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DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
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MTL # 0501 – 11222024

TO: Jill Marano, Director – Clark County Family Services
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FROM: Betsey Crumrine, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION

Enclosed find the following policy for distribution to all applicable staff within your organization:

0501 AFSA Reasonable Efforts

This policy is/was effective: 11/22/2024

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # _____ - _____ Policy Name: _____
- This policy has been revised. Please see below for the type of revision:
 - This is a significant policy revision. Please review this policy in its entirety.
 - This is a minor policy revision: (List page number & summary of change):
 - A policy form has been revised: (List form, page number and summary of change):
- This policy has been reviewed for statewide compliance.

NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **ALL STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies>
Please check the table of contents on this page for the link to the chapter you are interested in.

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0501 Adoption and Safe Families Act 1997 (AFSA): Reasonable Efforts to Maintain Child in Home

Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Modified Policy <input type="checkbox"/> This policy supersedes:
Date Policy Effective:	12/22/2006
Attorney General Representative Review:	NA
DCFS Deputy Administrator Review:	11/22/2024
DMG Original Approval	12/22/2006
DMG Review:	12/16/2013

STATEMENT OF PURPOSE

Policy Statement and Purpose:

The purpose of this policy is to provide guidance to ensure that reasonable efforts are made to prevent a child’s removal from the home, to finalize a permanency plan to reunify family, or to secure a new permanent home for the child.

AUTHORITY

Federal: [Social Security Act \(Section 471 \(a\) \(15\)\)](#)[42 U.S.C. Section 671 (a) (15)], as amended by the [Adoption and Safe Families Act, 1997, P.L. 105-89](#):

1) Reasonable efforts to prevent removal, contrary to the welfare findings

- a. 42 U.S.C. §671(a)(15)(B)(i): The State (child welfare agency) demonstrate a plan that ensures that reasonable efforts are made to preserve families prior to placing children in foster care.
- b. 45 CFR §1356.21(c): “Contrary to the welfare of a child” findings in the first court rulings that sanctions (even temporarily) the removal of child from the home, otherwise the child loses all eligibility for federal Title IV-E finding throughout the entire stay in foster care.
- c. 45 CFR §1356.21(b)(1): Findings must be made that reasonable efforts were made to prevent the child’s removal from the home within 60 days of the child’s removal – if the findings are not made or are not sufficient, the child loses eligibility for all federal Title IV-E funding throughout the entire stay in foster care.
- d. 45 CFR §1356.21(d): Failure to make a finding that it is contrary to the child’s welfare to return home or to make a finding that reasonable efforts were made to prevent the child’s removal at the required time, cannot be overcome by a retroactive court order. The finding is lost for the child’s entire stay in foster care, no matter how long that may be. Both findings must be “explicitly documented” and made on “a case-by-case basis.” Referencing state statute to substantiate the findings is not adequate – the finding must be explicit.
- e. 65 Fed. Reg. 4056 (Jan. 25, 2000): Contrary to the welfare findings and findings regarding reasonable efforts may not simply reference a report to the court. To be legally sufficient, the findings must reference specific facts from the report. Checklists are acceptable, as long as the checklist is specific as to facts, not just statute.
- f. 42 U.S.C. § 671: Each state plan must also provide that those reasonable efforts are not required to be made concerning a parent of a child if a court makes certain determinations.

2) Reasonable efforts to reunify families

- a. 42 U.S.C. § 671(a)(15)(B)(ii): The State (child welfare agencies) must demonstrate a plan that ensures that reasonable efforts are made to reunify families, making it possible for children to safely return to their home.
- b. 45 CFR § 1356.21(g)(2): a case plan must be developed within 60 days of the date of the child’s removal.

- c. 65 Fed. Reg. § 4052 (Jan. 25, 2000): Even where court approval is required by state law, state agencies should set the case plan and act on it while waiting for such approval.
- d. 65 Fed. Reg. § 4029 (Jan. 25, 2000): States (child welfare agency) have “up to 60 days from a child’s removal from the home to develop the case plan.”

