'Reasonable Efforts': A Call to Clarify Child Protection Law

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"Reasonable efforts" has been the guiding standard of child protection law for longer than any of the children currently involved under the law has been alive. But do the adults concerned really know the meaning of the term "reasonable efforts"?

Section I of this article summarizes the background of the reasonable efforts requirement found in the Adoption and Safe Families Act (ASFA). Section II examines the judicial interpretations of the reasonable efforts mandate and discusses trends in services offered to children and parents in need. Section III outlines the responsibilities of child protection attorneys to help ensure that these reasonable efforts are effective in serving the needs of abused and neglected children.

Section I: A Brief History of the 'Reasonable Efforts' Requirement

Since 1980, parents, social workers, guardians, judges, and child protection attorneys[2] have been held to a federal standard of reasonableness regarding the efforts extended to families and children in the child protection system. During this period, the efforts were intended to prevent placement and reunify families. In 1997, the Adoption and Safe Families Act[3] (ASFA) extended the mandate requiring reasonable efforts to include achieving timely permanency for children for whom reunification is not a viable alternative.[4]

Although all fifty states are guided by the same legislation, there is no clear national consensus regarding the definition of reasonable efforts in child protection cases beyond the requirement of case plans and scheduled reviews and hearings. ASFA, like the Child Welfare Act of 1980,[5] also failed to articulate a precise federal standard for the required reasonable efforts. In an attempt to remedy the confusion of prior legislation with ASFA, Congress formally added the condition that "the child's health and safety should be the paramount concern" in determining whether reasonable efforts have been made.[6] The result was a virtual cornucopia of interpretations that vary not only by state but also by case. In 1978, the Maryland Court of Appeals was not alone in lamenting that "[t]here can be very little constructive or useful precedent on the subject of custody determination, because each case must depend upon its unique fact pattern."[7] This articulation of a case-by-case approach has continued throughout the nation in post-ASFA decisions.

Courts nationwide have pointed out that reasonable efforts should be common sense; offered in relation to a court-ordered plan; peculiar to circumstances; real, genuine assistance; or sometimes a denial of services altogether. Judicially accepted reasonable efforts are not necessarily ideal, perfect, all-encompassing, or Herculean. While those are excellent characteristics to help measure the reasonableness of services/programming after they have been offered, practitioners still lack prescriptive direction as to which services should be offered under various circumstances and which services would simply be futile and fail to meet a reasonableness determination.

In light of the uncertainty of this area of law, it is important for all players to prioritize the needs of the child(ren). With that in mind, how can child protection attorneys, in their role as agency representation, best serve the needs of children when faced with cases involving not only children but also parents, family, foster parents, judges, other attorneys, agency representatives, and countless service providers?

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Section II: Court Interpretations of 'Reasonable Efforts'

On a practical level, local trends may make more of a difference in the day-to-day practice of a child protection attorney than national trends. Nevertheless, trends in other states and across the country, to the extent that they exist, can be useful to bolster arguments for change in local courts or state legislation.

By far the most prevalent national trend in any area is, in fact, an absence of trend in terms of core services viewed as necessary in every child protection situation. A growing number of state courts are affirming that each case is unique and there is no prophylactic response for each family. The Supreme Court of South Dakota has found that "[e]ach case will turn on its own peculiar facts, and compelling circumstances may require different courses of conduct"[8] and that "[w]hat is reasonable is defined by the individual circumstances of each case."[9] Many other states have also determined that a case-by-case approach is most appropriate.[10] Although court decisions are making distinct findings as to what are deemed to be reasonable efforts in each case, there are trends and notable cases in several areas that seem to affect a large number of families. The three areas common to many child protection cases are chemical dependency, domestic violence, and mental illness.

Chemical Dependency is a predominant issue in child protection cases. Nationwide, it appears that parents struggling with issues of chemical dependency are having their rights terminated after being offered and failing or refusing chemical dependency treatment programs. Courts are typically requiring at least some treatment options in order to meet the reasonable efforts standard. In *Division of Family Services v. N.X.*,[11] the Delaware Family Court held that the state did not meet its burden of demonstrating (i.e., by clear and convincing evidence) that reasonable efforts had been extended. The Court noted that DFS had provided a chemically dependent mother only with referrals for out-patient treatment programs even after

the department's drug treatment professionals had recommended in-patient programming to address the mother's addiction. Beyond chemical dependency treatment, in other cases the services provided range from a bare minimum of counseling and transportation assistance, to a comprehensive package of services, including counseling, housing assistance, parenting aides, and homemaker services.

