



Ronald E. Richter
Commissioner

150 William Street
15th Floor
New York, NY 10038

212-341-0903 tel
212-341-0916 fax

Alan W. Sputz, Esq.
Deputy Commissioner
Family Court Legal
Services

212-341-0972 tel.
212-227-4675 fax

Nancy Thomson, Esq.
Associate
Commissioner
Family Court Legal
Services

212-341-2713 tel.
212-676-7673 fax

Date: September 27, 2012
To: All Family Court Legal Services Attorneys
From: Nancy Thomson *NT*
Re: Policy on Drafting Reasonable Efforts Orders

When the court does not complete a permanency hearing on the first appearance, the FCLS attorney should request that the court make a finding that reasonable efforts were made to effectuate the permanency plan. If the court makes such a finding, the attorney must prepare and submit to the court, a short form order clearly indicating that reasonable efforts were made to effectuate the permanency plan.

As there is no court form for these findings, these orders are not routinely prepared by the part clerk. While the court will eventually include the reasonable efforts finding in the permanency hearing order once the permanency hearing is completed, this reasonable efforts finding will be made at the time of the conclusion of the permanency hearing, which may take place weeks after the reasonable efforts finding was initially entered. Such a gap could lead to a temporary loss of Federal funding on a case, and does not reflect that the reasonable efforts finding was actually made on an earlier date, prior to the completion of the permanency hearing.

These orders should be done in the manner of a short-form order. The order must include:

- the date of the hearing at which the reasonable efforts finding was made;
- a finding that reasonable efforts to effectuate the permanency plan were made; and
- the basis for the finding (typically, the PH Report and/or testimony of a witness).

The order does not have to indicate the Permanency Planning goal. The order should not include the term "interim" or "temporary" and may not state that the RE finding was made on a prior date (i.e. no *nunc pro tunc* orders are permissible). The order must not state that the finding was made solely for the purposes of Federal Funding.

If you have any questions, please contact your supervisor or Adam Eggers, Director of FCLS IV-E Management. Teamt.