3) Reasonable efforts to finalize the permanency plan

- a. 42 U.S.C. § 671 (a)(15)(C): The State (child welfare agency) must demonstrate a plan that ensures that reasonable efforts are made to “place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.”
- b. 45 CFR § 1356.21(b)(2)(i): Judicial findings that reasonable efforts were made to achieve the permanency goal in the case plan must be made within 12 months of the child’s removal from the home and at least every 12 months thereafter.
- c. 45 CFR § 1356.21(d)(3): Judicial findings that reasonable efforts were made by the child welfare agency to achieve the permanency goal in the case plan must be “as meaningful as possible and child specific.” Judicial determinations that merely reference state statute in an attempt to satisfy this requirement are insufficient – findings must be made that reference specific facts of the case.
- d. 45 CFR § (b)(2)(ii): If there is no finding that reasonable efforts were made by the child welfare agency to achieve the permanency goal, then the child becomes ineligible for Title IV-E funding from the end of the 12th month from the date that the child entered care. If the finding is that reasonable efforts were not made, then the child becomes ineligible for Title IV-E funding from the end of the month in which the finding was made. In either case, the child remains ineligible for Title IV-E funding until the court makes a finding that reasonable efforts have been made to achieve the permanency goal.
- e. 65 Fed. Reg. 4056 (Jan. 25, 2000): Reasonable efforts must be made on a case-by-case basis. A reference to a report made to the court may be made, but to be legally sufficient, the findings must reference specific facts from the report. Checklists are acceptable, as long as the checklist is specific as to facts, not just statute.
- f. 65 Fed. Reg. 4053 (Jan. 25, 200): The judicial review required to be held six months after the child enters care must determine, in part, “the extent of compliance with the case plan” by all parties, not just the parents. Findings relating to reasonable efforts to achieve the permanency goal are appropriate at any time and are not limited to the permanency hearing.

[*Significant ASFA Cites* provided by the American Bar Association]

NRS: [NRS 432B.393](#): [NRS432B.550](#): [NRS 432B.580](#): [NRS 432B.590](#):

NAC: [NAC 432B.240](#)

DEFINITIONS

Placement Prevention: Current or prior services to prevent family disruption and unnecessary removal of children from their homes (as appropriate). These services may include family assessments, safety planning, diligent efforts to locate absent parents or relative resources, intensive family preservation, post-adoption support services, case management, counseling, day care, respite services, homemaker services, services designed to increase parenting skills, family budgeting, coping with stress, health, and nutrition.

Reasonable Efforts: The agency must provide reasonable efforts to all identified permanency goal(s):

- 1. Prevent and eliminate the need to remove the child:
 - a. Maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child’s safety is assured; and/or
- 2. Achieve Timely Permanency:
 - a. Effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child); and/or
 - b. Make and finalize alternate permanency goals in a timely manner when reunification is not appropriate or possible; and/or
 - c. To exercise diligence and care in arranging appropriate, accessible and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family; and/or
 - d. Accessible and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family.

State: An alternate word for the Division of Child and Family Services (DCFS) or Family Programs Office (FPO).

STANDARDS/PROCEDURES

Reasonable Efforts to Prevent the Removal of Children from Their Homes:

