

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

In the Matter of: _____) Case Number: _____
 _____)
 A Child. _____) **SHELTER ORDER - ICWA**
 _____) (ORS 419B.180 et seq.)

This matter came before the Court on: _____, 20____.

Parties appearing:

<input type="checkbox"/> Legal Father <input type="checkbox"/> Putative Father	Attorney for Father:	DHS Caseworker:
Mother:	Attorney for Mother:	Juvenile Department:
Child:	Attorney for Child:	CASA:
Guardian:	Attorney for Guardian:	Guardian Ad Litem:
Tribe:	Attorney for Tribe:	Other:
Deputy District Attorney:	Assistant Attorney General:	Other:

DHS Documentation: The Department of Human Services (DHS) **did** **did not** provide the Court with the documentation required by ORS 419B.185.

Evidence Considered:

- Stipulations by the parties.
- The exhibits offered by the parties and admitted at the hearing.
- The exhibits admitted by the Court under ORS 419A.253.
- The testimony of the witness(es) at the hearing.
- The following facts and/or law, of which the Court has taken judicial notice: _____

Other: _____

Standard of Proof:

The Findings made below are based on clear and convincing evidence, because the child is an “Indian child” under the Indian Child Welfare Act. 25 USC § 1901-63.

1. PROTECTIVE CUSTODY FINDING AND PROBABLE CAUSE DETERMINATION:

▶ The child resides in _____ County and was taken into protective custody on _____, 20____.

▶ There **is** **is not** probable cause to believe that the child is within the jurisdiction of the court under ORS 419B.100(1).

2. INDIAN CHILD WELFARE ACT (ICWA) - FINDINGS AND ORDER:

The ICWA applies to this case, because the Court **has determined** **has reason to know** that the child is an “Indian child” under the ICWA, and is an enrolled member of, or is eligible for membership in, the following tribe(s): _____, 25 USC § 1903(4). The tribe(s) **has/have been** **has/have not been** notified of this proceeding, as required by 25 USC § 1912(a). This Court **has** **does not have** jurisdiction under 25 USC § 1911 to proceed with the case. This Court **has** **does not have** temporary emergency removal/placement jurisdiction under 25 USC § 1922.
Additional findings/orders: _____

3. NOTICE FINDINGS AND ORDERS:

▶ **Parties:**

All parties **were notified**.
 All parties **were not notified**, and DHS shall make diligent efforts to notify the following: _____

Mother Father Guardian(s) was/were provided the notice of obligations and rights required by ORS 419B.117.

▶ **Foster Parent(s)/Care Provider(s) - Notification and Participation:**

The child is in substitute care, and DHS **did** **did not** give the foster parent(s)/current care provider(s) notice of the hearing.
 The foster parent(s)/current care provider(s) **did not attend** the hearing.
 The foster parent(s)/current care provider(s) **attended** the hearing and had an opportunity to be heard.

▶ **Grandparent(s) - Notification and Participation:**

DHS **did** give the legal grandparent(s) notice of the hearing.
 DHS **did not** give the legal grandparent(s) notice of the hearing, because: _____

The legal grandparent(s) **did not attend** the hearing.
 The legal grandparent(s) **attended** the hearing and had an opportunity to be heard.

4. UCCJEA FINDINGS:

This Court **has jurisdiction** **does not have jurisdiction** under the UCCJEA (ORS 109.701 to 109.834) to make “a child custody determination.”

5. ACTIVE EFFORTS FINDINGS:

In light of the circumstances of the child and the parent(s), and having considered the child’s health and safety to be the paramount concerns, the Court finds that DHS:

- ▶ **has made** **has not made** active efforts to provide remedial services and rehabilitative programs designed to prevent the removal of the child from the home and the breakup of the family. 25 USC §1912(d) and ORS 419B.185(1).
- ▶ **has made** **has not made** active efforts, since the removal of the child, to provide remedial services and rehabilitative programs designed to make it possible for the child to safely return home. 25 USC §1912(d) and ORS 419B.185(1).
- ▶ **The efforts to prevent removal/to safely return the child home include the following:** _____

_____. ORS 419B.185(1).

Although no remedial/rehabilitative services were provided, the Court considers DHS to have made active efforts to **prevent the need for removal of the child from the home** **allow the child to safely return**

home because, under the circumstances, active efforts would not have prevented or eliminated the need for protective custody. ORS 419B.185(1).

6. IN-HOME PLACEMENT – FINDINGS AND ORDERS:

The Court has considered the child’s health and safety and whether the provision of reasonable services can prevent or eliminate the need to separate the family and finds that placement in the child’s home is in the child’s best interest and for the child’s welfare. **THEREFORE**, the child shall remain/be placed in the custody of the Mother Father Guardian(s) Indian custodian, subject to the following conditions: _____

7. PLACEMENT IN SUBSTITUTE CARE – FINDINGS AND ORDERS:

► **Substitute Care Determination/Expert Testimony:**

The Court finds that the child cannot be safely returned home/maintained in the home and that the continued custody of the child by the parent(s), or Indian custodian(s), is likely to result in serious emotional or physical damage to the child. **THEREFORE**, for the foregoing reasons and those that follow, placement or continuation in substitute care is in the child’s best interest and for the child’s welfare: _____

_____. 25 USC §1912(e); ORS 419B.185(1) and 419B.340(7).

The Court’s finding that continued custody of the child by the parent, or Indian custodian, is likely to result in serious emotional or physical damage to the child: **is based** on evidence that included the testimony of an expert witness within the meaning of ORS 419B.340(7) **is not based** on evidence that included the testimony of an expert witness within the meaning of ORS 419B.340(7), because: _____, and the expert testimony requirements of ORS 419B.340(7) shall be satisfied in the following manner: _____

_____. 25 USC §1912(e) and ORS 419B.340(7).

► **Placement Preferences:**

The Court finds that the selected placement **does comply** **does not comply** with the placement preference(s) established by 25 USC §1915.

The Court further finds that the selected placement **is** **is not** the least restrictive, most family-like setting that meets the health and safety needs of the child and in reasonable proximity to the child’s home.

Additional findings: _____

► **Diligent Efforts:**

Relative Placement:

The child is in substitute care, and DHS **has made** **has not made** diligent efforts to place the child with a relative/person who has a caregiver relationship with the child, as required by ORS 419B.192.

DHS has decided to place the child with a relative/person who has a caregiver relationship with the child, but that placement is not in the child’s best interest, because: _____

Sibling Placement:

The child is in substitute care and has one or more minor siblings. DHS **has made** **has not made** diligent efforts to place the child with a sibling, as required by ORS 419B.192.

► **Temporary Custody:**

The Court places the child in the temporary custody of DHS Other: _____ for care, placement, and supervision, pursuant to ORS 419B.809(5). The Court authorizes DHS to disclose court records and reports associated with the petition(s) in this matter, if such disclosure is reasonably necessary to perform its official duties related to the involvement of the child with the juvenile court and complies with ORS 419A.255 through ORS 419A.257 and ORS 419B.035.

