

STATE OF OREGON
MEMORANDUM OF UNDERSTANDING

BETWEEN
The Department of Human Services
And
The Citizen Review Board

This Memorandum of Understanding, hereinafter referred to as MOU, between the State of Oregon Department of Human Services, Children, Adults and Families Division, hereinafter referred to as DHS, and State of Oregon Judicial Department, Citizen Review Board, hereinafter referred to as CRB, begins upon execution of this MOU by both parties and ends July 31, 2020.

By the signatures below of their authorized representatives, DHS and CRB hereby jointly acknowledge the importance of effective and efficient review of service delivery to the children and families of Oregon in promoting improved outcomes. This MOU describes protocols that CRB and DHS believe will further that goal.

1. DEFINITIONS

- 1.1 **Case Plans:** Written, goal-oriented, time-limited individualized plans for each child in foster care and the child's family, developed by DHS and the parents or legal guardians, to achieve the child's safety, permanency and well being.
- 1.2 **Case Review (CRB review, Review):** A process by which local citizen review boards use the written Case Plans, and other supporting documents, and a scheduled meeting with essential and interested parties to make the findings and recommendations required by ORS 419A.116 that are reported to the Court, DHS, legal parties, and other essential parties who attended the review. Case review by the CRB meets the requirements of "administrative review" under 42 U.S.C § 675 of Title IV-E of the Social Security Act and is part of the "case review system" described under the Act.
- 1.3 **Continuance:** A circumstance in which the case review is not concluded at the end of its regularly scheduled meeting. No written findings or recommendations are issued until after the conclusion of the case review, which is typically the following month. Subsequent review due dates will be generated from the date that the review began.
- 1.4 **CRB:** Citizen review boards are established by the Judicial Department pursuant to ORS 419A.090 and comprise part of the Oregon's case review system under Title IV-E of the Social Security Act.
- 1.5 **DHS:** For the purpose of this memorandum, reference to DHS means the Department of Human Services, Children, Adults and Families Division, specifically.

- 1.6 **Early Review:** A case review set prior to the next review due date to assess an aspect of the case that has a material effect on the permanency outcome in the Case Plans.
- 1.7 **Essential Party:** Those persons specifically named as entitled to notice of CRB reviews, including legal parties, pursuant to ORS 419A.098(3) and any other parties listed by the Department of Human Services (DHS) or the Oregon Youth Authority (OYA) or listed in the Court order to review the Guardianship. A mature child means a child who is able to understand and participate in the decision making process without excessive anxiety or fear. There is a rebuttable presumption that a child 14 years or older is a mature child.
- 1.8 **Findings and Recommendations:** A written report required under ORS 419A.116 that addresses reasonable efforts, case compliance, parental progress, progress toward alleviating the need for placement, the need for and appropriateness of placement, a likely date to return home, and other problems, solutions or alternatives.
- 1.9 **Interpreter:** A professional person, not employed by DHS or CRB, who provides oral transfer of meaning from one language to another for a legal party who is Limited English Proficient (LEP)
- 1.10 **Interested Party:** A person, other than essential or legal parties, who has some connection with or knowledge of the child and family situation.
- 1.11 **Legal Party:** Those persons with legal standing before the juvenile court pursuant to ORS 419B.875(1).
- 1.12 **Next Review Due Date:** The date by which the next periodic review (Court or CRB) is required by federal and state law.
- 1.13 **No Paper:** When DHS does not submit to CRB the required case material to conduct, cancel, or paper move a review.
- 1.14 **Paper Move:** A process by which a DHS branch requests the CRB to delay scheduling a case review and hold the paper (Case Plans and supporting documents) because there is a scheduled court hearing that is expected to meet the requirements for periodic review. If granted, CRB will move the case from the current CRB date to the next while awaiting the outcome of the hearing.
- 1.15 **Request for Case Information:** A notice from CRB to DHS indicating the CRB has preliminarily scheduled a dependency case for review, and requests that DHS respond with the Case Plans and supporting documents or an explanation, with supporting documentation, that the review is not required by federal and state law.
- 1.16 **Substitute Care:** A child in the legal or physical custody and care of DHS, including those supervised by another agency and placed in a paid or unpaid out-of-home placement, including but not limited to foster or relative placements,

group homes, permanent foster care, emergency shelters, residential facilities, non-finalized adoptive placements, subsidized independent living, accredited psychiatric facilities, secure adolescent inpatient programs and secure children's inpatient programs.

