

Through the Eyes of a Child XII

Juvenile 101

August 9, 2009

Presented by:

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&

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[ORS 419B link](#)

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OREGON'S CHILD ABUSE AND NEGLECT LAW: UNDERLYING POLICY

For all of its complexity and nuance, there is a simple policy principle that underlies child abuse and neglect law: **expeditious permanency for children.**

The longer that children are in foster care the longer they are in doubt as to where their permanent home will be and the more likely it is that they will have multiple placements. This increases the risk that such children will suffer a number of negative outcomes, including attachment and other emotional disorders, school drop-out, delinquent behavior, teenage pregnancy, substance abuse, homelessness, and, eventually, repetition of the cycle of child abuse and neglect in their own parenting.

A growing awareness in the juvenile court community of the link between such outcomes and “foster care drift” led Oregon, in 1997, to pass landmark legislation to reform the laws governing our state’s child abuse and neglect cases. Senate Bill 689, also known as the “**Best Interest of the Child**” bill, introduced three new concepts into Oregon law:

1. Timelines. For the first time, a case had to have a jurisdictional hearing before a certain point in the life of the case, and at a later point in the case, the court was required to rule on whether it was in the child’s best interest to continue reunification efforts or to implement an alternate permanency plan.

2. Mutual accountability. Rather than the parents alone being accountable for the success or failure of family reunification, the efforts the agency made to support the parents’ efforts would also be scrutinized. If found wanting, agency efforts would influence when the cut off of reunification services would be.

3. “Reasonable time.” The statute required that the length of reunification efforts would be related to the child’s developmental stage and ability to form attachments, rather than to the problem the parent had to overcome. If the child’s

development or ability to form attachments were seriously compromised by the pace of parental recovery, then an alternate plan would be implemented.

At about this same time the **Adoption and Safe Families Act (ASFA)** was passed by Congress. In the 1999 session of the legislature, Oregon conformed its statutes to the new federal requirements. Based on the same awareness of the link between extended stays in foster care and negative outcomes for children, the ASFA has the same underlying policy as Senate Bill 689: **expeditious permanency for children.**

Permanency does not necessarily mean termination of parental rights, even when children cannot safely return home in a reasonable time. Although some children will be adopted into new families, there are many “intermediate” permanency placements for children that do not entail total and permanent separation of children from their parents. Guardianship, permanent guardianship, custody arrangements, permanent foster care, and other planned permanent living arrangements can all allow children as much access to their birth families as is consistent with their safety and well being.

Despite the intricate lines and boxes on the flowchart, the complicated juvenile court process, the various findings, and the different timelines, there is an uncomplicated policy that underlies every decision made in court: **expeditious permanency for children.** Oregon courts fulfill this policy and meet the needs of the children we serve by asking: “Will making this particular decision at a particular time lead to a child’s safety and permanency in a reasonable time?”

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Oregon's Dependency Court Process

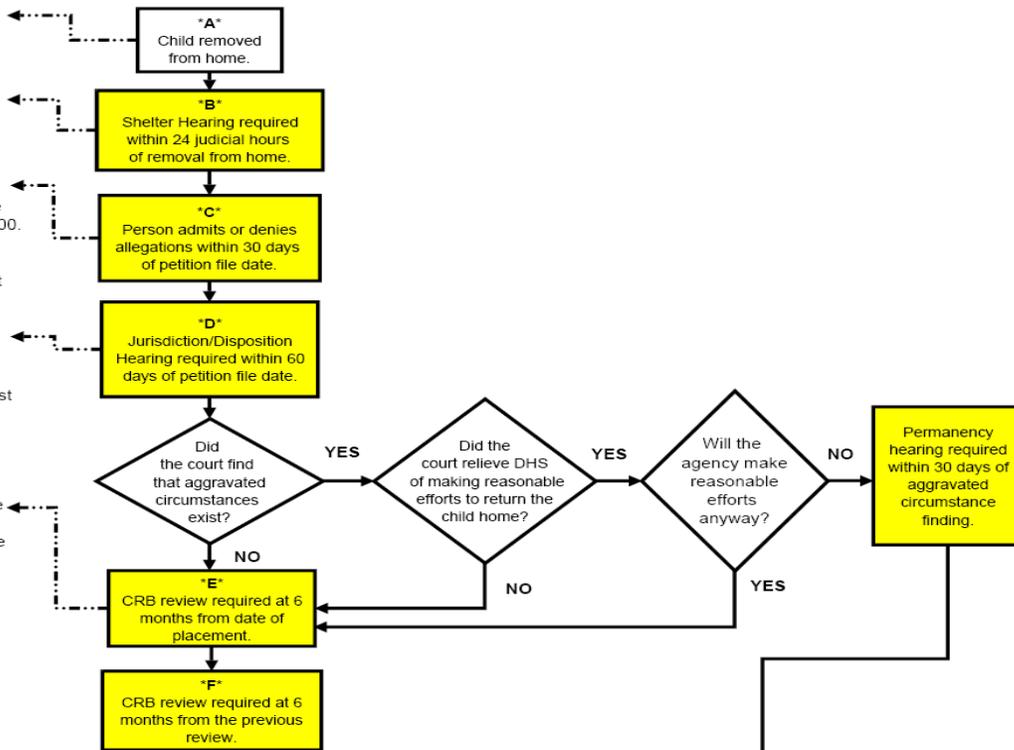
Reasonable Efforts Affidavit:
required if removed by court order.

DHS files with the court:
* Reasonable Efforts Documentation
* Dependency Petition

No later than **30** days from the petition file date all parties shall comply with the discovery requirements in ORS 419B.300. No later than **30** days from the petition file date each person about whom allegations have been made shall admit or deny the allegations.

The court may order that this hearing be continued for good cause. If the court grants a continuance beyond the **60** days, the matter becomes the highest priority for rescheduling on the court docket. The permanency hearing date should be set during this proceeding.

At these reviews the CRB will determine if reasonable/active efforts have been made. A party adversely affected by the findings of the CRB may request court review within 10 days of receipt of the CRB Findings & Recommendations Document.



ORS 419B.470 requires that the court conduct a Permanency Hearing no later than 12 months after the child was found to be within the jurisdiction of the court or 14 months after the child was placed in substitute care, whichever is **earlier**. Subsequent Permanency Hearings are held every 12 months. If permanent foster care placement disrupts; a permanency hearing is required within **90** days of the disruption.

ORS 419B.476 requires the agency to make reasonable/active efforts for **12** months after the date that the child was found to be within the jurisdiction of the court or **14** months after the date that the child was placed in substitute care, whichever is **earlier**.

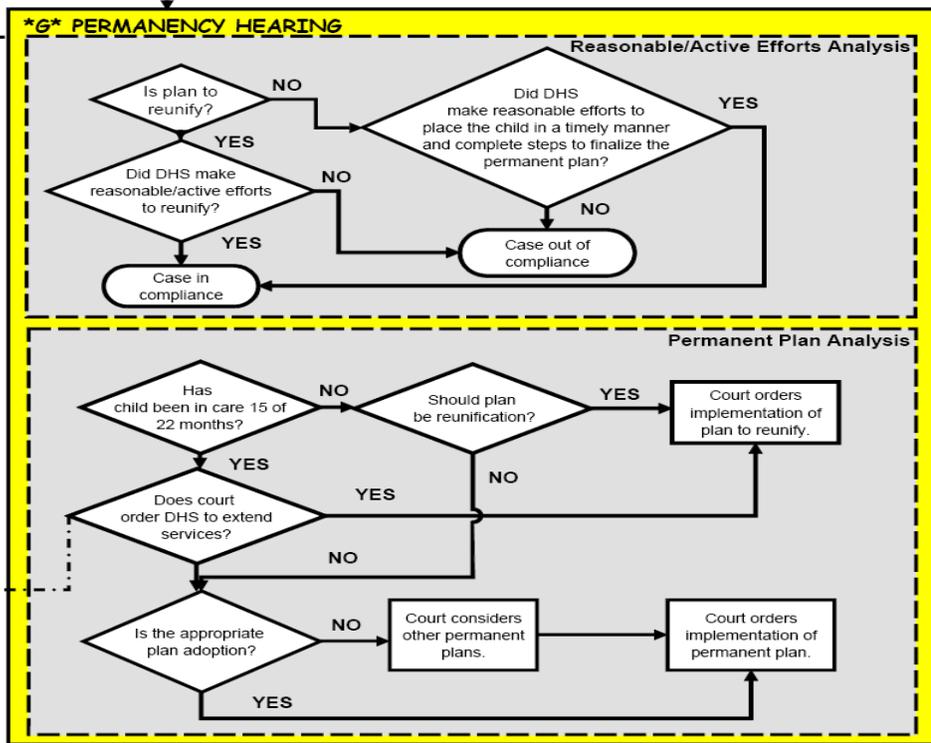
Part of this analysis is the applicability of the 15 of 22 month rule. If none of the exceptions under ORS 419B.498 exists, then adoption is the appropriate plan.

