

REASONABLE EFFORTS AND RELATIVE PLACEMENT: TWO CRITICAL ISSUES

January 6, 2022
Wisconsin

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REASONABLE EFFORTS

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TOPICS

1. Reasonable Efforts
2. Relative Placement
3. Drug Exposed Infants
4. Role of the Judges and Attorneys

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REASONABLE EFFORTS

1. Why should judges and attorneys pay attention to the reasonable efforts finding?
2. After all, it is just about fiscal matters.
3. Why not just check the box and get on to “more important issues”?

4

REASONABLE EFFORTS

1. The reasonable efforts finding is the most effective tool judges and attorneys have to monitor whether the agency is doing its job.
2. To ignore the reasonable efforts issue is to abrogate judicial responsibility, ignore an attorney’s most effective tool, and simply conclude without any analysis that the agency performing well.

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REASONABLE EFFORTS

Even the Children’s Bureau has concluded that the reasonable efforts finding is critical to juvenile dependency cases.

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REASONABLE EFFORTS

- For the first time in 40 years the Children's Bureau has started emphasizing reasonable efforts.
- They want more specificity in the court records about the 'reasonable efforts' findings.

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REASONABLE EFFORTS

IT IS ALSO THE LAW

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REASONABLE EFFORTS

- Section 48.415(2)(a)2.a.a. In this subdivision "reasonable effort" means an earnest and conscientious effort to take good faith steps to provide the services ordered by the court which takes into consideration the characteristics of the parent or child or of the expectant mother or child, the level of cooperation of the parent or expectant mother and other relevant circumstances of the case.

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REASONABLE EFFORTS

"...the only real defense that a parent can lodge is one that attacks reasonable efforts."

"To that end, if I were a defense attorney, I would submit that in order to offer my client proper representation, I should approach every perm plan with the presumption of challenging reasonable efforts or at least extracting specific efforts that DMCPs will be doing."

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REASONABLE EFFORTS

- "I think parents are ill-served when lawyers are not hammering that issue from the first day of the TPC."
- This comes from a Wisconsin juvenile court judge.

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REASONABLE EFFORTS

- Do parents have any idea what the reasonable efforts requirement is all about?
- Without representation, parents are without any idea of what to do regarding the obligations of the social worker.

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REASONABLE EFFORTS

That is why study after study finds that children and their families benefit from legal representation in child protection cases.

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REASONABLE EFFORTS

- 1. USING THE REASONABLE EFFORTS TOOL TO ACHIEVE BETTER OUTCOMES

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- At a shelter care hearing the social worker recommends that the court remove the children because the mother is homeless.
- Is this a reasonable efforts issue?

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- The social worker must provide temporary shelter.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- The states of Washington, Rhode Island, Pennsylvania and New York have appellate cases affirming this statement.
- California has a statute.
- See *Reasonable Efforts: A Judicial Perspective*, at pp 38-40.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- Moreover, the Department must help with long-term housing.

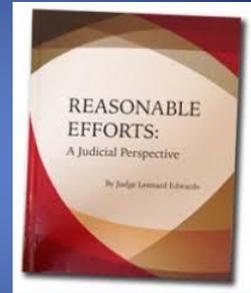
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REASONABLE EFFORTS AND COURT IMPROVEMENT

- That is true even if the parent is incarcerated.
- See *Kenasha County Department of Human Services v Jodie W.*, 716 N.W.2d 845 (Wisc. 2006)

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Another Important Resource .



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REASONABLE EFFORTS AND COURT IMPROVEMENT

- A word about this book.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- At a review hearing, the mother's attorney asks you to order the department to provide transportation so that the mother can visit her children.
- The agency replies that it does not have the resources to do so.
- Is this a reasonable efforts issue?

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- How important is family time (visitation) in a case plan?

23

REASONABLE EFFORTS AND COURT IMPROVEMENT

- What is the typical visitation schedule in your jurisdiction?
- How many times a week?
- Supervised or unsupervised?
- Where does it take place?
- Who provides transportation?