- 1.17 **Trial Reunification Placement:** When a child is returned home without the court dismissing legal custody.

2 ISSUES OF GENERAL APPLICATION

- 2.1 CRB and DHS will meet no less than twice per year to address issues of mutual interest, such as successes, concerns, training needs, trends in child welfare, and advocacy opportunities.
- 2.2 CRB and DHS will address any future concerns or needs that may arise regarding the subject matter of this MOU on an as-needed basis and at local levels, when appropriate. However, recommended or desired changes to protocols, even at local levels, must receive the necessary approval(s) required by the policies and practices of CRB and DHS before such changes are implemented.
- 2.3 CRB and DHS acknowledge that it is important to provide local courts with a balanced perspective regarding the processes by which CRB reviews are conducted. Therefore, CRB and DHS will each include the other as a participant in meetings with the local courts in which CRB policies and/or procedures are anticipated to be discussed.
- 2.4 CRB and DHS will share training they provide to staff and volunteers of their respective programs to promote understanding of practice and improve the review system.
- 2.5 DHS will request that the court conduct the required periodic reviews of children in trial reunification placements as Oregon law does not authorize CRB to review these children.

3. BEFORE THE REVIEW

- 3.1 Notice of cases preliminarily scheduled for CRB review will be provided to DHS by CRB at least 45 days prior to the review date by sending Requests for Case Information to local DHS offices. These cases are determined by data provided to CRB by DHS through a nightly data transfer.
- 3.2 DHS will submit all required case material to CRB via the OJD Secure File Transfer site no later than 5 p.m., 21 days prior to a scheduled review.
- 3.3 For children to be reviewed by CRB, DHS will submit:
 - 3.3.1 A complete CRB Request for Case Information,
 - 3.3.2 A complete and up-to-date Child Specific Case Plan for each child;

- 3.3.3 A complete and up-to-date Child Welfare Case Plan or Family Support Services Case Plan, even if the parents' rights have been terminated; and
- 3.3.4 Additional supporting documents applicable to the case.
- 3.4 Additional supporting documents for children to be reviewed by CRB includes:
 - 3.4.1 Court documents from period under review
 - 3.4.1.1 Petitions and amended petitions
 - 3.4.1.2 Admissions
 - 3.4.1.3 Jurisdiction/disposition judgments, including any attachments referenced in the judgment
 - 3.4.1.4 Most recent review/permanency order or judgment, including any attachments referenced in the order or judgment
 - 3.4.2 Protective Custody Report or Affidavit for Protective Custody (first CRB review only)
 - 3.4.3 Any Assessment Summary from the period under review
 - 3.4.4 Court Report
 - 3.4.5 Voluntary Placement Agreement or Voluntary Custody Agreement (first CRB review only)
 - 3.4.6 Relative Information
 - 3.4.7 Adoption Checklist
 - 3.4.8 Court Appointed Special Advocate (CASA) Report
 - 3.4.9 Verifications of ICWA Eligibility from period under review
 - 3.4.10 Current Action Agreements and Letters of Expectation
 - 3.4.11 Any mental health assessments, psychological evaluations, and developmental evaluations from the period under review
 - 3.4.12 Treatment summary reports (not daily case notes) from the period under review
 - 3.4.13 Individualized Education Plan (IEP)
 - 3.4.14 Comprehensive Transition Plan (T2)