Exceptions to TPR include:

1. Child is cared for by a relative
2. There is documentation of a compelling reason why adoption is not in the best interest of the child:
 - a) Parents are working on a plan to reunite
 - b) Another permanent plan is in the best interest of the child

(hierarchy of plans):

 - i. Guardianship/Custody
 - ii. Permanent Foster Care
 - iii. Other Planned Permanent Living Arrangement
- c) DHS has not made reasonable/active efforts to reunify
3. DHS has not provided services necessary for the reunification consistent with the time period in the case plan.



H CRB review required at 6 months from date of permanency hearing.

OREGON'S DEPENDENCY COURT TIMELINE

Calculating review and hearing dates within federal and state requirements: place case information in the yellow highlighted areas and the shaded cells will auto fill in specific dates based on the the dates provided. This chart reflects minimum hearing/review requirements. Additional hearings/review may be requested or set. This form has been designed to fit on one page and may be printed.

Case Name: _____ Case Number: _____

A	Date child removed from home		
B	Shelter Hearing: A + 1 judicial day	01/02/00	Petition should be filed
C	Admit/Deny/Discover B + 30 days No later than 30 days from petition file date all parties shall comply with discovery, and each person about whom allegations have been made shall admit or deny the allegations.	02/01/00	No later than date
			Date hearing held
D	Jurisdiction/ Disposition Hearing: B + 60 days (If petition was filed.) This hearing can occur anytime within 60 days of the Shelter Hearing.	03/02/00	No later than date
			For good cause, the court may order this hearing continued beyond the 60 days. If so use the actual date of the Jurisdiction/Disposition Hearing in the space to the left. Date hearing held

NO

Did the court relieve DHS of making reasonable efforts due to aggravated circumstances?

YES

E	CRB review: A + 6 months	06/28/00	G	Court Permanency Hearing D + 30 Days Anytime within 30 days of Jurisdiction/Disposition	01/30/00
F	CRB review: E + 6 months	12/25/00	H*	CRB Review G + 6 months	07/28/00
G	Court Permanency Hearing: D + 12 months or A + 14 months <u>Select earliest date.</u> Date hearing held	12/30/00	I*	Court Permanency Hearing G + 12	01/29/01
		02/28/01			
H	CRB review G + 6 months	06/28/00	*Please note: "H" and "I" repeat in both tracks until the child leaves substitute care.		
I	Court Permanency Hearing: G + 12 months	12/30/00	If a permanent foster care placement disrupts, a permanency hearing is required within 90 days of the disruption.		

ORS 419B.192. Placement preferences; considerations

(1) If the court finds that a child or ward is in need of placement or continuation in substitute care, there shall be a preference given to placement of the child or ward with relatives and persons who have a caregiver relationship with the child or ward as defined in ORS 419B.116. The Department of Human Services shall make diligent efforts to place the child or ward with such persons and shall report to the court the efforts made by the department to effectuate that placement.

(2) If a child or ward in need of placement or continuation in substitute care has a sibling also in need of placement or continuation in substitute care, the department shall make diligent efforts to place the siblings together and shall report to the court the efforts made by the department to carry out the placement, unless the court finds that placement of the siblings together is not in the best interests of the child or the ward or the child's or the ward's sibling.

(3) In attempting to place the child or ward pursuant to subsections (1) and (2) of this section, the department shall consider, but not be limited to considering, the following:

- (a) The ability of the person being considered to provide safety for the child or ward, including a willingness to cooperate with any restrictions placed on contact between the child or ward and others, and to prevent anyone from influencing the child or ward in regard to the allegations of the case;
- (b) The ability of the person being considered to support the efforts of the department to implement the permanent plan for the child or ward;
- (c) The ability of the person being considered to meet the child or ward's physical, emotional and educational needs, including the child or ward's need to continue in the same school or educational placement;
- (d) Which person has the closest existing personal relationship with the child or ward if more than one person requests to have the child or ward placed with them pursuant to this section; and
- (e) The ability of the person being considered to provide a placement for the child's or ward's sibling who is also in need of placement or continuation in substitute care .

(4) Notwithstanding subsections (1) to (3) of this section, in cases where the Indian Child Welfare Act applies, the placement preferences of the Indian Child Welfare Act shall be followed.

ORS 419B.305. Hearing on petition alleging jurisdiction; continuance

(1) Except as otherwise provided in this section, no later than 60 days after a petition alleging that a child is within the jurisdiction of the court under ORS 419B.100 has been filed, the court shall hold a hearing on the petition and enter an order under ORS 419B.325 (1). Upon written order supported by factual findings of good cause, the court may continue a petition beyond 60 days.

(2) No later than 30 days after a petition alleging jurisdiction under ORS 419B.100 is filed all parties shall comply with ORS 419B.881.

(3) When a person denies allegations in the petition, the court shall set the case for a hearing within the time limits prescribed by subsection (1) of this section. Upon written order supported by factual findings of good cause, the court may continue the hearing beyond the 60-day time limit.

(4) Upon expiration of any continuance granted by this section, the court shall give a petition filed under ORS 419B.100 that is beyond the time limit imposed by subsection (1) of this section the highest priority on the court docket.

.....

ORS 419B.337 Placement in custody of Department of Human Services; findings; child care centers

(1) When the court determines it would be in the best interest and for the welfare of a ward, the court may place the ward in the legal custody of the Department of Human Services for care, placement and supervision. When the court enters an order removing a ward from the ward's home or an order continuing care, the court shall make a written finding as to whether:

(a) Removal of the ward from the ward's home or continuation of care is in the best interest and for the welfare of the ward;

(b) Reasonable efforts, considering the circumstances of the ward and parent, have been made to prevent or eliminate the need for removal of the ward from the home or to make it possible for the ward to safely return home. In making this finding, the court shall consider the ward's health and safety the paramount concerns; and

(c) Diligent efforts have been made to place the ward pursuant to ORS 419B.192.

(2) The court may specify the particular type of care, supervision or services to be provided by the Department of Human Services to wards placed in the department's custody and to the parents or guardians of the wards, but the actual planning and provision of such care, supervision or services is the responsibility of the department. The department may place the ward in a child care center authorized to accept the ward.

(3) The court may make an order regarding visitation by the ward's parents or siblings. The Department of Human Services is responsible for developing and implementing a visitation plan consistent with the court's order.

(4) Uniform commitment blanks, in a form approved by the Director of Human Services, shall be used by all courts for placing wards in the legal custody of the Department of Human Services.

(5) If the ward has been placed in the custody of the Department of Human Services, the court shall make no commitment directly to any residential facility, but shall cause the ward to be delivered into the custody of the department at the time and place fixed by rules of the department. A ward so committed may not be placed in a Department of Corrections institution.

(6) Commitment of a ward to the Department of Human Services continues until dismissed by the court or until the ward becomes 21 years of age.

(7) A court may dismiss commitment of a ward to the Department of Human Services if:

(a)(A) Dismissal is appropriate because the ward has been safely reunited with a parent or because a safe alternative to reunification has been implemented for the ward; and

(B) The ward is at least 14 years of age but less than 21 years of age and the court finds that:

(i) The department has provided case planning pursuant to ORS 419B.343 that addresses the ward's needs and goals for a successful transition to independent living, including needs and goals relating to housing, physical and mental health, education, employment, community connections and supportive relationships;

- (ii) The department has provided appropriate services pursuant to the case plan;
- (iii) The department has involved the ward in the development of the case plan and in the provision of appropriate services; and
- (iv) The ward has safe and stable housing and is unlikely to become homeless as a result of dismissal of commitment of the ward to the department; or

(b) The ward has been committed to the custody of the Oregon Youth Authority.



ORS 419B.340 Determination of reasonable or active efforts to prevent need for removal from home

(1) If the court awards custody to the Department of Human Services, the court shall include in the disposition order a determination whether the department has made reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to prevent or eliminate the need for removal of the ward from the home. If the ward has been removed prior to the entry of the order, the order shall also include a determination whether the department has made reasonable or active efforts to make it possible for the ward to safely return home. In making the determination under this subsection, the court shall consider the ward's health and safety the paramount concerns.

