



Citizen Review Board
Digby Case Materials

July 2010

Citizen Review Board
Volunteer Board Member Orientation Training

Case Materials Exercise – Digby Case

When reading the case plan and case materials, begin your analysis of the information provided by considering the three basic issues identified below.

1. Who is involved in the case?

Think about...

- The child
- Parents
- Attorneys for parents and children
- DHS
- Foster Parents
- Involved relatives
- CASA, Tribe, Others

2. Where is the case headed?

Think about...

- The goals in the case
- The plan for the child
- The achievement dates for the plan
- How long the child has been in foster care
- Whether the plans are appropriate
- Whether the achievement dates are realistic

3. What is being done in the case?

Think about...

- What is being done by DHS
- What is being done by the parents
- What is being done for the child
- The relationship between the services provided and the reasons the child came into foster care
- Whether the child's needs are being met
- What progress has been made in the case



Child Welfare Case Plan (Child in Substitute Care, DHS has Custody)

Case Name: MCKENDALL, GISELLE Case Number: MG3339
Worker: Marvin Guardello Date: 06/03/09
Branch: Urbana Uptown

Child Information

Child's Name: Marcus Digby Person Letter: B

Date of Birth: 11/14/1997 Age: 12 Primary Language EN

Most Recent Removal from Home: 12/29/08

Mother Information:

Mother's Name: Giselle McKendall Date of Birth: 07/19/78

Primary Language: EN

Father's Information

Father's Name: Arthur Digby Date of Birth: 10/03/72

Primary Language: EN Father's Legal Status: Legal- Deceased

Mr. Digby and Ms. McKendall were married at the time of Marcus' conception and

Legal Status: birth.

Identified Safety Threats

Identified Safety Threats:

#1 The family situation is such that no adult in the home is routinely performing parenting duties and responsibilities that ensure child safety. Ms. McKendall left Marcus with a neighbor and refused to allow Marcus to return to her home. She believes her physical disability/incapacitation and Marcus' behaviors render her unable to provide care for Marcus. She is refusing to respond to Marcus' needs for security and stability.

#8 A situation, attitudes and/or behavior is such that one or both parents or care-givers lack parenting knowledge, skills and motivation necessary to ensure a child's safety. Ms. McKendall does not want to parent Marcus. She places her own needs above those of Marcus. She allows others to parent or provide care for her child without concern for the other person's ability or capacity.

Safety Analysis

Safety Analysis:

Ms. McKendall left Marcus with a neighbor and refused to allow him to return home. She states that she is unable to control Marcus' behavior. When she called DHS requesting placement services, she was offered services to help her deal with Marcus, including Family Builders. Although she agreed to follow up on this, she never did. Ms. McKendall is refusing to take any responsibility for the condition or circumstances of the family situation and blames Marcus for all of the disruption in the home.

Disposition

Disposition:

The assessment was founded, based on abandonment

Indian Child Welfare Summary

Indian Child Welfare Summary:

Ms. McKendall has no Native American or Alaskan Native Heritage, therefore ICWA does not apply.

THIS FORM IS AVAILABLE IN ALTERNATE FORMAT UPON REQUEST

Case Name: MCKENDALL, GISELLE

Case Number: MG3339

Worker: Marvin Guardello

Date: 06/03/09

Branch: Urbana Uptown

Hearing Information

Type of Hearing:

A jurisdictional hearing was held on 02/26/09

Type of Hearing Narrative:

Legal Information

Jurisdictional Basis:

Abandonment and failure to provide the child with the care, guidance, and protection necessary for Marcus' physical, mental and emotional well-being.

Location of Child

Type of Placement(s): Professional Emergency Shelter Care

Type of Placement(s) Narrative:

Marcus currently resides in the Children's Aid Emergency Shelter where he was placed on 4/09/09 because his assaultive behavior disrupted his foster home placement. Marcus had been in this foster home, which was a few blocks from his mother's home, since the day he entered foster care. His initial progress in the home was positive. He was the youngest of six foster children and the foster parents were very experienced providers of care for teenage boys. His behavior in the home began to deteriorate after about 8 weeks. He became aggressive with the other boys, even though he was the youngest and was not as "street wise" as some of them. He started to lie to his foster parents and, finally, was caught with property he had taken from some of the boys. The foster parents asked that he be removed and DHS began to look for an appropriate setting for him. Before this could be accomplished, his foster mother brought him and his belongings to DHS when Marcus threatened her with a kitchen knife after she confronted him about his continuing lies and disruptive behavior.

Marcus may need residential treatment and this is being evaluated at the shelter placement. Further placement decisions, however, may be delayed while the Urbana County Juvenile Department decides whether to proceed with criminal charges stemming from the incident with the knife.

