



Reasonable and Active Efforts, and Substance Use Disorders

A TOOLKIT FOR PROFESSIONALS WORKING WITH FAMILIES IN OR AT RISK OF ENTERING THE CHILD WELFARE SYSTEM

This document was prepared by the National Quality Improvement Center for Collaborative Community Court Teams (QIC-CCCT) through cooperative agreement 90CA1854-01-03 with the Administration on Children, Youth and Families (ACYF), Children's Bureau. The QIC-CCCT is a national initiative to address the needs of infants and families affected by substance use disorders and prenatal substance exposure. The initiative is operated by the Center for Children and Family Futures and its partners, the National Center for State Courts, Advocates for Human Potential, American Bar Association Center on Children and the Law, the Tribal Law and Policy Institute. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the position, opinions, or policies of ACYF. For more information about this initiative, please visit our website at www.cffutures.org/qic-ccct.

“When we fail to take reasonable efforts seriously, we do real harm to children and families.”¹

Reasonable and active efforts findings allow juvenile or family courts to determine whether a child welfare agency has satisfied its statutory requirement to prevent removal of a child from his or her family or to reunify the family if a child has been placed in out-of-home care. Reasonable efforts findings also encourage state agencies to achieve timely permanency for the child. Judicious application of reasonable and active efforts statutes can assist parents and children in receiving needed services that may improve permanency outcomes.

“The reasonable efforts/no reasonable efforts findings are the most powerful tools given to the courts by the federal legislation. These findings enable the court to determine whether the agency has done its job to prevent removal, assist in reunifying families, and achieve timely permanency for the child.”²

Unfortunately, these findings can be difficult to make and less than one percent of appellate case law addresses reasonable efforts to prevent removal. Reasons for this lack of attention include:

- No concrete definitions of reasonable or active efforts exist
- The services available vary depending on the community
- Reducing child welfare funding as a remedy to inadequate services is not appealing

¹ [It's Time to Follow the Law and Take Reasonable Efforts Seriously](#), David Kelly, Blog, Special Assistant to the Associate Commissioner of the Children's Bureau, rethinkingfostercare.blogspot.com (2018).

² Edwards, L. (2018, December 5). “Ignoring Reasonable Efforts: How Courts Fail to Promote Prevention.” *The Chronicle for Social Change*. Retrieved from judgeleonardedwards.com.

- Attorneys are overburdened and, in some states, parents’ or children’s attorneys may not be knowledgeable about reasonable and active efforts requirements and their role in child dependency cases
- Attorneys may enter cases late in the reasonable efforts/active efforts cycle
- There is no adequate appellate remedy for an error made by the court at a shelter care hearing
- The jurisdiction of a family/dependency court does not automatically extend beyond the child welfare system to external agencies where many of the needed services are based

The challenges increase with substance use disorders because of the complex nature of the disease, varying permanency timelines that conflict with treatment and recovery timelines, and ineffective screening practices that fail to timely identify a potential substance abuse issue.

The QIC-CCCT developed the Reasonable Efforts, Active Efforts and Substance Use Disorders Toolkit to help address some of the challenges presented in making reasonable and active efforts and related judicial findings in cases involving substance use. The toolkit provides definitions, statutory requirements, examples of reasonable and active efforts, and a resource guide for further reading.

REASONABLE EFFORTS DEFINED:

- Federal: Federal statutes fail to define “reasonable efforts.” In fact, Congressional legislative history suggests providing a definition would be contrary to the intent of the reasonable efforts provisions, which should be considered on a case-by-case basis. Therefore, reasonable efforts may gain a different meaning depending on the circumstances of the case, geographic location, and other factors.
- States: Some states have further elaborated on the definition through statutory language.³
- Children’s Bureau/Child Welfare Gateway Information: Reasonable efforts refer to activities of state child welfare agencies to provide the assistance and services needed to preserve and reunify families, and generally include “accessible, available and culturally appropriate services that are designed to improve the capacity of families to provide safe and stable homes for their children.”⁴
- Judicial Perspective: While judges retain discretion,⁵ some states have created guidelines for judges to follow when determining whether reasonable efforts have been achieved.⁶

³ [Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children](#) (March 2016) (defining reasonable efforts using state statutes as well as describing when reasonable efforts may or may not be required).