(2) In support of its determination whether reasonable or active efforts have been made by the department, the court shall enter a brief description of what preventive and reunification efforts were made and why further efforts could or could not have prevented or shortened the separation of the family.

(3) When the first contact with the family has occurred during an emergency in which the ward could not remain without jeopardy at home even with reasonable services being provided, the department shall be considered to have made reasonable or active efforts to prevent or eliminate the need for removal.

(4) When the court finds that preventive or reunification efforts have not been reasonable or active, but further preventive or reunification efforts could not permit the ward to remain without jeopardy at home, the court may authorize or continue the removal of the ward.

(5) If a court determines that one of the following circumstances exist, the juvenile court may make a finding that the department is not required to make reasonable efforts to make it possible for the ward to safely return home:

(a) Aggravated circumstances including, but not limited to, the following:

- (A) The parent by abuse or neglect has caused the death of any child;
- (B) The parent has attempted, solicited or conspired, as described in ORS 161.405, 161.435 or 161.450 or under comparable laws of any jurisdiction, to cause the death of any child;
- (C) The parent by abuse or neglect has caused serious physical injury to any child;
- (D) The parent has subjected any child to rape, sodomy or sexual abuse;
- (E) The parent has subjected any child to intentional starvation or torture;
- (F) The parent has abandoned the ward as described in ORS 419B.100 (1)(e); or

- (G) The parent has unlawfully caused the death of the other parent of the ward;
- (b) The parent has been convicted in any jurisdiction of one of the following crimes:
 - (A) Murder of another child of the parent, which murder would have been an offense under 18 U.S.C. 1111(a);
 - (B) Manslaughter in any degree of another child of the parent, which manslaughter would have been an offense under 18 U.S.C. 1112(a);
 - (C) Aiding, abetting, attempting, conspiring or soliciting to commit an offense described in subparagraph (A) or (B) of this paragraph; or
 - (D) Felony assault that results in serious physical injury to the ward or another child of the parent; or
- (c) The parent's rights to another child have been terminated involuntarily.

(6) If, pursuant to a determination under subsection (5) of this section, the juvenile court makes a finding that the department is not required to make reasonable efforts to prevent or eliminate the need for removal of the ward from the home or to make it possible for the ward to safely return home, and the department determines that it will not make such efforts, the court shall conduct a permanency hearing as provided in ORS 419B.470 no later than 30 days after the judicial finding under subsection (5) of this section.

(7) When an Indian child is involved, the department must satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proven unsuccessful. Foster care placement may not be ordered in a proceeding in the absence of a determination, supported by clear and convincing evidence, including the testimony of expert witnesses, that the continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical injury to the Indian child.

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ORS 419B.449 Hearing to review condition and circumstances of child; findings; appeal

(1) Upon receiving any report required by ORS 419B.440, the court may hold a hearing to review the child or ward's condition and circumstances and to determine if the court should continue jurisdiction and wardship or order modifications in the care, placement and supervision of the child or ward. The court shall hold a hearing:

- (a) In all cases under ORS 419B.440 (2)(b) when the parents' rights have been terminated;
- (b) If requested by the child or ward, the attorney for the child or ward, if any, the parents or the public or private agency having guardianship or legal custody of the child or ward within 30 days of receipt of the notice provided in ORS 419B.452;
- (c) Not later than six months after receipt of a report made under ORS 419B.440 (1) on a ward who is in the legal custody of the Department of Human Services pursuant to ORS 419B.337 but who is placed in the physical custody of a parent or a person who was appointed the ward's legal guardian prior to placement of the ward in the legal custody of the department; or
- (d) Within 30 days after receipt of a report made under ORS 419B.440 (2)(c).

(2) The court shall conduct a hearing provided in subsection (1) of this section in the manner provided in ORS 419B.310, except that the court may receive testimony and reports as provided in ORS 419B.325. At the conclusion of the hearing, the court shall enter findings of fact.

(3) If the child or ward is in substitute care and the decision of the court is to continue the child or ward in substitute care, the findings of the court shall specifically state:

(a)(A) Why continued care is necessary as opposed to returning the child or ward home or taking prompt action to secure another permanent placement; and

(B) The expected timetable for return or other permanent placement.

(b) Whether the agency having guardianship or legal custody of the child or ward has made diligent efforts to place the child or ward pursuant to ORS 419B.192.

(c) The number of placements made, schools attended, face-to-face contacts with the assigned case worker and visits had with parents or siblings since the child or ward has been in the guardianship or legal custody of the agency and whether the frequency of each of these is in the best interests of the child or ward.

(d) For a child or ward 14 years of age or older, whether the child or ward is progressing adequately toward graduation from high school and, if not, the efforts that have been made by the agency having custody or guardianship to assist the child or ward to graduate.

(4) If the ward is in the legal custody of the department but has been placed in the physical custody of the parent or a person who was appointed the ward's legal guardian prior to placement of the ward in the legal custody of the department, and the decision is to continue the ward in the legal custody of the department and the physical custody of the parent or guardian, the findings of the court shall specifically state:

(a) Why it is necessary and in the best interests of the ward to continue the ward in the legal custody of the department; and

(b) The expected timetable for dismissal of the department's legal custody of the ward and termination of the wardship.

(5) In making the findings under subsection (2) of this section, the court shall consider the efforts made to develop the concurrent case plan, including, but not limited to, identification of appropriate permanent placement options for the child or ward both inside and outside this state and, if adoption is the concurrent case plan, identification and selection of a suitable adoptive placement for the child or ward.

(6) In addition to findings of fact required by subsection (2) of this section, the court may order the Department of Human Services to consider additional information in developing the case plan or concurrent case plan.

(7) Any final decision of the court made pursuant to the hearing provided in subsection (1) of this section is appealable under ORS 419A.200.

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ORS 419B.476 Conduct of hearing; powers and duties of court; order; appeal

(1) A permanency hearing shall be conducted in the manner provided in ORS 418.312, 419B.310, 419B.812 to 419B.839 and 419B.908, except that the court may receive testimony and reports as provided in ORS 419B.325.

(2) At a permanency hearing the court shall:

(a) If the case plan at the time of the hearing is to reunify the family, determine whether the Department of Human Services has made reasonable efforts or, if the Indian Child Welfare Act [FN1] applies, active efforts to make it possible for the ward to safely return home and

whether the parent has made sufficient progress to make it possible for the ward to safely return home. In making its determination, the court shall consider the ward's health and safety the paramount concerns.

(b) If the case plan at the time of the hearing is something other than to reunify the family, determine whether the department has made reasonable efforts to place the ward in a timely manner in accordance with the plan , including, if appropriate, reasonable efforts to place the ward through an interstate placement, and to complete the steps necessary to finalize the permanent placement.

(c) If the case plan at the time of the hearing is something other than to reunify the family, determine whether the department has considered permanent placement options for the ward, including, if appropriate, whether the department has considered both permanent in-state placement options and permanent interstate placement options for the ward.

(d) Make the findings of fact under ORS 419B.449 (2).

(3)(a) In the circumstances described in paragraph (b) of this subsection, in addition to making the determination required by subsection (2)(a) or (b) of this section, at a permanency hearing the court shall review the comprehensive plan for the ward's transition to independent living and determine and make findings as to:

(A) Whether the plan is adequate to ensure the ward's successful transition to independent living;

(B) Whether the department has offered appropriate services pursuant to the plan; and

(C) Whether the department has involved the ward in the development of the plan.

(b) The requirements of paragraph (a) of this subsection apply when:

(A) The ward is 16 years of age or older; or

(B) The ward is 14 years of age or older and there is a comprehensive plan for the ward's transition to independent living.

