

The Juvenile Court Improvement Project Reassessment

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* EXECUTIVE SUMMARY *

It has been seven years since publication of *An Assessment of the Oregon State Court System's Compliance with PL 96-272 and Related Laws* (original assessment). Since then, state and federal child welfare laws have undergone sweeping changes. The Juvenile Court Improvement Project (JCIP), Oregon courts, Department of Human Services (DHS), and other participants in the juvenile court community have all spearheaded reforms which affect how Oregon courts address the needs of children in foster care and their families. This reassessment is a reflection of changes to Oregon's juvenile courts since 1997. Not only is it Oregon's contribution to a nationwide reevaluation of state court's implementation of state and federal child welfare laws, it is also a road map for future juvenile court improvement efforts in Oregon.

The reassessment team gathered data statewide from court and child welfare information systems, judges, trial court staff, and other juvenile court participants. Additionally, the reassessment team conducted an in-depth study of five counties' juvenile court systems (Jackson, Lincoln, Linn, Multnomah and Umatilla). By reviewing legal files and observing court hearings and Citizen Review Board (CRB) reviews in these counties, this reassessment captured concrete examples of juvenile court practices.

The reassessment relied heavily on national standards published by the National Council of Juvenile and Family Court Judges and assumed that juvenile court hearings best serve children and families when:

- all the necessary parties, including attorneys, CASAs, relatives, and foster parents are in attendance,
- the court docketed enough time to provide for adequate review and issuance of all necessary factual and legal findings,
- judicial officers who hear these cases have adequate support and training, and
- the court produces written legal orders that clearly memorialize findings and expectations using language all parties understand.

The reassessment incorporated Oregon standards and performance measures and was guided by the Oregon Judicial Department's (OJD's) Justice 2020 goals, Office of the State Court Administrator (OSCA) and Trial Court Standards, and Oregon's legislatively adopted performance measures relating to the effective and efficient resolution of juvenile court proceedings. Wherever possible, the reassessment was linked to measures used in DHS's federal Children and Families Services Review (CFSR).

IMPROVEMENTS SINCE 1997

With JCIP's leadership, Oregon's juvenile court community has taken many steps to improve the profile, priority, and performance of Oregon courts in child abuse and neglect cases.

IMPROVEMENTS IN INFORMATION SYSTEMS. Prior to 1997, court data entry into Juvenile OJIN (Oregon Judicial Information Network) was so inconsistent that it was impossible to use to assess court performance. Since then, JCIP developed and the courts implemented standardized data entry protocols. JCIP now produces and distributes quarterly reports regarding juvenile court's capacity to hold timely

hearings in dependency proceedings. Improvements in juvenile court data collection allowed the reassessment team to access statewide data for this report and allows individual courts to track their own improvements.

INCREASES IN JUVENILE COURT PARTICIPATION. In general, courts have increased party and professional participation in juvenile court proceedings. In the five study counties, attendance for mothers and fathers at most stages of dependency and termination proceedings increased since the original assessment. Appointment of counsel for parents and children also increased in many of the study counties. Consequently, attorney presence increased in most stages of the dependency process. The most dramatic increase was in appointment and presence of counsel for children.

IMPROVED QUALITY OF JUVENILE COURT ORDERS. Courts have made substantial improvements in writing detailed orders that make all the necessary legal findings. The quality of reasonable efforts findings and documentation of inquiry into ICWA applicability were particularly notable.

INCREASED EDUCATIONAL AND ADVISORY OPPORTUNITIES. JCIP created many forums for judges, trial court staff, attorneys and other juvenile court participants to improve the juvenile court system. Oregon judges taking the bench for the first time now receive training on juvenile court issues as part of the core new judge orientation. Juvenile court judges meet annually to receive training on issues specific to juvenile courts.

The past seven years also saw reform efforts, both inside and outside of the court system, that were not addressed in the original assessment.

- The Court of Appeals has taken an active interest in reforming and expediting the appellate process in dependency and termination cases; data about their efforts are included in the reassessment.
- The Oregon Foster Parent Association (OFPA) was established in 1996 and received its first grant from DHS to provide educational programs in 1999. The OFPA also provides peer support and mentoring.
- Contracting and oversight for court appointed counsel has been transferred to the Public Defense Services Commission (PDSC). The PDSC is committed to improving the quality of representation at all phases of dependency and termination proceedings.

FINDINGS AND RECOMMENDATIONS

1. INFORMATION SYSTEMS & DATA REPORTS. There are ongoing challenges to maintaining accurate and fresh juvenile data for the courts. Staff turnover, layoffs and court back logs significantly impact the accuracy of juvenile court data. The reassessment team found that gaps and inconsistencies in electronic and paper data systems limited their ability to track critical pieces of information. For example, Juvenile OJIN and DHS data systems do not identify Native American children covered by the Indian Child Welfare Act and courts do not enter proof of service or outcome of termination petitions accurately in Juvenile OJIN.

The OJD has begun to create a multi-entity data system (JOIN - Juvenile OJIN Integrated Network) that combines electronic data from DHS, the CRB and Juvenile OJIN. That system is intended to be available to local courts and to provide DHS with electronically transmitted court data, but it has not been completed. Paper legal files provide minimal information about the children and families in juvenile court dependency cases. As at the time of the original assessment, the best narrative record of a dependency case is generally the CRB Findings and Recommendations document which some courts do not include in their legal files.

The reassessment recommends:

- ✓ JCIP needs to ensure that all courts understand the need for consistent data entry in juvenile cases. When new staff are hired, JCIP should work with court administrators and staff to ensure that core elements of the data entry protocols are included in their training. JCIP should offer annual training opportunities for all court staff involved in data entry.
- ✓ Timely data entry is essential in dependency cases. JCIP should work with local courts who have backlog issues and offer to provide temporary assistance to get data entry completed.
- ✓ JCIP should develop data entry protocols and work with Information Technology Division (ITD) to develop a system (ie: calender notation) that shows whether the ICWA determination has or has not been made for every dependency case before the court.
- ✓ JCIP should work with ITD and DHS to ensure that all cases in which ICWA applies have a special identification in their computer systems and paper files.
- ✓ JCIP should develop data entry protocols to capture continuances of jurisdiction proceedings and incorporate the number of continuances on the time to jurisdiction report.
- ✓ JCIP should develop data entry protocols for entering relinquishments on OJIN.
- ✓ JCIP should develop and distribute TPR service reports and work with staff to improve data entry.
- ✓ Court staff should follow the data entry protocols.
- ✓ OJD should prioritize the completion of the JOIN system.
- ✓ JCIP should work with ITD to create real-time query capabilities, tickler systems, or other methods of allowing courts to retrieve information on all children who have pending matters in juvenile court to better manage cases and ensure that no child is forgotten.
- ✓ JCIP should coordinate DHS, court, and CRB workgroup to focus on the following tasks:
 - ▶ periodic review of each systems' data entry definitions and protocols to ensure that data has been properly linked.
 - ▶ develop routine reports that serve all entities.
 - ▶ serve as a training resource to encourage accurate data entry in each entity.
 - ▶ improve output functioning—getting data out of the system better (resource sharing and running queries)
- ✓ JCIP should print and distribute hard copies of the electronic dependency bench book, so judicial officers can refer to the hearing checklists while conducting proceedings.
- ✓ JCIP should work with DHS to develop statewide procedures for DHS to notify the court whenever relinquishments are received for court wards.
- ✓ Courts should ensure that the CRB Findings & Recommendation Document is made a part of the court's legal file.

2. PARTY AND FOSTER PARENT PRESENCE AT COURT HEARINGS AND CRB REVIEWS. While parent participation in juvenile court proceedings increased since the first assessment, very few children, foster parents or relatives come to court and CRB reviews. Court orders do not document whether these essential participants have received notice or reasons for their lack of attendance. Foster parents reported

that they are uncertain about their role in court and that CRB coordinators and boards ask for their input more frequently than judges. Since the original assessment, party presence at CRB reviews has increased, but in many cases parties other than DHS are not present. When a tribal representative was not present at a hearing, court orders rarely indicated the tribe had been notified of the hearing.

Court appointed counsel for indigent parents and children has increased since the first assessment. Attorneys attend CRB reviews far less frequently than court review hearings. Presence of assistant attorney generals or deputy district attorneys varies greatly - one study county has a full time assistant attorney general representing DHS in dependency proceedings, another county has a full-time juvenile district attorney. Presence of either varies depending on budget considerations. CASA volunteers continue to be a limited resource. In some study counties, professional CASA staff are present in a high number of dependency proceedings, regardless of whether a volunteer is available.

The reassessment recommends:

- ✓ The JCIP should provide training to foster parents about court room culture and the kind of information judges want to hear from foster parents.
- ✓ JCIP should work with DHS and the Oregon Foster Parent's Association to ensure that foster parents have initial and ongoing training about their role in juvenile court hearings and CRB reviews.
- ✓ JCIP should work with DHS, local courts, and the Oregon Foster Parent Association to ensure that children over 12 receive notice of proceedings and have an opportunity to be heard.
- ✓ Judges and CRBs should routinely inquire about foster parent notification and presence and solicit their input during hearings and reviews.
- ✓ DHS should commit state funds necessary to access IV-E dollars for reimbursement for foster parent day care and mileage expenses associated with attending court hearings and CRB reviews.
- ✓ Local boards should encourage judges to observe CRB reviews.
- ✓ CRB should revise the notice of CRB review.
- ✓ CRB should develop and implement a plan to increase party and interested person participation in CRB reviews.
- ✓ The CRB and court should jointly explore strategies to increase attorney presence at CRB. (ie- schedule CRB reviews so they do not conflict with court appearances)
- ✓ JCIP should work with DHS and court staff to clarify responsibilities for tribal notification.
- ✓ The Oregon Legislature should adequately fund the CASA program in accordance with the recommendations of the CASA Planning and Advisory Committee Report of 2000.
- ✓ The State CASA director should initiate a process to create a best practices document about the roles and responsibilities of CASA program staff to children awaiting the appointment of a CASA volunteer.

3. SUFFICIENCY OF JUVENILE COURT ORDERS AND CRB FINDINGS AND RECOMMENDATIONS. The written order is the lynchpin of a juvenile court proceeding. Courts have improved the legal accuracy of jurisdictional, dispositional and review hearing orders, but there is room for improvement in key areas. Court orders frequently lack statutorily required findings for reasonable efforts and identification of permanency and concurrent plans. This is particularly acute for children in permanent foster care. Although most courts are

making some required findings in cases covered by the Indian Child Welfare Act, they are rarely legally sufficient. The reassessment team found that courts that don't use the model forms are more likely to produce legally deficient orders. The CRB Findings and Recommendations documents do not consistently include written findings referring to specific DHS efforts made to prevent the need for the child's placement or to reunify the family.

The reassessment recommends:

- ✓ Judges should use the model court forms.
- ✓ JCIP should provide tools and technical assistance to assist local courts and other court participants who draft judicial orders with implementing and effectively using the model forms.
- ✓ DHS should alert JCIP when branch reviews indicate problems with orders so JCIP can provide training and technical assistance to the local court.
- ✓ Model form orders should include prompts for judges:
 - * to inquire about foster parent notification and presence
 - * to accept mediated agreements yet ensure that necessary state and federal findings are made
 - * to make findings about tribal notification and whether a tribal representative is present and if not, why not
 - * to document why parents are not present
- * to include clear instructions for parents when the court grants parents extensions of time to complete reunification services
- ✓ In every county, in every case, the CRB should document specific DHS efforts made to prevent the need for the child's placement or to reunify the family.
- ✓ JCIP should provide judicial training on writing legally sufficient permanency hearing orders particularly when the plan is return to parent.
- ✓ JCIP should provide judicial training on documenting in permanency hearing orders thorough inquiries on all permanency options particularly when the plan is planned permanent living arrangement.
- ✓ CRB forms and training materials should prompt the board to ask about higher level permanency options in every case where PPLA (planned permanent living arrangement) is the permanency goal.

4. Timeliness of juvenile court hearings. Since the last assessment, both state and federal law imposed new, stricter timelines on resolution of juvenile court proceedings. Oregon juvenile courts are meeting the goal of resolution of dependency petitions within sixty days of filing in 60% of cases. Court orders allowing continuances outside of the sixty day timeline are not clearly documenting good causes for the delay. Permanency hearings are held within 14 months of children entering care in 75% of cases.

The reassessment recommends:

- ✓ JCIP should work with a team of judicial officers to develop narrow definitions for model Oregon courts related to good cause for continuance.
- ✓ Every court should develop a plan, including all principle players, to increase percentage of cases meeting jurisdictional timelines.
- ✓ JCIP should advocate for and assist courts with implementing case flow management principles for juvenile dependency cases.

5. Quality and Depth of Dependency Proceeding. Docketing procedures effect the amount of time available for dependency proceedings. Courts using "cattle call" docketing, where all cases are scheduled to start at the beginning of the juvenile court docket, tend to spend the least amount of time on juvenile proceedings. Juvenile court participants expressed concern about time wasted waiting for hearings and the general level of confusion in the court room. All courts cite concern about available docket time. Most courts are spending less time conducting all stages of dependency proceedings than national standards suggest. Some courts average as little as 11 minutes on permanency hearings and other critical juvenile court hearings, making it impossible to conduct the thorough hearings and reviews recommended by national best practices. Many counties do not expect or facilitate attorney presence at shelter hearings or early receipt of discovery. Both practices delay client contact until much later in the case and effectively eliminates representation at the critical pre-adjudicative stage of a dependency proceeding.

The reassessment recommends:

- ✓ Courts should modify their docketing procedures to schedule hearings at a time certain.
- ✓ Courts should work with DHS to have parents at the court prior to the shelter hearing to give them time to fill out affidavits of indigency prior to the hearing.
- ✓ Local courts should utilize email/phone to notify attorneys of appointments, preferably prior to the start of the shelter hearing.
- ✓ Attorneys attend shelter hearings whether or not they have discovery.
- ✓ Courts should work with court appointed attorneys to increase their attendance at shelter hearings, even if attendance is by phone.
- ✓ Contract attorneys should prioritize being available and prepared for shelter hearings.
- ✓ Courts should require DHS to submit discovery, along with copies for parties, when they file the petition or notify the court of the need for a shelter hearing.
- ✓ Courts should provide attorneys with initial discovery, provided by DHS, and client contact information when they notify them of appointment.
- ✓ When attorney presence at shelter hearings is not possible, courts should schedule second shelter hearings to allow parties to contest probable cause, request return, or propose alternatives to foster care.
- ✓ JCIP should provide education for judges, court appointed attorneys, and DHS on the importance of involvement at the shelter hearing stage.
- ✓ Courts and CRBs should inquire at every permanency hearing and CRB review as to appropriateness of return to parent, adoption or guardianship (even after PPLA chosen) and document in the order/Findings & Recommendation document why more permanent goals are ruled out.

- ✓ JCIP should develop training for judicial officers and other juvenile court participants regarding the development of permanent and concurrent plans, and work with DHS to ensure they are giving a consistent message on these issues. Specifically, JCIP training should include the importance of explaining ASFA requirements to parents and identifying the concurrent plan at all

juvenile court hearings when the goal remains return to parent.

- ✓ CRB staff should forward the court response to the CRB to board members upon receipt.
- ✓ Judges should observe CRB reviews and provide board members with feedback on effectiveness of reviews.

6. QUALITY OF REPRESENTATION. The reassessment team discovered great concern about the inconsistent quality of court appointed counsel for parents and children in dependency cases. Juvenile court participants, particularly foster parents, reported little contact between attorneys for children and their young clients. Many foster parents reported that attorneys for children rarely observed them in their homes. Representation of “the state” is inconsistent and often dictated by county budget priorities. District attorneys frequently appear for adjudication, but are less likely to attend other proceedings. DHS caseworkers are rarely represented in juvenile dependency proceedings.

The reassessment recommends:

- ✓ Courts should direct parents to promptly contact their attorney once an appointment is made.
- ✓ All attorneys should prioritize contact with clients within 72 hours of appointment.
- ✓ PDSC should notify all court appointed attorneys in writing of their contractual obligations related to client contact.
- ✓ PDSC should revise their contracts and policies to incorporate requirements for child client contact and develop procedures for monitoring attorney compliance.
- ✓ Judges and CRB should inquire about attorneys’ contacts with their clients.
- ✓ JCIP and PDSC should develop regional multi-disciplinary trainings that include client contact and other quality of representation

issues.

- ✓ PDSC should implement the juvenile court training academy and include client contact requirements in other educational programs.
- ✓ DAs need adequate funding to appear.
- ✓ Local agreements need to be developed to define a process in the event the DA’s position is in conflict with DHS so DHS can arrange for AG representation.
- ✓ Local courts should facilitate discussions with their district attorneys and AG’s to maximize representation for “the state” in child dependency proceedings.
- ✓ DHS should continue to seek funding for AG representation in dependency proceedings.

7. Mediation and settlement. JCIP funded and facilitated pilot projects for juvenile court dependency mediation. In general, they were quite successful. Mediation produced a high number of agreements at the jurisdictional stage on all types of cases. Attorneys reported that mediation reduced the time they spent on dependency cases. However, no county participating in the dependency mediation pilot project uses mediation as it was originally conceptualized - as part of a continuum of alternative dispute resolution options that included family decision meetings. JCIP funding for the dependency mediation program is expected to end in June 2005.

The reassessment recommends:

- ✓ JCIP and DHS should convene a work group to examine the relationship between DHS and court-connected alternative dispute resolution models and establish guidelines for use of each procedure.
- ✓ JCIP, local courts, and the OJD should develop alternative funding opportunities for the dependency mediation program.
- ✓ Judges should carefully review the terms of all mediation agreements on the record and make sure that parties consent to the related terms.
- ✓ JCIP should encourage development of settlement or mediation processes in every juvenile court.

8. APPEALS OF DEPENDENCY AND TERMINATION PROCEEDINGS. During the past five years, the Court of Appeals has taken an active interest in reforming and expediting the appellate process in dependency and termination cases. Oregon's expedited appellate timelines for completing a TPR appeal are longer than national best practices. Oregon's timelines do not limit time available for issuing appellate orders. The expedited timelines are voluntary for dependency appeals and rarely used.

The reassessment recommends:

- ✓ Oregon's Rules of Appellate Procedures should be revised to conform to national standards for appellate timelines, including timelines for issuing judicial orders and opinions.
- ✓ JCIP and the Court of Appeals should convene a workgroup to develop strategies to expedite filing and briefing of termination appeals.
- ✓ JCIP and the Court of Appeals should provide educational opportunities for appellate practitioners on strategies for conforming to the expedited timelines.
- ✓ Oregon's Rules of Appellate Procedures should be revised to make the expedited timelines for dependency proceedings mandatory and include timelines for issuing judicial orders and opinions.
- ✓ Oregon's Rules of Appellate Procedures should be revised to include timelines for issuing judicial orders and opinions.

PROPOSED STRATEGIES FOR IMPLEMENTING THE REASSESSMENT RECOMMENDATIONS

The reassessment is intended to track progress in juvenile court reforms and assist JCIP in planning for future efforts. The reassessment team proposes several strategies for implementing recommendations.

1. **SPECIAL PROJECT FUNDING FOR LOCAL COURTS THROUGH "MODEL COURT PROGRAMS GRANTS."** The JCIP Advisory committee should establish goals and standards for model juvenile dependency court performance. Local courts should have the opportunity to receive one time funding for additional staff support, computer hardware, or other resources designed to assist the court in achieving a model court standard.
2. **REVISION AND APPLICATION OF MODEL COURT FORMS.** Many changes in juvenile court practice recommended in the report are best accomplished by use of the Juvenile Court Model Form Orders. The forms require some updating to address the needs of local courts.
3. **CREATION OF LOCAL JUVENILE COURT IMPROVEMENT ADVISORY COMMITTEES.** Some recommendations request that local courts take the lead in developing solutions that work for their communities. Other

recommendations need to be promoted with other professionals involved in the juvenile court process. JCIP should support local courts in convening multi-disciplinary work groups in their communities to address juvenile court improvement.

4. **TRAINING AND TECHNICAL ASSISTANCE.** Judges, court staff and other participants in the juvenile court process need ongoing training and technical assistance to implement the reassessment findings. JCIP, PDSC, DHS, the Foster Parent Association, and local juvenile court judges should continue educational efforts.

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Hon. Paula J. Brownhill	Nancy Keeling
Hon. Douglas VanDyk	Alice Kinzer
Hon. Nan G. Waller	Becky Smith
Barbara Hansel	Ingrid Swenson
Professor Leslie Harris	

Their hard work helped the us see the forest for the trees and is much appreciated.

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JCIP reassessment team:

Christina Haglund

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Lynn Travis

*** PART I: BACKGROUND ***

SECTION 1: MISSION AND HISTORY OF THE JUVENILE COURT

The goal of Oregon's Juvenile Court in the dependency arena is to protect children, preserving families whenever possible.

Oregon Courts insure that children "in the system" are safe, that appropriate measures are taken to address and promote their health and well-being, and that they get out as timely as possible into safe and permanent homes.

HISTORY OF THE JUVENILE COURT: THE EARLY HISTORY OF CHILD WELFARE LAWS IN AMERICA

American child welfare policy has "been marked by a tension between two missions: an emphasis on rescuing children from abusive or neglectful families on the one hand, and efforts to support and preserve their families on the other" (Schene 24). From colonial times until the turn of the twentieth century, child protection efforts focused on the poorest citizens and immigrants and removed their children to orphanages or indentured servitude with no concern for the children's return.

In the 20th century, child advocates shifted their focus, discovering that "the best place for normal children was in their own homes" (Bremmer). In 1909, the White House Conference on Children concluded that the "[c]hildren of parents of worthy character, suffering from temporary misfortune, and children of reasonably efficient and deserving mothers who are without the support of the normal breadwinner, should as a rule be kept with their parents, such aid being given as may be necessary to maintain suitable homes for the rearing of the children. Except in unusual circumstances, the home should not be broken up for reasons of poverty, but only for considerations of inefficiency or immorality" (Roosevelt).

In response to this changed thinking, states enacted mothers' aid laws. Ultimately, Congress created the federal Aid to Families with Dependent Children program through Titles IV and V (ultimately IV-B) of the Social Security Act of 1935 (Jones). Government support for families led to a decline in the number of children in foster care (Kadushin).

CHILD WELFARE LAWS FROM 1970 TO THE PRESENT DAY

By the late 1970s, between 500,000 and 750,000 children were in publicly funded foster care at any one time. Numerous state and national studies conducted during the 1970s documented the many problems facing children who were at risk of placement or already in out-of-home care (Fanshel & Shinn and Shyne & Schroeder). Legal experts analyzed the problems in the legal system that contributed to this situation (Goldstein et al., Mnookin, Wald, tenBroek).

These studies revealed that many children spent their formative years drifting from one foster home to another without ever establishing bonds with either their biological or foster families. The state made little or no effort to reunite these children with their families or provide them with permanent and stable substitute homes.

This research formed the basis for much litigation on behalf of foster children. In 1977, the U.S. Supreme Court relied heavily on the literature when it noted:

[C]hildren often stay in "temporary" foster care for much longer than contemplated by the theory of the system...indeed, many children apparently remain in this "limbo" indefinitely.... It is not surprising then that many children, particularly those that enter foster care at a very early age and have little or no contact with their natural parents during extended stays in foster care, often develop deep emotional ties with their foster parents.

Yet such ties do not seem to be regarded as obstacles to transfer of the child from one foster placement to another. The record in this case indicated that nearly 60% of children in foster care in New York City have experienced more than one placement, and about 28% have experienced three or more. The intended stability of the foster home management is further damaged by the rapid turnover among social work professional who supervise the foster-care arrangements on behalf of the State. Moreover, even when it is clear that a foster child will not be returned to his natural parents, it is rare that he achieves a stable home life through final termination of parental ties and adoption into a new permanent family.

Smith v. Organization of Foster Families, 431 U.S. 816, 833-38, 97 S. Ct. 2094, 53 L. Ed.2d 14 (1977)

By the late 1970s, the stage was set for wholesale reform of the country's child welfare system.

FEDERAL RESPONSE

Against this backdrop, Congress amended Title IV-B and IV-E of the Social Security Act in 1980. Commonly known as P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980 was designed to reduce unnecessary use of foster care. To receive federal foster care funds, each state had to provide a system of case planning, case review and services to prevent unnecessary removal of children from their homes and promote reunification. The Act also provided subsidies to promote expeditious permanent placements for children who cannot safely reunite with their families.

During the same period, removal of Native American children from their families of origin was particularly high. In 1974, approximately 25 to 35% of all Native American children lived in adoptive or foster homes (U. S. House of Representatives 7531). Eighty-five percent of those children were in non-Native American homes.

In response, Congress passed the Indian Child Welfare Act (ICWA), 25 United States Code (USC) 1901, et seq, in 1978. ICWA did three things:

- imposed federal procedural protections on child custody proceedings in state courts,
- set high standards for removal of a Native American child from the child's family of origin, and
- required that state agencies actively work to prevent the removal of Native American children from their homes or provide reunification services to families when the state did remove children.

Both P.L. 96-272 and ICWA assigned oversight responsibilities to state juvenile courts. Under both laws, the juvenile court is responsible for ensuring that state child welfare agencies make efforts to provide services to help reunify the family. Under ICWA, the court ensures that the state identifies Native American children and that Native American tribes have notice and an opportunity to participate in proceedings involving children who are members of a tribe or are eligible for tribal membership.

THE ADOPTION AND SAFE FAMILIES ACT (ASFA)

In 1997, Congress passed The Adoption and Safe Families Act (Public Law 105-89); ASFA made the most significant changes to federal child welfare law since 1980 by addressing three primary concerns:

- Children continued to remain too long in foster care.
- The child welfare system favored family preservation and reunification over children's health and safety.
- States were not devoting enough effort to adoption as a permanent placement option for abused and neglected children

ASFA clarified that all removal and reasonable efforts decisions were based on a child's health and safety. The timelines for providing reunification services were shortened in an effort to place children in permanent homes sooner. ASFA also encouraged states to expedite permanency decisions through concurrent planning and other innovative approaches. Finally, ASFA established performance standards that create financial penalties for child welfare systems that fail to show improvement in child welfare outcomes.

SECTION 2: JCIP HISTORY

As a committed and inspired leader, Oregon's Chief Justice Wallace P. Carson, Jr. has led Oregon's Juvenile Court Improvement Project (JCIP) work to implement the 1997 report recommendations: *An Assessment of the Oregon State Court System's Compliance with PL 96-272 and Related Laws* (original assessment). The original assessment included 33 recommendations to Oregon's juvenile courts and 21 recommendations to the Office of the State Court Administrator. Since 1998, JCIP efforts have focused on the following areas:

- law improvement,
- training the juvenile court community,
- dependency mediation,
- and improving court operations.

The JCIP vision:

"To improve the profile, priority, and performance of Oregon Courts in child abuse and neglect cases."

LAW IMPROVEMENTS

As the original assessment was being finalized in 1997, the Oregon legislature was enacting some of the assessment's recommendations in Senate Bill 689. This legislation was an omnibus juvenile court reform act to shift the paradigm in the state's handling of abuse and neglect cases. JCIP helped write, develop and pass this landmark law, which in many ways presaged ASFA. JCIP staff and juvenile court judges have since participated in the Oregon Law Commission's juvenile law subcommittees and workgroups, multi-agency work groups, and special task forces on law improvement projects, including Oregon's ASFA implementation law, coordinating revisions to Oregon's juvenile code, and developing specific procedural rules for child abuse and neglect cases.

TRAINING THE JUVENILE COURT COMMUNITY

JCIP has transformed judges into champions of reform and given them tools and resources to motivate and lead other judicial officers. The Chief Justice annually recognizes two Oregon judges by naming them "Juvenile Court Champions." JCIP has worked to develop and encourage judges who share their vision and want to raise the profile and priority of juvenile courts. JCIP believes that committed and enthusiastic judges are key to implementing reform.

Since its inception, JCIP has sponsored an annual judges' conference in Oregon focusing on child abuse and neglect law. This gathering, *"Through the Eyes of a Child,"* allows judges and referees to ask questions and discuss issues without the inhibitions that a multi-disciplinary setting may bring. JCIP provided and continues to provide financial aid to ensure that tribal courts can participate. JCIP also funds the attendance of new judges and judges in the "county courts" of rural Oregon, where child abuse and neglect cases are, at some stages of the proceeding, heard by elected county commissioners, most of whom have little legal background in child abuse and neglect law. The conference has attracted about sixty-five judges each year.

JCIP coordinates and supports a judicial mentoring program. This program matches judges new to juvenile law with volunteer mentors. JCIP encourages and provides financial support for both mentors and protégées to observe each other presiding over juvenile dependency matters.

JCIP has regularly provided judicial education and support at the annual conferences of the Oregon Judicial

Conference and the Oregon Circuit Court Judges Association. JCIP conducts special presentations on child abuse and neglect law and helps staff the Juvenile and Family Law Subcommittee of the Judicial Conference. JCIP also presents a half-day program on child abuse and neglect law at the annual New Judges Seminar.

JCIP has sponsored the attendance of 10 Oregon judges at the annual Court Improvement Conference in Washington D.C. They return with renewed enthusiasm for child abuse and neglect cases and possible reform ideas to consider for implementing in their own courts. Judges who have attended these conferences are now leaders in their own courts and are champions for court reform and improvement in child abuse and neglect cases.

JCIP developed and maintains the Juvenile Dependency Bench Book, available on the state court intranet system and, to the public, on the JCIP website at www.ojd.state.or.us/osca/cpsd/courtimprovement/jcip.

JCIP's biennial "Legislative Road-shows" are community based, multi-disciplinary programs that provide education and an opportunity to strengthen relationships for judges and other members of the juvenile justice system. JCIP also underwrites other multi-disciplinary education for the juvenile justice system. Both the statewide Citizen Review Board/Court Appointed Special Advocate (CRB/CASA) conference and the State Family Law Advisory Committee conference have received financial contributions from JCIP. Both conferences included substantial educational materials about juvenile court reform and practice, as well as specific presentations made by JCIP staff and judicial champions.

While JCIP's main tool is multi-disciplinary training, JCIP also joins its partners in presenting education sessions to specialized groups such as the Oregon Criminal Defense Lawyers Association, the Oregon Foster Parents Association, the CRB, and CASA programs. These sessions allow in-depth examination of problems or concerns of interest to each particular group.

In 1999, Oregon law began to require that all attorneys receive regular education on their obligations under the Child Abuse Reporting Act. The Oregon State Bar and the Professional Liability Fund enlisted JCIP to participate in the education sessions and bring the child protection perspective and other background information to the process and give greater meaning to the attorneys' legal obligations.

DEPENDENCY MEDIATION

JCIP helped seven local courts develop and implement dependency mediation. An advisory board developed the program's general outlines at the state level, but the bulk of operational protocols were left to local courts. JCIP supports the project by paying local mediator expenses and providing part-time staff support. Section 14 of this report provides more information on dependency mediation.

IMPROVING COURT OPERATIONS

With the help of a committee comprised of local court and OSCA staff, JCIP developed protocols for the entry of juvenile dependency cases. These efforts made data entry requirements uniform around the state so as to provide meaningful data on how the courts function in child abuse and neglect cases. Additional information on court data and data systems can be found in Section 5 of this report.

SECTION 3: REASSESSMENT METHODOLOGY

Congress did not authorize or appropriate funds for states to conduct the mandatory juvenile court reassessment. In response, Oregon created an evaluation team of Judicial Department employees who had expertise and experience in juvenile court operations, the CRB, juvenile law, dependency mediation, research, evaluation, and statistical analysis. The reassessment team worked closely with the Assessment Review Committee (ARC), a subcommittee of the JCIP Advisory Committee. The ARC oversaw and consulted on the reassessment.

With input from the JCIP Advisory Committee and the ARC, the reassessment team selected five indicator counties to review (the “study counties”): Multnomah, Lincoln, Umatilla, Linn and Jackson.¹

The reassessment team recruited, trained, and carefully selected volunteer research assistants from CRB members and CASA volunteers to conduct court observations and file reviews. CRB members and CASAs worked on the reassessment in counties outside of their normal volunteer responsibilities. The volunteer research assistants had a full-day training on the reassessment, including an overview of child dependency cases and the court process, an introduction to the reassessment instruments, and sample file reviews and court observation experiences, coordinated and monitored by the reassessment team.

The reassessment team preserved the confidentiality of juvenile court records in two ways: the team developed a privacy protocol for protecting names of children and families whose records were used in the study, and the Chief Justice of the Oregon Supreme Court issued an Order directing release of legal files and OJIN data for purposes of the reassessment. The Order incorporated the privacy protocol and allowed release only in compliance with its terms.

ASSESSMENT REVIEW COMMITTEE

The Honorable Paula J. Brownhill
Clatsop County Presiding Judge

The Honorable Douglas Van Dyk
Clackamas County Circuit Court Judge

The Honorable Nan G. Waller
Multnomah County Circuit Court Judge

Barbara Hansel
Benton County CASA Program

Professor Leslie Harris
University of Oregon School of Law

Nancy Keeling
DHS Assistant Administrator

Alice Kinzer
CRB Member

Becky Smith
Statewide CASA Coordinator

Ingrid Swenson
Public Defense Service Commission

STUDY COUNTY FILE REVIEWS

The reassessment team modified the file review instrument used in the original assessment to capture information relevant to current law. The file review data in this report reflect what written court orders state and do not include oral statements that may be available through transcripts or recordings of proceedings.

Relying on data from the legal file emphasizes the importance of the written record. While it is important that courts make required findings during proceedings, it is equally important that these findings are clearly

¹ The JCIP Study Counties from the original assessment were: Multnomah, Marion, Jackson, Linn, Douglas, Lincoln, Malheur, and Baker.

memorialized in court orders. National standards assume that courts produce written legal orders using language all parties understand. A well written order that reflects the reasons for state intervention and a rationale for ordering particular services creates a measure of family progress and provides a defensible basis for refusing to return a child home or terminating parental rights if parents don't improve. Well written orders also help parties understand what tasks are left to complete in order to have their children returned. All orders, particularly those terminating parental rights, must be sufficiently complete in the event appellate review is requested (*Resource Guidelines* 41, 52, 64, 73, 99).

The reassessment team developed a cohort group of children who left substitute care between December 1, 2002 and May 31, 2003. From this cohort, the reassessment team randomly selected a sample of children in each of the JCIP study counties. Under the direct supervision of the reassessment team, the volunteer research assistants reviewed and assessed the legal files using the file review check list tool.

Table 1 shows the number of cases reviewed in each study county.

Table 1: Number of Files Reviewed in Each Study County

County	Population of Interest (cohort group)	Recommended Sample sizes for File Reviews	Actual % of Cohort Population in the Sample
Jackson	166	30	18.07%
Linn	90	20	22.22%
Lincoln	53	15	28.30%
Multnomah	592	100	16.89%
Umatilla	22	15	68.18%
Total	923	180	

Because no restrictions were placed on when children entered care, a number of the children in the sample had been in foster care for quite some time. To measure the impact of JCIP, the reassessment team analyzed only those proceedings that occurred after September 1, 1998. The reassessment team selected this date as the date JCIP began because it followed JCIP's first statewide conference for juvenile judges. Permanency hearings were the only exception to this rule. Only permanency hearings that occurred after November 1, 1999 were analyzed.

Identifying the cohort group was a bit tricky. Several of the study counties have more than one Juvenile History number associated with a single juvenile. If counties are following the mandatory juvenile data entry protocols, this should not be occurring, however, old data remains in the database and continues to create problems when querying the system.

The reassessment team encountered a problem with 23 Multnomah County Circuit Court dependency case files for children who were adopted. Both the juvenile court and adoption files were sealed leaving a substantial hole in our picture of juvenile court practice. At the request of the reassessment team, the Chief Judge of the Multnomah County Family/Juvenile Court ordered the juvenile court dependency files unsealed for OJD's research purposes.

The data from the files reviewed in each study county showed that the number of ICWA cases were not sufficient to determine compliance with ICWA; as a result, the team reviewed additional ICWA files. See Section 6 of this report for a detailed discussion of the ICWA file review. Throughout this report, references

to the “the study county file review” or “file review” refer to the 180 randomly selected files reviewed from the cohort population. “ICWA file review” refers to those ICWA files subsequently reviewed.

STUDY COUNTY COURT OBSERVATIONS

The reassessment team observed several different types of court proceedings and CRB proceedings in each study county and recorded observations and general procedures.

STUDY COUNTY INTERVIEWS

Interviews were used to gather information about the juvenile court process within the community and educate those interviewed on state and national juvenile court policies and model practices. Interviews were conducted with the following representatives in each county:

- juvenile court judge
- ICWA specialists
- Department of Human Services child welfare managers
- CASA director and volunteers
- CRB Coordinator and volunteers
- public defense consortium representatives

DOCUMENT REVIEW

The reassessment team collected and reviewed documents pertaining to the juvenile court dependency process in each study county, including:

- written program descriptions
- rules, policies, procedures, and checklists
- program reports
- memoranda of understanding and contracts with partner agencies
- committee minutes
- training materials
- public media

The team also reviewed statewide rules, policies, and procedures related to child welfare and juvenile dependency court processes, the final reports of Oregon’s child welfare agency’s Child and Family Service Review (CFSR) and the Title IV-E foster care eligibility review, and other local or statewide evaluations and survey results related to child welfare and Oregon’s dependency court or CRB process.

DATA ANALYSIS

The reassessment team developed and analyzed statewide data from the Oregon Judicial Information Network (OJIN) and the Juvenile OJIN Integrated Network (JOIN), including standard quarterly reports that are distributed statewide. Specifically, the team examined and analyzed the following types of data:

- Number and length of dependency proceedings by type
- Length of time between significant events
- Compliance with federal and state timelines

SURVEY OF JUVENILE COURT PARTICIPANTS

The reassessment team conducted three surveys:

- Tribal Survey (a survey of tribal judges and social workers)
- Foster Parent Survey (a survey of parents who provide temporary care for children in DHS custody)
- Statewide Survey (a survey of judges, CASAs, attorneys, DHS caseworkers, CRB members and staff, and trial court administrators)

Table 2 shows the number of surveys sent and returned.

Table 2: JCIP Reassessment Surveys

Survey Instruments	Number Sent	Number Returned
1. Tribal Survey	12	3
2. Foster Parent Survey	350	102
3. Statewide Survey	645	205
The specific roles of people receiving and returning the statewide survey are noted below.		
Judges	159	40
CASAs	32	15
Attorneys (CAAs, DAs and AAGs)	86	35
DHS Caseworkers	306	82
CRB Members & Staff	36	16
Trial Court Administrators	26	18
*Two statewide survey respondents did not provide their role; three indicated more than one role within the juvenile dependency system.		

SECTION 4: DESCRIPTION OF THE STUDY COUNTIES

With input from the JCIP Advisory Committee and the ARC, the reassessment team selected five counties for in-depth analysis: Jackson, Lincoln, Linn, Multnomah and Umatilla.²

Presiding Judges in the five study counties are:

- Hon. Mark Schiveley, Jackson
- Hon. Robert Huckleberry, Lincoln
- Hon. Rick J. McCormick, Linn
- Hon. Dale R. Koch, Multnomah
- Hon. Jeffery M. Wallace, Umatilla

JACKSON COUNTY

Jackson County is in Oregon's First Judicial District in southern Oregon. Its county seat and Circuit Court, including the juvenile court, are in Medford, the county's largest city. The Jackson County court has eight judges and 79 employees. In 2003, 35,190 cases were filed with the court. Since the original assessment, juvenile court has moved from a small courtroom in the county's juvenile detention facility to the old courthouse building in downtown Medford. The presiding judge and two other judges share responsibility for dependency cases. In fall 2004, the juvenile court will move to a new juvenile facility close to the present courthouse. Jackson County has an active family court available for parents involved in child dependency cases who have significant substance abuse issues.

Census 2000 found that the county population was 181,269. Children under five years of age represent six percent of the population; children under 18 years of age make up 24%. The racial and ethnic make-up is:

- 82% white,
- 0.4% African American,
- 1.1% American Indian and Alaska Native,
- 0.9% Asian,
- 0.2% Native Hawaiian and Other Pacific Islander,
- 2.9% some other race,
- 2.9% two or more races,
- 6.7% Hispanic or Latino

LINCOLN COUNTY

Lincoln County is in Oregon's Seventeenth Judicial District on the Oregon coast. Its county seat and Circuit Court, including the juvenile court, are in Newport. The Lincoln County court has three elected judges and 22 employees. In 2003, there were 8,410 cases filed with the court. A pro tempore judge/referee presides over most child abuse and neglect proceedings, which accounts for 18 to 20 percent of his time. The other judges will preside over dependency proceedings in an emergency situation, and they also hear termination

² The JCIP Study Counties from the original assessment were: Multnomah, Marion, Jackson, Linn, Douglas, Lincoln, Malheur, and Baker.

of parental rights proceedings if the referee has ordered that the plan is adoption.

Census 2000 found that the county population was 44,479. Children under five years of age represent five percent of the population; children under 18 years of age represent 21 percent.

The racial and ethnic make-up is:

- 90.6% white,
- 0.3% African American,
- 3.1% American Indian and Alaska Native,
- 0.9% Asian,
- 0.2% Native Hawaiian and Other Pacific Islander,
- 1.7% some other race,
- 3.2% two or more races,
- 4.8% Hispanic or Latino

LINN COUNTY

Linn County is in Oregon's Twenty-third Judicial District in Albany, the county's largest city. There are five elected judges and 41 employees. In 2003, there were 14,160 cases filed with the court. One judge is the lead dependency judge and another is his backup and has on-going responsibility for about 20 percent of the dependency cases. Linn County has an assistant attorney general assigned exclusively to represent DHS in juvenile court.