► **Visitation Findings/Orders:** _____

8. RESTRAINING ORDER FINDINGS:

The Court finds that the requirements for entry of a restraining order under ORS 419B.845 are satisfied in this case and that entry of a restraining order against: _____ is for the child’s welfare and in the child’s best interest.

The restraining order is attached.

9. THIS CASE SHALL NEXT BE REVIEWED:

APPEARANCE TYPE:	DATE:	TIME:
By the court for initial appearance on:		
By the court for settlement conference on:		
By the court for pre trial conference on:		
By the court for trial on:		
Readiness Appearance Set For:		
Other:		

► The 60-day deadline for resolving the petition in this case is: _____, 20____. ORS 419B.305(1).

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

DATED: _____, 20____.

CIRCUIT JUDGE

Model Juvenile Form	Type:	Number:	Revision
Shelter Order ICWA	Manual	JF2i	7 6-17-13

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

In the Matter of: _____) Case Number: _____
 _____)
 _____) **SHELTER ORDER**
 A Child. _____) (ORS 419B.180 et seq.)

This matter came before the Court on: _____, 20____.

Parties appearing:

<input type="checkbox"/> Legal Father <input type="checkbox"/> Putative Father	Attorney for Father:	DHS Caseworker:
Mother:	Attorney for Mother:	Juvenile Department:
Child:	Attorney for Child:	CASA:
Guardian:	Attorney for Guardian:	Guardian Ad Litem:
Tribe:	Attorney for Tribe:	Other:
Deputy District Attorney:	Assistant Attorney General:	Other:

DHS Documentation: The Department of Human Services (DHS) **did** **did not** provide the Court with the documentation required by ORS 419B.185.

Evidence Considered:

- Stipulations by the parties.
- The exhibits offered by the parties and admitted at the hearing.
- The exhibits admitted by the Court under ORS 419A.253.
- The testimony of the witness(es) at the hearing.
- The following facts and/or law, of which the Court has taken judicial notice: _____

 Other: _____

Standard of Proof:

The Findings made below are based on a preponderance of the evidence.

1. PROTECTIVE CUSTODY FINDING AND PROBABLE CAUSE DETERMINATION:

▶ The child resides in _____ County and was taken into protective custody on _____, 20____.

▶ There **is** **is not** probable cause to believe that the child is within the jurisdiction of the court under ORS 419B.100(1).

2. INDIAN CHILD WELFARE ACT (ICWA) - FINDINGS AND ORDER:

The ICWA **does not** apply.

At this time, the Court **does not have reason to believe that the ICWA applies**, but DHS shall continue its inquiry whether the child is an “Indian child” and report the results of the inquiry to the Court.

3. NOTICE FINDINGS AND ORDERS:

▶ **Parties:**

All parties **were notified**.

All parties **were not notified**, and DHS shall make diligent efforts to notify the following: _____

Mother Father Guardian(s) was/were provided the notice of obligations and rights required by ORS 419B.117.

▶ **Foster Parent(s)/Care Provider(s) - Notification and Participation:**

The child is in substitute care, and DHS **did** **did not** give the foster parent(s)/current care provider(s) notice of the hearing.

The foster parent(s)/current care provider(s) **did not attend** the hearing.

The foster parent(s)/current care provider(s) **attended** the hearing and had an opportunity to be heard.

▶ **Grandparent(s) - Notification and Participation:**

DHS **did** give the legal grandparent(s) notice of the hearing.

DHS **did not** give the legal grandparent(s) notice of the hearing, because: _____

The legal grandparent(s) **did not attend** the hearing.

The legal grandparent(s) **attended** the hearing and had an opportunity to be heard.

4. UCCJEA FINDINGS:

This Court **has jurisdiction** **does not have jurisdiction** under the UCCJEA (ORS 109.701 to 109.834) to make “a child custody determination.”

5. REASONABLE EFFORTS FINDINGS:

In light of the circumstances of the child and the parent(s), and having considered the child’s health and safety to be the paramount concerns, the Court finds that DHS:

▶ **has made** **has not made** reasonable efforts to provide services and/or other support to prevent or eliminate the need for removal of the child from the home. ORS 419B.185(1).

▶ **has made** **has not made** reasonable efforts, since the removal of the child, to provide services and/or other support to make it possible for the child to safely return home. ORS 419B.185(1).

▶ **The efforts to prevent removal/to safely return the child home include the following:** _____

_____. ORS 419B.185(1).

Although no services were provided, the Court considers DHS to have made reasonable efforts to:

prevent the need for removal of the child from the home **allow the child to safely return home** because, under the circumstances, reasonable efforts would not have prevented or eliminated the need for protective custody. ORS 419B.185(1).

6. IN-HOME PLACEMENT – FINDINGS AND ORDERS:

The Court has considered the child’s health and safety and whether the provision of reasonable services can prevent or eliminate the need to separate the family and finds that placement in the child’s home is in the child’s best interest and for the child’s welfare. **THEREFORE**, the child shall remain/be placed in the custody of the: Mother Father Guardian(s), subject to the following conditions: _____

_____.

7. PLACEMENT IN SUBSTITUTE CARE – FINDINGS AND ORDERS:

▶ **Substitute Care Determination:**

The Court has considered the child’s health and safety and whether the provision of reasonable services can prevent or eliminate the need to separate the family and finds that the child cannot be safely returned home/maintained in the home without further danger of suffering physical injury or emotional harm endangering or harming others not remaining within the reach of the court process prior to adjudication.

THEREFORE, for the foregoing reasons and those that follow, placement or continuation in substitute care is in the child's best interest and for the child's welfare: _____

_____. ORS 419B.185(1).

The Court further finds that the selected placement is is not the least restrictive, most family-like setting that meets the health and safety needs of the child and in reasonable proximity to the child's home.

Additional findings: _____

► Diligent Efforts:

Relative Placement:

The child is in substitute care, and DHS has made has not made diligent efforts to place the child with a relative/person who has a caregiver relationship with the child, as required by ORS 419B.192.

DHS has decided to place the child with a relative/person who has a caregiver relationship with the child, but that placement is not in the child's best interest, because: _____

Sibling Placement

The child is in substitute care and has one or more minor siblings. DHS has made has not made diligent efforts to place the child with a sibling, as required by ORS 419B.192.

► Temporary Custody:

The Court places the child in the temporary custody of DHS Other: _____ for care, placement, and supervision, pursuant to ORS 419B.809(5). The Court authorizes DHS to disclose court records and reports associated with the petition(s) in this matter, if such disclosure is reasonably necessary to perform its official duties related to the involvement of the child with the juvenile court and complies with ORS 419A.255 through ORS 419A.257 and ORS 419B.035.

► Visitation Findings/Orders: _____

8. RESTRAINING ORDER FINDINGS:

The Court finds that the requirements for entry of a restraining order under ORS 419B.845 are satisfied in this case and that entry of a restraining order against: _____ is for the child's welfare and in the child's best interest.

The restraining order is attached.

9. THIS CASE SHALL NEXT BE REVIEWED:

APPEARANCE TYPE:	DATE:	TIME:
By the court for initial appearance on:		
By the court for settlement conference on:		
By the court for pre trial conference on:		
By the court for trial on:		
Readiness Appearance Set For:		
Other:		

► The 60-day deadline for resolving the petition in this case is: _____, 20_____. ORS 419B.305(1).

