

Child Protective Services: Juvenile Court Placement Issues

2102.3 Reasonable Efforts

Requirement

In accordance with Public Law 96-272 (Adoption Assistance and Child Welfare Act of 1980):

Make reasonable efforts to prevent a child's placement prior to taking steps to remove the child from home unless leaving the child in the home, even with social services and support, will put the child at imminent risk of maltreatment, and

Consider the appropriateness of immediate efforts to reunify the family whenever a child is removed from home.

Procedures/Practice Issues

The investigation determines if and how the parent can protect a child at home. Parents have the right to rear their children according to their own beliefs and practices so long as they meet their children's basic needs and to the extent that these beliefs and practices are not abusive or neglectful. When a child is placed at risk or is maltreated because a parent does not meet these responsibilities, Child Protective Services intervenes upon becoming aware of the situation.

P.L. 96-272 includes provisions for reasonable efforts to prevent placement and, after placement, efforts and services to make it possible to return a child home. It requires that:

For every case, state's commit, prior to placement to make reasonable efforts to prevent a child's removal. Although placement may not be prevented, a determination is made as to whether or not reasonable efforts will make it possible for a child to return home.

Use of Family resources, neighbors or other individuals in the community as safety resources;

Use of community agencies or services as safety resources;

Having the alleged maltreater leave the home, either voluntarily or in response to legal action;

Having the non-maltreating parent move to a safe environment with the child;

Having the parent(s) place the child outside the home; and,

Other interventions

Individual families often have unusual or unique needs. When implementing the reasonable efforts mandate, the department is not limited by the usual available practices or services. A determination by the court that the department made reasonable efforts in any individual case depends on whether the department offered and provided the services most likely to remedy a particular family's problem and/or actively facilitated safe reunification.

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Inability to ensure a child's safety through use of the above interventions requires legal action to place the child outside the home.

The Reasonable Efforts Check list on Safety Assessment (Form 455 A) documents efforts to prevent removal of a child. A copy of the checklist is provided to the court to meet requirements of P.L. 96-272.

Every deprivation case requires a judicial determination that reasonable efforts were made to prevent or eliminate the need to place the child in foster care and to make it possible for the child to return to the home.

The Juvenile Court Code, as amended September 18, 2000, includes provisions for some situations where reunification planning is not appropriate. Determine if any of the high risk situations listed in 2102.1 (Court Intervention to Protect Children) or the additional high risk situations included in the Juvenile Court Code (See 2102.2 and O.C.G.A. 15-1-94) are present. DFCS may recommend non-reunification; however, it is the court's determination, based on clear and convincing evidence, that reunification will be detrimental to the child.

A decision that it is safe to return a child home requires determining what resources, including support from the department, are available. Follow the principles used to prevent removal of a child, i.e. ensuring that the child will be safe and protected in the home.

If placement exceeds thirty days, the case service type changes from Child Protective Services to Child Placement Services. Close the CPS case on the parent and open a placement case on each individual child.