Census 2000 found that the county population was 103,069. Children under five years of age represent seven percent of the population; children under 18 years of age represent 26 percent. The racial and ethnic make-up is:

- 93% white,
- 0.3% African American,
- 1.3% American Indian and Alaska Native,
- 0.8% Asian,
- 0.1% Native Hawaiian and Other Pacific Islander,
- 1.8% some other race,
- 2.5% two or more races,
- 4.4% Hispanic or Latino

MULTNOMAH COUNTY

Multnomah County, in Oregon's Fourth Judicial District, is the most urban and populated county in Oregon. Its county seat and Circuit Court and juvenile court are in Portland, the largest city in Oregon. Multnomah County has 38 elected judges and 330 employees. In 2003 there were 234,862 court cases filed. Multnomah County's juvenile court is housed in a large facility in northeast Portland and includes six courtrooms and a regional juvenile detention facility. Multnomah County employs four referees (3.5 FTE) devoted exclusively to juvenile dependency and delinquency proceedings. Nine judges also have some responsibility for dependency and delinquency cases.

Census 2000 found that the county's population was 660,486. Children under five years of age represent

seven percent of the population; children under 18 years of age represents 22 percent. The racial and ethnic make-up is:

- 79.2% white,
- 5.7% African American,
- 1.0% American Indian and Alaska Native,
- 5.7% Asian,
- 0.4% Native Hawaiian and Other Pacific Islander,
- 4.0% some other race,
- 4.1% two or more races,
- 7.5% Hispanic or Latino

UMATILLA COUNTY

Umatilla County, one of two counties in Oregon's Sixth Judicial District, is in eastern Oregon. Its county seat, juvenile court and Circuit Court are in Pendleton, with a satellite courthouse in Hermiston, 30 miles away. The Department of Human Services has child welfare caseworkers stationed in both cities. The county includes the Umatilla Indian Reservation. There are 31 employees in Umatilla County, but the county shares its four judges with the neighboring county. The number of court cases filed for the year 2003 was 14,863. One judge now has the majority of juvenile cases for Umatilla County, but he will leave the bench at the end of 2004. The county has not determined how juvenile cases will be assigned after that. Umatilla County has an active, JCIP funded dependency mediation program.

Census 2000 found that the county's population was 70,548. Children under five years of age represent eight percent of the population; children under 18 years of age represent 28 percent. The racial and ethnic make-up is:

- 82% white,
- 0.8% African American,
- 3.4% American Indian and Alaska Native,
- 0.8% Asian,
- 0.2% Native Hawaiian and Other Pacific Islander,
- 10.7% some other race,
- 2.2% two or more races,
- 16.1% Hispanic or Latino

Table 3 below shows the number of dependency petitions filed in the study counties.

Table 3: Number of Dependency Petitions Filed in the Study Counties

County	County Population	Population under 18	Number of Dependency Petitions Filed				
			2003	2002	2001	2000	1999
Jackson	181,269	44,009	326	268	183	197	217
Lincoln	44,479	9,535	63	111	86	89	114
Linn	103,069	26,830	231	165	177	170	133
Multnomah	660,486	147,250	1,100	996	1,087	1,031	1,284
Umatilla	70,548	19,592	77	86	75	42	53

* PART II *

SECTION 5: OJIN, JOIN, AND COURT DATA

COURT DATA: JUVENILE OJIN & JOIN

Until 1996, Oregon courts did not have a data management system designed specifically for entering juvenile dependency cases. Some courts used OJIN, a system designed for managing adult criminal and civil cases, while others did not use an electronic system for managing juvenile cases. OJD added Juvenile OJIN in 1996 but did not establish data entry protocols until 2000. As a result, data entry and dependency court practices were not consistent. For example, some courts entered a family with three children as a single case, whereas others entered it as three. The reassessment team in the original assessment could not compile accurate statewide data from Juvenile OJIN.

The need for additional resources and the need to monitor compliance with ASFA timelines required transforming Juvenile OJIN from a court register into a system to gather data and generate statistical reports.

JCIP convened a committee of local court staff and OJD staff to develop data entry protocols. JCIP coordinated and facilitated the implementation of the protocols with a series of regional trainings presented by JCIP and local court staff.

JCIP worked with court staff, Citizen Review Board (CRB) staff, judges, and OJD's Information Technology Division to develop the Juvenile OJIN Integrated Network (JOIN). The JOIN database and application linked data from Juvenile OJIN, the Citizen Review Board data base, and the Department of Human Services (DHS) child welfare data base. JOIN receives daily downloads of information from DHS on children in substitute care and information on court activity from Juvenile OJIN. CRB is using JOIN for scheduling, tracking, and reviewing all children in substitute care. JOIN would not have been possible without JCIP efforts to standardize and implement statewide data entry protocols for all Oregon courts.

Table 4 shows the basic differences between OJIN, Juvenile OJIN and JOIN:

Table 4: Differences Between OJIN, Juvenile OJIN, and JOIN

	OJIN	Juvenile OJIN	JOIN
Application Users	Court Staff	Court Staff	CRB Staff
Basic Unit	1 distinct case number for each petition/filing	1 distinct case number for each juvenile in a county	1 unique number for each juvenile in the state
Current Use for Juvenile Dependency Cases	Adoption cases	All dependency (including termination of parental rights) and delinquency petitions	CRB scheduling and tracking. Statewide reports

Perhaps the biggest obstacles to obtaining accurate and meaningful data reports is making a direct link

between events occurring in the executive branch (DHS) and events occurring in the judicial branch (OJD) of government. The constitutionally required separation of powers makes coordinating, integrating, and linking data challenging (politically, legally, and technologically).

Most juvenile case data is confidential and strict protocols exist to restrict release and dissemination of data. Both branches of government are cautious about sharing data, tending to share only as much data as is necessary. Comprehensive data analysis requires sharing of more data to keep one or both branches of government more fully informed. For example, additional data elements may enable the courts to better identify a distinct juvenile and thus more accurately link associated data from the two systems. Unfortunately, it is hard to determine whether data is useful or needed until a data analyst has examined it. Administrators are reluctant to release data until a clear need (and legal authority) has been demonstrated.

One challenge with the JOIN data base is the inability to associate distinct dependency petitions filed in the courts with "in care" episodes that occur in the child welfare agency (DHS). In database terminology, there may be a many-to-many relationship between a juvenile's dependency petition(s) and a juvenile's "in care" records. In other words, a child may have one or more dependency petitions and one or more "in care" episodes, but JOIN cannot determine which "in care" episodes relate to which petitions. Courts focus on and track petitions while the DHS focus is the "in care" episode.

Another challenge is keeping data current and fresh and knowing when it was last updated. Timing is essential when working with dynamic data. Juvenile data is not static; it constantly changes. Each system has various data entry time lags, inter-system refresh cycles, and intra-system update cycles. Some updates happen on a periodic basis while others data are captured and updated in "real time."

Variations in data entry protocols and business processes create challenges to data integration efforts. JCIP has standardized juvenile data entry protocols and provided training and reference manuals to court staff. In addition, there are analysts in the OJD's Court Programs and Services Division who are available to answer questions and provide assistance to court staff as needed. Although JCIP has been successful in "cleaning up" Juvenile OJIN data, standardized, ongoing training and technical assistance is still needed for the courts due to staff turnover, layoffs, and court backlogs.

The first data report JCIP staff created was *Juvenile Dependency Event Statistics*, which reports the number of dependency petitions filed and the number and length of hearings in the given time period. Although courts have had this report for several years, ongoing monitoring is necessary to ensure the validity of the data. For example, if the court resolves jurisdictional issues, the proceeding should be entered as a jurisdiction hearing or trial. Recent audits reveal several counties with high pretrial hearing numbers and low jurisdiction trial/hearing numbers. This indicates courts are incorrectly using the pretrial codes to record that a jurisdictional proceeding occurred (i.e., the parents admitted to or stipulated to allegations and the court established jurisdiction).

The second report JCIP staff created is *Time to Jurisdiction Summary by County*, which reports the percent of dependency petitions having jurisdictional finding within 60 days, 61-90 days, and more than 90 days of the petition file date. The OJD performance measure target for 2003-2005 is 63% of petitions will have a jurisdictional finding within 60 days. A recent audit indicates that courts can improve performance by

- holding the jurisdictional hearing and making a jurisdictional finding within 60 days of the petition file date;
- ensuring that dismissals are entered within the 60 days; and

- using the proper OJIN codes for recording the jurisdictional hearing and the resolution of the petition, and ensuring that each allegation is related to a designated event code in the protocols.

The reassessment team compared the file review checklists with OJIN printouts of all events entered in each study county file review cases. Overall, the study counties are using the protocols. However, in addition to the problems noted above, the following data entry errors occur frequently in termination of parental rights cases:

- The protocols require that courts enter a separate petition in Juvenile OJIN for each parent whose parental rights are in jeopardy.
- When entering events, staff need to relate each event to the appropriate petition. When this is not done, it is impossible to identify proceedings or events for specific petitions. Two of the study counties do not appear to be doing this, as a result, the number of termination petitions for these counties are significantly undercounted.
- Court staff enter return of service codes other than those in the protocols.
- The Permanent Commitment code is not used consistently to record that all parental relationships are terminated for a child. Some courts use this for each termination of parental rights case and others do not use it at all.
- Court staff fail to change the parent role to "terminated/relinquished parent" when a judgment terminating parental rights is entered or the court learns of a voluntary relinquishment.

Successful efforts to improve data entry and accuracy will require continued diligence and dedication of resources.

COURT FILES

Every circuit court has a different method for maintaining their juvenile court legal files. For the most part, files contain only court documents. Some counties include CRB Findings and Recommendations, DHS case plans (147A & B), CASA reports, and other documents submitted to and reviewed by the court in their case files. In some counties, the county juvenile department maintains a "social file" that contains social history information in addition to psychological evaluations, police reports, and other information. Both files are confidential with some exceptions that are listed in Oregon Revised Statute (ORS) 419A.255. For purposes of the evaluation, the reassessment team reviewed only the court's legal files.

Many of the files revealed the continuous efforts to improve court orders and forms. In case files of children in care for many years, the differences in court orders entered before 1998 and those entered in the past two to three years are noteworthy.

For the most part, it is difficult to fully understand a dependency case by reading the legal file unless it contains the CRB Findings and Recommendations documents that provide a detailed summary of the case. Some courts do not include this document in the legal file even though CRB files it with the court and a judge signs it.

FINDINGS & RECOMMENDATIONS RELATED TO COURT DATA

IMPROVEMENTS SINCE THE ORIGINAL ASSESSMENT:

- ★ JCIP developed and the courts implemented standardized data entry protocols.
- ★ The OJD developed the first phase of the Juvenile OJIN Integrated Network.
- ★ JCIP developed, distributes, and monitors statewide reports on juvenile dependency cases.

FINDINGS & RECOMMENDATIONS:

There are ongoing challenges to maintaining accurate and fresh juvenile data for the courts. Staff turnover, layoffs, and court backlogs significantly impact the accuracy of juvenile court data.

1. JCIP needs to ensure that all courts understand the need for consistent data entry in juvenile cases. When new staff are hired, JCIP should work with court administrators and staff to ensure that core elements of the data entry protocols are included in their training. JCIP should offer annual training opportunities for all court staff involved in data entry.
2. Timely data entry is essential in dependency cases. JCIP should work with local courts who have backlog issues and offer to provide temporary assistance to get data entry completed.

The JOIN system is currently a scheduling function for the CRB and provides statewide data reports. However, it was intended to be a system that the courts and DHS would benefit from on a daily basis. Local courts do not have access to the JOIN system, and DHS does not receive court data transmitted from the JOIN system. Future developments of the JOIN system could enable courts and DHS to better manage dependency cases.

3. OJD should prioritize the completion of the JOIN system.
4. JCIP should work with ITD to create real-time query capabilities, tickler systems, or other methods of allowing courts to retrieve information on all children who have pending matters in juvenile court to better manage cases and ensure that no child is forgotten.

JOIN requires multi entity data synchronization (linking data files and systems from DHS, the court, and the CRB). Ensuring that all linkages/associations between data elements are true and valid and that all potential relationships that are important have been properly linked is an ongoing challenge that requires adequate staff support.

5. JCIP should coordinate DHS, court, and CRB workgroup to focus on the following tasks:
 - periodic review of each systems' data entry definitions and protocols to ensure that data has been properly linked.
 - develop routine reports that serve all entities.
 - serve as a training resource to encourage accurate data entry in each entity.
 - Improve output functioning—getting data out of the system better (resource sharing and running queries)

For the most part, it is difficult to fully understand a dependency case by reading the legal file unless it contains the CRB Findings and Recommendations document that provides a detailed

summary of the case. Some courts do not include this document in the legal file even though the CRB files it with the court and a judge signs it.

6. Courts should ensure that the CRB Findings & Recommendation Document is made a part of the court's legal file.

SECTION 6: INDIAN CHILD WELFARE ACT

State law and the federal Indian Child Welfare Act (ICWA) protect Native American children and tribes from unnecessary removal of Native American children from family or tribal homes. Because the file reviews did not include enough ICWA cases to determine compliance with these laws, the reassessment team reviewed dependency files involving children who were eligible for membership or members of a federally recognized tribe.

While attempting to select a random sample of dependency cases for review, the reassessment team encountered a problem identifying ICWA cases in the system. Neither OJIN, JOIN, nor the DHS data management system could provide a simple way to identify these cases. The reassessment team eventually compiled a sample of cases by asking court staff in four of the study counties to pull any files they could identify as ICWA cases. Some courts stamp "ICWA" on the file folder, and others have staff who remember the names of ICWA cases. In Multnomah County, DHS's specialized ICWA unit helped identify children covered by the Act.

In this ICWA file review, the reassessment team succeeded in reviewing 13 files in Jackson County, seven in Lincoln County, four in Linn County, and nine in Multnomah County. Court staff in Umatilla County were unable to identify any ICWA cases. The reassessment team believes this is because the Confederated Tribes of the Umatilla Indian Reservation tribal court has exclusive jurisdiction over child welfare cases on the reservation, much of Umatilla County is reservation land, and dependency cases involving Native American children are filed in the tribal court.

Table 5: ICWA File Review

County	# Cases Reviewed
Jackson	13
Lincoln	7
Linn	4
Multnomah	9

Because of the ICWA file review sampling methods described above, the reassessment provides no statistically significant data on court compliance with ICWA and related state laws for children covered by the Act³. However, the ICWA file review results provide a case study of ICWA court processes in Oregon's juvenile dependency system.

The reassessment team sent the ICWA survey to the Tribal Chief and Senior Child Welfare Manager of all federally recognized tribes in Oregon to be completed by a tribal representative with expert knowledge of abuse and neglect cases in state and tribal courts. The reassessment team received only three completed

³The reassessment team collected study county file review data about the court's inquiry into whether families had Native American heritage which raises the possibility of coverage by ICWA.

tribal surveys.

The following sections discuss the courts' ICWA inquiries, pleading requirements, notice to tribes and tribal presence at hearings, compliance with burden of proof and evidentiary requirements, and court consideration of ICWA placement preferences.

COURT INQUIRY: DOES ICWA APPLY?

Because ICWA proceedings have additional legal requirements, the court should ask about the child's Native American heritage as early as possible in a dependency case. In the original assessment, respondents to the tribal survey reported that in four Oregon counties, the court inquired only "occasionally" or "rarely" about Native American heritage the first time a family appeared in juvenile court. Respondents reported more frequent inquiry in other counties; however, file reviews and court observations in the original assessment indicated that the court did not inquire about ICWA at most shelter hearings.

Results of the study county file review show dramatic improvement. The court considered whether ICWA applied in approximately 86% (+/- 6%) of court orders from 135 shelter hearings that occurred after September 1, 1998. Further, the statewide survey, respondents rated how often courts consider ICWA eligibility during shelter hearings. In 24 of the 35 Oregon counties that returned surveys, the most frequent response was that courts consider ICWA eligibility in 75% of shelter hearings.

It was less clear when the court received an answer. Evidence of ICWA inquiry was frequently a notation that ICWA eligibility was under investigation. Evidence was less frequently a statement that ICWA did or did not apply.

PLEADING REQUIREMENTS

To prevent inappropriate state intervention in Native American families, ICWA requires that dependency petitions plead "a specific and detailed account of circumstances which led the state to conclude that the child would suffer imminent physical damage or harm." In the original assessment, no petitions in the seven files involving ICWA included this account.

Results from the reassessment's ICWA file review suggest Multnomah County has made large improvements in this area. In the six ICWA cases that reached jurisdiction there, five included the required account in the adjudicated petition. None of the 12 adjudicated petitions in Jackson County or the four in Lincoln County included the specific ICWA language, but they did plead detailed accounts of circumstances that lead the state to intervene. Lincoln County petitions included a detailed account of the circumstances that led the state to conclude "the child's condition or circumstances are such as to endanger the welfare of the child or of others." Jackson County petitions included a detailed account of the circumstances that motivated filing of the petition but did not indicate the child in these circumstances would suffer "imminent physical damage or harm." Not enough petitions were adjudicated in Linn County to conclude whether the state complied with ICWA pleading requirements.

TRIBAL NOTICE OF AND PRESENCE AT HEARINGS

Both the court and DHS must notify tribes of dependency proceedings involving tribal children. Table 6 shows how often court orders showed that the court had notified the tribe of each proceeding.

Table 6: Tribal Notification

	Shelter Hearings	Jurisdictional/ Dispositional Hearings	Permanency Hearings	TPR Trials
Jackson	4 n = 13	4 n = 11	12 n = 14	
Lincoln	4 n = 4	4 n = 6	4 n = 4	
Linn	2 n = 3	1 n = 1		
Multnomah	4 n = 5	7 n = 8	8 n = 15	1 n = 1

* "n" indicates sample size.
 *The table indicates the number (not percent) of orders indicating the tribe was notified.
 *Only orders from proceedings after September 1, 1998 are included.
 *Only proceedings where ICWA was determined to apply before the proceeding are included.
 *A tribe was considered notified if a representative attended the hearing and/or some form of written documentation stating notification had occurred was present in the legal file (i.e. copy of the notification letter or a specific finding in the court order.

ICWA promotes tribal involvement from the initial intervention of social service agencies through the permanent placement of Native American children. Tribes make choices about their level of involvement with particular cases. Table 7 shows how often court orders showed that a tribal representative attended the proceeding.

Table 7: Presence of Tribal Representatives

	Shelter Hearings	Jurisdictional/ Dispositional Hearings	Permanency Hearings	TPR Trials
Jackson	4 n = 13	3 n = 11	8 n = 14	
Lincoln	4 n = 4	4 n = 6	4 n = 4	
Linn	2 n = 3	1 n = 1		
Multnomah	3 n = 5	7 n = 8	8 n = 15	1 n = 1
<p>* "n" indicates sample size. *The table indicates the number (not percent) of orders indicating a tribal representative was present. *Only orders from proceedings after September 1, 1998 are included. *Only proceedings where ICWA was determined to apply before the proceeding are included. *Presence by phone was included.</p>				

Comparing Tables 6 and 7 suggests that tribal representatives often attend if they receive notice. Jackson County court orders for shelter, jurisdictional and dispositional hearings rarely showed that the tribe had been notified. In Multnomah County seven permanency hearing court orders failed to show that the tribe had been notified.

The tribal surveys also suggest that tribal representatives frequently attend when notified. In two of the three tribal surveys returned, respondents indicated that when notified, tribal representatives attend more than 75% of shelter, jurisdictional, dispositional, and permanency hearings. The tribal surveys also suggest that tribes may receive notice of some hearings more often than court files demonstrate. In two of the three tribal surveys returned, respondents indicated they receive notice of jurisdictional and dispositional hearings more than 75% of the time.

BURDEN OF PROOF AND EVIDENTIARY REQUIREMENTS

To comply with ICWA and related state laws, courts must make specific findings at each proceeding. For example, during shelter hearings, jurisdictional hearings, and hearings where the court terminates parental rights, the court must make a finding that the parent/Indian custodian's continued custody of the child is likely to result in serious emotional/physical damage to the child. Table 8 shows how many court orders from the ICWA file review had this finding.

Table 8: Court Orders Contained a Finding that Continued Custody of the Child by Parent/Indian Custodian is Likely to Result in Serious Emotional/Physical Damage to the Child

	Shelter Hearings	Jurisdictional/ Dispositional Hearings	Terminations of Parental Rights
Jackson	2 n = 13	0 n = 11	
Lincoln	1 n = 6	0 n = 6	
Linn	1 n = 2	1 n = 1	
Multnomah	10 n = 10	4 n = 7	1 n = 1
<p>* "n" indicates sample size. *The table indicates the number (not percent) of orders that contained the language of the finding. *Only orders from proceedings after September 1, 1998 are included. *Proceedings where the child is placed with parent/Indian custodian are not included.</p>			

While Table 8 shows that shelter hearing court orders in Jackson and Lincoln Counties consistently fail to include the specific finding, Lincoln County usually made an alternative finding that "It is in the best interest of the child(ren) to be placed in protective custody for placement in substitute care. . . ." The orders included a description of the specific reasons that made placement necessary. While Jackson County Circuit Court orders may have also provided an alternative finding, the reassessment team did not collect this information.

The two shelter hearing court orders reviewed in Linn County were insufficient to determine whether the court regularly makes the required finding. In the single order that did not include the finding, the court order instead stated that it was in the "best interest of the child to be placed out of the home because of the facts set forth in the petition and affidavit"

ICWA requires the court to make the same finding at jurisdictional hearings. Only Linn County and Multnomah County Circuit Courts made this finding in most of their jurisdictional orders. In the three Multnomah County orders without the finding, two included an alternative finding that it was in the best interest and welfare of the child(ren) to continue in substitute care. In the third order, the court referred to an attached "Active Efforts Finding of Fact" form that may have provided the required finding; however, this attachment was not present in the court file. Jurisdictional orders in Jackson and Lincoln Counties did not include the required finding. Jackson County Circuit Court orders did not provide an alternative finding; Lincoln County orders usually stated that "the conditions and circumstances of the above named child(ren) are such to endanger their welfare. . . ."

ICWA also requires that the finding must be supported during jurisdictional hearings and termination of parental rights proceedings by clear and convincing evidence, including the testimony of a qualified expert witness who possesses special knowledge of social and cultural aspects of Indian life. Table 9 shows the number of orders in the ICWA file review that included this language.

Table 9: Court Orders Indicated Clear and Convincing Evidence, Including Expert Testimony, Supported the Finding that Parental Custody Would Cause Serious Emotional/Physical Damage

	Jurisdictional/ Dispositional Hearings	Terminations of Parental Rights
Jackson	0 n = 11	
Lincoln	0 n = 6	
Linn	1 n = 1	
Multnomah	4 n = 7	1 n = 1
* "n" indicates sample size. *The table indicates the number (not percent) of orders that contained the language of the finding. *Only orders from proceedings after September 1, 1998 are included. *Proceedings where the child is placed with parent/Indian custodian are not included.		

As Table 9 shows, Linn and Multnomah Counties each had jurisdictional hearing court orders that clearly stated the court had clear and convincing evidence, including expert testimony, to support the finding that parental custody would cause serious emotional/physical damage. One of the three Multnomah County orders missing this language referred to an attached Active Efforts Finding of Fact form that may have provided the necessary finding; however, this attachment was not present in the court file. Jurisdictional orders examined in Jackson and Lincoln Counties did not include this language.

ICWA also requires that during jurisdictional hearings and termination of parental rights (TPR) proceedings, the court must find that "active efforts were made to provide remedial services and rehabilitative programs to prevent the breakup of the Indian family." In TPR proceedings and jurisdictional hearings when the child has been removed from parental custody, the court must include language that "these efforts have proven unsuccessful." Table 10 depicts the number of orders that included this language.

Table 10: Court Orders Contained a Finding that Active Efforts Were Made to Provide Remedial Services and Rehabilitative Programs to Prevent the Breakup of the Indian Family and that These Efforts Proved Unsuccessful

	Jurisdictional/ Dispositional Hearings	Terminations of Parental Rights
Jackson	0 n = 11	
Lincoln	0 n = 6	
Linn	1 n = 1	
Multnomah	1 n = 7	1 n = 1
<p>* "n" indicates sample size. *The table indicates the number (not percent) of orders that contained the language of the finding. *Only orders from proceedings after September 1, 1998 are included. *Proceedings where the child is placed with parent/Indian custodian are not included.</p>		

With the exception of the one case in Linn County that had jurisdiction established, the exact language of this finding was usually absent from jurisdictional hearing court orders. Court orders from Jackson, Lincoln and Multnomah County Circuit Courts usually included alternative findings that "Active efforts, in light of the child's and the parents' circumstances have been made to prevent or eliminate the need for removal of the child from the home and to make it possible for the child to safely return home." Only two jurisdictional orders from Multnomah County Circuit Court did not provide this alternative finding. In one, the order referred to active efforts findings in an attached form, but the form was not attached to the order. In the second, the order specified dates for the active efforts finding, but it did not include a check in the preprinted box indicating the judge made the active efforts finding.

If the case plan at the permanency hearing is to reunify the family, the court must make a finding assessing DHS' active efforts to safely return the child home. Table 11 shows the number of permanency hearing orders by county that included this finding.

Table 11: Court Orders Contained a Finding that Active Efforts Were Made to Safely Return the Child Home.

	Permanency Hearings
Jackson	13 n = 16
Lincoln	2 n = 2
Linn	n = 0
Multnomah	4 n = 5
* "n" indicates sample size. *The table indicates the number (not percent) of orders that contained the language of the finding. *Only orders from proceedings after November 1, 1999 are included.	

Table 11 shows that courts in Jackson, Lincoln and Multnomah Counties made the required active efforts finding in most applicable permanency hearings. In the three Jackson County Circuit Court permanency hearing orders that did not provide an active efforts finding, the court made a similar reasonable efforts finding. In the one Multnomah County Circuit Court permanency hearing order that did not include the finding, the order indicated active efforts findings were present in an attached Active Efforts Finding of Fact form; however the form specified dates for the active efforts finding, but it did not include a check in the preprinted box indicating the judge made the active efforts finding. Human error in filling out court orders was likely responsible for the missing finding in the order from Multnomah County.

The statewide survey asked respondents to rate how often courts make active efforts findings about permanent plans identified before permanency hearings. In 28 of the 35 Oregon counties from which surveys were returned, the most frequent response was that courts are making active efforts findings more than 75% of the time.

PLACEMENT PREFERENCES

The most important substantive requirements ICWA imposes upon state courts are the placement preferences for Native American children. Those provisions reflect congressional realization that even if the Indian child's bond to the parents or Indian custodian is severed, state courts must make every effort not to dissolve that tie between the child and his or her tribe because it is that association that will protect the integrity and future viability of the tribe itself" (Jones 83).

When removal from a parent or Native American custodian is necessary, ICWA requires the state agency to consult with the tribe about placement resources. Regardless of tribal involvement, ICWA mandates placement preferences in the following order:

- the child's relatives/extended family
- placement in a foster home licensed, approved, or specified by the child's tribe
- placement in a Native American foster home licensed or approved by the state
- residential placement approved by the child's tribe.

The ICWA file review showed that courts often considered ICWA placement preferences at shelter and dispositional hearings, except for the dispositional hearings in Jackson and Lincoln Counties. Table 12 shows the number of orders that indicated ICWA placement preferences had been considered by the court.

Table 12: Court Orders Indicated ICWA Placement Preferences had Been Considered.

	Shelter Hearing	Jurisdictional/ Dispositional Hearings
Jackson	11 n = 12	4 n = 11
Lincoln	6 n = 7	2 n = 6
Linn	2 n = 3	1 n = 1
Multnomah	6 n = 10	6 n = 8
<p>* "n" indicates sample size. *The table indicates the number (not percent) of orders that indicated ICWA placement preferences had been considered. *Only orders from proceedings after September 1, 1998 are included. *It was considered that ICWA placement preferences had been considered if the court order indicated placement preferences had been considered or the child was placed with a parent or one of the mandated placement preferences.</p>		

The tribal surveys suggest otherwise. All three of the tribal surveys returned estimated that juvenile court judges inquire about the availability of an extended family member, tribal member, or other appropriate resource in fewer than 35% of ICWA dependency cases.

INDIAN CHILD WELFARE ACT REASSESSMENT FINDINGS AND RECOMMENDATIONS

IMPROVEMENTS SINCE THE ORIGINAL ASSESSMENT:

- ★ Courts have made dramatic improvement in inquiring about ICWA applicability.
- ★ JCIP educational programs and tools have increased judicial efforts to make ICWA findings.

FINDINGS & RECOMMENDATIONS:

Although courts have improved at making the initial inquiry of ICWA applicability, orders do not clearly document when the issue is resolved.

1. JCIP should develop data entry protocols and work with ITD to develop a system (ie: calendar notation) that shows whether the ICWA determination has or has not been made for every dependency case before the court..

Neither the DHS data management system nor Juvenile OJIN identify dependency cases that are covered by ICWA.

2. JCIP should work with ITD and DHS to ensure that all cases in which ICWA applies have a special identification in their computer systems and paper files.

Court orders do not consistently include evidence that the court made the findings required by ICWA.

3. Judges should use the model court forms for ICWA cases.
4. JCIP should provide tools and technical assistance to assist local courts with implementing and effectively using the model forms.

Court orders do not consistently indicate that the court considered ICWA placement preferences.

5. Judges should use the model court forms for ICWA cases.
6. JCIP should provide tools and technical assistance to assist local courts with implementing and effectively using the model forms.

When a tribal representative was not present at a hearing, court orders rarely indicated the tribe had been notified of the hearing.

7. JCIP should work with DHS and court staff to clarify responsibilities for tribal notification.
8. Model forms need to be amended to prompt findings about whether the tribe has been notified and whether a tribal representative is present and if not, why not?

* PART III: STAGES OF PROCEEDINGS *

There is a widespread belief that cases handled by the juvenile court have become more difficult. Families, often headed by single parents with little or no support systems, present complex problems including parental drug and alcohol use and domestic violence, both of which are particularly common in dependency cases. Since the original assessment, Oregon families, courts, and social services have all experienced economic downturns which have added to the complexity of cases coming before the court - both in hardship to families and stress on the state agencies that serve them. Changes to state and federal laws have increased the priority of juvenile court cases in relation to other civil proceedings and have presented new challenges for courts and the families before them.

The following stages of proceeding sections describe Oregon's procedures for handling dependency proceedings. Statutory changes since the original assessment reflect the state's ASFA implementation enacted in 1999, development of a Code of Juvenile Procedure incorporated into ORS chapter 419B during the 2001 legislative session, and other legislative changes frequently spearheaded by JCIP staff. These sections also compare Oregon's laws regarding dependent children with three sets of national standards:

The National Council of Juvenile and Family Court Judges':

- *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases (Resource Guidelines),*
- *Adoption and Permanency Guidelines: Improving Court Practice in Child Abuse and Neglect Cases (Permanency Guidelines), and*

The Children's Bureau's:

- *Adoption 2002: The President's Initiative on Adoption and Foster Care Guidelines for Public Policy and State Legislation Governing Permanence for Children (Adoption 2002).*

The original assessment relied on the *Resource Guidelines* for national standards regarding dependency practice. The *Permanency Guidelines* and *Adoption 2002* standards are newer and provide expert recommendations for juvenile court dependency procedures in light of ASFA changes.

Study county file review data provides information on dependency proceedings related to family and professional presence, timelines, and judicial inquiry. The "professionals" in professional presence include all juvenile court participants with a professional or volunteer interest in a dependency case. It is important to note that throughout this report, professionals were reported absent if the court order did not indicate they were present. This determination was made whether or not a designated professional was appointed to the case. Because of this, professional presence data may at times be more a reflection of frequency of appointment than actual attendance. For example, the file reviewers noted whether or not there was evidence that a CASA was present at each proceeding, without considering if a CASA was actually appointed on the case.

Each stage of proceeding section describes results from interviews, observations, and the study county file reviews. Throughout these sections, data based on file reviews reflect what written court orders state and do not include oral statements or orders that might be available through transcripts or recordings of proceedings.

Relying on data from the legal file emphasizes the importance of the written record. While it is important that courts make required findings during proceedings, it is equally important that these findings are clearly memorialized in court orders. National standards assume that courts produce written legal orders using language all parties understand. A well written order that reflects the reasons for state intervention and a rationale for ordering particular services creates a measure of family progress and provides a defensible basis for refusing to return a child home or terminating parental rights if parents don't improve. Well written orders also help parties understand what tasks are left to complete in order to have their children returned. All orders, particularly those terminating parental rights, must be sufficiently complete in the event appellate review is requested (*Resource Guidelines* 41, 52, 64, 73, 99).

SECTION 7: INITIATING A JUVENILE COURT DEPENDENCY PROCEEDING

FILING A PETITION

Any person in Oregon with personal knowledge about an abused or neglected child may file a petition in juvenile court (ORS 419B.809(1),(3)). Department of Human Services (DHS) child welfare caseworkers and juvenile department staff may file petitions based on information and belief (ORS 419B.809(3)). Typically, DHS assesses the safety needs of children before a petition is filed. Depending on the county, either DHS or the juvenile department is responsible for drafting and filing the petition itself. Respondents to the statewide survey for the reassessment report that in at least half of Oregon counties, the responsibility for drafting and filing petitions now rests with DHS.

INITIAL SERVICE OF SUMMONS

Adequate notice is not only constitutionally required but key to ensuring participant presence in court. Non-custodial parents cannot come forward to participate in reunification services if they are unaware of court involvement. Additionally, notifying absent parents gives them the opportunity to come forward to be reunited with their children or pay support. Because of this, notice should be provided at the earliest possible stage of the dependency proceeding to all parties, including custodial and noncustodial parents, putative fathers and others with legal custody.

In Oregon, the party filing the petition must serve summons on the parents, including putative fathers in some instances, and on children age 12 and over (ORS 419B.839(1)). Statutory revisions to conform with ASFA reduced the amount of time available for service from sixty to thirty days after the petition is filed (ORS 419B.812(3)). The juvenile code now specifies that the summons include information regarding the jurisdictional allegations, availability of legal assistance, and the consequences of failure to appear at court hearings (ORS 419B.815(4)). A specific form for a summons is set out in statute as well (ORS 419B.818). When the petition involves a child covered by the Indian Child Welfare Act, DHS must notify the tribe of the proceeding (ORS 419B.878). The court may order parents to participate in services only if they have been properly summoned (ORS 419B.385 and ORS 419B.387). Throughout the state, summons are most commonly issued and served by the county juvenile departments.

The original assessment raised concerns with the notification process. In the 1997 study, some counties showed no proof of service of any hearings (Juvenile Rights Project, Inc. 33). This issue is particularly

THE COURTS SHOULD ENSURE ADEQUATE NOTICE BY:

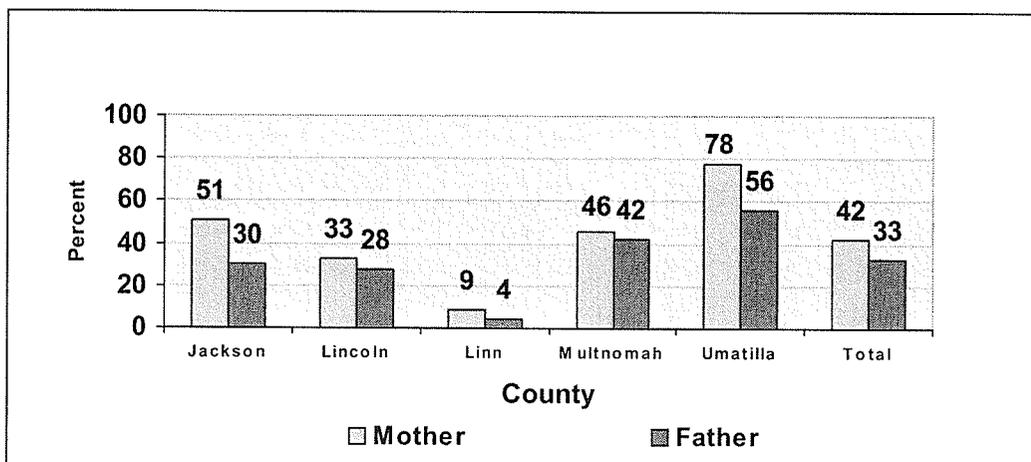
- Requiring quick and diligent notification efforts by the social service agency;
- Requiring both oral and written notification in language understandable to each party and witness;
- Requiring notice to include reason for removal, purpose of hearing, availability of legal assistance; and
- Requiring caseworkers to encourage attendance of parents and other parties.

Resource Guidelines, p.36

problematic for jurisdictional hearings as service of summons is both constitutionally and statutorily required for parents and children age 12 and over (ORS 419B.839). Additionally, under Oregon law, the court is limited in what it can require a parent to do if the parent is not served with summons prior to adjudication (ORS 419B.385).

The reassessment examined the number of legal files with proof that summons was served on parents. Proof of service was established when either an affidavit proving service was filed in the legal file or a court order noted that parents had been served. Results indicate that mothers were served with summons for jurisdictional hearings in 42% of the cases reviewed while fathers were served for 33% of these hearings. There was no evidence in the file review sample that children age 12 and over who were the subject of dependency petitions were served.

Chart 1: Parents Served for Jurisdictional/Dispositional Hearing



*Sample sizes (n) - Jackson: 37, Lincoln: 18, Linn: 23, Multnomah: 79, Umatilla: 9, and Total: 166.

* The data in this table was collected through file reviews.

* Only jurisdictional/dispositional hearings that occurred after September 1, 1998 are included.

* Proof of service was established when either the court order noted that parents had been served or an affidavit proving service was in the legal file.

*Margin of errors equal 8% for mother and 7% for father. Margin of errors are calculated with 95% confidence.

The original assessment recommended that "...a joint planning group...be convened to develop a model process for providing notice and docketing dependency cases, including developing policy regarding identification and notification of parties...and documenting notification and summons" (Juvenile Rights Project, Inc. 129) The process for identification and location of parents still varies throughout the state. In the statewide survey, respondents typically identified either the juvenile department or DHS caseworkers as being responsible for locating and serving petitions on parents. And, although data entry protocols have

been established for dependency cases, the protocols do not include instructions for entering notification and summons for dependency proceedings.

SECTION 8: SHELTER HEARINGS

CURRENT OREGON LAW AND PRACTICES

When the state removes a child from home on an emergency basis, the juvenile court must hold a hearing within 24 hours of removal, excluding Saturdays, Sundays, and judicial holidays (ORS 419B.183). The person removing the child must make efforts to notify parents of shelter hearings (ORS 419B.171). Parents may be notified by the juvenile department, DHS, or law enforcement. Different Oregon communities refer to these hearings as preliminary hearings, shelter-care hearings, and 24-hour hearings. This report calls them shelter hearings.

At shelter hearings, the court must decide whether the child can be safely maintained in or returned to the home pending the disposition of the petition. The outcome of a case where a child remains at home with services to the family is predictably different from the outcome where the child is placed in foster care and visits with the family weekly for an hour. The court and participants in the shelter hearing must analyze the facts surrounding the initial removal and consider what steps might be taken to ensure the child's safety in the home.

Because shelter decisions have profound effects on the lives of the people before the court and substantial influence on the course of the case, the judicial officer must insist on a thorough presentation of all relevant information. National standards support this careful approach.

At the shelter hearing the court must give parents the "opportunity to present evidence to the court...that the child...can be returned home without further danger of suffering physical injury or emotional harm, endangering or harming others, or not remaining within the reach of the court process prior to adjudication" (ORS 419B.185(1)). Both state and federal law require the court to make written findings at the shelter hearing regarding:

- DHS's reasonable or active efforts to prevent removal;
- Future services the agency should provide to promote reunification;
- Where removal is ordered, that removal or continuation in care is in the child's best interest;
- Whether the child is a member or eligible for membership in a Native American Tribe; and consequently covered by the Indian Child Welfare Act (ORS 419B.185).

When making a reasonable efforts finding, judges must specify the services DHS provided to prevent removal of the child (ORS 419B.185(1)(a)). DHS must assist the court by submitting a written affidavit outlining services provided in support of a reasonable efforts finding (ORS 419B.185(2)). Since 1997, state law has also required DHS to give priority to relatives as placement resources and report to the court on the efforts made to place children with family (ORS 419B.192(1)).

Shelter hearings are the court's first opportunity to make inquiry and orders on issues that will recur throughout the life of a juvenile court case. The court should inquire about paternity, absent parents and efforts to locate them, appointment of counsel and CASA for parents and children, ICWA applicability, and

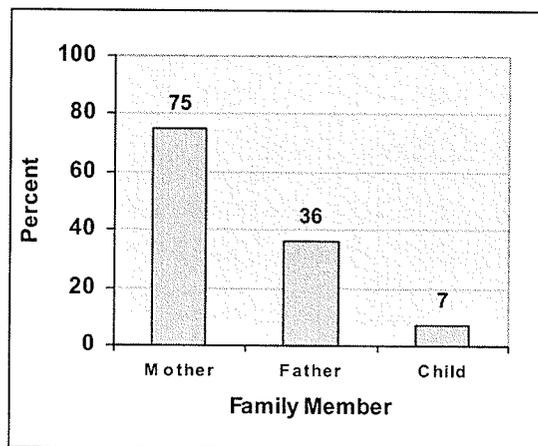
preliminary services available for families. The court may also set next court dates and direct staff or DHS to serve parents with summons for further proceedings (*Resource Guidelines* 37-39).

REASSESSMENT DATA AND FINDINGS

Family Presence

The original assessment collected data on party presence at shelter hearings by examining court orders during file reviews. The reviews showed that mothers were present at 46% of these proceedings. Fathers were present less than half as often with a 17% attendance rate. Children were present slightly less often than fathers with a reported presence at 15% of shelter hearings (Juvenile Rights Project, Inc. 36).

Chart 2: Family Presence at Shelter Hearings
(all file review study counties)



*Sample size (n) = 141

*The data in this chart was collected through file reviews.

*Only shelter hearings that occurred after September 1, 1998 are included.

*Margin of errors equal 7% for mother, 8% for father, and 4% for children. Margin of errors are calculated with 95% confidence.