- 3.4.15 Interstate Compact on the Placement of Children (ICPC) supervision report
- 3.4.16 Placement history screen print
- 3.4.17 Additional material requested by the board at a previous review for which the need to review the material has been documented
- 3.5 DHS will submit required case material in the order listed in 3.4 except that the CRB Request for Case Information should be put before the Court documents (3.4.1) and the Case Plans should be put after the Court Report (3.4.4).
- 3.6 DHS will limit supporting documents to those listed in 3.4 unless a board specifically requests additional supporting documents.
- 3.7 For children who do not require review, DHS will submit:
 - 3.7.1 The CRB Request for Case Information with a notation explaining why a review is not required by federal and state law; and
 - 3.7.2 Support documentation (e.g., adoption order, placement history screen print showing a trial reunification placement, etc.)
- 3.8 If a permanency hearing or a complete judicial review hearing is scheduled prior to the next review due date or in the 30-day grace period after the next review due date, DHS will submit a request for a Paper Move. This request for Paper Move should include a complete and up-to-date CRB Request for Case Information, Child Specific Case Plan for each child, and Child Welfare Case Plan or Family Support Services Case Plan. The CRB will Paper Move the case pending the hearing. Following the court hearing, DHS will provide the CRB with a copy of the judgment or order. Upon receipt of a judgment or order that contains the findings required by ORS 419B.476 or includes substantially the same findings as required by ORS 419A.116, CRB will set the next review due date to be six months from the court hearing. If the Court included in the judgment or order a request for the CRB to review the case at an earlier date, the CRB will set the next review due date to coincide with the judgment or order. If DHS fails to provide the judgment or order, the CRB review that was paper moved may be held.
- 3.9 CRB and DHS agree that a hearing held earlier than five months after placement should not take the place of the first six-month review and thus cannot be the basis of a paper move.
- 3.10 For all cases that will be reviewed or paper moved by CRB, DHS will include on or with the CRB Request for Case Information names and current addresses of the following:
 - 3.10.1 Legal parties,
 - 3.10.2 Foster provider(s),

- 3.10.3 Applicable essential parties listed in 3.11, and
- 3.10.4 Other essential parties (e.g., significant relatives, services providers, counselors, teachers, etc.).
- 3.11 If any of the following essential parties are assigned to or involved with a child, DHS will ensure their name and current address are included on or with the CRB Request for Case Information:
 - 3.11.1 Adoption worker
 - 3.11.2 Developmental Disability Services case manager
 - 3.11.3 Grandparent
 - 3.11.4 ICPC or other courtesy worker
 - 3.11.5 Independent Living Program (ILP) coordinator
 - 3.11.6 Probation Officer for the child
 - 3.11.7 Tribe, if the Indian Child Welfare Act (ICWA) applies
 - 3.11.8 Wraparound Initiative facilitator
- 3.12 DHS will notify the CRB if an interpreter is needed on the Request for Case Information. CRB will arrange for a court certified or registered interpreter to be present at the review.
- 3.13 A review will not be scheduled and will be set over to the following month by CRB if the required case material is not received by the due date and time. When this occurs, it is called a "No Paper" and CRB will send a memo notifying DHS that the required case material was not received. The memo will also provide a new CRB review date as well as a new due date for the case material.
- 3.14 If, after its receipt of a completed Request for Case Information, the CRB learns of an interested party requesting to be heard and who is not listed on the Request for Case Information, the CRB will notify DHS of the interested party's request. The CRB will consider hearing from interested parties not listed on the Request for Case Information as allowed by the Supreme Court Operating Rules for Local Citizen Review Boards.
- 3.15 If DHS is aware of special circumstances at the time it transmits a completed Request for Case Information in a particular matter, DHS will include the information related to those circumstances at that time. If either CRB or DHS becomes aware of special circumstances with respect to a particular matter within 21 days of a scheduled review, each will alert the other of those circumstances by telephoning the appropriate person within CRB or DHS.
- 3.16 CRB schedules initial reviews for a minimum of 40 minutes and subsequent

reviews for a minimum of 25 minutes. If DHS believes a matter requires additional time for a review, it will indicate that belief on the Request for Case Information completed by DHS for that matter.

- 3.17 CRB will provide written notice to essential parties listed on each completed Request for Case Information at least 15 days prior to the scheduled review.
- 3.18 CRB and DHS acknowledge that legal parties may more fully and meaningfully participate in case reviews when they are provided the opportunity to review relevant materials prior to attending reviews in which they have an interest. To achieve that level of participation, DHS will send copies of the Case Plans to parents; parent's attorneys; child's attorneys; CASAs; and tribes, if ICWA applies, for receipt prior to the CRB review.

