



Review by the Findings

Creating Transparency in our Work.



History

- ❑ Program survey in 2002.
- ❑ Pilot in Clackamas County in 2004.
- ❑ Implementation July 1, 2005.
- ❑ Training at conferences in 2005, 2006 and 2007.
- ❑ Staff consensus, August 2007.
- ❑ State implementation July 1, 2008.

Purpose

- ❑ To focus on the findings required by state and federal law.
- ❑ To provide clear documentation of the board's reasoning in making their findings.
- ❑ To make the review process more transparent, open, and accessible to the people we serve.
- ❑ To provide a standard procedure in conducting the reviews.

Changes to Findings

- ❑ Developed in response to: feedback from volunteer board members and staff, changes in legislation and to reflect the language of our statute.
- ❑ Have been reordered to promote the ability to move through the review sequentially.
- ❑ Organized to clarify the needs specific to the safety, well being and permanence of the child early in the review so they are considered when making subsequent findings of progress.

New Order of Findings

- ❑ DHS has made reasonable efforts to prevent or eliminate the need for removal of the child from the home.
- ❑ DHS has made diligent efforts to place the child with a relative or a person who has a caregiver relationship.
- ❑ DHS has ensured that appropriate services are in place to safeguard the child's safety, health and well being
- ❑ DHS made reasonable efforts to provide services to make it possible for the child to safely return home.
- ❑ DHS made reasonable efforts in accordance with the case plan to place the child in a timely manner and to complete the steps necessary to finalize the permanent placement, including an interstate placement if appropriate.

New Order of Findings

- ❑ The parents have made sufficient progress to make it possible for the child to safely return home.
- ❑ DHS has made sufficient efforts in developing the concurrent permanency plan.
- ❑ DHS is in compliance with the case plan and court orders.
- ❑ The permanency plan is the most appropriate plan for the child.
- ❑ There is a continuing need for placement.

Case Notes Supplemental Sheet

This supplement to the case notes sheet is designed to provide information on relevant law and policy and to identify areas of focus for each of the findings. Keep in mind that reviews are case specific and not every bullet listed will apply in every case.

The following ASFA timelines are required in dependency cases unless an exception is allowed by law:

- *A jurisdictional hearing within 60 days of filing the dependency petition.*
- *A permanency hearing 14 months from placement or 12 months from jurisdiction.*
- *The filing of a petition to terminate parental rights if the child has been in care 15 of the most recent 22 months.*

*Access DHS policy at: www.dhs.state.or.us/policy/childwelfare/cross_index.htm

DHS made reasonable efforts to prevent or eliminate the need for removal of the child from the home.

Notes:

- If ICWA applies, active efforts to provide services are required
- If the child was found to be in imminent danger, it is reasonable for DHS to make no efforts to provide services
- All findings apply to voluntary cases, including this finding

Determine whether:

- DHS provided appropriate services to the child and each parent to allow the child to safely remain in the home
- DHS made efforts to facilitate the delivery of needed services (i.e. transportation, financial assistance, treatment programs, waiting lists)
- An emergency intervention service could have been put in place to prevent or eliminate the need for removal (day care, respite care, crisis counseling, housing or energy assistance, food, etc.)
- Household members or the home environment could have changed to prevent removal

DHS has made diligent efforts to place the child with a relative or a person who has a caregiver relationship.

Notes:

- Efforts must be initiated within 30 days and continued throughout the life of the case. (I-E.1.1)
- **Definition:** *A caregiver relationship is a relationship that existed for 12 months immediately preceding the dependency case; for six months during the case; or half the child's life if the child is less than 6 months of age; in which the person*

provided for the child on a daily basis with love, nurturing and necessities to meet the psychological and physical needs of the child and on which the child depended to meet those needs. It does not include a nonrelated foster parent unless the relationship continued at least six consecutive months.

Determine:

- If the court has relieved DHS of this obligation. If so, the finding no longer applies
- The status of paternal and maternal relative searches
- If DHS made efforts to place the child with a person who has a caregiver relationship
- If DHS made efforts to place the child with siblings
- If DHS has addressed barriers to placement with relatives or with a person who has a caregiver relationship

DHS has ensured that appropriate services are in place to safeguard the child's safety, health and well-being.