⁴ Ibid.

⁵ See Edwards, *supra* note 2, at 21-22.

⁶ [Title IV-E for Judges – MN Bench Card](#); [Oregon Findings Guide](#)

ACTIVE EFFORTS DEFINED:

- Federal: The Indian Child Welfare Act (ICWA), which codified the active efforts requirement in cases involving “Indian children,” does not define “active efforts.” In 2016, federal regulations and guidelines that clarify the statute were issued and 25 CFR § 23.2 provided both a definition and examples. The regulation stated that efforts should be “affirmative, active, thorough, and timely” and noted that “...active efforts must involve assisting the parent or parents or Indian custodian through the steps of a case plan and with accessing or developing the resources necessary to satisfy the case plan.”
- The regulations specified that “...to the maximum extent possible, active efforts should be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe and should be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians, and tribe.”
- As with reasonable efforts, active efforts should be tailored to the facts and circumstances of the case.
- Section E.1 of the 2016 BIA Guidelines noted that the federal government decided against defining active efforts by comparing them to reasonable efforts, stating “Instead of focusing on such a comparison, the rule defines ‘active efforts’ by focusing on the quality of the actions necessary to constitute ‘active efforts’ (affirmative, active, thorough, and timely) and providing examples and clarification as to what constitutes ‘active efforts.’”
- States: A number of states have codified ICWA into state law. Prior to the issuance of the 2016 BIA regulations, many states courts provided guidance through case law about active efforts requirements. This case law may change as new appeals are heard and the 2016 guidelines are applied.
- Judicial Perspective: Judges retain discretion to consider the specific facts and circumstances of the case before the court when determining whether the active efforts requirement is met.⁷

REQUIRED REASONABLE EFFORTS DETERMINATION AT VARIOUS STAGES:

Preventing Removal

- When an in-home safety plan is sufficient, feasible, and sustainable: reasonable efforts to prevent removal should be required. (Adoption and Safe Families Act (ASFA), 45 C.F.R. 1356.21(b)(1)).

“Emergency Removal”

- Courts may find that an emergency existed that required timely removal in lieu of a reasonable efforts determination.

⁷ December 2016 - Guidelines for Implementing the Indian Child Welfare Act Section E1

- If a child is removed from the home due to an emergency, the state has 60 days or until disposition to take action to prevent removal. The agency should provide reasonable efforts to prevent removal.

Permanency Plan

- Courts should make a finding as to whether the agency has or has not made reasonable efforts to finalize a permanency goal, whether the plan is reunification, adoption, legal guardianship, or other alternative (45 C.F.R. 1356.21(b)(2)).
- If the child is in foster care, the finding should be made within 12 months of the child’s entry to foster care; however, it can be made earlier. Additional findings are required at least every 12 months thereafter while the child is in foster care.

REQUIRED ACTIVE EFFORTS DETERMINATION AT VARIOUS STAGES:

Preventing the Breakup of an Indian Family

- ICWA states that active efforts must be provided prior to foster care placement or termination of parental rights.⁸

“Emergency Removal”

- State agencies may affect an emergency placement to prevent imminent physical damage or harm to the child.⁹ “Imminent physical damage or harm,” is generally understood to “reflect the endangerment of the child’s health, safety and welfare, not just bodily injury or death.”¹⁰
- Emergency removals or placements should be as short as possible. The state authority, official or agency must either initiate a child custody proceeding subject to the provisions of the ICWA, transfer the child to the jurisdiction of the appropriate Indian tribe, or restore the child to the parent or Indian custodian, as may be appropriate.

REASONABLE EFFORTS NOT REQUIRED UNDER CERTAIN CIRCUMSTANCES:

Under ASFA, reasonable efforts may not be required under some circumstances and the court would need to make a judicial determination to that effect. These circumstances include:

- The parent subjected the child to aggravated circumstance as defined by State law (may vary by jurisdiction) (45 C.F.R. 1356.21(b)(3)(i)).
- The parent committed murder or voluntary manslaughter of another child of the parent (45 C.F.R. 1356.21(b)(3)(ii)(A)-(B)).
- The parent aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter (45 C.F.R. 1356.21(b)(3)(ii)(C)).

⁸ 25 U.S.C. § 1912(d)

⁹ [25 U.S.C. § 1922](#).