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- I am told it is 2 hours a week in Wisconsin – supervised, although in some counties it is once a week.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- That is inadequate for the child and parents.
- And it is too simplistic.
- The quantity and quality of visitation depends on the age of the child.
- The judge should outline to the agency what minimum visitation should be for each age.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- My experience as a trial judge can highlight this point.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- The Best Practice is for parents to participate in important events in the child's life such as medical/dental appointments, parent/teacher meetings, and sports and similar events.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- Inadequate family time can
 - + impede parental engagement
 - + inhibit healthy parent/child bonding
 - + disrupt and damage relationships
 - + delay permanency and
 - + perpetuate trauma for both children and parents.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- These conclusions come from The U.S. Department of Health and Human Services
- Log No: ACYF-CB-IM-20-02, Issued February 2, 2020

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REASONABLE EFFORTS AND COURT IMPROVEMENT

There is not much case law on family time around the country, but a great deal of research.

- See Edwards, *Reasonable Efforts: A Judicial Perspective* at pp, 41-47.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- How does the judge record a finding of reasonable efforts in the court file?
 - (1) Check a box?
 - (2) State “reasonable efforts were provided?”
 - (3) Write out the actual services provided and then write out your finding?

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- “I do not want courts and judges to get to the point where they see their function in determining whether congregate care is appropriate for a child or not to be,
- ‘Where do I check the box?’”
- Jerry Milner, Former Director, Children’s Bureau

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- There are two kinds of reasonable efforts issues:
 - 1. Did the social worker provide adequate services and support in a timely fashion to the client?
 - 2. Were necessary services available in the community?

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- Judicial officers need to be experts in services available in their communities.
- How else can they make informed decisions about reasonable services?
- Attorneys also need to be experts in community services.
- How else can they “educate” the judges about services in the community?

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- What can judges or attorneys do when there are inadequate services?

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Superior Court
State of California
Santa Clara County Superior Court Building
191 North First Street
San Jose, California 95113
(408) 299-3949
Chambers of Leonard P. Edwards, Judge

December 6, 1989

Richard O'Neil, Director
Department of Family
and Children's Services
55 West Younger
San Jose, California 95110

Dear Dick:

I am writing to explain why the Juvenile Court Judicial Officers have made several "no reasonable efforts" findings in the past few months and what I believe the findings mean to the Department and the County. I believe these issues are novel and deserving of some detailed explanation.

As you know, pursuant to both state and federal law, the Court is required to make reasonable efforts findings at almost every stage of a dependency action. Reasonable efforts refers to those actions which the Department would reasonably be expected to take to enable children to remain safely at home before they are placed in foster care. It also refers to those actions the Department would reasonably make to reunite foster children with their biological parents.

Two issues have recently resulted in findings of no reasonable efforts. The first is the failure of the Department to provide a placement for teenage mothers and their babies. The second is the failure of the Department to provide intensive in-home services to enable drug abusing mothers and their drug exposed babies to be placed together in the community.

In such of these types of cases, the Social Workers who appear in my court are working hard to prevent the removal of children and to provide services to facilitate reunification. They are, however, unable to provide the services on the scale to which I refer. Instead, they report to me in court that they have looked everywhere, that these services do not exist and that, as a result, the baby must be removed from the mother's care.

These are cases in which everyone in the courtroom agreed that the baby and mother should be together and, but for the lack of resources, they would be placed with one another. Moreover, everyone agreed that the provision of these services was reasonable under the circumstances. Indeed, these services have been widely discussed in Santa Clara County as being a necessary part of the effective support of children and families in the County. They are available in many counties both in and out of California.

The finding of "no reasonable efforts" in these cases is important for several reasons. First, it is an indication that certain specified services were all that were necessary to retain a child with a parent. Second, it means that, given the circumstances of the County, the services are not extraordinary or unreasonable. Third, it may mean the Department will be unable to complete permanency planning for

the child. Without a finding of "reasonable efforts," the termination of parental rights may not be legally possible. See Welfare and Institutions Code Section 366.22. Finally, the finding means that the Department cannot be reimbursed for the costs of a child's out-of-home care. See 42 U.S.C. Sections 671(a) (15) and 672 (a) (1).

