

**Waiver of Reasonable Efforts Checklist**

Case Name: \_\_\_\_\_

TWIST #: \_\_\_\_\_

Total Time in OOHC: \_\_\_\_\_

Reviewer & Date: \_\_\_\_\_

Review this form with the FSOS prior to the 10-day case planning conference, 6-month periodic review, 9-month pre-permanency review, and all subsequent periodic reviews.

If any of the following criteria apply, you should immediately consult with your regional attorney or county attorney about making a request to the court to waive reasonable efforts to reunify the child with the parent(s). You must prepare a report for the court setting forth the reasons why reasonable efforts should not be required to set a permanency hearing within thirty (30) calendar days of filing your report. If the court grants a waiver of reasonable efforts, a consultation must be held with the Office of Legal Services (OLS) within 30 calendar days as outlined in SOP 11.8 Judicial Determination of Reasonable Efforts and Aggravated Circumstances.

\*You do not need to wait a certain period of time before making a request if one of the below criteria applies. The criteria for waiver of reasonable efforts in accordance with KRS 610.127 and 600.020 are as follows (please check all boxes that apply):

- ☐ Parent has subjected the child to aggravated circumstances as defined in KRS 600.020 (check all that apply):
  - ☐ Parent has not attempted or has not had contact with the child for a period of not less than ninety (90) calendar days.
  - ☐ Parent is incarcerated and will be unavailable to care for the child for a period of at least one (1) year from the date of the child's entry into foster care, and there is no appropriate relative placement available during this period of time.
  - ☐ Parent has sexually abused the child and has refused available treatment.
  - ☐ Parent has been found by the Cabinet for Health and Family Services (Cabinet/CHFS) to have engaged in abuse of the child that required removal from the parent's home two (2) or more times in the past two (2) years.
  - ☐ Parent has caused the child serious physical injury as defined in KRS 600.020(59).
- ☐ Parent has been convicted in a criminal proceeding of having caused or contributed to the death of another child of the parent.
- ☐ Parent has committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.
- ☐ Parent has had their parental rights to another child terminated involuntarily.
- ☐ Parent has engaged in a pattern of conduct due to alcohol or other drug abuse as defined in KRS 222.005 for a period of not less than ninety (90) calendar days that has rendered the parent incapable of caring for the immediate and ongoing needs of the child, and the parent has refused or failed to complete available treatment for alcohol or other drug abuse.
- ☐ Parent has mental illness as defined in KRS 202A.011 or is an individual with an intellectual disability as defined in KRS 202B.010 or other developmental disability as defined in KRS 387.510 that places the child at substantial risk of physical or emotional injury even if the most appropriate and available services were provided to the parent for twelve (12) months.
- ☐ Parent has sexually abused the child or is required to register on a sex offender registry under 42 U.S. C. sec. 16913, the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248.

- ☐ Other circumstances exist that make continuation or implementation of reasonable efforts to preserve or reunify the family inconsistent with the best interests of the child and with the permanency plan for the child.

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FSOS Signature & Date