



Oregon Judicial Department Juvenile Court Improvement Program

JCIP Today
E-Newsletter

JCIP Highlights

2009 JCIP Road Show

A total of 767 participants attended the 2009 JCIP Road Show. Of the 56% returning their evaluations, 95% agreed the content was directly relevant to their work, 91% said the presentation provided good information that was helpful, 90% indicated the presentations provided a good overview of new legislation, 91% said the presentations provided a good overview of the Child Safety Model, and 92% agreed the materials provided were relevant and well organized. If you were unable to attend, we are pleased to announce that videos and supporting materials from the 2009 Road Show are now available at <http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/jcip/JCIPTrainingMaterials.page?>

Save the Date - 2010 "Through the Eyes of a Child" and Model Court Day Conference

The "Through the Eyes of a Child" conference will be held in Salem again this year. Juvenile Judges will meet on August 8 and 9. Model Court Day will be held at the Salem Conference Center on August 10. The JCIP Advisory and Training Committees provided valuable input for conference planning. Following their direction, sessions are being planned on Domestic Violence, Teens, Relatives, Cross-Over Youth, Wraparound Oregon, Implicit Bias, Parent Mentors, APPLA and more. Stay tuned for more information.



Katherine Cahn and Leola McKenzie at the JCIP Advisory Committee Meeting

JCIP 2009 Stakeholders Survey

JCIP conducted a year-end survey of stakeholders to obtain information about their experiences with the Juvenile Court System over the last year. Respondents were asked to estimate how frequently various events occurred using four response levels: rarely, occasionally, often, and usually. If they had no information about an event, they were directed to indicate they didn't know. It is important to note that for most questions, a substantial proportion of the 301 respondents (e.g., one-fourth to one-third) said they didn't know the answer. The Center for Improvement of Child and Family Services tabulated the following results:

- 73% of those who responded reported the court usually asks about eligibility for the Indian Child Welfare Act at shelter care hearings
- 71% reported the court usually makes good cause findings when setting jurisdiction hearings more than 60 days after the petition is filed
- 44% reported jurisdiction and disposition hearings usually are held on the same day
- 68% said that if no ICWA determination was made at shelter hearings, the court usually asks about Indian heritage at the adjudication hearing
- 39% thought that if the whereabouts of parents were unknown at the shelter care hearing, they usually are located by the time the court takes jurisdiction
- 43% said the court usually uses CRB findings to prepare for reviews
- 40% thought the court usually notes specifically whether Independent Living Plans are adequate
- 45% said the court usually notes specifically whether DHS offered appropriate services for children with Independent Living Plans
- 54% reported that attorneys for parents usually are familiar with cases and are actively representing their clients in court
- 51% reported that attorneys for children usually are familiar with cases and are actively representing their clients in court
- 43% said there are regular meetings between DHS and Judges/Court Administrators to work out issues of mutual concern

Juvenile Judge's Training

JCIP and the National Council of Juvenile and Family Court Judges (NCJFCJ) arranged for Judge Stephen M. Rubin of Tuscon, Arizona and Oregon Judge Dale Koch to present a two-day child abuse and neglect training for judges new to dependency cases. Oregon has experienced a handful of changes in judicial officers hearing dependency cases. Attending were: Judge Sanders, Lincoln County; Judge Van Dyk and Judge Stewart, Clackamas County; Judge Easterday, Yamhill County; and Judge Prall, Marion County. Please help us welcome these judges who are new to dependency cases.



Judges Paulette Sanders and Cynthia Easterday relax during a break at the 2009 "Through the Eyes of a Child" Conference.

JCIP Receives 2010 Grant Award

The Department of Health and Human Service, Washington D.C., has notified JCIP that we will receive the following 2010 Fiscal Year awards: \$150,885.00 for the State Court Improvement - Basic Program, \$151,130 for the State Court Improvement - Training Program, and \$153, 352 for the State Court Improvement - Data Program . This will allow us to continue the many programs and services currently providing support to the juvenile court community.

