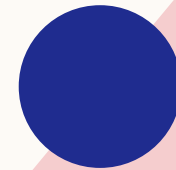
The background features a large white semi-circle at the top, flanked by light blue on the left and light pink on the right. Below the white semi-circle is a large, solid dark blue shape that fills the bottom half of the frame.

REUNIFICATION IN MONTANA
UNDERSTANDING MONTANA'S
REUNIFICATION STANDARDS

What “Reunification” Means

“Reunification” in child welfare refers to the process of safely returning a child to their family of origin once care providers deem it appropriate.

Reasonable efforts vs. Herculean efforts



WHAT ARE “REASONABLE EFFORTS”?

**"REASONABLE EFFORTS" = GOOD FAITH, CONSISTENT, MEANINGFUL ACTIONS
TAILORED TO THE FAMILY'S NEEDS.**

UNDER MONTANA CODE § 41-3-423,

**CPS MUST MAKE REASONABLE EFFORTS
TO**

- *PREVENT REMOVAL OF THE CHILD**
- *REUNIFY FAMILIES AFTER REMOVAL**
- *PROVIDE TAILORED SUPPORT AND
ACCESS TO SERVICES**

WHAT IT DOES NOT MEAN ☹️

“**Herculean Efforts**” = unrealistically intense or heroic actions that go far beyond what’s fair, feasible, or sustainable for the agency.

What CPS is *Not* Required to Do

- * Move heaven and earth
- * Provide unlimited services without limits
- * Transport across the state weekly with no supports
- * Reschedule missed services over and over without engagement
 - Wait endlessly for a parent to cooperate

REASONABLE EFFORTS

Under Montana Code § 41-3-423, CPS must make **reasonable efforts** to:

- Prevent removal of the child
- Reunify families after removal
- Provide tailored support and access to services

What It *Looks Like*:

- Scheduling and coordinating parenting classes
- Helping with transportation to visits
- Supporting supervised and trial home visits
- Identifying and engaging kin
- Monitoring and adjusting services as needed

Efforts are evaluated against real-world facts – they must be tailored to each family, not cookie-cutter or generic.

Not required: "**herculean efforts**", but must be meaningful. Offering services isn't enough—the **Department must actively assist**, e.g., schedule, transport, locate placements.

Child proximity and bonding matter: placement decisions must allow frequent and meaningful parent-child contact.

Visitation is critical: suspending visits or failing to increase frequency without cause can violate reasonable efforts.

Parents also have obligations: they're expected to follow through with plans. The Department's efforts are weighed considering parental cooperation.

MONTANA COURTS

Legal Interpretation in Montana

Services must be *practical, consistent, and tailored*

Good faith matters—but not extreme or
unrealistic effort

Parents have a duty to engage

Visitation and proximity are *key components*

CASA'S ROLE

How CASA Advocates Monitor Reasonable Efforts

Review the case plan: Is it individualized and achievable?

Track progress: Is CPS assisting and following up?

Ask: Are visits happening often and in natural settings?

Report concerns: Is the plan realistic or too vague?

SCENARIO 1: MISSED VISITS & MISSED OPPORTUNITIES

"Mom Wants to Reunify — But Can't Get There"

Danielle is a single mother of two children placed in foster care due to neglect related to substance use and unsafe housing. She's been clean for 4 months, is attending outpatient treatment, and has recently started working part-time. Her children are placed 45 minutes away. CPS arranged weekly supervised visits at a contracted facility but informed Danielle that transportation is her responsibility. She has no driver's license, no car, and limited bus service. She misses three visits due to snow and child care issues for her newborn (not in care). CASA notes the missed visits in their court report, and the judge expresses concern about the mother's inconsistency.

CASA's Dilemma:

Danielle is trying to engage, but her missed visits are seen as lack of effort. Is it fair?

Discussion Questions:

Did CPS meet the standard of "reasonable efforts"?

Could the Department have offered transportation, closer visits, or a virtual option?

As a CASA, how could you advocate differently in your court report?

What systemic barriers should be acknowledged in assessing a parent's progress?

SCENERIO 2: IS THIS HERCULEAN?

"Helping or Overdoing It?"

James is the biological father of a child in care.

He is incarcerated for 18 months on a parole violation.

He wants to be involved but has limited phone access and refuses to engage in anger management classes offered at the facility. CPS has been providing monthly video visits between him and the child, delivers updates from the foster family, and has sent him parenting resources and photos through the prison chaplain. The judge questions whether CPS is doing “enough” to support reunification, given that James isn’t engaging with available services.

CASA’s Dilemma:

Is the bar for reasonable efforts being set too high? When is it okay to say, “this is enough”?

Discussion Questions:

- Does this case cross into “herculean efforts”?
- How do incarceration and lack of access factor into the court’s expectations?
- Should CPS continue video visits and updates despite the father’s lack of progress?
- What could CASA report to help the court evaluate reasonable efforts fairly?

