

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	Case Management	Effective Date:	TBD
	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)
 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
 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)

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 reasonable efforts necessary to finalize the permanent placement of the child in a timely manner in accordance with the permanency plan unless continuation of reasonable efforts is determined to be inconsistent with the permanency plan for the child, including, if appropriate, through an interstate placement.*
3. *Make the child's health and safety the paramount concern in determining reasonable efforts to be made with respect to a child.*
4. *Not be required to make reasonable efforts 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 (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse and sexual abuse)*
 - 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. *Aided or abetted, attempted, conspired, or solicited 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).*
5. Obtain, when appropriate, a judicial determination that the court made a "presumption" that it is reasonable for DFCS to make no efforts to reunify the child and family when:
- a. The parent, guardian or legal custodian has unjustifiably failed to comply with a previously court-ordered plan designed to reunite the family; or
 - b. The child has been removed from the home on at least two previous occasions and reunification services were made available on those occasions; and/or
 - c. Any of the grounds for terminating parental rights (TPR) exist (See Policy 17.11 Legal: Termination of Parental Rights (TPR)).
- NOTE:** When the court makes any of these presumptions, a finding should be entered to the effect that "reasonable efforts to reunify a child and family will be detrimental to the child and that reunification services, therefore, should not be provided or should be terminated."
6. *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.*
7. 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
8. *Obtain a judicial determination that reasonable efforts to prevent a child's removal from the home were made or were not required:*
- a. *No later than 60 days from the date the child is removed from the home.*
9. *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: *When the court finds that reasonable efforts were not made to prevent the removal as specified above, 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)*

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: 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 as placement resources while the child is in foster care. (See Policy 19.20 Case Management: Diligent Search)*
13. *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.*
14. *Obtain explicitly documented judicial determination in each court order regarding reasonable efforts to prevent removal, and reasonable efforts to finalize the permanency plan in effect, including judicial determinations that reasonable efforts are*

not required.

- 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 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)*

15. 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.
 - iii. **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 5.11 Investigations: Temporary Alternatives to Foster Care)
- b. At the preliminary protective hearing, DFCS shall demonstrate:
 - i. It has made reasonable efforts to prevent 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, DFCS shall demonstrate:
 - 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, DFCS shall demonstrate:
 - 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. It has made reasonable efforts to finalize an alternate permanency plan for the child; or
 - iii. Reasonable efforts to reunify the child with his/her family or finalize an alternate permanency plan were not required.

16. Document what reasonable efforts were made or why they were not required in Georgia SHINES case narratives.

17. Ensure each dependency court with a judicial determination of reasonable efforts is uploaded into Georgia SHINES.

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 Policy 4.2 Initial Safety Assessment: Conducting the Initial Safety Assessment; 19.13 Case Management: Family Functioning 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. Clearly identify the conditions for return that must be present for the child to return safely to the home. (See Practice Guidance: Conditions for Return)
4. Engage the family and their support system (family members, fictive kin, community providers, formal and informal supports, and others who have exhibited an ongoing commitment to the well-being of the child and family) in a Solution Focused Family Team Meeting to develop strategies to reduce or eliminate risk of harm to reasonably prevent removal, reunify the family, or finalize the permanency plan. (See Policy 19.3 Case Management: Solution Focused Family Team Meeting)
5. Jointly develop a safety plan or case plan for individualized services with the caregivers that describes 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; See Policy 19.17 Case Management: Service Provision).
6. Clearly describe to the caregiver in simple and specific terms:
 - 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.
7. Identify and engage non-custodial parents, relatives, fictive kin, and other persons who have demonstrated an ongoing commitment to the child as placement options or caregiver supports to avoid placement in foster care and to aid in reunification (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) to serve as placement options or caregiver supports.
 - b. Explore use of in home or out of home safety plans without the use of legal intervention (see Policy 5.6 Investigations: Kin Caregivers).
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.
 - 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)).
- c. Note: No child in Georgia should be placed into foster care only due to temporary financial problems in the family
 - d. Work in partnership with the family and service providers to promptly address barriers to services such as transportation issues, waitlists, unavailability, or funding problems (see policy 19.17 Case Management: Service Provision).
 - e. Ensure the 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 return safely to the home.
9. Conduct purposeful contacts with child and family in accordance with the identified needs of the family. (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).
10. Encourage, facilitate, and monitor the family's participation in services and the effectiveness of services as it relates to individual level outcomes, family level outcomes and family functioning- adjusting services as necessary to address the specific needs of the family that threaten child safety (See Policy 8.3 Family Preservation Services: Case Planning; Policy 19.14 Case Management: Action Planning)
- a. Identify relevant collateral contacts.
 - b. Engage the collateral contacts in discussion to gather information related to assessing allegations of maltreatment; verifying information provided by the parent, guardian, legal custodian, out-of-home caregivers, child or others; assessing child safety, assessing behavioral changes in the family; and key decision-making; etc. (See Policy 19.16 Case Management: Collateral Contacts)
11. As often as necessary, but at a minimum, on a monthly basis, consult with Social Services Supervisor (SSS) for supervisory support in identifying the best practices to make reasonable efforts or resolve barriers to reasonable efforts (See Policy 19.6 Case Management: Supervisor Staffing)
12. 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.
13. 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.