The reassessment again collected data on party presence by examining court orders. File reviews showed improved presence among mothers and fathers, but children are attending far fewer shelter hearings. Chart 2 shows the percent of shelter hearings each family member attended in the study-county file review. The chart shows that in the five study counties, mothers were present at 75% of shelter hearings, fathers at 36%, and children at 7%. Because the original assessment tracked party presence in Jackson, Lincoln, Linn and Multnomah counties, the reassessment team also looked at their improvements over time. Table 13 shows the percent change in attendance since the original assessment.

The reassessment team conducted significance testing to determine if these increases were large enough to dismiss claims they occurred by chance. For mothers, only the 29% increase in Jackson County was statistically significant. For fathers, only Lincoln County's 31% increase was statistically significant; however, Linn County's 31% increase was nearly significant. The only statistically significant change for children was Jackson County's 54% decrease in attendance since the original assessment.

Table 13: Percent Increase in Family Presence at Shelter Hearings Since the Original Assessment

	Mother	Father	Child
Jackson	** 29% (P=0.0062)	10% (P=0.1711)	**decreased 54% (P<0.0002)
Lincoln	*26% (P=0.0951)	**31% (P=0.0465)	4% (P=0.3632)
Linn	10% (P=0.2483)	*31% (P=0.0559)	2% (P=0.4325)
Multnomah	4% (P=0.3015)	no increase	decreased 5% (P=0.1762)

(P=number): Indicates the P-value⁴

** indicates a statistically significant change (significance level = 0.05, one-sided test).

* indicates a change that is nearly significant (0.05<P≤0.10 is the standard for "nearly significant")

Because the original assessment did not review files in Umatilla County, changes in family presence could not be determined for this county. However, the reassessment team did find that attendance rates for mothers, fathers, and children in Umatilla county were similar to other counties.

To improve family presence at shelter hearings, the original assessment recommended that courts ask about the identity and whereabouts of absent parents at each proceeding (Juvenile Rights Project, Inc. 129). Results from the statewide survey suggest that courts are implementing this recommendation. In the statewide survey, respondents were asked how frequently the court asks where parents are when they are not at the shelter hearing. The most frequent response in 29 of the 35 Oregon counties from which surveys were returned, was that courts "usually" ask about missing parents. In the statewide survey, "usually" roughly translated to more than 75% of the time.

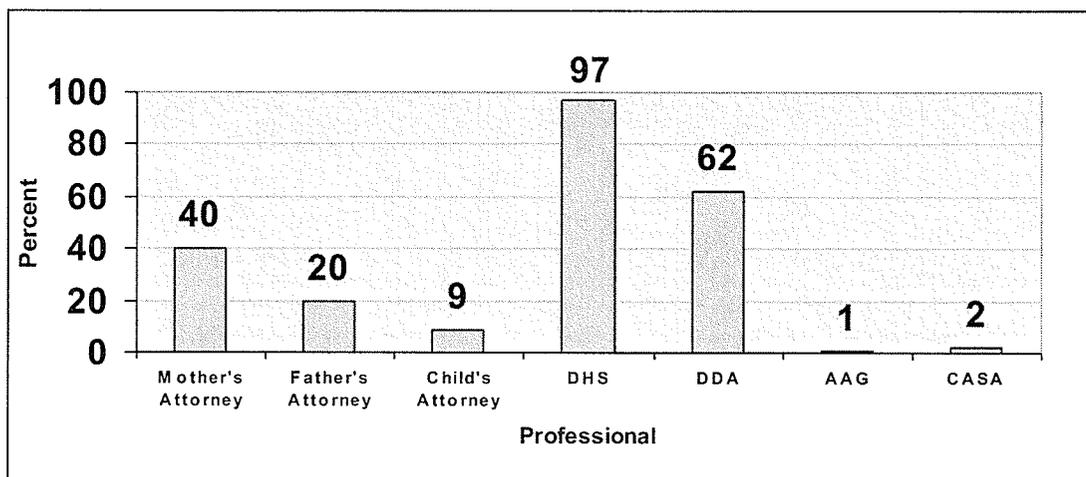
⁴The P-value is the probability that an observed change (increase or decrease) is the result of random chance. For example, a 9% increase in attendance with a P-value of 0.061 indicates there is about a 0.06 chance or 6% chance that the observed increase is due to random chance. A change was significant if the P-value was less than or equal to 0.05 and "nearly significant" if the P-value was greater than 0.05 and less than or equal to 0.10.

In the study-county interviews, increases in family presence were attributed to other system improvements, including:

- Increased coordination between DHS, juvenile departments, and district attorney databases that helped locate families early on in the process.
- Increased outreach to families through DHS family-support teams or workers⁵.

Professional Presence

Chart 3: Professional Presence at Shelter Hearings
(all file review study counties)



*Sample size (n) = 141

* The data in this chart was collected through file reviews.

* Only shelter hearings that occurred after September 1, 1998 are included.

* Margin of errors equal 8% for mother's attorney, 7% for father's attorney, 5% for child's attorney, 3% for DHS, 8% for DDA, 1% for AAG, and 2% for CASA. Margin of errors are calculated with 95% confidence.

File reviews show some improvement in professional presence at shelter hearings since the original assessment. Chart 3 shows the percent of shelter hearings each professional attended in the file review. As in the original assessment, the DHS caseworker was the only professional present at almost every shelter hearing. In the few shelter hearings that a DHS caseworker did not attend, another agency worker attended (Oregon Youth Authority or Developmental Disability Services). A Deputy District Attorney attended approximately 62% of the hearings. This finding was mostly attributable to high Deputy District Attorney attendance rates in Lincoln, Multnomah and Umatilla Counties. Court documents indicated an Assistant Attorney General attended only one shelter hearing in Lincoln County and a Court Appointed

⁵An example of increased outreach to families was found in Umatilla County where DHS workers sometimes transport parents to court because there is no public transportation.

Special Advocate attended only three shelter hearings, one each in Jackson, Multnomah, and Umatilla Counties.

With few exceptions, file reviews showed improved presence of attorneys for mothers, fathers and children at shelter hearings. Table 14 shows the percent change in Jackson, Lincoln, Linn, and Multnomah Counties. Statistically significant improvements were found among attorneys for mothers, fathers, and children in Multnomah County. Other statistically significant improvements included Jackson County's 9% increase in attorneys for mothers, and Lincoln County's 44% increase in attorneys for fathers and 20% increase in attorneys for children.

Table 14: Percent Increase in Professional Presence at Shelter Hearings Since the Original Assessment

	Mother's Attorney	Father's Attorney	Child's Attorney
Jackson	**9% (P=0.0475)	no increase	*decreased 6% (P=0.0885)
Lincoln	*54% (P=0.0951)	**44% (P=0.0049)	**20% (P=0.0314)
Linn	6% (P=0.2119)	8% (P=0.2843)	decreased 7% (P=0.2946)
Multnomah	**32% (P<0.0002)	**13% (P=0.0262)	**46% (P<0.0002)
(P=number): Indicates the P-value ⁶ ** indicates a statistically significant change (significance level = 0.05, one-sided test). * indicates a change that is nearly significant (0.05<P≤0.10 is the standard for "nearly significant")			

In all but the largest counties, shelter hearings occur infrequently. Attorneys may have problems adjusting their schedules to appear at this critical stage. Many interviewees reported there is no effort to notify attorneys of new shelter hearings, even when parents are represented.

⁶For an explanation of P-value, see footnote for Table 13.

Judicial Findings

As noted earlier, both state and federal law require the court to make written findings at the shelter hearing regarding:

- DHS's reasonable efforts to prevent removal
- Future services the agency should provide to promote reunification
- Where removal is ordered, whether removal or continuation in care is in the child's best interest
- Whether the child is a member of eligible for membership in a Native American Tribe and covered by the Indian Child Welfare Act.

In the original assessment, it was determined that Oregon courts did not fully use their authority to review service delivery. Reasonable efforts findings were no more detailed than a checked box on a preprinted form in 81% of the 133 files reviewed in the original assessment (Juvenile Rights Project, Inc. 84).

In the reassessment, 90% (+/- 5%)⁷ of the shelter-hearing court orders examined during the file review had reasonable efforts findings to prevent removal from or to reunify families at least as detailed as a checked box on a preprinted form. About 64% (+/- 8%) of these orders included documentation of specific DHS efforts. Documentation of specific efforts were particularly high in Multnomah County where they occurred in 86% of the court orders. Multnomah County is a National Counsel of Juvenile and Family Court Judges (NCJFCJ) Model Court, and has done extensive work on their shelter hearings, including instituting a shelter hearing review (2nd shelter hearing) process.

Specific language concerning future efforts to prevent the child's placement or to reunify the family appeared in 47% (+/- 8%) of shelter-hearing court orders. This language was, once again, particularly high in Multnomah County where it occurred in 80% of the shelter orders. Jackson and Linn Counties seldom included directions concerning future efforts in their shelter orders.

While the above discussion addressed compliance with required state and federal laws, the following discussion will address the court's discretionary authority over type of placement and visitation. In the files reviewed, 96% (+/- 3%) of the shelter-hearing court orders addressed placement. When courts consider placement, state law requires that preference be given to placement with relatives and persons who have a child-parent relationship (ORS 419B.192(1)). Of the court orders that addressed placement, 15% (+/- 6%)

⁷ "(+/- 5%)" refers to the margin of error for the 90% of the shelter hearing court orders that included reasonable efforts findings to prevent removal from or to reunify families. As with all margin of errors in this report, it is calculated with 95% confidence. This means that the reassessment team is 95% confident that reasonable efforts findings are included in 85% to 95% of all shelter hearing orders in the five file review study counties involving children that left care between December 1, 2002 and May 31, 2003.

placed the child with his or her parent; 68% (+/- 8%) placed the child in foster care; 5% (+/- 4%) placed the child in a relative's home; and 8% (+/- 5%) placed the child in residential care facilities or some other type of placement⁸.

The study-county file reviews revealed that courts ordered parental visitation in 38% (+/- 8%)⁹ of the shelter-hearing court orders. Orders regarding visitation of siblings and visitation of other relatives were each included in only 1% of the shelter hearing orders examined.

In the study-county interviews, improvements in the quality of judicial orders were attributed to the use of form orders. Judges reported that prompts in form orders to make statutorily required findings work well.

Time Available for Shelter Hearings

The Oregon Judicial Department (OJD) publishes quarterly reports on the number of and mean time for shelter hearings. The data available for shelter hearings occurring in 2003 were consistent with the reassessment team's observation that courts do not allocate the recommended time for shelter hearings. Table 15 shows the number of and mean time for shelter hearings in the five study counties.

Table 15: Mean Times for Shelter Hearings from the Juvenile OJIN Integrated Network (JOIN)

(1/1/03 - 12/31/03)

	Number of Hearings	Mean Time (minutes)
Jackson	187	9
Lincoln	42	32
Linn	281	15
Multnomah	1030	29
Umatilla	60	17
Statewide Total (all Oregon Counties)	3855	19

⁸Margin of errors for the various types of placements were calculated separately by making each type of placement a binomial distribution. For example, 68% of the court orders examined indicated the child was placed in foster care. The 8% margin of error for this percent was calculated with 95% confidence by considering those children placed in foster care and those not placed in foster care. Because of this, percentages for each type of placement can have different margins of error.

⁹Margin of errors for visitation of each party were calculated separately by making inclusion of orders regarding visitation of each party in the court order a binomial distribution. See footnote 8 for a more detailed explanation of what this means.

The *Resource Guidelines* recommend that the court allocate one hour for each shelter hearing (p. 42). The estimated time the *Resource Guidelines* recommend for each step in the hearing is shown in the text box.

Time Estimates for Shelter Hearing Activities	
Introductory Remarks	5 minutes
Adequacy of Notice and Service of Process Issues	5 minutes
Discussion of Complaint, Allegation, and Introduction of Evidence	15 minutes
Discussion of Service Needs and Interim Placement of Child	15 minutes
Reasonable Efforts Finding	5 minutes
Troubleshooting and Negotiations Between Parties	10 minutes
Issuance of Orders and Scheduling of Next Hearing	5 minutes

Resource Guidelines, p. 30

SHELTER HEARING FINDINGS AND RECOMMENDATIONS

IMPROVEMENTS SINCE THE ORIGINAL ASSESSMENT:

- ★ There has been an increase in presence of mothers and fathers and attorneys for parents at shelter hearings.

FINDINGS & RECOMMENDATIONS:

Presence of attorneys for mothers and fathers at the shelter hearing improved in most of the five study counties. However, in the five study counties only 40% of mothers, 20% of fathers, and 9% of children had attorneys present at shelter hearings.

1. Courts should work with their contract attorneys to ensure that they receive notice of shelter hearings and access to discovery prior to shelter hearings.
2. Contract attorneys should prioritize being available and prepared for shelter hearings.
3. When attorney presence at shelter hearings is not possible, courts should schedule second shelter hearings to allow parties to contest probable cause, request return, or propose alternatives to foster care.
4. JCIP should provide education for judges, court appointed attorneys, and DHS on the importance of involvement at the shelter hearing stage.

Presence for parents at shelter hearings has improved, however only 75% of mothers attended and 36% of fathers attended. Court orders do not provide any information on the reasons for nonattendance.

5. The model forms should be updated to include a prompt for judges to document why parents are not present.

While shelter hearing court orders include reasonable efforts findings and state the placement of the child, the orders do not always include documentation referring to specific DHS efforts, directions concerning future efforts to prevent the need for the child's placement or to reunify the family, and parental and sibling visitation.

6. Courts should use the model orders for shelter hearings.
7. JCIP should provide tools and technical assistance to assist local courts with implementing and effectively using the model forms.

SECTION 9: JURISDICTIONAL AND DISPOSITIONAL HEARINGS

The jurisdictional hearing is critical to ensuring due process and important in resolving dependency cases. Families who have an adversarial relationship with DHS or disagree with the basis for jurisdiction may need the court to make a judicial determination of jurisdictional facts before they will engage in services. Where a family opposes particular services, the jurisdictional hearing is key to determining which services are appropriate for the family.

Parties to the petition must admit or deny allegations pertaining to them within 30 days of the petition's filing (ORS 419B.305(2)) and should exchange discovery within 30 days after the petition is filed (ORS 419B.881). The court must schedule a contested hearing and notify parties of the date and time either orally or in a written order (ORS 419B.816(1)). The order must include an admonition that the court will proceed, regardless of whether the party appears at the next hearing (ORS 419B.816(3)). The court must hold a jurisdictional hearing within 60 days of filing a petition (ORS 419B.305(1)). Continuances are granted only by a written order establishing that good cause to extend beyond 60 days exists (Id.). The case must be given the highest scheduling priority if a continuance is granted (ORS 419B.305(4)).

Between the shelter and jurisdictional hearings is generally when DHS caseworkers develop initial service agreements. Attorneys meet with clients, receive discovery and conduct their own investigation. In many cases, DHS also holds a "Family Decision Meeting," a facilitated meeting designed to engage families and other people important to the child in the case planning process, advise parents of ASFA timelines, and explain the consequence of noncompliance with services (ORS 417.365; OAR 413-040-0031).

ORS 419B.310(1) provides that "the court without a jury" decides jurisdictional issues. Unlike the preliminary hearings and subsequent review hearings, the rules of evidence apply to jurisdictional hearings, and jurisdictional allegations must be proven by a preponderance of the evidence, except for Native American children who are tribal members or eligible for membership, in which case ICWA requires the evidence be clear and convincing (ORS 419B.310(3); 25 USC 1912(e)).

The court must hold a dispositional hearing within 28 days of the jurisdictional hearing, unless there is good cause to extend the time, and enter "an appropriate order directing the disposition of the case" (ORS 419B.325(1); Uniform Trial Court Rules (UTCRC) 11.050). Most often, dispositional hearings immediately follow the jurisdictional hearing.

If the court finds that the allegations of the petition have not been proven by a preponderance of the evidence, the appropriate disposition is dismissal. If the court finds the child within its jurisdiction, the court has options for disposition (ORS 419B.331). It may allow the parents to retain legal custody with particular conditions of protective supervision, appoint a guardian if a party or intervener so petitions (ORS 419B.366), or as in the vast majority of the cases, temporarily commit the child to DHS for care and placement (ORS 419B.337(1)).

The dispositional phase of a dependency proceeding is a critical step in ensuring permanency for the child. The court's dispositional order sets the expectations for the parents' progress and DHS's provision of services for the case. Oregon law grants juvenile court judges the authority to specify the particular type of

care, supervision or services to be provided by DHS to children placed in the DHS custody and to the children's parents or guardians. (ORS 419B.337(2)).

Before dispositional hearings, the judge considers written dispositional reports from DHS, CASA, and other parties. DHS must distribute its written reports on its investigation to all participants at least seven days prior to the dispositional hearing (UTCR 11.060(1)). Other parties are required to distribute any reports or witness statements within three days of the dispositional hearing (ORS 419B.881(2)(a)(B)). National standards support early distribution of proposed dispositional plans so all parties can fully participate in the hearings (*Resource Guidelines* 56).

The DHS report contains the Agency's case plan for providing services to the family. The case plan must

- have a rational relationship to the jurisdictional allegations,
- incorporate the perspective of the family,
- be integrated with other service agencies, and
- include a concurrent plan that the agency intends to implement if the parent is unable to make sufficient progress for the child to return home (ORS 419B.343(1),(2)).

If the current plan is something other than return to parent, the case plan should specify the current permanent plan (ORS 419B.343(2)). The case plans of all children age 16 and older must include independent living services; the Agency should include independent living services in the case plans of children ages 14 and 15 if appropriate (ORS 419B.343(3)).

At the dispositional hearing, the court must review the Agency's case plan to ensure that it is adequate to meet the child's needs (ORS 419B.343(1)). The court reassesses reasonable or active efforts and, as at the shelter hearing, must briefly describe the services DHS provided to justify the findings (ORS 419B.340(2)). If necessary, the court must make a new finding that removal from the home (or continuation in care) is in the child's best interest (ORS 419B.340(1)).

ASFA added new responsibilities for the court at disposition. Now, Oregon and federal law require that the court review the DHS case plan and make reasonable or active (in cases subject to the ICWA) efforts findings regarding the agency's reunification and preventative services (ORS 419B.340(2),(7)). In making the finding, the court must consider the health and safety of the child as the paramount concern (ORS 419B.337(1)(b)). DHS can ask the court to be relieved of making reasonable or active efforts when there is a judicial determination that certain aggravated circumstances exist (ORS 419B.340(5)). Because of the strict timelines for reunification, the order (as well as the record) should document that the court advised the parents of the urgency of complying with the approved case plan.

Jurisdictional hearings end the investigation and fact finding stages of dependency proceedings. This is the last opportunity for parties to debate the state's intervention into family life. Dispositional hearings are generally combined with jurisdictional hearings and are the court's opportunity to provide their expectations to families and DHS. Participation by all parties as well as thorough judicial inquiry are important to successful hearings.

REASSESSMENT DATA AND FINDINGS

Family Presence

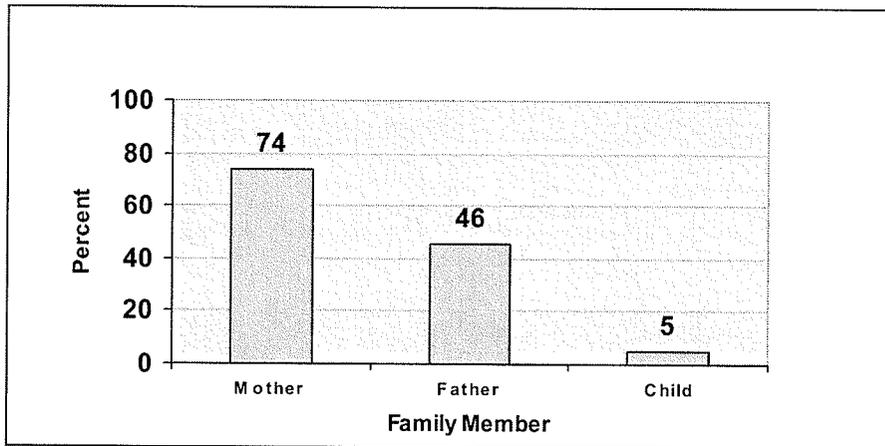
Chart 4 shows that in the five file review study counties, mothers were present at 74% of jurisdictional hearings, fathers at 46%, and children at 5%. Because the original assessment tracked party presence in Jackson, Lincoln, Linn, and Multnomah counties, the reassessment team was able to measure recent improvements in attendance within these counties. Table 16 shows the percent increase in family attendance since the original assessment.

Dispositional orders should be written in easily understandable language so that parents and all parties fully understand the court's order; they should explicitly state:

- the legal disposition of the case, including the custody of the child, based upon the statutory options provided under state law;
- the long-term plan for the child (e.g., maintenance of the child in the home of a parent, reunification with a parent or relative, permanent placement of child with a relative, placement of the child in a permanent adoptive home);
- whether there is a plan for monitoring the implementation of the service plan and assuring the child's continued well-being;
- the evidence or legal basis upon which the order is made when placement or services are ordered that were not agreed upon by the parties;
- the terms of parental visitation;
- parental responsibilities for child support; and
- scheduled date and time of next hearing, if needed.

Resource Guidelines, p. 61

Chart 4: Family Presence at Jurisdictional and Dispositional Hearings
(all file review study counties)



*Sample size (n) = 166

*The data in this chart was collected through file reviews.

*Only jurisdictional and dispositional hearings after September 1, 1998 are included.

*Margin of errors equal 7% for mother, 8% for father, and 3% for children. Margin of errors are calculated with 95% confidence.

The reassessment found improved attendance among mothers, fathers, and children in some of the file review study counties. For mothers, only the 39% increase in Lincoln County was statistically significant. Among fathers, Multnomah County's 15% improvement was statistically significant while Linn County's 28% improvement was nearly significant. Presence of children decreased significantly in both Multnomah and Jackson Counties. Linn County's 17% decrease in child attendance was nearly significant.

Table 16: Percent Increase in Family Presence at Jurisdictional and Dispositional Hearings Since the Original Assessment

	Mother	Father	Child
Jackson	decreased 3% (P=0.4052)	16% (P=0.1401)	**decreased 41% (P<0.0002)
Lincoln	**39% (P=0.0344)	6% (P=0.4207)	6% (P=0.3156)
Linn	decreased 17% (P=0.1814)	*28% (P=0.0808)	*17% (P=0.0901)
Multnomah	6% (P=0.2236)	**15% (P=0.0375)	**decreased 18% (P=0.0005)
(P=number): Indicates the P-value ¹⁰ ** indicates a statistically significant change (significance level = 0.05, one-sided test). * indicates a change that is nearly significant (0.05<P≤0.10 is the standard for "nearly significant")			

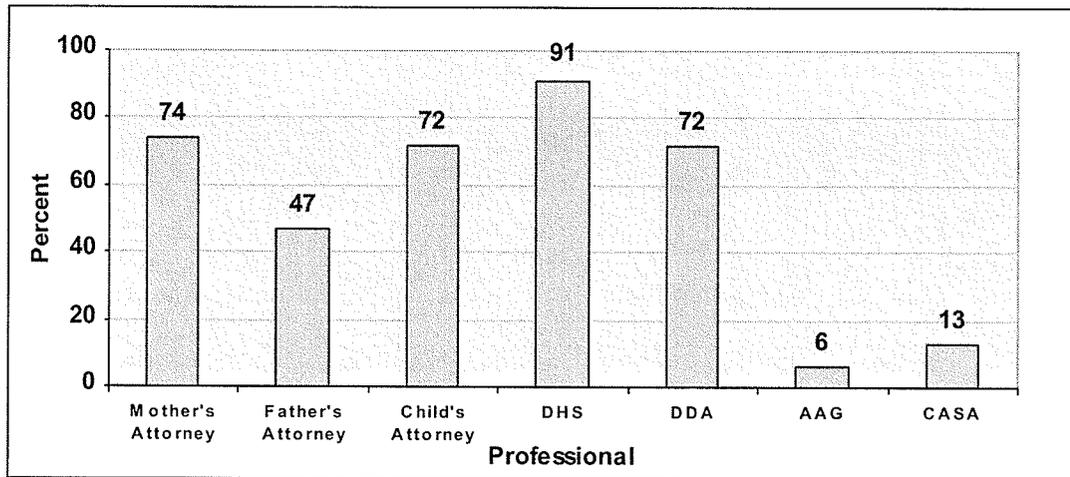
During study county interviews, participants attributed increases in family presence to a variety of system improvements. Participants from some counties pointed to increased participation in court and case planning processes as a result of team and family decision meetings. Others reported increased use of collaboration between district attorney offices and DHS in locating parents as the cause. Participants from one rural county attributed increases to DHS efforts to transport clients to court when public transportation was not available.

Professional Presence

Results from file reviews indicate improvement in professional presence at jurisdictional and dispositional hearings since the original assessment. As with shelter hearings, DHS caseworkers are the party most likely to attend jurisdictional and dispositional hearings. A deputy district attorney (DDA) was present at approximately 72% of the hearings, with high DDA attendance rates in Lincoln, Linn, and Multnomah Counties. Court documents indicated an AAG was present at 6% of jurisdictional and dispositional hearings.

¹⁰For explanation of P-value, see footnote for Table 13.

Chart 5: Professional Presence at Jurisdictional and Dispositional Hearings
(all file review study counties)



*Sample size (n) = 166

*The data in the chart was collected through file reviews.

*Only jurisdictional and dispositional hearings after September 1, 1998 are included.

*Margin of errors equal 7% for mother's attorney, 8% for father's attorney, 7% for child's attorney, 4% for DHS, 7% for DDA, 4% for AAG, and 5% for CASA. Margin of errors are calculated with 95% confidence.

A CASA was present at approximately 13% of the hearings; however, CASAs attended 67% of jurisdictional and dispositional hearings in Umatilla County. Umatilla County's attendance rate was particularly high because the CASA director has recently adopted a practice of attending each jurisdictional hearings (as well as other court proceedings) regardless of whether the court has appointed a CASA. As a result, she is noted on court orders as attending the review even though she is not a CASA or an official party in the case. Assistant Attorney General presence at this stage of proceedings was very low, except in Linn County which has an AAG whose sole job is to represent DHS in that county.

With few exceptions, file reviews showed jurisdictional and dispositional hearing attendance among attorneys for mothers, fathers, and children has improved significantly since the original assessment. Table 17 shows statistically significant improvements among attorneys for mothers in Jackson, Lincoln, and Multnomah Counties. Among attorneys for fathers, statistically significant improvements were found in Jackson and Multnomah Counties, while Linn County's 15% improvement was nearly significant. Statistically significant improvements in presence among attorneys for children were found in Jackson, Linn, and Multnomah Counties.

Table 17: Percent Increase in Professional Presence at Jurisdictional and Dispositional Hearings Since the Original Assessment

	Mother's Attorney	Father's Attorney	Child's Attorney
Jackson	**62% (P<0.0002)	**37% (P=0.0040)	**62% (P<0.0002)
Lincoln	**64% (P=0.0029)	*36% (P=0.0951)	decreased 8% (P=0.3483)
Linn	decreased 10% (P=0.2981)	15% (P=0.2296)	**35% (P=0.0401)
Multnomah	**19% (P=0.0078)	**15% (P=0.0375)	**35% (P<0.0002)
(P=number): Indicates the P-value ¹¹ ** indicates a statistically significant change (significance level = 0.05, one-sided test). * indicates a change that is nearly significant (0.05<P≤0.10 is the standard for "nearly significant")			

Timelines

Oregon and federal law require adjudication within 60 days of filing a petition. Courts must strictly enforce the 60-day time limit to ensure that delays in court proceedings do not delay permanency; however, continuances outside of the 60-day timeline can be granted for good cause. OJIN tracks the number of petitions each county adjudicated within 60, from 61 to 90, or more than 90 days from filing. Table 18 shows the percentage of petitions filed during 2003 adjudicated in each time period.

Table 18: Time to Jurisdiction for Dependency Petitions Filed during 2003

	60 Days or Less	61-90 Days	Over 90 Days
Jackson	60%	20%	20%
Lincoln	66%	6%	27%
Linn	68%	16%	17%

¹¹For explanation of P-value, see footnote for Table 13.

Table 18: Time to Jurisdiction for Dependency Petitions Filed during 2003

	60 Days or Less	61-90 Days	Over 90 Days
Multnomah	49%	17%	34%
Umatilla	44%	38%	18%
Statewide Total (All Oregon Counties)	60%	16%	25%

The reassessment team also examined legal files for formal orders allowing continuances for good cause. Nearly two-thirds of continuance orders did not include a reason for delaying adjudication of the petition.

Out of the 55 continuance orders, the courts provided the following reasons:

“Adjudication should be completed within 60 days...whether or not parties are willing to agree to extensions. Exceptions should be allowed only in cases involving newly discovered evidence, unavoidable delays in the notification of parties, and unforeseen personal emergencies.”

Resource Guidelines, p.47

Table 19: Reason for Continuance Noted on the Order	Frequency
Continuance for pending criminal proceeding	2
Continuance because attorney not available	6
Continuance because attorney not prepared	4
Continuance because witness not available	3
Continuance because awaiting evaluation	1
Continuance because need more time to notify parties	1
Continuance because father recently established paternity or filiation proceedings pending	1
Continuance for court scheduling problems	2
Continuance with no reason stated	35
Total Orders Continuing Jurisdictional Hearings	55

"Principles of sound case flow management require that there be specific and strict time limits for every stage of the court process" (*Resource Guidelines 47*). Below are 12 helpful hints for meeting timelines in dependency cases.

Helpful hints for meeting timelines in dependency cases:

1. Judges must care about the timelines (and the children in foster care).
2. Use mediation and/or settlement conferences in as many cases as possible.
3. Appoint attorneys before the shelter/first appearance hearing so they can attend if possible.
4. Have DHS bring discovery to the shelter/first appearance hearing to give to parents' attorneys.
5. If parents don't attend the shelter hearing, set a first appearance hearing for them promptly.
6. Set trial dates at the shelter/first appearance hearing. Have the parents served with summons right then.
7. If court-appointed attorneys have conflicts with hearing dates, change attorneys rather than reschedule.
8. Judges must have a narrow definition of good cause to continue a dependency case.
9. Court prepares the orders/judgments at or immediately after the hearing.
10. Courtroom clerks make their court entries the day of the hearing, and juvenile clerks enter the orders/judgments within 24 hours.
11. Write the disposition deadline in red letters on the outside of the file.
12. Have regular meetings with court staff, judges and DHS to work out glitches.

Email from the Honorable Paula Brownhill, Presiding Judge of Clatsop County Circuit Court.

Use of Mediation or Settlement Conferences

Three of the five study counties use some form of formal settlement process to resolve petitions. In Linn County, each dependency case has a judicial settlement conference. Multnomah County uses a pretrial/settlement model where parties spend a half an hour in out-of-court conferencing and then report to the judicial officer in a judicial settlement conference. Umatilla County mediates each dependency case (for a detailed discussion of the dependency mediation program, see Section 14).

File review data suggest that most dependency petitions resolve by mediation, plea or stipulation. In all counties, cases most frequently resolved by plea or stipulation. The file review data for jurisdictional hearings occurring after September 1, 1998, showed that 79% of petitions resolved by plea or stipulation.

OJIN data for jurisdictional proceedings held in 2003 show that the majority of jurisdictional hearings were uncontested. In Jackson County, 76% resolved by plea or stipulation, Lincoln 86%, Linn 93%, Multnomah 96%, Umatilla, 100%.

Juvenile court participants from counties with formal settlement or mediation programs expressed a high degree of satisfaction with the processes. Participants appreciated the opportunity for discussion about jurisdictional allegations and case planning with all participants present. One participant observed that, while these processes don't necessarily increase the number of settlements, they certainly decreased the number that occurred on the courthouse steps minutes before court.

Depth of Judicial Inquiry

Thorough judicial orders are a result of two things - sufficient hearing time and detailed inquiry. The reassessment investigated length of time for jurisdiction and dispositional hearings through court observation and OJIN data. Depth of judicial inquiry was measured by examining court orders.

Length of jurisdictional/dispositional hearings

The *Resource Guidelines* recommend 30 minutes for jurisdictional hearings and 30 minutes for disposition hearings (p. 51,62). Most courts in Oregon combine these two proceedings. While some study counties schedule these proceedings for specific times, allocating sufficient time for detailed inquiry; other counties schedule three to five proceedings for one time. Some counties schedule all dependency hearings at one time and then hear each case sequentially. The OJD publishes quarterly reports on the number of and average length of jurisdictional and disposition hearings. The data available for jurisdiction and disposition hearings occurring in 2003 were consistent with the reassessment team's observations that courts are spending less time than the national standard for jurisdiction and disposition hearings.

Table 20: Mean Times in Minutes for Pretrial Conferences, Jurisdictional Hearings, Contested Hearings, and Disposition Hearings

(all petitions filed between 1/1/03 - 12/31/03)

	Pretrial Conferences	Jurisdictional Hearings	Contested Hearings	Dispositional Hearings
Jackson	4 N = 279	11 N = 168	63 N = 51	9 N = 59
Lincoln	8 N = 55	16 N = 36	188 N = 6	15 N = 23
Linn	17 N = 140	30 N = 2	147 N = 10	23 N = 144
Multnomah	35 N = 726	38 N = 132	421 N = 33	27 N = 11
Umatilla	5 N = 18	14 N = 39	n/a N = 0	n/a N = 0
Statewide (all Oregon counties)	18 N = 2813	18 N = 1917	112 N = 453	23 N = 659
<p>* " N" indicates the total number of events in each category. *JCIP audits of this data showed that some counties were not following the data entry protocols. The protocols require that proceedings scheduled as pretrial conferences be entered as jurisdictional hearings if the allegations of the petition are resolved. The protocols also require courts to enter proceedings as jurisdictional proceedings if the court both resolves issues and conducts a dispositional hearing at the same time.</p>				

Judicial findings

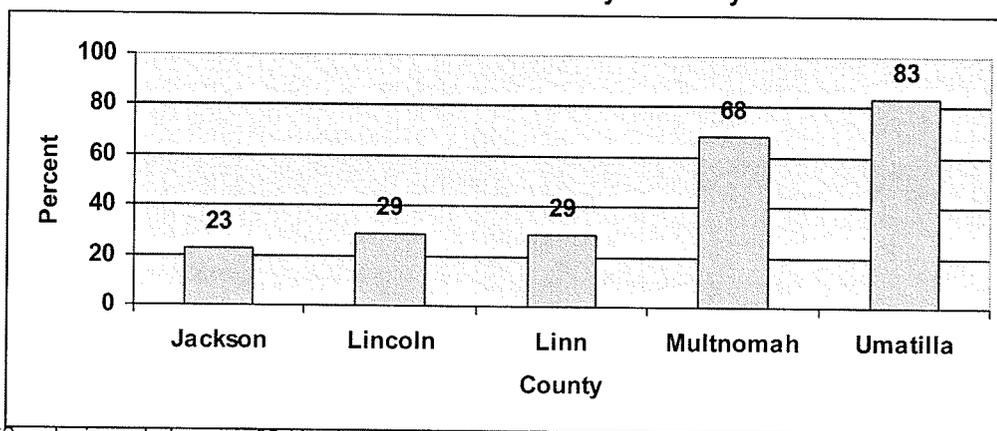
In-depth judicial inquiry and detailed findings are particularly important at the disposition stage of dependency proceedings. Some findings, such as reasonable efforts findings with reference to specific DHS activities, are required by state and federal law. Findings that detail permanency goals, services to families, and visitation help the parties and the judge assess parents' progress as the case approaches the permanency hearing. Identifying concurrent plans at disposition keeps focus on the child's permanency needs during reunification efforts. Courts have made progress in discussing and describing DHS efforts to reunify families at the disposition stage. Identifying permanent and concurrent plan goals continues to be a challenge for the juvenile court bench.

When courts determine whether reasonable efforts have been made to prevent the need for the child's placement or to reunify the family, ASFA and state law require courts to make written findings about specific services provided by DHS. During file reviews, the reassessment team found that 82% (+/- 6%) of the jurisdictional and dispositional court orders examined included a reasonable efforts finding at least as detailed as a checked box on a preprinted form. Results of the statewide survey suggest courts throughout the state make these reasonable efforts findings at most jurisdictional and dispositional hearings. When

respondents rated how often judges ask DHS and other parties about reasonable efforts to reunify the family at dispositional hearings, the most frequent response in 29 of the 35 counties from which surveys were returned was that courts are making the finding over 75% of the time.

While results suggest courts often make reasonable efforts findings regarding DHS efforts to prevent the need for the child's placement or reunify the family, they also suggest courts do not document specific preventative or reunification efforts that support the findings. Courts provided documentation in only 48% (+/- 8%) of the jurisdictional and dispositional court orders examined during the file review. The table below shows the percentage of reasonable efforts findings that included reference to specific DHS services for each county.

Chart 6: Percent of Jurisdictional and Dispositional Hearings the Court Made Findings Referring to Specific DHS Efforts to Prevent Removal or Reunify the Family



*Sample sizes - Jackson: n = 35, Lincoln: n = 14, Linn: n = 17, Multnomah: n = 65, Umatilla: n = 6.

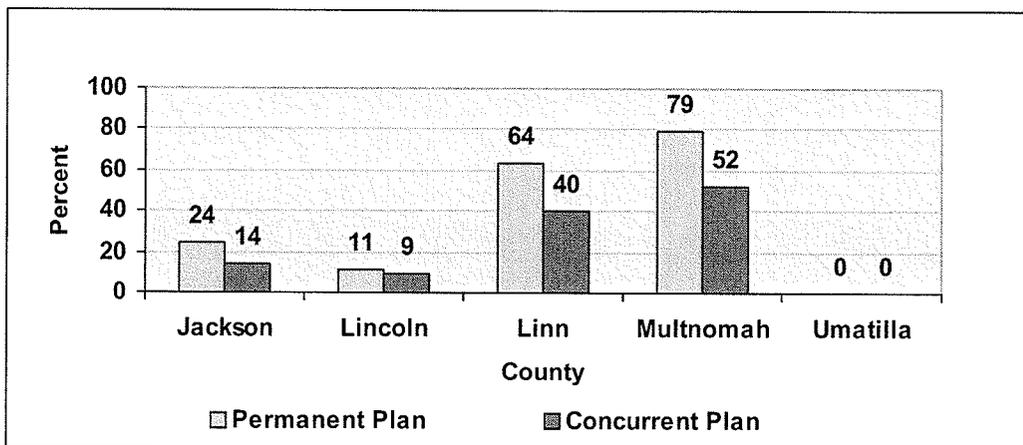
*The data in the chart was collected through file reviews.

*Only jurisdictional and dispositional hearings after September 1, 1998 are included.

*Orders where the volunteer research assistant did not indicate whether or not specific findings were present are not included.

As stated above, findings that detail permanency goals help the judge and other parties assess parents' progress as the case approaches the permanency hearing. The reassessment team looked for references in dispositional orders to show that the court considered permanent and concurrent plans. In 54% (+/-9%) of these orders examined, a permanent plan was identified. Chart 7 shows the percentage of dispositional orders in each county that identified a permanent and concurrent plan.

Chart 7: Identification of Permanent and Concurrent Plans in Dispositional Orders



*Sample sizes (n) for permanent plan - Jackson: n = 29, Lincoln: n = 9, Linn: n = 11, Multnomah: n = 57, Umatilla: n = 6.

*Sample sizes (n) for concurrent plan - Jackson: n = 28, Lincoln: n = 11, Linn: n = 10, Multnomah: n = 58, Umatilla: n = 6

*Sample sizes vary due to different response rates.

*The data in the chart was collected through file reviews.

*Only orders from dispositional hearings that occurred after September 1, 1998 are included.

*The file review did not distinguish between jurisdictional and dispositional hearings; however, specific questions on the file review instrument were to be answered only if disposition was considered at the hearing. If the file review research assistants answered any one of these questions, it was assumed that disposition occurred at the hearing.

Results of the statewide survey also suggest courts in some counties do not consistently note permanent and concurrent plans in their dispositional orders. In the statewide survey, respondents rated how often court orders refer to specific permanent and concurrent plans. In eight of the 35 counties that returned surveys, respondents indicated court orders in their county referred to permanent plans less than 75% of the time. In 15 of the 35 counties, respondents indicated court orders in their county referred to concurrent plans less than 75% of the time¹².

Two barriers to complete orders surfaced during interviews -- technical difficulties converting to model forms and lack of training on permanent and concurrent planning issues. Many study county courts have not started using the model form orders developed by a team of juvenile judges under the leadership of the Honorable Daniel Murphy, circuit court judge in Linn County. The forms provide prompts for permanent and concurrent plan findings and are available in the JCIP Benchbook

Three of the five study counties are not using the model forms. Jackson County used form orders that a judge compiled when he began presiding over juvenile cases ten years ago. Multnomah County formed a workgroup and produced highly detailed and useful forms of its own. In Umatilla County, the District

¹²Because rates provided by respondents in each county were sometimes highly variable, the mode or most frequent rate provided by respondents was used in determining how often court orders in each county referred to permanent and concurrent plans.

Attorney has been drafting stipulated jurisdictional orders after mediations which are presented ex-parte; he did not have access to the model forms, which would have guided him in adding findings.

Staff in both Jackson and Umatilla Counties expressed concern about the workload issues in converting to new forms. The DDA in Umatilla estimates that he currently spends one to two days a month drafting orders from dependency proceedings in addition to in-court time. Participants in all counties agreed that assessing concurrent planning was challenging, particularly given that DHS was unclear about how to plan for alternate permanency goals while actively working to reunify children with their families.

JURISDICTIONAL/DISPOSITIONAL HEARING FINDINGS AND RECOMMENDATIONS

IMPROVEMENTS SINCE THE ORIGINAL ASSESSMENT:

- ★ Oregon has significantly increased the number of attorneys appointed and present at jurisdictional hearings.
- ★ More parents are attending jurisdictional hearings.
- ★ Judicial orders are providing more thorough detail about reasonable efforts findings.

FINDINGS & RECOMMENDATIONS:

While some of the study counties are identifying permanent plans at the dispositional stage, others identify them infrequently, and all study counties infrequently identify concurrent plans.

