

The Reasonable Efforts Findings Study

Overview of Key Results

OPRE Report 2024-352

The Reasonable Efforts Findings Study (REFS) looked at two types of reasonable efforts findings made by judges in child welfare proceedings:

- ▶ Reasonable efforts to prevent removal
- ▶ Reasonable efforts to achieve permanency

REFS explored four research questions, highlighted here with key results and takeaways.

About REFS

Goal: Understand factors associated with judges' findings of reasonable efforts by child welfare agencies and how they relate to case outcomes.

Research Questions:

- ▶ What factors are associated with judges' findings of reasonable efforts to prevent removal?
- ▶ What factors are associated with judges' findings of reasonable efforts to achieve permanency?
- ▶ How are reasonable efforts findings related to the likelihood of reunification?
- ▶ How are reasonable efforts findings related to time to permanency?

Case Sample: Random sample of 348 closed child welfare cases from five sites in three states between 2018 and 2019. The practices observed and study results are not representative of practices or outcomes in other child welfare courts.

Data Collection Methods:

- ▶ Court observation (327 initial hearings)
- ▶ Case file review (348 case files)

1. What factors are associated with judges' findings of reasonable efforts to prevent removal?

The study explored how the following factors were associated with judges' findings of reasonable efforts to prevent removal at the initial hearing:



Hearing quality components

For example—

- ▶ Number of topics relevant to the case discussed during hearing
- ▶ Level of detail of topics discussed during hearing



Information in documents provided to court before the initial hearing

For example—

- ▶ Number of topics (e.g., safety, efforts to prevent removal) described in court documents
- ▶ Level of detail of topics described in court documents



Case characteristics

For example—

- ▶ Child's age or gender
- ▶ Petition allegations (e.g., neglect, abuse)
- ▶ Presenting problems (e.g., substance use, homelessness)

Key Results

Zero

judges found that the child welfare agency had not made reasonable efforts to prevent removal.



We could not explore what factors are associated with a finding that the child welfare agency did not make reasonable efforts to prevent removal because no judges made that finding.

94%

of reasonable efforts to prevent removal findings were made at the initial hearing.

2. What factors are associated with judges' findings of reasonable efforts to achieve permanency?

The study explored how the following factors were related to judges' findings of reasonable efforts to achieve permanency at the first review hearing:



Breadth and depth of information in documents provided to court before the review hearing

For example—

- ▶ Number of topics (e.g., safety, efforts to prevent removal) described in court documents
- ▶ Level of detail of topics described in court documents



Timing of review hearings

For example—

- ▶ When in the case process they occur



Case characteristics

For example—

- ▶ Child's age or gender
- ▶ Petition allegations (e.g., neglect, abuse)
- ▶ Presenting problems (e.g., substance use, homelessness)

Key Results

73%

of first review hearings resulted in a judge's finding that the agency had made reasonable efforts to achieve permanency.



The level of detail of information in documents provided to the court before the first review hearing was *not associated with* reasonable efforts to achieve permanency findings.



The more reasonable efforts topics addressed in documents submitted to the court before the first review hearing, *the more likely* the judge was to make a finding about reasonable efforts to achieve permanency at the first review hearing.



The timing of the first review hearing was *not associated with* judges' reasonable efforts to achieve permanency findings.

3. How are reasonable efforts findings related to the likelihood of reunification?

The study explored how the following factors were related to the likelihood of reunification:



Judicial reasonable efforts findings

Finding types—

- ▶ Reasonable efforts to prevent removal
- ▶ Reasonable efforts to achieve permanency



Level of detail of reasonable efforts

For example—

- ▶ No statements
- ▶ One or more statements



Case characteristics

For example—

- ▶ Child's age or gender
- ▶ Petition allegations (e.g., neglect, abuse)
- ▶ Presenting problems (e.g., substance use, homelessness)

Key Results

59% of cases resulted in children being reunified with one or both parents.

- ▶ There were significant differences across the participating sites in the likelihood that children were returned to one or both parents (i.e., reunification).
- ▶ Children were less likely to reunify with their parents when cases had—
 - ▶ A judicial finding about reasonable efforts to achieve permanency by the first review hearing
 - ▶ More detailed reasonable efforts to achieve permanency findings
 - ▶ A petition allegation of abandonment
 - ▶ A presenting problem of homelessness
- ▶ Children were more likely to reunify with their parents when cases had—
 - ▶ Less detailed reasonable efforts to achieve permanency findings
 - ▶ A petition allegation of physical abuse
- ▶ Judges' findings about reasonable efforts to prevent removal at the initial hearing, and whether those findings were detailed, were not related to the likelihood of reunification.

4. How are reasonable efforts findings related to time to permanency?

The study explored how the following factors were related to the time it takes cases to achieve permanency:



Judicial reasonable efforts findings

Finding types—

- ▶ Reasonable efforts to prevent removal
- ▶ Reasonable efforts to achieve permanency



Level of detail of reasonable efforts

For example—

- ▶ No statements
- ▶ One or more statements



Case characteristics

For example—

- ▶ Child's age or gender
- ▶ Petition allegations (e.g., neglect, abuse)
- ▶ Presenting problems (e.g., substance use, homelessness)

Key Results

657 days was the average length of time for cases to achieve permanency.

- ▶ Cases with more detailed findings at the initial review hearing took *longer* to achieve permanency.
- ▶ Cases with physical abuse allegations took *less time* to achieve permanency.



Takeaways

As an exploratory study with a small number of sites, REFS should not be used on its own to inform recommendations for all child welfare courts. Readers can, however, consider the following takeaways:

- ▶ No judges in the sample found that the child welfare agency had not made reasonable efforts to prevent removal or to achieve permanency (at the first review hearing). Judges could reflect on why this might be (e.g., concerns about the consequences of making a no reasonable efforts finding) and the implications it has for judges' responsibility to hold the child welfare agency accountable in doing enough of the right things to keep children safely with their families.
- ▶ When more reasonable efforts topics (e.g., services the child welfare agency provided, how the agency worked with the family) appeared in reports, judges were more likely to make a reasonable efforts to achieve permanency finding. Given this, professionals could consider ways to get the judge more information to inform decision-making, such as:
 - ▶ Child welfare legal professionals could consider discussing more topics during hearings so judges have more information for decision-making.
 - ▶ Child welfare agency professionals could consider providing more detailed information on a broad range of topics in documents submitted to the court before hearings (e.g., caseworker reports) to inform judicial decision-making.

Learn More

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 conducted the study, with funding from the Office of Planning, Research, and Evaluation (OPRE) and the Children's Bureau of the Administration for Children and Families.

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