Relative Search and Current Placement

Relative Search and Current Placement:

Ms. Mckendall was born in Germany and immigrated to the United States with her parents when she was a young child. Her parents are deceased and she is an only child. She knows of no known relatives in Germany. After Mr. Digby died, Ms. Mc Kendall remarried. She is now divorced but remains close to her daughter's paternal grandmother. The grandmother stated that Marcus did not get along with his stepfather and resented his sisters. She believes her son's marriage failed due to the problems with Marcus and is unwilling to be a placement resource for him.

Child Safety and Well Being

Child Description, Their Needs and Well-Being:

Marcus is an African American male who is large for his age and is somewhat overweight. He has a history of behavior problems beginning around the time he entered school. He has been diagnosed as having ADHD and takes Ritalin to help with this. Marcus is eager to please adults, but does not have good peer relationship skills. He is frequently picked on due to his appearance and behaviors and will strike out with unacceptable physical aggression. When Marcus moved from his former foster home, he could no longer attend school at Booker T. Washington Middle School. While there, he was on an IEP and attended special education classes on a half day basis. He now attends classes at the shelter. Marcus needs to learn to control his anger. Marcus has two younger sisters who

Case Name: MCKENDALL, GISELLE

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remain in the family home. He misses his sisters very much. Marcus needs glasses but he is unwilling to wear them.

Youth Transitional Programs and Services:

N/A Marcus is not yet 16

Protective Capacity

Relationship: Mother

Protective Capacity:

Ms. Mc Kendall has a history of protecting Marcus. She has arranged for his care on several occasions. She displays concern for Marcus and expresses love, empathy and sensitivity toward him.

Ms. McKendall lacks adequate skill to fulfill her caregiving responsibilities and is unwilling to engage in services to help her learn how to deal with Marcus' behaviors. She is unwilling to set aside her own needs in favor of those of Marcus and lacks an accurate perception of Marcus' responsibility for the family dynamics. She is unwilling to take the necessary actions to ensure Marcus' needs for security and stability are being met.

Relationship: _____

Protective Capacity: _____

Reasonable/Active Efforts to Prevent Placement

Reasonable/Active Efforts to Prevent Placement:

Ms. Mc Kendall had asked DHS for emergency placement services for Marcus in October of 2008 due to a medical emergency that required surgery. She had no family or friends who were willing or able to care for Marcus in her absence. Marcus was in foster care for about two weeks through a Voluntary Placement agreement while his mother's health situation stabilized.

Ms. Mc Kendall then called DHS in November demanding that Marcus be placed in foster care again because she was unable to control him and wanted him out of her home. A caseworker visited the home and conducted a Child Protective Services Assessment. Marcus had apparently not completed his chores as asked that morning and had been suspended from school the day before for three days due to his inappropriate behavior in the classroom. The worker determined there were no safety concerns and offered Ms. McKendall supportive services to help her deal with Marcus. Although Ms. Mc Kendall agreed to services, she never followed through. The worker left her information on how to enroll in Family Builders and made the internal referral at a later date. There were no protective service issues at that time and certainly nothing to warrant Marcus' removal from the home.

On December 29, 2008, a neighbor of Ms. McKendall contacted Capitol City Police Department with the information that she had been taking care of Marcus for two to three weeks at the request of his mother, but was unable to continue to do so. The neighbor reported that Ms. Mc Kendall was refusing to allow Marcus to come home, stating that Marcus needed more care and supervision than she was able to provide him. Ms. McKendall stated her circulation and mobility problems related to diabetes were restricting her movements. She was confined to a wheelchair and might lose one of her legs if the diabetes remained out of control.

When the Capitol City Police contacted DHS, both Marcus and Ms. Mc.Kendall were interviewed.

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Ms. McKendall said she asked the neighbor to help with Marcus because she had received no help from DHS in November and she didn't know what else to do. According to Ms. McKendall, Marcus had become increasingly belligerent and was becoming more and more physically aggressive with his younger sisters. She also indicated he was having serious problems in school and, in her opinion, was mentally ill. She refused to participate in an in-home ongoing safety plan.

Ongoing Safety Plan

Ongoing Safety Plan:

Ms. McKendall has refused to participate in a Child Safety Meeting. She is unwilling for safety services to be provided within the family home and is unwilling to accept necessary, resources or safety services. She is unwilling to accept any responsibility for conditions within the family system.

Visitation Plan

Visitation Plan:

Ms. McKendall has refused to visit or talk with Marcus since he was removed from his foster home. She had been visiting him at the foster home for an hour each week. These visits were supervised by the foster mother who noted that Ms. McKendall was more interested in chatting with the foster mother than actually spending time with Marcus. Visits are available to Ms. McKendall when and if she decides to have contact with Marcus. This caseworker will continue to urge her to visit, write letters and have telephone contact with her son.

