

# INQUIRIES AT THE 6-MONTH CRB REVIEW THAT PROMOTE TIMELY AND APPROPRIATE PERMANENCY PLANNING FOR CHILDREN

## INTRODUCTION

### Dependency Jurisdiction

The juvenile court has **exclusive original jurisdiction** in any case involving a child whose condition and/or circumstances are described in ORS 419B.100(1). For example:

A child “[w]hose conditions and circumstances are such as to endanger the [child’s] welfare.” ORS 419B.100(1)(c)

A child “[w]hose parents \* \* \* have \* \* \*[s]ubjected the [child] to cruelty, depravity or unexplained physical injury[,] or \* \* \* [f]ailed to provide the [child] with the care, guidance and protection necessary for the [child’s] physical, mental or emotional well-being.” ORS 419B.100(1)(e)

## Different Roles – Same Goals

To work actively and creatively to permit children to remain in, or return to, the home of the parent(s) and be free from abuse and neglect.

To work actively and creatively to assist the parent(s) to address and successfully resolve the bases for juvenile court jurisdiction.

To carry out these responsibilities “*within a reasonable time*” for the child.



## The 6-Month CRB Review



How are the child and the parent(s) progressing, has DHS made the required efforts, is the case plan appropriate, and is the concurrent planning appropriate?

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## REASONABLE TIME AND CONDITIONS OF RETURN

### Reasonable Time + Conditions of Return

The DHS case plan must be rationally related to the bases for jurisdiction and include:

(1) **a reunification plan** with “[a]ppropriate services to allow the parent the opportunity to adjust the parent’s circumstances, or conditions to make it possible for the ward to safely return home ***within a reasonable time;***” AND

(2) **a concurrent permanent plan** to be implemented if the parent is unable or unwilling to adjust the parent’s circumstances, conduct or conditions in such a way as to make it possible for the ward to safely return home ***within a reasonable time.*** ORS 419B.343

## Reasonable Time + Conditions of Return

“***Reasonable time***’ means a period of time that is reasonable given a child or ward’s emotional and developmental needs and ability to form and maintain lasting attachments.” ORS 419A.004(20)

“[The ***within-a-reasonable-time***] inquiry is child-specific. It calls for testimony in psychological and developmental terms regarding the particular child's requirements.” *State ex rel SOSCF v. Stillman*, 333 Or 135, 146, 35 P3d 490 (2001).

## Reasonable Time + Conditions of Return

***Dept. of Human Services v. T.C.A. , 240 Or App 769, 248 P3d 24 (2011)*** (reversing judgments terminating mother’s parental rights)

“Under [ORS 419B.504], we must determine not only whether the parent is unfit, but also whether integration of the child into the parent's home is improbable ***within a reasonable time*** due to conduct or conditions not likely to change. \* \* \* ***A reasonable time is ‘a period of time that is reasonable given a child or ward's emotional and developmental needs and ability to form and maintain lasting attachments.’ ORS 419A.004(20). The inquiry into a reasonable time ‘is child-specific. It calls for testimony in psychological and developmental terms regarding the particular child's requirements.’***”

## Reasonable Time + Conditions of Return

“\* \* \* Although the expert witnesses acknowledged the difficulties of predicting when mother will be far enough into her recovery to be able to parent, *they testified that she may well be able to resume caring for the children in a period ranging from six to 18 months.* DHS did not show that mother would be unlikely to achieve sobriety or otherwise meet its burden to prove that it was improbable that mother would be able to provide a safe home for the children in that timeframe. *Ultimately, the problem here is that the record is devoid of evidence regarding how such a delay in achieving permanency would affect the children’s emotional and developmental needs or their ability to form and maintain lasting attachments.*

“\* \* \* *In short, the record does not contain clear and convincing evidence that a six-to-18-month wait to return to mother’s home is unreasonable in light of the children’s needs.*”

## Reasonable Time + Conditions of Return

### DHS also must

Identify in writing and communicate to the parent (and the court) the “*conditions for return,*” which means “the *specific behaviors, conditions, or circumstances* that must exist within a child’s home before a child can safely return and remain in the home with an in-home ongoing safety plan.”

**Reasonable Time + Conditions of Return**

**WHY CAN'T THE CHILD  
GO HOME TODAY?**

**Reasonable Time + Conditions of Return**

**IF YOU WERE THIS  
PARENT, WOULD YOU  
KNOW WHAT YOU  
NEEDED TO DO AND  
BY WHEN?**

# INQUIRIES AT THE 6-MONTH CRB REVIEW THAT PROMOTE TIMELY AND APPROPRIATE PERMANENCY PLANNING FOR CHILDREN

## THE CASE PLAN AND THE BASES FOR JURISDICTION

### Case Plan + Bases for Jurisdiction

***Dept. of Human Services v. N. M. S., 246 Or App 284, 266 P3d 107 (2011)*** (reversing permanency judgment changing plan from reunification to adoption because the juvenile court relied on facts extrinsic to the bases for jurisdiction in assessing parents' progress)

***Dept. of Human Services v. N. T., 247 Or App 706, 271 P3d 143 (2012)*** (reversing permanency judgment changing plan from reunification to adoption because the juvenile court relied on facts extrinsic to the bases for jurisdiction in assessing parents' progress)

***Dept. of Human Services v. J.R.L., --- Or App ---, --- P3d --- (April 24, 2013)*** (reversing permanency judgment changing plan from reunification to adoption because the juvenile court relied on facts extrinsic to the bases for jurisdiction in assessing parents' progress)

## Case Plan + Bases for Jurisdiction

*Dept. Human Services v. J. R. L., --- Or App ---, --- P3d --- (April 24, 2013)*

“[The child] A was a ward of the court based on mother’s admissions relating to exposure of A to risks of **sexual abuse** by A’s father, a **lack of suitable housing**, and a **failure to meet A’s educational needs**. Mother contends that the wardship should have been dismissed because she had adequately addressed those bases for jurisdiction and because the juvenile court improperly relied on a different basis for continuing jurisdiction--**mother’s mental health**--as to which mother had not received required notice. In part, mother challenges the permanency judgment on the same basis, arguing that the [DHS] failed to establish the insufficiency of mother’s progress toward ameliorating bases for jurisdiction that had been pleaded and proved.

Held: Mother was not given adequate notice from the jurisdictional judgment, or from the Services Requested form incorporated in the judgment, that her failure to address her mental health issues could be a basis for the court to continue jurisdiction over A. **The juvenile court erred in relying on mother’s mental health, a fact extrinsic to the jurisdictional judgment, in denying mother’s motion to dismiss and in its determination of the permanency plan.”**

## Case Plan + Bases for Jurisdiction

**BUT, WHAT CAN THE  
CRB DO ABOUT THAT?**

# JUVENILE COURT DEPENDENCY HEARINGS & MODEL JUDGMENT FORMS

**FINAL THOUGHTS & QUESTIONS**