14. 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; See 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 (see Practice Guidance: Judicial Determination in Court Order).
 - 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.
15. 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 the Pre-Removal Staffing 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 preservation case plan and action plans aimed at identifying threats to child safety, desired behavior change, and outcomes.
3. Assist the family in targeting everyday challenges with plans to prevent, interrupt, and escape high risk situations that lead to unwanted behaviors or conditions (see policy 8.3 Family Preservation Services: Case Planning).
4. Prioritize use of an out-of-home safety plan to prevent foster care placement when appropriate (see policy 19.12 Case Management: Safety Planning and Management).
5. 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 an appropriate visitation schedule 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, including relatives and fictive kin.

5. Assist foster parents in developing mentorship relationship with parents as they work towards reunification, when appropriate.
6. Make regular purposeful contacts with child and family in accordance with their identified needs (see policy 10.18 Foster Care: Purposeful Contacts in Foster Care) to review or modify action plans, document task completion, support, and celebrate the family.
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. Staff reunification cases with SSS and SAAG to determine what services could eliminate the need for protective custody and/or whether trial home visits or aftercare services to allow the safe return of the child to his or her family home.(see policy 10.25 Foster Care: Trial Home Visit and Policy 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. (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. Document steps to locate permanent homes for the child in Georgia SHINES Case Narratives. These steps include:
 - a. Ensuring that early and comprehensive searches for relatives and others exhibiting 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 10.8 Foster Care: Financial/Non-Financial Supports)
 - c. Ensuring timely assessments of kin (relative and fictive kin) caregiver foster homes.
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 Policy 11.7 Adoption: Child Specific Recruitment Efforts; Policy 12.2 Adoption Assistance: Adoption Assistance Application).
6. Make timely effective steps to complete the adoption or permanent guardianship process and thereby finalize a permanency plan. (Policy 10.22 Foster Care: Permanency Planning)
7. Staff with Supervisor and SAAG in order to prepare for courtroom testimony on reasonable efforts (see policy 17.1 Legal: Juvenile Court Process) (Policy 19.6 Case Management: Supervisor Staffing).
8. Present evidence to the court outlining the reasonable efforts made to finalize permanency plan and 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 response.
4. Approve any proposed safety plan or written case plan for the family.
5. In conjunction with SSCM, initiate a pre-removal staffing if removal is being considered.
6. Provide guidance and oversight to SSCM throughout case management to determine appropriateness of services and engagement of relatives and other collaterals
7. Support SSCM to overcome any barriers to service provision.
8. Provide timely approval on of decisions regarding reunification with family or finalizing any other permanency plan.
9. Ensure SSCM is prepared to participate in Family Team Meetings, 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 SAAG regarding any inaccuracies within the order.

PRACTICE GUIDANCE**Reasonable Efforts and Eligibility for Title IV-E Funding**

For the agency to be eligible for Title IV-E reimbursement funding for foster care maintenance payments, DFCS must obtain a judicial determination within 60 days of removal that “reasonable efforts to prevent removal” were made. 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). 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. 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 the agency 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, the child welfare agency will be unable to draw down Title IV-E funding. (See Requirement 11 (a))

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 12)

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 an agency as a potentially abused or neglected child, and it appears to the agency that the child may have to be removed for his or her safety, the SSCM should ask, 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, the agency should either provide the assistance or meet a substantial burden of justifying why it cannot do so.

Further, if the child must be removed, the agency must be prepared to present sufficient evidence of all prior agency contact with the family to determine if the agency's 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 agency 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 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 and be accessible and available. Commitment to this critical work in the early stages of a dependency case 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 of agency personnel early on can make a 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 positive 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 the child welfare agency 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.

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 that were present 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 are the changes in circumstances that must be present to allow a child to be safely reunited with their family. Without these, protective custody of the child is necessary. It is essential that agency staff only recommend reunifying a child with their caregiver when the safety threats have been adequately mitigated or eliminated and the caregiver has developed sufficient protective capacity. To properly identify the conditions of return for a particular child and family, a thorough assessment of the safety concerns existing in the home must be conducted. 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. Conditions of return should be shared with the court during the case review process and must be discussed during permanency hearings when discussing progress on reunification case plan.

