



# Juvenile Dependency Interbranch Workgroup

## Dependency Skit

Presented to Senate & House Judiciary Committees

December 15, 2010

**Director** – Ingrid Swenson, Executive Director, Office of Public Defense Services

### Cast List

**Narrator** – The Honorable Nan Waller, Multnomah County Circuit Court

**Judge** – The Honorable Pamela Abernethy, Marion County Circuit Court

**Paternal Grandmother** – Rebecca Orf, Juvenile Court Improvement Program (JCIP)  
Staff Counsel, Oregon Judicial Department,

**Foster Parents** – Leola McKenzie, Director, Juvenile Court Programs, Oregon Judicial  
Department

**Father's Attorney** – Shannon Flowers, Deputy Public Defender, Juvenile Appellate  
Section, Office of Public Defense Services

**Caseworker** – Harry Gilmore, Department of Human Services

**Citizen Review Board (CRB)** – Ellen Hyman, CRB Volunteer Board Member, Lane  
County Citizen Review Board

**Court Appointed Special Advocate (CASA)** – Yuko Spofford, CASA and CASA  
Supervisor, Child Advocates, Inc. (Clackamas County CASA program)

**Mother** – Catherine Stelzer, Department of Human Services

**Mother's Attorney** – Shannon Storey, Senior Deputy Public Defender, Juvenile  
Appellate Section, Office of Public Defense Services

**Children's Attorney – Boys:** Holly Telerant, Deputy Public Defender, Juvenile  
Appellate Section, Office of Public Defense Services;

**Jennifer's:** Ryan O'Connor, Deputy Public Defender, Juvenile Appellate Section,  
Office of Public Defense Services

**Deputy D.A.** – Thomas Cleary, Deputy District Attorney, Multnomah County District  
Attorney's Office

**Police Officer** – Salem Police Department Detective



# Juvenile Dependency Interbranch Workgroup

## ***Our Mission is to:***

- Maximize existing resources through interbranch collaboration and cross-training programs;
- Advance the goal of providing appropriate support for the children and families in Oregon's child welfare system through a coordinated, interbranch effort to prioritize and promote initiatives and practices with demonstrated effectiveness; and
- Bridge the gap between existing statutory mandates and the rights and resources actually available to children and families at the risk of involvement or involved in Oregon's child welfare and judicial systems.

## ***Who We Are***

Workgroup members come from all three branches of state government and constitute the highest level of authority within the organizations they represent. The membership consists of legislators from both sides of the aisle, high-level state agency officials, and prominent juvenile court judges and attorneys. Aside from the legislative members, all members bring to the table their extensive experience and expertise in the child welfare and juvenile court systems. Specifically, members include the Chief Judge of the Oregon Court of Appeals and representatives of the Department of Human Services (DHS), Department of Justice (DOJ), Office of Public Defense Services (OPDS), the Oregon Judicial Department's (OJD) Juvenile Court Programs, the Oregon Commission on Children and Families, and the Oregon Law Commission. The efforts of the Workgroup to reach across political and interbranch boundaries to support and strengthen the work of the entire dependency system are strongly supported by Chief Justice Paul De Muniz and Governor Ted Kulongoski.

## ***Our Current Efforts***

### ***Legislative Advocacy***

There are three goals for the 2011 Oregon legislative session:

- 1) Prevent decreases in funding that negatively impact our mission.** The child welfare and juvenile court systems are legislatively and constitutionally mandated to provide services to the children and families of more than 13,000 abused and neglected children who enter Oregon's foster care system each year. Those services must continue regardless of whether funds are diminished.
- 2) Support legislative efforts to safely and equitably reduce the number of children in foster care.** There are many initiatives at work across Oregon that the Workgroup believes are demonstrating success and should be supported by the legislature.
- 3) Secure funding targeted at increasing the number of children and parents with legal representation at the first hearing scheduled in a dependency case.** When children are taken into DHS custody, parents are asked to appear in court to learn why their children were taken. In many counties in Oregon, parents have no attorney present to represent them at this shelter hearing. In most counties in which an attorney is present, the appointment of

legal representation is made during the hearing or a short time prior to the hearing, giving little to no opportunity for the attorney to review the file and meet with the client. If a special contract credit were awarded to attorneys for participation in shelter hearings, OPDS believes that such participation would increase and become the norm in most counties.