¹⁰ FAQ Bureau of Indian Affairs Final Rule: Indian Child Welfare Act (ICWA) Proceedings

- The parent committed a felony assault resulting in serious bodily injury to the child or another child of the parent (45 C.F.R. 1356.21(b)(3)(ii)(D)).
- Parental rights of the parent to a sibling of the child were terminated involuntarily (45 C.F.R. 1356.21(b)(3)(iii)).
- State law may also provide additional grounds.¹¹

ACTIVE EFFORTS TO REUNIFY UNDER THOSE CERTAIN CIRCUMSTANCES:

ASFA did not amend ICWA, so arguably, in the presence of the above listed circumstances, the court should still make an active efforts determination given the specific facts of the case. Each child’s case should be examined individually and a serious inquiry into the reasons for removal, the risk for further harm to the child, and the ability of the parent or Indian custodian to safely care for the child should occur in consultation with the Indian child’s tribe to decide what and how active efforts should be provided.¹²

GENERAL EXAMPLES OF SERVICES PROVIDED TO MEET THE STANDARD OF REASONABLE EFFORTS:

Federal statute does not specify that a state offer a specific set of services to meet the standard of reasonable efforts. States make these decisions and often include family therapy, parenting classes, drug and alcohol abuse treatment, respite care, parent support groups, and home visiting programs. The federal government did issue general guidelines for state legislatures on factors to consider in making “reasonable efforts” findings.¹³ These factors include:

- The dangers to the child and the family problems that precipitate those dangers;
- Whether the services the agency provided relate specifically to the family’s problems and needs;
- Whether case managers diligently arranged services for the family;
- Whether the appropriate services for the family were available and timely, and, the results of the services provided.¹⁴
- Visitation or family time between children and parents

¹¹ [Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children, March 2016](#) (listing when reasonable efforts are and are not required in certain jurisdictions).

¹² Active Efforts Principles and Expectations, Oregon Tribes, Oregon Judicial Department Citizen Review Board, Oregon Department of Human Services 7/30/2010

¹³ Duquette, D. & Hardin, M., *Guidelines for Public Policy and State Legislation Governing Permanence for Children*, Department of Health and Human Services, ACF, Children’s Bureau, Washington, DC 1999.

¹⁴ Edwards, L. P. (2014). Reasonable efforts: A judicial perspective. Leonard Edwards. Page 13. Available at judgeleonardedwards.com.

GENERAL EXAMPLES OF HOW SERVICES PROVIDED CAN MEET THE STANDARD OF ACTIVE EFFORTS:¹⁵

The Regulations provide specific examples of how active efforts standards can be met by child welfare workers. It is the consensus of appellate decisions that active efforts require more services and attention by the social worker than reasonable efforts.¹⁶ The examples provided reflect best practices but are not meant to be an exhaustive list and the minimum actions required under active efforts will depend on the specific “facts and circumstances of the case.” Examples provided in the regulations include:

- Conducting a comprehensive assessment of the circumstances of the Indian child's family, with a focus on safe reunification as the most desirable goal
- Identifying appropriate services and helping parents overcome barriers, including actively assisting the parents in obtaining such services
- Identifying, notifying, and inviting representatives of the Indian child's tribe to participate in providing support and services to the Indian child's family and in family team meetings, permanency planning, and resolution of placement issues
- Conducting or causing to be conducted a diligent search for the Indian child's extended family members, and contacting and consulting with extended family members to provide family structure and support for the Indian child and the Indian child's parents
- Offering and employing all available and culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the child's tribe

The full list of examples can be found on the [Cornell Legal Information Institute website](#).

USING REASONABLE EFFORTS TO SUPPORT FAMILIES AFFECTED BY SUBSTANCE USE DISORDERS

Given the requirements to provide reasonable efforts, child welfare agencies must develop and manage case plans that identify the problems presented in a case and the services offered to alleviate the problems. Federal funding (Medicaid expansion, State Targeted and State Opioid Response) has expanded in recent years to improve access to substance use disorder (SUD) treatment, particularly for opioid use disorders. However, timely access to comprehensive treatment services remains a challenge in many communities. Additional challenges in meeting reasonable efforts include:

- Child welfare agencies may not appropriately screen for and identify the problem
- For parents, a component of the disorder is concealing it for fear of losing access to the substance and/or losing custody of children

¹⁵ 25 C.F.R § 23.2

¹⁶ [Defining Active Efforts in the Indian Child Welfare Act](#), *The Guardian*, NACC, Volume 41, No. 1, Jan/Feb. 2019, at pp 1-8, at p. 7. National Association of Counsel for Children.