Permanency Planning

Case Plan Development:

An Oregon Family Decision-making Meeting was not held because Ms. McKendall was unwilling to participate.

Primary Permanency Plan:

Return to Parent

Explanation:

Marcus is very bonded to his mother and sisters. Ms. McKendall loves her son. It is hoped that she will engage in necessary services to allow his return home.

Conditions to Return:

Ms. McKendall is willing and able to have a responsible adult or safety service provider in the home to help her provide adequate care for Marcus.

Ms. McKendall is willing and able to engage in an ongoing in-home safety plan while continuing to work with DHS toward the Expected Outcomes.

Expected Outcomes:

Ms. McKendall will be able to accept and demonstrate her ongoing responsibility to ensure that Marcus' basic needs are being met in the family home.

Actions:

Ms. McKendall will learn to understand and describe Marcus' needs for security and stability that require that she think about and respond to the child's needs before her own.

Ms. McKendall is refusing to enter into an action agreement with DHS. She remains adamant that Marcus needs to be in a residential treatment facility and will not take any responsibility for his mental and emotional situation. A Letter of Expectation is being drafted and will be sent to Ms. McKendall.

The court has ordered Ms. McKendall to enter into individual and family counseling with Marcus.

Concurrent Permanency Plan:

Another Planned Permanent Living Arrangement - other

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Explanation:

No relatives have been identified as available placement resources for Marcus. His paternal step grandparent, who cared for his sisters during his mother's surgery, is not willing to become a placement resource for Marcus. Marcus' needs are such that other permanency options are not possible at this time. He is very attached to his mother. DHS is assessing Marcus' treatment needs and whether a more permanent option would be in his best interests.

Progress to Date:

There have been no observable changes in parental protective capacity. Ms. Mc Kendall refuses to engage in any services that would allow Marcus to live in her home safely. She continues to refuse to participate in developing an action agreement to meet the expected outcome. DHS continues to try to engage her while evaluating Marcus' needs. She has unrealistic feelings of helplessness and focuses on the limitations and faults of others involved in the problem.

Primary and Concurrent Permanency Plan Parental Discussion:

Yes. Ms. McKendall knows that if she does not begin to work to have Marcus returned home he will remain in foster care.

Filing Decision

Filing Decision:

Circumstances requiring filing a petition to terminate parental rights do not exist at this time.

Substitute Caregiver Information:

Substitute Caregiver Information:

The Children's Aid Emergency Shelter placement is a 56 day assessment and evaluation program that will conduct necessary evaluations to determine Marcus' specific needs and recommend the best available placement option for Marcus.

Face – to – Face Contact

Caseworker Contact with Child and Parent:

Face-to-face contact is made with Ms. Mc Kendall when she makes herself available to do so.

Regular contact is maintained with the Children's Aid Emergency Shelter placement staff regarding Marcus' adjustment

Contact Dates and Child: 1/05/09, 2/02/09, 3/05/09, 4/03/09, 05/06/09

Contact Dates and Mother: 1/12/09, 2/26/09, 4/14/09

Contact Dates and Father: N/A deceased

Contact Dates with Relative Caregiver/Foster Parent/Provider: 1/05/09, 2/02/09, 3/05/09, 4/03/09, 5/06/09

Collaterals, Relatives and Others:

Child and Family Information

MOTHER INFORMATION

CONFIDENTIAL ADDRESS

Mother's Name: Giselle McKendall

Whereabouts: Giselle McKendall

Case Name: MCKENDALL, GISELLE

Case Number: MG3339

Worker: Marvin Guardello

Date: 06/03/09

Branch: Urbana Uptown

Bldg/Apt#:

Street: 1066 Hastings Way
City/State/Zip Code: Capitol City, OR
Phone Number: (541) 555-1492

FATHER INFORMATION

CONFIDENTIAL ADDRESS

Father's Name: Arthur Digby
Whereabouts: Arthur Digby
Bldg/Apt#: Deceased

Street:
City/State/Zip Code:
Phone Number: ()

CASA INFORMATION

CASA Name: N/A
Bldg/Apt#:

Street:
City/State/Zip Code:
Phone Number: ()

ATTORNEY INFORMATION

Attorney Name: Steve Bunch
Representing: Child
Bldg/Apt#: Suite 35

Street: 1520 State Street, Capitol City OR
Phone Number: ()

OTHER SIGNIFICANT PERSONS/RELATIVES

Name: Margo Lister
Relationship: Mother's Attorney
Bldg/Apt#:

Street: 1999 Legal Street
City/State/Zip Code: Capitol City, OR
Phone Number: ()