Notes:

- Consideration of child safety is paramount in all areas

Determine the child's needs:

- Health
 - Medical and dental checkups (I-C.4.1)
- Mental Health
 - Mental health assessments (I-C.4.1)
- Educational/Developmental
 - Referrals to Early Intervention for developmental assessment have been made if the child is under 3 (DHS procedure manual Chapter II Assessments, Section 11)
- Cultural/Attachment
- Placement

Determine services being provided to address those needs:

- Health services
- Mental Health services
- Educational/Developmental services
 - IEP or IFSP
- Cultural/Attachment
 - Cultural contacts and services to meet cultural needs
 - Visits with siblings and parents
- Placement
 - A knowledgeable caregiver with the ability to meet the specific needs of the child given the ages and needs of other children in the home
 - A caregiver knowledgeable about the child's genetic, medical, dental, educational and emotional history
 - A provider who is ensuring the child is engaged in appropriate services and visitation plans
 - A placement supported by the tribe, if ICWA applies

Determine whether the services are appropriate to address the child's needs and are in the child's best interests, in that:

- Recommendations from evaluators have been implemented
- The child is currently taking medications and the date of last assessment is timely
- The child's educational needs are being met (number of schools attended, academic progress)
- The number of schools attended is in the best interests of the child
- The frequency of visits with siblings and parents is in the best interests of the child
- The number of face-to-face contacts with the assigned DHS caseworker is in the best interests of the child
- The number of placements is in the best interests of the child
- The placement is the least restrictive to meet the child's needs
- There are no present safety risks to the child and there are no concerns about the safety of the child in the current placement

ADDITIONAL ISSUES TO CONSIDER FOR CHILDREN 14 YEARS AND OLDER:

Determine whether:

- A Youth Decision Meeting occurred and DHS has provided adequate information to the child
- Referrals to ILP have been made (I-B.2.3.5)
- An assessment was completed, an adequate transition plan has been developed, and appropriate services are in place
- The child is making adequate progress toward high school graduation. If not, determine efforts DHS is making to assist the child

DHS made reasonable efforts to provide services to make it possible for the child to safely return home. *(Make this finding when the plan has been return to parent for any part of the review period)*

Notes:

- If ICWA applies, active efforts to provide services are required
- DHS must notify the consulate and provide them with a copy of the petition if the child or the child's parents are a foreign national
- Services should be provided to allow for a return to parent by the first permanency hearing

Determine whether:

- DHS has addressed barriers to safely return the child home
- Services were offered to each parent to address the basis of jurisdiction
- Services provided to the parent address the specific needs of the child
- An absent parent search has been completed, when applicable
- There are barriers to the families participation in services (transportation, funding)
- Referrals, evaluations and services were made in a timely fashion

- Services provided to the parents were adequate and accessible
- Evaluations and services were culturally appropriate and provided in the client's primary language
- Necessary services were offered to other members of the household to which the child will be returned
- There is a written visitation plan in place providing for appropriate visits
- DHS has held a Family Decision Meeting and developed an action agreement with the parents or provided them with a letter of expectation

DHS made reasonable efforts in accordance with the case plan to place the child in a timely manner, and complete the steps necessary to finalize the permanent placement, including an interstate placement if appropriate.

(Make this finding when the plan is other than return to parent)

Determine whether:

- The court has approved the DHS plan
- DHS has taken necessary steps to identify a permanent placement
- A placement through interstate compact would be appropriate
- DHS has taken appropriate steps to place the child and monitor the status of the case through interstate compact

Determine the steps DHS has taken to finalize one of the following permanent plans:

Adoption

Note:

- If a child has been legally free for six months and has not been placed for adoption or DHS has not initiated adoption proceedings, a permanency hearing is required

Determine:

- When the case was staffed with DHS' Permanency Planning Consultant and the AG/DA
- Whether parents have relinquished their parental rights
- If not, the status of the Legal Assistance Referral (LAR), date termination petition filed, if parents have been served and the date of the scheduled termination trial (I-F.3, I-F.3.2)
- The status of recruitment efforts
- The status of the home study, designation of placement, adoption assistance, mediated agreements (I-G.1.3, I-G.1.9, I-G.3.1, I-G.1.6)
- Whether necessary transition services are in place (transition visitation schedule, counseling, medical cards, school transfers, life story book, etc.).
- The date in which DHS anticipates the adoption will finalize