JCIP Workgroups

Staff has been busy assisting workgroups to revise the JCIP model court forms and update the Juvenile Judge's Benchbook. Drafts of the forms are currently being reviewed by the workgroup. Once the forms are finished they will be added to the benchbook. A first draft of the updated benchbook is underway. The final draft will be reviewed by those who previously volunteered. If you didn't volunteer before and would like to volunteer now to review and update the benchbook, please contact Rebecca.Orf@ojd.state.or.us

Announcements

OJD receives Violence Against Women (VAWA) Grant

The Violence Against Women Act is a federal law passed in 1994. One of the provisions of the act provides federal grants to enhance the investigation and prosecution of violent crimes perpetrated against women. Grants fund services to protect victims of these crimes, and supports training on these issues, to ensure consistent responses across the country. One of the greatest successes of VAWA is its emphasis on a coordinated community response to domestic violence, dating violence, sexual assault, and stalking. Courts, law enforcement, prosecutors, victim services, and the private bar currently work together in a coordinated effort that had not heretofore existed on the state and local levels. The OJD received a Court Training and Improvement Grant. Rebecca Orf will head up the grant and will now serve half-time as the staff counsel for juvenile law and half time as staff counsel for VAWA.



Rebecca Orf, Staff Counsel for JCIP and VAWA

Wraparound Oregon

With the passage of House Bill 2144 in the 2009 Legislative Session, the Children's Wraparound Initiative became law. This action came as a result of many years of hard work by youth, families, treatment providers and local and state agencies. DHS is in the process of selecting three demonstration project sites. The projects will seek to improve outcomes for children and families, to engage families and youth in the decision making process and to serve diverse populations with cultural and linguistic competence.

Creating one plan of care that addresses all domains of a child's life (mental health, education, juvenile justice, well-being) is a priority that was identified by the Oregon Team that attended the National Chief Justice Summit on Child Abuse and Neglect this past fall. The Oregon Team included: Chief Justice De Muniz, Chief Judge Brewer, Judge Waller, Judge Koch, Becky Orf, Leola McKenzie, Representative Krieger, Representative Stiegler, and Erinn Kelley-Siel. JCIP is committed to helping with the roll-out of the wraparound project. If JCIP can provide any assistance with local court efforts in this area, please do not hesitate to contact us.

CJA Dependency Court Subcommittee - Relative Placement Project

Oregon's Children's Justice Act (CJA) Task force has contracted with Lynn Travis of Travis Consulting (an attorney, private consultant, and adjunct professor for juvenile law with Willamette School of Law) to conduct a study on court practices concerning relative placement in Oregon. The CJA Court Subcommittee, chaired by Judge Lorenzo Mejia, Jackson County, recommended the project. The Project will consist of a review of the literature, an evaluation of Oregon data, and a survey of Oregon juvenile court judges and key stakeholders concerning local efforts to place foster children with relative caregivers. Highlights of project findings and best practices will be presented on Model Court Day of the "Through the Eyes of a Child" conference in August.

Lynn worked as one of the principle researchers for the 1996 and 2003 Assessments of Juvenile Court Case Processing in Oregon Courts. Through these experiences, she gained an understanding of local courts at the statewide level and was responsible for file reviews, interviews of judges and local child welfare stakeholders, and survey instruments for all stakeholders. These experiences will allow Lynn to make substantial progress on this project. Through her juvenile law class at Willamette University this spring, she will be able to use this project to give her students a real -life experience in child welfare and dependency case processing. It will provide opportunities for students interested in juvenile law to engage with Oregon courts and child welfare partners.

If you would be interested in serving on the Children's Justice Act Task Force, please contact Chair Shary Mason at shary.k.mason@ojd.state.or.us. Previous Task Force members include Judge Alta Brady, Judge Douglas Van Dyk, and Judge Edward Jones.

