

TUESDAY'S TIP #10 – REASONABLE EFFORTS TOWARD REUNIFICATION

Published 3/28/2023

Each Tuesday, our office will share a tip that you can apply to your cases right now. I encourage you to save each tip in a folder so that if you're faced with the same situation in a future case, you have this handy resource available to you. These will also be available on our website as a counsel resource.

Situation: Your client is having difficulty with affording services, transportation, or finding the right kind of services or treatment to meet their needs, case plan requirements, and DSS' demands.

The Problem: Money is tight for everyone, especially our clients with children in DSS' custody. "Necessary" services are not always affordable, available, or plentiful in your area. Our clients need as much help as they can get.

Law: NCGS 7B-507(a)(2), 903(a3) says that any time a child is removed from the home, the court must find that DSS provided reasonable efforts to prevent the child's placement. NCGS 7B-906.1(e)(5) says that DSS must also provide reasonable efforts toward achieving the permanent plan. NCGS 7B-507(a)(5) says that the court may order services or efforts aimed at returning the child to a safe home.

The case law is that the reasonable efforts need not be exhaustive, but must be more than useless and should be tailored to the issues that need correcting. [In re S.D.](#), 276 N.C. App. 309, 2021-NCCOA-93, ¶47-49 (no reasonable efforts toward parent's housing needs); [In re J.M. & N.M.](#), 276 N.C. App. 291, 2021-NCCOA-92, ¶22-32 (no reasonable efforts toward parent's need for DSS to interview the entire family); [In re H.P.](#), 278 N.C. App. 195, 2021-NCCOA-299, ¶42 (no reasonable efforts toward parent's housing and food needs); [In re J.C.-B.](#), 276 N.C. App. 180, 2021-NCCOA-65, ¶45 (no reasonable efforts toward parent's need for home study).

Under Title IV-E of the Social Security Act if state DSS does not provide these reasonable efforts, they can lose funding.

Action Steps:

1. Schedule an appointment with your client to go over their case plan requirements, whether in the court order, court report, or an out-of-home services agreement. Discuss with your client what efforts they have made to attempt to meet the requirements and what difficulties they have incurred.
2. Generate a potential list of efforts that your client requires from DSS – transportation assistance, housing assistance, employment assistance, etc. This can include foreign language services for Spanish-speaker clients or psychological services for a client that requires a type of therapy or treatment that is not readily available in your area.
3. Give your client a copy of this potential list of efforts. This list will provide them with information concerning what they should communicate to the social workers in CFTs or similar meetings about what kinds of reasonable efforts they require. Use this list at CFTs that you attend and for court.
4. Schedule a follow-up appointment with the client to discuss DSS' response and latest efforts to help the parent with meeting their case plan objectives.
5. If DSS was not helpful or responsive to the client's needs, schedule a motion for review and ask the trial court that it find that DSS did not provide reasonable efforts to prevent the

- child's placement or to meet the permanent plan. Further, ask the trial court to order DSS to assist the parent with their needs.
6. Ask the trial court for specific deadlines by which DSS is to provide each effort.
 7. Also, consider asking the court to strike or remove case plan requirements if they have no nexus to the child's removal conditions.
 8. If you're in a county where the IPR program has started (social workers on teams with parent attorneys), make sure that the IPR social worker also knows what the client was ordered to do and can assist them in meeting the requirements.

Conclusion: Our clients have lengthy, often generic case plans with lots of requirements. Our clients have limited resources and need help to get everything accomplished. DSS is required by state and federal law to assist and provide reasonable efforts toward preventing the child's removal which includes assisting the parent with a case plan. Make sure our clients request assistance from DSS, and make sure that the trial court knows that the parent needs assistance and that the court can order DSS to provide them with that assistance.

Is this something that you can implement? Feel free to email me directly with requests/suggestions for future Tuesday's Tip!