Guardianship

Determine:

- The progress toward establishing the guardianship

- The status of the home study
- Whether the subsidy has been negotiated, if applicable (I-E.3.6.2)

Reside with Relative

Determine whether:

- The placement is intended to be permanent and whether the relative has agreed to raise the child until the age of majority
- Appropriate services are in place to support the placement and support the child

APPLA

Determine the date the case was staffed and the plan changed

APPLA Permanent Foster Care

Determine:

- ✓ If there is a signed permanent foster care agreement
- ✓ The date the court designated the foster care provider as the permanent placement

APPLA Independence

Determine:

- ✓ If a needs assessment has been completed
- ✓ If adequate independent living services have been provided

APPLA Other

Determine:

- ✓ How the needs of the child are being met
- ✓ The status of the transition plan for a developmentally delayed child
- ✓ Attempts DHS has made to reconnect the child with extended family
- ✓ If significant relationships have been developed for the child

The parents have made sufficient progress to make it possible for the child to safely return home. (**note: make this finding separately for each legal parent when the plan is return to parent*)

Note:

- Sufficient progress does not mean the child can immediately return home. It is determined by parental improvement in areas necessary for the child to safely return home.

Determine:

- The parent's progress in addressing the jurisdictional issues
- Whether there are remaining barriers and safety issues that prevent the child

from returning home

DHS has made sufficient efforts in developing the concurrent permanency plan.

Determine whether:

- The concurrent plan is appropriate
- Relatives or those with a caretaker relationship have been contacted
- Relatives are residing in another country and if so, whether the relative and the consulate of that country have been notified
- Financial and legal considerations have been discussed with the potential resource
- An ICPC request been made for identified resources

DHS is in compliance with the case plan and court orders. *(Such as: safety issues, permanency plans, visitation, face-to-face contact, action agreement/letter of expectation, family/safety meetings)*

Determine:

- If DHS is in compliance with policies and laws applicable to the case plan
- If DHS has implemented the previous recommendations of the Board

The permanency plan is the most appropriate plan for the child.

Determine whether the current permanency plan best meets the needs of the child

Return to Parent

Determine:

- The parent's progress in services
- The barriers to reunification
- Whether there is a compelling reason not to file a petition to terminate parental rights, if the child has been in care for 15 of the past 22 months
- Barriers to reunification including the child's needs

Adoption

Determine:

- Why return to parent is not an appropriate plan

Guardianship

Determine:

- Why return to parent or adoption has been determined not to be more appropriate for the child

Permanent Placement with a Fit and Willing Relative

Determine:

- Why this is a more appropriate plan than return to parent, adoption, or guardianship for the child

APPLA

Determine:

- Why all higher level permanency plans were ruled out as not being in the child's best interests and this plan was determined to be the most appropriate

APPLA Permanent Foster Care

Determine:

- Why this is a more appropriate plan than permanent placement with a fit and willing relative, guardianship, adoption, or return to parent

APPLA Independence

Determine:

- Why this is a more appropriate plan than permanent foster care, permanent placement with a fit and willing relative, guardianship, adoption, or return to parent

APPLA Other

Determine:

- Why this is a more appropriate plan than permanent foster care, permanent placement with a fit and willing relative, guardianship, adoption, or return to parent

There is a continuing need for placement.

Determine:

- If the safety threat has been alleviated and the child could be returned home at this time
- If continued placement is necessary and in the child's best interests
- A likely date for the child to return home

Additional Finding (s):

- Date of the next/last permanency hearing (*If a child has been legally free for 6 months and has not been placed for adoption a permanency hearing must be held*)

Recommendations:

Plan: *(DHS continue to work toward or staff the case and change the plan)*

Placement: *(DHS continue or change to one better able to meet the child's needs)*

Services to Parents: *(DHS refer the parent(s) to _____ within _____)*

Services to Child: *(DHS provide the following services to the child)*

Parental Involvement in Services: *(Activities in which the parents should engage)*