4. AT THE REVIEW

- 4.1 DHS will attend scheduled CRB reviews. The case-carrying worker is expected to attend; if s/he cannot attend, a knowledgeable substitute worker or supervisor will attend. Supervisors may attend any review. If the case has another worker, such as an adoption worker, ICPC worker or courtesy worker, that worker should also participate in the review.
- 4.2 The attending DHS worker(s) or supervisor will bring the current volume of the case file to the CRB review, if the file is available.
- 4.3 CRB will encourage an open forum while discussing and reviewing a case. If a legal party wishes to speak privately with the board, or provides written information to the board, or the board wishes to speak privately with the legal party, CRB may consider that information in making a decision. In making a finding or recommendation, CRB will disclose the information upon which it relied as required by CRB policy and procedure.
- 4.4 CRB will make the Findings and Recommendations verbally during the review unless CRB, in its sole discretion, finds it impracticable.
- 4.5 CRB will identify those recommendations that are not within the authority or ability of DHS to implement and CRB will direct issues of general concern (for example, resource needs) to the appropriate forum.
- 4.6 CRB and DHS acknowledge that the children and families whose cases are undergoing review will be best served by a joint effort by CRB and DHS to maintain the focus of the proceedings on issues germane to the achievement of the safety, well-being, and permanent plan for the children under review.
- 4.7 If any of the below circumstances occur before the review begins, CRB will reschedule the review:
 - 4.7.1 No DHS representative attends, and the board decides a representative's attendance is necessary to hold the review.

- 4.7.2 There is a need for an interpreter and one is not available.
- 4.7.3 A legal party entitled to notice did not receive notice.
- 4.7.4 No one appears for the review.
- 4.8 If any of the below circumstances occur after the review begins, CRB will continue the review:
 - 4.8.1 The tribe with standing in the case was not notified.
 - 4.8.2 There is a need for an interpreter and one is not available.
 - 4.8.3 The board is unable to make its required findings.
- 4.9 CRB and DHS will make every effort to avoid the necessity for rescheduled CRB reviews and continuances.
- 4.10 The time of the essential parties to the case is valuable. As such the CRB will attempt to schedule early reviews only in the following circumstances:
 - 4.10.1 By order of the Juvenile Court.
 - 4.10.2 Upon request by a person with legal standing in the case.
 - 4.10.3 Upon recommendation by the CRB, at a regularly scheduled review, when there is a material concern regarding the permanency outcome and there is cause to believe that an early review will advance the permanency plan. Such a request will be documented in the Findings and Recommendations document.
- 4.11 Before scheduling an early review under 4.10.2 or 4.10.3, CRB field staff will review the request with the DHS Supervisor to determine if the material concern has been addressed and whether an early review continues to be warranted.
- 4.12 CRB will not schedule early reviews to address the following:
 - 4.12.1 Issues pertaining to criminal charges pending or decided. These issues are to be resolved in the court.
 - 4.12.2 Issues pertaining to caseworker supervision issues. Boards are encouraged to resolve these issues by direct contact with the worker's supervisor.

5. AFTER THE REVIEW

When the CRB receives a written response from DHS to a CRB Finding or Recommendation, the board will discuss the response at its next regular meeting date. The DHS response, along with the action taken by the board, will be forwarded to the court, DHS, legal parties, and other essential parties who attended the CRB review

within fourteen (14) days of the board's review of the response.

6. TITLE IV-E COST REPORTING

6.1 Purpose:

This MOU establishes a procedure for CRB to report to DHS the CRB expenditures that qualify for Federal Financial Participation under Title IV-E. These CRB expenditures shall include costs associated with administering and conducting foster care administrative reviews and Title IV-E Training. DHS will include CRB's Title IV-E costs in DHS' cost allocation process.

6.2 CRB Responsibilities:

6.2.1 CRB will provide, to DHS' General Accounting Unit, quarterly reports on CRB's Title IV-E eligible costs.

6.2.2 CRB will not report any expenditure that has been included in any other Federal reimbursement or matching funds claim.

6.2.3 CRB shall be responsible for repayment of any Title IV-E funds received by CRB that are the result of CRB Title IV-E costs disallowed as a direct result of a federal or state audit of CRB financial records.

6.2.4 CRB will report quarterly to DHS the number of DHS children reviewed.

6.3 DHS Responsibilities:

6.3.1 DHS will acknowledge receipt of the CRB's Title IV-E quarterly report within three (3) days of receiving the report.