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

DATED: _____, 20_____.

CIRCUIT JUDGE

Model Juvenile Form	Type:	Number:	Revision
Shelter Order	Manual	JF2	7 6-17-13

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

In the Matter of: _____) Case Number: _____
 _____)
 _____)

A Child. _____) **JURISDICTION AND DISPOSITION
JUDGMENT**

This matter came before the Court on: _____, 20____.

Parties appearing:

<input type="checkbox"/> Legal Father <input type="checkbox"/> Putative Father	Attorney for Father:	DHS Caseworker:
Mother:	Attorney for Mother:	Juvenile Department:
Child:	Attorney for Child:	CASA:
Guardian:	Attorney for Guardian:	Guardian Ad Litem:
Tribe:	Attorney for Tribe:	Other:
Deputy District Attorney:	Assistant Attorney General:	Other:

Relevant Dates/Current Placement:

Date juvenile court jurisdiction was established: _____, 20____.

Date the child was last placed in substitute care: _____, 20____.

Date the child was placed in current placement: _____, 20____.

Current Placement: _____.

DHS Documentation: The Department of Human Services (DHS) **has** **has not** prepared a written case plan that complies with the requirements of ORS 419B.343

1. SUMMONS AND NOTICE FINDINGS AND ORDERS:

► Parties Summoned:

Mother was summoned to the hearing and appeared. Mother was summoned to the hearing and failed to appear, and she **is** **is not** a person in the military service who is entitled to the protections of the Service Members Civil Relief Act. Other: _____.

Father was summoned to the hearing and appeared. Father was summoned to the hearing and failed to appear, and he **is** **is not** a person in the military service and who is entitled to the protections of the Service Members Civil Relief Act. Other: _____.

Mother Father Guardian(s) was/were provided the notice of obligations and rights required by ORS 419B.117.

► Foster Parent(s)/Care Provider(s) - Notification and Participation:

The child is in substitute care, and DHS **did** **did not** give the foster parent(s)/current care provider(s) notice of the hearing.

The foster parent(s)/current care provider(s) **did not attend** the hearing.

The foster parent(s)/current care provider(s) **attended** the hearing and had an opportunity to be heard.

► **Grandparent(s) - Notification and Participation:**

- DHS **did** give the legal grandparent(s) notice of the hearing.
- DHS **did not** give the legal grandparent(s) notice of the hearing because: _____

- The legal grandparent(s) **did not attend** the hearing.
- The legal grandparent(s) **attended** the hearing and had an opportunity to be heard.

2. INDIAN CHILD WELFARE ACT (ICWA) FINDING(S) AND ORDER(S):

- The ICWA **does not** apply.
- At this time, the Court **does not have reason to believe that the ICWA applies**, but DHS shall continue its inquiry whether the child is an “Indian child” and report the results of the inquiry to the Court.
- The ICWA applies to this case, because the Court **has determined** **has reason to know** that the child is an “Indian child” under the ICWA, and is an enrolled member of, or is eligible for membership in, the following tribe(s): _____, 25 USC § 1903(4). The tribe(s) **has/have been** **has/have not been** notified of this proceeding, as required by 25 USC § 1912(a). This Court **has** **does not have** jurisdiction under 25 USC § 1911 to proceed with the case. This Court **has** **does not have** temporary emergency removal/placement jurisdiction under 25 USC § 1922. Additional findings/orders: _____

3. UCCJEA FINDINGS:

This Court **has jurisdiction** **does not have jurisdiction** under the UCCJEA (ORS 109.701 to 109.834) to make “a child custody determination.”

JURISDICTIONAL FINDINGS AND ORDERS:

4. FINDINGS ON THE JURISDICTIONAL ALLEGATIONS:

► **Evidence Considered:**

- Stipulations by the parties.
- The admissions described below.
- The exhibits offered by the parties and admitted at the hearing.
- The testimony of the witness(es) at the hearing.
- The following facts and/or law, of which the Court has taken judicial notice: _____

Other: _____

► **The Child:** resides in _____ County, and is under 18 years of age.

► **Petition Allegations Admitted and/or Proved:**

FATHER:

- the **allegations** in paragraph(s) _____ of the petition(s)/amended petition(s) filed on _____, 20____.
- the **amended allegations** in paragraph(s) _____ of the petition(s)/amended petition(s) filed on _____, 20____.

MOTHER:

- the **allegations** in paragraph(s) _____ of the petition(s)/amended petition(s) filed on _____, 20____.
- the **amended allegations** in paragraph(s) _____ of the petition(s)/amended petition(s) filed on _____, 20____.

GUARDIAN:

the **allegations** in paragraph(s) _____ of the petition(s)/amended petition(s) filed on _____, 20____.

the **amended allegations** in paragraph(s) _____ of the petition(s)/amended petition(s) filed on _____, 20____.

► **Standard of Proof for Allegations Contested and Proved:**

preponderance of the evidence.

clear and convincing evidence, and the evidence, which includes qualified expert witness testimony, also is clear and convincing that continued custody of the child by the parent(s), or Indian custodian(s), is likely to result in serious emotional or physical damage/injury to the child.

► **Petition Allegations Dismissed or Continued for Further Proceedings:**

Paragraph(s) _____ in the petition(s)/amended petition(s) filed on _____, 20____, is/are dismissed.

Paragraph(s) _____ in the petition(s)/amended petition(s) filed on _____, 20____ and the allegation(s) is/are continued for further proceedings, as follows: _____

5. JURISDICTION/WARDSHIP - FINDINGS AND ORDERS:

► **Jurisdiction and Wardship:**

The child **is** within the jurisdiction of the Court under ORS 419B.100, and is made a ward of the Court, pursuant to ORS 419B.328.

The child **is not** within the jurisdiction of the Court under ORS 419B.100, and the petitions(s)/amended petition(s) is/are dismissed.

DISPOSITIONAL FINDINGS AND ORDERS:

6. EVIDENCE CONSIDERED:

Stipulations by the parties.

The exhibits offered by the parties and admitted at the hearing.

The exhibits admitted by the Court under ORS 419A.253.

The testimony of the witness(es) at the hearing.

The following facts and/or law, of which the Court has taken judicial notice: _____

Other: _____

7. PLACEMENT/CUSTODY FINDINGS AND ORDERS:

► **In-Home Placement:**

Placement in the **home** is in the child’s best interest and for the child’s welfare, and, **THEREFORE, the child shall be placed/continued in the custody of** Mother Father Other: _____, subject to the following conditions: _____

Placement in the legal custody of DHS for **in-home** placement is in the child’s best interest and for the child’s welfare, and, **THEREFORE, the Court commits the child to the legal custody of DHS for care, placement and supervision in the physical custody of** Mother Father Other: _____.