Pre-Removal Staffing

The community has recognized that children have a right to be safe from harm. DFCS is vested with the responsibility of providing child protective services to the community. At times, prevention and intervention services are effectively used to preserve a family unit. In other circumstances, a decision to remove a child must be made if the safety threat to a child cannot be eliminated or mitigated to allow a child to remain safely in a home. The decision to remove a child from their home is multi-faceted and complex. Caregiver protective capacity is evaluated against the child's vulnerabilities. Consideration is given to alternatives to foster care placement to reduce the trauma experienced by the child and family. The health and safety of

the child is the paramount concern. To facilitate the decision-making process, DFCS uses the team approach of the pre-removal staffing to determine the necessity of removing a child from their caregiver. The goal is to take decisive and appropriate action only when a child needs protection. Before any removal decision can be made a SSCM must staff the case with their supervisor. The stage progression of the pre-removal staffing allows the involvement of other child welfare stakeholders and professionals to formulate the best decision given the factual circumstance. Those that may be involved in the various stages of the pre-removal staffing include:

1. Stage 1: The SSCM, SSS,
2. Stage 2: The SSCM, SSS, SSA, and/or County Director
3. Stage 3: The SSCM, SSS, SSA, and/or County Director, and a Collaborative Team
4. Stage 4: The SSCM, SSS, SSA, and/or County Director, SAAG, and 2-3 additional stakeholders (i.e. parents, relatives, community service providers, faith partners, etc.)
5. Stage 5: The SSCM, SSS, SSA, and/or County Director, SAAG, parents, relatives, fictive kin, children (if age appropriate), community service providers, faith partners, additional DFCS staff from various levels and program areas (including CPS, Foster Care, Resource Development, and OFI), and a facilitator.

Kinship

Where possible, children should be placed with kin caregivers to safely prevent their unnecessary entry into foster care or to reduce the trauma of their experience in foster care after removal.

At times kinship foster care may become necessary. In Georgia, there is a kin 1st placement philosophy. Research shows that kinship foster 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 to have 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.

Case Planning

Federal law requires 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. The parents/caregivers and, where appropriate, the child should jointly create the case plan. The case manager will co-construct case plan outcomes with families to the extent that the parents or legal guardians are available, willing and able. 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) The case plan will identify the actions, activities, tasks and resources, both informal and professional, which are intended to address diminished caregiver protective capacities and child needs. Service provision may be provided when children are in-home or out-of-home. (2) To ensure permanency for children in out-of-home care, the achievement of change must occur within certain time frames established by law (3) The case manager will continue to assess the child and family to evaluate family change and progress and to document caregiver protective capacities and child needs. (4) 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. (See Policy 5.6 Investigations: Kin Caregiver). 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 Planning & 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. Case managers can recommend detailed and specific conditions of return for a protective order in order to have evidence to show court that parents are making progress on all outcomes.

Visitation

Visitation is one of the most essential reasonable efforts to reunify families. 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 with a guarantee of continued contact and an understanding of their responsibilities in maintaining that contact. Visits should also be used to involve a caregiver 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.

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 relatives 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 Division. 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. Some effective safety plan strategies include: (1) information the adult non-offending caregiver wants to take with her if she needs to leave quickly, (2) teaching children what to do during violent incidents, (3) having outside resources aware of and willing to act if they determine something is happening, (4) seeking a court order for protective and (5) having a list of safe places to go if necessary. As a precaution an escape plan should always be developed. Other safety strategies may also prevent, stop, or minimize risk. Asking the abuser to leave the home or leaving the home with the children for

a shelter or to live with family are steps that can be taken by the non-offending parent. 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 Georgia DFCS: Intimate Partner Violence Guideline and Protocol)

Mental Health

Oftentimes both children and adults involved with the child welfare system 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 child welfare system and mental health professionals is vital to promoting 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 populations dealing with mental illness, the SSCM should facilitate timely assessment of presenting symptoms

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 the child welfare system 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 addiction is a disease that can affect both the user and their family. Use of drugs 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. Drug addiction rarely stands 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 abuse alone are not a basis or removal or continued protective custody. The substance abuse must impair the parent's ability to keep their child safe. When caregivers come to the attention of the Division due to issues of substance use 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 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. To prevent removal, children may also be able to be placed with a kin caregiver safety resource when the impending danger can be controlled within 45 days. (See Policy 5.6 Investigations: Kin Caregivers 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 Division 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 finalize a permanency plan of reunification, investigation should be done into the reasons why the parent has been unable to sustain housing. Is there a financial barrier? (Poverty alone is not a basis for removal or continued protective custody. There must be showing that the parent's ability to keep their child safe is impaired.) A mental health barrier? A substance abuse or criminal record barrier? 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 caregiver 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.

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 plans. 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)

FORMS AND TOOLS

N/A