6.3.2 DHS will include CRB's Title IV-E eligible costs in DHS' cost allocation process. DHS' cost allocation process culminates in the filing of the quarterly Title IV-E federal claim.

6.3.3 DHS will notify CRB when they have filed the quarterly Title IV-E federal claim.

6.3.4 DHS reserves the right to withhold the CRB related costs from the federal claim if, and only if, the CRB Title IV-E claim will result in a loss of the Title IV-B transfer authority. DHS shall notify CRB within five (5) days of DHS' receipt of information which could reasonably indicate that DHS would withhold CRB Title IV-E eligible costs.

6.4 Joint Responsibilities:

6.4.1 CRB and DHS will cooperate in identifying which CRB expenditures are allowable Title IV-E costs. (Some examples of costs that are not allowable Title IV-E costs are: any interest expenses; mass transit taxes; and capital expenditures greater than \$5,000.)

- 6.4.2 All funds realized by DHS from claiming CRB allowable Title IV-E costs will be transferred to CRB. CRB will treat the transaction as a "transfer in" for Department of Administrative Services accounting purposes, and DHS will treat the transaction as a "transfer out" for accounting purposes. CRB will deposit such funds to the credit of the State of Oregon's CRB IV-E Operating Account.
- 6.4.3 The Oregon Judicial Department, on behalf of CRB, and DHS agree to engage in subsequent discussions concerning possible uses of state general funds that may become available for allocation by the legislature or the legislative Emergency Board in the event that the Title IV-E funds being sought under this MOU are received by CRB.

7. CHILD ABUSE PREVENTION AND TREATMENT ACT FUNDS TRANSFER AND ASSOCIATED REQUIREMENTS

- 7.1 This MOU establishes an agreement whereby DHS will transfer to CRB \$36,000 per year from its annual Child Abuse Prevention and Treatment Act (CAPTA) grant award, for as long as funds are available or until this memorandum is changed, to support the CRB's statutory mandate to advocate for effective policies, procedures, and laws in the child welfare system; and to comply with CAPTA grant requirements that the State maintain a minimum of three CRB citizen review panels. CRB will provide DHS' General Accounting Unit an invoice for \$12,000 in September, January, and May of each year.
- 7.2 CRB Responsibilities:
 - 7.2.1 CRB will maintain a minimum of three citizen review panels composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.
 - 7.2.2 The citizen review panels described in section 7.2.1 must meet not less than once every three months, and are responsible for carrying out the functions described in 42 USC§ 5106a(c)(4).
 - 7.2.3 The CRB will assure that the panels described in 7.2.1 prepare and make available to the State and public, on an annual basis, a report containing a summary of the activities of the panel and recommendations to improve the child protection services system at the State and local levels. This report will be submitted to DHS' CAPTA grant manager on or before May 15, of each year.
- 7.3 DHS Responsibilities:
 - 7.3.1 DHS will include the CRB citizen review panel's reports in the CAPTA section of the Annual Progress and Services Report (APSR) submitted to the Administration for Children and Families by the Department.

7.3.2 No later than 6 months after the date on which the CRB's citizen review panels submit their annual reports to the DHS CAPTA grant manager, DHS will submit a written response that describes whether or how the State will incorporate the recommendations of the panel(s) to make measurable progress in improving the State and local child protective system.

8. JOINT DEVELOPMENT OF ELECTRONIC INFORMATION SHARING SYSTEMS

8.1 Collaboration in data sharing is paramount in improving permanency outcomes.

8.2 CRB and DHS will work collaboratively on planning and implementing changes in case management systems and electronic content management within their respective organizations and will work to ensure compatibility for sharing information.

The parties understand that this MOU is not legally binding on them. Rather, it is designed to reflect an understanding of the way in which they may successfully cooperate to provide effective and efficient case review of foster care in Oregon. Nothing in the MOU restricts any party from exercising independent judgment or discretion given it under applicable statutes, regulations, or other sources.

Reviewed by DHS Contract Officer: _____ Date: _____

Citizen Review Board

By: LMCK

Date: 10-3-14

Name: Leola McKenzie

Title: Director of Juvenile Court Programs

Department of Human Services

By: Lois Ann Day

Date: 10/7/14

Name: Lois Ann Day

Title: Director for Child Welfare Services