► **Out-of-Home Placement:**

Placement or continuation in substitute care is in the child’s best interest and for the child’s welfare, based on the jurisdictional findings under ORS 419B.100 and because:

Non-ICWA case: The child cannot be safely returned home/maintained in the home without further danger

of suffering physical injury or emotional harm or endangering or harming others. Additional findings:

_____. ORS 419B.337(1).

ICWA case: Clear and convincing evidence, including qualified expert witness testimony, has established that continued custody of the child by the parent(s), or Indian custodian(s), is likely to result in serious emotional or physical damage/injury to the child. Additional findings: _____

_____. 25 USC §1912(e); ORS 419B.340(7).

The Court further finds that it is in the child’s best interest and for the child’s welfare to be placed:

in the legal custody of DHS for placement in substitute care, and, **THEREFORE, the Court commits the child to the legal custody of DHS for care, placement and supervision.**

in substitute care/out-of-home care, pursuant to ORS 419B.331 ORS 419B.334

ORS _____, and **THEREFORE, the Court orders that:** _____

► Diligent Efforts:

Relative Placement:

The child is in substitute care, and DHS **has made** **has not made** diligent efforts to place the child with a relative/person who has a caregiver relationship with the child, as required by ORS 419B.192.

DHS has decided to place the child with a relative/person who has a caregiver relationship with the child, but that placement is not in the child’s best interest, because: _____

Sibling Placement:

The child is in substitute care and has one or more minor siblings. DHS **has made** **has not made** diligent efforts to place the child with a sibling, as required by ORS 419B.192.

► Placement Preferences:

Non-ICWA case: The selected placement **is** **is not** the least restrictive, most family-like setting that meets the health and safety needs of the child and in reasonable proximity to the child’s home. 42 USC § 675(5)(A).

Additional findings: _____

ICWA case: The selected placement:

is **is not** the least restrictive, most family-like setting that meets the health and safety needs of the child

is **is not** in reasonable proximity to the child’s home.

complies **does not comply** with the placement preference(s) established by 25 USC §1915.

Additional findings _____

8. REASONABLE/ACTIVE EFFORTS FINDINGS AND ORDERS:

► Reasonable Efforts Findings Not Required

This is **not an ICWA case**, and, pursuant to ORS 419B.340(5) and (6), DHS is **not required to make reasonable efforts** to reunify the child with Mother Father. Additional findings: _____

Reasonable/active efforts findings are not required, because this judgment does not authorize the removal of the child from the home, and the child is currently in the home and was not removed from the home prior to entry of this judgment.

► Reasonable/Active Efforts Findings Required

This judgment commits the child to the legal custody of DHS, and, having considered the circumstances of the child and parent(s) and the child’s health and safety, the Court finds that DHS **has made** **has not made**

reasonable efforts **active efforts** to prevent or eliminate the need for removal to make it possible for

the child to safely return home. **Brief description of preventive and reunification efforts and why those efforts were or were not sufficient and whether additional efforts would have been successful:** _____

The Court considers DHS to have made **reasonable efforts** **active efforts** to prevent or eliminate the need for the child's most recent removal, because the agency's first contact with the family occurred during an **emergency** and the child could not remain without jeopardy in the home, even with reasonable services being provided.

Although DHS did not make the required reasonable, or active, efforts to prevent or eliminate the need for removal and/or to make it possible for the child to safely return home, additional preventive/reunification efforts would not permit the child to remain safely in the home.

9. CASE PLAN FINDINGS AND ORDERS:

► **The Current Case Plan Is:**

Reunification with Mother Father Other: _____, to be achieved by _____, 20____.

Other: _____, to be achieved by _____, 20____.

► **The Concurrent Plan Is:** _____.

► **The Court Orders That:**

Mother Father Other: _____ comply with the terms of the Action Agreement
 Letter of Expectation Other: _____, dated _____, 20____.

Mother Father Other: _____

DHS Other legal custodian: _____

DHS Other legal custodian: _____ is made the child's guardian, pursuant to ORS 419B.370.

10. VISITATION: ORS 419B.337(3).

DHS **has** **has not** developed an adequate plan for visitation by the child's parents sibling(s).

DHS is ordered to develop/modify the visitation plan to include the following provisions: _____

11. DHS DISCLOSURE OF RECORDS AND REPORTS:

The Court authorizes DHS to disclose court records and reports associated with the petition(s) in this matter, if such disclosure is reasonably necessary to perform its official duties related to the involvement of the child with the juvenile court and complies with ORS 419A.255 through ORS 419A.257, and ORS 419B.035.

12. PARTIES PRESENT ARE ORDERED TO APPEAR AS FOLLOWS:

Trial

Mother Father for trial on the petition(s) on: _____, 20____ at _____ AM/PM.

Continuance

Pursuant to ORS 419B.305, the Court finds that there is good cause to continue beyond the 60-day time limit the adjudication of the petition(s) filed on _____, 20____, for the following reason(s): _____

Mother Father shall: _____.

Disposition

This case is continued for Disposition for Mother Father on _____, 20____ at ____ AM/PM.

This case will next be reviewed:

By the Court at the annual review on _____, 20____, at ____ AM/PM.

Because the child is in the legal custody of DHS and placed in substitute care, the CRB will conduct a review in this case in six months in three months.

The Court will conduct a review hearing (as provided in ORS 419B.449) a permanency hearing (as provided in ORS 419B.476), on _____, 20____, at ____ AM/PM.

No further hearings

DATE _____, 20_____

CIRCUIT JUDGE

Model Juvenile Form	Type:	Number	Revision
Jurisdiction and Disposition Judgment	Manual	JF4B	6 6-18-13

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

In the Matter of: _____) Case Number: _____
 _____)
 _____) **REVIEW JUDGMENT**
 A Child.) (ORS 419B.449)

This matter came before the court on: _____, 20____.

Parties appearing:

<input type="checkbox"/> Legal Father Father	<input type="checkbox"/> Putative Father	Attorney for Father:	DHS Caseworker:
Mother:		Attorney for Mother:	Juvenile Department:
Child:		Attorney for Child:	CASA:
Guardian:		Attorney for Guardian:	Guardian Ad Litem:
Tribe:		Attorney for Tribe:	Other:
Deputy District Attorney:		Assistant Attorney General:	Other:

DHS Documentation: The Department of Human Services (DHS) has has not submitted the report required by ORS 419B.440 and 419B.443.

Relevant Dates/Current Placement:

Date Juvenile Court Jurisdiction was established: _____, 20____.

Date the child was last placed in substitute care: _____, 20____.

Date the child was placed in current placement: _____, 20____.

Current Placement: _____.

Standard of Proof / Evidence Considered:

- The Findings made below are based on a preponderance of the evidence.
- The Findings made below are based on clear and convincing evidence, because the child is an “Indian child” under the ICWA (25 USC §§ 1901-63).

The court considered the following evidence in making the Findings and Orders in this Judgment:

- Stipulations by the parties.
- The exhibits offered by the parties and admitted at the hearing.
- The exhibits admitted by the court under ORS 419A.253.
- The testimony of the witness(es) at the hearing.
- The following facts and/or law, of which the court has taken judicial notice: _____

Other: _____

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS

1. JURISDICTION AND WARDSHIP:

The child was found to be within the juvenile court's jurisdiction and made a ward of the court by judgment(s) entered on: _____.