- The timetables set forth by ASFA are often not compatible with recovery timelines
- SUDs are often co-occurring with other risk factors including mental health disorders, domestic violence, and environmental instability and poverty
- Families involved in the child welfare system may not be a priority population for treatment providers

Thus, in accordance with understanding SUD as a chronic, recurring disease, reasonable efforts to address the problem may include timely access to the following treatment services:

- The right level of care (using American Society of Addiction Medicine criteria)¹⁷ and based on the unique needs and resources of individual families
- Evidence-based treatment, including Medication Assisted Treatment
- Continuing care and recovery support, even after court jurisdiction has ended.
- Family-centered treatment that is supportive of the needs of the family affected by substance use disorders, including residential treatment that can accept mothers and infants and young children
- Comprehensive and culturally responsive treatment services
- Gender and age responsive treatment services
- Services that are coordinated across multiple systems (mental health, child welfare, primary and infant/maternal healthcare)

For more information on the standards of comprehensive, family-centered treatment services, see [Family-Centered Treatment for Women With Substance Use Disorders](#).

REASONABLE EFFORTS AND PLANS OF SAFE CARE

The [2016 Comprehensive Addiction and Recovery Act \(CARA\) amendments to CAPTA](#) require that each state must have “policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition of such infants....”¹⁸ The statute further requires the development of a Plan of Safe Care for affected infants that addresses the health and substance use disorder treatment needs of the infant and affected family or caregiver. Judicial officers may consider these questions in applying the Reasonable Efforts standard to Plans of Safe Care:

1. For an infant with prenatal substance exposure, would reasonable efforts require the development and implementation of a Plan of Safe Care, as specified in federal law?

¹⁷ *The ASAM Criteria: Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions*, Third Edition. <https://www.asam.org/resources/the-asam-criteria>

¹⁸ Child Abuse Prevention and Treatment Act of 2016, Pub. L. 114-198, 130 Stat. 729, codified as amended at 42 U.S.C §§ 5106a.

2. Do services and supports to families to meet the reasonable efforts requirements include health care services for the infant and parent or caregiver, as specified in federal law?
3. Do reasonable efforts require strategies to actively engage parents or caregivers in services and supports identified in the Plan of Safe Care?

Considering the legislative intent of applying reasonable or active efforts to prevent children being removed from their families, reunify the family, and achieve timely permanency for the child, implementing effective Plans of Safe Care is a critical, statutorily required strategy for achieving these outcomes for infants and families affected by prenatal substance exposure.

ROLE OF THE JUDGE

Retired Judge Leonard Edwards, author of *Reasonable Efforts: A Judicial Perspective*, explains the role of judicial officers in making reasonable efforts determinations and how judges should respond in child welfare cases affected by substance use disorders:

- Create a list or inventory of services in your jurisdiction, including the capacity of the services providers to provide timely services.
- Consult with local hospitals and social service agencies. Additionally, this should include health care providers involved in the delivery or care of infants affected by prenatal substance exposure
- Create and/or expand a Family Drug Treatment Court
- Discuss the importance of remaining drug-free during pregnancy when presiding over court hearings

ROLE OF ATTORNEYS

Attorneys for parents, children and the child welfare system play a pivotal role in advocating for families affected by substance use disorder. At each stage in the process, attorneys should:

- Emphasize timely access to services
- Highlight the need for companion services such as transportation
- Advocate for family-centered practice
- Underscore the continuum of care, including continuing care and recovery supports
- Support frequent visitation and unsupervised family time
- Advocate for services for children as well as parents
- Advocate for engagement with the tribe and native service providers who can partner in the effort to promote family healing
- Advocate for the role of foster placements as supports for the biological parents
- Prepare to take appellate action if reasonable efforts are not provided

CONCLUSION

The legislative purpose of reasonable efforts requirements is to encourage states to increase preventive and reunification services for families in need.