1. Courts should use the model orders for jurisdictional and dispositional hearings.
2. JCIP should provide tools and technical assistance to assist local courts with implementing and effectively using the model forms.
3. JCIP should develop training for judicial officers and other juvenile court participants regarding the development of permanent and concurrent plans, and work with DHS to ensure they are giving a consistent message on these issues. Specifically, JCIP training should include the importance of explaining ASFA requirements to parents and identifying the concurrent plan at all stages of the proceeding when goal remains return to parent.

Some courts are using outdated form orders that do not comply with ASFA. In some courts, judicial orders are prepared by the DA, juvenile department, or DHS. As a result, parties do not leave the courtroom with a written order.

4. Courts should use the model orders for jurisdictional and dispositional hearings
5. JCIP should provide tools and technical assistance to assist local courts with implementing and effectively using the model forms.
6. JCIP should provide tools and technical assistance for other court participants who draft judicial orders.

7. DHS should alert JCIP when branch reviews indicate problems with orders so JCIP can provide training and technical assistance to the local court.

Three of the study counties use some form of mediation or settlement conferencing prior to jurisdictional hearings, parties report that settlement procedures reduce the number of trial settings, the number of last minute settlements, and increases the quality of the resolution.

8. JCIP should encourage development of settlement or mediation processes in every juvenile court.

Statewide, almost 40% of jurisdictional petitions are not being resolved within the sixty day time frame set out in state law, and in the study counties orders allowing continuances outside of the sixty day time limit are not clearly documenting good cause for the delay.

9. Courts should use the model order of continuance.
10. JCIP should provide tools and technical assistance to assist local courts with implementing and effectively using the model forms.
11. JCIP should work with a team of judicial officers to develop narrow definitions for model Oregon courts related to good cause for continuance.
12. JCIP should develop data entry protocols to capture continuances of jurisdiction proceedings and incorporate the number of continuances on the time to jurisdiction report.
13. Every court should develop a plan, including all principle players, to increase percentage of cases meeting jurisdictional timelines.
14. JCIP should advocate for and assist courts with implementing case flow management principles for juvenile dependency cases.

Most courts are spending less time conducting jurisdictional and dispositional hearings than the national guidelines recommend. Yet, they do not consistently document specific efforts to support findings and identify permanent and/or concurrent plans.

15. Courts should use the model jurisdictional and dispositional hearing orders.
16. JCIP should provide tools and technical assistance to assist local courts with implementing and effectively using the model forms.
17. JCIP should print and distribute hard copies of the electronic dependency bench book, so judicial officers can refer to the hearing checklists while conducting proceedings.

SECTION 10: REVIEWS - COURT AND CRB

CURRENT OREGON LAW AND PRACTICES

Once the court approves the initial disposition for a dependency case, there are a variety of state and federal review mechanisms to ensure agency and party compliance with the case plan. Judicial and citizen oversight of dependency cases allow for re-examination of case planning goals and adjustments that reflect the parents' progress and the child's needs. Periodic, rigorous review is critical, particularly when children are placed out of the home. ASFA timelines heighten the importance of careful monitoring of DHS service delivery, concurrent planning and parent's progress.

Review by the CRB

Except for permanency hearings, reviews under state law shall be conducted by an administrative or citizen "foster care review board." In Oregon, the Citizen Review Board (CRB) fulfills this function in 33 out of 36 counties (ORS 419A.090 et seq.). Local Citizen Review Boards have between three and five citizens "with special knowledge or interest in foster care and child welfare which may include but shall not be limited to adoptive parents and members of the profession of law, medicine, psychology, social work, and education" (ORS 419A.092(1)(a)).

"Review hearings are necessary because continuation of a child in foster care for an extended time has a negative effect on a child and family. A child in foster care forms new relationships which may weaken his or her emotional ties to biological family members. A child shifted among foster homes may lose the ability to form strong emotional bonds with a permanent family. A careful decision concerning the future of every child is needed as soon as possible. Review hearings can help ensure that decisions concerning a child's future are made at regular intervals and implemented expeditiously."

Resource Guidelines, p. 66

When CRB reviews a case, reports otherwise submitted to the court are submitted to the them. Reviews commence six months after a child enters care and every six months thereafter unless a review is conducted by the court (ORS 419A.106(1)(a)). CRBs invite participation from parents, mature children, advocates, CASAs, attorneys, foster parents, involved relatives, service providers, and other interested parties. The court can cancel a CRB review if it conducts a review within 60 days of the scheduled CRB (ORS 419A.106(1)(b)). CRB sends a *Findings and Recommendations* document to the court and DHS for each review conducted. DHS must give CRB written notice they do not intend to implement the recommendations (ORS 419A.120(1)). In 2003, CRB also assumed responsibility for reviewing the status of children in guardianships established by the juvenile court (ORS 419A.109).

CRB findings become part of the juvenile court file (ORS 419A.120(2)). The court, upon review of the CRB findings and recommendations, has the opportunity to make modifications or set a separate court hearing to pursue issues raised at the board review. The court must also inform the CRB in writing if it modifies, alters, or takes action on a recommendation (ORS 419A.120(1)). In some counties, the court formally approves the recommendations and orders that the recommendations be implemented.

Court Review

DHS must file a report with the juvenile court or the CRB six months after a child is placed in substitute care and at least every six months thereafter (ORS 419B.443(1), ORS 419B.446). The report must contain

- a description of the problems that resulted in placement
- a discussion of services for the child and family
- a proposed treatment plan that includes visitation, expectations of the parents and children
- a proposed timetable for achieving the current permanent plan

ORS 419B.443(1)(a-e).

The court must send the report to parents (and tribes if the case is governed by ICWA) and inform them whether the court will set a hearing (ORS 419B.452). The court or any party may request a review hearing so that the court may "order modifications in the care, placement, and supervision of the child" (ORS 419B.449(1)). The court must hold the review within 30 days of the request (ORS 419B.449(1)(b)). If parents' rights have been terminated and the child has not been placed in an adoptive home, the court must hold a hearing upon receipt of DHS' six-month report (ORS 419B.449(1)(a)).

Review hearings should consider DHS' efforts to return children to their parents or to implement the permanent plan if it is other than return to parent (ORS 419B.449(2)). The court order should state why continued foster care is necessary and include the expected time for return or other permanent placement. In addition, the court must review the agency's efforts to implement a concurrent plan, including efforts to identify or select an adoptive home (ORS 419B.449(3)).

It is critical that review hearings involve all parties and interested persons, including foster parents. It is particularly important that service providers for parents and children be available or thoroughly interviewed before review hearings. (*Resource Guidelines 70*).

When the court reviews a case plan, the key issues to be addressed at a review hearing are:

- Whether the agency is making reasonable efforts to rehabilitate the family and eliminate the need for placement of a child.
- Whether services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances.
- Whether the child is in an appropriate placement which adequately meets all physical, emotional and educational needs.
- Whether the terms of visitation need to be modified.
- Whether the terms of child support need to be set or adjusted.
- Whether any additional court orders need to be made to move the case toward successful completion.
- What time frame should be followed to achieve reunification or other permanent plan for each child.

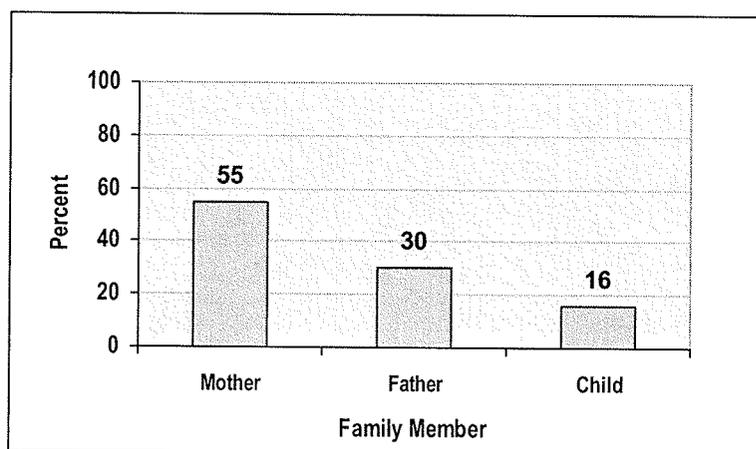
Resource Guidelines, pp. 70-72

REASSESSMENT DATA AND FINDINGS - COURT REVIEWS

Family Presence

In the original assessment, court orders indicated mothers were present at approximately 51% of review hearings. Fathers and children were present at 13% of these hearings (Juvenile Rights Project, Inc. 39). Results from the reassessment indicate some improvement in family presence at review hearings. Chart 8 displays the percent of review hearings each party attended in the reassessment.

Chart 8: Family Presence at Court Review Hearings
(all file review study counties)



*Sample size (n) = 335

*The data in this chart was collected through file reviews.

*Only court review hearings after September 1, 1998 are included.

*Margin of errors equal 5% for mother, 5% for father, and 4% for child. Margin of errors are calculated with 95% confidence.

As with other court proceedings, the reassessment team determined if these increases or decreases were sufficient to dismiss claims they occurred by chance. For mothers, none of the increases or decreases were statistically significant, however, Jackson County's 22% increase was nearly significant. Fathers showed statistically significant improvements in Jackson County's 45% increase and Multnomah County's 14% increase. Statistically significant improvements in presence among children occurred in Linn and Multnomah Counties; however, Jackson County showed a statistically significant decrease.

Table 21: Percent Increase in Family Presence at Court Review Hearings Since the Original Assessment

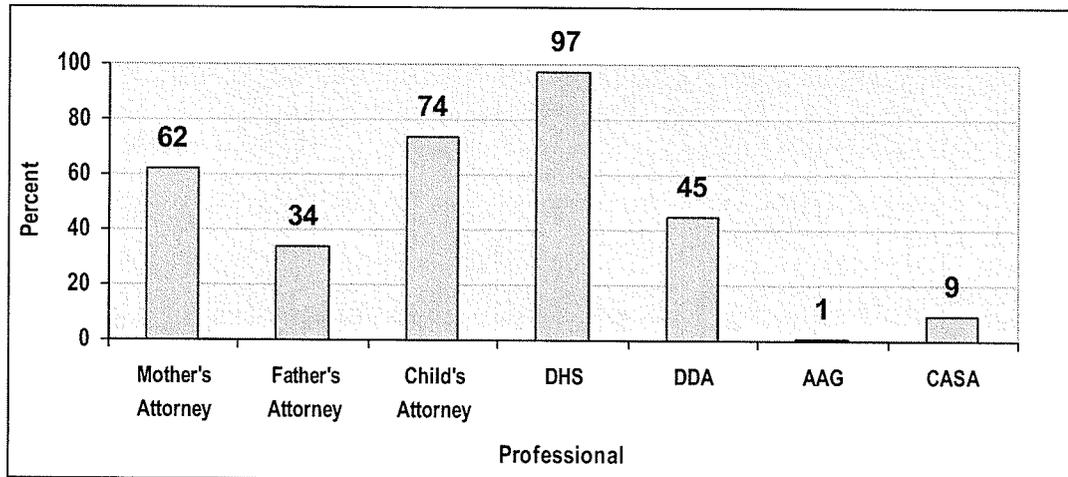
	Mother	Father	Child
Jackson	*22% (P=0.0951)	**45% (P=0.0006)	**decreased 55% (P<0.0002)
Lincoln	9% (P=0.2611)	*22% (P=.0764)	10% (P=0.1151)
Linn	25% (P=0.1423)	*decreased 23% (P=0.0708)	**25% (P=0.0287)
Multnomah	decreased 4% (P=0.2005)	**14% (P=0.0015)	**7% (P=0.0455)
(P=number): Indicates the P-value ¹³ ** indicates a statistically significant change (significance level = 0.05, one-sided test). * indicates a change that is nearly significant (0.05<P≤0.10 is the standard for "nearly significant")			

Professional Presence

The reassessment's review of legal files showed DHS caseworkers attended almost every court review. DDAs were present at approximately 45% of the proceedings while CASAs were present at 9%. With a reported presence at 1% of court reviews, AAGs rarely attended.

¹³For explanation of P-value, see footnote for Table 13.

Chart 9: Professional Presence at Court Review Hearings
(all file review study counties)



*Sample size (n) = 335.

*The data in this chart was collected through file reviews.

*Only court review hearings after September 1, 1998 are included.

*Margin of errors equal 5% for mother's attorney, 5% for father's attorney, 5% for child's attorney, 2% for DHS, 5% for DDA, 1% for AAG, and 3% for CASA. Margin of errors are calculated with 95% confidence.

Several statistically significant improvements in review hearing attendance were made among attorneys for family members, like Jackson County's 61% improvement among attorneys for mothers and 38% improvement among attorneys for fathers. Multnomah County's 13% improvement among attorneys for fathers was also statistically significant. Linn County showed a statistically significant decrease in attorney presence for fathers.

Table 22: Percent Increase in Professional Presence at Court Review Hearings Since the Original Assessment

	Mother's Attorney	Father's Attorney	Child's Attorney
Jackson	**61% (P<0.0002)	**38% (P=0.0009)	*24% (P=0.0655)
Lincoln	*20% (P=0.0985)	*20% (P=0.0985)	5% (P=0.3446)

Table 22: Percent Increase in Professional Presence at Court Review Hearings Since the Original Assessment

	Mother's Attorney	Father's Attorney	Child's Attorney
Linn	13% (P=0.2611)	**decreased 31% (P=0.0409)	25% (P=0.1423)
Multnomah	decreased 1% (P=0.4404)	**13% (P=0.0045)	*7% (P=0.0618)
(P=number): Indicates the P-value ¹⁴ ** indicates a statistically significant change (significance level = 0.05, one-sided test). * indicates a change that is nearly significant (0.05<P≤0.10 is the standard for "nearly significant")			

Judicial Findings

The reassessment team looked at the amount of time devoted to review hearings and the level of detail in judicial orders to determine the quality of judicial findings.

The *Resource Guidelines* suggest that courts should allow 30 minutes for a dependency case review. Based on court observation and OJIN data, some of the study courts are meeting or are close to meeting this suggested guideline. OJIN statistics are based on court's self-reports. Statewide data is listed in Appendix A.

Table 23: Average Court Review Hearing Times
(OJIN Data, January -December 2003)

	Number of Hearings	Mean Time (minutes)
Jackson	60	11
Lincoln	124	20
Linn	54	19
Multnomah	2262	36
Umatilla	24	23
Statewide Total (all Oregon Counties)	7678	20

¹⁴For explanation of P-value, see footnote for Table 13.

Courts use a variety of docketing methods for review and other juvenile court proceedings. Courts who docket cases for specific blocks of time tend to hold longer hearings than court who use "Cattle Call" docketing, scheduling all cases for the beginning of a judicial day and requiring all participants to wait their turn to see the judge. Multnomah County sets aside 45 minutes to conduct each review and write the order, with the average being 36 minutes per review. Linn and Lincoln county set several reviews in an hour block and divide the time between 3 to 5 cases. Those courts average 19 and 20 minutes per review. Jackson and Umatilla Counties set all hearings for a morning or afternoon session and parties wait for their cases to be called. These courts average 11 and 23 minutes respectively. Since the CRB routinely devotes 30-45 minutes for reviews, courts that average less than 30 minutes for court reviews should evaluate if they are appropriately using their local CRB review process. Table 23 shows the average number of minutes spent on court review hearings in each study county.

The reassessment team examined the quality of reasonable efforts findings in review hearing orders. Courts make written findings referring to specific DHS efforts to prevent the need for the child's placement or to reunify the family in 54% (+/- 6%) of reviewed court orders. The frequency of reasonable efforts findings in court orders varied greatly among the study counties. 65% of the court orders in Multnomah County contained reasonable efforts findings and almost no orders in Jackson and Lincoln Counties contained them. Table 24 shows the percentage of review hearings with detailed reasonable efforts findings for each study county.

Table 24: Percent of Court Review Hearing the Court Made Findings Referring to Specific DHS Efforts to Prevent the Need for the Child's Placement or to Reunify the Family

Jackson	Lincoln	Linn	Multnomah	Umatilla
0%	10%	25%	65%	50%
n = 16	n = 41	n = 4	n = 248	n = 2

* "n" indicates sample size.

*The data in this table was collected through file reviews.

*Only court review hearings after September 1, 1998 are included.

*Court review hearings where the volunteer research assistants neglected to record whether the court made findings referring to specific DHS efforts are not included in the sample sizes.

The court issued directions concerning future efforts to prevent the need for the child's placement or to reunify the family in 52% (+/- 6%) of the reviewed court orders. Once again, the frequency of these findings varied greatly among the study counties. Multnomah County courts issued these directions in approximately 59% of its court orders, while only 1 of Jackson County's 16 review hearing court orders provided evidence these directions were given.

Table 25: Percent of Court Review Hearings the Court Issued Directions Concerning Future Efforts to Prevent the Need for the Child's Placement or to Reunify the Family.

Jackson	Lincoln	Linn	Multnomah	Umatilla
6%	34%	50%	59%	50%
n = 16	n = 41	n = 6	n = 251	n = 2

* "n" indicates sample size.

*The data in the table was collected through file reviews.

*Only court review hearings after September 1, 1998 are included.

*Court review hearings where the volunteer research assistants neglected to record whether the court issued directions concerning future efforts are not included in the sample sizes.

Courts addressed placement during review hearings in 91% (+/- 3%) of the court orders examined during file reviews. Of the court orders that addressed placement, 19% (+/- 5%) placed the child with his or her parent;

55% (+/- 6%) placed the child in foster care; 16% (+/- 4%) placed the child in a relative's home; and 8% (+/- 3%) placed the child in residential care facilities or some other type of placement ¹⁵.

Similar to other dependency proceedings, the court considered parental visitation in 28% (+/- 5%) and sibling visitation in 4% of the reviewed court orders. Courts considered visitation of other relatives in only 1% of the court orders.

Table 26: Percent of Court Review Hearings the Court Considered Visitation of Parents

Jackson	Lincoln	Linn	Multnomah	Umatilla
6%	17%	0%	32%	50%
n = 16	n = 42	n = 8	n = 266	n = 2

* "n" indicates sample size.
 *The data in this table was collected through file reviews.
 *Only court review hearings after September 1, 1998 are included.
 *Court review hearings where the volunteer research assistants neglected to record whether the court considered visitation of parents are not included in the sample sizes.

REASSESSMENT DATA AND FINDINGS - CRB REVIEWS

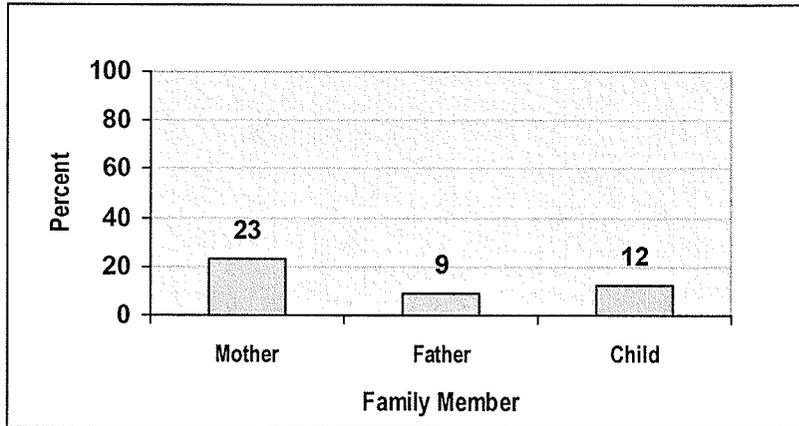
The process for CRB reviews differs from court hearings in many ways. Because OSCA administers the CRB program centrally, review scheduling and the findings and recommendations format are consistent throughout the state. CRB reviews are individually docketed for 30 to 45 minutes per case statewide. Because the CRB's sole function is to monitor children in substitute care, these cases do not compete for docket time with other civil and criminal cases. CRB findings generally provide the most detailed summary of any document in the court file.

Family Presence

Compared to other dependency proceedings, family presence at CRB reviews was relatively low. File reviews show mothers were present at 23% of these reviews, fathers at 9%, and children at 12%.

¹⁵Margin of errors for the various types of placements were calculated separately by making each type of placement a binomial distribution. See footnote 8 for a more detailed explanation.

Chart 10: Family Presence at CRB Reviews
(all file review study counties)



*Sample size (n) = 234.

*The data in this table was collected through file reviews.

*Only CRB reviews that occurred after September 1, 1998 are included.

*Margin of errors equal 5% for mother, 4% for father, 4% for children. Margin of errors are calculated with 95% confidence.

The reassessment used significance testing to determine whether these increases or decreases were sufficient to dismiss claims they occurred by chance. Results indicate no statistically significant improvements. Only the 22% drop in mothers' attendance in Multnomah County was statistically significant.

Table 27: Percent Increase in Family Presence at CRB Reviews Since the Original Assessment

	Mother	Father	Child
Jackson	28% (P=0.2676)	15% (P=0.3336)	5% (P=0.4090)
Lincoln	decreased 15% (P=0.2005)	13% (P=0.1736)	16% (P=0.1469)
Linn	decreased 3% (P=0.4052)	decreased 11% (P=0.1736)	no increase

Table 27: Percent Increase in Family Presence at CRB Reviews Since the Original Assessment

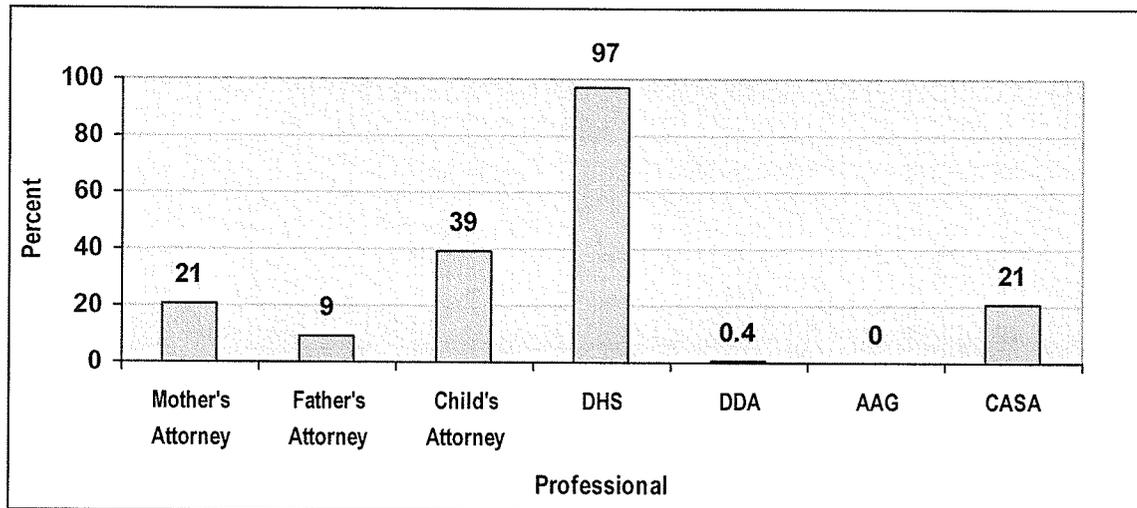
	Mother	Father	Child
Multnomah	**decreased 22% (P=0.0009)	*4% (P=0.0749)	4% (P=0.2148)
(P=number): Indicates the P-value ¹⁶			
** indicates a statistically significant change (significance level = 0.05, one-sided test).			
* indicates a change that is nearly significant (0.05<P≤0.10 is the standard for "nearly significant")			

Professional Presence

Review of legal files during the reassessment showed DHS caseworkers were present at almost every CRB review. DDAs or AAGs rarely attended, but are only invited if they are actively involved in a case. CASAs were more likely to be present at CRB reviews than any other dependency proceedings.

Chart 11: Professional Presence at CRB Reviews
(all file review study counties)

*Sample size (n) = 234



*The data in this table was collected through file reviews.

*Only CRB reviews that occurred after September 1, 1998 are included.

*Margin of errors equal 5% for mother's attorney, 4% for father's attorney, 6% for child's attorney, 2% for DHS, 1% for DDA, and 5% for CASA. Margin of errors are calculated with 95% confidence.

¹⁶For explanation of P-value, see footnote for Table 13.

Unlike family presence, attorneys for fathers and children showed significantly improved attendance. Linn County's 27% increase in attendance among attorneys for fathers and 31% increase among attorneys for children were both statistically significant. Multnomah County's 45% improvement in attendance among attorneys for children was also statistically significant. While no statistically significant improvements were found in attendance among attorneys for mothers, there is convincing evidence that Linn County's 23% improvement may not have been completely by chance.

Table 28: Percent Increase in Professional Presence at CRB Reviews Since the Original Assessment

	Mother's Attorney	Father's Attorney	Child's Attorney
Jackson	5% (P=0.4090)	10% (P=0.3669)	13% (P=0.3520)
Lincoln	13% (P=0.1736)	16% (P=0.1469)	No difference
Linn	*23% (P=0.0537)	*27% (P=0.0192)	*31% (P=0.0222)
Multnomah	9% (P=0.1151)	decreased 3% (P=0.2005)	**45% (P<0.0002)
(P=number): Indicates the P-value ¹⁷ ** indicates a statistically significant change (significance level = 0.05, one-sided test). * indicates a change that is nearly significant (0.05<P≤0.10 is the standard for "nearly significant")			

First managed by the Office of the State Court Administrator (OSCA) and now through the Public Defense Services Commission (PDSC), public defense contracts have been revised to allow attorneys to be paid for attending CRB reviews since the original assessment. Attorneys report this is the most likely reason for the increase in attorney attendance. Attorneys report that conflicts with court appearances limit their ability to attend CRBs more frequently.

¹⁷For explanation of P-value, see footnote for Table 13.

Quality of CRB Findings

During file reviews, the reassessment team found CRBs made written findings in 100% of the *Findings and Recommendations* documents. These findings were “yes” or “no” responses on the statewide CRB form. 57% (+/- 6%) of CRB *Findings and Recommendations* documents had documentation of specific DHS efforts made to prevent the need for the child’s placement or to reunify the family, but the frequency of these written findings varied greatly among the study counties¹⁸. They were present in 87% of the reports in Umatilla County but only 29% of the reports in Jackson County. Table 29 shows how often written findings referring to specific DHS efforts were documented in the Findings and Recommendations documents from each file review study county.

Table 29: Percent of CRB Reviews the Board Made Written Findings Referring to Specific DHS Efforts

Jackson	Lincoln	Linn	Multnomah	Umatilla
29%	36%	60%	66%	87%
n = 38	n = 39	n = 32	n = 115	n = 23

* “n” indicates sample size.
 *The data in this table was collected through file reviews.
 *Only CRB reviews after September 1, 1998 are included.
 *CRB reviews where the volunteer research assistants did not record whether or not the board made written findings referring to specific DHS efforts are not included in the sample sizes.

The reassessment team observed at least five CRB reviews in each of the study counties. CRB members appeared knowledgeable about the cases and the case plan issues. CRB coordinators usually provided CRB members with training or technical assistance on legal or procedural issues related to the cases being reviewed.

¹⁸Sample sizes for whether or not the CRB made written findings referring to specific DHS efforts is different than sample sizes for other findings and party presence data related to CRB reviews. The reassessment team noticed problems with the data originally collected and decided to review the Findings and Recommendations documents again. During this second review, the reassessment team only looked for the presence of written findings about specific DHS efforts. The documents examined during the second review were provided by the CRB. The CRB provided more documents than were present in the legal files examined during the first review.

The comments from the statewide survey generally support these observations; however, there are differences. For example, of the 23 surveys returned by judges commenting on CRB, 15 had positive comments, describing committed and knowledgeable board members. Seven judges indicated they weren't familiar enough with CRB to assess its strengths and weaknesses.

Fifty-four caseworkers provided written comments on the statewide survey. Six stated they didn't know much about the CRB, 19 expressed negative concerns about CRB micro-managing cases, not being trained in the law, and having a poor understanding of caseworker practices. Eleven included strengths and weaknesses of CRB, and eighteen were very positive, mostly focusing on their knowledge of the rules and guidelines. One caseworker said, "they work hard and take the job seriously, but sometimes they ask the impossible of DHS workers. I would like them to be more aware of all of the aspects of our job."

Ten court-appointed attorneys provided written comments about CRB: six were positive, two discussed strengths and weaknesses, and two were negative. The negative comments from attorneys questioned the impact the CRB has on the overall process.

The reassessment team noted that some CRB members have difficulty making findings, especially for children with a planned permanent living arrangement permanency goal. CRB members did not ask DHS to explain why the child did not have a more preferred permanency goal. CRB members also struggled with documenting specific efforts that supported their determination of whether reasonable or active efforts had been made.

CRB addressed placement in 94% (+/- 3%) of reports examined during file reviews. Similar to other dependency proceedings, 25% (+/- 6%) of reports addressed parental visitation. Sibling and other relative visitation was, however, considered more often at CRB reviews than any court proceeding. CRB considered sibling visitation in 11% (+/- 4%) of reports and other relative visitation in 3% of reports.

For the most part, it is difficult to fully understand a dependency case by reading the legal file unless it contains the CRB Findings and Recommendations documents that provide a detailed summary of the case. Some courts do not include this document in the legal file even though CRB files it with the court and a judge signs it.

COURT AND CRB REVIEW FINDINGS AND RECOMMENDATIONS

IMPROVEMENTS SINCE THE ORIGINAL ASSESSMENT:

- ★ There has been an increase in presence of mothers and fathers and attorneys for parents at review hearings.
- ★ Most of the study counties saw an increase in the number of attorneys present at CRB reviews.

- ★ CASAs are more likely to attend CRBs than any other proceeding.

FINDINGS & RECOMMENDATIONS:

Some courts continue to docket review hearings and other proceedings for a single start time and proceed through the docket until all hearings are complete. Those courts spend less time on each case than those courts that set a specific time for each hearing or set several hearings in an hour block.

1. Courts should modify their docketing procedures to schedule hearings at a time certain.

Since the original assessment, party presence at CRB reviews has increased, but in many cases parties other than DHS are not present.

2. CRB should revise the notice of CRB review.
3. CRB should develop and implement a plan to increase party and interested person participation in CRB reviews.

Attorneys attend CRB reviews far less frequently than court review hearings.

4. The CRB and court should jointly explore strategies to increase attorney presence at CRB. (ie- schedule CRB reviews so they do not conflict with court appearances)

CRBs do not formally address whether other higher level permanent plans are appropriate for children in foster care.

5. CRB forms and training materials should prompt the board to ask about higher level permanency options in every case where PPLA is the permanency goal.

Foster parents report that CRB coordinators and boards ask for their input more frequently than judges do.

6. Local boards should encourage judges to observe CRB reviews.
7. Judges should ask about presence of foster parents and seek their input during hearings.
8. The JCIP should provide training to foster parents about court room culture and the kind of information judges want to hear from foster parents.

The CRB Findings and Recommendation document is a valuable, detailed summary of the case in the legal file. Some courts do not include this document in the legal file even though CRB files it with the court and a judge signs it.

9. Courts should ensure that the CRB Findings & Recommendation Document is made a part of the court's legal file.

The CRB F&R documents do not consistently include written findings referring to specific DHS efforts made to prevent the need for the child's placement or to reunify the family.

10. In every county, in every case, the CRB should document specific DHS efforts made to prevent the need for the child's placement or to reunify the family.

Some CRB members report being disconnected from the juvenile court process because they do not know what happens with their findings and recommendations document.

11. CRB staff should forward the court response to the CRB to board members upon receipt.
12. Judges should observe CRB reviews and provide board members with feedback on effectiveness of reviews.

SECTION 11: PERMANENCY HEARINGS

CURRENT OREGON LAW AND PRACTICES

Permanency hearings are the most significant change to dependency proceedings related to ASFA. Permanency hearings are post-dispositional hearings to select the permanent plan for children in foster care. Before ASFA, the court and child-welfare agencies had 18 months after removing a child to work with parents before designating the final permanent plan. Now, both state and federal law require permanency hearings 12 months after jurisdiction and no later than 14 months after the child's placement (ORS 419B.470(2)). When the court decides that reunification services are not required, the court must hold the permanency hearing within 30 days (ORS 419B.470(1)).

"The court is responsible to schedule and conduct the permanency hearing for a time and date certain that fall within the statutory maximum time frames."

Adoption Guidelines, p.19

At the permanency hearing, the court makes many of the same findings made at review hearings and CRB reviews. The court makes reasonable efforts findings regarding DHS services; may order modifications of the care, placement, and supervision of the child; and may also order changes to the case plan (ORS 419B.476(2)). The primary purpose of the hearing, however, is to make a permanent plan for the child.

ASFA prioritizes permanency goals for children in foster care in the following order:

- Safe return home to a parent
- Adoption, by a relative or non-relative
- Guardianship
- Another planned permanent living arrangement

When the court approves a permanent placement, the order must explain why it did not choose more preferred plans. When the plan is return to parent and the court has found that DHS has made reasonable efforts to provide reunification services, the court must first ask whether the parents have made sufficient progress for the child to safely return home (ORS 419B.476(2)(a)). If the parents are not prepared to take custody of their child(ren) immediately, the court may order the parents to participate in specific services for a specific period if participation in those services will result in reunification within a reasonable time (ORS 419B.476(4)(c)). If the court concludes that the parents have not made sufficient progress and that more services will not result in returning the child to a parent in a reasonable time, the court must consider alternative permanent plans.

Following ASFA's priorities, adoption is the preferred plan for children who are not able to safely return to their parents' care. If the court approves a guardianship, the order must explain why adoption is not in the child's best interest (ORS 419B.476(5)(e)). The least favored permanent plan is "planned permanent living arrangement." To justify that plan, the court must show a compelling reason why each of the more permanent plans is not in the child's best interests (ORS 419B.476(5)(f)).

Once the court approves a permanent plan, the agency must work quickly to achieve it. The court order from a permanency hearing must be entered within twenty days of the hearing and must include specific timelines for achieving the permanent plan (ORS 419B.476(5)(b)). The court may also monitor DHS's permanent planning efforts by reviewing the efforts made to identify and select an adoptive resource (ORS 419B.476(4)(e)).

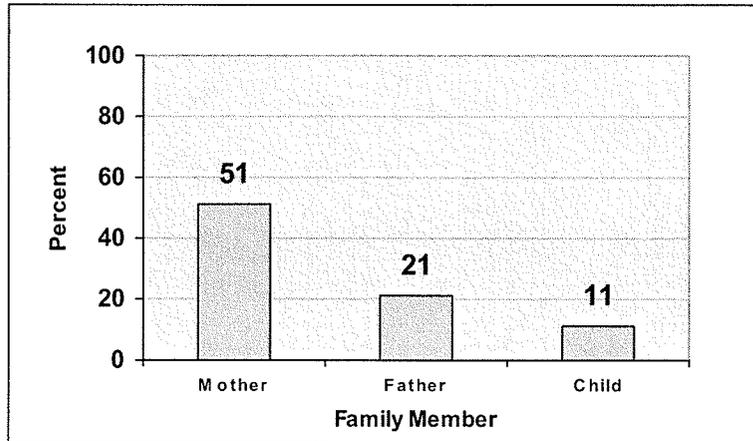
REASSESSMENT DATA AND FINDINGS

Oregon implemented ASFA in 1999, two years after completing the original assessment. Permanency hearings were not part of the dependency court review process during the original assessment; thus comparative data on permanency hearings is not available for the reassessment.

Family Presence

Family presence in court appears to drop dramatically by the permanency hearing. In the five study counties, mothers attended approximately 74% of jurisdictional/dispositional hearings and only 51% of first permanency hearings. Fathers' presence also dropped from 46% of jurisdictional/dispositional hearings to only 21% at first permanency hearings. As with other proceedings, children rarely attended.

Chart 12: Family Presence at First Permanency Hearings
(all file review study counties)



*Sample size (n) = 86.

*The data in this chart was collected through file reviews.

*Only first permanency hearings after September 1, 1998 are included.

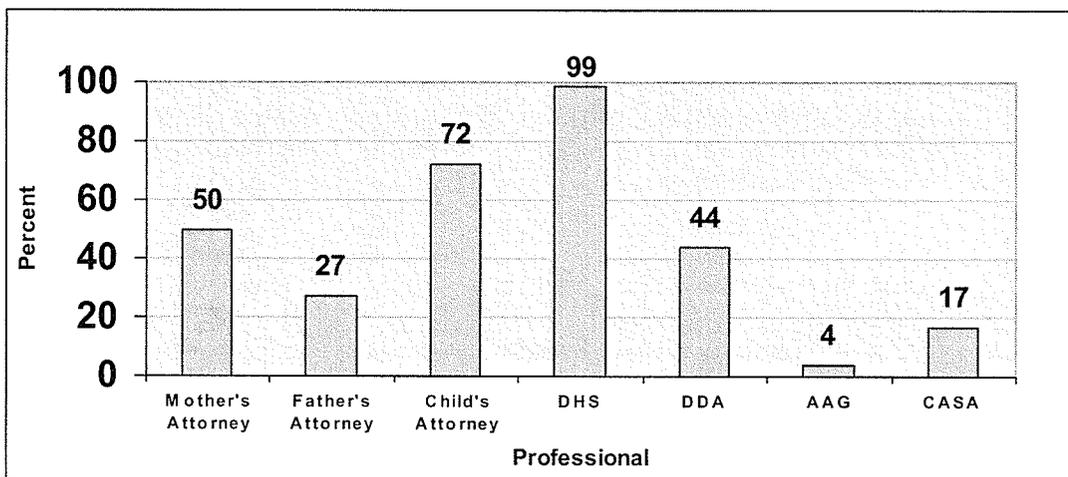
*Margin of errors equal 11% for mother, 9% for father, and 7% for children. Margin of error are calculated with 95% confidence.

The reassessment team cannot yet determine whether there is an actual drop in parental involvement by the first permanency hearing. Although file review data suggest large decreases in parental involvement, the observed decreases may be peculiar to the reassessment's file review sample. As stated above, permanency hearings implement ASFA legislation. All children within the jurisdiction of the court received a permanency hearing, no matter how long they had been in the system. Because the file review sample included children in long-term foster care, some first permanency hearings occurred long after parents had ended their involvement in the case.

Professional Presence

Presence of parents' attorneys at first permanency hearings closely paralleled parental presence. In the five study counties, attorneys for mothers attended 50% of first permanency hearings and attorneys for fathers attended 27%. Childrens' attorneys were present in 72% of permanency hearings.

Chart 13: Professional Presence at First Permanency Hearings
(all file review study counties)



*Sample size = 86.

*The data in this chart was collected through file reviews.

*Only first permanency hearings after September 1, 1998 are included.

*Margin of errors equal 11% for mother's attorney, 9% for father's attorney, 10% for child's attorney, 2% for DHS, 11% for DDA, 4% for AAG, and 8% for CASA. Margin of error are calculated with 95% confidence.

As in the original assessment, the DHS caseworker was the only professional present at almost every first permanency hearing. A DDA (DA & DDA) attended approximately 44% of the hearings. This finding was mostly attributable to high Deputy District Attorney attendance rates in Lincoln, Multnomah and Umatilla Counties. Court documents indicated an AAG attended only 4% of first permanency hearings while a CASA was present at 17% of them.

Again, it is important to remember that the percent of permanency hearings CASAs are shown to attend is derived from the total number of first permanency hearings, not the total number of first permanency hearings involving cases where a CASA was appointed.

Timelines

ASFA, state law, and DHS' Federal Child and Family Services Review Program Improvement Plan require that permanency hearings occur within 14 months of children being placed in substitute care or 12 months from jurisdiction, whichever is shorter.

When Oregon implemented ASFA, courts held permanency hearings in all cases, regardless of whether the initial petition was filed before or after the change in law. For children who entered foster care before October 1999, the first permanency hearing might be years after they entered the system. Those cases were not considered when assessing timeliness of permanency hearings.

The reassessment team used OJIN data to determine the elapsed time from the petition file date to the first permanency hearing for petitions filed in 2002 and considered permanency hearings timely if held within 425 days (14 months) of the original petition filing. Statewide, for petitions filed in 2002, 75% of the cases held first permanency hearings within 425 days.

Table 30: Elapsed Time from Petition File Date to First Permanency Hearing Among Petition Filed in 2002

	14 Months or Less	Over 14 Months
Jackson n = 82	52%	48%
Lincoln n = 48	86%	14%
Linn n = 59	51%	49%
Multnomah n = 516	79%	21%
Umatilla n = 36	69%	31%
Statewide Total (all Oregon Counties) n = 2042	75%	25%
*Data collected from OJIN.		

These data are consistent with the DHS' internal audit of two counties in preparation of the 2005 Federal Child and Family Services Review (CFSR). The first CFSR conducted several years ago raised concerns about permanency hearing timelines. Although some Oregon courts have made some improvements since then, all courts need to adopt caseload management practices to meet permanency hearing timelines.

Judicial Inquiry

The reassessment team collected data about written permanency hearing orders and observed permanency hearings in all five study counties. As with other hearings, the reassessment team looked at the time courts spend on permanency hearings and the level of detail in findings. The *Resource Guidelines* recommend that courts allocate 60 minutes for each permanency hearing.

As with review hearings, courts that set specific docket time for each permanency hearing tended to spend more time on them.

Table 31: Average Length of Time for Permanency Hearings
(January - December 2003)

	Number of Hearings	Mean Time (minutes)
Jackson	143	7
Lincoln	85	49
Linn	90	24
Multnomah	1376	32
Umatilla	64	11
Statewide Total (all Oregon Counties)	4177	24
*Data collected from OJIN.		

Findings unique to permanency hearings relate to assessing whether DHS permanent plans are appropriate for children in foster care. If the court continues to approve a plan of return to parent, it must be sure that parents will be able to make the necessary progress to successfully reunify in a reasonable period of time. If the court approves any permanent plan other than return to parent, it must consider and reject each preferred permanency plan. For instance, if the court approved a plan for adoption, the reassessment team assumed that the court made a finding that return to parent was not in the child's best interest. Similarly, if the court approved permanent foster care the assumption was that the court considered and rejected return to parent, adoption and guardianship.