From the Counties

Clatsop County

Judge Paula Brownhill invited Korey Murphy to attend her Clatsop Juvenile Dependency Team meeting to discuss disproportionality and the Portland State University decision point analysis data. Even though Clatsop County is not one of the Casey Project Counties there has been a lot of cross-over in regard to what is happening in Tillamook County since the two counties share a Child Welfare Program Manager and a District Manager. Disproportionality has been identified as an issue in Clatsop County and Judge Brownhill wanted to discuss the data with her own dependency team. Korey is available to make presentations to other counties. He can be contacted at kory.l.murphy@state.or.us

Josephine County

Shaun Brink is a supervisor in the Family Reunification Unit of child welfare in Josephine County. She often draws as a way to retain information while attending training. She drew the following while attending the JCIP Roadshow. When she was done, she realized her drawings had formed a story about our collective work with families.. You can visit the results at http://shaunbrink.smugmug.com/Art/child-welfare/10208146_yAQLL

Lane County

Judge Kip Leonard is working with community partners to develop a Model Court Team in Lane County. We know it will be a great one as Judge Leonard has a long list of accomplishments. He received the Oregon Law Students Public Interest Fund "Emilio Bandiero" award for public service. He was a member of the Greenbook Initiative, serving on the Family Violence Response Initiative Executive Committee and Advisory Committee and served on the board of the Center for Research to Practice. Judge Leonard participated as a faculty member of the University of Memphis Leadership Institute in Judicial Education. He was also a panelist at the Oregon Juvenile Department Director's annual conference. A frequent public speaker, Judge Leonard has given presentations to Rotary, and spoken to classes at the University of Oregon Law School and at Lane Community College. Judge Leonard has also enjoyed reading to first graders at Fairfield Elementary School.



Judges Kip Leonard and David Brewer at the 2009 "Through the Eyes of a Child" conference.

Lincoln County

Judge Sanders got so excited at Model Court Day of the "Through the Eyes of a Child" conference that she went home to Lincoln County and created her "Judge's Wish List". She has since shared that list with her community and her Model Court Team. There have been many exciting results. They are working on a video for children coming to court, and are trying to get funding from the Ford Foundation for a stable/consistent director and coordinator for their mentor program. She now wants a website to centralize information and provide everyone with access.

Multnomah County

Multnomah County is pleased to announce their 2010 Model Court Conference on Implicit Bias and Family Engagement to be held at the Holiday Inn Portland Airport on **Friday April 2, 2010** in Portland, Oregon. Speakers will include Judge William Thorne and Dr. Shawn Marsh.

Judge William Thorne is a Pomo/Coast Miwok Indian from northern California. To give just a sample of his experience, Judge Thorne served as the president of the National Indian Justice Center for 20 years and is currently the vice-president. He has served as a tribal court judge in Utah, Idaho, Montana, New Mexico, Colorado, Arizona, Wisconsin, South Dakota, California, Nevada and Michigan. He is the past chair of the Racial & Ethnic Fairness Commission for the State of Utah and has just completed service as a commissioner with the PEW Commission on Children in Foster Care. He has recently finished serving eight years as a member of the Board of Directors for National CASA and is a former member of the Board of Directors for the National American Indian Court Judges Association.

Shawn Marsh, PhD, is the Director of the Juvenile and Family Law Department of the National Council of Juvenile and Family Court Judges. Dr. Marsh is a social psychologist with research and teaching interests in the areas of psychology and the law, juvenile justice, resiliency, and positive youth development. Dr. Marsh is affiliated with several academic departments at the University of Nevada, and his research appears in scholarly journals such as *Youth Violence and Juvenile Justice*, *Health Psychology*, *Offender Rehabilitation* and *School Violence*. Dr. Marsh has published articles on implicit bias which have been distributed to the Child Welfare Council.

For more information, contact abbey.stamp@co.multnomah.or.us

Tillamook County

Judge Mari Trevino brings new energy to the Tillamook County Model Court Team. The Team recently met for the first time in over 2 years. Tillamook County is one of the eight Casey Project Counties. One of the goals for the Casey Project is to increase relative placement by 50%. During one of the early Community Forums, Judge Trevino indicated her desire to work on this goal. The workgroup focus was on ruling relatives in, not out. Judge Trevino reported seeing inconsistent practice at shelter hearings. There was discussion about the need to have oversight with the placing workers to ensure relative placement is being discussed and to make initial placement with relatives a priority whenever possible.