Pursuant to my duties as Juvenile Court Judge, I am advising you of the consequences of a no reasonable efforts finding and hoping that by working with the Board of Supervisors you will be able to take steps to ensure that such services are available to the children and families in Santa Clara County. Of course, I will do whatever I can to assist you in your efforts.

Thank you for your consideration and attention to this important problem. I look forward to hearing from you about its resolution.

Sincerely yours,

LEONARD EDWARDS
Presiding Judge, Juvenile Court

LE: hd
cc: Board of Supervisors
County Executive
Presiding Judge, Superior Court
Superior Court Juvenile Court Committee
County Counsel
District Attorney
Public Defender
Chief Probation Officer
Federal Compliance Officer

REASONABLE EFFORTS AND COURT IMPROVEMENT

- The ASFA states that the court must identify a permanent plan if the child is in out-of-home care 15 out of the last 22 months.
- But what if the agency has not provided reasonable efforts to assist the family reunify?

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- "Passage of 22 months since the child's out-of-home placement is not, standing alone, a sufficient justification for abridgment of parental rights, if in that period, the responsible agency did not make reasonable efforts to effect reunification."

In re James G., 178 Md. App. 543, 943 A.2d 53 (2008).

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- It would be unfair to terminate parental rights simply because a child has been in care for 15 out of 22 months if the state has not given the parents what it promised in its laws and its agreement with the federal government.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- Losing parental rights is the most serious step the state can take against parents and their children.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- At a permanency planning hearing the social worker recommends that the youth remain in a group home where she has been for 2 years.
- Is that a Reasonable Efforts Issue?

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- P.L 113-183 – This law states that the court must determine what efforts have been made by the children’s services agency and/or probation to place a child in a home-like setting.
- This is the **Preventing Sex Trafficking and Strengthening Families Act of 2014**

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- If the plan is APPLA, (Another Planned Permanency Living Arrangement which is congregate care or foster care), the plan **shall** contain:
 - (1) Documentation of intensive, ongoing, unsuccessful efforts for family placement;
 - (2) Redetermination of appropriateness of placement at each permanency hearing.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- The court must make a determination explaining why APPLA is the best permanency plan AND provide compelling reasons why it continues to not be in the best interests of the child to (1) return home, (2) be placed for adoption, (3) be placed with a legal guardian or (4) be placed with a fit and willing relative.

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REASONABLE EFFORTS

Do the reports you receive from social services and probation contain this information?

Why is it important?

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REASONABLE EFFORTS

- Remember – Foster Care is not a permanent plan.

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REASONABLE EFFORTS

- What tools does the court system have to encourage and facilitate change in the child welfare system?
- I believe the most important is the Reasonable Efforts finding.

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REASONABLE EFFORTS: THE LAW

The Adoption Assistance and Child Welfare Act of 1980 (AACWA)

The Adoption and Safe Families Act (ASFA) of 1997

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REASONABLE EFFORTS: THE LAW

The State Plan

Federal Funding of Foster Care

Monitoring the State and Local Welfare Agency

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REASONABLE EFFORTS: THE LAW

Judges must make and record certain findings:

- “Contrary to the Welfare of the Child”
- “Reasonable Efforts to Prevent Removal”
- “Reasonable Efforts to Facilitate Reunification”
- “Reasonable Efforts to Finalize Alternate Permanency Plans”

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REASONABLE EFFORTS: THE LAW

- What does reasonable efforts mean?

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REASONABLE EFFORTS

- Examples of other state definitions are in Appendix B of *Reasonable Efforts: A Judicial Perspective*
- *Pages 363-372*

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REASONABLE EFFORTS

- Essentially the court is telling the agency (and the world) whether the agency has done its job and completed its responsibility towards the clients it serves and its promise to the federal government to use the federal money to serve children and families.

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REASONABLE EFFORTS

- Reasonable Efforts is a term of Art
- There is no fast and firm definition.
- It is the amount of services and social worker effort that the law requires depending on the problem and the resources within the community.