The reassessment team reviewed 209 orders from permanency hearings that occurred after November 1, 1999. Court orders consistently identified a permanent plan for children at the permanency hearing. 19% of

the orders approved a plan of return to parent. 39% approved a plan of adoption, 4% approved guardianship and 32% approved "other planned permanent living arrangement" (permanent foster care).

When the court approves a plan of return to parent, the order should state that the parents have made sufficient progress for the child to return home immediately, or what the parents must do and how long they have to do it. Of the 37 orders approving return to parent, 18 stated that the parents had made sufficient progress to justify immediate return. These orders assumed that children would go home shortly without further work by the parents.

Orders were less clear when the court approved an extension of time for parents to work toward reunification. Eighteen permanency orders in the file review sample approved a permanent plan for return to parent but did not find that the child could be safely returned at the time of the hearing. Only seven of those orders directed the parents to participate in specific services for a specific period of time. Only 6 permanency orders identified the progress required to allow return.

Court orders approving a plan of placement with a relative or guardianship should first find that neither return to parent or adoption are in the child's best interest. 50% of permanency orders approving guardianship found that return to parent was not in the child's best interest. 25% contained findings that adoption was not in the child's best interest.

When the court rejects more permanent plans and approves plans for permanent foster care, the court must find that DHS has documented a compelling reason not to file a termination petition, return to parent, and place with a relative. Sample county courts made that finding in 56% of the cases.

PERMANENCY HEARING FINDINGS AND RECOMMENDATIONS

FINDINGS & RECOMMENDATIONS:

DDAs and AAGs are much less likely to attend permanency hearings than jurisdictional hearings, except in counties with a single DDA or AAG assigned to juvenile court.

1. DHS needs adequate funding to be represented at all stages of contested dependency cases.
2. DAs need adequate funding to appear.
3. Local agreements need to be developed to define a process in the event the DA's position is in conflict with DHS so DHS can arrange for AG representation.

Courts orders do not include clear instructions for parents when the court grants parents extensions of time to complete reunification services.

4. Modify the model orders to provide prompts.
5. JCIP should provide judicial training on writing legally sufficient permanency hearing orders particularly when the plan is return to parent.

Court orders don't consistently include documentation of thorough inquiries into all permanency options at both initial permanency hearings and those that occur annually thereafter.

6. JCIP should provide judicial training on documenting in permanency hearing orders thorough inquiries on all permanency options particularly when the plan is planned permanent living arrangement.
7. Courts inquire at every permanency hearing as to appropriateness of return to parent, adoption or guardianship (even after PPLA chosen). Courts should document in the order why more permanent goals are ruled out.
8. Modify the model orders to provide prompts.

SECTION 12: TERMINATION PROCEEDINGS

CURRENT OREGON LAW AND PRACTICES

When parents fail to make sufficient progress to have their children safely returned within a reasonable time, the state or child may move to sever the parent-child relationship so that the child may be adopted (ORS 419B.500). DHS is required to file a petition to terminate parental rights (unless there is a compelling reason not to) when:

- a child has been in care for 15 out of the last 22 months,
- a parent has been convicted of murder or voluntary manslaughter of another child of the parent,
- a parent has been convicted of aiding, abetting, attempting or conspiracy to commit murder or voluntary manslaughter of a child of the parent,
- a parent has been convicted of felony assault that resulted in serious physical injury to a child of the parent, or
- a parent has abandoned the child. (ORS 419B.498(1))

Because termination has enormous consequences, the law requires a new round of procedural protections for parents and children. A petition stating grounds for termination must be served on the parents (ORS 419B.819(1)). Attempts must be made to find parents who were absent at the jurisdictional stage. Indigent parents are appointed counsel (ORS 419B.518). At trial, the state or child must prove the allegations by clear and convincing evidence rather than the "preponderance" standard required in dependency proceedings. If a child is subject to ICWA, the state must prove the allegations beyond a reasonable doubt (ORS 419B.521(1)).

National standards support the use of pretrial conferences "to check delays in the appointment of counsel, ensure early notice to parties and expedite discovery. They can also resolve evidentiary issues prior to trial" (*Resource Guidelines* 93). No such standardized process exists in Oregon but Oregon does encourage mediation in cases involving termination (ORS 419B.517).

The state or child can file to terminate parental rights in cases of extreme conduct without proving reasonable efforts (ORS 419B.502). These provisions parallel, for the most part, the "aggravated circumstances" that release DHS from providing reasonable effort to families at jurisdiction.

Adoption 2002 recommends that, in cases where reasonable efforts are not required at jurisdiction, they should not be required for termination of parental rights in order to avoid leaving children in foster care limbo:

State law should ensure that for those circumstances in which reunification services are not required, there are applicable grounds for the termination of parental rights. While the criteria for not requiring reasonable efforts need not be the same as grounds for termination, they reasoned, the State should take care to avoid situations in which a child will remain in foster care without efforts to reunify his or her family. In this situation, it is not possible to terminate parental rights although adoption is in the child's best interests.

Adoption 2002

Oregon law does not require DHS to make reasonable efforts if excused by a court, either at disposition or termination, when parents kill, attempt to kill, starve, torture or sexually abuse a child (ORS 419B.340(5), ORS 419B.502). Parents with prior involuntary terminations are not entitled to reunification services when they have not ameliorated their condition. In cases where parental abuse or neglect has caused serious physical injury to a child or where a parent has "unlawfully caused the death of another parent," Oregon courts may make a finding that reasonable efforts are not needed at disposition (ORS 419B.340(5)(a)(c), (G)). However, there is no corresponding provision in Oregon's termination statute.

REASSESSMENT DATA AND FINDINGS

Not every parent who ends their legal relationship with a child does so through a contested termination proceeding. Many birth parents voluntarily relinquish their parental rights, sometimes after reaching a negotiated agreement with adoptive families. Other parents simply fail to respond to the initial summons. In those cases, the petitioning party may ask the court to find the parent in default and proceed with a prima facie showing of the facts justifying termination (ORS 419B.819). Ending the parent-child relationship through either of these methods takes up significantly less court time than termination trials.

Of the 160 files reviewed for the reassessment, 39 had TPR petitions filed after JCIP began (September 1, 1998). Of these 39 files, 35 had a petition to terminate the mother's parental rights and 23 had a petition to terminate the father's parental rights. A number of termination proceedings did not include both parent, either because there was no legal father or because one of the parents was dead. Table 32 shows the outcomes of these petitions.

Table 32: TPR Outcomes
(frequencies)

	Mothers n = 35	Fathers n = 23	Total n = 58
Relinquishment	17	5	22
Default	7	9	16

Table 32: TPR Outcomes

(frequencies)

	Mothers n = 35	Fathers n = 23	Total n = 58
Trial	8	6	14
Unknown	3	3	6

* "unknown" refers to outcomes that did not fall into the categories of relinquishment, default, or trial. These include dismissals and instances where volunteer research assistants neglected to record the outcome.

As stated earlier, national standards support using pretrial conferences to check for delays in appointment of counsel, ensure early notice to parties, expedite discovery, and resolve evidentiary issues before trial. Table 33 shows the number of TPR petitions and proceedings that occurred in each of the study counties and the statewide totals.

Table 33: Number of TPR Events from OJIN

	TPR Petitions Filed	Pretrial Hearings/ Conferences	Uncontested Proceedings	Trials
Jackson	87	1	0	15
Lincoln	32	17	4	9
Linn	44	17	1	5
Multnomah	266	94	110	19
Umatilla	47	0	6	2
Statewide Total (All Oregon Counties)	1567	303	291	93

* Oregon termination of parental rights petition data is by parent/child relationship and proceeding data is by actual number of proceedings. For example, petitions to terminate Sally and John's parental rights to their two children would count as 4 petitions in the petition filed column (1 = Sally and child #1, 2 = Sally and child #2, 3 = John and child #1, 4 = John and child #2). However, a pretrial conference that includes both John and Sally would count as only one proceeding.

Parental Notification

It is important that parents are notified of termination proceedings. The reassessment team examined frequency of notice to hearings where the court terminated parental rights. This data was only collected for contested termination trials and default proceedings.

The reassessment's file reviews indicate mothers were notified in 67% of the 15 contested termination trials and default proceedings where the court made a determination about terminating the mother's parental rights. Fathers were also shown to be notified in 67% of the 15 contested termination trials and default proceedings where the court made a determination about terminating the father's parental rights.

Timelines

Oregon courts are required to hold a hearing on the termination petition, absent good cause, no later than six months after the petition was served (ORS 419B.521(2)). CFSR calls for permanency within 24 months of removal. For both systems, it is important to reach a sound decision about petitions to terminate parental rights as quickly as possible.

The courts and DHS keep statistics that help evaluate whether Oregon is meeting this goal. Each system approaches the data from a different perspective. OJIN maintains data on court processes. Consequently, that system can be used to determine the time between filing a termination petition and completed service, completed service to resolution of the petition whether it is through trial, prima facie or dismissal, and resolution of the petition to entry of the final order.

DHS tracks resolution of termination petitions from a casework perspective through the Orbits Adoptions Tracking Report. It tracks the progress of individual children as well as summarizes the average time DHS branches, counties and service delivery areas take to achieve critical stages in the adoption process. It also reports how many days elapse between the time DHS files a legal assistance referral (a summary of the case intended to guide the lawyer prosecuting the termination) and when the child is legally free for adoption.

In 2003, 1,566 termination petitions were filed in Oregon. 1,113 of those resulted in termination of the parent-child relationship, 93 of which were resolved through trial. OJIN timeline data for the termination petitions from the file review sample for the five study counties is presented here.

Table 34: Average Number of Days Between TPR Events

(Actual Range of # of Days Between Events)

County (# of petitions filed after September 1, 1998 - from the file review sample)	File Date to Service	Service Date to Trial, Prima Facie or Dismissal (ORS requirement of 6 months = 180 days)	Trial to Final Order	Total time Petition to Final Order
Jackson n = 6	52 days (8-229 days)	153 days (42-251)	26 days (16-36)	231 days (66 - 516)
Lincoln n = 3	33 days (22-43 days)	235 days (111-309)	32 days (0-65)	300 days (133 - 417)
Linn n = 1	39 days	255 days	0 days	294 days
Multnomah n = 18	46 days (2-157 days)	121 days (24-281)	3 days (0-51)	170 days (26-489)
Umatilla n = 1	105 days	95 days	0 days	200 days
*Data collected from OJIN				

OJIN data show that time to resolve termination petitions filed since September 1, 1998 ranged from 26 to 516 days. Except for Umatilla County, all study counties had at least one termination petition that lingered past the six month mark for service date to trial, prima facie, or dismissal.

As with any data system, OJIN's capacity to accurately track termination data is dependent on the quality of the information entered. The reassessment uncovered several problems. First, it is difficult to determine when service is completed on all parents by the information in the court file or on OJIN. Multiple attempts at service result in multiple OJIN entries. Court files do not routinely contain actual proof of service. This makes it difficult to accurately pinpoint when the six-month period in which to resolve the termination proceeding begins. Second, courts do not consistently record information in the court file and on OJIN regarding relinquishments. It is not possible to tell whether a relinquishment or voluntary termination through stipulation is the result of a negotiated open adoption agreement or otherwise. Also, when a parent relinquishes following the filing of a TPR petition, local court practices vary. Some courts take the relinquishment on the record, others dismiss the termination petition without noting the outcome. These inconsistencies make statewide tracking of TPR outcomes difficult.

Finally, some courts are under-reporting the number of terminations. OJIN Data Entry Protocols call for termination petitions to be entered for each parent-child relationship. Some counties enter one petition per child, regardless of the number of parents involved. This reduces the total number of terminations reported

for that jurisdiction. Courts are also inconsistent about entering permanent commitment orders. Logically, they should be entered only when all parental rights are terminated and the child is legally freed for adoption. Some counties enter a permanent commitment order every time a parent's rights are terminated, while others never enter them.

TERMINATION OF PARENTAL RIGHTS FINDINGS AND RECOMMENDATIONS

IMPROVEMENTS SINCE THE ORIGINAL ASSESSMENT:

- ★ Large improvements have been made since the original assessment in the presence of mothers and their attorneys and fathers and their attorneys at TPR proceedings.

FINDINGS & RECOMMENDATIONS:

Four of the five study counties had cases in the file review sample that did not meet the statutory standard of holding the TPR proceeding within six months of service.

1. JCIP should advocate and assist courts with implementing case flow management principles for TPR cases.

It is difficult to determine when service is completed on all parents by the information in the court file or on OJIN.

2. JCIP should develop and distribute TPR service reports and work with court staff to improve data entry.
3. Court staff should follow the data entry protocols for termination proceedings.

Courts do not consistently record information in the court file and on OJIN regarding relinquishments.

4. JCIP should work with DHS to develop statewide procedures for DHS to notify the court whenever relinquishments are received for court wards.
5. JCIP should develop data entry protocols for entering relinquishments on OJIN, for both in court relinquishments and out of court relinquishments.

Consistent with other proceedings, children's attendance at permanency hearings was low.

6. JCIP should work with DHS, local courts, and the Oregon Foster Parent Association to ensure that children over 12 receive notice of proceedings and have an opportunity to be heard.

SECTION 13: APPEALS OF JUVENILE ORDERS

CURRENT OREGON LAW AND PRACTICES

The appellate process serves to ensure fairness in the juvenile dependency system. Parties need adequate time to address appealable issues, but it is important that the appellate process does not unduly delay permanency for children. *Adoption 2002* recommends that State law establish specific guidelines to expedite appeals in child welfare cases. These guidelines should include setting a short deadline for notice of appeal; setting short deadlines for preparation of transcripts and records for appeal; setting a special tight briefing schedule; and setting time limits or guidelines for deliberations and issuance of decisions.

The National Council of Juvenile and Family court Judge's Adoption and Permanency Guidelines (Permanency Guidelines) recommend a timeline that resolves termination appeals within 150 days of notice of appeal (p.40). In Oregon, any person whose rights or duties are adversely affected by a juvenile court judgement has a right to appeal (ORS 419A.200(1)). Notice of appeal must be filed within 30 days of entry of the judgement and must be served on all parties who have appeared in the proceeding, the trial court administrator, the transcript coordinator, and the Court of Appeals (ORS 419A.200(3)(c)).

"Judgements" for appeal purpose are:

- any order dismissing or disposing of a petition,
- orders finding a child within the jurisdiction of the court, or
- any order entered after disposition that adversely effects the appellant including orders from permanency hearings (ORS 419A.205(1)).

Children and parents are entitled to court-appointed counsel for the appeal, subject to trial-level limitations (ORS 419.211(2)(b)). The Court of Appeals reviews all juvenile appeals by examining a transcript of the proceedings and any records or evidence admitted at trial and determining whether the trial court made the correct factual finding(s).

Oregon's Appellate Courts, lead by Chief Judge of the Court of Appeals, Mary Diets, have made a variety of changes in the last three years to expedite termination, dependency and adoption appeals. The Court of Appeals convened a workgroup that recommended the following amendments to the Oregon Rules of Appellate Procedures (ORAP):

- Made adoption cases and designated dependency cases subjects to the same rules for expediting cases as TPR cases.
- Require the trial court administrator in TPR, adoption, and designated dependency cases to file the trial court record within 14 days of the State Court Administrator's request for the record.
- Require the appellant in an adoption to arrange for preparation of the transcript within seven days.

- Require the State Court Administrator to expedite issuance of the appellate judgement.

The ORAP Committee approved the proposed amendments, and they were adopted in 2003.

Transcripts of juvenile court proceedings must be filed within 30 days of filing the appeal (ORAP 10.15(4)(A)). In Oregon, non-termination dependency appeals are briefed on the same schedule as criminal appeals. Opening briefs are filed within 49 days of settling the transcript (ORAP 5.80(1)), and respondent's brief is due 49 days after filing of the opening brief (ORAP 5.80(2)). For termination of parental rights appeals, Oregon has an expedited schedule. The opening brief is due 28 days after settling the transcript and the respondent's brief is due 28 days thereafter (ORAP 10.15(7)(a),(b)). Oral argument must be set within 56 days from the date the opening brief is filed. These efforts to reduce the amount of time taken for TPR appeals are consistent with national recommendations.

Oregon has both a Court of Appeals and a Supreme Court. A limited number of dependency and termination cases are appealed from the Court of Appeals to the Supreme Court each year. These appeals significantly delay a final resolution of the case.

The Court of Appeals also adopted a variety of administrative changes designed to process juvenile dependency, adoption and termination appeals as quickly as possible. The Appellate Records Section now specially marks (by use of a distinctive bright yellow file card) TPR, adoption, and designated dependency cases, and staff have committed to give priority to motion matters, motions, letters, etc., for these files.

The Records Section, the Supreme Court, and the Court of Appeals each have designated a person whose responsibilities include monitoring cases subject to the expedited disposition rules to insure that cases do not fall between the cracks and otherwise lag.

The reassessment focused on the number of juvenile cases affected by the appellate process and the length of time appeals add to resolution of dependency and termination proceedings. The reassessment had access to data provided by the Oregon Court of Appeals from January 2000 until December 2003.

REASSESSMENT DATA AND FINDINGS

Number of Juvenile Appeals and Decisions

A relatively small number of juvenile dependency or termination appeals are filed each year in relation to the rest of the Court of Appeals docket. Termination appeals account for approximately two percent of Oregon's Court of Appeals docket. In 2000, 90 termination appeals were filed with the Court of Appeals. The number increased to 101 in 2001, then dropped to 66 in 2002 and 65 in 2003.

Most of the appeals filed in the Court of Appeals are affirmed without the court issuing a written opinion. In 2003, the Court of Appeals issued written decisions in five percent of dependency appeals and five percent (3 out of 65) of terminations appeals.

Table 35: Number of Juvenile Appeals and Decisions

Year	Number of Dependency Appeals Filed	Written Decisions in Dependency Cases Issued	Number of TPR Appeals Filed	Written Decisions in Termination of Parental Rights Cases Issued
2000	*	3	3	8
2001	*	9	9	7
2002	*	4	4	4
2003	74	4	4	3

*Prior to 2003, the Court of Appeals did not distinguish juvenile dependency appeals from juvenile delinquency appeals. The exact number of dependency appeals filed is not available.

Time From Notice of Appeal to Decision in Termination Proceedings

The length of the appellate process is of concern for both dependency and termination appeals. However, it is most critical at the termination stage. If a party appeals the jurisdictional or other order in a dependency case, the case doesn't stop pending the outcome of the appeal (ORS 419A.200(7)(A)). State law allows the juvenile trial court to continue to review the case and enter orders, including dismissal of the petition or termination of parental rights, while awaiting resolution at the appellate level. When a termination decision is appealed, permanency planning is delayed while the trial court's decision is reviewed. Consequently, much attention on the state and national level has been paid to expediting the appeals process for termination of parental rights cases.

Oregon Rules of Appellate Procedure expedites appeals in termination proceedings (ORAP 10.15). Transcripts of termination proceedings must be filed within 30 days of the order for preparation with leave to request a 14-day extension (ORAP10.15(4)(a)). The appellant has 28 days to file the opening brief with the same right to a 14-day extension (ORAP10.15(5)(a)). A respondent's brief is due 28 days after receipt of the appellant's brief, also with the right to request an additional 14 days (ORAP10.15(5)(b)). Oral argument must be set within 56 days of the date the opening brief is filed (ORAP 10.15(8)).

Table 36 compares Oregon's expedited process to the national standard.

Table 36: Comparison of Oregon's Expedited Appeals Process and *Permanency Guidelines* Suggested Timelines

Activity	<i>Permanency Guidelines</i> Proposed Appellate Timelines	Oregon Rules of Appellate Procedure Timelines (ORAP 10.15)	Oregon's Deviation from <i>Resource Guidelines</i> Timelines
Notice of Appeal	Filed within 30 days of entry of trial court order	Filed within 30 days of entry of trial court order	none
Transcript of Trial Record Completed	20 days after notice of appeal is filed	45 days after the notice of appeal is filed. However, the transcriber is allowed an additional 14 day continuance.	+25 to 39 days
Appellant's Brief filed	20 days after receipt of transcript	28 days after receipt of the transcript. However, the appellant is allowed one 14 day extension.	+8 days to 22 days
Respondent's Brief Filed	10 days after receipt of appellant's brief	28 days after receipt of appellant's brief. However, the respondent is allowed one 14 day extension.	+18 days to 32 days
Oral Argument	30 days after filing of respondent's brief	Maximum of 56 days after filing of appellants brief	+16 days
Maximum number of days from Trial Court Order to Oral Argument	110 days	Minimum: 159 days Maximum: 199 days	+49 to 89 days

The *Permanency Guidelines* recommend that appellate courts decide termination appeals within 30 days of oral argument. Oregon's expedited appeals process does not have such a time limit. The *Permanency Guidelines* propose that decisions in termination of parental rights cases should be entered a maximum of 150 days after the notice of appeal is filed. Oregon courts exceed this standard.

Table 37: Average Number of Days From Filing Notice of Appeal to Disposition for all Cases Resolved in Court of Appeals.

Year	Dependency	Termination
2000	293	227

Table 37: Average Number of Days From Filing Notice of Appeal to Disposition for all Cases Resolved in Court of Appeals.

Year	Dependency	Termination
2001	284	214
2002	416	211
2003	417	207

Not surprisingly, it takes significantly less time for the Court of Appeals to issue an order affirming the trial court without a written opinion (AWOP) than to issue a written opinion. Data from 2000 to 2002 shows that Oregon Court of Appeals meets the NCJFCJ standard when affirming the trial court without opinion but exceeds it when issuing a written opinion.

Table 38: Average Number of Days from Submission of Brief or Oral Argument to Written Decision for Court of Appeals

Year	Dependency AWOP	Dependency Written Opinion	Termination AWOP	Termination Written Opinion
2000	17	72	25	144
2001	25	110	24	167
2002	23	112	27	204

The Court of Appeals does not require dependency appeals to be briefed and heard on an expedited basis. Consequently, parties are allowed an additional 19 days each to file briefs, and there are no limits on set-overs or deadlines to set oral argument. In January 2003, the Court of Appeals changed their rules to give parties the option of requesting an expedited briefing schedule in dependency reviews. That option has not been widely used. In 2003, the average time from notice of appeal to decision in dependency proceedings was 369 days.

Supreme Court Review and Issuing Final Judgments

After the Court of Appeals issues a decision, parties have 35 days to file a petition for review to the Supreme Court (ORAP 9.05(2)). Parties to termination proceedings are allowed a 21-day extension to that timeline (ORAP 10.15(7)(d)). If there is no petition for review, a final judgment is issued. Up until recently, the final judgment was delayed pending certification of indigent defense costs. Now, PDSC performs that function. In 2003, awaiting a final judgment and resolution of petitions for review added an average of 78 days to the time to final decision in termination proceedings, and varied from a low of zero days to a high of 301 days.

Unlike the Court of Appeals, review by the Supreme Court is discretionary. In 2000, the Supreme Court considered 28 petitions for review in termination proceedings. That number increased to 50 in 2001, then declined to 22 in 2002 and 23 in 2003. Between 2000 and 2003, the Supreme Court ruled on three termination cases, two of which resulted in written opinions. The third was settled by an appellate mediation process.

APPEALS OF JUVENILE ORDERS FINDINGS AND RECOMMENDATIONS

IMPROVEMENTS SINCE THE ORIGINAL ASSESSMENT:

- ★ The original assessment did not include the appellate process so there is no comparative data. However, during the past five years the Court of Appeals has taken an active interest in reforming and expediting the appellate process in dependency and termination cases.

FINDINGS & RECOMMENDATIONS:

Oregon's expedited appellate timelines for completing a TPR appeal are longer than national best practices.

1. Oregon's Rules of Appellate Procedures should be revised to conform to national standards for appellate timelines, including timelines for issuing judicial orders and opinions.
2. JCIP and the Court of Appeals should convene a workgroup to develop strategies to expedite filing and briefing of termination appeals.
3. JCIP and the Court of Appeals should provide educational opportunities for appellate practitioners on strategies for conforming to the expedited timelines.

There is no mandatory expedited appellate process for dependency appeals, and parties do not make use of the voluntary expedited procedures.

4. Oregon's Rules of Appellate Procedures should be revised to make the expedited timelines for dependency proceedings mandatory and include timelines for issuing judicial orders and opinions.

Oregon appellate rules do not limit the amount of time for appellate courts to issue decisions in dependency or termination of parental rights cases.

5. Oregon's Rules of Appellate Procedures should be revised to include timelines for issuing judicial orders and opinions.

SECTION 14: MEDIATION

CURRENT OREGON LAW AND PRACTICES

In child abuse and neglect cases, ongoing cooperation between the parents and the child welfare agency expedites accomplishing what is best for the child. Concerns about the traditional adversarial system have created solutions like mediation and other non-adversarial conflict resolution programs for dependency cases in many states.

While jurisdiction is uncontested in most dependency cases in Oregon, many are settled in haste on the steps of the courthouse. Mediation, along with being a tool to reduce conflict, is viewed as a way to reach settlement in a more thoughtful manner.

The adversarial process in child abuse and neglect cases can sometimes breakdown communications and create hostility, divisiveness, and rigid position-taking between participants, most notably the parents and the child protective agency. Mediation in child abuse and neglect cases, on the other hand, is a process which brings all significant case participants together in a non-adversarial setting.

Resource Guidelines, p.133

Oregon has no statutorily-created mediation program for dependency proceedings, but mediation prior to termination of parental rights proceedings is allowed and encouraged (ORS 419B. 517). Adoptive and birth parents may mediate open adoption agreements (ORS 109.305).

Oregon's only non-adversarial conflict resolution process mandated by statute is the DHS family decision meeting process (ORS 417.365, et seq). Family decision meetings are facilitated and designed to allow family members and DHS caseworkers to collaboratively plan for children in DHS custody. Frequency of use and process varies by county. Generally, they are not attended by attorneys and focus on case planning rather than legal issues¹⁹.

DEPENDENCY MEDIATION PROJECT

Because Oregon lacked court-connected mediation programs, JCIP established a mediation pilot in the early stages of dependency proceedings. The reassessment team reviewed the results of the pilot project in light of the "Guidelines for Implementing Mediation Programs" from the *Resource Guidelines* (p.135). Discussion and analysis of the mediation program is organized around these guidelines. Throughout the pilot, JCIP collected data from mediators, families, and professionals using the instruments designed by Dr. Nancy Thoennes (see, Appendix E). The data in this section represents those surveys collected from October 2000 through January 2004.

¹⁹For a discussion of Oregon's family decision meeting process see, Rodgers, Angela, *Family Decision Meetings: A Profile of Average Use in Oregon's Child Welfare Agency*, Portland State University, 2000.

• **GUIDELINE 1: MEDIATION PROGRAMS SHOULD BE COURT-BASED OR COURT-SUPERVISED AND HAVE STRONG JUDICIAL AND INTERDISCIPLINARY SUPPORT.**

Oregon, along with 24 other states, identified mediation as an important reform for their court improvement programs.²⁰ In February 2000, JCIP explored implementing dependency mediation in child abuse and neglect cases. JCIP staff met with DHS staff to ensure that any policy development was supported by the agency and served the court's and agency's mutual goal of providing safe permanent homes for children. Planning with DHS also involved coordination with the agency's family decision meeting process. JCIP staff envisioned mediation as part of a continuum of non-adversarial decision-making processes available to families and other participants in the dependency process. Issues that were not resolved through the family decision meetings could later be mediated. Issues that were not resolved through either process could be litigated.

After initial planning with DHS, JCIP convened a statewide stakeholders' advisory committee. The committee included members from each pilot area and central administration structures. This committee developed statewide policies regarding mediator qualifications and conduct, program scope, and options for local adaptation. A copy of these policies are shown in Appendix D. Local judicial districts were afforded great flexibility in establishing policies for case referral, case scheduling and reporting procedures. Each judicial district was asked to convene an advisory committee of local stakeholders to develop local program policies consistent with the statewide policies.

Seven counties began the pilot: Baker, Jackson, Lincoln, Marion, Umatilla, Union and Wallowa. Soon after implementation, Clatsop, Coos and Curry Counties approached JCIP for assistance in beginning their own dependency mediation programs and were added to the pilot group. As of summer 2004, six pilot counties continue to be involved in the program: Baker, Clatsop, Marion, Umatilla, Union and Wallowa. These jurisdictions provide a mix of urban and rural, large and small, and geographically diverse courts.

• **GUIDELINE 2: MEDIATORS MUST BE HIGHLY TRAINED, EXPERIENCED AND SKILLED PROFESSIONALS, HAVE CREDIBILITY WITH THE COURT AND RELATED PROFESSIONALS, AND BE PERCEIVED BY FAMILY MEMBERS AS BEING NEUTRAL AND HAVING THE BEST INTERESTS OF THE CHILD AND FAMILY AT HEART.**

JCIP asked judges in the participating courts to nominate experienced, skilled and well-respected domestic relations mediators from their communities to participate in the pilot. Intensive training was provided by JCIP and DHS.

Respondents to the professional survey were asked to rate the job the mediator did in the case; 97% indicated the mediator did either a good or excellent job. Table 39 shows the distribution by type of party.

²⁰See *Summaries of Twenty-Five State Court Improvement Assessment Reports*, National Council of Juvenile and Family Court Judges, March 1998.

Table 39: How Would You Rate the Job the Mediator Did in the Case?

	Excellent	Good	Fair	Poor	Missing
Mother's Attorney n = 112	63%	34%	3%	0%	1%
Father's Attorney n = 68	63%	31%	4%	0%	2%
Child's Attorney n = 84	67%	30%	2%	0%	1%
CASA n = 100	64%	35%	1%	0%	1%
Caseworker n = 187	73%	24%	3%	0%	0%
DHS's Attorney n = 11	36%	64%	0%	0%	0%
DDA/DA n = 152	86%	12%	1%	1%	1%
Other n = 113	54%	43%	3%	1%	1%
Total n = 831	68%	29%	2%	0%	1%
* "n" refers to sample size. * Data was collected with the Dependency Mediation Professional Survey. * "Missing" refers to instances where the respondent did not answer the question.					

When asked whether the mediator took sides, 83.8% of the people who answered the parent/family survey indicated that the mediator did not seem to take sides. Table 40 shows the distribution of responses by type of party.

Table 40: Did the mediator seem to take sides?

	Yes, took my side	Yes, took the other side	No, did not take sides	Not sure
Parent n = 216	2%	3%	84%	11%
Other Family Member n = 82	2%	2%	93%	2%
Family Friend n = 13	0%	0%	92%	8%
Other n = 48	4%	2%	73%	21%
Total n = 365	3%	3%	84%	10%
* "n" refers to sample size. * Data was collected with the Dependency Mediation Parent and Family Survey.				

•GUIDELINE 3: MEDIATION CAN BE HELPFUL IN RESOLVING DISPOSITIONAL, POST-DISPOSITIONAL, AND SOME JURISDICTIONAL ISSUES.

Initial research by JCIP showed that programs in other jurisdictions had often started by limiting mediation referrals to particular stages in or particular types of cases, but that those limitations had been almost universally abandoned as those programs matured. The program advisory committee decided that any dependency case before the court could be referred to mediation unless it related to terminating parental rights and placing a child for adoption.

Table 41: How the Legal Action Pending at the Time of the Mediation Affects the Level of Agreement on the Primary Issues Referred for Mediation

Legal Action Pending/ Level of Agreement	Shelter Hearing n = 29	Jurisdictional/ Dispositional Hearing n = 196	Court Review n = 11	CRB Review n = 1	Permanency Hearing n = 11	Review after Permanency Hearing n = 1	Modification of Court order n = 1	Other n = 8
Complete Agreement	86%	62%	100%	0%	64%	100%	0%	50%

Table 41: How the Legal Action Pending at the Time of the Mediation Affects the Level of Agreement on the Primary Issues Referred for Mediation

Legal Action Pending/ Level of Agreement	Shelter Hearing n = 29	Jurisdictional/ Dispositional Hearing n = 196	Court Review n = 11	CRB Review n = 1	Permanency Hearing n = 11	Review after Permanency Hearing n = 1	Modification of Court order n = 1	Other n = 8
Complete Agreement, Pending Collection of Further Information	0%	11%	0%	0%	18%	0%	0%	13%
Partial Agreement	7%	6%	0%	100%	9%	0%	100%	13%
Partial Agreement, Pending Collection of Further Information	0%	6%	0%	0%	0%	0%	0%	0%
No Agreement	3%	10%	0%	0%	9%	0%	0%	0%
Other	3%	6%	0%	0%	0%	0%	0%	25%

* "n" refers to the total number of instances the identified proceeding was pending at the time of the mediation.
 * Data was collected with the Dependency Court Mediation: Mediator Data Collection Form.

• **GUIDELINE 4: MEDIATION IS APPROPRIATE IN ONLY A SELECTED NUMBER OF CASES, BUT WHEN ORDERED BY THE COURT, PARTICIPATION IN MEDIATION PROGRAMS SHOULD BE MANDATORY.**

Another concern in Oregon and elsewhere during the design of dependency mediation was whether certain types of cases are appropriate for mediation. As the Table 42 shows, settlement rates for cases involving substance abuse by parents, prior dependency filings, and prior terminations of parental rights are slightly higher, but within the same range as settlement rates for all cases. Anecdotal evidence indicates that cases with more serious issues may settle more readily because there is less question about what a court might do in the event of a contested proceeding.

Table 42: How Specific Issues in the Case Affect Level of Agreement on the Primary Issues Referred for Mediation

	Serious Substance Abuse by a Parent(s) n = 173	Prior Dependency Filings at the Court n = 121	Prior Terminations of Parental Rights on Siblings n = 33
Complete Agreement	70%	70%	67%

Table 42: How Specific Issues in the Case Affect Level of Agreement on the Primary Issues Referred for Mediation

	Serious Substance Abuse by a Parent(s) n = 173	Prior Dependency Filings at the Court n = 121	Prior Terminations of Parental Rights on Siblings n = 33
Complete Agreement, Pending Collection of Further Information	9%	8%	9%
Partial Agreement	4%	3%	3%
Partial Agreement, Pending Collection of Further Information	6%	7%	15%
No Agreement	8%	8%	0%
Other	5%	7%	6%
* "n" refers to the total number of times mediations involved the designated issue. * Data was collected with the Dependency Court Mediation: Mediator Data Collection Form.			

• **GUIDELINE 5: MEDIATION SHOULD BE CONFIDENTIAL.**

Mediation in Oregon is confidential and is governed by an Oregon Administrative Rule on confidentiality that applies to all mediation in which DHS is involved.

• **GUIDELINE 6: MEDIATED AGREEMENTS SHOULD BECOME PART OF THE COURT RECORD.**

Local courts have established procedures for putting the mediated agreement on the record. In one county, all parties who reach agreement in mediation go directly to a courtroom where a judge reviews and approves the agreement. In several other counties, the mediated agreement is sent to the court via the attorneys or mediator. The judge then reviews and approves the mediated agreement. Judges in these counties do not necessarily ensure that parents understand and consent to the terms of the agreement.

• **GUIDELINE 7: MEDIATED AGREEMENTS BELONG IN THE COURT FILE AND SHOULD BE SPECIFIC AND DETAILED.**

Local mediators use their own forms to detail the agreement. Once the court approves the agreement, it becomes part of the juvenile court legal file. The reassessment team saw mediated agreements in Umatilla County files.

• **GUIDELINE 8: THE AVAILABILITY AND UTILIZATION OF COMMUNITY RESOURCES IS ESSENTIAL.**

JCIP encouraged local courts to set up a local mediation advisory committee. The purpose of the committee was to establish local policies and procedures and to garner support for the mediation program.

Analysis of Oregon's Program Goals and Selected Objectives

GOAL: EXPEDITE PLACEMENT OF CHILDREN IN SAFE PERMANENT HOMES.

Objective 1: Increase parental/family involvement in developing service plan and alternate permanent plan.

Table 43 shows family and professional attendance at mediation. The data suggest family members attend mediation more frequently than other dependency proceedings. Results from the study county file reviews indicate mothers' and fathers' attendance at mediation was almost 10% higher than at other court hearings.

Table 43: Mediation Session Attendance

(n=297)

	Yes	No	No Response	Invalid Response	N/A, No Such Person
Mother	82%	10%	7%	0%	1%
Father	58%	26%	11%	5%	0%
Child(ren)	11%	60%	29%	0%	0%
CASA	47%	22%	29%	2%	1%
Attorney for Child	71%	13%	12%	2%	2%
Attorney for Mother	76%	9%	11%	2%	1%
Attorney for Father	54%	17%	17%	6%	6%

Table 43: Mediation Session Attendance

(n=297)

	Yes	No	No Response	Invalid Response	N/A, No Such Person
Attorney for DHS	10%	7%	33%	22%	28%
Foster Parents	13%	34%	41%	6%	6%
* "n" refers to sample size.					
* Data was collected with the Dependency Court Mediation: Mediator Data Collection Form.					

GOAL: ENHANCE COOPERATION AMONG PARTIES IN ABUSE & NEGLECT CASES

Objective 1: Reduce conflict in abuse and neglect cases.

Professionals, parents and families involved in mediation indicate high levels of listening and understanding as a result of the mediation session. Tables 44 and 45 show whether professionals and family members felt like they were heard during mediation sessions.

Table 44: Do You Think the Other People in the Mediation Really Listened to What You or Your Client Had to Say?

	Yes	No	Missing
Mother's Attorney n = 112	92%	5%	4%
Father's Attorney n = 68	90%	4%	6%
Child's Attorney n = 84	86%	4%	11%
CASA n = 100	89%	4%	7%
Caseworker n = 187	94%	3%	3%
DHS's Attorney n = 11	91%	9%	0%

Table 44: Do You Think the Other People in the Mediation Really Listened to What You or Your Client Had to Say?

	Yes	No	Missing
DDA/DA n = 152	90%	7%	3%
Other n = 113	86%	8%	7%
Total n = 831	90%	5%	5%
<p>* "n" refers to sample size. * Data was collected with the Dependency Mediation: Professional Survey. * The sum of each category's sample size does not equal the "total" sample size because one respondent did not indicate their identity. * "Missing" refers to instances where the respondent did not answer the question.</p>			

Table 45: Do You Think the Other People in the Mediation Really Listened to What You Had to Say?

	Yes	No	Not Sure	Missing
Parent n = 218	71%	12%	16%	2%
Other Family Member n = 82	84%	10%	5%	1%
Family Friend n = 13	54%	0%	23%	23%
Other n = 50	70%	14%	14%	2%
Total n = 365	73%	12%	13%	3%
<p>* "n" refers to sample size. * Data was collected with the Dependency Mediation: Parent and Family Survey. * The sum of each category's sample size does not equal the "total" sample size because two respondents did not indicate their identity. * "Missing" refers to instances where the respondent did not answer the question.</p>				

When parents have a clear understanding of their responsibilities and expectations from the caseworker, it reduces ongoing conflict.

Table 46: Did Mediation Help You Understand What You Need to Do and What the Caseworker Will do?

	<i>Did mediation help you understand what you need to do?</i>				<i>Did mediation help you understand what the caseworker will do?</i>			
	Yes	No	Not Sure	Missing	Yes	No	Not Sure	Missing
Parent n = 218	82%	9%	9%	1%	79%	12%	9%	1%
Other Family Member n = 82	82%	7%	11%	0%	81%	11%	7%	1%
Family Friend n = 13	70%	15%	15%	0%	70%	8%	23%	0%
Other n = 50	68%	14%	18%	0%	68%	18%	16%	0%
Total n = 365	79%	10%	11%	0%	77%	13%	10%	1%

* "n" refers to sample size.
 * Data was collected with the Dependency Mediation: Parent and Family Survey.
 * The sum of each category's sample size does not equal the "total" sample size because some respondents did not indicate their identity.
 * "Missing" refers to instances where the respondent did not answer the question.

MEDIATION FINDINGS AND RECOMMENDATIONS

IMPROVEMENTS SINCE THE ORIGINAL ASSESSMENT:

- ★ The original assessment did not include a review of dependency mediation; however there were numerous recommendations to develop court-connected alternative dispute resolution programs in that assessment; JCIP facilitated and coordinated this effort.

FINDINGS & RECOMMENDATIONS:

No county participating in the dependency mediation pilot project uses mediation as part of a continuum that included family decision meetings. This results in a range of judicial practices between very little use of mediation to courts that send all dependency cases to mediation.

1. JCIP and DHS should convene a work group to examine the relationship between DHS and court-connected alternative dispute resolution models and establish guidelines for use of each procedure.

Although attorneys reported that mediation reduced the time they spent on dependency cases and mediation produced a high number of agreements at the jurisdictional stage on all types of cases, JCIP funding for the dependency mediation program is expected to end in June 2005.

2. JCIP, local courts, and the OJD should develop alternative funding opportunities for the dependency mediation program.

Some judges are accepting mediated agreements on jurisdiction and disposition ex parte; consequently judges are not ensuring that parents understand and agree to the terms of the stipulation and are not making necessary findings.

3. Judges should carefully review the terms of all mediation agreements on the record and make sure that parties consent to the related terms.
4. JCIP form orders should be modified to include prompts for accepting mediated agreements yet ensure that necessary state and federal findings are made.

SECTION 15: FAMILY DEPENDENCY TREATMENT COURTS

In 2000, the Conference of Chief Justices and the Conference of State Court Administrators passed a joint resolution for all states to “take steps nationally and locally to expand the principles and methods of well functioning drug courts into ongoing court operations” (Conference of Chief Justices and Conference of State Court Administrators, 2000). Oregon was a pioneer in the national drug court movement. Multnomah County established the nation’s second drug court in 1991. A recognized leader in the development of innovative programs, Oregon continues to address alcohol and drug abuse by developing new integrated service delivery models. Jackson County, one of the reassessment study counties, and Clackamas County each have well-established Family Dependency Treatment Courts (FDTC). Marion County hopes to implement its FDTC by January 2005.

Today, Oregon has 28 drug courts: 18 adult drug treatment courts, 6 juvenile drug courts, 2 juvenile integrated treatment courts, and 2 family dependency treatment courts.