(4) At a permanency hearing the court may:

(a) If the case plan changed during the period since the last review by a local citizen review board or court hearing and a plan to reunify the family was in effect for any part of that period, determine whether the department has made reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to make it possible for the ward to safely return home. In making its determination, the court shall consider the ward's health and safety the paramount concerns;

(b) If the case plan changed during the period since the last review by a local citizen review board or court hearing and a plan other than to reunify the family was in effect for any part of that period, determine whether the department has made reasonable efforts to place the ward in a timely manner in accordance with the plan, including, if appropriate, placement of the ward through an interstate placement, and to complete the steps necessary to finalize the permanent placement;

(c) If the court determines that further efforts will make it possible for the ward to safely return home within a reasonable time, order that the parents participate in specific services for a specific period of time and make specific progress within that period of time;

(d) Determine the adequacy and compliance with the case plan and the case progress report;

(e) Review the efforts made by the department to develop the concurrent permanent plan, including but not limited to identification of appropriate permanent in-state placement options and appropriate permanent interstate placement options and, if adoption is the concurrent case plan, identification and selection of a suitable adoptive placement for the ward;

(f) Order the department to develop or expand the case plan or concurrent permanent plan and provide a case progress report to the court and other parties within 10 days after the permanency hearing;

(g) Order the department or agency to modify the care, placement and supervision of the ward;

(h) Order the local citizen review board to review the status of the ward prior to the next court hearing; or

(i) Set another court hearing at a later date.

(5) The court shall enter an order within 20 days after the permanency hearing. In addition to any determinations or orders the court may make under subsection (4) of this section, the order shall include:

(a) The court's determination required under subsections (2) and (3) of this section, including a brief description of the efforts the department has made with regard to the case plan in effect at the time of the permanency hearing;

(b) The court's determination of the permanency plan for the ward that includes whether and, if applicable, when:

(A) The ward will be returned to the parent;

(B) The ward will be placed for adoption, and a petition for termination of parental rights will be filed;

(C) The ward will be referred for establishment of legal guardianship; or

(D) The ward will be placed in another planned permanent living arrangement;

(c) If the court determines that the permanency plan for the ward should be to return home because further efforts will make it possible for the ward to safely return home within a reasonable time, the court's determination of the services in which the parents are required to participate, the progress the parents are required to make and the period of time within which the specified progress must be made;

(d) If the court determines that the permanency plan for the ward should be adoption, the court's determination of whether one of the circumstances in ORS 419B.498 (2) is applicable;

(e) If the court determines that the permanency plan for the ward should be establishment of a legal guardianship or placement with a fit and willing relative, the court's determination of why neither placement with parents nor adoption is appropriate;

(f) If the court determines that the permanency plan for the ward should be a planned permanent living arrangement, the court's determination of a compelling reason, that must be documented by the department, why it would not be in the best interests of the ward to be returned home, placed for adoption, placed with a legal guardian or placed with a fit and willing relative;

(g) If the current placement is not expected to be permanent, the court's projected timetable for return home or for placement in another planned permanent living arrangement. If the

timetable set forth by the court is not met, the department shall promptly notify the court and parties;

(h) If an Indian child is involved, the tribal affiliation of the ward; and

(i) If the ward has been placed in an interstate placement, the court's determination of whether the interstate placement continues to be appropriate and in the best interests of the ward.

(6) If an Indian child is involved, the court shall follow the placement preference established by the Indian Child Welfare Act.

(7) Any final decision of the court made pursuant to the permanency hearing is appealable under ORS 419A.200. On appeal of a final decision of the court under this subsection, the court's finding, if any, under ORS 419B.340 (5) that the department is not required to make reasonable efforts to make it possible for the ward to safely return home is an interlocutory order to which a party may assign error.

.....
ORS 419B.498 Petition for termination of parental rights

(1) Except as provided in subsection (2) of this section, the Department of Human Services shall simultaneously file a petition to terminate the parental rights of a child or ward's parents and identify, recruit, process and approve a qualified family for adoption if the child or ward is in the custody of the department and:

(a) The child or ward has been in substitute care under the responsibility of the department for 15 months of the most recent 22 months;

(b) A parent has been convicted of murder of another child of the parent, voluntary manslaughter of another child of the parent, aiding, abetting, attempting, conspiring or soliciting to commit murder or voluntary manslaughter of the child or ward or of another child of the parent or felony assault that has resulted in serious physical injury to the child or ward or to another child of the parent; or

(c) A court of competent jurisdiction has determined that the child or ward is an abandoned child.

(2) The department shall file a petition to terminate the parental rights of a parent in the circumstances described in subsection (1) of this section unless:

(a) The child or ward is being cared for by a relative and that placement is intended to be permanent;

(b) There is a compelling reason, which is documented in the case plan, for determining that filing such a petition would not be in the best interests of the child or ward. Such compelling reasons include, but are not limited to:

(A) The parent is successfully participating in services that will make it possible for the child or ward to safely return home within a reasonable time as provided in ORS 419B.476 (5)(c);

(B) Another permanent plan is better suited to meet the health and safety needs of the child or ward, including the need to preserve the child's or ward's sibling attachments and relationships; or

(C) The court or local citizen review board in a prior hearing or review determined that while the case plan was to reunify the family the department did not make reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to make it possible for the child or ward to safely return home; or

(c) The department has not provided to the family of the child or ward, consistent with the time period in the case plan, such services as the department deems necessary for the child or ward to safely return home, if reasonable efforts to make it possible for the child or ward to safely return home are required to be made with respect to the child or ward.

(3) No petition to terminate the parental rights of a child or ward's parents pursuant to subsection (1) of this section or pursuant to ORS 419B.500, 419B.502, 419B.504, 419B.506 or 419B.508 may be filed until the court has determined that the permanency plan for the child or ward should be adoption after a permanency hearing pursuant to ORS 419B.476.

.....

ORS 419B.914 Power of court to proceed without service; exceptions

If the child or ward is before the court, the court has the power to proceed with the case without service upon those entitled to service under ORS 419B.812 to 419B.839 if diligent efforts have failed to reveal the identity or the whereabouts of the person, except that:

(1) No order entered pursuant to ORS 419B.500, 419B.502, 419B.504, 419B.506 and 419B.508 may be entered unless ORS 419B.518, 419B.521, 419B.524 and 419B.812 to 419B.839 are complied with.

(2) No order for support as provided in ORS 419B.400, 419B.402, 419B.404 and 419B.406 may be entered against a person unless that person is served as provided in ORS 419B.812 to 419B.839.

.....

ORS 419B.918 Participation in hearing by electronic means; rescheduling hearing

(1) Notwithstanding ORS 419B.815, 419B.816, 419B.819 and 419B.820, on timely written motion of a person showing good cause, a court may permit the person, instead of appearing personally, to participate in any hearing related to a petition alleging jurisdiction under ORS 419B.100, a petition to establish a permanent guardianship under ORS 419B.365 or a petition seeking termination of parental rights under ORS 419B.500, 419B.502, 419B.504, 419B.506 or 419B.508 in any manner that complies with the requirements of due process including, but not limited to, telephonic or other electronic means.

(2) If a person who is summoned or ordered to appear under ORS 419B.815, 419B.816, 419B.819 or 419B.820 seeks to reschedule any hearing at which the person is required to appear, the person must:

(a) Appear personally at the time specified in the summons or order to request the change; or

(b) Include in the person's written motion requesting the change the person's current mailing address, to which the court may send notice of the new date for the hearing if the motion is granted.

(3) In any proceeding that involves the interstate placement of a child or ward, the court may:

(a) Permit a party from outside this state to provide information, testify or otherwise participate in the proceeding in any manner the court designates, provided the party complies with subsection (1) of this section, if applicable;

(b) Permit an attorney from outside this state representing any party to participate in the proceeding in any manner the court designates; and

(c) Obtain information or testimony in any manner the court designates from a state or private agency located in another state.

.....