1. The Adoption and Safe Families Act of 1997 and State law require that “reasonable efforts” must be made to prevent the removal of children from their homes and, whenever, possible, to reunify children placed in foster care with their families. In determining whether reasonable efforts are not required **OR** whether reasonable efforts have been made pursuant to [NRS 432B.393](#), the court shall ensure that each determination is:
 - a. Made by the court on a case-by-case basis;
 - b. Based upon specific evidence;
 - c. Expressly stated by the court in its order;
 - d. Consider whether any of the efforts made were contrary to the health and safety of the child; and
 - e. Consider efforts made, if any, to prevent the need to remove the child from the home and to finalize the plan for the permanent placement of the child.
2. Reasonable efforts must be made by the child welfare agency at the following case junctures:
 - a. Investigation, removal and initial placement of a child into foster care;
 - b. Reunification;
 - c. Six month review; and
 - d. Permanency review.
3. The court may find that lack of efforts is reasonable when there is no safe way to make efforts to prevent removal. If the court finds that continuation in the home is “contrary to the welfare of the child,” this determination must be made in the first court ruling that sanctions (even temporarily) the removal of child from the home, otherwise the child loses all eligibility for federal Title IV-E finding throughout the entire stay in foster care.
4. The court may waive “reasonable efforts” if:
 - a. certain felonies have been committed against the child or another child of the parent.
 - b. the parent has previously had parental rights to another child involuntarily terminated.
 - c. “aggravated circumstances” are present as specified and defined by state law.
 - d. the child, a sibling of the child or another child in the household has been sexually abused or has been subjected to neglect by pervasive instances of failure to protect the child from sexual abuse.
 - e. a parent of the child is required to register as a sex offender pursuant to the provisions of chapter [179D of NRS](#) or the provisions of the federal [Adam Walsh Child Protection and Safety Act of 2006, 42 U.S.C. §§ 16901 et seq.](#)
5. Whenever possible, the assessment worker should staff the removal of a child with a supervisor or manager. Reasonable efforts findings must be detailed and contain facts relevant to the case. Staff must ensure that court documents include consideration of:
 - a. all reasonable efforts made to keep a child in the home;
 - b. why reasonable efforts could not be made;
 - c. why reasonable efforts are not required (if applicable);
 - d. accessible and available services provided that are designed to improve the ability of a family to provide a safe and stable home for each child in the family;
 - e. services provided to the child and family and service provider outcomes; and
 - f. any concurrent planning that was discussed with the family.

Initial Assessment to Prevent Removal From Home

1. When a complaint of child abuse or neglect is initially received, agency staff must complete a thorough assessment to determine specific issues that brought about the complaint. Once specific issues have

been determined, staff must determine if providing assistance to the family through the direct or indirect assistance would mitigate the potential danger to the child and allow the child to remain in their home.

Requirement	Deadline	Actions to Be Taken
Reasonable efforts to prevent removal or reasonable efforts are not required.	Begins at initial contact and continues through life of a case.	<ul style="list-style-type: none"> • Complete assessment and appropriate services offered. • Family Preservation Services • Family Support <ul style="list-style-type: none"> ○ Referral to the Division of Welfare and Support Services ○ Referral to housing ○ Referral for counseling ○ Referrals to outpatient substance abuse programs ○ Referrals for mental health services ○ Referrals for domestic violence services ○ Referrals for Parenting Program ○ Referrals for Informal Services • UNITY case note documentation of services offered to prevent the need for removal must be entered within five (5) working days.

Reunification

1. The agency must develop an appropriate and comprehensive case plan to address the safe return of the child to the family whenever it would be detrimental for a child to remain safely in their home during crisis period. This case plan outlines the agency’s reasonable efforts for reunification. The case plan must ensure the child receives protection, safe and proper care, timely case management, and those services are provided to the child, parents or other caretakers as appropriate, in order to improve conditions in the home to facilitate the safe return of the child to a safe home.
2. A case plan must be based upon the needs of the child and family as determined during the initial assessment. The case plan must be developed in partnership with the family through a [Protective Capacity Family Assessment](#) . The case plan must document the specific needs of the child and family as well as what pre-placement preventive services were provided (if any) that may allow the child to remain in the home. The case plan must also address a visitation plan for parent (or other person responsible for the child’s welfare) and child as well as siblings if they are separated. The child’s safety and well-being must always be the paramount concern when developing the plan. Refer to policy 0211 [Protective Capacity Family Assessment](#).
3. Reasonable services available within the agency or community and a timeline for parental and home safety goals must be set within the plan. Child welfare staff must meet regularly with the family to determine if progress is being made toward reunification and if other services are needed as a result of progress made. Refer to policy [0212 Protective Capacity Progress Assessment](#).

