternative permanency plan, collaboration between the DFCS and mental health professionals is vital to promote well-being and safety in children and families. Trauma-informed practices should be implemented to improve child and family wellbeing outcomes. Ensuring access to appropriate mental health treatment providers and evidence-based programs is an essential part of service provision. To best serve families

dealing with mental illness, the SSCM should facilitate timely assessment of presenting symptoms, determine what is needed to stabilize the family situation while facilitating engagement or re-engagement of the individual in treatment.

Parents may be dealing with co-occurring issues including depression, substance abuse, or past trauma. Once assessed, mental health providers can create a treatment plan designed for the individualized needs of the caregiver to help them gain the tools to safely parent their children. Children and youth may also have issues related to trauma, developmental delays, cognition, or emotional issues. Timely in-depth assessments followed by recommended treatment can have the greatest impact on a child or youth's functioning. SSCM should exercise reasonable efforts in cases presenting mental illness by being aware of the mental health diagnosis and the symptoms known to accompany the presence of the mental illness. Anticipating the symptoms of traumatic experience and other challenges that children and families bring with them when they become involved with DFCS, including the behavioral, social, and emotional impacts of maltreatment, is another means the SSCM may use to provide appropriate services to families.

Substance Abuse

Drug and alcohol (substance) addiction are diseases that can affect both the user and his or her family. Use of drugs or alcohol over long periods of time may change brain functioning. Treatment is often complex with no one-size fits all plan for recovery. The chronic disease of addiction is often characterized by periodic relapse. In most cases a short-term or one-time treatment is insufficient to treat the disease. Treatment may consist of both behavioral therapy as well as prescribed medications. Addiction to substances rarely stand alone and is known to co-occur with mental illness, health issues, family/social issues, and legal issues. Successful outcomes are correlated with appropriate treatment length and type.

Substance use/abuse alone is not a basis for removal or continued protective custody. An assessment of the impact of the substance use/abuse on the caregiver's ability to keep their child safe (protective capacity). When caregivers come to the attention of the DFCS due to issues of substance use/abuse, careful consideration should be given to caregiver acknowledgement of their problem with substances, willingness to address the problem through treatment, any impact on child safety and family functioning and ability of the caregiver and other family members to protect and meet the needs of children in the home.

To properly exercise reasonable efforts, these considerations must be made and a plan to prevent removal enacted through collaboration with substance use disorder treatment providers, family treatment courts, community-based programs, clinical treatments, Plans of Safe Care, and other community-based support. Consideration should also be given to placing children with their parents who are participating in residential substance abuse treatment when appropriate. To prevent removal, children may also be able to stay with a voluntary kin caregiver when the safety threat can be controlled within 90 days (see policies [22.1 Kinship: Use of Voluntary Kinship Caregivers in Child Protective Services](#) and [19.26 Case Management: Case Management Involving Caregiver Substance Use and Abuse](#)).

Reasonable Efforts for Parents with Other Children in Foster Care

When a parent with children already in foster care comes to the attention of the DFCS because of the safety of another child in their custody, reasonable efforts should be exercised to prevent

removal of a child from their home, unless a legal exception applies (see Requirements). This means that attention should be given to the presence of safety concerns and caregiver inability to care for the child. The presence of other children in foster care alone does not remove the legal requirement for reasonable efforts. Every reasonable effort to prevent unnecessary removal and preserve the family unit should be made. Specifically, in cases with substance use or mental illness that may have had significant involvement with DFCS, past lack of compliance or cooperation may not be deciding factors in the removal decision, unless a legal exception applies. (See Requirements 4 and 5).

Housing Insecurity

Many families suffer from chronic housing insecurity where they are unable to sustain a residence for a period. To exercise reasonable efforts to prevent removal, finalize a permanency plan of reunification, a thorough assessment of the reasons why the parent has been unable to sustain housing is critical to understanding any underlying concerns and how to address the issue. The housing insecurity could be related to a financial barrier. Note that poverty alone is not a basis for removal or continued protective custody. There must be a showing that the parent's ability to keep his or her child safe is impaired. Consider what caused the current situation, is it chronic, what financial supports, and resources are needed to help the family maintain/obtain housing. The housing insecurity could also be related to mental health, substance use, a criminal record or several other barriers. Any of these may interfere with a parent's ability to obtain and retain housing. The SSCM's work to assist the family in securing affordable and appropriate housing may be futile without attention given to providing relevant and specific services to the caregivers based on their needs and the underlying causes for the safety threat. Reasonable efforts should be made to identify and address these underlying causes for the housing insecurity in addition to actually identifying housing resources.

Culturally Competent Services

To provide culturally competent services to children and families there must first be an awareness of the family's culture. To exercise reasonable efforts in service provision, the SSCM should research the family's culture to gain a better understanding of their cultural norms and practices as soon as practicable. These research findings should be shared with service providers. When possible, connect the family with a community group of individuals from the same culture who have lived in the United States or Georgia area for some time so they may share experiences and serve as supports for one another. Ensure all offered services are culturally appropriate. If a child must be placed in a foster home, efforts should be made to find a foster family that speaks the child's language, that is already familiar with the child's culture or that is willing to learn the culture.

FORMS AND TOOLS

N/A