SHELTER HEARING

(WITHIN 24 HOURS OF PLACEMENT EXCLUDING WEEKENDS/JUDICIAL HOLIDAYS)

- ❑ **RELEVANCY DETERMINES ADMISSIBILITY OF EVIDENCE**
- ❑ **IDENTIFY LEGAL PARTIES – ALL PARENTS**
- ❑ **FILING THE PETITION – ANY PERSON MAY FILE**
 - Allegations regarding each person with legal rights
 - Specificity of allegations
 - UCCJEA allegations
 - Service of summons and petition
 - Consolidation with other proceedings
 - Protective custody report filed prior to hearing
 - Protective custody affidavit if court orders removal BEFORE child is removed
- ❑ **SERVICE OF SUMMONS AND PETITION**
 - Diligent efforts
 - Personal service, sub service, office service, mail service
- ❑ **FINDINGS/ORDERS**
 - Reasonable efforts to prevent removal *AND* to return child home (if child previously removed)
 - Document the efforts in the order
 - Include date of removal
 - Best interest finding – in the first order of removal – with supporting facts
 - Allegation that child is a foreign national
 - Service of petition on the consulate for child's country
 - Indian Child Welfare Act inquiry
 - Applicability -- apply if reason to believe ICWA applies
 - DHS Form 1270 must be signed by BOTH PARTIES
 - Notice to Tribe
 - Active efforts determination
 - Clear and convincing evidence including expert testimony
 - Placement preferences
 - Probable cause finding
 - Placement determination
 - Need for continued placement
 - Relative or person with parent-child relationship
 - Visitation plan – parents and siblings – supervision plan if needed
- ❑ **APPOINTMENT OF COUNSEL/CASA**
 - Advise parents that delay in applying for counsel may result in denial
- ❑ **NOTICES**
 - Agency/person having custody shall notify of change in child's placement
 - Within 30 days, each party shall provide discovery in ORS 419B.881
 - Notice of parents' rights and responsibilities
- ❑ **SET FURTHER PROCEEDINGS**
 - Admit/deny in writing or at hearing (30 days from petition)
 - Jurisdiction/disposition (within 60 days of petition)

ESTABLISHING JURISDICTION/DISPOSITION

❑ NOTICES

- Notice to all parties
- DHS to notify foster parents/care providers

❑ JURISDICTIONAL HEARING – WITHIN 60 DAYS AFTER PETITION FILE DATE (Evidentiary Hearing)

- Postpone only for good cause and document reasons in order – then highest priority on the docket
- Rules of evidence apply – preponderance of the evidence
- Child resides in county and is under the age of 18
- Evidence on all allegations
- Parent must appear personally if summoned or ordered by court
- Party may appear by telephone or video if court permits -- ORS 419B.918
- Default if parties were served and do not appear
- Agency's diligent efforts to locate missing parents
- Parents may admit or not contest – basis must be jurisdictional
- Judicial Notice – make it clear on the record
- If ICWA applies:
 - Clear and convincing evidence
 - Finding regarding serious physical or emotional damage to child
 - Expert testimony
 - This is a separate finding from state law jurisdictional finding.

❑ DISPOSITIONAL HEARING – IDEALLY SAME DAY (Relevancy alone determines admissibility of evidence)

- Reasonable/active efforts to safely return the child home – CHILD'S HEALTH AND SAFETY IS THE PARAMOUNT CONCERN
- Best interest finding – supporting facts
- Case plan
 - Rational relationship to jurisdictional findings
 - Services in which parents must participate
 - Services the agency will provide
 - Timelines for both
- Concurrent plan
- Ward of the court or protective supervision
- Custody and guardianship to DHS
- Must resolve as to ALL parents

ESTABLISHING JURISDICTION/DISPOSITION

(continued)

- Diligent efforts to place with relatives or person with parent-child relationship (continuing obligation)
- Placement decision -- court's authority vs. DHS
- Visitation plan for parents/siblings
- Comprehensive Transition Plan for teens
- Set permanency hearing – 12 months from jurisdiction or 14 months from placement date – whichever comes first

□ ICWA FINDINGS

- Placement preferences
- Affidavit of active efforts
- Explanation of why child cannot be protected in the home
- Statement of family changes needed
- List of services to be provided to the family
- List of actions to be taken by parents to correct the problems
- List of services to be provided to ensure child's connection with culture
- DHS contacts with tribe – document in the judgment
- Visitation with extended family
- Plan to coordinate with tribe on cultural and familial events

JUDICIAL REVIEW

- HEARING PURSUANT TO ORS 419B.449**
- NOTICE**
 - Notification provided to all parties
 - Foster parents have an opportunity to be heard
- ICWA**
- BEST INTERESTS**
 - Date of last placement
 - Current placement
 - Need for continued placement -- document reasons
 - Estimated date of dismissal or termination of wardship
- REASONABLE/ACTIVE EFFORTS**
 - Reasonable efforts to safely return the child or finalize permanent plan
- CASE PLAN**
 - Parents' compliance with case plan
 - Estimated date of achievement
 - DHS compliance with case plan
- CONCURRENT CASE PLAN**
 - Efforts to develop concurrent plan
 - Estimated date of achievement
- PLACEMENT**
 - Appropriateness and safety of placement
 - Diligent efforts to develop relative placements
 - Visitation plan for parents and siblings
- OTHER FINDINGS**
 - Number of placements made
 - Number of schools attended
 - Number of face-to-face contacts with caseworker
 - Number of visits with parents and siblings -- best interests
 - If child is 14 years or older: progress towards high school graduation
 - Verify date of permanency hearing or set another review
- COURT REVIEW OF CITIZEN REVIEW BOARD (CRB) FINDINGS AND RECOMMENDATIONS**
 - Read and sign CRB report within 10 days
 - Respond to board if court modifies, alters, takes action
 - Write comments
 - File CRB report in court file
- DHS REVIEW OF CRB FINDINGS AND RECOMMENDATIONS**
 - Implement recommendations as resources permit and the agency deems appropriate
 - Respond to CRB within 17 days of receipt of the recommendations if the
 - division does not intend to implement

PERMANENCY HEARING ORDER

TIMING

- 12 months after jurisdiction established or 14 months after placement, whichever is earlier, then every 12 months
- 30 days after aggravated circumstances finding and agency decides not to provide services
- 90 days after disruption of permanent foster care placement
- Anytime at the request of DHS, any agency directly responsible for the care and placement of child, a parent whose rights have not been terminated, attorney for the child, CASA, CRB, or court's own motion
- Every six months if child is free for adoption but not placed for adoption

DISPOSITION-TYPE HEARING -- Relevant evidence is admissible

NOTICE TO ALL PARTIES

CARE PROVIDER'S OPPORTUNITY TO BE HEARD

CONSULT WITH CHILD IN AGE-APPROPRIATE MANNER

BEST INTERESTS

- Date of last placement
- Type of current placement
- Need for continued placement -- document it
- Estimated date of dismissal or termination of wardship

REASONABLE/ACTIVE EFFORTS

- Reasonable efforts to safely return child or to place child and finalize permanent plan

CASE PLAN

- Identify the plan
- Parents' compliance with case plan
- DHS compliance with case plan
- Parents' progress to date
- Return to parent or move to concurrent plan or give parent more time
- Set timelines

Any final decision made in a permanency hearing is an appealable order.

PERMANENCY HEARING ORDER

(CONTINUED)

□ ORDER SHALL INCLUDE

- ICWA findings
- Best interest
 - Date of last placement
 - Current placement
- Documented reasonable/active efforts findings in regard to current case plan or any plan in affect since last review
 - If plan is return to home, findings that efforts were made to safely return the child, or
 - If the plan is other than return home, findings that efforts were made to place the ward in a timely manner and complete the steps necessary to finalize the plan
- Adequacy and compliance with case plan
 - Current plan
 - Progress of parents
 - Efforts of DHS
 - Estimated achievement date
- Concurrent plan – DHS efforts to develop
- Determination of case plan
 - Return to parent appropriate?
 - If yes: When will ward be returned and what services will parents participate in, for how long, and what progress is expected of them within that time?
 - If no: Why is return to parent not consistent with health and safety of ward?,
 - Adoption appropriate?
 - If yes: When will the ward be placed for adoption and when will the termination of parental rights petition be filed?
 - If not: What compelling reasons (ORS 419B.498) make it contrary to the health and safety of the child to be adopted?, and

PERMANENCY HEARING ORDER

(CONTINUED)

- ▶ Is guardianship appropriate?
 - If yes: When will the ward be referred for establishment of a guardianship?
 - If not: Why is guardianship not consistent with health and safety of the ward?, and

- ▶ Is planned permanent living arrangement appropriate?
 - If yes: When will ward be placed?,
 - Compelling reason, based on agency documentation, that return home and other plans are not appropriate for the ward, and
 - Timetable for placement in another planned permanent living arrangement.