Visits: *(DHS develop, re-evaluate, change the visitation plan)*

IN THE CIRCUIT COURT IN THE STATE OF OREGON
FOR THE COUNTY OF FRONTER

In the Matter of)
JONES, Ann)
SMITH, Michael)
)
children)

Court Number: JV30070
CITIZEN REVIEW BOARD (CRB)
FINDINGS & RECOMMENDATIONS

Board Number: 1
Date of Review: 3/3/08
Permanency Plan: Return to Parents
Concurrent Plan: Adoption

Date entered care: 9/3/07
Date of Jurisdiction: 10/23/07
DHS Case Name: SMITH, Irvin
DHS Number: FT61448 C, D
Date of Birth: 1/10/01, 1/24/03

Board Members Present: Jocelyn Hoffman, Shannon Rubeo, Bill Distad, Joanne Zimmer, Marilyn Simantel.

Others Present: Stephanie Smith, mother; Joseph Morgan, father's attorney; Gail Adams, maternal grandmother/relative care provider; Michelle Straughan, DHS; Clayton Kubota, CRB Field Manager.

Information Considered by the Board: DHS333a Child Welfare Case Plans, 3/14/08; DHS 310H Health Information, 4/4/08; DHS 310E Education Information, 4/4/08; Jurisdiction/Disposition Judgment, 10/23/07; Petitions, 4/2/07; Shelter/Preliminary Hearing Order, 9/4/07; DHS 1270 Verification of ICWA Eligibility signed by Stephanie Smith, 9/5/07; DHS 1270 Verification of ICWA Eligibility signed by Irvin Smith, 9/5/07; Ongoing Visit and Contact Plan, 9/19/07; DHS 1147 Action Agreement for Stephanie Smith, 10/05/07; DHS 1147 Action Agreement for Irvin Smith, 10/10/07; Oregon Family Decision Meeting Minutes, 10/29/07; DHS Service Histories, 3/14/08.

Basis for Jurisdiction: Ann, age 7, and Michael, age 5, were found to be within the jurisdiction of the Court for the following reasons:

The mother, Stephanie Smith, had been a victim of domestic violence perpetrated by Irvin Smith, Michael's father, some of which occurred in the presence of the children. The mother was unable to protect the children from exposure to domestic violence. Michael's father had an alcohol problem that impaired his ability to parent the children. The parents failed to provide the children with the care, guidance, and protection necessary for the physical, mental, or emotional well being of the children. The Court ordered the parents to comply with the service agreement.

ICWA Status: The mother signed a Verification of ICWA Eligibility; however, she failed to indicate whether she has American Indian or Alaskan Native ancestry. At the review, she reported that she does not have American Indian or Alaskan Native ancestry. Michael's father signed a Verification of

ICWA Eligibility that indicated there was no American Indian or Alaskan Native ancestry. There was no Verification of ICWA Eligibility signed by Ann's father.

<u>FINDINGS:</u>		<u>Yes</u>	<u>No</u>
1.	<p>DHS made reasonable efforts to prevent or eliminate the need for removal of the children from the home.</p> <p>According to the Child Welfare Case Plan, no efforts were made to prevent placement. Michael's father was too intoxicated to provide for the safety of the children. The mother's whereabouts were unknown. The whereabouts of Ann's father were unknown.</p> <p>The caseworker reports that the children were found by the police walking on a busy street alone at night.</p>	<u>X</u>	
2.	<p>DHS has made diligent efforts to place the children with a relative or a person who has a caregiver relationship.</p> <p>According to the Service Histories, the children have had two placements. The children were placed in relative care with the maternal grandmother, Roberta Adams, on 9/26/07.</p>	<u>X</u>	
3.	<p>DHS has ensured that appropriate services are in place to safeguard the children's safety, health and well being.</p> <p>Both children have received mental health assessments and both are attending counseling every other week. Michael had some increasing behavioral problems at preschool. The caseworker reports that Ann becomes very fearful for the mother and Michael becomes very aggressive around the time of visits with the parents.</p> <p>While there were initial safety concerns regarding the maternal grandmother's ability to protect the children, there are none currently. Initial concerns centered on her failure to act upon knowledge of the children's unsafe situation in the parental home.</p> <p>The maternal grandmother reports that Ann has made progress in school but she is still behind in math. Michael was evaluated by the ESD and has a learning disability. The children do not have an educational surrogate.</p> <p>Michael has had to be re-immunized. Michael's pediatrician recommended that Michael be seen by a psychiatrist regarding medication.</p>	<u>X</u>	