Alicia Meyers, Child Welfare Program Manager District 1 and Model Court Team member, is also Tillamook's Casey Steering Team lead for this goal. She discovered that Multnomah County has developed a Relative Checklist. The form is filled out by the caseworker in conjunction with the supervisor and then given to the Program Manager for approval when a relative placement is not occurring. This form is a great tool to guide the discussion and formalize the decision making process. The form needs to be updated and signed off again by the Program Manager every 30 days if a relative placement is not being utilized. The Model Court Team and the Tillamook County Supervisors are meeting to develop plans for rolling out use of the checklist.

Training, Conferences, and Resources

National Education Brochure

The National Working Group on Foster Care and Education produced a brochure that includes information about tools and resources that will help ensure positive educational outcomes for children and youth in foster care. It includes information about a checklist judges can use to ask questions in the courtroom, a training to prepare foster parents to become educational advocates, an E-learning module for CASAs, a

free video and training curriculum for educators, etc. For more information about these materials, please visit <http://www.abanet.org/child/education/NationalEducationBrochure.pdf>

Free Trauma Training

The Center for Improvement of Child and Family Services at Portland State University was funded by the Children's Justice Act Task Force to conduct research and develop practice strategies to reduce trauma to children in child abuse and neglect cases. The resultant training is now being offered to each of the Casey sites. This 90 minute training, designed to appeal to a broad, multi-disciplinary audience, presents research-based information on in-home safety management and minimizing the traumatic impact to children of removal and placement. To find out more about this training contact your local Commission on Children and Families.

On-line Tutorials on Substance Abuse

The National Center on Substance Abuse and Child Welfare offers on-line tutorials on substance abuse and child welfare. They support and facilitate collaboration between the child welfare system, the substance abuse treatment system, and the courts. There is no cost to enroll in the on-line tutorials. When you register, you will receive a user name and password. This allows you to access the lessons at your convenience. See a summary description of one of the tutorials below:

Understanding Substance Use Disorders, Treatment, and Family Recovery: A Guide for Legal Professionals

The foremost concern of a dependency court judge is the safety and welfare of the child, the rapidly moving developmental timetable of the young child, and the need to make a legal determination as quickly as possible as to whether a child can return to his/her family or whether parental rights need to be terminated so the child can be placed for adoption. If a parent is in substance abuse treatment, it is important that the judge know if that treatment is working, and whether the periods of sobriety and stability are sufficient to allow the child to return to the parent. This tutorial will provide a primer on alcohol and drug addiction, substance abuse treatment and recovery, the impact on children and families, child welfare timetables and their impact on parenting, cross-system communication and collaboration, as well as provide contact information for other national resources.

The American Bar Association has applied for accreditation for this training for Continuing Legal Education (CLE). Up to 6.0 CLE credits may be approved. To register go to <http://www.ncsacw.samhsa.gov/tutorials/tutorialDesc.aspx?cid=3>

Every Day Counts

The Citizen Review Board annual training conference, "Every Day Counts," will be held on April 23-24, 2010 at the Embassy Suites Washington Square in Tigard, Oregon. The conference will include a keynote presentation and workshop by Kevin Campbell, Family Finding expert. A variety of workshops are being offered on the following topics: the CRB findings driven review process; reading and interpreting psychological evaluations; risk assessment for youth offenders; disproportionality and disparity in the child welfare system; working with international children and families; psychotropic medications; and engaging teens in CRB reviews. Workshops will focus on the practical application of these topics to CRB reviews of children in foster care and youth in the custody of the Oregon Youth Authority. Information on registration will be coming soon to the CRB website: www.ojd.state.or.us/crb.

Shoulder to Shoulder Judge's Panel

The Judge's Panel is always a highlight of the Shoulder to Shoulder conference. This year the panelists were Judge Jim Fun, Referee Michael Livingston, and Judge Nan Waller. Julie McFarlane, Juvenile Rights Project, was the panel moderator. As always, the audience was offered the opportunity to submit written questions to be answered by the judges at the end of the panel presentation. The workshop ended before several questions were answered. The judges graciously agreed to submit answers in writing for this newsletter.

