

**DIVISION OF CHILDREN AND FAMILY SERVICES
ADMINISTRATIVE MEMO #8-2011**

To: All Children and Family Services Staff

From: Edward H. Matney, Policy Section Administrator *Edward H. Matney*
Division of Children and Family Services

Approved by: Todd L. Reckling, Director *Todd L. Reckling*
Division of Children and Family Services
Department of Health and Human Services

Date: June 2, 2011

RE: Additional Conditions for Court Determinations Related to
Reasonable Efforts to Preserve and Reunify the Family
and Termination of Parental Rights

Effective: Immediately

Duration: Until Revised

Contact: Margaret Bitz, Administrator for Foster Care and Adoption
Team, Children and Family Services, Policy Section at
(402) 471-9457 or Margaret.Bitz@nebraska.gov

Purpose: The purpose of this memo is to provide information regarding additional conditions on which a court can base a determination that reasonable efforts to preserve or reunify the family are not required or can terminate parental rights.

Background and Statutory Citations: Information regarding reasonable-efforts requirements is found at Neb. Rev. Stat. § 43-283.01. Information regarding termination of parental rights is found at Neb. Rev. Stat. § 43-292.

Grounds for not pursuing reunification or preservation of the family: Nebraska law requires that reasonable efforts be made:

- prior to the placement of a child in out-of-home care to prevent or eliminate the need for removing the child from the child's home; and
- after removal, to make it possible for the child to safely return to his or her home.

The law also recognizes that there are conditions under which such efforts should not be required and allows the court to make a determination to that

effect. In addition to the conditions previously listed in statute, the 2009 Legislature added that reasonable efforts to preserve or reunify the family are not needed if the parent of the child has been convicted of felony sexual assault of the other parent of the child under Neb. Rev. Stat. § 28-319.01 or 28-320.01 or a comparable crime in another state.

Grounds for termination of parental rights: Nebraska law states that the court may terminate parental rights between the parent and the child when the court finds such action to be in the best interests of the child and it appears by the evidence that certain conditions exist. In addition to the conditions previously listed in statute, the 2009 Legislature added the condition that the parent of a child has been convicted of felony sexual assault of the other parent of the child under Neb. Rev. Stat. § 28-319.01 or 28-320.01 or a comparable crime in another state.

Action Required: In providing information that could lead to a determination that reasonable efforts to preserve or reunify are unnecessary or to a termination of parental rights, staff will include information related to the conditions described in this memo.