- Compelling reasons determination (substitute care for 15 of past 22 months)
 - ▶ Petition for Termination of Parental Rights
 - ▶ Court authority vs. Department of Justice
- Independent living/transition from foster care (if ward is 14 years and has an independent living/transition plan, or ward is 16 or older:
 - ▶ Whether transition plan is adequate to ensure successful transition
 - ▶ Whether services were delivered as envisioned in plan, and
 - ▶ Whether the ward was involved in developing the plan
- Relative placement and visitation
- ORS 419B.449 findings
 - ▶ Number of placements
 - ▶ Number of schools attended
 - ▶ Number of face-to-face contacts with caseworker
- Other findings (if applicable)
 - ▶ Motion for withdrawal
 - ▶ DHS to assist child to graduate from high school
- Date of next court hearing

TERMINATION OF PARENTAL RIGHTS AND ADOPTION

❑ PETITION

- Petition must be filed by the State or the ward

❑ PRE-TRIAL

- Appointment of counsel
- Service of summons and petition
- Show cause hearings
- Pre-trial conferences
- Mediation

❑ TERMINATION TRIAL

(Between 10 Days and 6 Months After Service of Summons)

- Resolution without trial
 - Relinquishment
 - Default and prima facie – grounds AND best interest
 - Stipulation
- Trial
 - Two prong test – grounds AND best interest
 - Standard of proof is clear and convincing evidence
 - ORS 419B.498(1) – simultaneously identify a qualified family
 - Parent is presently unfit by conduct or condition seriously detrimental
 - Integration improbable within a reasonable time
 - Disregard incidental or minimal expressions of concern or support
 - ICWA
 1. Standard of proof is beyond a reasonable doubt
 2. Finding that continued custody would result in serious physical or emotional harm
 3. Expert testimony
 4. Separate findings from state law grounds

❑ ADOPTION

- Petitionless adoptions
- Finalization in juvenile file or adoption file
- Open adoption agreements – ORS 107.305 – incorporate in judgment

Concurrent Planning Milestones Checklist

Enter date of substitute care: _____, 20__.

By 1 Month of substitute care: _____, 20__ (enter date),

The following concurrent planning tasks should be completed:

- _____ Service Agreement or Letter of Expectation for each parent
- _____ Birth and Medical Records REQUESTED for EACH child
- _____ CF 246/Genetic and Medical History of Child and Biological Family
- _____ Relative Search Request filled out thoroughly and submitted to admin unit
- _____ Fathers Questionnaire filled out by a trained staff with EACH child's mother
- _____ ICWA (1270) form filled out and SIGNED BY BOTH parents of EACH child
- _____ Parent search initiated IF NECESSARY
- _____ Identification of concurrent plan for each child
- _____ Siblings visiting and maintaining relationships IF IN SEPARATE PLACEMENTS/
continue working toward sibling reunification if appropriate.

By 2 Months of substitute care: _____, 20__ (enter date),

The following concurrent planning tasks should be completed:

- _____ All pending allegations on all petitions resolved
- _____ All Legal and "Stanley" type fathers filed on.

(Legal fathers include "Presumed Legal" fathers, i.e. those men who were married to the mother of the child by the time of conception and/or birth of the child, but are not believed to be the biological father of the child.)

- _____ Motion Contesting Paternity for any "Presumed Legal" father – who
is not believed to be the biological father of the child – to be filed.
- _____ Letters sent to putative fathers (Randolph Jones)
- _____ Mental Health evaluation (if child over 3 years old)
- _____ EI evaluation (if child under 3 years old)

Concurrent Planning Milestones Checklist (continued)

Enter date of substitute care: _____, 20__

By 4 months of substitute care: _____, 20__ (enter date),

The following concurrent planning tasks should be completed:

_____ Diligent Relative Search Completed:

_____ Contact with interested relatives made by worker and documented

_____ Suitability established

_____ ICPC requested (if applicable)

_____ Birth and medical records of each child secured in file

_____ ICWA search completed and findings in file

By 6 months of substitute care: _____, 20__ (enter date),

The following concurrent planning tasks should be completed:

_____ Current caretaker's suitability is reviewed at staffing

By Supervisor's 8 Month Review: _____, 20__ (enter date),

The following concurrent planning tasks should be completed:

_____ CF 246/Genetic and Medical History of Child and Biological Family secured in file

_____ Staff case with CET and supervisor to consider readiness for staffing with AAG and LAS

_____ Develop any to do lists, consider the need for expert testimony about the child's needs, i.e. documentation of child's needs for permanency.

"The belief and value that every child and young person deserves a permanent family relationship is paramount in this work." ... permanence is about locating and supporting a lifetime family. For young people in out-of-home placement, planning for permanence should begin at entry into care, and be youth-driven, family-focused, culturally competent, continuous, and approached with the highest degree of urgency."

"Permanence is achieved with a family relationship that offers safe, stable, and committed parenting, unconditional love and lifelong support, and legal family membership status."

Permanence for Young People,

The Casey Center for Effective Child Welfare Practice

Adoption Process Timeline Checklist Relinquishment

Child(ren)'s Name(s): _____

Confirm all items listed on Concurrent Planning Checklist are documented in file.

- Birth Certificate
- Birth and Medical Records secured in file for Each Child
- Genetic and Medical History (CF246) of Child and Biological Family secured in file
- Fathers Questionnaires completed
- ICWA search completed and findings in file
- Diligent relative search completed
- Contact with interested relatives documented in file
- Suitability established
- Absent Parent Search completed IF APPLICABLE (Late identification of legal status of a dad can delay process)
- All legal parties identified
- ICPC requested IF APPLICABLE
- Sibling Planning Committee IF NEEDED
- Submit CF0439

Enter Date of Signed Relinquishments:

_____, 20__.

To obtain relinquishments, submit R/S Packet (CF439) to Central Office.

Immediately return signed relinquishments to Central Office (maintain one original in branch file)

By 1 Month of Signed Relinquishments:

Mediation referral encouraged if applicable (CF0437) (Current Caretaker Only)

Submit Recruitment Materials to Central Office (if applicable)

Submit 421 Adoption Planning Summary to Central Office

By 2 Months of Signed Relinquishments:

R/S issued, signed and original submitted to Central Office

Any applicable Affidavits submitted to Central Office

Adoption worker completes update to home study/submits to Central Office with approval (Form 251).

Schedule Preliminary Current Caretaker Staffing (if applicable)

By 4 Months of Signed Relinquishments:

Caseworker reviews Home Studies and selects families to take to Adoption Committee

Caseworker requests Adoption Committee (either branch or central office committee)

By 5 Months of Signed Relinquishments:

Adoption worker submits Home Study Packet to Central Office

Caseworker requests Adoption Committee (either branch or central office committee)

Adoption Committee scheduled. Timeline will then follow one of the following three tracks.

<p align="center">Current Caretaker</p> <p>Enter Date of Adoption Committee: _____, 20____</p>	<p align="center">State of Oregon Recruitment</p> <p>Enter Date of Adoption Committee: _____, 20____</p> <p align="center">Minimum six month waiting period to monitor child's placement</p>	<p align="center">Out-of-State Recruitment</p> <p>Enter Date of Adoption Committee: _____, 20____</p> <p align="center">Minimum six month waiting period to monitor child's placement</p>
<p>By 3 Months of Committee:</p> <p>____ 963 Verification Form signed by adoptive family and sent to caseworker</p> <p>____ Caseworker sends 963 Verification Form to Central Office</p> <p>____ E-mail to Central Office requesting that adoptive home be designated</p> <p>____ Adoptive home is designated</p> <p>____ Adoption Assistance Application completed by adoptive family and has been sent to Central Office</p>	<p>By 2 Months of Committee:</p> <p>____ Adoptive family selected</p> <p>____ Mediation referral encouraged if applicable</p> <p>____ 963 Verification Form signed by adoptive family and sent to caseworker</p> <p>____ Caseworker sends 963 Verification Form to Central Office</p> <p>____ Child(ren) notified and transition plan developed with foster and adoptive families</p> <p>____ Child(ren) is/are placed in adoptive home</p> <p>By 3 Months of Adoption Committee:</p> <p>____ Adoption Assistance Application completed by adoptive family and has been sent to Central Office</p>	<p>By 3 Months of Committee:</p> <p>____ Adoptive family selected</p> <p>____ Mediation referral encouraged if applicable</p> <p>____ Adoption Selection report completed and submitted to Central Office within three days of committee</p> <p>____ ICPC Form 100A completed/ cover letter written requesting adoption supervision, and Form 100A sent to appropriate ICPC Coordinator in Central Office</p> <p>____ Central Office processes Interstate Compact Request; requests ICPC supervision</p> <p>____ 963 Verification Form signed by adoptive family and sent to caseworker</p> <p>____ Caseworker sends 963 Verification Form to Central Office</p> <p>____ Child(ren) notified and transition plan developed with foster and adoptive families</p> <p>____ Child(ren) is/are placed in adoptive home</p> <p>____ Adoption Assistance Application completed by adoptive family and has been sent to Central Office</p>