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REASONABLE EFFORTS

- WHAT MAY BE “REASONABLE”
IN ONE COMMUNITY
MAY NOT BE IN ANOTHER.

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REASONABLE EFFORTS

Section 48.355(2c) – A court’s consideration of reasonable efforts shall include, but not be limited to: “A comprehensive assessment of the family’s situation; financial assistance to the family, if applicable; Provision of services, including in-home support and intensive treatment services, community support services, or specialized services for family members with special needs.”

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REASONABLE EFFORTS

Who decides whether a service or social worker efforts are reasonable?

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REASONABLE EFFORTS

The Judge Does!

But attorneys can “help” the judge make the correct decision.

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REASONABLE EFFORTS: THE LAW

That means that judges must learn what services are available *or should be available* to families in their communities.

Attorneys should also know about available community services.

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REASONABLE EFFORTS: THE LAW

The parents in a dependency case are opioid addicts. The case plan includes a requirement that the parents (1) end their addiction by stopping using heroin, (2) attend Narcotics Anonymous and (3) not associate with addicts.

Does this case plan raise reasonable efforts issues?

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REASONABLE EFFORTS: THE LAW

YES!

But, this is an inadequate plan!

It will fail.

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REASONABLE EFFORTS: THE LAW

The plan should include a requirement that the parent participate in Medication Assisted Treatment (MAT).

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REASONABLE EFFORTS: THE LAW

Deaths from Drug Overdose in Wisconsin

2002 - 111

2020 - 1,226

66

REASONABLE EFFORTS: THE LAW

Medication assisted treatment (MAT) is the use of medications in combination with counseling and behavioral therapies for the treatment of substance use disorders. A combination of medication and behavioral therapies is effective in the treatment of substance use disorders and can help some people to sustain recovery.

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REASONABLE EFFORTS: THE LAW

Medication assisted treatment (MAT) approved drugs include methadone, buprenorphine, and naltrexone.

Check to see if your local jails are providing MAT to inmates who enter or are leaving custody.

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REASONABLE EFFORTS: THE LAW

If one of the parents in a dependency case is in custody and has an opioid drug problem, ask the jail to put him or her on Medication Assisted Treatment.

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REASONABLE EFFORTS

- THE JUVENILE COURT MUST MAKE REASONABLE EFFORTS FINDINGS AT LEAST AT 3 CRITICAL POINTS IN EVERY FOSTER CARE CASE.
- 1. Within 60 days after removal
- 2. At the disposition if the child is removed from the home.
- 3. After a permanent plan has been set.

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REASONABLE EFFORTS

- There is another finding the court can make.
- “NO REASONABLE EFFORTS”
- This means that the agency has not done its job and has not provided the services and supports that it should under the circumstances of the particular case.

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REASONABLE EFFORTS

- A Finding of “No Reasonable Efforts” has substantial consequences for the agency and for the state.
- It means that the agency will not receive federal money for some or all of its work on that case.
- That is one reason the “reasonable efforts” finding is such a powerful tool.

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REASONABLE EFFORTS: EXAMPLES

A child is removed from a mother's custody after the social worker discovers that the mother has been the victim of repeated domestic violence and that the child has been exposed to that violence.

- Is there a reasonable efforts issue in this case?

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REASONABLE EFFORTS: EXAMPLES

You need to be an expert in social worker responses to situations where domestic violence has taken place.

You need to examine the social worker's affidavit carefully.

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REASONABLE EFFORTS: EXAMPLES

You need to know what the social worker did to prevent removal: Did she...

1. Call the police?
2. Secure a restraining order?
3. Take the victim and child to a shelter?
4. Have the abuser removed from the home?

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REASONABLE EFFORTS: EXAMPLES

These are recurring factual situations and you need to know what efforts the social worker should consider before removing the child.

You also need to be an expert in social worker responses to (1) substance abusing parents and (2) parents with mental health challenges.