2. NOTICE AND PARTICIPATION:

▶ Foster Parent(s)/Care Provider(s) - Notification and Participation:

The child is in substitute care, and DHS **did** **did not** give the foster parent(s)/current care provider(s) notice of the hearing.

The foster parent(s)/current care provider(s) **did not attend** the hearing.

The foster parent(s)/current care provider(s) **attended** the hearing and had an opportunity to be heard.

▶ Grandparent(s) - Notification and Participation:

DHS **did** give the legal grandparent(s) notice of the hearing.

DHS **did not** give the legal grandparent(s) notice of the hearing, because: _____.

The legal grandparent(s) **did not attend** the hearing.

The legal grandparent(s) **attended** the hearing and had an opportunity to be heard.

3. NUMBER OF PLACEMENTS, VISITS, SCHOOL CHANGES, AND DHS CONTACTS THE CHILD HAS HAD SINCE THE CHILD HAS BEEN IN THE LEGAL CUSTODY AND GUARDIANSHIP OF DHS:

▶ The child has been in _____ out-of-home placement(s), and the number of placements **is** **is not** in the child's best interests.

▶ The child has attended _____ school(s), and the number attended **is** **is not** in the child's best interests.

▶ The child has had _____ face-to-face contacts with a DHS caseworker, the caseworker currently sees the child at least _____ time(s) every 30 days, and the number and frequency of the child's face-to-face contacts with a DHS caseworker **is** **is not** in the child's best interests.

▶ The child has had _____ visits with the child's parent(s), and the number of visits **is** **is not** in the child's best interests.

▶ The child has had _____ sibling visits, and the number of visits **is** **is not** in the child's best interests.

4. CONCURRENT PLANNING:

There is **no** concurrent plan, because: _____.

There **is** a concurrent plan: Adoption Permanent guardianship under ORS 419B.365

Guardianship under ORS 419B.366 Placement in the legal custody of a fit and willing relative A planned permanent living arrangement (APPLA), which is: _____.

DHS has made the following efforts to develop the concurrent plan, which **include** **do not include** efforts to identify appropriate permanent placement options both inside and outside this state: _____.

Those efforts **are** **are not** sufficient. DHS is ordered to make the following additional efforts to develop the concurrent plan and report those efforts to the Court: _____.

5. REASONABLE/ACTIVE EFFORTS FINDINGS:

► **Reunification efforts findings not required**

A determination whether DHS made reasonable/active efforts to reunify the family is **not required**, because the child is not committed to the legal custody of DHS Other: _____

This is not an ICWA case, and, pursuant to ORS 419B.340(5) and (6), DHS is **not required to make reasonable efforts** to reunify the child with Mother Father. Additional related findings: _____

► **Reunification efforts findings required**

This case **is** **is not** an ICWA case, and, therefore, DHS is required to make **reasonable efforts** **active efforts** to reunify the family. DHS **has** **has not** made **reasonable efforts** **active efforts** to reunify the family during the period under review.

► **The reunification efforts of DHS (i.e., services provided either directly or through DHS referrals or financial support) include the following:**

Mother	Father	Substance Abuse	Mother	Father	Mental Health	Mother	Father	Child Treatment & Care
<input type="checkbox"/>	<input type="checkbox"/>	Alcohol & drug evaluation or treatment	<input type="checkbox"/>	<input type="checkbox"/>	Psychological evaluation & treatment	<input type="checkbox"/>	<input type="checkbox"/>	Family counseling
<input type="checkbox"/>	<input type="checkbox"/>	UA or other drug testing	<input type="checkbox"/>	<input type="checkbox"/>	Psychiatric evaluation & treatment	<input type="checkbox"/>	<input type="checkbox"/>	Counseling or treatment & assessment
<input type="checkbox"/>	<input type="checkbox"/>	Dual Diagnosis evaluation & treatment	<input type="checkbox"/>	<input type="checkbox"/>	Mental health evaluation & treatment or counseling services	<input type="checkbox"/>	<input type="checkbox"/>	Development of safety plan
		Domestic Violence & Anger	<input type="checkbox"/>	<input type="checkbox"/>	Medication management	<input type="checkbox"/>	<input type="checkbox"/>	Individual counseling
<input type="checkbox"/>	<input type="checkbox"/>	Anger management counseling	<input type="checkbox"/>	<input type="checkbox"/>	Neuropsychological evaluation	<input type="checkbox"/>	<input type="checkbox"/>	Intensive Family Services
<input type="checkbox"/>	<input type="checkbox"/>	Anger management education			Parenting & Home	<input type="checkbox"/>	<input type="checkbox"/>	Supervised visitation with child
<input type="checkbox"/>	<input type="checkbox"/>	Domestic violence batterer intervention program	<input type="checkbox"/>	<input type="checkbox"/>	Parent training	<input type="checkbox"/>	<input type="checkbox"/>	<i>Other:</i>
<input type="checkbox"/>	<input type="checkbox"/>	Domestic violence victim counseling & education	<input type="checkbox"/>	<input type="checkbox"/>	Specialized parent training			
		Support	<input type="checkbox"/>	<input type="checkbox"/>	Homemaker services			
<input type="checkbox"/>	<input type="checkbox"/>	Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	Failure-to-thrive assessment and recommended aftercare			
<input type="checkbox"/>	<input type="checkbox"/>	Transportation assistance			Sex-Offense-Related	<input type="checkbox"/>	<input type="checkbox"/>	<i>Other:</i>
<input type="checkbox"/>	<input type="checkbox"/>	Clothing vouchers	<input type="checkbox"/>	<input type="checkbox"/>	Psycho-sexual evaluation and treatment			
<input type="checkbox"/>	<input type="checkbox"/>	In-home outreach assistance	<input type="checkbox"/>	<input type="checkbox"/>	Non-offending parent sex offense education program			

6. CASE PLAN COMPLIANCE AND PROGRESS:

► **DHS:**

The current case plan is _____, and DHS **is** **is not** in compliance with the plan. Additional related findings: _____

DHS is ordered to develop/modify the case plan, as follows within _____ days after this review hearing and to provide a case progress report to the court and the parties: _____

► **Mother:**

Mother **is** involved in the case and **has** **has not** made sufficient progress toward meeting the expectations set forth in the service agreement, letter of expectation and/or case plan, and the child **can be** **cannot be** **has been** safely returned to mother's care at this time.

The court orders that, between _____, 20____, and _____, 20____, mother participate in the following services and make the progress specified below:

Services: _____

Progress: _____

Mother **is not involved** in case, because: mother's parental rights terminated/relinquished mother is deceased other: _____

► Father:

Father **is involved** in the case and **has** **has not** made sufficient progress toward meeting the expectations set forth in the service agreement, letter of expectation and/or case plan, and the child

can be **cannot be** **has been** safely returned to father's care. The court orders that, between _____, 20____, and _____, 20____, father participate in the following services and make the progress specified below:

Services: _____

Progress: _____

Father **is not involved** in case, because: father's parental rights terminated/relinquished father is deceased other: _____

7. PLACEMENT FINDINGS:

Continued substitute care is necessary, because: _____

and the expected timetable for return of the child to the parent(s) or placement in a permanent placement is: _____, 20____.

