

Supreme Court Operating Rules

Rule I. Appointments

- A. The Citizen Review Board (CRB) program will develop procedures and standards for evaluating potential volunteers that include an interview, a criminal background check, and other processes for evaluating the appropriateness of applicants. The evaluation process will include the sixteen-hour orientation training required by law. All information regarding the potential board member obtained through this process shall be available to the Presiding Judge. The Presiding Judge may request that the CRB Field Manager screen applicants and recommend only appropriate applicants. Any such request must be in writing.
- B. Each review board member shall be appointed for a term of up to two years ending December 31 of the second year. Members may be reappointed at the end of a term. There is no limit to the number of terms a member may serve.
- C. An active foster parent may not serve on any local citizen review board. This does not include adoptive parents receiving adoption assistance for a finalized adoption or guardians receiving a subsidized guardianship payment.

Rule II. Duties

- A. Board members are responsible for reporting their yearly training to the local CRB Field Manager by December 1 of each calendar year. At least one hour of the eight hours of annual training required by law shall be in cultural competency. If a board member does not participate in the required amount of yearly training, that member may not participate in case reviews until the training has been completed.
- B. Board members must read and be familiar with case materials, and participate in all regularly scheduled board reviews. If a board member is unable to attend a scheduled review, he or she must notify the

review board staff as soon as possible.

Rule III. Quorum and Substitutions

- A. Except as provided below, a review will not be conducted with less than three review board members. When notified that a board member is unable to attend a review, the CRB staff shall seek to obtain the attendance of an alternate board member or another local review board member appointed by the same court. If the CRB Field Manager or CRB management determines that an emergency exists and circumstances prevent three review board members from being present, a review can continue with only two review board members present. If less than two board members are present, a federal review that meets the requirement of PL105-89 shall be held in dependency cases. In delinquency cases, a briefing will be held and the information will be shared with absent members at the next regularly scheduled review board meeting. In guardianship cases, a review will be held.
- B. No more than five members serving on a board may review a case at any one time.
- C. A board member may serve on more than one board in the same county.

Rule IV. Meeting Place and Time

Each local citizen review board shall meet at a time and place mutually agreed by a majority of the board as often as it is necessary to carry out the duties of the board. The local citizen review board shall consult with the CRB Field Manager in making these decisions.

Rule V. Decisions of a Board.

- A. Actions of a review board shall be decided by consensus or, when a consensus is not possible, by majority vote.
- B. A member of a local citizen review board who has been removed by

the Board from participating in a review due to a potential conflict of interest in a case being reviewed, may be heard with other interested parties.

- C. Parties attending a review will be offered the opportunity to inform the Board whenever they believe a particular citizen review board member will not be fair or objective. The Board will decide if they should excuse that member from reviewing the case.

Rule VI. Removal of Board Members.

- A. After consultation with the local Presiding Judge and the CRB staff, the Chief Justice of the Supreme Court may remove a board member for:
 - 1) failure to participate in training as prescribed by law
 - 2) absence from four regularly scheduled review days in a twelve-month period without being given authorized leave status
 - 3) violating the duty of keeping confidential the information received by the Board and its actions and recommendations in individual cases
 - 4) displaying any behavior that hinders the effectiveness of the Board
 - 5) establishing a domicile in a county other than the county where the court appointed the person to serve if the board member is not employed in the county of service
 - 6) other good cause shown.

- B. The process for removal shall be as follows:
 - 1) The CRB Field Manager shall have a discussion with the board member and then submit a written request outlining the reasons for removal to the CRB Administrator. A copy will be provided to the review board member and the Presiding Judge of the county in which the member is appointed to serve. The CRB Administrator may determine that the member be suspended from active service on the CRB pending the final decision on removal.

 - 2) The CRB Administrator shall review the request for removal,

consult with the Presiding Judge, and meet with the review board member within twenty-one days to discuss the concerns addressed in the request. The meeting may be held by phone. The CRB Administrator may deny the request for removal. If such a decision is made, the Administrator shall notify the Field Manager and the member within ten days of the meeting.

- 3) If the CRB Administrator concurs with the request for removal, the Administrator shall forward the request to the Deputy State Court Administrator for Program Operations within ten days of the meeting.
- 4) If the Deputy State Court Administrator concurs with the request, the Deputy shall forward a request to the Chief Justice, with a copy to the Presiding Judge, within ten days.
- 5) The Chief Justice shall make the decision whether to remove the board member. The decision of the Chief Justice is final.