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REASONABLE EFFORTS: EXAMPLES

- A prospective adoptive mother comes before the court at a review hearing and asks why the adoption has not been completed?
- The agency says that it is too busy and that home studies take a long time.
- Is this an issue deserving a "no reasonable efforts" discussion and possible finding?

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REASONABLE EFFORTS: EXAMPLES

- Of Course
- This is the 3rd reasonable efforts requirement.
- The ASFA created this in 1997.

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REASONABLE EFFORTS: EXAMPLES

- Your homework:
- (1) Find out how long it takes to complete an adoption after a termination of parental rights.
- (2) Find out how the department conducts a home study and how long it takes.

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REASONABLE EFFORTS: EXAMPLES

- For children's attorneys and GAL's
- You must represent your client until a permanent plan is found and the case dismissed.
- Set an early review after a termination of parental rights to see what progress is being made to complete the adoption.

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- This third reasonable efforts mandate is to ensure that a child reaches a permanent home as soon as possible.
- What is a permanent home?

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REASONABLE EFFORTS AND COURT IMPROVEMENT

- Parents, relatives, adoption, guardianship.
- Not foster care or congregate care.
- Reasonable Efforts to finalize alternate permanency plans. 42 U.S.C. § 671(a)(15)(C); 45 CFR §1356.21(b)(2)

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REASONABLE EFFORTS

- If the court made a "no reasonable efforts" finding in one of these cases, would the agency lose money?
- Then why should the judge make such a ruling when the agency (and the state) will have less resources?
- Shouldn't the judge just go along with the state and find that what the agency provides is reasonable?

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REASONABLE EFFORTS: A NATIONAL PERSPECTIVE

Unfortunately, many state courts have ignored the reasonable efforts findings required by federal law.

Appellate case law indicates that the reasonable efforts issue is not often tried in juvenile courts.

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REASONABLE EFFORTS: A NATIONAL PERSPECTIVE

Studies indicate that judges are reluctant to make “no reasonable efforts” findings.

Some judges say:

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REASONABLE EFFORTS: A NATIONAL PERSPECTIVE

- (1) “Social workers are the experts – I respect their expertise.”
- (2) “I do not want to take money away from an already financially-strapped agency.”
- (3) “I don’t know enough to make a judgment about reasonable efforts.”
- (4) “There is no specific definition of reasonable efforts.”

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REASONABLE EFFORTS

- Is it the role of the judge to rubber stamp what the agency recommends?

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REASONABLE EFFORTS

- Is it the role of the judge to rubber stamp what the district attorney in a criminal prosecution recommends?

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REASONABLE EFFORTS

- How might you suggest that the court use the “no reasonable efforts” finding strategically?

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REASONABLE EFFORTS

- I suggest a strategic use of the No Reasonable Efforts finding.
- Suggest that the judge tell the agency the judge is about to make such a finding, but then continue the case for a week or two to give the agency an opportunity to take action.
- Or simply suggest that the judge tell the agency that the judge is dissatisfied with the efforts of the agency.

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REASONABLE EFFORTS

- See footnote #620 of the 2nd edition of my Reasonable Efforts book.

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REASONABLE EFFORTS

- I call this “The Art of a No Reasonable Efforts Finding”

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REASONABLE EFFORTS

- I believe that attorneys and judges should be attempting to improve the child protection system at every opportunity.
- Raising the reasonable efforts issue may improve the system for all clients.
- It also will be addressing the reason for the federal and state legislation: holding the children’s services agency accountable.

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REASONABLE EFFORTS

- A “no reasonable efforts” finding can change the way services are delivered to parents in your community.

94

REASONABLE EFFORTS

- After the court has entered dispositional orders including approval of a case plan, when is the next time you find out if the plan is working?
- Six months?

95

REASONABLE EFFORTS

- Are the parents visiting their child?
- Are they attending programs?

96

REASONABLE EFFORTS

- Judges should be overseeing case plan implementation and parent participation early and throughout the life of each case.
- Attorneys can help.
- They should have a duty to report back to the court if there are delays in services or visits.

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REASONABLE EFFORTS

- I believe that to ensure the parents are off to a good start, there should be regular interim reviews.