Substitute care is no longer necessary, because: _____

The child is placed with the parent(s) **and** it is in the best interest of the child to continue the child in the legal custody of DHS because: _____

_____. Termination of the child's commitment to the legal custody of DHS is expected to occur by, or before, _____, 20____, and termination of juvenile court wardship is expected to occur by, or before, _____, 20____.

8. DILIGENT EFFORTS – CHILD IN SUBSTITUTE CARE:

► Relative Placement:

The child is in substitute care, and DHS **has made** **has not made** diligent efforts to place the child with a relative/person who has a caregiver relationship with the child, as required by ORS 419B.192.

DHS has decided to place the child with a relative/person who has a caregiver relationship with the child, but that placement is not in the child's best interest, because: _____

► Sibling Placement:

The child is in substitute care and has one or more minor siblings. DHS **has made** **has not made** diligent efforts to place the child with a sibling, as required by ORS 419B.192.

9. EDUCATION (CHILD 14 OR OLDER):

The child **is** **is not** progressing adequately toward graduation from high school, needs _____ more credits to graduate, and is expected to graduate _____, 20____.

DHS **has made** the following efforts to assist the child to graduate: _____

DHS **is ordered to make** the following additional efforts: _____

10. IT IS FURTHER ORDERED THAT:

- ▶ All prior orders not in conflict with this order remain in effect.
- ▶ The child remain a ward of the court Wardship is dismissed.
- ▶ The child is placed/continued in the legal custody and guardianship of DHS other:_____.
- ▶ The child remain in substitute care. The child be returned to the care of
 Mother Father Other: _____, by _____, 20_____.

▶ **Additional Orders:** _____
_____.

▶ **Visitation Findings/Orders:** _____
_____.

▶ **This case shall next be reviewed by the Court and/or CRB as follows:**

- By the court at the annual review on _____, 20____, at _____ AM/PM.
- Because the child is in the legal custody of DHS and placed in substitute care, the CRB will conduct a review in this case in six months in three months.
- The court will conduct a review hearing (as provided in ORS 419B.449) a permanency hearing (as provided in ORS 419B.476), on _____, 20____, at _____ AM/PM.
- Other: _____.
- No further review necessary.

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

DATED: _____, 20_____

CIRCUIT JUDGE

Model Juvenile Form	Type:	Number:	Revision
Review Order	Manual	JF6	6 6-18-13

JELI Forms group will meet to discuss in September. Please direct comments regarding this draft to Megan Hassen: megan.e.hassen@ojd.state.or.us

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

In the Matter of: _____) Case Number: _____
_____)
A Child. _____) **PERMANENCY JUDGMENT**

► This matter came before the Court on _____, 20____, for a permanency hearing, pursuant to ORS 419B.470 and 419B.476.

Parties Appearing:

<input type="checkbox"/> Legal Father <input type="checkbox"/> Putative Father	Attorney for Father:	DHS Caseworker:
Mother:	Attorney for Mother:	Juvenile Department:
Child:	Attorney for Child:	CASA:
Guardian:	Attorney for Guardian:	Guardian Ad Litem:
Tribe:	Attorney for Tribe:	Other:
Deputy District Attorney:	Assistant Attorney General:	Other:

Type of Permanency Hearing:

- Annual Review:** 12 months after jurisdictional finding or 14 months after child's placement in substitute care, or subsequent annual review. ORS 419B.470(2) and (6).
- At the request of:** _____ **By order of the court.** ORS 419B.470(5)
- Delayed initiation of adoption proceedings/placement:** six months have passed since child was surrendered or parental rights were terminated (permanency hearing required every six months until child is placed, or adoption proceedings initiated). ORS 419B.470(4) and (7).
- Child removed from court sanctioned permanent foster care** (hearing within 90 days). ORS 419B.470(3).
- Special circumstances:** within 30 days when DHS has determined it will not provide reunification services based on a judicial finding that DHS is not required to make reasonable efforts. ORS 419B.340(5); 419B.470(1).
- Child in substitute care 15/22 months. Parent convicted of crime listed in ORS 419B.498(1)(b)
- A court has determined that the child is an abandoned child. ORS 419B.498(1).

Standard of Proof / Evidence Considered:

The Findings made below are based on a preponderance of the evidence clear and convincing evidence, because the child is an "Indian child" under the ICWA (25 USC §§ 1901-63).

Comment [MEH1]: These sections have been reformatted to make them easier to navigate.

The court considered the following evidence in making the Findings and Orders in this Judgment:

- Stipulations by the parties.
- The exhibits offered by the parties and admitted at the hearing.
- The exhibits received by the court under ORS 419A.253.
- The testimony of the witness(es) at the hearing.
- The following facts and/or law, of which the court has taken judicial notice: _____

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

1. JURISDICTION AND WARDSHIP:

The child was found to be within the juvenile court’s jurisdiction and made a ward of the court by judgment(s) entered on: _____.

2. PLACEMENT, ICWA, NOTICE AND CONCURRENT PLANNING:

► Placement:

The child’s current placement is in **substitute care** with/in: Relative foster care Non-relative foster care Permanent foster care Residential treatment: _____ Pre-Adoptive Home Other: _____. The placement **is** **is not** in the best interests of the child and the least restrictive, most family-like setting that meets the health and safety needs of the child and is in reasonable proximity to the child’s home. The current placement **is** **is not** an interstate placement. DHS is ordered to modify the child’s care, placement, and/or supervision, as follows: _____

Additional findings/orders: _____.

► Indian Child Welfare Act (ICWA):

ICWA **does not** apply.
 ICWA **does** apply, because the child is an “Indian child” under the ICWA (25 USC §§ 1901-63), who is a member of, or is eligible for membership in, the following Indian tribe(s): _____.

The court finds that the selected placement **does comply** **does not comply** with the placement preference(s) established by 25 USC §1915. Additional findings/orders: _____.

► Diligent Efforts – Child in Substitute Care:

Relative Placement

The child is in substitute care, and DHS **has made** **has not made** diligent efforts to place the child with a relative/person who has a caregiver relationship with the child, as required by ORS 419B.192.
 DHS has decided to place the child with a relative/person who has a caregiver relationship with the child, but that placement is not in the child’s best interest, because: _____.

Sibling Placement

The child is in substitute care and has one or more minor **siblings in substitute care**. DHS **has made** **has not made** diligent efforts to place the child with siblings, as required by ORS 419B.192.

► Foster Parent(s)/Care Provider(s) -- Notification and Participation:

The child is in substitute care, and DHS **did** **did not** give the foster parent(s)/current care provider(s) notice of the hearing.
 The foster parent(s)/current care provider(s) **did not attend** the hearing.
 The foster parent(s)/current care provider(s) **attended** the hearing and had an opportunity to be heard.

► Grandparent(s) - Notification and Participation:

DHS **made** **did not** make diligent efforts to identify, obtain contact information for, and notify all legal grandparents as defined by ORS 109.119(10)(c) of the hearing.
 No grandparents attended the hearing.
 The maternal grandmother grandfather paternal grandmother grandfather attended the hearing and had an opportunity to be heard.
 The grandparents who attended the hearing were informed of the date of a future hearing.
 DHS **did not** give the legal grandparents notice of the hearing because: _____.
 For good cause shown, the court has relieved DHS of the responsibility to provide notice.

