

232.102A Reasonable efforts.

1. For the purposes of [this subchapter](#):

a. “*Reasonable efforts*” means the efforts made to preserve and unify a family prior to the out-of-home placement of a child in foster care or to eliminate the need for removal of the child or make it possible for the child to safely return to the family’s home. Reasonable efforts include but are not limited to giving consideration, if appropriate, to interstate placement of a child in the permanency planning decisions involving the child and giving consideration to in-state and out-of-state placement options at a permanency hearing and when using concurrent planning. If returning the child to the family’s home is not appropriate or not possible, reasonable efforts shall include the efforts made in a timely manner to finalize a permanency plan for the child. A child’s health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include but are not limited to family-centered services, if the child’s safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider all of the following:

(1) The type, duration, and intensity of services or support offered or provided to the child and the child’s family. If family-centered services were not provided, the court record shall enumerate the reasons the services were not provided, including but not limited to whether the services were not available, not accepted by the child’s family, judged to be unable to protect the child and the child’s family during the time the services would have been provided, judged to be unlikely to be successful in resolving the problems which would lead to removal of the child, or other services were found to be more appropriate.

(2) The relative risk to the child of remaining in the child’s home versus removal of the child.

b. “*Family-centered services*” means services and other support intended to safely maintain a child with the child’s family or with an adult relative, to safely and in a timely manner return a child to the home of the child’s parent or relative, or to promote achievement of concurrent planning goals by identifying and helping the child secure placement for adoption, with a guardian, or with other alternative permanent family connections. Family-centered services include services adapted to the individual needs of a family in regard to the specific services and other support provided to the child’s family and the intensity and duration of service delivery and services intended to preserve a child’s connections to the child’s neighborhood, community, and family and to improve the overall capacity of the child’s family to provide for the needs of the children in the family.

2. Family interactions shall continue regardless of a parent’s failure to comply with the requirements of a court order or the department, provided there is no finding by a court or the department that such interaction would be detrimental to the child.

3. The performance of reasonable efforts to place a child for adoption or with a guardian may be made concurrently with making reasonable efforts as defined in [this section](#).

4. If the court determines by clear and convincing evidence that aggravated circumstances exist supported by written findings of fact based upon evidence in the record, the court may waive the requirement for making reasonable efforts. The existence of aggravated circumstances is indicated by any of the following:

a. The parent has abandoned the child.

b. The court finds the circumstances described in [section 232.116, subsection 1](#), paragraph “i”, are applicable to the child.

c. The parent’s parental rights have been terminated under [section 232.116](#) or involuntarily terminated by an order of a court of competent jurisdiction in another state with respect to another child who is a member of the same family, and there is clear and convincing evidence to show that the offer or receipt of services would not be likely within a reasonable period of time to correct the conditions which led to the child’s removal.

d. The parent has been convicted of the murder of another child.

e. The parent has been convicted of the voluntary manslaughter of another child.

f. The parent has been convicted of aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of another child.

g. The parent has been convicted of a felony assault which resulted in serious bodily injury to the child or another child.

5. Prior services the state provided to the family shall not be considered in making a determination as to whether a waiver of reasonable efforts is appropriate.

[2022 Acts, ch 1098, §49](#)

Referred to in [§232.104](#), [232.111](#), [234.6](#)