

Introducing the Reasonable Efforts Findings Study

A judge's reasonable efforts decisions at child welfare hearings may avoid separating families and help children achieve permanency faster.¹ As a result, judges play a critical role in child welfare cases, yet there is limited research on how they make decisions or how those decisions relate to case outcomes. The Reasonable Efforts Findings Study (REFS) seeks to better understand how judges' reasonable efforts decisions relate to case outcomes for children.

What the Study Seeks to Learn about Judicial Decision-Making

The REFS study seeks to better understand factors that influence judges' **reasonable efforts findings** and how reasonable efforts findings relate to **case outcomes**, such as the likelihood of reunification and the time for children to achieve permanency.

There are three overarching goals of reasonable efforts:

- to prevent removal of children from their homes,
- to reunify children who have been removed, and
- to achieve permanency for children who cannot safely return to their parents' care.

Judges are required to make reasonable efforts findings at two points in each case. The first is whether the child welfare agency made reasonable efforts to prevent removal of the child from the home. This decision is made early in the case, typically at the initial hearing. The second is whether the child welfare

agency made reasonable efforts to finalize a permanency goal (e.g., reunification, adoption, legal guardianship, or another placement). The study will examine these reasonable efforts findings a judge makes for a child at initial and review hearings and the case outcomes for that child. (See Table 1 below, *Factors That May Influence Reasonable Efforts Findings and Decisions*.)

The study will also explore how language used during initial child welfare hearings and in court case files may indicate bias and racism.

Data the Study will Collect

The study team will collect data in three ways—this list provides examples of the types of data to be collected:

- **Observe initial hearings** to capture information about how judges interact with parents, what topics are discussed during the hearing, whether judges

Table 1: Factors That May Influence Reasonable Efforts Findings and Decisions

The following factors may influence reasonable efforts findings and decisions:

Factors	Examples of Information to be Examined
Pre- and between hearing communication	Prehearing conferences, depth of information in reports submitted to the court
Hearing quality	Level of discussion of specific aspects of the case among participants during the hearing, engagement of the parent and child in those discussions
Case characteristics	Age of the child, race and ethnicity of the child, case allegations
Judicial characteristics	Race and ethnicity of the judge, length of time the judge has overseen child welfare cases
Timing and frequency of review hearings	Whether cases are scheduled more or less frequently than every six months

make oral reasonable efforts findings and what level of detail is included in those findings. This allows judges' practices to be observed in an objective way as opposed to self-report.

- **Review court case files** for the observed hearings to capture information such as demographics of the parents and child, contents of the dependency petition including specific allegations, circumstances around removal of the child, or what previous hearings have been held, that may inform the judge's reasonable efforts decisions. Case file review will capture information that was provided to the judge before the hearing and written findings.
- **Survey judges** in each study site about their race, ethnicity, gender, number of years hearing child welfare cases, and whether the judge hears only child welfare cases or a variety of cases.

Study Sample

Up to eight judges from up to four states will participate in the study. A sample of approximately 50 closed cases will be collected from each judge, resulting in 100 cases per study state and 400 total cases in the study sample. Using a random sample of closed cases ensures results reflect the court's typical and current practice and guarantees case outcomes, such as the likelihood of reunification or the time it takes a child to reach permanency, can be measured.

The REFS study seeks to better understand factors that influence judges' reasonable efforts findings and how reasonable efforts findings relate to case outcomes.

Importance to the Legal Community

While growing research explores what factors influence judges' decisions and hearing quality in child welfare cases, more research is needed. This study will be useful to the legal community by:

- addressing gaps in knowledge about judges' reasonable efforts decisions;
- increasing understanding of judges' reasonable efforts findings in child welfare cases;
- raising awareness of the value of child welfare court research;
- providing an example of a study design used to explore judicial decisions and outcomes; and
- elevating and improving practice on behalf of children and their families in child welfare courts.

Endnotes

1. Milner, Jerry & David Kelly. "[Reasonable Efforts as Prevention.](#)" *ABA Child Law Practice Today*, November 5, 2018.

Learn More about the REFS Study

To learn more, visit the [Understanding Judicial Decision-Making and Hearing Quality in Child Welfare project](#). Staff from James Bell Associates, the American Bar Association Center on Children and the Law, and Co-Principal Investigators Dr. Alicia Summers and Dr. Sophia Gatowski will conduct the study. Study findings will be released as they become available. The Office of Planning, Research & Evaluation (OPRE) and the Children's Bureau of the Administration for Children and Families are funding the Reasonable Efforts Findings Study (REFS).



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