► Number of Placements, Visits, School Changes and DHS Contacts the Child Has Had Since the Child Has Been in the Legal Custody and Guardianship of DHS:

The child has been in _____ out-of-home placement(s), and the number of placements **is** **is not** in the child’s best interests.

Comment [MEH2]: Clarifies finding is only regarding siblings who are also in substitute care.

Comment [MEH3]: ORS 419B.875(7): new requirements for DHS to search for grandparents and notify them of hearings; court must give grandparents an opportunity to be heard if they appear.

Comment [MEH4]: Here’s another example of language used in Linn County:

The court finds good cause pursuant to ORS 419B.875(7)(a) to relieve the agency of the obligation to provide notice to one or more grandparents to-wit:

Parental rights have been terminated or relinquished and there are no grandparents to notify.

DHS has determined that all grandparents are deceased.

DHS made diligent efforts to identify and locate all grandparents in this case.

DHS failed to make diligent efforts to identify and locate all grandparents; the agency shall do so immediately.

All grandparents notified and present had an opportunity to be heard. The court notified the grandparents of the date and time of the next hearing in this case.

Grandparents did not have an opportunity to be heard. Grandparents were not notified of the next date and time for hearing in this case.

The following grandparents provided DHS with 30 days written notice of visitation request:

<input type="checkbox"/>	<input type="checkbox"/>	intervention program						
<input type="checkbox"/>	<input type="checkbox"/>	Domestic violence victim counseling & education	<input type="checkbox"/>	<input type="checkbox"/>	Specialized parent training			
		Support	<input type="checkbox"/>	<input type="checkbox"/>	Homemaker services			
<input type="checkbox"/>	<input type="checkbox"/>	Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	Failure-to-thrive assessment and recommended aftercare			
<input type="checkbox"/>	<input type="checkbox"/>	Transportation assistance			Sex-Offense-Related	<input type="checkbox"/>	<input type="checkbox"/>	Other:
<input type="checkbox"/>	<input type="checkbox"/>	Clothing vouchers	<input type="checkbox"/>	<input type="checkbox"/>	Psycho-sexual evaluation and treatment			
<input type="checkbox"/>	<input type="checkbox"/>	In-home outreach assistance	<input type="checkbox"/>	<input type="checkbox"/>	Non-offending parent sex offense education program			
<input type="checkbox"/>	<input type="checkbox"/>	In-home safety and reunification services						

Comment [MEH12]: ISRS is added as service option.

► **Case Plan Compliance/Progress – DHS and Parent(s):**

DHS:

DHS is in compliance with the current case plan. DHS is not in compliance with the current case plan, and, to correct the non-compliance, DHS is ordered to: _____

DHS is ordered to develop/modify the case plan, as follows within ____ days of this permanency hearing and to provide a case progress report to the court and the parties: _____

Mother:

Mother is involved in the case and has has not made sufficient progress toward meeting the expectations set forth in the service agreement, letter of expectation and/or case plan, and the child can be cannot be has been safely returned to mother's care. Additional findings: _____

Mother is not involved in the case, because: mother's parental rights terminated/relinquished mother is deceased other: _____

Father:

Father is involved in the case and has has not made sufficient progress toward meeting the expectations set forth in the service agreement, letter of expectation and/or case plan, and the child can be cannot be has been safely returned to father's care. Additional findings: _____

Father is not involved in the case, because: father's parental rights terminated/relinquished father is deceased other: _____

► **CONTINUE case plan of reunification:**

The court orders that the permanent plan of reunification continue in effect as set forth in SECTION (5) of this judgment.

► **CHANGE case plan from reunification to a different plan:**

The permanent plan of reunification should be changed to a different permanent plan because: despite the reasonable active reunification efforts of DHS, the child cannot be safely returned to mother's father's care at the time of the hearing, and the evidence does not support a determination under ORS 419B.476(4)(c) and (5)(c) that further efforts will make it possible for the child to safely return home within a reasonable time.

THEREFORE, the court orders that the permanent plan is changed from reunification of the family to the permanent plan specified in SECTION 5 below.

4. PERMANENT PLAN AT TIME OF HEARING IS NOT REUNIFICATION (ORS 419B.476(2)(b), (2)(c) and (5)):

► **The permanent plan in effect at the time of the hearing is:** Adoption Permanent guardianship under ORS 419B.365 Guardianship under ORS 419B.366 Placement in the legal custody of a fit and willing relative A planned permanent living arrangement (APPLA), which is permanent foster care permanent connections and support (residential treatment, independent living).

Comment [MEH13]: These are the APPLA plan options specified in OAR 413-070-0532.

► **DHS compliance with case plan:**

The child **is** **is not** in the permanent placement designated by the case plan. The date of permanent placement **was** **will be:** _____, 20____.

DHS **has** **has not** made reasonable efforts to place the child in a timely manner (including, if applicable, in an interstate placement) in accordance with the plan and to finalize the child's permanent placement. The DHS efforts include the following: _____

Description of reasonable efforts attached as Exhibit _____, and is adopted as the Court's written findings.

Comment [MEH14]: Option to attach description of reasonable efforts.

DHS **has** **has not** considered the appropriate and available permanent placement options for the child, both in-state and interstate.

DHS **is in compliance** with the current case plan. DHS **is not in compliance** with the case plan, and, to correct the non-compliance, DHS is ordered to: _____

DHS is ordered to develop/modify the case plan, as follows within ____ days of this permanency hearing and to provide a case progress report to the court and the parties: _____

► **CONTINUE THE CURRENT PERMANENT PLAN.** The current permanent plan **IS** the most appropriate plan for the child under the existing circumstances and **IS** in the child's best interest. Therefore, based on the findings above and the findings set forth in **SECTION (5)**, the court orders the current permanent plan continue in effect.

► **CHANGE THE CURRENT PERMANENT PLAN.** The current permanent plan **IS NOT** the most appropriate plan for the child under the existing circumstances and **IS NOT** in the child's best interest. **THEREFORE**, the court orders that the current permanent plan **IS CHANGED** to the permanent plan specified in SECTION 5 below.

5. COURT'S DETERMINATION OF THE PERMANENCY PLAN. ORS 419B.476(5)(a)-(g)
THE COURT ORDERS THE PLAN BE CHANGED OR CONTINUED AS FOLLOWS:

REUNIFICATION, under ORS 419B.476 (4)(c) and (5)(c), because further efforts will make it possible for the child to be safely returned to **mother's** **father's** care within a reasonable time.

THEREFORE, the court orders that, between _____, 20____ and _____, 20____:

Mother participate in the following services and make the progress specified below:

Services: _____

Progress: _____

Father participate in the following services and make the progress specified below:

Services: _____

Progress: _____

If the parent(s) make(s) the progress described above **and** any additional progress that the court may require hereafter, based on a subsequent review or permanency hearing, the child will be returned to **mother's** **father's** care by _____, 20____.