Additional Information

Signatures

Caseworker: Marvin Guardello

Date: 6/3/09

Supervisor: Michelle Felner

Date: 6.5.09

Parent/Legal Guardian: _____

Date: _____

Parent/Legal Guardian: _____

Date: _____

Mailing Information

Copies of this form mailed by: (Signature) _____ Date: _____

To: Mother: _____ Date: _____

Father: _____ Date: _____

Attorney: _____ Date: _____

Legal Guardian: _____ Date: _____



Health Information for Child(ren)
CF 310H

Case Giselle McKendall
Date 6/03/09
Worker.. Marvin Guardello
Branch Urbana Uptown
Child Name Marcus Digby
Person Letter B
Date of Birth 11/14/97
Age 12
Primary Language EN
Last Updated 6/03/09

1. HEALTH PROVIDERS

Doctor Terrel Werner, MD Last Exam 1/6/09
Dentist David Bower Last Exam 2/5/09
Therapist N/A Last Exam N/A

2. HEALTH INFORMATION

a. Medical Health Marcus is overweight, has ADHD and requires corrective lenses, which he refuses to wear

b. Allergy Alert

COMMENTS ON HEALTH OR PROVIDERS:

c. Medications Ritalin

d. Mental Health Information

Has the child had a mental health assessment or a psychological evaluation? [X] Yes [] No

e. Child's Diagnosis Pending

f. Treatment Evaluation Pending

3. IMMUNIZATION HISTORY

Vaccinations such as DPT (Diphtheria/Pertussis/Tetanus), OPV (oral Polio), HIB (Influenza), HEP B (Hepatitis B), and MMR (Measles/Mumps/Rubella) are recommended on the following schedule:

- Age: 2 months: DPT#1, OPV #1, HIB #1, HEP B #2
4 months: DPT #2, OPV #2, HIB #2
6 months: DPT #3, HIB #3, HEP B #3
12 months: Tuberculin Skin Test
15 months: MMR, DPT #4, OPV #3, HIB #4
4-6 years: DPT #5, OPV #4 (Repeat every 10 years)
Tetanus-Diphtheria (if injured may be needed every 5 years)

12 years: MMR #2

a. Dates

Seq	1 st	2 nd	3 rd	4th	5 th	Series Comp	Had Illness

DPT - (Diphtheria/Pertussis/Tetanus)

Seq	1 st	2 nd	3 rd	4th	5 th	Series Comp	Had Illness
	1/98	3/98	5/98	2/99	11/2002	up to date	

Polio

Seq	1 st	2 nd	3 rd	4th	5 th	Series Comp	Had Illness
	1/98	3/98	2/99	11/2002		up to date	

MMR (Measles/Mumps/Rubella)

Seq	1 st	2 nd	3 rd	4th	5 th	Series Comp	Had Illness
	2/99					up to date	

Hep B (Hepatitis B)

Seq	1 st	2 nd	3 rd	4th	5 th	Series Comp	Had Illness
		1/98	5/98				

Varicella (Chickenpox)

Seq	1 st	2 nd	3 rd	4th	5 th	Series Comp	Had Illness

HIB - (Influenza)

Seq	1 st	2 nd	3 rd	4th	5 th	Series Comp	Had Illness
	1/98	3/98	5/98	2/99			

Tetanus (Additional shots)

Seq	1 st	2 nd	3 rd	4th	5 th	Series Comp	Had Illness
	11/2002						

Pueumo (Pneumococcal Congugate)

Seq	1 st	2 nd	3 rd	4th	5 th	Series Comp	Had Illness

TB Screening

Date: 11/97 Type: Result: Neg

Date: Type: Result:

Date: Type: Result:

Type:
Result:

Medical Immunization Exemptions

If no immunizations are listed, explain why.
Include parent's objections, medical or religious reasons.

4. SIGNATURE AND MAILING INFORMATION

Copies of 310E mailed:

- To: Mother: (Date mailed to mother)
- Father: (Date mailed to mother)
- Provider: (Date mailed to mother)
- Legal Guardian: (Date mailed to mother)
- Other: (Date mailed to mother)
- Enter the names of any other persons (that were provided this information)

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Education Information for Child(ren) CF 310E

Child Name Person Letter Marcus Digby P/L B
Date of Birth 11/14/1997
Age 12
Primary Language EN
Last Updated

1. EDUCATION

School Name Booker T Washington Elementary School
Street 800 Elm Street
City, State, Zip Capital City, Or 97226
District Tualatin
Grade 7
Address
Grade
Performance in Math below grade level
Performance in Verbal/Reading below grade level
Has Learning Disability yes
Attendance full time, part time, not attending, dropped, suspended or expelled. Entry is required when a school has been selected) part time
Has an IEP? yes
Will graduate by age 19 yes

- a. Out of State School/School Not on List Children's Aid Emergency Shelter placement
b. School Performance Regular attendance has been beneficial in this alternative education classroom
c. Individual Educational Plan (IEP) yes
d. School Experience Poor peer relationships. Suspended from last school for inappropriate behavior in the classroom

15. SIGNATURE AND MAILING INFORMATION

Caseworker Signature: [Handwritten Signature] Date: 6/2/09
Supervisor Signature: [Handwritten Signature] Date: 6.5.09

Copies of 310E mailed (by signature):

To: Mother:

Father:

Provider:

Legal Guardian:

Other:

Date mailed to other (Specify): (Enter the name or names of any other persons that were provided this information.)