The complex nature of addiction as a disease requiring intervention efforts over an extended period of time is often at odds with the ASFA-mandated timelines. Nevertheless, in the interest of family preservation, many courts have offered services to parents for long periods of time exceeding any recognized timeline.[12] Other courts interpret statutes uniformly and seem not to allow variances for chemical dependency. For example, Arizona and Wisconsin courts have tried to maintain a 12-month deadline for parents to achieve sobriety.[13] Avoiding any problem of interpretation, the Ohio legislature enacted a statute that permits termination without efforts to maintain or restore the family where a parent has placed the child at "substantial risk of harm two or more times due to alcohol or drug abuse" and has rejected or refused to participate in court-ordered drug treatment two or more times.[14]

In Reno, Nevada, in 1994, the first Family Dependency Treatment Court (FDTC) was opened offering a new intensive interdisciplinary case management approach to meeting the needs of the children and parents in a manner efficient enough to meet permanency timelines and still offer realistic chemical dependency treatment.[15] This approach has been adopted by a number of other jurisdictions across the nation in an effort to better serve families affected by chemical dependency.[16] The FDTC concept combines early intervention and comprehensive family assessments with frequent court visits to hold all parties accountable. The frequency of these judicial interventions is a regular way to gauge the reasonableness of efforts provided to the family. The interdisciplinary case management style means that all parties are aware of all of the efforts being extended and the compliance and outcomes on behalf of the parents involved.

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In light of the realistic possibility of relapse, and with an eye toward long-term child safety, FDTCs have incorporated a continued service provision of dependency treatment after reunification has occurred. This measure ensures that all reasonable efforts are made to reunify within the ASFA-mandated timelines, and aftercare continues as the family receives support to avoid the relapse and reentry into the child welfare system that often occur in cases where chemical dependency is a problem. While this level of aftercare may extend beyond the mere reasonable efforts, this further step assures that the central tenet of ASFA's reasonable efforts requirement, child health and safety, remains the paramount concern in the FDTC system.

Domestic Violence is a frightening reality for many children involved in child protection cases. Across the country, children living in homes in which domestic violence is a potential threat to their safety can expect to be under the jurisdiction of the court for long periods of time before their well-being in the home is assured or parental rights are terminated.[17] Unique challenges arise in cases where one parent is not a perpetrator of child abuse but either lacks the ability to safeguard the child or continues to place priority on his or her relationship with the abuser over that with the child. After offering services to an abused parent without success, several states will terminate parental rights based on a failure to protect the child from the violence of an abuser.[18] Where courts have found that reasonable efforts have been made, generally, some level of service programming directed toward the nonabusive parent has been offered.

Services offered to perpetrators of domestic violence range from nonexistent (due either to the severity of the abuse where the perpetrator is a parent, or to the fact that the abuser has no legal relationship with the child) to counseling or anger-management programs related to the abuse. In cases where the abuser has no legal relationship to the child, the jurisdiction of the court can reach only the battered parent. Ideally, the abuser would voluntarily participate in programming designed to remedy the unsafe environment, but most often the battered parents' contact with the children is restricted to times when the abuser is not present. There is a notable lack of cases where a nonabusive parent in a violent situation has successfully challenged the reasonableness of efforts.

Many courts have been struggling to determine the best approach to protecting the welfare of children without punishing the battered parent for being a victim. The Court of Appeals of New York recently ruled on a case stemming from a challenge to a New York City child welfare agency policy of removing children on the basis of neglect due to domestic violence in the home.[19] This court specifically stated the importance of balancing the potential for harm to the child in the immediate situation with the possibility that reasonable efforts can mitigate that harm and avoid removal. In looking at New York's statutory scheme for determining neglect, the court differentiated between cases where a child witnessed a single incident of spousal abuse and cases where a child witnesses repeated incidents of abuse, or has grown fearful of the perpetrator and the mother continues to allow the perpetrator into the home and lacks awareness of the impact of the violence on the children.[20] The latter scenario more clearly meets the New York statutory criteria for neglect, yet the agency policy was challenged as treating every incident of domestic violence with an extreme response, including removal of the child from the home.