FDTCs involve parents in child dependency cases who have significant substance abuse issues. FDTCs combine dependency court and treatment court goals in an effort to provide safe, nurturing, and permanent homes for children while providing parents with the support and services they need to address their substance abuse issues to reunify the family within the constraints of state and federal timelines.

A full assessment of dependency treatment court was beyond the scope of the reassessment. This portion of the reassessment describes FDTCs in Jackson and Clackamas Counties and identifies evaluation issues for future family dependency treatment court evaluations.

JACKSON COUNTY COMMUNITY FAMILY COURT (JCCFC)

The JCCFC was created to: 1. Protect children from the impact of drug and alcohol addiction and abuse, 2. Provide court supervised individual and family alcohol and drug treatment, and 3. Reduce drug related crime. JCCFC is a one judge/ one family program that seeks long term changes for families. Unlike other FDTCs, the JCCFC includes participants with juvenile delinquency, adult criminal, and other court cases that may not include dependency allegations.

Circuit Court Judges Mark Schiveley, Rebecca Orf, and Patricia Crain hear JCCFC cases. One court employee serves as the JCCFC Coordinator. He coordinates activities of the team, orients participants to program expectations, and manages statistical data. Two family court clerks provide clerical support, screen families for initial eligibility, and manage court files and documents. The JCCFC team consists of judges, representatives from the Public Defenders’ Office, District Attorney’s Office, Department of Human Services, Addiction Recovery Center, Community Works, CASA, and other agencies, based on the family’s needs. The team meets regularly with families and participants for case planning and monitoring.

Court staff conduct an initial assessment to determine eligibility of a “primary candidate.” Primary candidates must meet the following criteria:

- Is under the jurisdiction of the Jackson County Circuit Court
- Is motivated and able to participate in a treatment program
- Is impacted by substance abuse
- Has signed consent and other JCCFC program forms
- Has been accepted by the community family court team.

If the primary candidate is living within a family system, the family must

- be supportive, motivated, and willing to participate in the program
- have a minor child
- have signed consent and other JCCFC program forms
- have been accepted by the community family court team.

In dependency cases, the court will allow parents to participate in the JCCFC before the jurisdictional hearing if the parent's attorney agrees. According to the JCCFC coordinator, approximately 40% of the dependency cases are entering the program before jurisdiction due to the court's efforts to reduce the time to jurisdiction.

JCCFC uses the services of one treatment provider to assess program participants before admission into the program; this provider also provides ongoing treatment services to program participants and is member of the JCCFC team. The county Mental Health Department receives federal funds to pay for JCCFC participant treatment.

JCCFC participants have weekly hearings with the judge, and JCCFC proceedings are scheduled together with dependency proceedings. Although it may be easier to meet the state and federal timelines by using the time that is set aside for family court, that time is limited and likely cuts short the dependency hearings in Jackson County as compared to the other study counties.

Since the JCCFC involves participants who enter the program through court proceedings not related to child welfare actions, the court has little data available specifically on those participants with dependency petitions. In 2003, the JCCFC had 41 families with related dependency petitions in the program. In 2004, it has 38 families involved and projects 50 by the end of the year.

CLACKAMAS COUNTY FAMILY TREATMENT DRUG COURT (CCFTDC)

Clackamas County Circuit Court Judge Deanne Darling presides over CCFTDC. The mission of the CCFTDC is to “use the judicial system to protect children and promote healthy families by joining families with service providers to stop the harm caused by drug and alcohol abuse.” The CCFTDC has the following goals:

- protect children from abuse and neglect
- establish safe and permanent families
- share accountability
- promote healthy development of children
- build a relationship among the court, families and treatment providers
- help parents to become emotionally, financially and personally self-sufficient, while developing adequate parent and coping skills to become good parents

Judge Deanne Darling started the CCFTDC in October 2002 without the benefit of grant funds. She was able to convince community agencies involved in child welfare cases to participate in the program; the juvenile department provides a part time counselor who serves as the CCFTDC coordinator and the judge’s judicial assistant provides some support to the CCFTDC. The other team members include representatives from DHS, Clackamas County Mental Health, Public Health, Parole/Probation, the District Attorney, the defense attorney, Parrot Creek Family Services, foster grandparents, and CASA.

Anyone can refer a candidate as long as dependency jurisdiction is established in their case. The dispositional order is stayed until the candidate is admitted to the program. The referrals are screened before an addictions recovery team. Following screening, an assessment is conducted and the parent can be enrolled in the program.

Clackamas County Circuit Court also has an adult drug court program. Several CCFTDC participants also participate in the adult drug court. The adult drug court addresses criminal issues while the CCFTDC addresses parenting issues. Referrals can be made between the treatment court programs. The programs and judges are flexible and collaborate with each other and the parents to ensure the program fits the parent’s needs.

Clackamas County Mental Health is the primary treatment provider for CCFTDC parents; however, other treatment providers have been used based on the family’s individual needs and the participant’s insurance.

Participant contact with the court varies by phase. During phase one, CCFTDC participants have weekly appearances before the judge. In phase two, participants appear every other week. In phase three, participants appear once every three weeks, and in phase 4, they appear once a month. Phase five focuses on planning for aftercare so participants can develop their own plan for judicial contact as long as they meet at least once a month.

Unlike the Jackson County program, Clackamas County dependency proceedings are not handled during the regularly scheduled CCFTDC proceedings. Dependency proceedings are scheduled outside of the drug court docket and are set to ensure that enough time is available to thoroughly address dependency-related issues.

Since October 2002, there have been 38 parents enrolled in the program. The CCFTDC has had a total of 9 graduates in the 21 months since it started, and 17 children have been returned to their parents. Due to some transitions in staff, full participant data is not currently available.

RECOMMENDATIONS FOR FUTURE EVALUATIONS

The reassessment team recommends that Oregon’s FDTCs conduct process and outcome evaluations. The process evaluation documents the history of the FDTC as well as the specific characteristics of the program and provides the FDTC with an objective appraisal of their operational performance. Many drug courts use their programs’ adherence to the 10 Key Components developed by the National Association of Drug Court Professionals as a framework for a process evaluation. The evaluators conducting the process evaluation should design the evaluation to assess whether and to what extent the program has been implemented as intended, and whether it has achieved its intended objectives. The reassessment team recommends that the court evaluate its process as soon as possible since each program has been in existence for more than a year.

Table 47 shows each of the 10 Key Components and potential research questions to be addressed related to FDTCs.

Table 47: Drug Court 10 Key Components with Proposed Research Questions Related to FDTC
<p>#1: Drug Courts integrate alcohol and other drug treatment services with justice system case processing.</p> <p><i>Proposed FDTC Research Question:</i> Is there an interdisciplinary team that assesses the parent’s treatment and service needs and provides intensive supervision? (Elstein 2)</p>
<p>#2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights.</p> <p><i>Proposed FDTC Research Question:</i> Are the prosecution and defense attorneys able to work together as a team focusing on the parent’s recovery, reunification with his or her child(ren), and law abiding behavior?</p>
<p>#3: Eligible participants are identified early and promptly placed in the drug court program.</p> <p><i>Proposed FDTC Research Question:</i> Are the drug treatment court’s eligibility requirements being implemented successfully?</p>

Table 47: Drug Court 10 Key Components with Proposed Research Questions Related to FDTC
<p>#4: Drug courts provide a continuum of alcohol, drug, and other related treatment and rehabilitation services.</p> <p><i>Proposed FDTC Research Question:</i> In addition to drug and alcohol programs, are there a variety of treatment services available to help the addicted parent “become emotionally, financially, and personally self-sufficient and develop parenting and “coping” skills to serve as an effective parent on a day-to-day basis?” (Elstein 2)</p>
<p>#5: Abstinence is monitored by frequent alcohol and other drug testing.</p> <p><i>Proposed FDTC Research Question:</i> Does this program conduct random, twice-weekly drug tests?</p>
<p>#6: A coordinated strategy governs drug court responses to participants’ compliance.</p> <p><i>Proposed FDTC Research Question:</i> Does the FDTC have a coordinated strategy that includes a continuum of sanctions and incentives to respond to participant compliant and noncompliant behavior?</p>
<p>#7: Ongoing judicial interaction with each drug court participant is essential.</p> <p><i>Proposed FDTC Research Question:</i> Compared to other Oregon and national drug courts, do the FDTC participants have frequent contact with the judge?</p>
<p>#8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.</p> <p><i>Proposed FDTC Research Question:</i> Is the FDTC designed with the ability to gather and manage information for the monitoring and evaluation of the program?</p>
<p>#9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.</p> <p><i>Proposed FDTC Research Question:</i> Are the FDTC team and staff involved in ongoing education and training?</p>
<p>#10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.</p> <p><i>Proposed FDTC Research Question:</i> Has the FDTC established effective partnerships within the community?</p>

The reassessment team recommends that an outcome evaluation follow the process evaluation. The primary purpose of an outcome evaluation is to determine whether the program is reaching long term goals. If possible, the analysis should include a control group to provide a comparison of those who received traditional dependency court processing, treatment, and supervision and those who participated in an FDTC.

Unfortunately, neither Jackson nor Clackamas County use the Oregon Drug Court Management System (ODCMS) for managing FDTC cases. The ODCMS was developed by the Oregon Judicial Department with a federal drug court grant and allows future evaluators to have access to data necessary to measure outcomes.

Specifically, FDTC participant data that can be available on the ODCMS include:

- demographic characteristics of participants;
- substance abuse history and current levels of use;
- employment status;
- academic achievement;
- mental health history;
- medical history;
- criminal justice history;
- initial treatment and support services needs;
- program interventions received (including length and type of interventions);
- participation in treatment (including actual attendance records for each program component);
- date of program admission and discharge;
- status at completion of drug court program (e.g. successful);
- criminal justice status at discharge from program (e.g., probation);
- service needs at discharge from program (e.g., job placement); and
- discharge referrals initiated by the drug court program.

Other Oregon treatment courts have used data from the ODCMS to effectively measure outcomes and to assess whether their programs meet long term goals. Although the application was designed for adult drug treatment courts, it can be used effectively for Oregon's FDTC programs. From an evaluation perspective, there is little national data on the effectiveness of these programs and their impact on the substance-abusing parents who have children in substitute care. Both of the existing FDTCs in Oregon have strong judicial support, knowledgeable staff, and committed teams; they appear to be promising alternatives to the traditional juvenile court process for substance abusing parents.

*** PART IV ***

SECTION 16: QUALITY OF REPRESENTATION AND ADVOCACY

For courts to fulfill their federal and state obligations, judges must be provided with accurate and complete information. The court system depends on each party's ability to discover and present evidence and to advocate effectively. In most instances, this means that parties to court proceedings should be represented by counsel. Of equal importance is quality of representation.

This section discusses attorneys who appear in juvenile court dependency proceedings. The reassessment team collected data about frequency of appearances by attorneys for parents, children, caseworkers (through the Department of Justice) and "the State" (through local district attorneys). The team observed attorneys in court proceedings in each of the five study counties and interviewed lawyers and other court participants about representation issues. Foster parents and other juvenile court participants responded to survey questions about quality of representation.

Data about Court Appointed Special Advocates is included here. CASAs are parties to juvenile court dependency proceedings, not representatives. However, because their role in juvenile court is to advocate for the best interest of abused and neglected children, they are discussed in this section.

COURT APPOINTED COUNSEL FOR PARENTS AND CHILDREN

ROLES AND RESPONSIBILITIES FOR ATTORNEYS

Indigent families have a right to court appointed counsel. Parents are entitled to be represented by a court-appointed attorney when "the nature of the proceedings and due process so require" (ORS 419B.205(1)). Children are entitled to court appointed counsel whenever a request is made or upon the court's own motion (ORS 419B.195(1)).

The court appoints attorneys for parents and children who are eligible for public defense services. Some attorneys are compensated for court-appointed work on an hourly basis. Others have entered into contracts with the Public Defense Services Commission (PDSC) to provide representation in certain categories of cases at specified rates. Most public defense representation in juvenile dependency proceedings is provided pursuant to contracts. PDSC, established in 2001, took over responsibility for indigent defense from the State Court Administrator in 2003. ORS 151.216(1)(a) charges PDSC to "establish and maintain a public defense system that ensures the provision of public defense services in the most cost-efficient manner consistent with the Oregon Constitution, the United States Constitution and Oregon and national standards of justice."

PDSC contracts with attorney providers for services in specific counties. For the most part, attorneys contract to represent parents and children in a set number of hearings (jurisdiction/disposition hearings, reviews, CRBs,

and terminations) throughout the year and are paid a twelfth of their annual contract amount on a monthly basis. Contract attorneys may be sole practitioners or consortia or non-profit public defender corporations depending on the particular county. Each year, PDSC contracts for thousands of appointments for parents and children in juvenile court dependency proceedings.

The performance of court-appointed counsel in dependency cases is governed by a variety of standards. Parents are entitled to “adequate representation” in dependency cases, just as they are in criminal proceedings (*State ex rel Juv. Dept. v. Geist*, 310 Or 176, 796 P2d 1193 (1990)). Court-appointed counsel for parents and children must meet the qualification standards for court-appointed counsel to represent indigent persons at state expense (*Qualification Standards*) that are developed and maintained by the Public Defense Services Commission (PDSC,). These standards were adopted by the State Court Administrator’s Office of the Oregon Judicial Department and implemented by the Indigent Defense Services Division of that department before the transfer of responsibility for trial level public defense services to the PDSC in 2003. These standards address issues such as caseload size, adequate support staff, experience, and familiarity with applicable law. The standards also create procedures for disqualifying attorneys from eligibility for court appointments.

In 1996, the Oregon State Bar adopted the following principles and performance standards (*OSB Principles and Standards*) for representation of parents and children in dependency proceedings: “The General Principles for Counsel in Criminal, Delinquency, Dependency and Civil Commitment Cases, “General Standards for Representation in All Criminal, Delinquency, Dependency and Civil Commitment Cases” and “Specific Standards for Representation in Juvenile Dependency Cases.” The OSB Principles and Standards address conflict of interest, attorney obligations to child clients, adequate client contact, and standards for investigation and practice at each stage of dependency proceedings (Oregon State Bar Indigent Defense Task Force 29-34). The principles are mandatory; the standards are aspirational. Familiarity (though not compliance) with these standards is required by both the Qualification Standards and the PDSC model contract for public defense providers.

Quality of Representation

The reassessment focused on a fundamental component of representation to assess quality – client contact. Creating and maintaining a relationship with a client is critical to effective representation (OSB Standard 3.5). The OSB Principles and Standards recommend that attorneys meet and conduct an initial interview within 72 hours of appointment and confer with their clients “as often as necessary after the initial interview to ascertain all relevant facts and otherwise necessary information” (OSB Standard 3.5.7). The PDSC model contract requires that a contractor must “arrange for” contact with out-of-custody clients within 72 hours of appointment, including notification of a scheduled interview time or what the client must do to schedule an interview time (PDSC model contract 7.1.4.2). The goal of these standards is to ensure that parents and children have well-informed, active representation at the earliest possible time in dependency proceedings. Survey and interview results suggest that these standards are not being met.

Juvenile court participants in the study counties routinely reported that their juvenile defense bar had a high level of expertise in juvenile legal issues. Participants also consistently reported that some practitioners provided high quality legal services to parents and children alike. However, participants routinely expressed concern about attorneys delaying contact with adult clients until shortly before scheduled court appearances

and rarely contacting child clients.

Reassessment team members observed attorneys in court and CRB reviews who appeared to be meeting their clients for the first time or for the first time since the last court appearance, validating reports from juvenile court participants. Thirty percent of respondents to the statewide survey reported that they believe that attorneys only rarely or occasionally (less than 35% of the time) contact clients before the day of a court appearance.

Attorneys reported several barriers to early contact with clients. Attorneys reported that delay in receiving notice of appointment slowed initial contact with clients. While most counties initiate appointment of counsel for parents and children at shelter hearings, in many counties attorneys are not present at the time of appointment and are not notified of their appointment until after the hearing. Some attorneys reported that notice of appointment may not arrive until two weeks after the shelter hearing. This delays first contact as well as creates confusion if the client was notified of the appointment before the attorney receiving the order. Some court staff reported that some attorneys appeared to wait until the day of a scheduled court appearance to notify the court of a conflict of interest requiring withdrawal from representation.

Lack of discovery was also noted as a factor in delaying initial contact. In most counties, attorneys receive the petition, court dates and discovery presented at the shelter hearing from the court or juvenile department - whichever is responsible for completing appointment of counsel. Attorneys then usually must formally request discovery from DHS. Attorneys expressed a reluctance to schedule first appointments with clients until all discovery was available. Some attorneys also expressed a reluctance to "track clients down" and waited until clients made contact with their offices.

Attorney contact with child clients was also concerning. The OSB Standards (OSB Standard 3.5) and PDSC model contract (7.1.4.2) hold attorneys for children to the same standard for client contact within 72 hours of appointment. The OSB Standards advise that children should be observed or visited in their home environment (OSB Standard 3.5.4).

The reassessment team surveyed foster parents statewide about contact by attorneys for children in their care. About half of those responding indicated that court-appointed counsel rarely (less than 5% of the time) called within one week of appointment and only 9% indicated that counsel usually (more than 75% of the time) made contact within the first week after appointment. Similarly, about half of those responding indicated that court-appointed counsel rarely met the children in the home of the foster parent before they went to court for the first time, while 13% reported that the attorneys usually meet the children in the home prior the first court appearance. 37% of court participants statewide reported that they believed that attorneys for children visited their clients in their homes rarely or occasionally.

"Often we never know who the attorney or CASA workers are until we see them in court. It would be good if there was a way to get information to the judge about the children without having to speak in front of parents. Sometimes these kids tell us things that should be known, and we're never sure if the case workers pass information along."

Foster Parent

CASA programs reported that they frequently act as liaisons between children and their attorneys because there is so little contact from children's lawyers.

There is a debate in some county's juvenile bars about the role of attorney for children. Some contractors question whether client contact is necessary at all to represent children. Others were unaware that client contact was a contractual requirement or that standards existed that required in-home contact with dependent child clients. Attorneys expressed concerns about the work load involved in monitoring children's care by visiting children in their placements.

Given the fairly widespread acknowledgment that some juvenile practitioners do not meet basic standards for client contact, it is worthwhile to consider what quality control mechanisms exist for public defense contractors.

"The only communication I have received is through the case worker. Never an attorney or judge or other advocate. Sometimes I feel left in the dark concerning my granddaughter's case and pending adoption. Not even my caseworker can answer vital questions about this case! 'I'm not sure' is not a good answer. I have had a child in my care for 6 months now. His attorney has never talked to me regarding the child or seen the child outside of court."

Foster Parent

PDSC's Qualification Standard 4.1E outlines the process for suspending an attorney from receiving public defense appointments. The process allows for either a presiding judge or the State Court Administrator²¹ to suspend an attorney when they become aware of "facts that call into question an attorney's ability to provide adequate assistance of counsel."

Juvenile court participants expressed concern about placing much of the responsibility for monitoring attorney performance and seeking suspension with the local courts. In general, juvenile court participants interviewed perceived that giving local courts responsibility for oversight of the quality of representation was inconsistent with their roles as judicial officers. Participants believe that monitoring attorney performance (at least of public defense attorneys) is more appropriately the role of the contracting agent for the state, PDSC. The views of participants notwithstanding and even though the Judicial Department no longer has responsibility for the provision of public defense services, the court remains the appointing authority and has an important role to play in monitoring the quality of representation and reporting concerns about quality to the attorney or contractor and PDSC.

PDSC is aware through reports from the Oregon State Bar and others about concerns regarding the quality of representation being provided in juvenile dependency cases. Through its contract process it continues to seek the highest quality legal services available. In addition, PDSC, in conjunction with JCIP, juvenile practitioners, and other interested groups, is working to create a "Juvenile Training Academy" curriculum that may become mandatory for all juvenile practitioners. In addition, PDSC has started a public review process for each county's public defense providers. It completed its first review, which involved Linn, Lane, Benton

²¹This standard was written when the State Court Administrator was the contracting authority for indigent defense. PDSC has the same authority to suspend contractors for poor performance.

and Lincoln Counties and will perform a review in Multnomah County in the fall of 2004. The review process allows for public comment about quality of representation as well as an opportunity for self-assessment of individual providers. PDSC has also made efforts to evaluate the quality of representation provided by individual public defender offices and consortia. It has completed the evaluation of one large public defender office to date and has scheduled the evaluation of two others before the end of the year. In counties with fewer public defense providers, the PDSC may perform county-wide quality evaluations rather than evaluations of each individual attorney or office. PDSC has also initiated a formal complaint process which will provide an established procedure for handling complaints from judges, other court participants, and the general public regarding both the quality and the cost of public defense services.

ROLES AND RESPONSIBILITIES OF STATE ATTORNEYS

Deputy district attorneys and assistant attorney generals appear in juvenile court on dependency and termination of parental rights cases. Both appear as representatives of the state and neither are present in juvenile court on a consistent basis. In most counties, the district attorney views their role as prosecutorial and purport to represent "the people of Oregon" rather than DHS, though their positions may be consistent with each other. When an assistant attorney general is present, he or she is there to represent a client - DHS.

The role of the district attorney is set out in statute. ORS 8.685(3) entitles the district attorney "to appear on behalf of the state in the juvenile court in any matter within the jurisdiction of the court." Juvenile court participants expressed concerns about district attorney presence in dependency proceedings similar to those noted by the American Bar Association in the recently published "Standards for Practice for Lawyers Representing Child Welfare Agencies"²²:

- the caseworker is often the only party in court without an attorney speaking for him or here;
- the caseworker's expertise may be ignored, as the attorney has the ultimate say;
- the attorney may be handling all the business for the community and therefore not be able to specialize in child welfare law;
- political agendas may play a large role in decision-making;
- the agency as a whole may not be getting legal advice on policy issues;
- the attorney's personal beliefs about issues such as permanency rather than caseworker expertise dictate what will happen for a child; and,

²²The ABA standards include performance standards for both prosecutors and agency attorneys. Because attendance by either form of state attorney is so inconsistent in Oregon, the reassessment focused largely on presence rather than performance.

- potential conflicts of interest may arise, such as when the prosecutor is pursuing a delinquency petition against a child who is in the agency's custody.

ABA, p. 3

DAs are most likely to litigate petitions at the jurisdictional stage of the proceeding. However, depending on county priorities, they may appear at every proceeding or decline to appear at all. 46% of respondents to the statewide survey reported that the DA is rarely or occasionally available throughout all phases of the dependency proceeding. Table 48 shows the wide range of DA appearance practice.

Table 48: Deputy District Attorney Attendance

	Shelter Hearings	Jurisdictional/ Dispositional Hearings	Court Review Hearings	CRB Reviews	Permanency Hearings
Jackson	6% n = 34	30% n = 37	13% n = 16	0% n = 39	7% n = 29
Lincoln	80% n = 10	100% n = 18	91% n = 42	0% n = 38	96% n = 24
Linn²³	17% n = 18	44% n = 23	25% n = 8	0% n = 26	10% n = 21
Multnomah	93% n = 67	92% n = 79	40% n = 266	1% n = 121	29% n = 129
Umatilla	100% n = 12	89% n = 9	100% n = 2	0% n = 10	83% n = 6
Total	62% n = 141	72% n = 166	45% n = 335	0% n = 234	33% n = 209
<p>* "n" refers to sample size. *The data in this table was collected through file reviews. *Only shelter hearings, jurisdictional/dispositional hearings, CRB reviews, and court review hearings after September 1, 1998 are included. *Only permanency hearings after November 1, 1999 are included.</p>					

DHS caseworkers are represented by the Department of Justice's (DOJ) assistant attorneys general (AAG).

²³Deputy district attorneys (DDA) rarely attend dependency hearings in Linn County. The results reported for Linn County in Table 48 include attorney general (AG) attendance. Volunteer research assistants appeared to have some difficulty distinguishing DDA presence from AG presence in court orders from this county.

Although DOJ provides representation for DHS when the agency files termination of parental rights petitions, counsel for caseworkers is not routinely provided in juvenile court dependency proceedings.²⁴ In most counties, caseworkers may consult with DOJ only in unusual dependency cases. Consequently, child welfare workers are most likely to appear unrepresented at early stages of dependency proceedings. Some counties have DOJ offices in their county seat. For instance, there is an AAG who works in the Support Enforcement Division in Pendleton and is stationed in the same building as the child welfare office. Other DHS offices rely on scheduled staffing days when an AAG travels to their county. Counties with AAGs in their community report more frequent informal staffing.

Juvenile court participants, both in the original assessment and the reassessment supported increased representation for DHS. Advantages to AAG presence expressed by participants were similar to those outlined in the ABA standards:

- reliance on agency's familiarity with a child and family in decision making;
- value placed on the agency's expertise in making decision regarding the safety, permanency and well-being of children and on the lawyer's legal expertise on legal matters;
- consistent decision making and interpretation of laws;
- legal action supported by caseworker opinion, thus boosting caseworker credibility in court, for example, in deciding when to file an initial petition; and,
- the attorney is very familiar with the agency and its practices and policies

ABA, p.3

Linn County's DHS office has an AAG assigned exclusively to represent DHS in juvenile court. This position began as part of a pilot project in 1999 and was enthusiastically greeted by all participants.²⁵ At the same time, the Linn County DAs office reduced their participation in juvenile court. The pilot project ended, and the DA did not return to juvenile court proceedings to fill the void. Caseworkers were responsible for prosecuting their own dependency petitions. The juvenile judge concluded that DHS caseworkers were engaging in the unauthorized practice of law and notified the agency that he would no longer allow caseworkers to appear without counsel. In response, DHS created a full time AAG position to represent caseworkers in dependency proceedings. DHS's counsel participates in most proceedings after the shelter hearing, including settlement conferences. Most participants report a high degree of satisfaction with this arrangement.

²⁴In Multnomah County, DHS contracts with the District Attorney's Office to provide this service

²⁵One recommendation in the original assessment that many juvenile court participants supported in the original assessment was that DHS have a legal representative at all juvenile court proceedings.

Court Appointed Special Advocate (CASA)

In 1985, the Oregon Legislative Assembly enacted what is now ORS 419A.170, mandating the appointment of a Court Appointed Special Advocate (CASA) to all children involved in a juvenile dependency proceeding. If a juvenile court does not have available a CASA program or a sufficient number of CASA volunteers, the court may appoint a juvenile department employee, attorney, or other suitable person to represent the child or ward's interest in court (ORS 419A.170(3)). CASA volunteers fulfill an essential role in making sure the child "is not lost in the system and that the best interests of the child are represented in all procedures" (Oregon Commission on Children and Families). They have four primary responsibilities that are subject to the direction of the court:

- Investigate all relevant information about the case.
- Advocate for the best interests of the child, assuring that all relevant facts are brought before the court.
- Facilitate and negotiate to ensure that the court, DHS, and the child's attorney, if any, fulfill their obligations to the child in a timely fashion.
- Monitor all court orders to ensure compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order.

ORS 419A.170(2)

CASA programs are administered and funded at the local level. The State Commission on Children and Families (CCF) provides support, coordination and training.²⁶

In order to assess the quality of CASA participation throughout Oregon, the reassessment team evaluated the frequency at which CASAs attend court proceedings, meet with children, return phone calls, request information from foster parents, explain court processes to children, and are knowledgeable of the case.

²⁶The Commission CASA office performs a variety of functions for local CASA programs. Support and Coordination functions include: training opportunities for program staff and volunteers; technical assistance and support; advocacy for public and private funding and resource development; public education; conflict resolution; representation of CASA at the state level and maintain state level relationships with CASA partners; a state-wide information clearinghouse; assurance of volunteer engagement in the development of CASA program guidelines and of public policy regarding the child welfare system. Oversight functions include: set, monitor and enforce state-wide standards and performance measures; provide program oversight and ensure fiscal accountability; monitor local program outcomes; collect and report data; request and administer funding for local programs; facilitate development and implementation of program policy, including the development of minimum staffing ratios for CASA programs. Task Force Report, p.7, 2000.

CASA Volunteer and Program Staff Attendance at Juvenile Court Proceedings

During the study county file review, the reassessment team examined the frequency at which CASAs attended court proceedings by observing how often court orders indicated a CASA was present. While the reassessment team intended to count only the presence of appointed CASA volunteers, they had some difficulty distinguishing between CASA volunteer presence and the presence of professional CASA staff. This distinction is important because program staff are not parties to juvenile court proceedings and cannot adequately substitute for a volunteer CASA.

CASA program staff do play significant screening and advocacy roles in dependency cases. The extent of these roles are different in each county. Some programs screen each dependency petition that comes before the juvenile court and advises the court on which cases should have a CASA appointed. Others have program staff present at all juvenile court proceedings. Programs reported using a variety of strategies to manage cases waiting the appointment of a CASA. All strategies involved some level of case investigation and advocacy by program staff.

With this in mind, Table 49 shows how often court orders indicated CASAs were present at proceedings. Results show that CASAs are rarely present; however, Umatilla County appears to offer an exception to this rule. Court orders from this county indicated a CASA was present at 67% of jurisdictional/dispositional hearings, 40% of CRB reviews, and 100% of permanency hearings. This spike in CASA attendance is likely due to policy where a professional CASA staff person attends all court proceedings in the county, whether or not a CASA volunteer is appointed to the case.

Table 49: CASA Presence

	Jurisdictional/ Dispositional Hearings	Court Review Hearings	CRB Reviews	Permanency Hearings
Jackson	22% n = 37	0% n = 16	33% n = 39	52% n = 29
Lincoln	22% n = 18	21% n = 42	50% n = 38	25% n = 24
Linn	0% n = 23	25% n = 8	31% n = 26	14% n = 21
Multnomah	4% n = 79	7% n = 266	4% n = 121	5% n = 129
Umatilla	67% n = 9	50% n = 2	40% n = 10	100% n = 6
Total	13% n = 166	9% n = 335	21% n = 234	18% n = 209

* "n" refers to sample size.

*The data in this table was collected through file reviews.

*Only shelter hearings, jurisdictional/dispositional hearings, CRB reviews, and court review hearings after September 1, 1998 are included.

*Only permanency hearings after November 1, 1999 are included.

*The percentages depicted in the table are derived from the total number of hearings whether or not a CASA was appointed to the case. Because of this, the data may be more a reflection of frequency of appointment than actual attendance.

Information regarding CASA presence was also collected in the Mediator Data Collection Forms. Results indicate that CASAs were present at nearly half (47%) of mediations that occurred throughout Oregon since October 2000.²⁷

Results suggest that Oregon may not have enough CASA volunteers to meet the statutory mandate of one CASA for each child in foster care. This conclusion is consistent with the findings of the Court Appointed Special Advocate Planning and Advisory Committee Report for 2000.

CASA Contact with Children

In the statewide survey, respondents were asked to rate how often CASAs meet with children before the day of court and how often CASAs visit children in their homes. Almost half of the judges, CASAs, attorneys (CAAs, DAS, and AAGs), DHS caseworkers, and CRB members and staff that responded to the survey reported that CASAs often meet with children before court and visit them in their homes. Approximately 51% of respondents indicated CASAs meet with children before court over 75% of the time. Approximately 56% of respondents indicated CASAs visit children in their homes over 75% of the time. Tables 50 and 51 show how often respondents indicated CASAs meet with children before the day of court and visit children in their homes.

²⁷Mediators began filling out the Mediator Data Collection Form on this date.

Table 50: CASAs Meet with Children Before the Day of Court

(Statewide Survey, n = 195)

Rarely	Occasionally	Often	Usually	Don't Know
4%	3%	20%	51%	22%
<p>* "n" refers to sample size. Surveys where the respondent did not answer the question were not included in the sample size. *Roughly speaking "rarely" means less than 5%, "occasionally" means 6-35%, "often" means 36-74%, and "usually" means over 75%. *There was a 95.5% response rate for this questions. 9 respondents did not answer the question. *One respondent indicated the questions was not applicable.</p>				

Table 51: CASAs visit children in their homes

(Statewide Survey, n = 193)

Rarely	Occasionally	Often	Usually	Don't Know
3%	4%	25%	56%	13%
<p>* "n" refers to sample size. Surveys where the respondent did not answer the question were not included in the sample size. *Roughly speaking "rarely" means less than 5%, "occasionally" means 6-35%, "often" means 36-74%, and "usually" means over 75%. *There was a 95.5% response rate for this questions. 9 respondents did not answer the question. *One respondent indicated the questions was not applicable.</p>				

In the foster parent survey, foster parents were asked to indicate if the last CASA appointed to one of their foster children met the child in their home prior to going to court for the first time. Table 52 shows how often foster parents indicated CASAs met with child in the home prior to going to court for the first time. 57% indicated the CASAs met their foster child in their home prior to going to court for the first time.

Table 52: Thinking About the Last CASA Appointed to One of Your Foster Children, the CASA Met the Child in Your Home Prior to Going to Court for the First Time

(Foster Parent Survey, n = 74)

Yes	No	Don't know
57%	37%	7%

Table 52: Thinking About the Last CASA Appointed to One of Your Foster Children, the CASA Met the Child in Your Home Prior to Going to Court for the First Time

(Foster Parent Survey, n = 74)

Yes	No	Don't know
<p>* "n" refers to sample size. Surveys where the respondent did not answer the question were not included in the sample size.</p> <p>*22 respondents indicated this question did not apply to them and another 6 did not answer the question.</p> <p>*Percentages add up to greater than 100% due to rounding error.</p>		

Timely Return of Phone Calls

Results from the foster parent survey suggest CASAs are doing a fairly good job of returning phone calls from foster parents in a timely manner. In the survey, foster parents were asked if the last CASA appointed to one of their foster children returned their calls within two business days. 70% indicated their calls were returned within two business days.

Table 53: Thinking About the Last CASA Appointed to One of Your Foster Children, the CASA Returned Your Calls Within Two Business Days

(Foster Parent Survey, n = 64)

Yes	No	Don't know
70%	19%	9%
<p>* "n" refers to sample size. Surveys where the respondent did not answer the question were not included in the sample size.</p> <p>*31 respondents indicated this question did not apply to them and another 7 did not answer the question.</p> <p>*Percentages do not add up to 100% because one respondent answered both "yes" and "no."</p>		

Foster parents were also asked if the last CASA appointed to one of their foster children returned their foster child's calls within two business days. 52% indicated their foster child's calls were returned within two business days.

Table 54: Thinking About the Last CASA Appointed to One of Your Foster Children, the CASA Returned Your Foster Child's Calls Within Two Business Days

(Foster Parent Survey, n = 33)

Yes	No	Don't know
52%	24%	24%
<p>* "n" refers to sample size. Surveys where the respondent did not answer the question were not included in the sample size. *63 respondents indicated this question did not apply to them and another 6 did not answer the question.</p>		

Knowledge of the Case

Because CASAs are supposed to be looking out for the best interests of the child, it is important that they have a firm grasp on the details of the case. In the statewide survey, respondents were asked to rate how often CASAs are familiar with cases and are actively representing the child's best interests in court. Table 55 shows how often respondents indicated CASAs were familiar with cases and actively representing the child's best interests in court. As can be seen in the table, the vast majority (68%) of respondents believed this to be true over 75% of the time.

Table 55: CASAs are Familiar With Cases and are Actively Representing the Child's Best Interests in Court

(Statewide Survey, n = 197)

Rarely	Occasionally	Often	Usually	Don't Know
1%	5%	20%	68%	5%
<p>* "n" refers to sample size. Surveys where the respondent did not answer the question were not included in the sample size. *Roughly speaking "rarely" means less than 5%, "occasionally" means 6-35%, "often" means 36-74%, and "usually" means over 75%. *There was a 96.1% response rate for this questions. 8 respondents did not answer the question.</p>				

In the foster parent survey, foster parents were asked if the last CASA appointed to their foster child was knowledgeable about the case. Table 56 shows how often foster parents reported that CASAs were knowledgeable about the case. 75% indicated the CASA appointed to their foster child was knowledgeable about the case.

Table 56: Thinking About the Last CASA Appointed to One of Your Foster Children, the CASA Was Knowledgeable About Your Foster Child's Case		
(Foster Parent Survey, n = 75)		
Yes	No	Don't know
75%	13%	11%
<p>* "n" refers to sample size. Surveys where the respondent did not answer the question were not included in the sample size.</p> <p>*18 respondents indicated this question did not apply to them and another 9 did not answer the question.</p> <p>*Percentages do not add up to 100% because one respondent answered both "yes" and "no."</p>		

Request Information from Foster Parents

As CASAs are conducting their investigations to obtain information about the case, it is important that they seek input from foster parents. As one foster parent stated, "Sometimes these kids tell us things that should be known and we're never sure if case workers pass info along." In the foster parent survey, foster parents were asked if the last CASA appointed to their foster child requested information about the child from them. Table 57 shows how often foster parents reported that CASAs requested this information.

Table 57: Thinking About the Last CASA Appointed to One of Your Foster Children, the CASA Requested Information From You About Your Foster Child's Case		
(Foster Parent Survey, n = 74)		
Yes	No	Don't know
66%	30%	4%
<p>* "n" refers to sample size. Surveys where the respondent did not answer the question were not included in the sample size.</p> <p>*20 respondents indicated this question did not apply to them and another 8 did not answer the question.</p>		

66% indicated the CASA appointed for their foster child had requested information from them about the case, while another 4% didn't know.

Strengths and Weaknesses of CASAs

In the statewide survey, respondents were asked to reflect qualitatively on the strengths and weaknesses of CASAs in general. Many of the strengths that were provided revolved around the level of effort CASAs put into their cases and the fact that they are strong advocates for children. For example, one respondent indicated CASAs are "strong child advocates," while another stated that they are "committed; dedicated; [and] diligent." Some of the other reported strengths are shown below.

The majority of the weaknesses that were provided revolved around two issues: there not being enough of them and that they sometimes have unrealistic expectations of DHS caseworkers. The fact that CASAs were in short supply in many counties may have led some respondents to conclude that their CASAs were "overwhelmed" and "spread too thin." Many respondents requested that the CASA program be expanded.

Among the DHS caseworkers that responded to the statewide survey, most reported some frustration with CASA involvement in the case. One caseworker reported the CASAs had "unrealistic expectations of policy, funds, [and] services." Another reported that they "expect all things to be done on cases they are working on and don't seem to care if caseworkers have other (more pressing)...[things] to attend to."

While the statewide survey did not ask respondents to provide suggestions for improving the weaknesses they observed, some caseworkers suggested that the CASA program could possibly benefit from improved training surrounding court processes (i.e. adoption and permanency) and issues related to abuse (i.e. attachment and neglect). Confusion over the role of CASAs led some caseworkers to suggest all parties would benefit from more training around the role of CASAs within a dependency case.

CASA Strengths

"Very committed...some spend an enormous amount of time in court & out"

"If we have one on the case they appear to work hard at contacting and speaking to all parties, visiting family, foster providers and children."

"They have valuable input and sometimes are the only long term person on the case."

"The best of the bunch! Dedicated to their role & always have the children's best interest at the top of the list."

Statewide Survey

QUALITY OF REPRESENTATION FINDINGS AND RECOMMENDATIONS

IMPROVEMENTS SINCE THE ORIGINAL ASSESSMENT:

- ★ Courts are appointing more attorneys in dependency cases, particularly to represent children.
- ★ Contracting and oversight for court appointed counsel has been transferred to the Public Defense Services Commission (PDSC). The PDSC is committed to improving the quality of representation at all phases of dependency and termination proceedings.
- ★ There has been some increase in CASA volunteer or program staff attendance in some counties since the last assessment.

FINDINGS & RECOMMENDATIONS:

Children and parents are usually not represented by counsel at shelter care hearings.

1. Courts should work with court appointed attorneys to increase their attendance at shelter hearings, even if attendance is by phone.
2. Courts should work with DHS to have parents at the court prior to the shelter hearing to give them time to fill out affidavits of indigency prior to the hearing.
3. When attorney presence at shelter hearings is not possible, courts should schedule second shelter hearings to allow parties to contest probable cause, request return, or propose alternatives to foster care.

Attorneys are not promptly notified of their appointment to children and parents.

4. Local courts should utilize email/phone to notify attorneys of appointments, preferably prior to the start of the shelter hearing.
5. Courts should direct parents to promptly contact their attorney once an appointment is made.

Attorneys report that they frequently delay initial contact with their clients because they have not received discovery.

6. Attorneys attend shelter hearings whether or not they have discovery.
7. Courts should require DHS to submit initial discovery with adequate copies for parties when they file the petition or notify the court of the need for a shelter hearing.
8. Courts should provide attorneys with a copy of the initial discovery (previously submitted by DHS) and client contact information when they notify them of appointment.

A significant number of attorneys do not have contact with their dependency clients within 72 hours after notice of appointment.

9. Courts should direct parents to promptly contact their attorney once an appointment is made.
10. JCIP and PDSC should make client contact part of the juvenile training academy core curriculum and include client contact requirements in other educational programs.

11. All attorneys should prioritize contact with clients within 72 hours of appointment.
12. PDSC should notify all court appointed attorneys in writing of their contractual obligations related to client contact.
13. JCIP and PDSC should develop regional multi-disciplinary trainings that include client contact and other quality of representation issues.

A significant number of attorneys do not meet with child clients or observe them in their placements.

14. PDSC should revise their contracts and policies to incorporate requirements for child client contact and develop procedures for monitoring attorney compliance.
15. Judges and CRB should inquire about attorneys' contacts with their clients.

Some attorneys in the study counties are not aware of contractual requirements or Oregon State Bar performance standards about client contact.

16. JCIP and PDSC should develop regional multi-disciplinary trainings that include client contact and other quality of representation issues.
17. PDSC should implement the juvenile court training academy.

Assistant Attorneys General are not consistently available to DHS-Child Welfare workers prior to termination stages of dependency proceedings.

18. Local courts should facilitate discussions with their district attorneys and AAGs to maximize representation for "the state" in child dependency proceedings.
19. DHS should continue to seek funding for AG representation in dependency proceedings.

There continues to be a shortage of CASA volunteers.