THIS FORM IS AVAILABLE IN ALTERNATE FORMAT UPON REQUEST

*Indicates a topic mandatory for compliance with Section 422 of the Social Security Act or ICWA requirements
Policy I-1.2
FILE: Narrative Section

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR URBANA COUNTY**

In the Matter of:) Petitioner Number: 98JV-1999
)
DIGBY, MARCUS) **JURISDICTION AND DISPOSITION**
A Ward.) **JUDGMENT**

THE COURT MAKES THE FOLLOWING FINDINGS:

► **Parties appearing:** Father Mother Guardian Child Tribe Deputy District Attorney Assistant Attorney General Attorney for Father Attorney for Mother Attorney for child Attorney for Tribe DHS CASA

The ward resides in Urbana County and is under the age of 18.

The allegations in the petition or amended petition that have been admitted or proven are:
 Paragraphs: _____ were admitted by father on _____; Paragraphs: _____ were not contested by father. There is no legal father or he is deceased. Father could not be located. Father was found in default. Mother denies the petition and:

Paragraphs: _____ were admitted by mother on _____; Paragraphs: (A)(B)(D) were not contested by mother. Mother is deceased or could not be located. Mother was found in default. Mother denies the petition and:

Paragraphs:(A) (B) (D) were proven by the state by a preponderance of the evidence on February 26, 2009.

Attached are amendments made to the admitted or proven petition paragraphs.
 Father Mother stipulates to jurisdiction.

IT IS ORDERED THAT:

The above ward is within the jurisdiction of the Court and declared a ward of the Court by reason of the following:

The ward is beyond the control of his/her parents, guardian or other person having custody based upon the allegations proven or admitted as set forth above.

The ward's conditions, behavior and circumstances are such as to endanger his/her own welfare or the welfare of others.

The ward is dependent for care and support on a public or private ward caring agency that needs the services of the Court in planning for the best interests of the ward.

The parents or any other person(s) having custody of the ward have:

abandoned the ward;

failed to provide the ward with the care, support, or education required by law;

subjected the ward to cruelty, depravity, or unexplained physical injury;
 failed to provide the ward with the care, guidance, and protection necessary for the physical, mental, or emotional well-being of the ward.

ICWA does not apply. ICWA applies in this case, the state has met its burden by clear and convincing evidence and the court has considered expert testimony as required by ICWA. (See ICWA Addendum, JF3i).

The petition was not proven and is dismissed.

► **REASONABLE OR ACTIVE EFFORTS** : 419B.185(1).

No reasonable efforts or Active Efforts finding is necessary because the ward has not been removed from the ward's home or has been returned to the home of a parent.

In light of the circumstances of the ward and the parents and the ward's health and safety having been considered as the paramount concern, the court finds that the Department of Human Services (DHS):

has made **has not made** reasonable efforts Active Efforts to prevent or eliminate the need for removal of the ward from the home since the date of removal [419B.185];

Reasonable efforts Active Efforts have been made by DHS in that under the circumstances no efforts were possible that would have prevented the need for removal or made it possible for them to return since the date of removal [419B.185];

► **Placement: diligent efforts findings** [419B.192]

A diligent efforts finding required by ORS 419B.192 is not necessary because the ward is not placed in substitute care.

DHS made did not make diligent efforts to place the ward with siblings.

A diligent efforts finding regarding placement with a sibling is not necessary because the ward has no minor siblings. 419B.192

DHS made did not make diligent efforts to place the ward with a suitable relative.

When making reasonable, Active and diligent efforts:

The court adopts as a recitation of reasonable efforts and diligent efforts Active Efforts and diligent efforts and by reference incorporates herein the facts set forth in the Affidavit, Report dated February 25, 2009 .

The court further considers evidence received in court.

Additional Findings Set Forth on the Attached Addendum to this Order. Below in **Other**.

//
//
//
/
/
/

CHILD REMOVED FROM HOME:

The selected method of treatment is the least restrictive and intrusive available that adequately addresses the needs of the child. It is in the best interest of the child to be placed out of the home because of the facts set forth the Report submitted by DHS , dated Dec 16, 2007 and/or as otherwise set forth below. 419B.337(1)(a).