Comment [MEH15]: This language was moved from sections (3) and (4). This places section (5) as the section exclusively devoted to the court's determination of the permanency plan.

ADOPTION

None of the circumstances described in ORS 419B.498(2) applies because: the child is **not** currently being cared for by relative in a placement that is intended to be permanent, as provided in ORS 419B.498(2)(a), there is **not** a "compelling reason" within the meaning of that term in ORS 419B.498(2)(b) for determining that filing a petition to terminate the parent's/parents' parental rights would not be in the child's best interests, **and** the circumstances described in ORS 419B.498(2)(c) are **not** present. Additional findings: _____

This court determines the permanency plan shall be ADOPTION, and, THEREFORE, the court orders that the termination-of-parental-rights petition be filed not later than _____, 20____, and the child placed for adoption not later than _____, 20____.

GUARDIANSHIP **ORS 419B.366** **ORS 419B.365**, or **PLACEMENT WITH A FIT AND WILLING RELATIVE**

Placement of the child with a parent is **not** appropriate, because, despite the **reasonable** **active** reunification efforts of DHS, the child cannot be safely returned to a parent within a reasonable time.

Adoption is not appropriate because the child currently is being cared for by a relative in a placement that is intended to be permanent, as provided in ORS 419B.498(2)(a), or because the following "compelling reason(s)" under ORS 419B.498(2)(b) is/are applicable and establish(es) that adoption would **not** be in the child's best interest: another permanent plan – guardianship – is better suited to meet the child's health, safety and attachment needs; the child has needs that require a therapeutic or other specialized placement; adoption is unlikely, or otherwise inappropriate, because of the child's unwillingness to consent health and safety needs sibling attachment(s) attachment to a parent; other "compelling reason(s)": _____

Additional findings: _____

The court determines the permanency plan shall be GUARDIANSHIP, and, THEREFORE, the court orders that the child be referred for establishment of the guardianship not later than _____, 20____, and the guardianship be established not later than _____, 20____.

The court determines the permanency plan shall be PLACEMENT IN THE LEGAL CUSTODY OF A FIT AND WILLING RELATIVE, and, THEREFORE, the court orders that the child be placed in the legal custody of a fit and willing relative through the establishment of a guardianship not later than _____, 20_____.

ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT (APPLA)

Placement of the child with a parent is **not appropriate**, because, despite the **reasonable** **active** reunification efforts of DHS, the child cannot be safely returned to a parent within a reasonable time.

Adoption is **not appropriate** because the following "compelling reason(s)" under ORS 419B.498(2)(b) is/are applicable and establish(es) that adoption would **not** be in the child's best interest: another permanent plan – APPLA – is better suited to meet the child's health, safety and attachment needs; the child has needs that require a therapeutic or other specialized placement; adoption is unlikely, or otherwise inappropriate, because of the child's **unwillingness to consent** health and safety needs sibling attachment(s) attachment to a parent; other "compelling reason(s)": _____.

Guardianship or a relative placement is **not appropriate**, because, despite reasonable and diligent efforts, DHS has been unable to identify a relative or non-relative who is willing and qualified to serve as the legal guardian for the child, or a fit and willing relative who could provide a permanent home for the child.

Additional findings: _____

The court determines the permanency plan shall be APPLA permanent foster care permanent connections and support (residential treatment, independent living), and, THEREFORE, the court orders that the child be placed in the APPLA placement not later than _____, 20_____, and that DHS promptly notify the court and the parties if the child is not placed by that date.

6. NEED FOR CONTINUED SUBSTITUTE CARE AND DHS LEGAL CUSTODY, REVIEW OF COMPREHENSIVE TRANSITION PLANNING AND PROGRESS TOWARD HIGH SCHOOL GRADUATION.

► **Substitute care and custody:**

The court continues the child in the legal custody of DHS for care, placement and supervision. The child is in substitute care, which is not a permanent placement, and continued substitute care is necessary and is in the child's best interest for the following reasons: _____

The child is in the legal custody of DHS and is placed with a parent (or guardian appointed before the child was found to be within the juvenile court's jurisdiction), and it **is** **is not** necessary and in the child's best interest that the child continue in the legal custody of DHS because: _____

Termination of the child's commitment to the legal custody of DHS is expected to occur by, or before, _____, 20_____. juvenile court wardship is expected to occur by, or before, _____, 20_____.

► **Transition plan:**

Plan review not required

Plan review required: the child is 16 years of age or older the child is 14 years or older and DHS has developed such a plan for the child. The comprehensive plan **is adequate** **is not adequate** to ensure the child's successful transition to independent living. DHS **has** **has not** offered appropriate services pursuant to the comprehensive plan and **has** **has not** involved the child in the development of the comprehensive plan. DHS is ordered to modify the comprehensive plan and/or the development of the plan, as follows: _____

► **Education (child 14 or older):**

The child **is** **is not** progressing adequately toward graduation from high school, needs _____ more

Comment [MEH16]: There is no legal vehicle in the juvenile code to finalize the placement with a fit and willing relative outside of adoption, guardianship and APPLA. This language clarifies how the permanent placement will be set up. This does not preclude the court from designating the permanency plan as adoption or APPLA when a relative is the placement resource.

Comment [MEH17]: Findings required for guardianship and placement with a fit and willing relative have been merged because they are identical in ORS 419B.576(5)(e).

Comment [MEH18]: The language "unwillingness to consent" has replaced "age" as an option. Age is not a compelling reason specifically referred to in ORS 419B.498(2)(b), and DHS policy provides that age is "never a disqualifier for a more preferred permanency plan." OAR 413-070-0536(3).

Comment [MEH19]: These are the APPLA plan options specified in OAR 413-070-0532. This language is added here so that the court can identify the type of APPLA plan that was designated at subsequent permanency hearings.

Comment [MEH20]: Current language gives the court no ability to explicitly continue the child in the legal custody of DHS unless the child is placed with a parent. We received feedback at a recent Title IV-E audit that the court should be specifically continuing the child in the placement and care of DHS.

credits to graduate, and is expected to graduate _____, 20_____.

DHS **has made** the following efforts to assist the child to graduate: _____

DHS is **ordered to make** the following additional efforts: _____

7. ADDITIONAL FINDINGS AND ORDERS:

- ▶ The court incorporates and adopts by this reference the oral findings made by the court at the conclusion of the permanency hearing.
- ▶ The court **has** **has not** consulted with the child, in an age appropriate manner, regarding the permanency and transition plans proposed for child, as required by 42 U.S.C. § 675.
- ▶ **The court makes the following additional findings and orders:** _____

8. THIS CASE SHALL NEXT BE REVIEWED:

APPEARANCE TYPE:	DATE:	TIME:
Review hearing		
Permanency hearing		
Other:		

- The CRB is requested to review this case no later than: _____.
- No further hearings _____.

DATED: _____, 20_____.

CIRCUIT JUDGE

Print, Type or Stamp Name of Judge

Comment [MEH21]: This section has been reformatted for simplicity.

Comment [MEH22]: A place to print the judge's name is added to comply with UTCR 2.010(12).