

Protocol for Dependency Proceedings

1. Children who are the subject of dependency proceedings in the Malheur County Juvenile Court will generally be expected to appear at permanency hearings and Citizen Review Board (CRB) hearings. It is the policy of the Court and the CRB to encourage the child's participation at an age appropriate level, while also respecting the right of the child not to attend. In general, the Court and CRB welcome the presence of and participation by children in all Dependency Court matters.
2. Children of all ages shall appear at their permanency hearing and should appear at review and CRB hearings unless
 - a. The child declines to appear after being fully advised by his or her attorney and/or CASA, or
 - b. The Court or CRB determines that there is a compelling reason to exclude the child.
3. The following principles shall apply when determining if exclusion is appropriate:
 - a. Significant weight should be given to the position of the child's attorney in the Court's determination as to whether there is a compelling reason to exclude the child from all or a portion of the proceeding.
 - b. Whenever possible, rather than exclude the child completely, the hearing should be bifurcated to allow the child to attend a portion dedicated to receiving the child's input.
 - c. In Court proceedings, if the child is excluded, the Court may allow the child to be heard in camera in the presence of the judge, court reporter and attorneys, on the record in chambers to provide input upon agreement of the parties. The Court may also provide that the child speaks to the Judge in chambers on the record, with all other parties listening from the Courtroom.
4. The following factors may be considered by the court in determining whether to exclude the child:

- a. Safety of the child.
 - b. Age and developmental abilities of the child.
 - c. The risk of psychological or emotional harm to the child.
 - d. The wishes of the child.
 - e. The position of the child's attorney.
 - f. The position of CASA.
 - g. The ability of the child to appear and communicate by other means, such in writing, by phone or by video.
 - h. The subject matter and content of the review.
 - i. The physical location of the child, such as an out of county treatment program.
5. Whether the child appears or not, the child shall be provided with the opportunity to provide written input to the Court and CRB. This input may be in the form of letters, drawings, a questionnaire, or other age appropriate means. In the case of very young children who do not appear, submission of photographs to the Court is encouraged.
 6. All parties will have the opportunity to be heard before the Court or CRB reaches its conclusion regarding exclusion of the child from all or a portion of the proceedings. In no event, however, will a child be forced to appear on the request of a parent.
 7. In any case where the child is not present, the Court or CRB will inquire as to why the child is not present in court, to determine whether the child's absence is not due to a failure to provide the child with timely notice or transportation.
 8. Transportation to and from Court and CRB hearings will be arranged and insured by the DHS caseworker.
 9. It is the professional responsibility of the child's attorney to prepare the child for Court and CRB appearances. Preparation should include age and developmentally appropriate information to help the child understand what to expect, assistance in preparing what to say, and preparation of the child regarding painful or sensitive issues that may be discussed. Proper demeanor and attire should be discussed. The attorney may be assisted in preparation by the case worker, CASA, foster parents, therapists working with the child and/or Juvenile Victim's Advocate, as appropriate. It is also appropriate for the attorney to debrief the child after the appearance. DHS is

not responsible for transporting the child(ren) to their attorney(s) office to meet with them.

10. All participants in the proceeding should make an effort to use child-friendly language at any proceedings attended by the child.
11. Sufficient time should be allocated for the child to be heard. In multiple child cases, care will be taken to allow sufficient time for each child to be heard. In the case of school age children, afternoon appearances will be encouraged.
12. Notice to the Court or CRB that the child is declining to appear shall be made to all parties within one week of the hearing by the child's attorney, and may be done in the Court or CASA report.
13. In matters other than permanency, CRB and review hearings, the appearance of the child will be determined by the child's attorney, in consultation with the case worker, CASA, and foster parents, with primary consideration being the child's age and developmental abilities and the subject matter of the proceeding. Nothing in this protocol should be construed to limit the ability of any party to call witnesses in contested matters.
14. The Court will provide a letter annually to all area schools with a copy of this protocol enclosed, requesting that children not be penalized for missing school to attend court or CRB proceedings and to request the assistance and cooperation of the schools in facilitating court appearances. The Court or CRB will provide each school age child who appears with a letter from the Court to take to the school explaining that the child was absent due to a court appearance and that the appearance was necessary.
15. The Malheur County Juvenile Department will provide a safe and secure waiting area for children, to avoid unwanted encounters with family members or other persons and to protect the privacy of the child. DHS, CASA or a foster parent will be the child at all times in the waiting area. Age appropriate toys or other materials will be available for the child while waiting.
16. Whenever appropriate given the dynamics and parties to the case, permanency and review hearing may be conducted in a "round table" format, with all parties sitting at the table with the judge. The decision to

proceed formally or round table will be the prerogative of Court, based on the history of the case, family dynamics, and security issues and scheduling.