Visitation Findings [419B.337(3)]

Visitation findings are not necessary because the ward is not in substitute care.
 DHS has developed a parent/child visitation plan and it is approved.
 DHS has not developed an adequate parent/child visitation plan

the court directs that DHS develop an adequate parent/child visitation plan.

the court directs that the parent/child visitation plan include the following provisions:

Visitation with siblings to be arranged

The court orders adoption of the parent/child visitation plan set forth in the Visitation Addendum attached hereto and incorporated.

CHILD NOT REMOVED FROM HOME OR ORDERED TO BE RETURNED:

The court does not find that it is in the best interests of the child to be placed in substitute care.

REGARDLESS OF PLACEMENT:

Parents/guardian agree to participate in the services set forth in the Service Agreement.
 Time lines are set to monitor the efforts and progress of the parent/guardian.
 The case plan bears a rational relationship to the jurisdictional findings of the Court.
 The parent/guardian have been informed of the circumstances in which the concurrent plan could be implemented.

The court has found Special Circumstances apply and JF10 is attached.

IT IS ORDERED THAT:

The child is placed in the legal and physical custody of:

the Department of Human Services (DHS), Mother Father
 _____ ; and the same is made guardian of said child until further order of the Court pursuant to ORS 419B.370, subject to any conditions now or hereafter ordered by this Court. The child is made a ward of the court pursuant to ORS 419B.328;

Subject to the Service Agreement or Letter of Expectation attached hereto.

Subject to protective supervision ordered pursuant to ORS 419B.331.

The court further orders mother father to comply with the terms of the
 Service Agreement Letter of Expectation approved this date.

DHS develop an action agreement with Ms. McKendall

The Court approves:

The case plan and date of achievement is return to parent by December 15, 2009 /
 other: _____ no later than _____.
 Maintain placement with parent.

The concurrent permanent plan and date of achievement is: Adoption Guardianship
 Placement with a Fit and Willing Relative [419B.476(4)(f)] Planned Permanent Living
Arrangement -Date of achievement: _____.

There is no concurrent plan because child is placed with a parent.

OTHER:

This case shall next be reviewed:

by the court at the annual permanency review on December 28, 2009 at
9:00 AM/PM.

by the court at a special review hearing on _____ at _____ AM/PM.

Deadline for DHS to file School Attendance and Face to Face Contact Report with the
court: June 29, 2009. [419B.443(1)(d) and (e)]

Parties present today were ORDERED to appear at next date.

DATED: 2/26/09


CIRCUIT JUDGE

Model Juvenile Form	Type:	Number:	Revision
Jurisdiction/Disposition Order	Manual	JF4B	2008-2 120307

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF URBANA
JUVENILE DEPARTMENT

PETITION CASE NO.98JV-1999

ICWA CASE: Yes
 X No

IN THE MATTER OF:

1. CHILD'S INFORMATION:

NAME: Marcus Digby
DOB: 11-14-97
AGE: 12
RESIDENCE: 1066 Hastings
 Capitol City, OR

2. CHILD'S PARENT/GUARDIAN INFORMATION:

MOTHER'S NAME/RESIDENCE:

Giselle McKendall
1066 Hastings
Capitol City, OR

PHONE: 541-555-1492

FATHER'S NAME/RESIDENCE:

Arthur Digby
Deceased

PHONE: n/a

GUARDIAN'S AND/OR TRIBE'S NAME/RESIDENCE:

n/a

PHONE: n/a

3. a) The child has lived in the following places with the following persons in the last five years:

Giselle McKendall
Urbana County, OR

b) Petitioner has not participated as a party, witness, or in any other capacity in other litigation concerning the custody of the child in this or any other state (except):
n/a

c) No other custody litigation involving the child is pending in any other court in this or any other state (except):

n/a

- d) No person not a party to this proceeding has physical custody of the child, or claims custody or visitation rights, (except):

n/a

4. CHILD'S PHYSICAL CUSTODY INFORMATION:

- X DHS FAMILY SHELTER CARE
COUNTY SHELTER CARE
PARENT/GUARDIAN HOME
RELATIVE CARE
OTHER (IDENTIFY)

5. X CHILD RESIDES IN URBANA COUNTY
CHILD WAS FOUND IN URBANA COUNTY

6. PETITION IS NOT FILED PURSUANT TO THE DIRECTION OF THIS COURT

BASIS FOR PETITION: ORS 419B.100

The above named child is a person who is under eighteen years of age and is a person:

- a) Who is beyond the control of the person's parents, guardian or other person having custody of the person;
- b) Whose behavior is such as to endanger the welfare of the person or of others;
- c) Whose condition or circumstances are such as to endanger the welfare of the person or of others;
- d) Who is dependent for care and support on a public or private child-caring agency that needs the services of the court in planning for the best interest of the person;
- e) Whose parents or any other person or persons having custody of the person have:
- XX (A) Abandoned the person;
- XX (B) Failed to provide the person with the care or education required by law;
- (C) Subjected the person to cruelty, depravity or unexplained physical injury; or
- XX (D) Failed to provide the person with the care, guidance and protection necessary for the physical, mental or emotional well-being of the person'
- f) Who has run away from the home of the person; or
- g) Who has filed a petition for emancipation pursuant to ORS 419B.550 to 419B.558.

