

Trial Skills Training

Contested Hearing Practices Course

Required Efforts Practice Scenario



**Issue
spotting**

Instructions: Mia Brown Case

The following fact pattern is intended to give participants the opportunity to identify issues related to reasonable efforts in a low-stakes learning environment.

You will have 10 minutes to silently read the case scenario and identify what actions may constitute reasonable efforts. TST Faculty will lead a 20-minute discussion with your group and ask you to answer the following questions:

- (1) Were reasonable efforts made to prevent or eliminate the need for removal?
- (2) Are there additional reasonable efforts, consistent with the circumstances and providing for the safety of the child(ren), that could have been made?

Following your small group discussions, participants will return to the plenary, where TST Faculty will lead a larger group discussion focused on issues spotted by each breakout group for the remainder of this 45-minute session.

Facts

Mia Brown was born on March 14, 2020, and her younger brother, James, was born on June 15, 2022, to Nora Brown and Adam Walker. Mr. Walker's whereabouts are unknown, but his mother resides in Kansas City, Missouri. Ms. Brown reports that Mr. Walker has not seen the children in over a year, and he has not provided financial or emotional support during that time.

Ms. Brown and the children live in a one-bedroom rental home located in a rural area outside of Tyler, Texas. The home is modest but has functioning utilities. She works part-time at a local diner, typically on weekend nights, and sometimes leaves the children in the care of a neighbor or Mia's godmother, Susan, whom she described as "like family," though she is not a relative by blood or marriage.

Mia is enrolled in kindergarten and attends school regularly. Her teacher reports that she is usually cheerful but occasionally comes to school tired or wearing clothes that appear unwashed. About one week ago, Mia arrived at school with bruises on her upper arms and back. She told her teacher that her mother "hit her with the belt" after Mia knocked over a glass of juice. The school made a report to DFPS, and an investigation was opened.

Child Protective Investigations (CPI) caseworker, Lisa Smith, made contact with Ms. Brown and the children at their home. After Ms. Smith advised Ms. Brown of her rights during the investigation, Ms. Brown allowed Ms. Smith into the home. During the home visit, the residence was found to be cluttered, with dirty laundry on the floor and dishes in the sink. The refrigerator contained only a few food items — milk, cheese, and some canned vegetables. Ms. Brown explained she applied for emergency nutrition benefits two weeks earlier and was awaiting approval. She said she also recently visited a local food pantry but had no personal means of transportation and could only go when her neighbor was available.

James had a mild diaper rash and a lingering cough. Ms. Brown said she took him to a community clinic the previous month and the nurse said it was not serious. She reported that she put a humidifier in his room to help with the cough. She shared that she recently ran out of diaper cream but planned to buy more with her next paycheck. Ms. Brown admitted to spanking Mia and said she lost her temper but did not intend to injure her. She said she felt overwhelmed and asked if DFPS had resources that could help.

Ms. Smith provided a short-term food voucher and referred Ms. Brown to a local parenting class and a crisis family support center. Ms. Smith also gave Ms. Brown information about

counseling services and asked her to participate in a voluntary safety plan. The safety plan included:

- No use of physical discipline with either child.
- Ms. Brown was to complete an intake at the parenting program within one week.
- Ms. Brown was to schedule a follow-up appointment for James at the community clinic to address his persistent cough and diaper rash.
- Caseworker was to follow up within 5 days.

Three days later, DFPS received a second intake from the same school when Mia arrived in unclean clothes, appeared withdrawn, and told a school counselor that her mom was “still mad all the time and hurt her.” The school nurse observed that while the older bruises were fading, a newer bruise was visible near Katie’s shoulder.

Ms. Smith attempted an unannounced visit to the home the same day, but no one answered the door. Ms. Smith attempted to call Ms. Brown, but her phone was disconnected. She left her business card at the door before heading back to her office. Ms. Brown called Ms. Smith the next day and said she stayed overnight with a friend because the power at her house was temporarily shut off. Ms. Brown denied hitting Mia again and said she started the intake for a parenting class online. She also stated that she was looking into counseling, but her cell phone was cut off until that morning, and she had limited internet access.