Requirement	Deadline	Actions to Be Taken
Court findings that the agency has made reasonable efforts to finalize reunification or an alternative permanency plan or reasonable efforts are not required.	12 months from actual removal	<ul style="list-style-type: none"> • Develop a case plan; • Provide timely case management; • Provide services such as <ul style="list-style-type: none"> ○ Referral to the Division of Welfare and Supportive Services; ○ Referral for low cost housing; ○ Referrals for counseling; ○ Referrals for outpatient substance abuse treatment program ○ Referrals to physical, dental and visual health services; ○ Referrals for mental health services; ○ Referrals for domestic violence services; • Schedule of visitation to ensure visits are facilitated and occur; • Continue efforts to locate relatives; • ICPC home studies for placement; • Placement stabilization services (including case plans and services for caregivers and children); and • UNITY case note documentation of safety threats requiring removal, and concurrent permanency must be entered within five (5) working days.

Permanency

1. Concurrent planning of the child must be considered while working to reunify the family. The plan must be discussed with the family and/or a Child and Family Team to address the needs of the child while in foster care or if reunification is not in the best interest of the child. Refer to [0204 Case Planning](#).

Requirement	Deadline	Examples of Reasonable Efforts
Mandatory filing of termination of parental rights petition	When a child has been placed outside of his/her home 14 of the last 20 months from actual removal	<ul style="list-style-type: none"> • Discussions with the Child and Family Team must include: <ol style="list-style-type: none"> a. Who would be a good caretaker for the child; b. What services the child will require ongoing; c. Where, when and how often visitation should occur; d. If parental rights should be terminated; • Legal representation for parents and children; • Hearing(s) to terminate parental rights; • Identification of an adoptive placement; • Services for adoptive parents and child; • ILP services; • Adoption subsidies; and • UNITY case note documentation of services offered to reunify the family, safety threats requiring removal, services offered to improve conditions and concurrent permanency placement needs of the child must be entered within five (5) working days.

Timeline:

The agency staff must follow the timeline below, based on the date of actual removal.

1. Case Plan filed with the court within 45 days.
2. Court finding of reasonable efforts to prevent removal or reasonable efforts are not required within 60 days.
3. Six-month periodic review within six months
4. Court finding that agency has made reasonable efforts to finalize the permanency plan at the permanency hearing within 12 months or 30 days after the plan is adopted by the court or whichever comes sooner.
5. Mandatory filing of petition to terminate parental rights – after 14 of the last 20 months

Documentation:

UNITY and Case File Documentation

File Location	Data Required
Case record – court reports	Reasonable efforts or no reasonable efforts required court findings

B. UNITY Documentation (electronic):

Applicable UNITY screen	Data Required
Case plan services, Case notes	Case plan services

JURISDICTIONAL ACTION

Development of Internal Policies: Adhere to state policy and timelines in policy

Supervisory Responsibility: Supervisors are expected to review and approve case plans and case-specific services, and to provide appropriate documentation to the court that comports with reasonable effort requirements.

STATE RESPONSIBILITIES

State Oversight: The State has the responsibility to conduct quality assurance activities that measure compliance with reasonable efforts.

POLICY CROSS REFERENCE

Policies:

[0509 Nevada Initial Assessment Policy](#)

[0204 Case Planning](#)

0211 [Protective Capacity Family Assessment](#)

[0212 Protective Capacity Progress Assessment](#)

[1001 Diligent Search](#)

History and Updates: This policy was effective on 12/22/2006, within updated on 12/16/2013 and 11/22/2024.

ATTACHMENTS

None