- XX The child is within the jurisdiction of the Court by reason of the following facts:

The child's mother, Giselle McKendall, refuses to allow Marcus to return home after a 21 day stay at the home of a neighbor. The mother also refuses to engage in any services that would allow Marcus to live in her home safely.

WHEREFORE, your petitioner prays this Court to have an investigation made of the circumstances concerning the above-named child and to make such order or orders as are appropriate in the circumstances.

Marvin Guandello 12/30/08
Urbana DHS Caseworker Signature Date

Michelle Falsner 12.30.08
Urbana DHS Supervisor/Branch Manager Date

I verify this petition in my capacity as: Assistant District Attorney
(complete if petition is based on information and belief)

Dated this 30th day of December, 2008.

STATE OF OREGON)

County of Urbana)

I, Antoinette Morrison, in my capacity as Assistant District Attorney, being first duly sworn on oath, depose and say that I am now the petitioner in the above-entitled proceeding, that I have read the foregoing petition, know the contents thereof, and the same is true as I am informed and believe.

Antoinette Morrison
Petitioner

Subscribed and sworn to before me this 30th day of December, 2008.

[Signature]
Notary Public for Oregon

I hereby certify that I have compared this copy with the original in the above-entitled case, and it is true and correct.

Date _____ PER JUVENILE COURT CLERK by _____ JSS II

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR URBANA COUNTY**

In the Matter of:) Petitioner Number: **98JV-1999**
)
Digby, Marcus) **SHELTER ORDER**
A Child.)

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS based upon a preponderance of the evidence: [Do not use this form for ICWA cases; use JF2i]

► **Parties appearing:** []Father [X]Mother []Guardian []Child []Tribe []Deputy District Attorney []Assistant Attorney General []Attorney for Father [X]Attorney for Mother [X]Attorney for child []Attorney for Tribe [X]
DHS []CASA

► **NOTICE FINDINGS:** [X]All parties notified; []All parties not notified, DHS will make reasonable efforts to notify the following: _____.

► **INDIAN WARD WELFARE ACT FINDING AND ORDER (ICWA):**

[] **ICWA does not apply**, full inquiry having been made;
[X]DHS has not yet made full inquiry about ICWA; DHS will continue further inquiry and report what it finds back to the court at the next court appearance in this matter. The court cannot currently find that ICWA does or probably will apply.
[] **ICWA does apply.**

► **UCCJEA FINDINGS**

This court has jurisdiction to make an INITIAL ward custody determination because:
[X]Oregon is the child's home state pursuant to ORS 109.741(1)(a)
[]Temporary Emergency Jurisdiction exists in this matter pursuant to ORS 109.751 and will immediately communicate with the State that issued the initial custody determination.
Other: _____.

► **TEMPORARY JURISDICTION FINDINGS AND ORDER:**

The child resides in Urbana County and was taken into physical custody by DHS on December 29, 2008.

[X]The Court was provided and reviewed DHS documentation as required by ORS 419B.185(2).

[]DHS did **not** provide the documentation as required by ORS 419B.185(2).

[X]Based on the sworn testimony offered this date the Court finds that it is in the best

interests of the child to be removed from the child's home because there is good cause to believe that the child has been neglected and or abused or placed at significant risk of neglect or abuse. 419B.185(d)

[X] The Court further finds that the selected method of treatment is the least restrictive and intrusive available that adequately addresses the needs of the child and that the child cannot be returned home without further danger of suffering physical injury, emotional harm, endangerment to self or others or would not remain within the reach of the court. The court finds that it is in the best interests of the child to be placed outside the child's home.

[] The court does **not** find that it is in the best interests of the child to be placed in substitute care.

► **REASONABLE OR ACTIVE EFFORTS** : 419B.185(1).

[] No reasonable efforts or Active Efforts finding is necessary because the child has not been removed from the child's home or has been returned to the home of a parent.