The *Nicholson* opinion discusses other New York cases that demonstrate alternatives to immediate removal, such as consent removal, where the battered parent recognizes the dangers and allows the children to be taken into protective custody; orders for protection to keep the abuser away from the home, allowing the child to safely reside; or providing services to the victim. To choose among all these alterations requires a careful examination of the facts of each par-

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ticular case to determine what is best for the children involved. The safety of the child must be the paramount concern, but in determining that safety, the volatile and varied realities of domestic violence must be taken into account. As stated by the New York Court of Appeals, whether a mother has failed to exercise minimal care for her child must take into account an assessment of "the severity and frequency of the violence, and the resources and options available to her."[21] Any assessment of reasonable efforts must take into account not only the research demonstrating the harmful effects of witnessing domestic violence but also the danger inherent to the situation at hand. In all situations involving domestic violence, the players involved in the child protection case should not ignore the detrimental effects suffered by children who witness such violence.[22]

Mental Illness plagues many families and can be the circumstance that spurs the involvement of the child protection system. Where a parent suffers from a mental illness, the consequences of which adversely affect the lives of the children, most states will subject that parent to the jurisdiction of child protection courts and services to ensure the well-being of the children. Notably, in 2003, the Oklahoma Court of Appeals reversed a termination in which the condition that precipitated court involvement was mental illness and the state had moved for a termination of parental rights based upon a failure to remedy the condition that led to involvement.[23] The Court of Appeals held that substantive due process of law prevents the state from terminating parental rights for "failure to correct a mental condition when such failure is part of the mental condition itself."[24] As this case points out, it is important for both the state and the child protection attorney to pay attention to documenting the reasons for intervention and the corresponding grounds for termination in order to preserve the due process rights of both the children and the parents involved. As stated by the Missouri Court of Appeals, "the mental illness of a parent is not per se harmful to a child."[25] Thus, the decision to terminate parental rights should be based upon an inability to provide a safe and healthy environment for the child rather than the illness of the parent.

Additionally, the ABA has promulgated Standards of Practice for Lawyers Representing Child Welfare Agencies. These comprehensive standards acknowledge the different models of legal representation and also reiterate the importance of communication between the agency and the attorney in every jurisdiction, regardless of the approach taken to representation.

In most cases resulting in a termination of parental rights, reasonable efforts have been extended and the termination turns on some failure of the parent to respond to the reasonable efforts or to remedy conditions. However, Connecticut and Wisconsin have seen cases where reasonable efforts are offered but termination is held to be the appropriate remedy based upon the best interests of the child.[26] Several states have gone so far as to enact statutory provisions eliminating the requirement of reasonable efforts where a parent or guardian is the sole caregiver and mental illness renders him or her incapable of caring for the children and/or benefiting from rehabilitation or reunification services.[27]

Section III: The Role of the Child Protection Attorney in Meeting 'Reasonable Efforts'

As is true for other lawyers, the child protection attorney should be guided by national and state standards. The ABA Rules of Professional Conduct should be consulted for general guidance where specific jurisdictional rules for child protection attorneys are lacking. Additionally, the ABA has promulgated Standards of Practice for Lawyers Representing Child Welfare Agencies.[28] These comprehensive standards acknowledge the different models of legal representation and also reiterate the importance of communication between the agency and the attorney in every jurisdiction, regardless of the approach taken to representation.

As further assistance, the Children's Bureau of the Department of Health and Human Services has also published excellent guidelines for agency representation.[29] By incorporating observations from the commentary accompanying the Children's Bureau Guidelines and the ABA Standards, the following five suggestions intend to steer the practice of both novice and experienced child protection attorneys in a child-focused direction.

1. *Know your stuff.* As an attorney your trade is law, so be sure to know and understand child protection proceedings. Keep to the federal or state-mandated timelines—avoid legal delays that are unnecessary from the child's standpoint. Appreciate not only the ASFA requirements but also the nuance of your state laws. Remember that some states do a better job of defining and guiding reasonable efforts. For example, Minnesota statutes guide court determinations of what is reasonable under the law by requiring that services provided to families be deemed "(1) relevant to the safety and protection of the child; (2) adequate to meet the needs of the child and family; (3) culturally appropriate; (4) available and accessible; (5) consistent and timely; and (6) realistic under the circumstances."[30] Furthermore, Minnesota courts are required to ensure that "case plans be narrowly tailored to solve the problems that precipitated state intervention."[31] If your state operates under ambiguous legislation, determine legislative intent by examining the history of a particular statute. Look at legislative examples of reasonable efforts law from other states to help shepherd your efforts. The National Child Protection Training Center's Web site is a good resource.[32]