SCENARIO 3: THE RELUCTANT PARENT

"Still Hoping... but for How Long?"

Maria's child was removed due to chronic truancy, untreated mental health concerns, and housing instability. CPS created a service plan that included mental health treatment, parenting classes, and weekly visitation. For the first month, Maria attended visits and one intake session. Then she stopped engaging—no calls, no visits, no responses. CPS has tried texting, calling, sending letters, and even visiting her last known residence. A new permanency hearing is approaching. The child is doing well in care, and the foster family is open to adoption. CASA is unsure whether to recommend termination of parental rights or continued services.

CASA's Dilemma:

How long do we wait? When is it okay to stop pushing for reunification?

Discussion Questions:

Has CPS met its obligation to provide reasonable efforts?

How do you balance the child's stability with the parent's right to time and support?

What should CASA recommend at this point?

Are there other options like guardianship, open adoption, or kinship that might serve the child better?

Has CPS met its obligation to provide reasonable efforts?

Yes.

They developed a service plan addressing Maria's core issues (mental health, parenting, visitation).

They provided opportunities for visitation and mental health intake.

They attempted repeated outreach through multiple channels: texts, calls, letters, and home visits.

Montana law does not require “**herculean efforts.**” Reasonable efforts mean **good faith, timely, and appropriate services**—which CPS has provided here.

Good faith for CPS:

Proactive, not passive: They don't wait for parents to ask—they offer and explain services.

Consistent: Efforts are ongoing, not just at the beginning of the case.

Responsive: They adjust the plan if services aren't working or barriers arise.

Clear in communication: They explain expectations, timelines, and consequences.

Sincere: The intent is to truly help the family reunify—not simply meet legal requirements.

THE CLOCK IS TICKING ¹³

What Is the “15 of 22 Months” Rule?

Under **ASFA (Adoption and Safe Families Act)** and Montana law, CPS is required to file for termination of parental rights if:

A child has been in foster care for **15 of the most recent 22 months**,

unless:

- The child is in kinship care and doing well
- The court finds a compelling reason not to
- The parent is making progress and reunification is still viable

Why It Matters:

- Children can’t wait indefinitely for permanency.
- CPS is under **federal pressure** to move toward adoption if progress is stalled.
- It creates a **natural tension** between giving parents time to change and ensuring children don’t linger in limbo.

**“15 OF 22” IN CASA ADVOCACY
HOW CASA ADVOCATES USE THE CLOCK**

BE AWARE OF HOW LONG THE CHILD HAS BEEN IN CARE

REPORT CLEARLY ON PARENTAL ENGAGEMENT OVER TIME

**WATCH FOR STALLING, LATE ENGAGEMENT OR SUDDEN
ENGAGEMENT NEAR DEADLINES.**

**ASK: ARE REASONABLE EFFORTS STILL APPROPRIATE—OR ARE WE
PAST THE WINDOW?**

**INCLUDE CLEAR RECOMMENDATIONS ABOUT PERMANENCY
OPTIONS.**

GOALS:

**HELP THE COURT BALANCE CHILD SAFETY, PARENT RIGHTS, AND
PERMANENCY TIMELINES.**

THE RELUCTANT PARENT SCENARIO

“Still Hoping... But Time Is Running Out”

Maria’s child has been in care for **14 months**. During the first month, she engaged in services and visited regularly. For the last **12 months**, she’s been largely non-responsive. CPS has continued outreach, but Maria hasn’t attended appointments or visited. The child is thriving in foster care, and the family is open to adoption. CASA is preparing a report for the 15-month permanency hearing.

Key Fact:

Once the 15th month hits, CPS is federally required to consider filing for TPR.

Discussion Questions:

1. What are the implications of reaching the 15-month mark?
2. Does Maria’s lack of engagement justify moving forward with termination?
3. How should CASA report on reasonable efforts given the timeline?
4. What might a “compelling reason not to file” look like in this case?

1. Under the **Adoption and Safe Families Act (ASFA)** and Montana law (§41-3-442), once a child has been in foster care **15 of the last 22 months**, the Department is **federally obligated to consider filing for Termination of Parental Rights (TPR)**—unless:

The child is placed with kin

CPS has not made reasonable efforts

There is a compelling reason not to file

Reaching the 15-month mark signals that the system must shift from reunification efforts toward **permanency planning**—either through adoption, guardianship, or another legal arrangement that provides long-term stability.

2. Does Maria's lack of engagement justify moving forward with termination?

Yes, it may.

Maria has shown only one month of participation followed by 12 months of non-engagement, despite CPS continuing outreach. This pattern suggests:

17

- The parent is not demonstrating capacity or willingness to change
- The child is now bonded with a foster family that is stable and willing to adopt
- Reunification efforts have likely reached a point of diminishing returns

The court must weigh parental rights against the child's need for permanency.

