

## **Topic 7: Compelling Reasons**

Link to [Procedure](#)

The term “compelling reasons” is used in two different provisions in ASFA:

- ◆ The Department may determine it has a compelling reason not to file a termination petition when the child has been in care for 15 of the last 22 months.
- ◆ The court may determine at a permanency hearing that there is a compelling reason that reunification, adoption, guardianship, and relative placement are not in the child’s best interests. If the court makes such a finding, it may order another planned permanent living arrangement for the child.

“Compelling reasons” not to provide a child with the highest level of permanency available must be convincing and forceful. A compelling reason must be supported with very strong, case-specific facts and evidence which includes justification for the decisions and reasons why all other more permanent options for a child are not reasonable, appropriate or possible.

The social work case manager and the family team determine compelling reasons after consultation with the guardian ad litem. If the guardian ad litem supports the plan, the reasons must be reviewed and approved in a permanency staffing. You must document the compelling reasons and the date of the staffing in the case permanency plan.

“Compelling reasons” not to file a termination petition must be considered on a case-by-case basis in relation to the individual circumstances of the child and family. The state may not identify a specific category of children who are excluded from one or more permanency options. For example, the Department cannot categorically exclude delinquents from being considered for adoption.