Rule VII. Staff Access to Records

- A. CRB staff shall have access to all records pursuant to ORS 419A.102.
- B. CRB staff shall keep confidential all information submitted to and reviewed by the Board, and the Board's actions and recommendations in individual cases

Rule VIII. Participants in the Review - Definitions.

- A. Legal parties - those parties with legal standing before the Juvenile Court.
- B. Essential parties - 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. A child 14 years or older shall be rebuttably presumed to be a mature child.

- C. Interested Parties - persons, other than those listed above who have some connection with or knowledge of the child or family situation.

Rule IX. Case Review Information.

- A. Review boards shall request a case plan written within the last sixty days and any supporting documents at least twenty days before a scheduled review. The DHS or the OYA shall submit the case plan and updated case information, including complete addresses of all parties, as outlined in the DHS/CRB Memorandum of Understanding or OYA/CRB Intergovernmental Agreement
- B. In reviews of guardianship cases, the Board may request a report or documents from the guardian in addition to the guardianship report and other pertinent materials provided by the court. The Board will request, at the time notice is given, that the guardian bring the information to the review.

Rule X. Notice of Reviews

CRB staff shall send written notice to all essential parties at least fifteen days prior to a scheduled review. Such notice shall briefly describe the review process and indicate the precise time and place of the review.

Rule XI. Review Board Hearings

- A. A review board shall provide the opportunity for all legal and essential parties to be heard during a scheduled review.
- B. If a representative other than legal counsel accompanies a person receiving notice to the review, other legal parties must consent to the representative's presence during presentation of information. The representative may be present when the person inviting the representative is providing information to the Board.

- C. A review board may agree to hear an interested party who formally requests to be heard. In granting such a request, the review board is not required to allow the interested party to be present during the entire review.
- D. Other persons directly concerned with the CRB system or with a legitimate interest in the system may be permitted to observe a review, if no legal party objects. DHS Child Welfare, OYA or Judicial Department staff or interns may attend any review. Any other persons wishing to observe a review, must make a request at least eighteen days prior to the review in question. The request must include the reason or purpose for the observation. Upon receipt of the request, the CRB staff shall notify the essential parties of the request to observe. If any objection is received from a legal party, no observation shall be permitted. If an objection is received by an essential party, other than a legal party, the decision whether to allow the observation will be made by the local board. The individual requesting to observe will be notified promptly by the CRB staff once a decision is made. If observation is allowed, the person requesting to observe will be asked at the time of the review to swear or affirm that he or she will keep confidential all information discussed and action taken by the Board. Observers are not entitled to receive written case material provided for the review or the written Findings and Recommendations made by the Board.
- E. A review board may elect to schedule reviews in such a manner that the Board may hear from parties separately (i.e., restraining order cases).
- F. A review board may exclude anyone who is not an essential or legal party from any review on its own initiative or at the request of a participant.
- G. Audio or video recordings of a CRB review are not allowed.
- H. A local board may hear up to ten cases in a review day. Any exception must have prior approval of the CRB Administrator.

Rule XII. Procedures for Securing or Excusing the Presence of Caseworkers and Other Employees of DHS and OYA

- A. The CRB 700 will serve as notice for the case carrying worker to appear at the review. Worker requests to participate by telephone must be made to local board staff in advance of the review. Substitutes or supervisors may attend as outlined in the Memorandum of Understanding developed between the CRB and DHS and the Intergovernmental Agreement between CRB and OYA.
- B. A local citizen review board may excuse the presence of a representative of the agency directly responsible for the care and placement of the child from the review. The Board may excuse the agency's presence if other parties attend and the Board can gather sufficient information to make the legally required findings in a case.

Rule XIII. Procedures for Removing Cases from Review when Review is not Required by Federal law.

- A. CRB staff may remove a case from the CRB review schedule when a review is not required by federal law.
- B. CRB staff shall notify DHS when a case is removed because a review is not required under federal law.

Rule XIV. Review Board Recommendations

The board chair or the CRB Field Manager will document the findings and prepare the recommendations within two days of reviewing a case. The findings and recommendations shall be sent within twenty-one days of the review to the court, DHS, legal parties, anyone attending the review and anyone to whom a recommendation was made.

Rule XV. Additional Procedures and Practices

The CRB Director may adopt such other administrative practices and procedures not inconsistent with these rules as may be necessary for the administration of the citizen review board system.