2. *Be a zealous advocate for your client*. Be clear about who your client is and be sure that you are arguing the position of the client, not just what appears best to you. Child protection attorneys typically represent the state agency assigned with the care of dependent and neglected children. In that position, advocating for the child welfare agency's or department's position to terminate rights, despite a personal hesitation to terminate, is recognition of your role as an attorney as well as validation of the experience and expertise of the agency or department that made the decision to pursue termination. Being a good advocate also means that you need to be thoroughly prepared to present your case. Be well-versed not only in present-

ing expert witnesses for the department but also in combating expert witnesses and the evidence put on by other parties.[33]

3. *Speak the client's language.* Agency players possess a different background, and just as they adapt to the legal jargon of these cases, so too should the child protection attorney accommodate the client and be able to converse in the language of the case. To do this effectively, the attorney should understand the social and psychological dynamics of child protection situations. Become versed in child development. Communicate with members of the agency you represent and get to know what they do and understand the limitations of their positions. Have a working knowledge of the services provided. Try to understand not simply what each service is on paper as part of a case plan but also how each service has worked in other situations in your community, keeping in mind the case-by-case approach. By having a thorough understanding of the dynamics of child welfare cases, the players and their positions, as well as the offered and available services, the child protection attorney will be better able to illustrate to the court the reasonable efforts provided by the agency.

4. *Recognize local trends.* Take note of what services have been judicially sanctioned as reasonable in other cases in your jurisdiction. Be able to provide advice when a case situation is complicated in the eyes of the agency, for example, when multiple efforts have been extended but the assigned judge is either new or unpredictable with respect to findings of reasonableness. A well-prepared child protection attorney may recognize a pattern of efforts that has been consistently deemed reasonable across a spectrum of fact scenarios and thereby advise against any proposed continuance or delay. Similarly, a well-versed child protection attorney may be able to recommend continued efforts based on past decisions from similar facts. The National Child Protection Training Center has collected cases from around the nation in an effort to uncover possible reasonable efforts trends.[34]

5. *Take advantage of resources.* The ABA Standards of Practice for Lawyers Representing a Child in Abuse and Neglect Cases[35] call upon judges involved in child-related matters to play an active role in training the attorneys who work in child abuse and neglect cases.[36] Be attuned and willing to attend such local training for child protection professionals. The National Child Protection Training Center is available as a resource for any issue encountered by child protection attorneys. Its Web site contains state statutes on child protection, "reasonable efforts" state case law summaries, and information on training opportunities offered through the American Prosecutors Research Institute.

With these general guidelines in mind as well as an eye toward local custom and trends, child protection professionals can make great strides in defining this area of law and making all of our efforts more reasonable and more effective in bettering the lives of children in the community.

Conclusion

Indisputably, we live in a world where there are no guarantees that an alcoholic will never have another drink, that a victim of domestic violence will never again become trapped in an abusive relationship, or that a parent suffering from a treatable mental illness will not abandon treatment and harm her own child. Nevertheless, the children living in unsafe or unhealthy environments caused by these conditions deserve our utmost attention and, certainly, our most reasonable efforts. And though the meaning of reasonable efforts may not be crystalline, the need to strengthen our child protection system has never been more clear. In the words of the late U.S. Senator Paul Wellstone, "[w]hen historians write about American politics over the past several decades, the ultimate indictment will be of the ways in which we have abandoned children and devalued the work of adults who take care of children."[37] ASFA reminds us of the need to competently and comprehensively address child welfare. By instituting a requirement of reasonable efforts, ASFA ensures that the needs of abused and neglected children are not abandoned. It is now time for child protection attorneys to place value on our work as well as the work of allied professionals by pushing for clarification of child protection law through court decisions and legislation. Let it be that the history written by the children we serve today reflects a nation where each state places the needs of children above politics and truly values our reasonable efforts.

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About the Author

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Notes

[1]The author thanks Andrea Domeyer, Tiffany Evansen, Lyndsay Haller, and Emily Stenhoff for their invaluable research assistance and dedication to children.

[2]For the purposes of this article, the term "child protection attorney" is used to indicate the attorney representing the child welfare agency or department.