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BUILDING BETTER COURT SYSTEMS

Once judges let members of your court system know that you are paying careful attention to the reasonable efforts issue, practice will improve, and children and families will be better served.

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BUILDING BETTER COURT SYSTEMS

How can you do that?

In your next calendar call, ask a few questions of the social worker about the services she has provided.

Carefully question her about the affidavit of reasonable efforts to prevent removal and facilitate reunification.

100

BUILDING BETTER COURT SYSTEMS

You will change practice in your court.

101

2. RELATIVE PLACEMENT

Let's talk about relatives.

RELATIVE PLACEMENT

Studies show that children in relative care have a more stable placement, are more likely to remain in their same school, and experience less trauma than children placed in foster care or congregate care.

In fact, congregate care is the least effective placement.

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RELATIVE PLACEMENT

Studies also demonstrate that youths who “age out” of foster and congregate care have poor outcomes as adults with future health problems and a shorter life span.

That is why legislatures have paid special attention to these youths.

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RELATIVE PLACEMENT

As a very recent study concluded:

“Our research clearly shows that the type of child placement matters.”

“...kinship care having the best outcomes, residential care the least, and foster care lying midway between the two extremes.”

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RELATIVE PLACEMENT

“Promoting kinship care” is a public health measure, not just a social welfare concern.”

106

RELATIVE PLACEMENT

What percentage of children removed from home are placed with relatives in the United States?

What percentage of children removed from home are placed with relatives in Wisconsin?

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RELATIVE PLACEMENT

UNITED STATES = 32%

WISCONSIN = 34%

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RELATIVE PLACEMENT

- On relative preference, notice, and engagement, see
- Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351)

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RELATIVE PREFERENCE

- P.L. 110-351; Section 103:
- Within 30 days after the child is removed from his or her parents' custody, the Fostering Connections Act requires state agencies to exercise **due diligence** to identify and provide notice to all adult grandparents and other adult relatives of a child (including any other adult relatives suggested by the parents).

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RELATIVE PLACEMENT

How long does it take to place a child with a relative in your state?

Consider background checks, fitness of the house, resources to support the relative.

If there is a criminal conviction of a household member, how long does it take to secure a waiver? (if that is possible)

111

RELATIVE PLACEMENT

If you don't know, find out.

Have a training in which the agency describes the process to all of the juvenile court judicial officers and attorneys.

112

RELATIVE PLACEMENT

You do know that removal from parental care is a traumatic event.

The longer a child is in stranger care, the more serious the trauma.

113

RELATIVE PLACEMENT

If this process could take place in substantially less time, would that benefit the child removed from parental care and needing a placement?

114

RELATIVE PLACEMENT

A social service project in Los Angeles involves 10 of their regions (out of 19)

Over the past several years they have placed 84% of children removed from home into relative care.

In many cases on the same day.

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RELATIVE PLACEMENT

Pennsylvania has several counties with similar statistics.

And by state statute the agency is adding 3 counties every year to this effort.

Omaha, Nebraska, has similar results.

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RELATIVE PLACEMENT

In Allegheny County (Pittsburgh), the placement rate with relatives is about 65%.

See the articles I have written on my webpage JudgeLeonardEdwards.com.

Several are in your materials. Others are available on my website.

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RELATIVE PLACEMENT

Placing with relatives will increase visitation significantly and in a more relaxed environment.

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RELATIVE PLACEMENT

This is a solution to an enduring problem: finding good homes for children in a timely fashion.

And preventing children from living in stranger care.

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RELATIVE PLACEMENT

BUT WHAT CAN JUDGES AND ATTORNEYS DO TO INFLUENCE THE AGENCY TO ADOPT BEST PRACTICES?

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RELATIVE PLACEMENT

Invite leaders from jurisdictions that are using best practices.

Ask about whether the agency is using “Family Finding.”

Ask whether the agency has invited Kevin Campbell to speak to its workers.

121

3. DRUG EXPOSED INFANTS

- A baby is born with a positive toxicology screen for drugs.
- After an assessment by the hospital staff, the social worker concludes that a petition should be filed on behalf of the baby.