20. The Oregon Legislature should adequately fund the CASA program in accordance with the recommendations of the CASA Planning and Advisory Committee Report of 2000.

CASA program staff play a variety of screening, investigative and advocacy roles for children awaiting assignment of a CASA volunteer.

21. The state CASA director should initiate a process to create a best practices document about the roles

and responsibilities of CASA program staff to children awaiting the appointment of a CASA volunteer.

SECTION 17: FOSTER PARENT AND RELATIVE PARTICIPATION

Relatives and foster parents are important participants in dependency proceedings. Both ASFA (42 USC 675(5)(G)) and state law (ORS 419B.875(5)) require DHS to notify foster parents of juvenile court hearings. Because they are often the only participant in the dependency process that see the child every day, foster parent input about the child's needs, DHS service delivery, and the parent's behavior can contribute greatly to the quality and depth of dependency findings.

Relatives, whether or not they are care givers, can offer important insight into parents and children. They are often the best permanent plan for children who cannot return to their parents' care. While DHS is not required to notify relatives of court hearings, the agency must search for and involve them in case planning whenever possible (ORS 419B.192 & ORS 419B.343(1)(b)). Relative's presence at a court proceeding is evidence that family perspective is considered in case planning.

Data for this section is derived from file reviews and statewide surveys of foster parents.

FOSTER PARENT AND RELATIVE PRESENCE

The reassessment team recorded references to foster parent and relative attendance at all stages of dependency proceedings. If a relative or foster parent was noted on the order, they were recorded as present. Overall, foster parent and relative presence was low. Relatives seemed to attend more court hearings and foster parents attended more CRB reviews.

Table 58 shows that foster parents were never present and relatives were present in 9% of the 141 shelter hearings reviewed. Foster parents were present at 4% and relatives were present at 8% of 166 jurisdictional hearings reviewed. Relatives attended CRB reviews in 19% of the reviews studied; foster parents attended in 30%. Foster parents attended review hearings 9% of the time and first permanency hearings 12% of the time. Relative attendance was slightly higher at these two proceedings : 10% at review hearings and 14% at first permanency hearings.

"[I] have never been invited to court in the 2 years that I have had the girls. [I] never even knew that we could/should be there."

Foster Parent

Table 58: Foster Parent and Relative Attendance					
	Shelter Hearings	Jurisdictional/ Dispositional Hearings	CRB Reviews	Court Review Hearings	First Permanency Hearings
	n = 141	n = 166	n = 234	n = 335	n = 86
Foster Parent	0%	4%	30%	9%	12%
Relative	9%	8%	19%	10%	14%

* "n" refers to sample size.
 *The data in this table was collected through file reviews.
 *Only shelter hearings, jurisdictional/dispositional hearings, CRB reviews, and court review hearings after September 1, 1998 are included.
 *Only first permanency hearings after November 1, 1999 are included.
 *Margin of errors for foster parents equal 3% for jurisdictional/dispositional hearings, 6% for CRB reviews, 3% for court review hearings, and 7% for first permanency hearings.
 *Margin of errors for relatives equal 5% for shelter hearings, 4% for jurisdictional/dispositional hearings, 5% for CRB reviews, 3% for court review hearings, and 7% for first permanency hearings.

The foster parents who responded to the statewide survey reported a higher level of participation in court and CRB hearings. 67% of the foster parents reported that they usually or often attended their foster children's court hearings. 71% reported attending CRB reviews often or usually.

NOTICE AND TREATMENT OF FOSTER PARENTS IN JUVENILE COURT AND CITIZEN REVIEW BOARD PROCEEDINGS.

The survey asked foster parents whether they received notice of juvenile court and CRB proceedings. 56% of the foster parents who responded reported that they often or usually received notice for court hearings. 71% reported that they often or usually received notice for CRB reviews.

"We basically were not informed or asked to participate in the court system."

 Foster Parent

Juvenile court participant interviews suggest that making DHS responsible for notifying foster parents may limit attendance. While DHS is working to make the relationship between caseworker and foster parent an equal partnership, there is still a substantial power imbalance. The foster parents see the caseworker on a regular basis and get most of their information about the dependency process from them. Even if the caseworker delivers actual notice, some foster parents report that caseworkers sometimes discourage their attendance.

Foster parents may be unable logistically and financially to find childcare and transportation to attend a court hearing. Foster parents, not surprisingly, usually have many children in their care. The foster parents who responded to the survey reported having an average of 2 children in their care. DHS does not currently reimburse the cost of child care or transportation even though both are reimbursable from federal funds.

Lack of information about the court process might also limit attendance. Foster parents receive information on the juvenile court as part of their pre-service training, but they may not recall much of the information by the time they finally get a letter notifying them of a court hearing. If they do attend, they likely end up waiting in hallways or in the back of a crowded courtroom while other cases are being heard. The court may not address them or ask for any information they have about the child, and the purpose of the hearing may be unclear.

"In the past it was frustrating to attend court hearings and not be asked about the children at all. This has not happened in at least 2 years. The judge has always spoken to me about the children's needs and how they were doing. The judge has given great weight to the children's medical needs and conditions."

Foster Parent

"Most hearings never took place. I took time off work then it would be rescheduled - the judge never spoke to me - attorneys would go back in chambers but I was always left waiting."

Foster Parent

The survey asked foster parents about their experience attending CRB or court reviews: 33% of the foster parents reported that judges asked them about the children in their care often or usually, 67% reported that judges were often or usually polite and respectful towards them while they were in court, 71% of the foster parents reported that CRBs or the coordinators asked them about the children in their care when they attended reviews, and 71% also reported being treated politely by the CRB.

FOSTER PARENT AND RELATIVE PARTICIPATION FINDINGS AND RECOMMENDATIONS

IMPROVEMENTS SINCE THE ORIGINAL ASSESSMENT:

- ★ Oregon courts and DHS have implemented state and federal requirements that foster parents receive notification of court proceedings and have an opportunity to be heard.
- ★ The Oregon Foster Parent Association was established in 1996, and the Association received its first grant from DHS to provide educational programs in 1999. The Association also provides peer support and mentoring.
- ★ Oregon has implemented a policy for placement of foster children with relatives through statute and administrative rules.

FINDINGS & RECOMMENDATIONS:

Foster parent and relative attendance is low at both CRBs and court proceedings.

1. Model form orders should include prompts for judges to inquire about foster parent notification and presence.
2. Courts and CRBs should routinely inquire about foster parent notification and presence and solicit their comments.

Foster parents report that judges do not always ask them about the children in their care when they attend court.

3. JCIP should work with DHS and the Oregon Foster Parent Association to ensure that foster parents have initial and ongoing training about their role in juvenile court hearings and CRB reviews.

Foster parents are not being reimbursed for respite care and mileage for attending court proceedings and CRB reviews.

4. DHS should commit state funds necessary to access IV-E dollars for reimbursement for foster parent day care and mileage expenses associated with attending court hearings and CRB reviews.

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*** APPENDICES ***

APPENDIX A: AVERAGE LENGTH OF DEPENDENCY PROCEEDINGS

1/1/2003 - 12/31/2003

(minutes)

Court Location	Proceedings													
	Shelter		Pretrial		Jurisdiction		Trial		Disposition		Permanency		Review	
	#	Mean Time	#	Mean Time	#	Mean Time	#	Mean Time	#	Mean Time	#	Mean Time	#	Mean Time
Baker	23	27	1	10	0		0		16	118	11	697	22	32
Benton	26	18	25	23	12	30	1	45	5	19	38	19	80	26
Clackamas	244	20	147	18	74	22	20	55	20	21	89	37	498	21
Clatsop	55	32	1	10	49	24	2	1080	13	30	57	34	101	25
Columbia	36	15	79	28	12	84	0		1	60	64	29	112	26
Coos	75	7	17	4	81	8	3	160	62	7	106	16	133	10
Crook	27	18	12	11	11	26	4	154	7	19	28	28	93	20
Curry	1	5	30	6	1	30	6	110	6	11	6	7	12	10
Deschutes	143	18	58	14	59	17	16	159	45	15	73	40	402	15
Douglas	147	22	81	11	93	64	10	88	8	21	96	34	171	24
Grant	5	62	11	18	1	15	0		10	36	12	45	5	17
Harney	8	53	6	10	1	81	5	117	6	22	8	31	8	61
Hood River	17	10	13	13	8	14	0		9	36	9	14	77	15
Jackson	187	9	279	4	168	11	51	63	59	9	143	7	60	11
Jefferson	93	16	15	10	17	26	1	480	1	32	12	19	82	15
Josephine	134	8	63	9	26	16	39	133	8	18	58	17	11	16
Klamath	18	7	250	5	64	14	19	49	10	11	141	11	928	5
Lake	11	15	8	15	9	19	0		1	20	5	21	40	12
Lane	349	13	4	10	152	15	115	18	35	12	500	13	293	13
Lincoln	42	32	55	8	36	16	6	188	23	15	85	49	124	20
Linn	280	15	137	17	2	30	10	147	144	23	90	24	54	19
Malheur	23	15	0		43	11	0		12	13	22	13	33	12
Marion	287	7	170	15	297	12	1	15	21	42	268	8	871	9
Multnomah	1030	39	726	35	132	38	33	421	11	27	1374	32	2262	36

Court Location	Proceedings													
	Shelter		Pretrial		Jurisdiction		Trial		Disposition		Permanency		Review	
	#	Mean Time	#	Mean Time	#	Mean Time	#	Mean Time	#	Mean Time	#	Mean Time	#	Mean Time
Polk	41	11	75	7	39	12	3	141	5	15	59	8	164	11
Sherman	0		0		0		0		0		0		0	
Tillamook	12	25	3	26	14	30	0		13	124	13	39	39	28
Umatilla	60	17	18	5	39	14	0		0		64	11	24	23
Union	31	16	18	17	40	23	3	38	25	33	23	22	57	26
Wallowa	4	20	2	9	3	22	0		2	23	4	25	7	17
Wasco	44	20	98	16	22	17	7	443	14	21	43	14	207	19
Washington	369	16	408	17	409	11	95	103	65	14	624	11	702	14
Yamhill	32	12	0		3	6	3	32	2	6	52	7	6	8
Total	3854	19	2810	18	1917	18	453	112	659	23	4177	24	7678	20

APPENDIX B: TIME TO JURISDICTION

For Dependency Petitions Filed Between 1/1/2003 and 12/31/2003

		Time to Jurisdiction			
Court Location		60 Days or Less	61 - 90 Days	Over 90 Days	Total # of Petitions
Baker	# Petitions	10	10	20	40
	% of Total	25%	25%	50%	
Benton	# Petitions	21	0	5	26
	% of Total	81%	0%	19%	
Clackamas	# Petitions	158	45	76	279
	% of Total	57%	16%	27%	
Clatsop	# Petitions	76	11	3	90
	% of Total	84%	12%	3%	
Columbia	# Petitions	54	19	51	124
	% of Total	44%	15%	41%	
Coos	# Petitions	112	7	0	119
	% of Total	94%	6%	0%	
Crook	# Petitions	13	2	10	25
	% of Total	52%	8%	40%	
Curry	# Petitions	29	2	5	36
	% of Total	81%	6%	14%	
Deschutes	# Petitions	68	10	39	117
	% of Total	58%	9%	33%	
Douglas	# Petitions	110	24	37	171
	% of Total	64%	14%	22%	
Grant	# Petitions	15	10	8	33
	% of Total	45%	30%	24%	

		Time to Jurisdiction			
Court Location		60 Days or Less	61 - 90 Days	Over 90 Days	Total # of Petitions
Harney	# Petitions	9	1	3	13
	% of Total	69%	8%	23%	
Hood River	# Petitions	29	2	2	33
	% of Total	88%	6%	6%	
Jackson	# Petitions	194	67	65	326
	% of Total	60%	21%	20%	
Jefferson	# Petitions	12	11	23	46
	% of Total	26%	24%	50%	
Josephine	# Petitions	40	53	39	132
	% of Total	30%	40%	30%	
Klamath	# Petitions	87	31	45	163
	% of Total	53%	19%	28%	
Lake	# Petitions	11	7	1	19
	% of Total	58%	37%	5%	
Lane	# Petitions	377	98	72	547
	% of Total	69%	18%	13%	
Linn	# Petitions	157	36	39	232
	% of Total	68%	16%	17%	
Lincoln	# Petitions	41	4	17	62
	% of Total	66%	6%	27%	
Malheur	# Petitions	51	3	4	58
	% of Total	88%	5%	7%	

		Time to Jurisdiction			
Court Location		60 Days or Less	61 - 90 Days	Over 90 Days	Total # of Petitions
Marion	# Petitions	471	84	187	742
	% of Total	63%	11%	25%	
Multnomah	# Petitions	533	183	371	1087
	% of Total	49%	17%	34%	
Polk	# Petitions	78	16	28	122
	% of Total	64%	13%	23%	
Sherman	# Petitions	0	0	1	1
	% of Total	0%	0%	100%	
Tillamook	# Petitions	19	0	15	34
	% of Total	56%	0%	44%	
Umatilla	# Petitions	34	29	14	77
	% of Total	44%	38%	18%	
Union	# Petitions	31	11	11	53
	% of Total	58%	21%	21%	
Wallowa	# Petitions	8	0	2	10
	% of Total	80%	0%	20%	
Wasco	# Petitions	20	11	29	60
	% of Total	33%	18%	48%	
Washington	# Petitions	387	80	115	582
	% of Total	66%	14%	20%	
Yamhill	# Petitions	27	12	20	59
	% of Total	46%	20%	34%	
Total	# Petitions	3282	879	1357	
	% of Total	60%	16%	25%	5518

APPENDIX C: TIME FROM PETITION FILE DATE TO FIRST PERMANENCY HEARING

For Dependency Petitions Filed Between 1/1/2002 and 12/31/2002

		Elapsed Time From Petition File Date to First Permanency Hearing.	
Court Location		14 Months or Less	More than 14 Months
Baker	# Petitions	5	3
	% of Total	63%	38%
Benton	# Petitions	13	3
	% of Total	81%	19%
Clackamas	# Petitions	88	13
	% of Total	87%	13%
Clatsop	# Petitions	27	6
	% of Total	82%	18%
Columbia	# Petitions	24	10
	% of Total	71%	29%
Coos	# Petitions	32	5
	% of Total	86%	14%
Crook	# Petitions	15	7
	% of Total	68%	32%
Curry	# Petitions	5	1
	% of Total	83%	17%
Deschutes	# Petitions	35	13
	% of Total	73%	27%
Douglas	# Petitions	31	8
	% of Total	79%	21%
Grant	# Petitions	8	1
	% of Total	89%	11%
Harney	# Petitions	4	0

		Elapsed Time From Petition File Date to First Permanency Hearing.	
Court Location		14 Months or Less	More than 14 Months
	% of Total	100%	0%
Hood River	# Petitions	2	0
	% of Total	100%	0%
Jackson	# Petitions	43	39
	% of Total	52%	48%
Jefferson	# Petitions	16	0
	% of Total	100%	0%
Josephine	# Petitions	25	20
	% of Total	56%	44%
Klamath	# Petitions	47	12
	% of Total	80%	20%
Lake	# Petitions	3	1
	% of Total	75%	25%
Lane	# Petitions	263	38
	% of Total	87%	13%
Linn	# Petitions	30	29
	% of Total	51%	49%
Lincoln	# Petitions	41	7
	% of Total	85%	15%
Malheur	# Petitions	7	2
	% of Total	78%	22%
Marion	# Petitions	108	82
	% of Total	57%	43%
Multnomah	# Petitions	406	110
	% of Total	79%	21%
Polk	# Petitions	35	7

		Elapsed Time From Petition File Date to First Permanency Hearing.	
Court Location		14 Months or Less	More than 14 Months
	% of Total	83%	17%
Tillamook	# Petitions	5	6
	% of Total	45%	55%
Umatilla	# Petitions	25	11
	% of Total	69%	31%
Union	# Petitions	13	0
	% of Total	100%	0%
Wallowa	# Petitions	3	1
	% of Total	75%	25%
Wasco	# Petitions	5	4
	% of Total	56%	44%
Wheeler	# Petitions	2	0
	% of Total	100%	0%
Washington	# Petitions	144	79
	% of Total	65%	35%
Yamhill	# Petitions	14	0
	% of Total	100%	0%
Total	# Petitions	1524	518
	% of Total	75%	25%

APPENDIX D: JCIP MEDIATION PILOT PROGRAM POLICIES

Implementation

- I. Stakeholder Advisory Boards
 - A. State level
 - 1. Advise on initial policy & design, and ongoing refinement.
 - 2. Liaison between community and JCIP design team.
 - a. Provide information to local community
 - b. Convey local concerns & issues to JCIP design team.
 - 3. If pilot funded for statewide implementation: regular review & survey of participants.
 - B. Local level: LFLAC or other group (local discretion).
 - 1. Formal implementation;
 - 2. Develop local procedures;
 - 3. Provide forum to discuss ongoing issues & convey to JCIP design team.

- II. Education of participants
 - A. JCIP to provide local training for DHS, attorneys, CASAs, and other interested parties regarding mediation program procedures and effective participation in mediation, preferably in partnership with the mediation team and DHS.
 - B. JCIP to provide publicity for appropriate local, regional, and statewide publications.

Mediators

- III. Qualifications
 - A. UTCR 12.560 (Qualification as a listed domestic custody/parenting relations mediator)
 - B. JCIP Abuse & Neglect Mediation Training (Available on videotape)
 - C. JCIP Child Abuse Issues Training (Available on videotape)
 - D. JCIP Dependency Court Procedures Training (Available on videotape)
 - E. History Check through Oregon State Police/LEDS, DHS Central Registry, and professional licensing boards
 - 1. Any person convicted of child abuse, offenses against persons, sexual offenses, child neglect, or felony drug offenses shall not be qualified to serve as a dependency mediator.
 - 2. Any other offenses which appear to bear a substantial relation to the qualifications, functions or duties of a dependency mediator shall be presented to the Presiding Judge or designee for determination of fitness to serve as a dependency mediator.
 - F. Mediator and/or facility must have an adequate safety plan for mediation sessions.
 - G. Liability Insurance of \$100,000 (coverage amount approved for the pilot only, may be revised).

- IV. Local service model to be developed by local advisory committee taking into account local preferences and resources. JCIP to provide sample models including:
- A. Team of two mediators
 - 1. Male & female and/or;
 - 2. Attorney & social worker/therapist
 - B. Single mediator, staff or contractor.

V. Standards of Conduct

- A. Maintain focus of the mediation on the health and safety of the child as the paramount concern.;
- B. Meet practice & ethical standards of the Oregon Judicial Department Personnel Rules;
- C. Maintain objectivity, provide & gather information from all parties, and control for bias;
- D. Protect the confidentiality of all parties, including the child. Mediators shall not release information or make any recommendations about the case to the court or any individual except to other mediation participants as outlined in writing prior to the mediation, or **compelled** by ORS 36.220 et seq (i.e. mandatory child abuse reports or reports regarding threats of harm or violence) Any limitations to confidentiality shall be clearly explained to all mediation participants prior to discussing any substantive issues in the mediation session;
- E. Decline to provide legal advice;
- F. Strive to maintain the confidential relationship between any family member and/or child and his/her treating counselor, including the confidentiality of any psychological evaluations;
- G. Consider the health, safety, welfare, and best interest of the child, and the safety of all parties and other participants in all phases of the process;
- H. Operate within the limits of his/her training and experience and disclose any limitations or bias that would affect his/her ability to conduct the mediation;
- I. Not require children to state a placement preference;
- J. Disclose to the court and to any participant, and/or their attorneys any mediator conflicts of interest or dual relationships and not accept any referral except by court order or the parties' stipulation. In the event of a conflict of interest, the mediator shall suspend mediation and meet and confer in an effort to resolve the conflict of interest to the satisfaction of all parties or according to local court rules. The court may order mediation to continue with another mediator or offer the parties an alternative method by which to resolve the issues in dispute;
 - 1. The same person shall not serve as DHS Family Decisionmaking/Unity Meeting (FDM) Facilitator and JCIP Mediator for a case.

Comment: The appearance of neutrality is as essential to the success of court-annexed mediation as neutrality in word and action. A person who has been paid by a party to the dispute to provide professional services may be perceived as biased. The imbalance of power in dependency cases, combined with and badge of authority a court-annexed mediator carries, make true informed consent to this dual relationship unlikely. Therefore, these standards establish a presumption against such dual relationship. Furthermore, the JCIP Dependency Mediation Program is intended as a

supplement to DHS FDM process. Mediation should only be held in cases where FDM is not available, not appropriate, or has failed to reach full resolution. The determination that the FDM has failed to reach full resolution may create a financial conflict of interest for a professional who would be assigned to mediate the same case. This section does not prohibit an individual from serving as FDM facilitator and JCIP Dependency mediator for cases involving separate families.

2. The mediator shall not have a prior professional relationship in which confidential information relating to the case or any allegations in the petition has been exchanged. Prior or contemporaneous service as an attorney, therapist, or mental health counselor shall be presumed to include confidential information which preclude the individual from serving as mediator. This presumption may be overcome on a case-by-case basis upon a finding by the Presiding Judge that the prior or contemporaneous service did not provide the mediator any confidential information relating to the case.

Comment: OMA, OSB, and OAR standards and rules all allow a mediator to proceed after disclosure of prior affiliations and informed consent of all parties. These standards are designed to govern the conduct of mediators who have been retained through the free market. National recommendations advise that when parties have limited choice about the process and/or mediation provider, the referring entity has a responsibility to ensure mediators who meet higher standards of qualification. Therefore, the standards for this program establish a presumption against dual professional relationships.

3. The mediator shall disclose to the participants all other affiliations and prior contacts which the mediator may have with any participant and obtain all parties' informed consent to proceed as mediator.
 4. A court which finds that the requirements of (J)(1) and (J)(2) make it unreasonably difficult to locate a qualified mediator may apply to JCIP for waiver of those standards.
- K. Not knowingly assist the parties in reaching an agreement which for reasons such as fraud, duress, illegality, overreaching, absence of bargaining ability, or unconscionability would be unenforceable;
 - L. Protect the integrity of the mediation process by terminating the mediation when a party or participant has no genuine interest in resolving the dispute and is abusing the process; and
 - M. Terminate sessions in which issues of coercion, inability to participate, lack of intention to resolve the issues at hand, or physical or emotional abuse during the mediation session are involved.

Referral, Scheduling & Reporting

- VI. Statewide policies
- A. JCIP mediation may be used in any active dependency case for any issue except JCIP mediation cannot be used to negotiate freeing and placing the child for adoption or post-adoptive contact.
 - B. Any party with a direct legitimate interest or the Citizens Review Board may request mediation, or the court may refer on its own motion, at any time prior to filing of a petition for termination.
 - C. Court retains ultimate decision making & referral authority.
 - 1. JCIP will develop suggested guidelines for determining whether a case is inappropriate for mediation.
 - D. Court will refer cases to the mediation program by ordering parties to appear.
 - 1. JCIP will provide a form order for use.
 - E. Any party may choose not to continue with mediation at any time.
- VII. Local courts may choose one or more of the following referral mechanisms, taking into account court, counsel, DHS and mediator scheduling concerns.
- A. At an early hearing where all parties & counsel are present (shelter, admit/deny, or other) every dependency case will be scheduled for a mediation to occur approximately 10 days before the Jurisdictional/Dispositional hearing. The case will proceed as usual. If jurisdiction is established by stipulation prior to the mediation date, the mediation may be canceled. If jurisdiction is still at issue, the case will proceed to the scheduled mediation.
 - 1. Designated court staff to maintain master mediation calendar and communicate schedule to mediator.
 - B. A mediator will be available at judicial status conferences and the judge may refer appropriate cases to participate in mediation at that time.
 - C. Any party with a direct legitimate interest or the Citizens Review Board may request mediation, or the court may refer on its own motion, at any time prior to filing of a petition for termination.
 - 1. Court to inform mediator of referral. Mediator to contact all parties, schedule session, and notify court for entry on OJIN.
 - D. Other mechanism consistent with JCIP goals and policies.
- VIII. Local courts may choose one or more of the following reporting mechanisms, taking into account court, counsel, DHS and mediator scheduling concerns.
- A. All parties report to the judge immediately upon completion of mediation to report outcome, present any agreement for review, put accepted agreement on the record, and/or schedule the next appropriate hearing.
 - B. Outcome reported & put on the record at next scheduled hearing. If another hearing is not

already scheduled to occur within 14 days of mediation, a review hearing will be scheduled.

- C. The Court shall critically assess any proposed agreement considering the health and safety of the child(ren) as its primary concern. The Court retains responsibility for determining whether any agreement adequately protects the child(ren) and shall not accept any agreement inconsistent with those interests.

IX. JCIP will assist courts in developing all forms and protocols for:

- A. Scheduling, objecting to, and canceling mediation;
- B. Mediator review of relevant case history;
- C. Procedures for appearance by incarcerated parents, if any.
- D. Procedure for non appearing party to object to any agreement reached.

Case Development & Mediation

X. Case Development

- A. Mediators review relevant case history
 - 1. Local advisory committees to develop procedures for mediator access to court files.
 - 2. Parties may submit any other materials to the mediator for review prior to the mediation. Parties are responsible for informing the mediator if any documents submitted are to remain confidential as to other parties to the mediation (eg. results of psychological examinations).
- B. Orientation of participants
 - 1. JCIP to provide general written materials that may be distributed to parties at the time of referral;
 - 2. Local advisory committees may consider having mediator available at the time of referral to explain the process to the parent(s) & family members, help them to prepare for mediation, and begin case assessment.

XI. Mediation Sessions

- A. The mediator will retain authority and responsibility to make all procedural decisions, including but not limited to:
 - 1. Determining who will participate in the mediation session in addition to legal parties, including but not limited to: Foster parents/guardians/ placement resource, relatives/guardians & counsel, therapists, Probation/Parole Officers.
 - 2. Determining whether and to what extent children will participate in mediation.
 - a. JCIP suggests that mediators meet with any child(ren) individually unless there is a compelling reason to include them in a larger session. JCIP will provide suggested guidelines for determining whether participation by child is appropriate.

- b. Any party may choose not to continue with mediation at any time.
 - 3. Determining whether to proceed with mediation if parties are late or do not appear.
 - 4. Terminating mediation if they determine that continuing threatens the health or safety of any individual, or if one or more parties lacks capacity to understand the consequences of entering into a mediated agreement.
 - a. JCIP will develop suggested guidelines for determining whether a mediation should be terminated, including but not limited to awareness of: the impact of any adult-adult domestic violence; severe developmental disabilities or personality disorders which preclude effective participation.
- B. All parties have a right to be represented by and consult with legal counsel at any time they wish. No party will be required to participate in a caucus session unrepresented unless they choose to do so.

XII. Legal Effect of Agreement

- A. JCIP to research and provide local courts information about enforcing mediated agreements. Local policies to be developed by local advisory committees taking into account local preferences and concerns.

XIII. Confidentiality

- A. JCIP to develop standards consistent with ORS Chapter 36 and OAR 410-006-0011 et. seq. (Confidentiality and Inadmissibility of Mediation Communications where DHS is a party).

Evaluation

- XIV. Center for Policy Research to conduct an evaluation utilizing data collection tools which allow correlation of the JCIP program to its predecessors in California and elsewhere.

APPENDIX E: JCIP REASSESSMENT INSTRUMENTS

STUDY COUNTY FILE REVIEW

1. JOJIN #: _____ 2. Date of review (month/day/year): _____
3. County (see Section A): _____ 4. Reviewer (last name): _____

PETITION AND ICWA

5. Date first petition filed (month/day/year): _____
6. Date Adjudicated petition filed (month/day/year): _____
7. Reason for amendment or subsequent petition (circle all that apply):
a) new allegation b) change in father's status c) other _____
8. Subject child DOB (month/day/year): _____
9. Subject child first name: _____
10. In there a jurisdictional allegation about the mother (see Section B)? _____
11. Is there a jurisdictional allegation about the father (see Section B)? _____
12. If there is a jurisdictional allegation about the father, is it (circle one):
Please note: substantive refers to an allegation other than whereabouts or identity unknown.
a) substantive b) whereabouts unknown c) identity unknown d) other _____
13. Does ICWA apply in the case (see Section B)? _____
14. If ICWA applies, date determination was made (month/day/year): _____
15. If ICWA applies, does the adjudication petition allege the name and address of the child's parents and/or Indian custodian and the trib or a detailed explanation of efforts made to locate them (see Section B)?

16. If ICWA applies, does the petition allege a specific and detailed account of the circumstances which led the state to conclude that the child would suffer imminent physical damage or harm (see Section B)?

PRELIMINARY/SHELTER CARE/24-HOUR HEARING

Instructions: Answer all questions about the first substantive hearing for each parent. If more than one, use duplicate pages.

- 17. Date of hearing (month/day/year): _____
- 18. Was child removed or otherwise out of parents custody prior to the hearing (see Section B)? _____
- 19. If yes, date of removal (month/day/year): _____
- 20. Participation in hearing:

Participant	Present (see Section B)	Notified (see Section B)	Why Not (see Section C)	Was a CAA Appointed (see Section B)	Was CAA Present (see Section B)	CAA Name
Mother						
Father						
Child						
Relative						
Foster Parent 1						
Foster Parent 2						

- 21. If a CSD/SCF/DHS worker, Deputy District Attorney, Assistant Attorney General or Court Appointed Special Advocate were present, what were there names? If not, write none next to the title.
 _____, CSD/SCF/DHS worker
 _____, DDA (Deputy District Attorney)
 _____, AAG (Assistant Attorney General)
 _____, CASA (Court Appointed Special Advocate)
- 22. Presiding Judicial Officer, name: _____
- 23. Did the court dismiss the petition (see Section B)? _____
- 24. Did the court consider whether ICWA applies (see Section B)? _____
- 25. If the court found ICWA applies and did not dismiss the petition, did the court make a finding that the

continued custody of the child by parent/Indian custodian was likely to result in serious emotional/physical damage to the child (see Section B)? _____

26. Did the court make written findings concerning CSD/SCF/DHS efforts made to prevent the need for the child's placement or to reunify the family (see Section B)? _____
27. Did the court make written findings referring to specific CSD/SCF/DHS efforts made to prevent the need for the child's placement or to reunify the family (see Section B)? _____
28. Did the court issue direction concerning future efforts to prevent the need the child's placement or to reunify the family? _____
29. Does the court order address placement (see Section B)? _____
30. What was the child's placement immediately after the hearing (see Section D)? _____
31. Parties for whom visitation addressed (see Section H): _____
32. Does the court order list the date and time of the next event (see Section B)? _____
33. Does the court order consolidation of the juvenile case with another proceeding (see Section B)?

ADJUDICATION AND DISPOSITION

Instructions:

Answer with respect to the proceeding at which court either took jurisdiction or dismissed the petition as to each parent. If this occurred at separate hearings, use duplicate pages.

Where adjudication and disposition happened at the same proceedings, answer all questions here; where different dates, complete duplicate pages.

- 36. Date of proceeding (month/day/year): _____
- 37. Type of proceeding (see Section F): _____
- 38. Date of order (month/day/year): _____
- 39. Participation in Hearing

Participant	Present (see Section B)	Served (see Section B)	Why Not (see Section C)	Was Counsel Present (see Section B)	Name of Counsel
Mother					
Father					
Child					
Relative					
Foster Parent 1					
Foster Parent 2					

- 40. If a CSD/SCF/DHS worker, Deputy District Attorney, Assistant Attorney General or Court Appointed Special Advocate were present, what were there names? If not, write none next to the title.
 - _____, CSD/SCF/DHS worker
 - _____, DDA (Deputy District Attorney)
 - _____, AAG (Assistant Attorney General)
 - _____, CASA (Court Appointed Special Advocate)
- 41. Presiding Judicial Officer, name: _____

42. Was there a mediation or settlement conference before the proceeding (see Section B)? _____

43. Did the court dismiss the petition (see Section B)? _____ If yes, go to case closure.

Instructions: Answer the following questions for adjudication hearings.

44. Is there a jurisdictional finding about the father (see Section B)? _____

45. If yes, is it (circle one):

Please note: substantive refers to an allegation other than whereabouts or identity unknown.

a) substantive b) whereabouts unknown c) identity unknown d) other _____

46. If ICWA applies, did the court make a finding that the continued custody of the child by parent/Indian custodian was likely to result in serious emotional/physical damage to the child (see Section B)? _____

47. If ICWA applies, does the court order reflect that the finding described in question 46 was supported by clear and convincing evidence, including testimony of a qualified expert witness possessing special knowledge of social and cultural aspects of Indian life (see Section B)? _____

48. If ICWA applies, did the court find that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breaking of the Indian family and that these efforts have proven unsuccessful (see Section B)? _____

49. Did the court make a written finding concerning CSD/SCF/DHS efforts to prevent the need for the child's placement or to reunify the family (see Section B)? _____

50. Did the court make written findings referring to specific CSD/SCF/DHS efforts made to prevent the need for the child's placement or to reunify the family (see Section B)? _____

51. Did the court issue directions concerning future efforts to prevent the need for the child's placement or to reunify the family (see Section B)? _____

Instructions: Answer the next questions if disposition was considered at this hearing.

52. Does the court order address placement (see Section B)? _____

53. Child's placement immediately after the hearing (see Section D): _____

54. Parties for whom visitation addressed (see Section H): _____

55. What does the court identify as the permanent plan (circle one)?

a) return to parent b) adoption c) guardianship d) planned permanent living arrangement e) none

56. What does the court identify as the planned achievement date for the permanent plan (month/day/year)? _____, if there is not date use 00/00/00.

57. What does the court identify as a concurrent plan (circle one)?

a) return to parent b) adoption c) guardianship d) planned permanent living arrangement e) none

58. Does the court make reference to or incorporate a service agreement into the court order (see Section B)? _____

59. Does the court order the parents to participate in specific services with specific timelines (see Section B)? _____

60. Does the court order list the date and time of the next event (see Section B)? _____

EVENT AFTER THE DISPOSITION HEARING

Instructions: Fill out one for each event between disposition and the permanency hearing.

61. Event (see Section I): _____

62. Date (month/day/year): _____

63. Participation in Hearing:

Participant	Present (see Section B)	Notified (see Section B)	Why Not (see Section C)	Was Counsel Present (see Section B)	Name of Counsel
Mother					
Father					
Child					
Relative					
Foster Parent 1					
Foster Parent 2					

64. If a CSD/SCF/DHS worker, Deputy District Attorney, Assistant Attorney General or Court Appointed Special Advocate were present, what were there names? If not, write none next to the title.

_____, CSD/SCF/DHS worker

_____, DDA (Deputy District Attorney)

_____, AAG (Assistant Attorney General)

_____, CASA (Court Appointed Special Advocate)

65. Presiding Judicial Officer, name: _____

66. Did the court dismiss the petition (see Section B)? _____ If yes, go to case closure.

67. Did the court make written findings referring to specific CSD/SCF/DHS efforts made to prevent the need for the child's placement or to reunify the family (see Section B)? _____

68. Did the court issue directions concerning future efforts to prevent the need for the child's placement or

to reunify the family (see Section B)? _____

69. Does the court order address placement (see Section B)? _____

70. Child's placement immediately after the hearing (see Section D): _____

71. Parties for whom visitation addressed (see Section H): _____

72. Does the court order list the date and time of the next event (see Section B)? _____

PERMANENCY HEARING

Instructions: Fill out this form for any hearing identified as a permanency hearing. If there are multiple permanency hearings, fill out one form for each hearing.

73. Date hearing commenced (month/day/year): _____

74. Date of subsequent hearing, if continued (month/day/year): _____

75. Order date (month/day/year): _____

76. Participation in Hearing

Participant	Present (see Section B)	Notified (see Section B)	Why Not (see Section C)	Was Counsel Present (see Section B)	Name of Counsel
Mother					
Father					
Child					
Relative					
Foster Parent 1					
Foster Parent 2					

77. If a CSD/SCF/DHS worker, Deputy District Attorney, Assistant Attorney General or Court Appointed Special Advocate were present, what were their names? If not, write none next to the title.

_____, CSD/SCF/DHS worker

_____, DDA (Deputy District Attorney)

_____, AAG (Assistant Attorney General)

_____, CASA (Court Appointed Special Advocate)

78. Presiding Judicial Officer, name: _____
79. Did the court make a reasonable efforts finding about DHS efforts to implement the permanent plan that existed prior to the start of the permanency hearing (see Section B)? _____
80. Did the court review the agency's efforts to implement or develop the concurrent plan (see Section B)? _____
81. Indicate which permanent plan the court approved at the permanency hearing (circle one). Indicate which findings the court made about the plan by answering the appropriate questions for the selected plan.
- a. Return to parent (answer questions 82-86, skip 87-90)
 - b. Adoption (skip 82-90)
 - c. Guardianship or placement with relative (answer questions 87-88, skip 82-86 & 89-90)
 - d. Planned permanent living arrangement (answer questions 89-90, skip 82-88)
 - e. Other _____ (skip 82-90)
82. Did the court make a written finding that one or both of the parents had made sufficient progress to make it possible for the child to sagely return home (see Section B)? _____
83. Did the court make a written finding that return is possible if the parents participate in specific services, for a specific period of time (see Section B)? _____
84. Did the court make a written order that the parents participate in specific services (see Section B)? _____
85. Did the court make a written order outlining the progress the parents must make (see Section B)? _____
86. Did the court make a written order specifying how long the parents have to make the progress (see Section B)? _____
87. Did the court make a determination that return to parent is not in the child's best interest (see Section B)? _____

88. Did the court make a determination that adoption is not in the child's best interest (see Section B)? _____
89. Did the court make a finding that DHS has documented a compelling reason why the child should not be returned to a parent, placed for adoption, placed with a legal guardian, or placed with a fit and willing relative (see Section B)? _____
90. What is the compelling reason (circle all that apply)? _____
- a. Child not adoptable
 - b. Foster parents unwilling to adopt
 - c. Relatives unwilling to be guardian/adoptive parent
 - d. Child does not wish to be adopted
91. Does the court order list the date and time of the next event (see Section B)? _____

TERMINATION OF PARENTAL RIGHTS

Instructions: Answer with respect to the proceedings at which the court terminated parental rights, accepted relinquishment, or dismissed the termination petition as to each parent.

92. Date of original termination petition (month/day/year): _____
93. Date of first trial setting (month/day/year): _____
94. Number of continuances (set-overs): _____
95. Date(s) of hearings (month/day/year): _____, _____, _____, _____, _____,
_____, _____, _____, _____
96. Date of judgement (month/day/year): _____
97. Type of proceeding as to mother (circle one):
a) trial b) default d) relinquishment c) other _____
98. Type of proceeding as to father (circle one):
a) trial b) default d) relinquishment c) other _____
99. Did the court dismiss the TPR petition as to the mother (see Section B)? _____
100. Did the Court dismiss the TPR petition as to the father (see Section B)? _____
101. Did the court terminate mother's rights (see Section B)? _____
102. Did the court terminate father's rights (see Section B)? _____

103. Participation in Hearing

Participant	Present (see Section B)	Notified (see Section B)	Why Not (see Section C)	Was Counsel Present (see Section B)	Name of Counsel
Mother					
Father					
Child					
Relative					
Foster Parent 1					
Foster Parent 2					

104. If a CSD/SCF/DHS worker, Deputy District Attorney, Assistant Attorney General or Court Appointed Special Advocate were present, what were there names? If not, write none next to the title.

_____, CSD/SCF/DHS worker

_____, DDA (Deputy District Attorney)

_____, AAG (Assistant Attorney General)

_____, CASA (Court Appointed Special Advocate)

105. Presiding Judicial Officer, name: _____

106. If ICWA applies, did the court make a finding that the continued custody of the child by parent/Indian custodian was likely to result in serious emotional/physical damage to the child (see Section B)?

107. If ICWA applies, does the court order reflect that the above finding was supported by evidence beyond a reasonable doubt, including testimony of a qualified expert witness possessing special knowledge of social and cultural aspects of Indian life (see Section B)? _____

108. If ICWA applies, did the court find that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proven unsuccessful (see Section B)? _____

CASE CLOSURE

109. Date of order granting adoption, granting guardianship, or dismissing the original petition or wardship (month/day/year): _____

110. Was the order entered after a hearing (see Section B)? _____

Instructions: Answer the next question if closure by guardianship.

111. Does the order appointing the guardian reflect _____. (finish sentence: see Section J)

Instructions: Answer the next question if closure by dismissal

112. Reason for dismissal (see Section K): _____

Instructions: Answer the following questions in all cases.