FINDINGS:		<u>Yes</u>	<u>No</u>
4.	<p>DHS made reasonable efforts to provide services to make it possible for the children to safely return home.</p> <p>According to the Child Welfare Case Plan, a Child Safety Meeting was held. Oregon Family Decision Meetings were held; one for each parent. Action Agreements were developed for the mother and for Michael's father. The mother was referred to Women's Empowerment Group and for mental health counseling. DHS offered the mother additional referrals for a substance abuse assessment, any necessary treatment, and one-on-one parent training.</p> <p>Michael's father was referred to Batterer's Intervention. DHS offered Michael's father additional referrals for a substance abuse assessment and support in obtaining treatment and/or counseling and informed him of parent education through DHS. Supervised visits were provided for the mother and for Michael's father.</p> <p>An absent parent search was underway for Ann's father. Ms. Smith indicated she may have some old cards or letters with addresses for Mr. Jones's relatives.</p> <p>The caseworker reports that a referral was made to one-on-one parent training. No referrals were made to substance abuse treatment or parenting classes for Michael's father because he refused to participate in those services.</p> <p>Michael's father's attorney reports that DHS should have made referrals regarding substance abuse treatment and parent training for Michael's father.</p>	<u>X</u>	
5.	<p>DHS made reasonable efforts in accordance with the case plan to place the child in a timely manner, and complete the steps necessary to finalize the permanent placement, including an interstate placement if appropriate.</p> <p>The goal remains return to parent</p>	<u>N/A</u>	<u>N/A</u>

FINDINGS:		Yes	No
6.	<p>The parents have made sufficient progress to make it possible for the child to safely return home.</p> <p>The mother has been participating in the Women's Empowerment Group, individual counseling and is enrolled in parenting classes. The mother reports that she will begin parenting classes next week. The caseworker reports that the mother's visits with the children have been very consistent.</p> <p>Michael's father failed to attend two scheduled intake sessions for the Batterer's Intervention Program. He has not complied with court-ordered alcohol and drug evaluation and recommended treatment, or parent training.</p> <p>Michael's father's attorney reports that Michael's father is not participating in the Batterer's Intervention Program. The intake assessment conflicted with Michael's father's work schedule. Michael's father denies that he has an alcohol problem. He has been consistent with his visitation.</p> <p>The caseworker reports that Mr. Smith scheduled the intake appointments himself.</p> <p>Ann's father has not been located and has not been required to participate in any services.</p>	<p><u>X</u></p> <p><u>Mother</u></p>	<p><u>X</u></p> <p><u>Michael's father</u></p>
7.	<p>DHS has made sufficient efforts in developing the concurrent permanency plan.</p> <p>According to the Child Welfare Case Plan, the maternal grandmother was identified as a potential resource. Letters were sent to the maternal sister, aunt, and cousin. Letters were sent to Michael's paternal grandparents and aunts and uncles.</p> <p>The caseworker reports that the family believes that the maternal grandmother would be the best permanent resource. A foster home study has been completed of the maternal grandmother.</p> <p>The maternal grandmother reports that she is willing to be a permanent resource for the children, if the children cannot be returned to the parents.</p>	<p><u>X</u></p>	