[3]Pub. L. No. 105-89, 111 Stat. 2115 (1997).

[4]*See* Adoption and Safe Families Act of 1997 302, Pub. L. No. 105-89.

[5]Pub. L. No. 96-272, 94 Stat. 500 (1980) (codified as amended in scattered sections of 42 U.S.C.).

[6]42 U.S.C. §671(a)(15)(A)(1997).

[7]*Montgomery County Dept. of Soc. Serv. v. Sanders*, 381 A.2d 1154, 1163 (Md. 1978).

[8]*In the Interest of T.H. and J.H.*, 396 N.W.2d 145, 151 (S.D. 1986).

[9]*In re W.G.*, 597 N.W.2d 430, 433 (S.D. 1999).

[10]*See e.g. In the Interest of C.B. and G.L.*, 611 N.W.2d 489 (Iowa 2000); *Montgomery County Dept. of Social Services v. Sanders*, 381 A.2d 1154 (Md. 1978); *Adoption of Lenore*, 770 N.E.2d 498 (Mass. App. Ct. 2002); *In re Welfare of H.M.P.W., R.F.W., and K.W.*, 281 N.W.2d 188 (Minn. 1979); *New Jersey Div. of Youth and Family Services v. A.G.*, 782 A.2d 458 (N.J. Super. Ct. App. 2001); *In the Matter of Sara R.*, 945 P.2d 76 (N.M. 1997); *Matter of Charlene TT.*, 634 N.Y.S.2d 807 (N.Y. 1995); *In re Ryan S.*, 728 A.2d 454 (R.I. 1999).

[11]802 A.2d 325 (Del. Fam. Ct. 2002).

[12]*See e.g. Williams v. Dept. of Health & Rehabilitative Servs.*, 648 So.2d 841 (Fla. Ct. App. 1995) (nearly four years of services); *In the Interest of J.P.V.*, 582 S.E.2d 170 (Ga. Ct. App. 2003) (approximately three years of services); *In the Matter of Annette F. et al.*, 911 P.2d 235 (N.M. Ct. App. 1996) (over two years of services); and *In the Matter of Z.Z.*, 494 N.W.2d 608 (S.D. 1992) (three years of services in South Dakota for a total ten years of services from Minnesota, North Dakota, Colorado, and South Dakota).

[13]*See e.g. Matter of Appeal in Maricopa County Juvenile Action No. JS-501568*, 869 P.2d 1224, 1232-3 (Ariz. Ct. App.1994) (The court, relying on Arizona Revised Statutes §8-862 (A)(2), noted that "[i]ndividuals who are unwilling or unable, due to drug addiction, to accept their parental responsibilities, and who thereby lose custody of their children to the State, need to be aware that they run the risk of having their parental rights permanently terminated if they substantially neglect to remedy their addiction in the year following the removal of their children."); *In re Termination of Parental Rights of Timothy G.*, 2003 WL 22946492 (Wis. Ct. App.) (UNPUBLISHED) and *In the Interest of Joseph C.B.*, 2000 Wis. App. 214 (UNPUBLISHED) (Wisconsin Court of Appeals applies the general 12-month standard of Wisconsin Statute 48.415(2)(a)(3) to chemically dependent parents).

[14]Ohio Rev. Code Ann. §2151.419 (A)(2)(c) (2004).

[15]*See* U.S. Department of Justice, *Family Dependency Treatment Courts: Addressing Child Abuse and Neglect Cases Using the Drug Court Model* 4 (D.O.J. 2004).

[16]For a number of interesting and highly relevant articles on Substance Abuse in Dependency Cases please visit the February 2005 Newsletter of The Judges' Page of the National Court Appointed Special Advocates organization at: http://www.nationalcasa.org/JudgesPage/ (Last visited March 23, 2005).

[17]*See e.g. In the Interest of M.S.H.*, 656 P.2d 1294 (Colo. 1983) (attempts to rehabilitate over two years before termination); *In the Interest of J.P. and T.P.*, 770 N.E.2d 1160 (Ill. Ct. App. 2002) (ten years of services before termination); *In the Interest of J.D.D., K.W.J., and K.J.J.*, 908 P.2d 633 (Kan. Ct. App. 1995) (children were removed three times prior to termination as repeated attempts to remedy the abusive environment failed); *In re Angel N.*, 679 A.2d 1136 (N.H. 1996) (child was removed four times within her first three years; termination did not occur until the child was five years old).