113. Total number of attorneys for mother: _____ (see questions 20, 39, 63, 76, 103)

114. Total number of attorneys for father: _____ (see questions 20, 39, 63, 76, 103)

115. Total number of attorneys for child: _____ (see questions 20, 39, 63, 76, 103)

116. Total number of DDAs: _____ (see questions 21, 40, 64, 77, 104)

117. Total number of AAGs: _____ (see questions 21, 40, 64, 77, 104)

118. Total number of caseworkers: _____ (see questions 21, 40, 64, 77, 104)

119. Total number of CASAs: _____ (see questions 21, 40, 64, 77, 104)

120. Total number of judicial officers: _____ (see questions 22, 41, 65, 78, 105)

121. Total number of continuances: _____ (see questions 34 & 94)

STUDY COUNTY FILE REVIEW - CODES

Section A: County

- 1 Jackson
- 2 Lincoln
- 3 Linn
- 4 Multnomah
- 5 Umatilla

Section B: Miscellaneous

- 1 Yes
- 2 No
- 3 Not applicable
- 4 Unable to determine

Section C: Reason not notified of hearing

- 1 Unable to locate
- 2 Unable to identify
- 3 No efforts were made
- 4 Other
- 5 Unable to determine

Section D: Child's placement

- 1 Parent home
- 2 Foster care
- 3 Relative home
- 4 Residential care
- 5 Other
- 6 Unable to determine

Section E: Events between shelter hearing and adjudication/disposition

- 1 Additional prelim
- 2 Appeal of prelim
- 3 Amended petition filed

- 4 Notice to tribe
- 5 Contested motion for discovery
- 6 Motion for intervention by person
- 7 Motion for intervention by tribe
- 8 Motion for transfer to tribe
- 9 Continuance for further investigation
- 10 Continuance for voluntary compliance with service agreement
- 11 Continuance for pending criminal proceeding
- 12 Continuance because attorney not available
- 13 Continuance because witnesses not available
- 14 Continuance because awaiting evaluation
- 15 Continuance because need additional time to notify parties
- 16 Continuance because attorney not prepared
- 17 Continuance because father recently established paternity or filiation proceeding
- 18 Continuance because of scheduling problems
- 19 Pretrial conference not resulting in same day adjudication or dismissal as to both of the parents
- 20 Judicial settlement conference not resulting in same day adjudication or dismissal as to both parents
- 21 Filiation proceeding
- 22 Motion for visitation
- 23 Motion or hearing for return of the child
- 24 Motion to dismiss

- 25 Order consolidating juvenile case with another proceeding
- 26 Order appointing CASA
- 27 Other
- 28 Order appointing attorney
- 29 Continuance for any other reason

Section F: Type of adjudication proceeding

- 1 Contested hearing
- 2 Plea/stipulation
- 3 Default
- 4 Judicial settlement conference resulting in finding or dismissal
- 5 Motion to dismiss
- 6 Mediation
- 7 Other

Section G: Parties

- 1 CSD/SCF/DHS
- 2 AG
- 3 DA
- 4 CASA
- 5 JCC
- 6 Other
- 7 CASA volunteer attorney
- 8 CASA program attorney

Section H: Parties

- 9 Parent
- 10 Guardian
- 11 Sibling
- 12 Relative
- 13 Tribe
- 14 Indian Custodian
- 15 None

Section I: Events after the dispositional hearing

- 1 Review by CRB
- 2 Court review ordered as a result of a CRB
- 3 Court Review ordered as a result of reasons other than a CRB
- 4 Paper hearing
- 5 Shelter hearing
- 6 Other

Section J: Statements in the order appointing guardian

- 1 That the guardians were present at the time of appointment
- 2 That the guardians were not present at the time of appointment
- 3 That the court or juvenile department has a record of the guardian's name and address
- 4 No such record

Section K: Reasons for dismissal of petition or wardship

- 1 Return home
- 2 Adoption
- 3 Guardianship
- 4 Child reached majority
- 5 Child's death
- 6 Transfer of jurisdiction
- 7 State's request or motion
- 8 Parties agree
- 9 No jurisdictional basis
- 10 Unable to determine
- 11 Other

ICWA STUDY COUNTY FILE REVIEW

JOJIN#: _____

Review Date: _____

County (see section A): _____

Reviewer: _____

PETITION AND ICWA

1. Date first petition filed (month/day/year): _____
2. Does ICWA apply in this case (1y/2n see section B): _____
3. Date ICWA was determined by court to apply or not apply (month/day/year): _____
4. Was this determination made after court originally took jurisdiction (1y/2n see section B): _____
5. If yes, did the court hold another jurisdictional hearing (1y/2n see section B): _____

Please answer the following two questions only if ICWA applies in the case. If ICWA was determined to apply after the court originally took jurisdiction and another jurisdictional hearing was held, answer these questions for the adjudicated petition in this second jurisdictional hearing(s).

6. Does the adjudicated petition allege the name and address of the child's parents and/or Indian custodian and the tribe or a detailed explanation of efforts made to locate them (1y/2n see section B):

7. Does the adjudicated petition allege a specific and detailed account of the circumstances which led the state to conclude that the child would suffer imminent physical damage or harm (1y/2n see section B):

PRELIMINARY/SHELTER CARE/24-HOUR HEARING

8. Date of hearing (month/day/year): _____
9. Did the court consider whether or not ICWA applies at this proceeding (1y/2n see section B): _____
10. Was tribal representative present (1y/2n see section B): _____
11. Was tribal representative notified (1y/2n see section B): _____
12. If ICWA applies and the court did not dismiss the petition, did the court make a finding that the continued custody of the child by parent/Indian custodian was likely to result in serious emotional/physical damage to the child (1y/2n see section B): _____
13. Does the court order address placement (1y/2n see section B): _____
14. If ICWA applies, is there evidence the court considered ICWA placement preferences (1y/2n see section B): _____

ADJUDICATION AND DISPOSITION

Answer with respect to the proceedings at which the court either took jurisdictional or dismissed the petition as to each parent. If this occurred at separate hearings, use duplicate pages.

Where adjudication and disposition happened at the same proceeding, answer all questions here; where different dates, complete duplicate pages.

15. Date of proceeding (month/day/year): _____
16. Was tribal representative present (1y/2n see section B): _____
17. Was tribal representative notified (1y/2n see section B): _____
18. If ICWA applies, did the court make a finding that the continued custody of the child by parent/Indian custodian was likely to result in serious emotional/physical damage to the child (1y/2n see section B):

19. If ICWA applies, does the court order reflect that the finding was supported by clear and convincing evidence, including testimony of qualified expert witness possessing special knowledge of social and cultural aspects of Indian life (1y/2n see section B): _____
20. If ICWA applies, did the court find that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breaking of the Indian family and that these efforts have proven unsuccessful (1y/2n see section B): _____

Answer the next questions if disposition considered at this hearing.

21. Does the court order address placement (1y/2n see section B): _____
22. If ICWA applies, is there evidence the court considered ICWA placement preferences (1y/2n see section B): _____

PERMANENCY HEARING

23. Date of proceeding (month/day/year): _____
24. Was tribal representative present (1y/2n see section B): _____
25. Was tribal representative notified (1y/2n see section B): _____
26. What is the permanent plan (see section C): _____
27. If ICWA applies, did the court make an "active efforts finding" regarding DHS efforts to implement the permanent plan that existed prior to the start of the permanency hearing (1y/2n see section B):

28. If ICWA applies, did the court make an "active efforts finding" regarding DHS efforts to implement or develop the concurrent plan (1y/2n see section B): _____

TERMINATION OF PARENTAL RIGHTS

29. Date of first trial (month/day/year): _____
30. Was tribal representative present (1y/2n see section B): _____
31. Was tribal representative notified (1y/2n see section B): _____
32. If ICWA applies, did the court find that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proven unsuccessful (1y/2n see section B): _____
33. If ICWA applies, did the court make a finding that the continued custody of the child by parent/Indian custodian was likely to result in serious emotional/physical damage to the child (1y/2n see section B):

- a. If yes, did the court order reflect that the finding was supported by evidence beyond a reasonable doubt, including testimony of a qualified expert witness possessing special knowledge of social and cultural aspects of Indian life (1y/2n see section B): _____

ICWA Study County File Review - Codes

Section A: County

- 1 Jackson
- 2 Lincoln
- 3 Linn
- 4 Multnomah

Section B: Miscellaneous

- 1 Yes
- 2 No
- 3 Not applicable
- 4 Unable to determine

Section C: Permanent Plan

- 1 return to parent
- 2 adoption
- 3 permanent guardianship
- 4 permanent foster care
- 5 other
- 6 unable to determine
- 7 not applicable



Statewide Survey - Juvenile Court Improvement Project 2003

We need your help! This survey is part of the Juvenile Court Improvement Project's (JCIP) reassessment of Oregon juvenile courts' performance relating to foster care and adoption cases. An initial assessment of Oregon's courts was done in 1997. As a result of that assessment, the JCIP has been receiving federal grant funds to support education for judges and other juvenile court participants; improve state laws about child abuse; and make other improvements in the juvenile court system. Now, seven years later, it is time to measure our progress and plan for future improvements. Please complete the survey below about your experience with juvenile courts in Oregon. **Please return the survey by May 14, 2004.** If you have any questions or concerns about this survey, please contact Lynn Travis (analyst for the Juvenile Court Improvement Project) at 503/986-6416 or lynn.m.travis@state.or.us.

Mark the answer that best represents your own experience in the juvenile court system. Certain questions below ask that you respond by circling a number from 1 to 6 corresponding with your estimate of how frequently events occur. Roughly speaking, "RARELY" means less than 5% of the hearings/of the time, "OCCASIONALLY": 6-35%, "OFTEN" 36-75%, and "USUALLY" means over 75%. If you have no information about

SURVEY PARTICIPANT

Please identify yourself:

- | | | |
|---|---|---|
| <input type="checkbox"/> Judge | <input type="checkbox"/> CASA | <input type="checkbox"/> Attorney (CAA) |
| <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> Attorney (DA or AAG) | <input type="checkbox"/> Other _____ |
| CRB <input type="checkbox"/> Member | | |
| <input type="checkbox"/> Staff | | |

How long have you performed this job? _____

County _____ (if you are involved in Juvenile Court in more than one county, please answer these questions about the county you are most familiar with).

CASE ADMINISTRATION

WHO USUALLY DOES THESE JOBS IN YOUR COUNTY?

- | | | | | |
|--|--------------------------------------|--|---|--------------------------------------|
| 1. Filing dependency petitions. | <input type="checkbox"/> Court Staff | <input type="checkbox"/> Juvenile Department | <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> Other _____ |
| 2. Serving dependency petitions. | <input type="checkbox"/> Court Staff | <input type="checkbox"/> Juvenile Department | <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> Other _____ |
| 3. Verifying indigency for parents and children requesting attorneys. | <input type="checkbox"/> Court Staff | <input type="checkbox"/> Juvenile Department | <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> Other _____ |
| 4. Checking for conflicts of interest prior to appointment of counsel. | <input type="checkbox"/> Court Staff | <input type="checkbox"/> Juvenile Department | <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> Other _____ |
| 5. Assigning and notifying attorneys about new cases. | <input type="checkbox"/> Court Staff | <input type="checkbox"/> Juvenile Department | <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> Other _____ |
| 6. Distributing court reports or other discovery for dependency cases. | <input type="checkbox"/> Court Staff | <input type="checkbox"/> Juvenile Department | <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> Other _____ |
| 7. Scheduling court hearings. | <input type="checkbox"/> Court Staff | <input type="checkbox"/> Juvenile Department | <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> Other _____ |
| 8. Notifying parties and attorneys about court hearings. | <input type="checkbox"/> Court Staff | <input type="checkbox"/> Juvenile Department | <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> Other _____ |
| 9. Distributing court orders. | <input type="checkbox"/> Court Staff | <input type="checkbox"/> Juvenile Department | <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> Other _____ |

CASE INITIATION THROUGH ADJUDICATION

- | | <u>Rarely</u> | <u>Occasionally</u> | <u>Often</u> | <u>Usually</u> | <u>Don't Know</u> | <u>N/A</u> |
|--|---------------|---------------------|--------------|----------------|-------------------|------------|
| 10. The shelter care hearings are held the first judicial day after the date a child is removed from the home. | 1 | 2 | 3 | 4 | 5 | 6 |

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
11. The court asks about eligibility for the Indian Child Welfare Act at shelter care hearings.	1	2	3	4	5	6
12. Parties present expert testimony to support requests for removal of Indian children at shelter care hearings.	1	2	3	4	5	6
13. The court makes findings about reasonable efforts to prevent removal at shelter care hearings.	1	2	3	4	5	6
14. The court makes findings about reasonable efforts to reunify families at shelter care hearings.	1	2	3	4	5	6
15. The court makes findings about active efforts to reunify Indian families or prevent removal of Indian children at Shelter hearings.	1	2	3	4	5	6
16. Dependency petitions contain specific allegations regarding each parent even if the child wasn't living with that parent at the time of removal.	1	2	3	4	5	6
17. Each shelter care hearing is scheduled for a specific docket time (the court does not schedule several hearings at one time and require parties to wait until their case is called).	1	2	3	4	5	6
18. Parents attend shelter care hearings.	1	2	3	4	5	6
19. Attorneys attend shelter care hearings.	1	2	3	4	5	6
20. CASAs attend shelter care hearings.	1	2	3	4	5	6
21. The court asks where parents are when they are not at the shelter hearing.	1	2	3	4	5	6

JURISDICTION AND DISPOSITION

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
22. Jurisdiction hearings are held within 60 days of filing of the petition.	1	2	3	4	5	6
23. Disposition hearings are held within 60 days of filing the petition.	1	2	3	4	5	6
24. The court makes good cause findings when setting jurisdiction hearings more than sixty days after the petition is filed.	1	2	3	4	5	6
25. Jurisdiction and disposition hearings are held on the same day.	1	2	3	4	5	6
26. Each jurisdiction hearing is scheduled for a specific docket time (the court does not schedule several hearings at one time and require parties to wait until their case is called).	1	2	3	4	5	6
27. The judge asks DHS and the parties about reasonable efforts to reunify the family at disposition hearings.	1	2	3	4	5	6
28. If no ICWA determination was made at shelter care hearings, the court asks about Indian Heritage at the adjudication hearing.	1	2	3	4	5	6
29. Pretrial conferences, settlement conferences or mediations are held prior to jurisdiction hearings.	1	2	3	4	5	6
30. Pretrial conferences, settlement conferences or mediations result in disposition dependency proceedings.	1	2	3	4	5	6
31. If the whereabouts of a parent(s) were unknown at the shelter care hearing, they are located by the time the court takes jurisdiction.	1	2	3	4	5	6

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
32. All parties are notified of jurisdiction hearings.	1	2	3	4	5	6
33. If parents can't be located, even with diligent efforts, the Court proceeds to adjudication without giving notice to the parents.	1	2	3	4	5	6
34. Court orders refer to a specific permanency plan.	1	2	3	4	5	6
35. Court orders refer to specific concurrent plans.	1	2	3	4	5	6
36. Court orders refer to specific visitation plans (who may visit, time, place).	1	2	3	4	5	6
37. The court refers to or incorporates a DHS service agreement.	1	2	3	4	5	6
38. The court orders parents to participate in specific services.	1	2	3	4	5	6

POST-DISPOSITIONAL REVIEWS

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
39. CRB reviews are held within the first 6 months of the removal of the child from the home, and then 6 months thereafter.	1	2	3	4	5	6
40. CRB reviews are held within 6 months of a permanency hearing.	1	2	3	4	5	6
41. Court-appointed counsel attend CRB reviews.	1	2	3	4	5	6
42. Court-appointed counsel delegate CRB review attendance to a paralegal or other office staff.	1	2	3	4	5	6
43. Notice of CRB reviews is given to children if over 14.	1	2	3	4	5	6

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
44. Notice of CRB reviews is given to the child's care givers.	1	2	3	4	5	6
45. The court uses CRB findings to prepare for reviews.	1	2	3	4	5	6
46. The court relieves the CRB of its obligation to review cases.	1	2	3	4	5	6
47. The court makes reasonable or active efforts and other statutory findings when cancelling the CRB reviews.	1	2	3	4	5	6
48. Each dependency review hearing is scheduled for a specific docket time (the court does not schedule several hearings at one time and require parties to wait until their case is called).	1	2	3	4	5	6
49. The court makes reasonable or active efforts findings about concurrent plans at review hearings.	1	2	3	4	5	6
50. The CRB makes reasonable or active efforts findings about concurrent plans at review hearings.	1	2	3	4	5	6
51. The court makes specific findings about efforts to reunify families at review hearings.	1	2	3	4	5	6
52. The CRB makes specific findings about efforts to reunify families.	1	2	3	4	5	6
53. The court makes findings about the need for continued placement at review hearings.	1	2	3	4	5	6
54. The CRB makes specific findings about the need for continued placement.	1	2	3	4	5	6
55. The court makes findings about the progress of the parents at review hearings.	1	2	3	4	5	6

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
56. The CRB makes findings about the progress of the parents.	1	2	3	4	5	6
57. The court makes findings about DHS's compliance with the case plan at review hearings.	1	2	3	4	5	6
58. The CRB makes findings about DHS's compliance with the case plan.	1	2	3	4	5	6

INDEPENDENT LIVING PLANS

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
59. All children 16 and older have comprehensive Independent Living Plans.	1	2	3	4	5	6
Independent Living Plans in our county include:						
60. Housing	1	2	3	4	5	6
61. Physical/Mental health	1	2	3	4	5	6
62. Community connections	1	2	3	4	5	6
63. Education	1	2	3	4	5	6
64. Employment	1	2	3	4	5	6
65. Supportive relationships	1	2	3	4	5	6
66. The court notes specifically whether Independent Living Plans are adequate.	1	2	3	4	5	6
67. The court notes specifically whether DHS offered appropriate services for children with Independent Living Plans.	1	2	3	4	5	6
68. The court notes specifically whether DHS is involved with the child.	1	2	3	4	5	6

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
69. Children over 16 come to court hearings to talk about their plans after they leave foster care.	1	2	3	4	5	6

ACHIEVING PERMANENCY

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
70. The court holds a permanency hearing twelve months after the Court establishing jurisdiction or fourteen months after the child enters care at the latest.	1	2	3	4	5	6
71. The court makes aggravated circumstances findings that relieve DHS of the obligation to work with parents.	1	2	3	4	5	6
72. The court holds a permanency hearing 30 days after finding of aggravated circumstances and agency decides not to provide services.	1	2	3	4	5	6
73. The court holds a permanency hearing 90 days after disruption of permanent foster care placement.	1	2	3	4	5	6
74. If the court approves a permanent plan to return to parents, the court sets a specific date for return.	1	2	3	4	5	6
75. The court holds a permanency hearing early if requested by any party.	1	2	3	4	5	6
76. Each permanency hearing is scheduled for a specific docket time (the court does not schedule several hearings at one time and require parties to wait until their case is called).	1	2	3	4	5	6

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
77. The court sets a date by which the permanent plan should be achieved.	1	2	3	4	5	6
78. The child achieves permanency by the date the court sets.	1	2	3	4	5	6
79. Notice of permanency hearings is given to parents.	1	2	3	4	5	6
80. Notice of permanency hearings is given to children if they are over 14.	1	2	3	4	5	6
81. DHS gives notice of permanency hearings to the care givers.	1	2	3	4	5	6
82. The court makes reasonable efforts findings about the permanent plan identified prior to the permanency hearing.	1	2	3	4	5	6
83. In ICWA cases, the court makes active efforts findings about the permanent plan identified prior to the permanency hearing.	1	2	3	4	5	6
84. The court makes reasonable efforts findings about the concurrent plan identified prior to the permanency hearing.	1	2	3	4	5	6
85. In ICWA cases, the court makes active efforts findings about the concurrent plan identified prior to the permanency hearing.	1	2	3	4	5	6
86. DHS implements the Court's recommendations.	1	2	3	4	5	6

TERMINATION

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
87. Termination of parental rights petitions are litigated within six months of serving the petitions on parents.	1	2	3	4	5	6
88. Counsel is appointed to the parent/child for the FIRST TIME at termination.	1	2	3	4	5	6
89. The court uses pre-trial conferences and mediation to resolve termination issues.	1	2	3	4	5	6
90. Termination of parental rights is resolved without trial.	1	2	3	4	5	6

REPRESENTATION AND APPEARANCES

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
91. The court appoints counsel for parents at shelter care hearings.	1	2	3	4	5	6
92. The court appoints counsel for children at shelter case hearings.	1	2	3	4	5	6
93. The court appoints CASA for children at shelter care hearings.	1	2	3	4	5	6
94. The court appoints counsel for parents after the shelter care hearing and prior to adjudication.	1	2	3	4	5	6
95. The court appoints counsel for children after the shelter care hearing and prior to adjudication.	1	2	3	4	5	6
96. The court appoints CASA for children after the shelter care hearing and prior to adjudication.	1	2	3	4	5	6
97. The court appoints counsel for parents after adjudication.	1	2	3	4	5	6
98. The court appoints counsel for children after adjudication.	1	2	3	4	5	6

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
99. The court appoints CASA for children after adjudication.	1	2	3	4	5	6
100. The court appoints counsel for parents after disposition.	1	2	3	4	5	6
101. The court appoints counsel for children after disposition.	1	2	3	4	5	6
102. The court appoints CASA for children after disposition.	1	2	3	4	5	6
103. The court does not appoint counsel for parents.	1	2	3	4	5	6
104. The court does not appoint counsel for children.	1	2	3	4	5	6
105. The court does not appoint CASA for children.	1	2	3	4	5	6
106. The same judge hears the different stages of the same case.	1	2	3	4	5	6
107. Parties receive notification of upcoming hearings.	1	2	3	4	5	6
108. The identity or location of both parents is determined prior to adjudication.	1	2	3	4	5	6
109. DHS has access to an AAG at all stages of the dependency proceedings.	1	2	3	4	5	6
110. The DA's office is present throughout all of the dependency proceedings.	1	2	3	4	5	6
111. Attorneys (not paralegals or other staff) are present at CRB's.	1	2	3	4	5	6
How often are the following reasons for the delay or interruption in dependency cases?						
112. the unavailability of the judge.	1	2	3	4	5	6

		<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
113.	the unavailability of an attorney (district attorney, assistant attorney general, or court appointed counsel).	1	2	3	4	5	6
114.	the unavailability of the party(ies).	1	2	3	4	5	6
115.	the unavailability of the witness.	1	2	3	4	5	6
116.	lack of docket time.	1	2	3	4	5	6
117.	requests for set-overs.	1	2	3	4	5	6
118.	parties' reports were unavailable or not received on time.	1	2	3	4	5	6
119.	client is participating in voluntary services.	1	2	3	4	5	6
120.	other _____	1	2	3	4	5	6

COMMUNICATION

		<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
121.	Parents attend family or team decision meetings.	1	2	3	4	5	6
122.	Attorneys or someone from their staff attend family or team decision meetings.	1	2	3	4	5	6
123.	DHS, parents and attorneys meet and discuss the cases prior to adjudicatory hearings (such as a settlement conference or mediation).	1	2	3	4	5	6
124.	DHS, parents and attorneys meet and discuss the case prior to the dispositional hearing.	1	2	3	4	5	6

		<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
125.	DHS, parents and attorneys meet and discuss the case prior to permanency hearings.	1	2	3	4	5	6
126.	DHS, parents and attorneys meet and discuss the cases prior to termination hearings.	1	2	3	4	5	6
127.	Attorneys for parents meet with clients before the day of court.	1	2	3	4	5	6
128.	Attorneys for children meet with clients before the day of court.	1	2	3	4	5	6
129.	CASAs meet with children before the day of court.	1	2	3	4	5	6
130.	Attorneys visit children in their homes.	1	2	3	4	5	6
131.	CASA visit children in their homes.	1	2	3	4	5	6
132.	Attorneys for parents are familiar with cases and are actively representing their clients in court.	1	2	3	4	5	6
133.	Attorneys for children are familiar with cases and are actively representing their clients in court	1	2	3	4	5	6
134.	CASA are familiar with cases and are actively representing the child's best interests in court.	1	2	3	4	5	6
135.	There are regular meetings between DHS and Judges/Court Administrators to work out issues of mutual concern.	1	2	3	4	5	6
136.	Waiting for information about membership in Oregon Indian tribes delays dependency proceedings.	1	2	3	4	5	6

		<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
137.	Waiting for information about membership in Indian tribes outside of Oregon delays dependency proceedings.	1	2	3	4	5	6
138.	Waiting for approval from Interstate Compact offices in other states delays dependency proceedings.	1	2	3	4	5	6

RECENT REFORMS AND CHANGE

		<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
139.	One judge hears all phases of each dependency case.	1	2	3	4	5	6
140.	The judge sets future court dates in court with the parties present.	1	2	3	4	5	6
141.	The court holds pretrial conferences in termination proceedings.	1	2	3	4	5	6
142.	Parties attend mediation in dependency proceedings.	1	2	3	4	5	6
143.	Parties attend mediation in termination proceedings.	1	2	3	4	5	6
144.	The court uses standardized forms for judicial orders.	1	2	3	4	5	6
145.	Judges receive training in juvenile issues.	1	2	3	4	5	6
146.	Attorneys attend family or team decision meetings.	1	2	3	4	5	6

TRAINING

147. Do you receive formal training in child welfare or juvenile court issues? Yes ____ No ____

148. Is your training provided by:

- | | | |
|---|---|---|
| <input type="checkbox"/> Staff from your program | <input type="checkbox"/> CASA | <input type="checkbox"/> Court Appointed Attorneys |
| <input type="checkbox"/> Juvenile Court Improvement Staff | <input type="checkbox"/> Oregon State Bar Staff | <input type="checkbox"/> Assistant Attorney General |
| <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> District Attorney | <input type="checkbox"/> Judicial Department Staff |
| <input type="checkbox"/> Citizen Review Board Staff | <input type="checkbox"/> Other _____ | |

149. What topics are covered by your training?

- | | | |
|---|--|---|
| <input type="checkbox"/> Adoption and Safe Families Act (ASFA) | <input type="checkbox"/> federal law | <input type="checkbox"/> Indian Child Welfare Act (ICWA) |
| <input type="checkbox"/> juvenile court processes | <input type="checkbox"/> mediation/ADR | <input type="checkbox"/> use of juvenile court forms and protocols |
| <input type="checkbox"/> physical abuse | <input type="checkbox"/> sexual abuse | <input type="checkbox"/> domestic violence |
| <input type="checkbox"/> failure to thrive | <input type="checkbox"/> neglect | <input type="checkbox"/> medical neglect |
| <input type="checkbox"/> permanent planning | <input type="checkbox"/> government benefits available in dependency cases (Social Security, non-needy, relative grants, etc.) | <input type="checkbox"/> Medicaid and the Oregon Health Plan |
| <input type="checkbox"/> paternity issues | <input type="checkbox"/> locating absent fathers | <input type="checkbox"/> consolidated domestic relations and dependency cases |
| <input type="checkbox"/> confidentiality | <input type="checkbox"/> Child Abuse Reporting Act | <input type="checkbox"/> psychological parents and intervention |
| <input type="checkbox"/> substance abuse and resources for substance abusing families | <input type="checkbox"/> cultural and ethnic differences as they relate to child rearing | <input type="checkbox"/> adoption assistance programs |
| <input type="checkbox"/> emancipation laws | <input type="checkbox"/> Independent Living Programs | <input type="checkbox"/> family preservation services |
| <input type="checkbox"/> use of psychotropic drugs for children | <input type="checkbox"/> sibling placement | |

150. Does your training incorporate practical aspects of running a case through the court system from beginning to end? Yes ____ No ____

151. Is there a designated person on staff who can answer questions? Yes ____ No ____

152. If yes, what is that person's position? Yes ____ No ____

153. Do you have any training materials? Yes ____ No ____

154. If yes, are they:

- Notebooks/books/manuals Videos On-line Audio tapes

155. Is there an in-house library or other place where they may be easily accessed? Yes ____ No ____

156. Do you have any trainings on juvenile court or child welfare issues that you are required to attend? Yes ____ No ____

157. Are volunteers/workers encouraged to attend periodic training (i.e., may attend during work time without having to request time off, regularly informed of training opportunities)? Yes ____ No ____

158. Does your organization present training opportunities for other organizations? Yes ____ No ____

159. Do your trainings include individuals from other organizations (in attendance)? Yes ____ No ____

160. Do your trainings include individuals from other organizations (trainers/presenters)? Yes ____ No ____

STRENGTHS AND WEAKNESSES OF JUVENILE COURT PARTICIPANTS

161. How would you describe the strengths and weaknesses of -

- Juvenile judges for your county
- Attorneys for children
- Attorneys for parents
- CASAs
- District attorneys
- CRB
- DHS



Foster Parent Survey

March 2004

FOSTER PARENT PARTICIPANT

1. How many years have you been a foster parent? _____
2. If foster children in your home are referred from more than one county, which county DHS branch do most of your foster children come from?
3. Are you a relative of at least one foster child in your home? _____
4. How many foster children are in your home today? _____
5. How many foster children (total) have you cared for? _____
6. What is the average length of time children stay with you?

___ Less than a month ___ One to six months ___ Six months to a year
___ More than one year

ATTORNEY, CASA, CITIZEN REVIEW BOARD and JUVENILE COURT PERFORMANCE

Please answer these questions about attorneys, CASAs and Juvenile Courts who work with your foster children. If you work in more than one county, answer these questions with respect to the county most of your foster children come from. These questions ask you to respond by circling a number from 1 to 6 corresponding with your estimate of how frequently events occur. Roughly speaking, "RARELY" means less than 5% of the time, "OCCASIONALLY": 6-35%, "OFTEN" means 36-74% and "USUALLY" means over 75%.

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
7. Attorneys appointed for my foster children call me within a week of getting a case.	1	2	3	4	5	6
8. CASAs appointed for my foster children call me within a week of getting a case.	1	2	3	4	5	6
9. Attorneys appointed for my foster children meet their clients in my home before they go to court for the first time on a case.	1	2	3	4	5	6
10. CASAs appointed for my foster children meet the children in my home before they go to court for the first time on a case.	1	2	3	4	5	6
11. Attorneys appointed for my foster children explain the court cases to the children.	1	2	3	4	5	6
12. CASAs appointed for my foster children explain the court cases to the children.	1	2	3	4	5	6
13. Attorneys appointed for my foster children explain the court cases to me.	1	2	3	4	5	6
14. When I leave a message for my foster children's attorneys, the calls are returned in two business days.	1	2	3	4	5	6
15. When I leave a message for my foster children's CASAs, the calls are returned in two business days.	1	2	3	4	5	6
16. When my foster children leave messages for their attorneys, the calls are returned in two business days.	1	2	3	4	5	6
17. Attorneys appointed for my foster children are knowledgeable about their cases.	1	2	3	4	5	6
18. CASAs appointed for my foster children are knowledgeable about their cases.	1	2	3	4	5	6

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>	<u>Don't Know</u>	<u>N/A</u>
19. Attorneys appointed for my foster children request information from me about the children.	1	2	3	4	5	6
20. CASAs appointed for my foster children request information from me about the children.	1	2	3	4	5	6
21. I receive notices about court hearings for foster children in my care.	1	2	3	4	5	6
22. I receive verbal notice about court hearings for foster children in my care.	1	2	3	4	5	6
23. I attend court hearings for foster children in my care.	1	2	3	4	5	6
24. When I attend court hearings for foster children in my care, the judge asks me about the child.	1	2	3	4	5	6
25. The judge or magistrate is polite and respectful toward me while I am in court.	1	2	3	4	5	6
26. I receive notices about CRB reviews for foster children in my care.	1	2	3	4	5	6
27. I attend CRB reviews for foster children in my care.	1	2	3	4	5	6
28. When I attend CRB reviews for foster children in my care, the Board or coordinator asks me about the children.	1	2	3	4	5	6
29. The CRB Board and Coordinator are polite and respectful toward me while I am at a review.	1	2	3	4	5	6
30. I am asked to participate in team or family decision meetings about the foster children in my care.	1	2	3	4	5	6
31. I attend team or family decision meetings about the foster children in my care.	1	2	3	4	5	6

32. What problems have you encountered as a foster parent related to the court system?

RECENT ATTORNEY PERFORMANCE

Please answer these questions based on your experience the last time one of your foster children had an attorney.

33. Thinking about the last attorney appointed for one of my foster children, the attorney called me within a week of assignment to the case.

YES NO Don't Know N/A

34. Thinking about the last attorney appointed for one of my foster children, the attorney met the child in my home prior to going to court for the first time.

YES NO Don't Know N/A

35. Thinking about the last attorney appointed for one of my foster children, the attorney explained the court case to the child.

YES NO Don't Know N/A

36. Thinking about the last attorney appointed for one of my foster children, the attorney explained the court case to me.

YES NO Don't Know N/A

37. Thinking about the last attorney appointed for one of my foster children, the attorney returned my calls within two business days.

YES NO Don't Know N/A

38. Thinking about the last attorney appointed for one of my foster children, the attorney returned my foster child's calls within two business days.

YES NO Don't Know N/A

39. Thinking about the last attorney appointed for one of my foster children, the attorney was knowledgeable about my foster child's case.

YES NO Don't Know N/A

40. Thinking about the last attorney appointed for one of my foster children, the attorney requested information from me about my foster child's case.

YES NO Don't Know N/A

RECENT CASA PERFORMANCE

Please answer these questions based on your experience the last time one of your foster children had a CASA.

41. Thinking about the last CASA appointed for one of my foster children, the CASA contacted me within a week of assignment to the case.

YES NO Don't Know N/A

42. Thinking about the last CASA appointed for one of my foster children, the CASA met the child in my home prior to going to court for the first time.

YES NO Don't Know N/A

43. Thinking about the last CASA appointed for one of my foster children, the CASA explained the court case to the child.

YES NO Don't Know N/A

44. Thinking about the last CASA appointed for one of my foster children, the CASA returned my calls within two business days.

YES NO Don't Know N/A

45. Thinking about the last CASA appointed for one of my foster children, the CASA returned my foster child's calls within two business days.

YES NO Don't Know N/A

46. Thinking about the last CASA appointed for one of my foster children, the CASA was knowledgeable about my foster child's case.

YES NO Don't Know N/A

47. Thinking about the last CASA appointed for one of my foster children, the CASA requested information from me about my foster child's case.

YES NO Don't Know N/A

48. Do you receive formal training in child welfare or juvenile court issues? Yes ___ No ___

49. Is your training provided by:

- | | | |
|---|---|---|
| <input type="checkbox"/> Staff from your program | <input type="checkbox"/> CASA | <input type="checkbox"/> Court Appointed Attorneys |
| <input type="checkbox"/> Juvenile Court Improvement Staff | <input type="checkbox"/> Oregon State Bar Staff | <input type="checkbox"/> Assistant Attorney General |
| <input type="checkbox"/> DHS Caseworker | <input type="checkbox"/> District Attorney | <input type="checkbox"/> Judicial Department Staff |
| <input type="checkbox"/> Other _____ | | |

50. Does your training incorporate practical aspects of running a case through the court system from beginning to end? Yes ___ No ___

51. Is there a designated person at DHS who can answer questions on the court process? Yes ___ No ___

52. Do your trainings include individuals from other organizations (in attendance)? Yes ___ No ___

53. Do your trainings include individuals from other organizations (trainers/presenters)? Yes ___ No ___



2003-2004 Tribal Survey

We need your help! This survey is part of the Juvenile Court Improvement Project's (JCIP) reassessment of Oregon juvenile courts' performance relating to foster care and adoption cases. An initial assessment of Oregon's courts was done in 1997. As a result of that assessment, the JCIP has been receiving federal grant funds to support education for judges and other juvenile court participants; improve state laws about child abuse; and make other improvements in the juvenile court system. Now, seven years later, it is time to measure our progress and plan for future improvements. Please complete the survey below about your experience with juvenile courts in Oregon. **Please return the survey by April 20, 2004.** If you have any questions or concerns about this survey, please contact Lynn Travis (analyst for the Juvenile Court Improvement Project) at 503/986-6416 or lynn.m.travis@state.or.us.

This survey is intended to be filled out by a tribal social worker or other tribal representative who is most involved with abuse and neglect cases in state or tribal court involving children who are members or eligible for membership in your tribe.

Mark the answer that best represents your own experience in the juvenile court system. If you have no experience related to any particular issue, you may leave the question blank.

Certain questions below ask that you respond by circling a number from 1 to 4 corresponding with your estimate of how frequently events occur. Roughly speaking, "RARELY" means less than 5% of the hearings/of the time, "OCCASIONALLY": 6-35%, "OFTEN" 36-75%, and "USUALLY" means

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
<p>1. When the tribe receives an inquiry from Oregon DHS regarding the eligibility for membership of a child in your tribe, how frequently does that occur at these stages?</p>				
<p>when DHS first offers services to the family</p>	1	2	3	4

1. When the tribe receives an inquiry from Oregon DHS regarding the eligibility for membership of a child in your tribe, how frequently does that occur at these stages?

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
after the first shelter care hearing but before the court takes jurisdiction	1	2	3	4
within thirty days of the court taking jurisdiction	1	2	3	4
more than six months after the court takes jurisdiction	1	2	3	4
one year after the court takes jurisdiction	1	2	3	4
after a termination of parental rights petition has been filed	1	2	3	4

2. Of the dependency cases in Oregon state court that you know of involving children who are eligible for membership in your tribe, how frequently do you receive notice of the proceedings at the following stages?

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
initial DHS investigation or involvement	1	2	3	4
the filing of a dependency petition	1	2	3	4
the date and time of a shelter care hearing	1	2	3	4
the date and time of a family or team decision meeting	1	2	3	4
the date and time of the hearing to adjudicate the petition	1	2	3	4
the date and time of a dispositional hearing	1	2	3	4
the date and time of a review hearing	1	2	3	4
the date and time of a CRB	1	2	3	4
the date and time of a permanency hearing	1	2	3	4
the filing of a petition to terminate parental rights	1	2	3	4
the date and time of a trial or hearing on a petition to terminate parental rights	1	2	3	4

3. In dependency cases in Oregon state court you know of involving children who are eligible for or are members in your tribe that, how frequently do you or a representative from your tribe participate, by phone or in person in the following?	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
initial DHS investigation or involvement	1	2	3	4
the decision to file a dependency petition	1	2	3	4
a shelter care hearing	1	2	3	4
a family or team decision meeting	1	2	3	4
development of a service plan	1	2	3	4
identification of reunification services	1	2	3	4
the hearing to adjudicate the petition	1	2	3	4
the dispositional hearing	1	2	3	4
review hearing	1	2	3	4
CRB	1	2	3	4
permanency hearing	1	2	3	4
the decision to file a petition to terminate parental rights	1	2	3	4
a trial or hearing on a petition to terminate parental rights	1	2	3	4

4. In dependency cases in Oregon state courts involving children who eligible for or are members of your tribe that you know of, how frequently do you or a representative from your tribe offer expert testimony as to whether continued custody of the child by the parent or Native American custodian is likely to result in serious emotional or physical damage to the child at the following stages of the case?	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
shelter care hearing	1	2	3	4
hearing to adjudicate the petition	1	2	3	4
trial or hearing on a petition to terminate parental rights	1	2	3	4

5. In dependency cases in Oregon state courts involving children who eligible for or are members of your tribe that you know of, how frequently do the following people inquire about the availability of an extended family member, tribal member or other appropriate resource to care for that child?

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
DHS worker	1	2	3	4
juvenile court judge	1	2	3	4
parent's attorney	1	2	3	4
child's attorney	1	2	3	4
CASA	1	2	3	4
Citizen Review Board	1	2	3	4

6. In dependency cases in Oregon state courts involving children who eligible for or are members of your tribe that you know of, how frequently do the following people ask you about of reunification services offered through the tribe?

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
DHS worker	1	2	3	4
juvenile court judge	1	2	3	4
parent's attorney	1	2	3	4
child's attorney	1	2	3	4
CASA	1	2	3	4
Citizen Review Board	1	2	3	4

7. In dependency cases in Oregon state courts involving children who eligible for or are members of your tribe that you know of, how frequently do the following people inquire about the availability or appropriateness of services for other members of the parent's household?

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
DHS worker	1	2	3	4
juvenile court judge	1	2	3	4
parent's attorney	1	2	3	4

7. In dependency cases in Oregon state courts involving children who eligible for or are members of your tribe that you know of, how frequently do the following people inquire about the availability or appropriateness of services for other members of the parent's household?

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
child's attorney	1	2	3	4
CASA	1	2	3	4
Citizen Review Board	1	2	3	4

8. When the tribe is notified that a child who is a member or is eligible for membership in the tribe is the subject of a dependency case in Oregon state courts, how frequently does your tribe do the following?

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
seek to intervene at the earliest opportunity	1	2	3	4
request that the case be transferred to your tribal court	1	2	3	4
decline to intervene but stay informed about the proceedings	1	2	3	4
intervene after the court takes jurisdiction	1	2	3	4
intervene only if a termination of parental rights petition is filed	1	2	3	4
take no action in relation to the child	1	2	3	4

9. When your tribe chooses not to intervene in a Oregon state dependency proceeding involving a child who is a member or is eligible for membership in your tribe, how frequently is that decision based on the following?

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
inability to have a representative at the hearings	1	2	3	4
inadequate funds for legal representation	1	2	3	4
inadequate notice to the tribe	1	2	3	4
travel or time constraint of the tribal social worker	1	2	3	4

10. When the tribe does not seek to transfer a case to tribal court, how frequently is it a result of the following?

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
lack of social service resources within the tribe	1	2	3	4
lack of foster care placements or resources within the tribe	1	2	3	4
the proximity of the tribal court to the family	1	2	3	4
no tribal court or body that is available to hear ICWA cases	1	2	3	4

11. In cases where your tribe is seeking to intervene in a dependency proceeding, how frequently does an Oregon court deny the tribe's motion to intervene at the following stages of a dependency proceeding?

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
prior to the court adjudicating a petition	1	2	3	4
after the court has taken jurisdiction	1	2	3	4
after the state has filed a petition to terminate parental rights	1	2	3	4

12. Has an Oregon court ever denied your tribe's request to transfer an ICWA dependency case to your tribal court? _____yes _____no

If YES

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
13. how frequently does the Court make a finding of good cause?	1	2	3	4

14. how frequently does DHS object to transfer?	1	2	3	4
--	---	---	---	---

15. how frequently do parents object to transfer?	1	2	3	4
--	---	---	---	---

16. Of the children who are members or eligible for membership in your tribe who are currently the subject of an Oregon dependency proceeding that you are aware of, what percentage are placed with the following?

with a parent _____%

At a foster home licensed or approved by your tribe _____%

at a DHS licensed foster home _____ %

with a relative other than a parent _____ %

at an institution approved by a Native American tribe or operated by a Native American organization _____ %

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
17. When an Oregon court makes an out-of-home placement in a dependency case involving a child from your tribe that you are aware of, how frequently does the court follow the ICWA placement preferences?	1	2	3	4

	<u>Rarely</u>	<u>Occasionally</u>	<u>Often</u>	<u>Usually</u>
18. In cases when an Oregon court does not follow the ICWA placement priorities that you are aware of, how often do the following juvenile court participants consult with your tribe prior to placement?				

DHS worker	1	2	3	4
DHS worker	1	2	3	4
juvenile court judge	1	2	3	4
parent's attorney	1	2	3	4
child's attorney	1	2	3	4
CASA	1	2	3	4

