
Attendees of the Shoulder to Shoulder Conference in November 2010 submitted written questions to the panel of judges. Unfortunately, there was not enough time to answer all of the questions. Thank you to the Honorable Douglas Van Dyk for taking time to answer the following question directed to him, and to the Honorable Jim Fun for agreeing to answer general questions. These answers are based on the opinions and experiences of Judge Van Dyk and Judge Fun.

- **Question to Judge Van Dyk:** What is the difference between a "judgment" and a "limited judgment" with regards to jurisdiction and disposition? Is there such a thing as a "limited judgment" in dependency court?
- **Answer:** There is no provision in the dependency code for a "limited judgment." [. . .] As in many civil law contexts, it can be helpful to a speedy resolution of a case to have a final, appealable judgment as to less than all of the claims, or fewer than all of the parties. In non-dependency civil law contexts, such judgments are described as limited judgments. In Clackamas County, we adopt the naming convention to describe such judgments. It is used, for example, when we are able to resolve the issue of jurisdiction as to one parent, but not both, or as to one issue, but not all issues.

The following questions were not directed to a specific judge, so Judge Fun offered to answer these general questions.

- **Question :** How can we get attorneys working with children and families on board with efforts to safely and equitably reduce the number of children in foster care?
- **Answer:** Attorneys are as committed to the reduction of children in foster care as any of us - it's the role of the parent's attorney to advocate for the safe return of the children to parents. Attorneys are an integral part of the Juvenile Justice System and any effort by community partners to encourage their voice will be embraced. In Washington County, the participation of attorneys is promoted as a member of every court sponsored committee or program. In addition, the CASA Program in Washington County has independently met with the lawyers to discuss shared goals. That initiative has been very successful and has resulted in an improved relationship between CASA's and attorneys. Sometimes it is just a matter of hearing the perspective of others that leads to better working relationships.
- **Question:** Does your County have a family drug court and if so, how is it structured and how do you see the success rate?
- **Answer:** Washington County does not have a family drug court program. Although the overwhelming majority of our juvenile dependency cases involve substance abuse by the parent(s) as one of the reasons for dependency jurisdiction, drug use is rarely the only reason. In that regard, the specialty court model that promotes transparency through frequent and regular hearings, treatment provider and family member participation in hearings has merit in all dependency cases.

- **Question:** What are your suggestions to caseworkers that have teens that do not want to be reunified with their parents, won't participate in visits and yet we still are trying to work a return to parent plan?
- **Answer:** Require both child and parent to participate in individual counseling before beginning family counseling, and be patient. Many of the issues that brought the family before the court are longstanding which will require significant individual therapeutic intervention before family counseling or contact can be productive.
- **Question:** Do you put any value to the services that DHS recommends versus the court ordered services (keeping in mind that court ordered services are identified early on in the case by PS and sometimes permanency feels additional services are necessary)?
- **Answer:** In my experience in Washington County, it is rare when the services recommended by DHS are not agreed to by the court and the parties. The custom and culture of each court, and language of orders and action agreements will however vary among courts and DHS offices. Nevertheless, thoughtfully considered and drafted action agreements at the outset can avoid future issues. The common problem with action agreements is either requesting every conceivable service, or alternatively not identifying the appropriate services to address the essence of the problem. Good communication and a collaborative relationship with the parties for agreement on the jurisdictional language and action agreement services that are rationally related to the jurisdictional grounds will resolve disagreements at disposition. In the same way, family decision meetings and a collaborative relationship with the attorneys are ways that agreement can be reached for participation in additional services, or transition to more appropriate services that differ from the last action agreement discussed in court.
- **Question:** What is the average age of a child removed from home? [*See the [DHS Data Book](#) for more information.*]
- **Answer:** I do not know the average age of children placed out of home in Washington County, but have observed over the past several years a larger number of cases with teenage children.
- **Question:** How do Judges decide how much help (aid) - training, counseling, \$, could be given to bio families to rehabilitate and keep them together, versus, removing children from homes, and then providing them with help/aid/\$ through foster care.
- **Answer:** It is always better to keep kids at home, if it can be done safely. I believe it is universally agreed and accepted that keeping children with their parents in home with supportive services is more cost effective than the additional expenses incurred by removal. Most importantly however, keeping families together is child focused. Removal of children from their home and parents is traumatic, that will require therapy to address the effect of removal and separation in addition to resolving the underlying issues that led to removal. Removal of children from their home and parents often results in a change of school districts which will require financial assistance to maintain the child in their home school. Removal of children from their home and parents often results in separate placements for large sibling

groups which require additional resources to facilitate visitation both with parents and between siblings. Removal of children from their home and parents will allow some parents to continue their lifestyle and grow comfortable as "visiting" parents. Regretfully however, not all children can remain home safely, even with supportive services in place. Significant or diverse parental deficits, lack of a safe relative or peer support system, or unwillingness of parents to engage in services all will affect whether children can safely remain at home.

While an immediate out of home placement in foster care may be necessary to ensure a child's safety, if a home safety plan or placement with a parent in residential treatment to ensure child safety can be arranged promptly, we achieve better and more permanent outcomes. In home safety plans that include relatives promotes families to set aside their differences for the children resulting in a robust and ongoing safety net for the children. Placement with a parent in residential treatment removes parents from the peer influences and the environment that gave rise to removal while promoting the parent child bond. In my experience, If parent(s) present with significant and diverse parental deficits, or the child(ren) have significant medical or other needs, or there is not a safe sustainable support network and the children cannot be placed with a parent within 60 or 90 days, the safe return of the children to parents becomes more complex and challenging. Moreover, because of the extended time the children have been out of home, robust supportive services will be necessary after the children are returned home. Whether the children remain in home, or are placed in foster care, our success in safely and permanently returning children to their parents or relatives will affect every part of the justice system.