FINDINGS:		Yes	No
8.	<p>DHS is in compliance with the case plan and court orders.</p> <p>According to the Child Welfare Case Plan, there were no documented face-to-face contacts with the children for December 2007. However, the caseworker reports that another caseworker had a face-to-face contact with the children in December 2007.</p> <p>There were no face-to-face contacts with the maternal grandmother listed in the case plan. Unannounced visits to the foster home were part of the case plan due to initial concerns about Mrs. Adams, the grandmother who is caring for the children. The Caseworker was unsuccessful in attempts to make unannounced visits. She was unaware as to whether the SSA or the PS worker had made unannounced visits.</p>		<u>X</u>
9.	<p>The permanency plan is the most appropriate plan for the child.</p> <p>The caseworker reports that the mother is now engaging in services.</p> <p>Michael's father's attorney reports that Michael's father wants the children returned to the parents.</p> <p>The caseworker reports that the parents have been made aware of the state and federal time lines.</p>	<u>X</u>	
10.	<p>There is a continuing need for placement.</p> <p>The caseworker reports that she has seen only minimal progress by the mother. The parents continue to fail to understand the safety threats in this case.</p> <p>The caseworker reports that the mother has begun to participate in the domestic violence program and the father has not engaged in the Batterer's Intervention Program. Neither parent appears to understand the danger to the children posed by domestic violence.</p> <p>The mother reports that she is unwilling to separate from the father.</p> <p>The maternal grandmother reports that she is concerned that the mother and Michael's father may be using drugs again.</p>	<u>X</u>	

Additional Finding(s):

- a. The mother's attorney was not present and did not send a representative to the review.
- b. The board commends the grandmother for stepping up and taking the children into her care and for her willingness to be a permanent resource for them.
- c. The Board is concerned that the children do not have an attorney to represent their best interest.
- d. There is no basis for jurisdiction for Mr. Jones, Ann's father.
- e. The Board again notes their concern that there was no documented face-to-face contact with the grandmother who is the substitute care provider in this case.

RECOMMENDATIONS:

1. DHS continue the current plan of return to parent.
2. DHS continue the current placement with the maternal grandmother.
3. DHS make referrals for the services ordered by the Court for Michael’s father.
4. DHS provide the Board with the children’s mental health assessments and any treatment progress reports for the parents and the children for the next review.
5. DHS continue to search diligently for Ann’s father and Ann’s paternal relatives.
6. DHS obtain ICWA information from Ann’s father and Ann’s paternal relatives.
7. DHS obtain a completed ICWA Verification form from the mother.
8. The court appoint an educational surrogate for the children.
9. DHS document face-to-face contact with the substitute care provider in the case plan and ensure that some of those visits are unannounced.
10. Ms. Smith continue to attend counseling, the Women’s Empowerment Group and other Safe Harbor Services, and parenting classes as planned.
11. Mr. Smith schedule an intake assessment with the Batterer’s Intervention Program within the next two weeks and comply with any recommended services.
12. Mr. Smith complete the court-ordered substance abuse assessment and any recommended services and attend parenting classes as ordered.

March 3, 2008

Board Member	Date	Field Manager/Review Specialist
--------------	------	---------------------------------

Pursuant to state law, DHS must notify the Citizen Review Board within 17 days of receipt of this report when the division does not intend to implement the above recommendations. The division may notify the CRB by completion of the forms provided for that purpose. Mail the form to: Citizen Review Board, =.

Parents may request the court to conduct a review hearing.

**COURT RESPONSE
TO CRB FINDINGS AND RECOMMENDATIONS**

This CRB date of «Review_Date» was reviewed and dated this _____ day of _____, 20_____.

JUVENILE COURT JUDGE/REFEREE

- The Court is setting a hearing beginning at the hour of _____, on the _____ day of _____, 20 _____, before the HONORABLE _____, located in Courtroom No. _____ of the _____
- The Court is entitled to conduct the PL 105-89 permanency hearing at any time. Believing it to be timely, the Court will conduct that hearing as set forth above.
- Appropriate legal notification to all parties informing them of the Court's intent to determine a permanent plan for the child/ren at the hearing must be sent. In those counties where DHS sends the notice, DHS shall assure the court of proof of notice. DHS shall submit a current case plan to all parties and the Court 3 days prior to the hearing.
- No hearing needs to be set in this case at this time.
- The Court requests that the CRB review this case early (month) _____ 20 _____. If possible, please give the CRB two months or more to schedule.
- Other: _____

cc: _____ Mother _____ DHS
_____ Father _____ Attorney for the child/ren _____
_____ CRB _____ Attorney for the mother _____
_____ Docket Desk _____ Attorney for the father _____
_____ Deputy District Attorney _____ Other _____
_____ CASA _____ Other _____
_____ Juvenile Justice Division _____ Other _____