



**STATE STATUTES**  
CURRENT THROUGH SEPTEMBER 2019

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

To find statute information for a particular State or Territory, go to the [State Statutes Search](#).

"Reasonable efforts" refers to activities of State social services agencies that aim to provide the assistance and services needed to preserve and reunify families. The Federal title IV-E program requires States to make reasonable efforts to preserve and reunify families (i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and (ii) to make it possible for a child to safely return to the child's home.<sup>1</sup>

Laws in all States, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands require that child welfare agencies make reasonable efforts to provide services that will help families remedy the conditions that brought the child and family into the child welfare system.

<sup>1</sup> 42 U.S.C. § 671(a)(15) (2018)

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## WHAT ARE REASONABLE EFFORTS?

The statutes in most States use a broad definition of what constitutes reasonable efforts. Generally, these efforts consist of accessible, available, and culturally appropriate services that are designed to improve the capacity of families to provide safe and stable homes for their children. Some commonly used terms associated with reasonable efforts include "family reunification," "family preservation," "family support," and "preventive services."<sup>2</sup> These services may include family therapy, parenting classes, treatment for substance use, respite care, parent support groups, and home visiting programs. Reasonable efforts also refer to the activities of caseworkers, including safety checks and home visits, that are performed on an ongoing basis to ensure that parents and other family members are participating in needed services and are making progress on case plan goals.

Examples of services that child welfare agencies can refer families to, to support the achievement of reasonable efforts, include the following:

- Child care
- Homemaker services
- Individual, group, and family counseling
- Health-care services
- Behavioral health evaluation and treatment
- Vocational counseling

<sup>2</sup> Services to be provided to the child and family are specified in a case plan. For more information on the case planning process, see Information Gateway's [Case Planning for Families Involved With Child Welfare Agencies](#).

<sup>3</sup> This began with the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272).

<sup>4</sup> States must comply with the requirements outlined in ASFA as a condition for receiving certain Federal funds.

## WHEN REASONABLE EFFORTS ARE REQUIRED

Federal law has long required State agencies to demonstrate they made reasonable efforts to provide assistance and services to prevent the removal of a child from his or her home and to make it possible for a child who has been placed in out-of-home care to be reunited with his or her family.<sup>3</sup> "Reasonable efforts" are services and supports that are provided by the child welfare agency to assist a family in addressing the problems that place a child at risk of harm with the goal of preventing the need for substitute care or reducing the time the child must stay in an out-of-home placement.

Community-based family support services that promote the safety and well-being of children and families also may be offered. These services are designed to do the following:

- Increase family strength and stability
- Increase parent confidence and competence
- Afford children safe, stable, and supportive family environments
- Enhance child development

In many States, the statutes also require that, when a court determines that family reunification is not in the best interests of the child, efforts should be made to finalize another permanent placement for the child. Under the Adoption and Safe Families Act of 1997 (ASFA), while reasonable efforts to preserve and reunify families are still required, the child's health and safety constitute the paramount concern in determining the extent to which reasonable efforts should be made.<sup>4</sup>

## WHEN REASONABLE EFFORTS ARE NOT REQUIRED

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

- The parent subjected the child to aggravated circumstances as defined by State law. The definition of aggravated circumstances may include, but is not limited to, abandonment, torture, chronic abuse, and sexual abuse.
- The parent committed murder of another child of the parent.
- The parent committed voluntary manslaughter of another child of the parent.
- The parent aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter.
- The parent committed a felony assault that resulted in serious bodily injury to the child or another child of the parent.
- The parental rights of the parent to a sibling of the child were terminated involuntarily.

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

not making reasonable efforts to keep the child with his or her families. Examples of these circumstances include the following:

- The parent abandoned the child (36 States, Puerto Rico, and the Virgin Islands).<sup>5</sup>
- The parent abandoned an infant (11 States).<sup>6</sup>
- The parent was convicted of murder or voluntary manslaughter of the child's other parent (13 States and the Virgin Islands).<sup>7</sup>
- The parent was convicted of the crime of trafficking in persons (seven States and Puerto Rico).<sup>8</sup>
- The parent has sexually exploited or allowed the sexual exploitation of the child (seven States).<sup>9</sup>
- The child was removed from the home previously due to abuse or neglect and was removed again due to a subsequent incident of abuse or neglect (nine States, Puerto Rico, and the Virgin Islands).<sup>10</sup>
- The parent was convicted of a sexual offense that resulted in the child's conception (four States).<sup>11</sup>
- The parent is a registered sex offender or required to register on a sex offender registry (15 States and the District of Columbia).<sup>12</sup>
- The parent failed to comply with the terms of a reunification plan (10 States, Puerto Rico, and the Virgin Islands).<sup>13</sup>

<sup>5</sup> Alaska, Arizona, California, Connecticut, Delaware, Florida, Idaho, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming

<sup>6</sup> Alabama, Alaska, Arkansas, Hawaii, Indiana, Minnesota, Nevada, Oklahoma, Tennessee, Washington, and Wisconsin

<sup>7</sup> Alabama, Alaska, Florida, Indiana, Maryland, Massachusetts, New Hampshire, New Mexico, Oregon, Utah, Virginia, Washington, and West Virginia

<sup>8</sup> Idaho, Indiana, Maine, Ohio, Texas, Washington, and Wisconsin

<sup>9</sup> Arizona, Arkansas, California, Connecticut, Florida, Maine, and Massachusetts

<sup>10</sup> Alaska, Arizona, Arkansas, California, Florida, Nevada, New York, South Dakota, and Utah

<sup>11</sup> California, Connecticut, Nebraska, and Washington

<sup>12</sup> Arkansas, Georgia, Hawaii, Kentucky, Michigan, Minnesota, Nevada, North Carolina, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, West Virginia, and Wyoming

<sup>13</sup> Alabama, Alaska, California, Florida, Kansas, Maine, Minnesota, New York, Washington, and West Virginia

- The parent has been incarcerated for a substantial term in relation to the child's age, and there is no suitable relative to care for the child (six States).<sup>14</sup>
- The parent suffers from a mental illness of such duration or severity that there is little likelihood that the parent will be able to resume care for the child within a reasonable time (eight States, Puerto Rico, and the Virgin Islands).<sup>15</sup>
- The parent suffers from chronic abuse of drugs or alcohol and has refused or failed treatment (nine States, Puerto Rico, and the Virgin Islands).<sup>16</sup>
- The parent has subjected the child to prenatal exposure to alcohol or a controlled substance (four States).<sup>17</sup>
- The parent indicated a lack of interest in reuniting with the child (three States, Puerto Rico, and the Virgin Islands).<sup>18</sup>

Other grounds found in one or two States include the following:

- The parent repeatedly withheld medical treatment or food from the child (Ohio).
- A putative father has failed to establish paternity of the child (Montana and Nevada).
- The parent allowed the child to be present where a clandestine illegal laboratory is operated (North Dakota and Utah).

- The parent is a convicted sexually violent predator (Washington).
- The parent has abducted the child or a sibling from his or her placement (California).

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

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<sup>14</sup> Alabama, Alaska, Kentucky, New York, North Dakota, and South Dakota

<sup>15</sup> Alabama, Alaska, Arizona, California, Kentucky, North Dakota, South Carolina, and Utah

<sup>16</sup> Alabama, California, Florida, Kentucky, North Dakota, Ohio, South Carolina, South Dakota, and West Virginia

<sup>17</sup> Arizona, Florida, North Dakota, and Utah

<sup>18</sup> Alabama, Arizona, and California



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