Current Caretaker	State of Oregon Recruitment	Out-of-State Recruitment
Enter Date of Adoption Committee: _____, 20__	Enter Date of Adoption Committee: _____, 20__	Enter Date of Adoption Committee: _____, 20__
By 6 Months of Adoption Committee:	By 6 Months of Adoption Committee:	By 6 Months of Adoption Committee:
<input type="checkbox"/> Central Office has sent Adoption Assistance Agreements to adoptive family for signature and they have been returned to Central	<input type="checkbox"/> Email to Central Office requesting adoptive home be designated	<input type="checkbox"/> Central Office has sent Adoption Assistance Agreements to adoptive family for signature and they have been returned to Central
<input type="checkbox"/> Adoption Assistance Completion Memo sent to caseworker (Central Office)	<input type="checkbox"/> Memo of designation submitted to caseworker (Central Office)	<input type="checkbox"/> Adoption Assistance Completion Memo sent to caseworker (Central Office)
<input type="checkbox"/> Adoption Registry Information sent to adoptive family (Caseworker)	<input type="checkbox"/> Central Office has sent Adoption Assistance Agreements to adoptive family for signature and they have been returned to Central	<input type="checkbox"/> Adoption Registry Information sent to adoptive family (Caseworker)
<input type="checkbox"/> Statement of Verification completed and sent to Central Office	<input type="checkbox"/> Adoption Assistance Completion Memo sent to caseworker (Central Office)	<input type="checkbox"/> Statement of Verification completed and sent to Central Office
<input type="checkbox"/> Recommendation to finalize adoption sent via letter or email with status to Central	<input type="checkbox"/> Adoption Registry Information sent to adoptive family (Caseworker)	<input type="checkbox"/> Email to Central Office requesting adoptive home be designated
<input type="checkbox"/> Adoption file has been reviewed by Central Office and Consent to Adoption and necessary documents sent to Vendor Attorney (Central)	<input type="checkbox"/> Statement of Verification completed and sent to Central Office	<input type="checkbox"/> Adoptive home is designated
	<input type="checkbox"/> Recommendation to finalize adoption sent via letter or email with status to Central	<input type="checkbox"/> Memo of designation submitted to caseworker (Central Office)
		<input type="checkbox"/> Recommendation to finalize adoption sent via letter or email with status to Central

Current Caretaker	State of Oregon Recruitment	Out-of-State Recruitment
Enter Date of Adoption Committee: _____, 20____	Enter Date of Adoption Committee: _____, 20____	Enter Date of Adoption Committee: _____, 20____
<p>By 8 Months of Adoption Committee:</p> <p>_____ Adoption Petition has been drafted and sent to adoptive family for signature (Vendor Attorney)</p> <p>_____ Adoptive family has signed and returned the Adoption Petition to the Vendor Attorney. Vendor Attorney has filed with the courts the Petition and Consent with copies to Central office</p>	<p>By 7 Months of Adoption Committee:</p> <p>_____ Adoption file has been reviewed by Central Office and Consent to Adoption and necessary documents sent to Vendor Attorney (Central)</p>	<p>By 7 Months of Adoption Committee:</p> <p>_____ Adoption file has been reviewed by Central Office and Consent to Adoption and necessary documents sent to Vendor Attorney (Central)</p>
<p>By 9 Months of Adoption Committee:</p> <p>_____ Final Court Report filed with court (Central Office) and Final Decree has been filed (Vendor Attorney)</p> <p>_____ Adoption Decree signed by judge</p> <p>_____ Adoption Decree submitted to Central Office by court</p>	<p>By 9 Months of Adoption Committee:</p> <p>_____ Adoption Petition has been drafted and sent to adoptive family for signature (Vendor Attorney)</p> <p>_____ Adoptive family has signed and returned the Adoption Petition to the Vendor Attorney. Vendor Attorney has filed with the courts the Petition and Consent with copies to Central office</p>	<p>By 9 Months of Adoption Committee:</p> <p>_____ Adoption Petition has been drafted and sent to adoptive family for signature (Vendor Attorney)</p> <p>_____ Adoptive family has signed and returned the Adoption Petition to the Vendor Attorney. Vendor Attorney has filed with the courts the Petition and Consent with copies to Central office</p>

Current Caretaker	State of Oregon Recruitment	Out-of-State Recruitment
Enter Date of Adoption Committee: _____, 20__	Enter Date of Adoption Committee: _____, 20__	Enter Date of Adoption Committee: _____, 20__
<p>By 11 Months of Adoption Committee:</p> <p>_____ Memo of finalization of adoption sent to caseworker (Central Office)</p> <p>_____ Dismissal submitted to courts (Caseworker)</p> <p>_____ Signed Order returned to caseworker (Courts)</p> <p>_____ 147F written; caseworker closes case</p>	<p>By 12 Months of Adoption Committee:</p> <p>_____ Final Court Report filed with court (Central Office) and Final Decree has been filed (Vendor Attorney)</p> <p>_____ Adoption Decree signed by judge</p> <p>_____ Adoption Decree submitted to Central Office by court</p> <p>_____ Memo of finalization of adoption sent to caseworker (Central Office)</p> <p>_____ Dismissal submitted to courts (Caseworker)</p> <p>_____ Signed Order returned to caseworker (Courts)</p> <p>_____ 147F written; caseworker closes case</p>	<p>By 12 Months of Adoption Committee:</p> <p>_____ Final Court Report filed with court (Central Office) and Final Decree has been filed (Vendor Attorney)</p> <p>_____ Adoption Decree signed by judge</p> <p>_____ Adoption Decree submitted to Central Office by court</p> <p>_____ Memo of finalization of adoption sent to caseworker (Central Office)</p> <p>_____ Dismissal submitted to courts (Caseworker)</p> <p>_____ Signed Order returned to caseworker (Courts)</p> <p>_____ Caseworker sends ICPC Form 100A, closing ICPC, to Central Office</p> <p>_____ 147F written; caseworker closes case</p>

This Adoption Timeline Checklist was developed through a collaborative effort among the Klamath County Model Juvenile Court Improvement Group, including The Honorable Roxanne Osborne, Family Court Judge, State of Oregon Department of Human Services, CASA For Children of Klamath County, Citizen Review Board, Klamath County Mental Health, Klamath County Juvenile Department, Klamath County Community Corrections, Family Court of Klamath County, and the Klamath County Circuit Court.

The mission of the Klamath County Model Juvenile Court is to improve permanency outcomes for children in temporary out-of-home placement (foster care). Recognizing a child's unique sense of time and the importance of permanency to a child's wellbeing, we will continue to create meaningful and sustainable systems change for children and families in Klamath County. 2006

Adoption Process Timeline Checklist Termination of Parental Rights

Child(ren)'s Name(s): _____

Confirm all items listed on Concurrent Planning Checklist are documented in file.

- Birth Certificate
- Birth and Medical Records secured in file for Each Child
- Genetic and Medical History (CF246) of Child and Biological Family secured in file
- Fathers Questionnaires completed
- ICWA search completed and findings in file
- Diligent relative search completed
- Contact with interested relatives documented in file
- Suitability established
- Absent Parent Search completed IF APPLICABLE (Late identification of legal status of a dad can delay process)
- All legal parties identified
- ICPC requested IF APPLICABLE
- Sibling Planning Committee IF NEEDED
- Submit CF0439

Enter Date of TPR Approval:

_____, 20__

By 1 Month of TRP Approval:

- _____ Write LAR and submit to AAG
- _____ Submit CF 0439 materials to Central Office
- _____ Request Adoption Home Study for Non-Current Caretaker Relative (if applicable and not already done)

By 2 Months of TPR Approval:

- _____ Submit 421 Adoption Planning Summary to Central Office
- _____ Submit Recruitment Materials to Central Office (if applicable)
- _____ Presumed Legal Father Affidavit to Central Office
- _____ Deceased Parent Affidavit to Central Office (if applicable)

By 3 Months of TPR Approval:

- _____ Adoption worker completes update to home study and submits to Central Office w/approval (Form 251)
- _____ Schedule Preliminary Current Caretaker Staffing, if applicable, (worker requests at 6 months from placement if child is on adoption track).
- _____ TPR Petition Filed by AAG -- Date Petition Filed: _____, 20__

By 6 Months of TPR Petition Filing:

- _____ TPR Trial and Judgment Entered. Date Judgment Entered: _____, 20__

_____ **Adoption Committee scheduled.** Timeline will then follow one of the following three tracks.

<p align="center">Current Caretaker</p> <p>Enter Date of Adoption Committee: _____, 20____</p>	<p align="center">State of Oregon Recruitment</p> <p>Enter Date of Adoption Committee: _____, 20____</p> <p align="center">Minimum six month waiting period to monitor child's placement</p>	<p align="center">Out-of-State Recruitment</p> <p>Enter Date of Adoption Committee: _____, 20____</p> <p align="center">Minimum six month waiting period to monitor child's placement</p>
<p>By 3 Months of Adoption Committee:</p> <p>_____ Mediation referral encouraged</p> <p>_____ 963 Verification Form signed by adoptive family and sent to caseworker</p> <p>_____ Caseworker sends 963 Verification Form to Central Office</p> <p>_____ E-mail to Central Office requesting that adoptive home be designated</p> <p>_____ Adoptive home is designated</p> <p>_____ Adoption Assistance Application completed by adoptive family and has been sent to Central Office</p>	<p>By 2 Months of Adoption Committee:</p> <p>_____ Adoptive family selected</p> <p>_____ Mediation referral encouraged</p> <p>_____ 963 Verification Form signed by adoptive family and sent to caseworker</p> <p>_____ Caseworker sends 963 Verification Form to Central Office</p> <p>_____ Child(ren) notified and transition plan developed with foster and adoptive families</p> <p>_____ Child(ren) is/are placed in adoptive home</p> <p>By 3 Months of Adoption Committee:</p> <p>_____ Adoption Assistance Application completed by adoptive family and has been sent to Central Office</p>	<p>By 3 Months of Adoption Committee:</p> <p>_____ Adoptive family selected</p> <p>_____ Mediation referral encouraged</p> <p>_____ Adoption Selection report completed and submitted to Central Office within three days of committee</p> <p>_____ ICPC Form 100A completed/ cover letter written requesting adoption supervision, and Form 100A sent to appropriate ICPC Coordinator in Central Office</p> <p>_____ Central Office processes Interstate Compact Request; requests ICPC supervision</p> <p>_____ 963 Verification Form signed by adoptive family and sent to caseworker</p> <p>_____ Caseworker sends 963 Verification Form to Central Office</p> <p>_____ Child(ren) notified and transition plan developed with foster and adoptive families</p> <p>_____ Child(ren) is/are placed in adoptive home</p> <p>_____ Adoption Assistance Applic. completed by adoptive family; sent to Central Office</p>

Current Caretaker	State of Oregon Recruitment	Out-of-State Recruitment
Enter Date of Adoption Committee: _____, 20__	Enter Date of Adoption Committee: _____, 20__	Enter Date of Adoption Committee: _____, 20__
By 6 Months of Adoption Committee:	By 6 Months of Adoption Committee:	By 6 Months of Adoption Committee:
<input type="checkbox"/> Central Office has sent Adoption Assistance Agreements to adoptive family for signature and they have been returned to Central	<input type="checkbox"/> Email to Central Office requesting adoptive home be designated	<input type="checkbox"/> Central Office has sent Adoption Assistance Agreements to adoptive family for signature and they have been returned to Central
<input type="checkbox"/> Adoption Assistance Completion Memo sent to caseworker (Central Office)	<input type="checkbox"/> Adoptive home is designated <input type="checkbox"/> Memo of designation submitted to caseworker (Central Office)	<input type="checkbox"/> Adoption Assistance Completion Memo sent to caseworker (Central Office)
<input type="checkbox"/> Adoption Registry Information sent to adoptive family (Caseworker)	<input type="checkbox"/> Central Office has sent Adoption Assistance Agreements to adoptive family for signature and they have been returned to Central	<input type="checkbox"/> Adoption Registry Information sent to adoptive family (Caseworker)
<input type="checkbox"/> Statement of Verification completed and sent to Central Office	<input type="checkbox"/> Adoption Assistance Completion Memo sent to caseworker (Central Office)	<input type="checkbox"/> Statement of Verification completed and sent to Central Office
<input type="checkbox"/> Recommendation to finalize adoption sent via letter or email with status to Central	<input type="checkbox"/> Adoption Registry Information sent to adoptive family (Caseworker)	<input type="checkbox"/> Email to Central Office requesting adoptive home be designated
<input type="checkbox"/> Adoption file has been reviewed by Central Office and Consent to Adoption and necessary documents sent to Vendor Attorney (Central)	<input type="checkbox"/> Statement of Verification completed and sent to Central Office	<input type="checkbox"/> Adoptive home is designated
	<input type="checkbox"/> Recommendation to finalize adoption sent via letter or email with status to Central	<input type="checkbox"/> Memo of designation submitted to caseworker (Central Office)
		<input type="checkbox"/> Recommendation to finalize adoption sent via letter or email with status to Central

Current Caretaker	State of Oregon Recruitment	Out-of-State Recruitment
Enter Date of Adoption Committee: _____, 20____	Enter Date of Adoption Committee: _____, 20____	Enter Date of Adoption Committee: _____, 20____
<p>By 8 Months of Adoption Committee:</p> <p>_____ Adoption Petition has been drafted and sent to adoptive family for signature (Vendor Attorney)</p> <p>_____ Adoptive family has signed and returned the Adoption Petition to the Vendor Attorney. Vendor Attorney has filed with the courts the Petition and Consent with copies to Central office</p>	<p>By 7 Months of Adoption Committee:</p> <p>_____ Adoption file has been reviewed by Central Office and Consent to Adoption and necessary documents sent to Vendor Attorney (Central)</p>	<p>By 7 Months of Adoption Committee:</p> <p>_____ Adoption file has been reviewed by Central Office and Consent to Adoption and necessary documents sent to Vendor Attorney (Central)</p>
<p>By 9 Months of Adoption Committee:</p> <p>_____ Final Court Report filed with court (Central Office) and Final Decree has been filed (Vendor Attorney)</p> <p>_____ Adoption Decree signed by judge</p> <p>_____ Adoption Decree submitted to Central Office by court</p>	<p>By 9 Months of Adoption Committee:</p> <p>_____ Adoption Petition has been drafted and sent to adoptive family for signature (Vendor Attorney)</p> <p>_____ Adoptive family has signed and returned the Adoption Petition to the Vendor Attorney. Vendor Attorney has filed with the courts the Petition and Consent with copies to Central office</p>	<p>By 9 Months of Adoption Committee:</p> <p>_____ Adoption Petition has been drafted and sent to adoptive family for signature (Vendor Attorney)</p> <p>_____ Adoptive family has signed and returned the Adoption Petition to the Vendor Attorney. Vendor Attorney has filed with the courts the Petition and Consent with copies to Central office</p>

Current Caretaker	State of Oregon Recruitment	Out-of-State Recruitment
Enter Date of Adoption Committee: _____, 20__	Enter Date of Adoption Committee: _____, 20__	Enter Date of Adoption Committee: _____, 20__
By 11 Months of Adoption Committee:	By 12 Months of Adoption Committee:	By 12 Months of Adoption Committee:
____ Memo of finalization of adoption sent to caseworker (Central Office)	____ Final Court Report filed with court (Central Office) and Final Decree has been filed (Vendor Attorney)	____ Final Court Report filed with court (Central Office) and Final Decree has been filed (Vendor Attorney)
____ Dismissal submitted to courts (Caseworker)	____ Adoption Decree signed by judge	____ Adoption Decree signed by judge
____ Signed Order returned to caseworker (Courts)	____ Adoption Decree submitted to Central Office by court	____ Adoption Decree submitted to Central Office by court
____ 147F written; caseworker closes case	____ Memo of finalization of adoption sent to caseworker (Central Office)	____ Memo of finalization of adoption sent to caseworker (Central Office)
	____ Dismissal submitted to courts (Caseworker)	____ Dismissal submitted to courts (Caseworker)
	____ Signed Order returned to caseworker (Courts)	____ Signed Order returned to caseworker (Courts)
	____ 147F written; caseworker closes case	____ Caseworker sends ICPC Form 100A, closing ICPC, to Central Office
		____ 147F written; caseworker closes case

This Adoption Timeline Checklist was developed through a collaborative effort among the Klamath County Model Juvenile Court Improvement Group, including The Honorable Roxanne Osborne, Family Court Judge, State of Oregon Department of Human Services, CASA For Children of Klamath County, Citizen Review Board, Klamath County Mental Health, Klamath County Juvenile Department, Klamath County Community Corrections, Family Court of Klamath County, and the Klamath County Circuit Court.

The mission of the Klamath County Model Juvenile Court is to improve permanency outcomes for children in temporary out-of-home placement (foster care). Recognizing a child's unique sense of time and the importance of permanency to a child's wellbeing, we will continue to create meaningful and sustainable systems change for children and families in Klamath County. 2006