Maria's sustained disengagement supports moving forward with TPR.

?3. How should CASA report on reasonable efforts given the timeline?

CASA should clearly document:

- The services offered in the initial case plan
- CPS's continued efforts to engage Maria (calls, texts, letters, home visits)
- The lack of response or follow-through from Maria
- The child's current well-being and progress in foster care

 **Sample language** for a CASA report when filing for TPR.

"The Department has provided reasonable and ongoing efforts to engage the parent through multiple outreach methods. However, the parent has not maintained contact, attended visits, or participated in services for the past 12 months. Given the child's length of time in care and the strong bond with the foster family, CASA recommends that the court consider permanency options, including termination of parental rights, in the best interest of the child."

4. A compelling reason *not* to file in this case would depend on evidence that reunification is still realistically possible and in the child’s best interest.

1. Mental health treatment just started or resumed.

If Maria has recently reengaged with mental health services after a period of instability and there's strong professional support backing her capacity to parent safely with support.

2. A strong parent-child bond.

If the child expresses a desire to return home and there is clear attachment to the parent, the court may give more time before permanently severing that relationship.

3. The parent’s non-engagement was due to a temporary crisis.

For example, Maria was homeless or fleeing domestic violence, and is now stabilizing with help from community resources or family.

4. The child is in a long-term kinship or foster placement that is stable but open to eventual reunification.

If the foster caregiver is not pushing for adoption and the child is not at risk of harm, there may be room to give the parent more time.

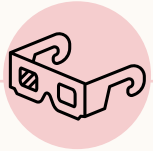
5. The Department has not made reasonable efforts.

If there were gaps in services—like lack of transportation, counseling, or visitation support—the court may decide CPS hasn’t done enough yet.

SAFE REUNIFICATION IS THE REAL GOAL

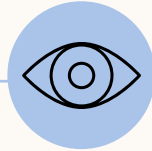
CASA's don't judge the parent—they observe, record, and report progress or lack thereof. These steps help ensure the child's voice is grounded in facts, not assumptions.

POSSIBLE NEXT STEPS



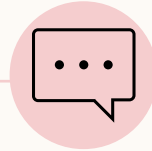
TRACK TIME IN CARE

Note the removal date
Watch for the 15 of 22 months threshold



REVIEW THE CASE PLAN

What are the parent's goals (e.g., housing, treatment, counseling)?
Are services appropriate and accessible?



OBSERVE VISITATION

Are visits regular, meaningful, and progressing in supervision level?
Is the child bonded with the parent?



DOCUMENT PARENTAL ENGAGEMENT

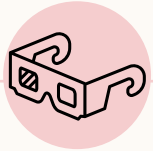
Is the parent attending services, staying in contact, making progress?
Are excuses frequent or are there barriers
CASA can help identify?



MONITOR CPS EFFORTS

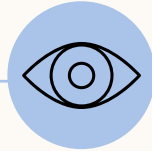
Is the Department actively assisting (not just referring)?
Are services adjusted when barriers arise?

POSSIBLE NEXT STEPS



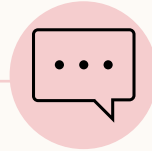
COMMUNICATE WITH STAKEHOLDERS

- Talk to foster parents, caseworkers, service providers, and the child
- Look for patterns: momentum or stagnation?



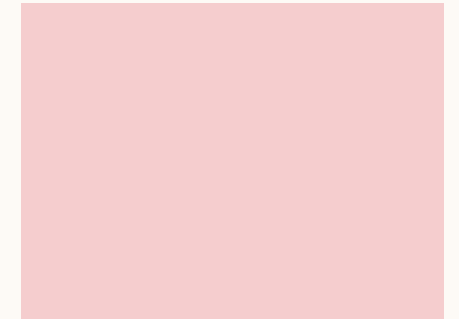
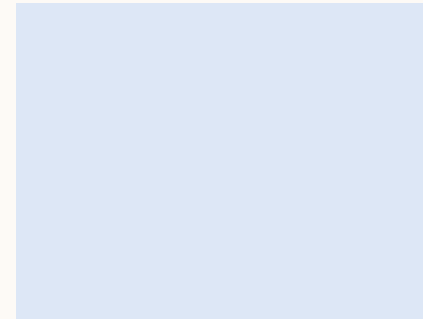
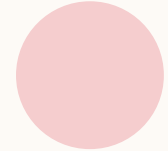
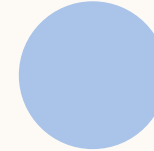
ASSESS CHILD WELL BEING

- Is the child thriving in care? Showing stress or hope about reunification?
- Include objective facts, timelines, and whether progress is occurring



REPORT CLEARLY TO THE COURT

- Does the placement meet the child's needs?
- Recommend continued efforts *or* shift to permanency, as appropriate



THANK YOU