“... the law provides an incredibly powerful tool for keeping families together and preventing trauma to children – a judicial determination that reasonable efforts were made to prevent removals. Where out-of-home placement is necessary, reasonable efforts determinations to finalize the permanency plan are the second critical tool for expediting reunification or other safe permanency options and minimizing trauma to parents and children.”¹⁹

Attorneys, judges and other child advocates should advocate for services that benefit the family and, if unavailable, champion efforts to see that systems are improved, and appropriate and effective services are developed. However, having services available falls short of making reasonable efforts to prevent child removals or achieve permanency. As state appellate decisions have written, “Family reunification services are not ‘reasonable’ if they consist of nothing more than handing the client a list of services and then putting the entire responsibility on the client to find and complete the service.”²⁰ Court teams should implement strategies and supports that provide families a reasonable opportunity to successfully engage in those services.

For more information or to request technical assistance, please review the resource guide below or contact:

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¹⁹ [It's Time to Follow the Law and Take Reasonable Efforts Seriously](#), David Kelly Blog, Special Assistant to the Associate Commissioner of the Children's Bureau (2018)

²⁰ [Defining Active Efforts in the Indian Child Welfare Act](#), *The Guardian*, NACC, Volume 41, No. 1, Jan/Feb. 2019, at pp. 1-8, at p. 7. National Association of Counsel for Children.

Reasonable Efforts Resource Guide

Resource (click to access)	Description/Summary
45 C.F.R. 1356.21	Section (b) of this federal code identifies the agency’s obligation to maintain reasonable efforts at various stages of the child welfare process. For example, the agency should make reasonable efforts to prevent removal and/or to satisfy the permanency plan. Section (b)(3) also indicates when reasonable efforts may not be required.
<i>Florida’s Dependency Benchbook 2012 – Chapter 5-11 Service and Treatment Considerations (for parents)</i> Florida Courts (2012)	This chapter discusses the role judges may play when assessing mental health, substance use, and co-occurring disorder treatment options for parents and families and suggests questions and considerations to pursue.
<i>A Planning Guide: Steps to Support a Comprehensive Approach to Plans of Safe Care</i> , National Center on Substance Abuse and Child Welfare (2018)	This guide supports stakeholders to improve outcomes for infants with prenatal substance exposure and their families. It offers steps and suggestions for state and local planners and practitioners to develop a comprehensive approach to Plans of Safe Care.
U.S. DHHS – ACYF-CB-IM-18-05 , Administration for Children and Families (2018)	This information memorandum encourages all child welfare agencies and Children’s Bureau (CB) grantees to work together with the courts and other appropriate public and private agencies and partners to plan, implement and maintain integrated primary prevention networks and approaches to strengthen families and prevent maltreatment and the unnecessary removal of children from their families. This memorandum also identifies key parties that should work together for the benefit of families such as state agencies, community partners, courts, and many more. Lastly, the memorandum describes programs around the country that “support families through primary prevention” and report available results.
<i>Understanding Substance Use Disorder Treatment in Your Community</i> , National Center on Substance Abuse and Child Welfare (2005)	This discussion guide (1) provides an overview of effective treatments to addressing substance use disorders and the importance of family centered care and (2) raises discussion questions that child welfare professionals may use to create a dialogue with community treatment providers.
<i>Clinical Guidance for Treating Pregnant and Parenting Women with Opioid Use Disorder and Their Infants</i> , SAMHSA (2018)	This document provides comprehensive, national guidance for optimal management of pregnant and parenting women with opioid use disorder and their infants. The Clinical Guide helps healthcare professionals and patients determine the most clinically appropriate action for a particular situation and informs individualized treatment decisions.