[18]*See e.g. In the Interest of Doe*, 2004 Haw. App. LEXIS 19 (UNPUBLISHED) (mother's rights terminated for failure to provide a safe family home); *In re Doe*, 2002 Haw. App. LEXIS 151 (UNPUBLISHED) (mother's rights terminated for failure to provide a safe family home); *In the Matter of the Welfare of P.R.L.*, 622 N.W.2d 538 (Minn. 2001) (mother's continued contact with abuser led to termination); *In re Interest of Samuel W. and Sophia W.*, 1999 WL 170021 (Neb. Ct. App.) (UNPUBLISHED) (mother's potential rights terminated for substantial and continuous neglect and refusal of parental care and protection); *In the Interest of J.F., W.F., and M.P.S.*, 2002 WL 507174 (Utah Ct. App.) (UNPUBLISHED) (mother's potential rights terminated for failure to protect children from abusive step-father).

[19]*Nicholson v. Scoppetta*, 820 N.E. 2d 840 (N.Y. 2004).

[20]*Id.* at 847.

[21]*Id.* at 846.

[22]For a discussion of the effects of domestic violence on children and the need for collaboration among child protection professionals see UPDATE, Volume 16, Nos. 1-2 (2003), *Domestic Violence Basics for Child Abuse Professionals* and *Strategies for Handling Cases Where Children Witness Domestic Violence*, by Allison Turkel and Christina Shaw. These UPDATE articles are available online at www.ndaa-apri.org.

[23]*In the Matter of C.R.T.*, 66 P.3d 1004 (Okla. Ct. App. 2003).

[24]*Id.* at 1010.

[25]*In the Interest of N.B.*, 64 S.W.3d 907, 915 (Mo. App. 2002).

[26]*See e.g. In re the Termination of Parental Rights to Shannon G.*, 644 N.W.2d 295 (Wis. Ct. App. 2002); *In the Interest of Rayshawn P.*, 2000 Conn. Super. LEXIS 3346 (UNPUBLISHED).

[27]*See e.g.* Alaska Stat. §47.10.086(c)(5)(2002); Ariz. Stat. Ann. §8-846(1)(b); Ky. Rev. Stat. §610.127(6); N.H. Rev. Stat. Ann. §170-C:5(IV); Utah Code Ann. §78-3a-311(b)(ii)(2003).

[28]ABA Center on Children and the Law's National Child Welfare Resource Center on Legal and Judicial Issues, *Standards of Practice for Lawyers Representing Child Welfare Agencies*, http://www.abanet.org/child/rclji/online.html (Last visited March 21, 2005).

[29]U.S. Department of Health and Human Services, Administration for Children and Families: Children's Bureau, *Factsheets/Publications: Guidelines for Agency Representation*, http://www.acf.dhhs.gov/programs/cb/publications/adopt02/02adpt7.htm#guidar (Last visited March 21, 2005).

[30]M.S.A. §260.012 (c)(1)-(6).

[31]Will L. Crossley, *Defining Reasonable Efforts: Demystifying the State's Burden Under Federal Child Protection Legislation*, 12 B.U. Pub. Int. L.J. 259, 298 (2003).

[32]http://www.ndaa-apri.org/apri/programs/ncptc/ncptc_home.html.

[33]NCPTC maintains files on prosecution as well as defense experts. For information or assistance contact NCPTC at 507-457-2890 or ncptc@ndaa-apri.org.

[34]To view cases from your state, please visit the Reasonable Efforts Case Summaries link on the NCPTC Web site.

[35]ABA Center on Children and the Law, *American Bar Association Standards of Practice for Lawyers Representing a Child in Abuse and Neglect Cases*, http://www.abanet.org/child/rep-duties.html.

[36]The goal of better trained attorneys is certainly commendable; however, such a responsibility upon child welfare judges may be ill-placed. A recent survey of 2,241 dependency court judges indicated that 49% of judges enter this area with little or no training in child abuse or neglect cases. *View From the Bench: Obstacles to Safety and Permanency for Children in Foster Care* (July 2004) This survey was conducted by the Children and Family Research Center, School of Social Work, University of Illinois, Urbana-Champaign, and is available on line at www.fosteringresults.org.

[37]Paul Wellstone, *The Conscience of a Liberal*, 73, Univ. of Minn. Press, 2001.