Judge Fun:

Does placement, relative vs nonrelative, play a role at the time of shelter care in deciding if you will grant temporary custody and out of home placement?-----maybe in more borderline cases, not those with obvious, blatant safety threats.

The Juvenile Court's decision on whether temporary custody should be given to the Department of Human Services (DHS) is informed by, but analyzed separately from, a determination regarding placement of the child(ren) in a nonrelative or relative home. The decision involving the grant of temporary legal custody to DHS begins with the legal right of children to permanency with a safe family, freedom from substantial neglect of basic needs, and freedom from physical, sexual or emotional abuse. When the children's parents or guardians (parent) fail to afford those rights to the children, the Juvenile Court may in the best interest of the child(ren), continue DHS as the children's guardian and approve continued removal of the children from the parent.

The court's determination on whether the children should be removed from their parent(s)' care directly influences whether DHS should be granted temporary custody. If the court determines the children cannot safely be returned to their parent(s), and continues temporary legal custody to DHS to facilitate the removal from parents, the court may not direct the placement of the children - other than order that the child(ren) be returned to parent(s). Oftentimes, DHS is able to continue placement of the children with parent(s) with a recommendation for continuation of DHS temporary legal custody of the children along with a request for court approval of continuing placement with parent(s).

Contemporaneous with the DHS decision to remove the children from parent(s), DHS is required to make continuing diligent efforts to place the children with a relative. Placement of the child(ren) with a relative can facilitate a court's approval of return of the children to parent(s) with relatives serving as safety providers to promote the parents' efforts to address the reason the children came into care, and monitor the children while in their parents care. This safety plan is not always available with a nonrelative placement that may not have a preexisting relationship with the family.

From the evidence provided at the shelter hearing, the court must determine whether the child(ren) can be returned home to the parents without further danger of physical or emotional abuse, endangerment to themselves or others, or remaining outside of the reach of the court process. Stated differently, the court's focus remains on whether the children can be returned home to a parent, and if so, whether or not continued DHS and court oversight is necessary to ensure the health or safety of the children - regardless of whether the children are placed in a relative or nonrelative home.

Referee Michael Livingston:

1) What considerations do you make when finding a placement for children with mental health needs?

The term "mental health needs" covers quite a range of problems, and the placement in any individual case is determined by the specific "mental health" problem. However, there are considerations/factors that should apply in every case. First, I want to know, as soon as possible, exactly what the child's mental health problem is. That means a comprehensive assessment based on all available information, which provides an accurate treatment plan. Second, the placement should be part of the treatment plan and take into account the security needs of the child and community. Third, the placement must be stable and predictable for the child over the course of the treatment, and, when the child is ready be move out of a therapeutic setting, assist with that transition.

2) As a foster parent as well as an adoptive parent, how do I assess the positive and negative effects on an adopted child by fostering a sibling? If I am not able to adopt the sibling, is it more harmful to foster the sibling and have the sibling go to a permanent family?

The needs, ages, and circumstances of the individual children in each case must dictate the answer to this question. I need to know more about these particular children to answer it. I can say that, except in unusual cases, siblings not adopted together should be able to maintain contact with each other.

Psychotropic Medication Management Training

Teri Shultz, Nurse Manager for the Nursing Services/Personal Care Program, submitted the following response to questions and concerns raised at the JCIP Roadshow about HB3114 regarding Psychotropic Medications, particularly around FDA approval and appropriate age indications for the medications:

The language in the bill actually says "...may not be prescribed for a child under this section unless it is used for a medically accepted indication that is age appropriate". If you look further into the bill it states:

(5) (a) *"Medically accepted indication" means any use for a covered outpatient drug that is approved under the Federal Food, Drug and Cosmetic Act, or recommended by the Drug Use Review Board, or the use of which is supported by one or more citations included or approved for inclusion in any of the following compendia:*

- (A) *American Hospital Formulary Services drug information;*
- (B) *United States Pharmacopoeia drug information or any successor publication;*
- (C) *The DRUGDEX Information System; or*
- (D) *The peer-reviewed medical literature.*

Many of the medications that are used in pediatric psychiatry have not been approved by the FDA, however their effectiveness has been documented in medical literature (results of studies) and other medical reference materials (listed above). This bill was designed to acknowledge and further encourage our work around psychotropic medication review/oversight, not limit medically necessary care.