<p><u>Ignoring Reasonable Efforts: How Courts Fail to Promote Prevention</u>, Judge Leonard Edwards (2018)</p>	<p>This is an article by Judge Leonard Edwards that describes how dependency law does not fit well within the legal system. Dealing with young children requires the court system to be prepared to move more quickly than in other types of cases. Judge Edwards describes structural changes to the court system required effectively to address prevention issues.</p>
<p><u>Reasonable Efforts: A Judicial Perspective</u>, Judge Leonard Edwards (2014)</p>	<p>In his book for juvenile and family court judges, Judge Edwards discusses the statutory scheme on reasonable efforts, the existing case law, and commentary from judges and other child welfare system stakeholders. This book is available online for reading or for free downloading.</p>
<p><u>A Collaborative Approach to the Treatment of Pregnant Women with Opioid Use Disorders</u>, National Center on Substance Abuse and Child Welfare (2016)</p>	<p>This manual offers best practices to states, tribes, and local communities on collaborative treatment approaches for pregnant women living with opioid use disorders. It provides evidence-based recommendations for treatment approaches from leading professional organizations and an in-depth case study. It also includes guidance tools to help facilitate a careful, in-depth analysis of a community's current policies, practices, resources, and training needs.</p>
<p><u>It's Time to Follow the Law and Take Reasonable Efforts Seriously</u>, David Kelly (2018)</p>	<p>A blog post by David Kelly, Special Assistant to the Associate Commissioner of the Children's Bureau. David Kelly describes challenges with the current child welfare system and makes the case for more meaningful interpretation and utilization of reasonable efforts.</p>
<p><u>Representing Parents in Child Welfare Cases</u>, Martin Guggenheim & Vivek S. Sankaran (2015)</p>	<p><i>Representing Parents in Child Welfare Cases</i> is a guide for attorneys representing parents accused of parental unfitness due to abuse or neglect. Competent legal representation is often the sole support a parent has when working with the child welfare system. This book provides practical tips for attorneys at each stage of the process.</p>
<p><u>Child Safety: A Guide for Judges and Attorneys</u>, Therese Roe Lund & Jennifer Renne (2009)</p>	<p>This guide details a process of critical thinking and analysis that will enhance child safety decision-making. The guide's decision-making framework requires child welfare professionals to establish higher standards for information quality and processing. Judges, attorneys, agency workers, and CASAs will be well-served by the principles and methodology set out in the guide.</p>
<p><u>Healing the Youngest Children: Model Court-Community Partnerships</u>, Practice & Policy Brief, Lucy Hudson, et al., (2007)</p>	<p>This brief describes four model court-community partnerships that apply research to court practices to improve outcomes for maltreated infants, toddlers, and their families.</p>

Active Efforts Resource Guide

<p><u>The Indian Child Welfare Act</u></p>	<p>The federal Indian Child Welfare Act of 1978 (ICWA) (Pub.L. 95–608, 92 Stat. 3069, enacted November 8, 1978), codified at 25 U.S.C. §§ 1901–1963) governs jurisdiction over the removal of Native American (Indian) children from their families.</p>
<p><u>Bureau of Indian Affairs ICWA Resource Page</u></p>	<p>This page includes links to a number of resources, including links to the regulations, the guidelines, the Final Rule, frequently asked questions, and a quick reference sheet on active efforts.</p>
<p><u>The Indian Child Welfare Act Handbook: A Legal Guide to the Custody and Adoption of Native American Children, Third Ed.</u></p>	<p>Now fully revised and updated, <i>The Indian Child Welfare Act Handbook</i> is a one-of-a-kind guide to the Indian Child Welfare Act of 1978 written by leading scholars in the field.</p>
<p><u>The Capacity Building Center for Tribes - Tribal Information Exchange ICWA</u></p>	<p>This page collates a number of resources, including links to state codifications of the act and quick reference sheets for courts</p>
<p><u>Defining Active Efforts in the Indian Child Welfare Act</u> Judge Leonard Edwards (ret.)</p>	<p>This paper in the Jan/Feb 2019 edition of the Guardian addresses the question, What Are Active Efforts, and how states have responded to active efforts. It also explains the relationship between active efforts and reasonable efforts, reviews appellate decisions regarding the active efforts mandate, and the role of the courts in reviewing state efforts to meet the active efforts mandate.</p>
<p><u>Active Efforts Principles and Expectations</u> Oregon Tribes, Oregon Judicial Dept. Citizen Review Board</p>	<p>Publication created by Oregon’s nine recognized tribes to provide guidelines for use by courts, child welfare staff, and local Citizen Review Boards to implement the active efforts mandate of the ICWA.</p>
<p><u>Indian Child Welfare, Child Law Practice Today</u></p>	<p>This compilation of articles addresses multiple issues related to the Indian Child Welfare Act and how attorneys can work with state and tribal court professionals to improve outcomes for children and families in Indian child welfare cases.</p>