

Handout

Exceptions to ASFA Requirements

The ASFA legislation provides exceptions to its requirements to provide assistance and services to parents to prevent removal and reunify children. The exceptions are:

- The parent has subjected the child to aggravated circumstances, such as abandonment, torture, chronic abuse, and/or sexual abuse
- The parent has committed or aided in the murder, voluntary manslaughter, or felony assault of another child
- The parental rights to a sibling have been involuntarily terminated

Under these exceptions, as permitted by State statute, the child welfare and court systems may determine there is reason to suspend the requirement to make reasonable efforts to provide assistance and services to parents, and move more quickly toward an alternative placement for the child.

Consider aggravated circumstances. In assessing the ongoing safety of a child, child welfare workers should consider the extent to which a child of substance-abusing parents has been subjected to any of the aggravated circumstances. This will help them weigh the severity of the addiction and consequent parental behavior in the context of prior abuse and neglect, and provide the court with valuable information about the potential for reunification.