Ms. Smith had ongoing concerns about the safety of the children and determined that the situation remained unstable. Ms. Smith asked Ms. Brown if she would be willing to agree to place her children in a Parent Child Safety Placement (PCSP) with Susan. Ms. Brown said she would be willing to consider it, but Susan was out of town until next week. Ms. Brown previously mentioned a maternal aunt in San Antonio who “might be willing to help.” Ms. Smith asked Ms. Brown whether she would be willing to place the children in a PCSP with her aunt, but Ms. Brown replied that it was too far away. Ms. Smith then staffed the case with her supervisor and filed a request for an emergency removal order.

The first part of the paper discusses the importance of understanding the cultural context of the research. It highlights the need for researchers to be sensitive to the values and beliefs of the communities they are studying. This is particularly important in the field of education, where cultural differences can significantly impact learning outcomes. The paper then moves on to discuss the challenges of conducting research in diverse cultural settings. It notes that researchers often face difficulties in establishing rapport with participants and in interpreting their responses. To address these challenges, the paper suggests several strategies, including the use of local informants and the development of culturally appropriate research instruments. The final part of the paper discusses the importance of ethical considerations in cross-cultural research. It emphasizes the need for researchers to obtain informed consent from participants and to ensure that their research does not cause harm or exploitation. The paper concludes by noting that while cross-cultural research presents many challenges, it is also a valuable way to gain a deeper understanding of the world and to promote cultural understanding and respect.

Reasonable Efforts Findings Checklist

Best Practice Tip: At the beginning of each hearing, consider swearing in the parent(s), social worker, and guardian ad litem if testimony about reasonable efforts is taken.

Ex Parte Emergency Removal Hearing

Tex. Fam. Code § § 262.102(a)(6), 262.107(a)(5)

- What specific efforts did DFPS make to prevent removal?
- Were DFPS' efforts to locate all parents reasonable based on the circumstances?
- If the child was already removed, what efforts did DFPS make or what efforts can DFPS make today to eliminate the need for removal?
- Are DFPS' efforts reasonable based on the circumstances of the child and each parent?

Adversary Hearing

Tex. Fam. Code § 262.201(g)(2),(3), (g-1)(2)

- What specific efforts did DFPS make to prevent removal?
- What efforts did DFPS make or what efforts can DFPS make to enable the child to return home? (Ask the parents and all parties and participants for input.)
- What efforts did DFPS make to enable possession by a parent who was not involved in the removal?
- Has DFPS made reasonable efforts to locate any missing or unknown parents?
- Are DFPS' efforts reasonable based on the circumstances of the child and each parent?
- If placement with a parent is not currently an option, what efforts did DFPS make to place the child with a relative or kinship giver?

Status Hearing

Tex. Fam. Code § 263.202(b)(1)

- Does the service plan ensure that DFPS makes reasonable efforts to address the conditions leading to removal and reunify the family?
- Is the service plan narrowly tailored to address the individualized needs of the child and each parent?
- Are DFPS' efforts reasonable based on the circumstances of the child and each parent?
- Has DFPS made reasonable efforts to locate any missing or unknown parents?
- If placement with a parent is not currently an option, what efforts did DFPS make to place the child with a relative or kinship giver?

Permanency Hearing Prior to Final Order

Tex. Fam. Code § 263.306(a-1)(5)(C)

- What specific efforts did DFPS make to finalize the primary and concurrent permanency goals for the child?
- What specific efforts did DFPS make to address the conditions leading to removal and reunify the child and family?
- What specific efforts did DFPS make to finalize an alternative permanent plan for the child?
- If there continues to be any missing or unknown parents, has DFPS made reasonable efforts to locate them?
- Are DFPS' efforts reasonable based on the circumstances of the child and each parent?
- If placement with a parent is not currently an option, what efforts did DFPS make to place the child with a relative or kinship giver?

Reasonable Efforts Findings Checklist

continued

Final Hearing

Tex. Fam. Code § 161.001(f)-(g)

- What specific efforts did DFPS make to return the child to the parent prior to the commencement of a trial on the merits?
- Is there a continuing danger to the child in the home despite reasonable efforts being made?

Permanency Hearing After Final Order

Tex. Fam. Code § 263.5031(a)(4)(E)

- What specific efforts did DFPS make to finalize permanency for the child, including continued efforts to locate and identify safe and appropriate relatives and kinship givers?
- Are DFPS' efforts reasonable based on the circumstances of the child?
- If final permanency was not achieved, what efforts did DFPS make to achieve final permanency for the child?
- Has DFPS made reasonable efforts to determine whether a parent's circumstances have materially and substantially changed so that they may be considered a safe and appropriate option for the child?