[X] In light of the circumstances of the child and the parents and the child's health and safety having been considered as the paramount concern, the court finds that the Department of Human Services (DHS):

[] **has made** [] **has not made** [] reasonable efforts [] Active Efforts to prevent or eliminate the need for removal of the child from the home since the date of removal [419B.185];

[X] Reasonable efforts [] Active Efforts have been made by DHS in that under the circumstances no efforts were possible that would have prevented the need for removal or made it possible for them to return since the date of removal [419B.185];

► **Placement: diligent efforts findings** [419B.192]

[] A diligent efforts finding required by ORS 419B.192 is not necessary because the child is not placed in substitute care.

[] DHS [] made [] did not make diligent efforts to place the child with siblings.

[X] A diligent efforts finding regarding placement with a sibling is not necessary because the child has no minor siblings or it is otherwise not appropriate. 419B.192

[X] DHS [] made [X] did not make diligent efforts to place the child with a suitable relative.

When making reasonable, Active and diligent efforts:

[X] The court adopts as a recitation of [] reasonable efforts and diligent efforts [] Active Efforts and diligent efforts and by reference incorporates herein the facts set forth in the [X] Affidavit, [] Report to the Court from DHS dated December 29, 2009 .

[X] The court further considers evidence received in court.

Additional Findings Set Forth on the Attached Addendum to this Order. Below in **Other**.

◆ **IT IS ORDERED THAT:**

There is probable cause to enter a restraining order against: _____
and that such order is in the best interests of the child. (Attach JUVENILE COURT RESTRAINING
ORDER-JF7) 419.845

▶ **TEMPORARY PLACEMENT**

IT IS ORDERED that the child is placed in the temporary care and custody of
 Department of Human Services; other: _____ and the
same is made guardian of said child until further order of the Court pursuant to ORS
419B.370 and the child is made a ward of the court.

the child be returned to _____, the parent or
guardian immediately.

◆ **Other:**

▶ The next Court hearing(s) in this case are:

initial appearance for mother father and is set for _____ AM/PM on _____
 settlement conference for mother father and is set for _____ AM/PM on _____
 pre trial conference for mother father and is set for _____ AM/PM on _____
Trial date: _____ at _____ am/pm.

The 60 day jurisdiction deadline for this child is March 1, 2009 [ORS 419B.305(1)]

All parties in attendance were notified of these court dates and are ordered to appear.

DATED: _____

CIRCUIT JUDGE

Model Juvenile Form	Type:	Number:	Revision
Shelter Order	Manual	JF2	2008-2 120307

[] Additional Findings [] Set Forth on the Attached Addendum to this Order. [] Below in **Other**.

◆ **IT IS ORDERED THAT:**

[] There is probable cause to enter a restraining order against: _____
and that such order is in the best interests of the child. (Attach JUVENILE COURT RESTRAINING ORDER-JF7) 419.845

▶ **TEMPORARY PLACEMENT**

[X] **IT IS ORDERED** that the child is placed in the temporary care and custody of
[X] Department of Human Services; [] other: _____ and the
same is made guardian of said child until further order of the Court pursuant to ORS
419B.370 and the child is made a ward of the court.

[] the child be returned to _____, the parent or
guardian immediately.

◆ **Other:**

▶ The next Court hearing(s) in this case are:

[] initial appearance for [] mother [] father and is set for _____ AM/PM on _____
[] settlement conference for [] mother [] father and is set for _____ AM/PM on _____
[] pre trial conference for [] mother [] father and is set for _____ AM/PM on _____
Trial date: _____ at _____ am/pm.

The 60 day jurisdiction deadline for this child is March 1, 2009 [ORS 419B.305(1)]

All parties in attendance were notified of these court dates and are ordered to appear.

DATED: 12/30/08


CIRCUIT JUDGE

Model Juvenile Form	Type:	Number:	Revision
Shelter Order	Manual	JF2	2008-2 120307

K/ICDS	PHAT911,B	06/03/09	PAGE:001				
CASE: HBAT814	MCKENDALL, GISELLE	CASE STATUS: OPEN					
SERVICE HISTORY DISPLAY							
P/L: B	NAME: DIGBY, MARCUS	SEX: M	DOB: 11/14/97				
			P/T: CH				
SERV NMBR	SERV TYPE	BEGIN DATE	DISP DATE	SERV DISP	PROV NUBR	PROVIDER NAME	SERV ENTRY
004	SEAS	04/09/09			R224	CHILDREN'S AID	04/09/09
003	SFAM	01/12/09	04/09/09	SEAS	K472	COOPER, DAVID	04/09/09
002	SEFC	12/29/08	01/12/09	SFAM	K472	COOPER, DAVID	01/12/09
001	SEFC	10/08/08	10/22/08	SHOM	K428	MOORE, DIANE	10/22/08
1034-NO MORE DATA TO BE DISPLAYED						PF3=RETURNS TO IICD	