122

DRUG EXPOSED INFANTS

- What steps should the agency take to comply with the federal Comprehensive Addiction and Recovery Act of 2016 (CARA)?
- What questions should you be asking when the case comes to court?

123

DRUG EXPOSED INFANTS

- HAS THE AGENCY:
 1. Identified the needs of the child and parents?
 2. Created a Plan of Safe Care (POSC)?
This is a family plan, not just a plan for the child.
 3. Identified which community partners will participate in the POSC?

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DRUG EXPOSED INFANTS

- How will you determine if the agency is following the federal law?

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DRUG EXPOSED INFANTS

- Ask the Agency leaders:
 - Are you keeping track of the numbers of drug-exposed infants in your jurisdiction?
 - How many of these families are coming before your court?

126

DRUG EXPOSED INFANTS

- The law (CARA) requires that these statistics be collected and maintained.

127

DRUG EXPOSED INFANTS

- Will you state opt into the Family First Prevention Services Act?
- It may have already done so – find out what services have been identified that will be funded by this new federal legislation.

128

DRUG EXPOSED INFANTS

- Is it possible that the Plan of Safe Care includes placing the mother and baby in a residential treatment facility?
- Do you have that resource in your community?

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DRUG EXPOSED INFANTS

- What is the role of the judge with regards to CARA and substance exposed infants?
- Attorneys should receive a copy of the Plan of Safe Care and question the social worker on the plan.

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DRUG EXPOSED INFANTS

1. Learn how the agency is dealing with drug exposed infants?
2. Get a copy of the Plan Of Safe Care along with the petition in each case that comes to court.
3. Learn how many drug exposed infants are born in your community.

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DRUG EXPOSED INFANTS

4. Learn what services are available for substance abuse treatment for parents.
5. Learn what services are available for the baby and how quickly those services will be available.
- Learn whether there are services for minors who give birth to a substance-exposed baby.

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DRUG EXPOSED INFANTS

- How can you do that?

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DRUG EXPOSED INFANTS

- Have a training in which hospital, social services and community service providers explain to the court and attorneys what is available in you community.

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DRUG EXPOSED INFANTS

- For the Social Services agency, failure to take steps to follow the law may be a violation of the reasonable efforts requirement.
- Taking these steps may prevent removal or facilitate reunification.

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4. THE ROLE OF THE JUVENILE COURT ATTORNEY

Juvenile court judges must be leaders both in their courtrooms and in the community.

Judges are the community's most important voice for at-risk children and their families.

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THE ROLE OF THE JUVENILE COURT ATTORNEY

Attorneys should remind the judge of his/her important role in the community.

Encourage them to speak out in the community.

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THE ROLE OF THE JUVENILE COURT ATTORNEY

Judges and attorneys see each child and family in the juvenile dependency system.

We know their problems.

We know the services that they need.

No one has the credibility we have.

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THE ROLE OF THE JUVENILE COURT JUDGE

There are so many new best practices.
Juvenile court judges must learn of those and implement them.
Attorneys can help accomplish this.

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THE ROLE OF THE JUVENILE COURT JUDGE

Becoming a member of the NCJFCJ and attending their conferences is a great way to start.

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THE ROLE OF THE JUVENILE COURT JUDGE

Consider forming a juvenile court judges organization in Wisconsin.
Have a legislative committee review all the proposed legislation that will impact juvenile court.

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THE ROLE OF THE JUVENILE COURT JUDGE

Consider forming a juvenile court parent/child attorney organization in Wisconsin.
Have a legislative committee review all the proposed legislation that will impact juvenile court.

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THE ROLE OF THE JUVENILE COURT JUDGE

Over 30 years ago I started the Juvenile Court Judges of California (JCJC), including all juvenile court judicial officers in the state. We monitor all legislation that may impact juvenile court operations.

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The best time to plant a tree is 20 years ago . . .
The second best time is today . . .

Chinese Proverb



"The Child's Name Is Today" . . .
Gabriela Mistral

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CONTACT INFORMATION

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