

# Child Protective Services: Juvenile Court Placement Issues

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## 2102.4 Reasonable Efforts Documentation

### Requirement

Provide clear and detailed documentation in the case record of the department's efforts to prevent placement. This documentation supports a decision to file a deprivation complaint on behalf of the child.

### Procedures/Practice Issues

Both Federal law (P.L. 96-272 and state law (15-11-58) require services to families to strengthen and support them in their ability to provide for the safety and care of their children. The desired outcome is to avoid the unnecessary removal of the child. The laws' intent is to ensure that no child, who could have been protected in the home, is placed in foster care and that, if removal is necessary, whether there are reasonable efforts to provide reunification services that will make it possible to safely reunify the child with the family.

Include in the documentation:

- Description of circumstances requiring child's removal;
- How these circumstances prevent the child's adequate protections;
- Services offered or provided to the family by the department;
- Whether the family accepted or cooperated with the department's efforts;
- All other services/efforts made to prevent placement; and
- Relevant supporting case documentation: Risk Assessment Scale (Form 457), Safety Assessment Scale (Form 455 A), which includes documentation of Reasonable Efforts, Safety Plan (Form 455 B), Social Services Case Plan (Form 388) and Case Plan: Goals/Steps (Form 389).

The burden in a reasonable efforts determination is on the department. **Attach a copy of Safety Assessment (Form 455 A), which includes the Reasonable Efforts list, to a deprivation complaint filed at Juvenile Court.** To enforce the reasonable efforts provisions, the court makes a judicial decision that the department made the required reasonable efforts.

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When an Indian child is involved (see 2106.6), the court must determine that “active efforts were made to provide remedial services and rehabilitative programs to the family and that these efforts were unsuccessful.”

Judicial oversight is intended to prevent state agencies from acting too quickly and removing children unnecessarily. The initial court ruling sanctioning the removal of a child, even in an emergency (see 2102.10), must contain a judicial determination to the effect that:

- **Continuation in the home is contrary to the welfare of the child,**
- **Placement would be in the best interest of the child**

If the “contrary to the welfare” determination is not made in this first court ruling pertaining to removal, the child is not eligible for IV-E Foster Care maintenance payments for the duration of the child’s stay in foster care.

Any other “initial” court order (72-hour hearing/detention hearing, adjudicatory/10-day hearing) issued within 60 days of the child’s removal must also contain a judicial determination that prior to the placement of a child in foster care: **Reasonable efforts were made to prevent or eliminate the need for removing the child from the child’s home, or Reasonable efforts to prevent removal were not required** (See 1002.5 and 1002.6 in the Foster Care Manual).

Although the Juvenile Court is independent of the department’s policy, the case manager, with assistance from the SAAG, works with court staff and with the judge, as needed, to emphasize the importance of the language of the court order. (See Foster Care Manual, section 1003 regarding wording of court orders)