We are currently working on modifying the Psychotropic Medication Management Policy to incorporate the mandates of HB3114. The Rule Advisory Committee includes several child and adolescent psychiatrists and multiple community partners whose input is critical in formulating the rules for child welfare.

I have developed training that is available regarding psychotropic medication management and would be happy to assist with training needs, or to answer any questions you may have regarding Psychotropic Medication management in the foster care program.

Teri can be contacted by calling (503)945-6620 or by e-mailing Teri.Shultz@State.OR.US

Community Partner Corner

Native Teen Gathering - Save the Date notice

DHS-ILP will once again be partnering with one of the Tribes to host the Native Teen Gathering. The Confederated Tribes of the Umatilla Indian Reservation have graciously agreed to sponsor the Gathering. Please mark the following dates on your calendar and begin talking with your Native American teens to determine if they may wish to attend. We are hoping for 100 teens this year!

Dates: June 15 -17, 2010

Location: Umatilla Indian Reservation

Who should Attend: Native American teens and young adults between the ages of 14 to 20 who are in DHS or Tribal foster care, or former foster youth who are eligible for ILP services.

Registration: Registration forms will be available in April, 2010.

Oregon Post Adoption Resource Center (ORPARC)

Resources are available for check out through ORPARC's lending library. ORPARC will send the materials in the mail to you, with return postage paid. Their library catalogue and information and instructions on how to use the library are available on their website at: <http://www.orparc.org/library/index.html> Further information about ORPARC, and their work and services is available on their main website at www.orparc.org

DHS Program Improvement Plan (PIP) Update - by Maurita Johnson, Assistant Administrator Office of Program Performance and Reporting, DHS

Oregon's Program Improvement Plan (PIP) was approved in January 2009 and will span eight quarters, concluding in December 2010. The activities of the PIP are designed to address areas needing improvement that were found in the 2007 Child and Family Service Review.

By the end of Quarter four, December 31, 2009, Oregon has achieved goals in five of the six national composites. The five goals are: Timeliness of Adoptions; Timeliness and Permanency of Reunification (Oregon sends children home timely, and they stay home); Absence of Recurrence of Maltreatment (there are no further incidents of abuse and neglect within six months of an assessed child abuse incident);

Absence of Maltreatment of Children in Foster Care; and Permanency for Children in Long Term Foster Care. The final goal, Stability, which focuses on minimizing children's moves in foster care, continues to be a challenge for Oregon and is slowly improving.

Oregon has also achieved goals, in items 17, 18, 19 and 20 which focuses on assessment of children and family's needs, involving children and families in case planning, and worker visits with children and parents. Improvement directly relates to increased face to face contact with parents and children, as well as an ongoing focus on family engagement.

Oregon has also achieved its goals in items 7 Permanency Goal and continues to make good gains in item 3 which looks at services to the family to protect children in their own home and prevent out of home placement and Item 4, risk of harm to children. Improvements in these areas are attributed to ongoing work in implementing the Oregon Safety Model. DHS continues to work on Item 10, Permanency Goal of Other Planned Permanent Living Arrangement. It is hoped that Item 10 will be positively impacted by ongoing work on APPLA and concurrent planning.

In Quarter five, there will be an increase in field activities focusing on addressing barriers to timeliness of CPS investigations, a focus on increased stability and safety of children in foster care, and focused work on achieving permanency for children in long term foster care. If any Model Court Team would like a visit to review the PIP and give a status update, please contact Maurita Johnson at maurita.johnson@state.or.us.

FosterClub

If you haven't checked out FosterClub's website lately visit the legal issues and court page at <http://www.fosterclub.com/questionsanswers/legal-issues-court>

Please e-mail comments, suggestions, announcements and articles to shary.k.mason@ojd.state.or.us

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