

*Oregon Citizen Review Board - Judicial Dept
and
Oregon Department of Human Services*

REASONABLE EFFORTS PRINCIPLES AND EXPECTATIONS

I. DEFINITIONS

Reasonable: not extreme; sensible; sane

Effort: 1) the using of energy to get something done

2) a try, especially a hard try; attempt; endeavor

II. CREATION AND PURPOSE OF THIS DOCUMENT

This document was developed jointly by the Department of Human Services and the Citizen Review Board. The document is to be used as a training tool and a guideline for review board members to use in making reasonable efforts findings. This document should **not** be read as a definition of reasonable efforts. Findings are made by consensus of the board members on a case by case basis. In any given case, all elements may need to be present or some elements may need to be present, depending on the facts of the case and the impact of the services on the reunification plan.

III. APPLICATION

The Reasonable Efforts Principles and Expectations outlined in this document apply to the federal requirement that the child welfare agency must make reasonable efforts to “make it possible for the child to safely return home” in each case, unless there is a very specific set of circumstances present.

Only the services and activities that affect the reunification plan are the services/activities to be evaluated in determining the reasonable efforts findings. The adequacy of services will be judged by their appropriateness in addressing the needs that caused the child(ren) to be removed from the home. While some services may be a good idea and some very important, the finding is determined based on the offer to provide the services that affect the reunification.

This Reasonable Efforts standard applies to DHS’s obligation to offer to provide reunification services to the child and all other persons having parental or custodial rights to the child. Because Oregon law requires that allegations be filed in regard to all legal parents and guardians before the court can assume jurisdiction (ORS 419B.100), it is being interpreted that those persons against whom there must be allegations are the “family” with whom the child can be reunited.

In addition, since the law states DHS must make reasonable efforts to “to make it possible for the child to safely return home” (ORS 419B.337), services should be offered to all household members who will be in a caretaker role with the child, whether they have custodial or parental rights or not, since this is the “home” to which the child will be returned.

IV. PRINCIPLES

- A. In regards to reasonable efforts, the case plan must specify the family’s needs and the actions/services which DHS will offer to provide in order for the family to address the identified needs. Federal and state law specify that “in making such reasonable efforts, the child’s health and safety shall be the paramount concern.” DHS must document the efforts made to provide such necessary services. These efforts must be timely.
- B. It may be reasonable to make no efforts. The extreme conduct and aggravated circumstances statutes lay out certain circumstances in which efforts do not need to be made if DHS is pursuing an alternate permanency goal.
- C. Reasonable efforts determinations apply to the entire time period covered by the review. DHS has the obligation to make efforts throughout the review period. Findings will be made based on the timeliness and appropriateness of the services offered. This reasonable efforts finding must be made for any part of a review period in which the goal was return to parent.
- D. DHS’s obligation to offer services begins with the placement. The parents’ obligation to participate begins when the court makes a finding on the allegations of abuse/neglect and takes jurisdiction. For example, if a case is being held up because a criminal matter is pending, DHS still has the obligation to offer services to the parents via a letter of expectation even though the parents may not choose to engage in services. It is on the offer of services that the reasonable efforts finding will be based.
- E. If DHS has made the effort to provide the service and another party has not produced the outcome or product, the finding should be made based on DHS’s effort and DHS’s knowledge of the status of the missing outcome or product. For example, if DHS has referred a parent to parent training and a waiting list has kept the parent out of the class, the case plan should document DHS’s efforts to find another resource or to get the parent into class.
- F. Utilizing Family Decision Making models for case planning creates unique, family specific service plans. The plans often specify certain tasks to be done by family members. If those tasks directly affect the reunification and a family member has not completed the task, DHS must document barriers and attempts to remove the barriers so that the family member could complete the task or reassign the responsibility for the task to ensure that the task is completed.
- G. DHS has an obligation to offer services to all members of the household who will have

responsibility to provide care for the child even if the person does not have legal rights to the child (i.e. the mother's boyfriend). If the person refuses to participate, DHS will have made reasonable efforts. This may create a need to re-evaluate the permanency goal if the refusal creates a risk to the child.

H. In making reasonable efforts to reunify families, DHS relies most often on "available resources" in the sense of what is readily accessible. However, if services needed are not readily accessible, DHS will make reasonable efforts to develop, modify, and coordinate services that will address the conditions and circumstances identified in the petition. The children's and families' needs should be clearly identified in the case plan and linked with the services.

IV. EXPECTATIONS: The following is a list of expected activities in the first six months of a typical case. An effort has been made to place them in chronological order beginning with expectations/activities that occur at or before placement and progress through the 30 day, and 60 day point in the life of the case. Some activities are on-going. Please do not consider this any thing other than an effort to make it more convenient for the reader.

- A. All legal parties need to be identified early in the case. Petitions need to include allegations in regard to all persons having parental or custodial rights to the child. Case plans need to bear a rational relationship to the jurisdictional findings of the court and must be designed to resolve the problems that prompted the court to take jurisdiction and remove the child from the parents' home.
- B. Inquiry of applicability of the Indian Child Welfare Act needs to be done immediately upon a child being taken into protective custody. If the information is not available at that time, on-going inquiries need to be made as the case progresses and more information becomes available. Once in protective custody there are required steps which must be taken (OAR 413-070-170(1)), to determine the racial/ethnic category. While time frames are not specified in policy or ICWA, it is expected that staff will proceed with the required steps and document such steps, in an expeditious manner.
- C. Absent parent searches need to be conducted and documented in a timely manner, beginning as soon after placement as possible.
- D. Assessments and services need to be provided in the clients' primary language.
- E. Reasonable efforts to locate relatives and to support utilization of relative placements should be clearly documented in the case plan.

- F. DHS shall consider the use of a family decision-making meeting in each case in which a child is placed in substitute care for more than 30 days. When DHS determines that the use of a family decision-making meeting is appropriate, the meeting shall be held, whenever possible, before the child has been in substitute care for 60 days. If DHS elects not to conduct a family decision-making meeting, the reasons for that decision shall be clearly documented in the written service plan of the child. If a meeting is held, DHS shall incorporate the family plan developed at the family decision-making meeting into the office's service plan for the child to the extent that the family plan protects the child, builds on family strengths and is focused on achieving permanency for the child within a reasonable time. If the family plan is not incorporated in the office's service plan for the child, the office shall document the reasons in the service plan. (ORS 417.368 et seq)
- G. A service agreement or letter of expectation needs to be done in every case. Service referrals should be made within 30 days of the entry of the court order or upon parents' agreement with the service agreement, whichever comes first. The worker should check and document the status of service participation and progress every 30 days thereafter.
- H. An assessment (by DHS or a community professional) of the child's treatment needs should be done within 60 days of the placement. If DHS does not refer the child for an outside assessment, the case plan should include clear documentation of the assessment conducted by DHS.
- I. Initial service plans must be developed within 60 days of the placement and should include a written visitation plan.
- J. Appropriate referrals to services recommended in assessments and evaluations should be made in best practice within 30 days after receipt of the evaluation. If an evaluation report is delayed, the worker is expected to make and document efforts to expedite receipt of the report. If DHS decides not to make a referral that is recommended in the assessment, clear documentation of DHS's reasons needs to be included in the case plan.
- K. The worker should have, at a minimum, face-to-face contact with the family/child in accordance with DHS policy. Documentation of the contacts is required by policy.

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