### ***Multi-Disciplinary Educational Programs***

Both DHS and JCIP have training resources. Current goals include sharing those resources to increase the number of multi-disciplinary educational program opportunities for all people who work in the juvenile dependency systems. Given budget shortfalls, it is vital that these systems collaborate as efficiently as possible to educate themselves and each other about how to implement best practices with fewer resources.

### ***Resource to Legislators***

The Workgroup invites legislators to use the Workgroup as a resource when they have questions about existing dependency laws, the substance of proposed bills related to our mission, and the impact of other bills on the child welfare and juvenile court dependency systems. Additionally, the Workgroup is developing a formal presentation for legislators explaining the basics of dependency cases.

## ***Our History***

Prior to the 2007 legislative session, concerned legislators met with members of DHS and juvenile court judges and attorneys in order to better understand what improvements were needed to make those systems efficient and just. A workgroup developed and advocated for eight pieces of legislation. Six of those bills were enacted in 2007. As a result, Oregon saw changes to laws regarding termination of parental rights, placement of children in foster care, child abuse reporting, the establishment of sensitive review committees, and broad legislation involving diligent efforts by the DHS regarding placement of siblings, visitation, face-to-face contacts, etc.

Legislation to improve attorney representation for children and parents was proposed but not enacted. Despite no funding to support reduced child/parent attorney caseloads, OPDS created an appellate section devoted to dependency cases and the Juvenile Law Resource Center. Together those programs increased the quality of parent representation at both the trial and appellate levels. Efforts to increase resources for child/parent attorneys, district attorneys, and DOJ attorneys representing DHS continue to be a priority.

In May 2009, Rep. Wayne Krieger and Court of Appeals Chief Judge David Brewer reformulated the group to begin planning for the 2011 legislative session and the Juvenile Dependency Interbranch Workgroup was established. The need for this Workgroup to remain active between sessions is apparent with budget shortfalls threatening to decrease resources already in place, the potential effectiveness of multi-disciplinary educational programs, the need to continually support successful initiatives around the state, and to educate the ever-changing legislative membership.



## OREGON'S CHILD ABUSE AND NEGLECT LAW: UNDERLYING POLICY

For all of its complexity and nuance, there is a simple policy principle that underlies child abuse and neglect law: **expeditious permanency for children.**

The longer that children are in foster care the longer they are in doubt as to where their permanent home will be and the more likely it is that they will have multiple placements. This increases the risk that such children will suffer a number of negative outcomes, including attachment and other emotional disorders, school drop-out, delinquent behavior, teenage pregnancy, substance abuse, homelessness, and, eventually, repetition of the cycle of child abuse and neglect in their own parenting.

A growing awareness in the juvenile court community of the link between such outcomes and "foster care drift" led Oregon, in 1997, to pass landmark legislation to reform the laws governing our state's child abuse and neglect cases. Senate Bill 689, also known as the "**Best Interest of the Child**" bill, introduced three new concepts into Oregon law:

**1. Timelines.** For the first time, a case had to have a jurisdictional hearing before a certain point in the life of the case, and at a later point in the case, the court was required to rule on whether it was in the child's best interest to continue reunification efforts or to implement an alternate permanency plan.

**2. Mutual accountability.** Rather than the parents alone being accountable for the success or failure of family reunification, the efforts the agency made to support the parents' efforts would also be scrutinized. If found wanting, agency efforts would influence when the cut off of reunification services would be.

**3. "Reasonable time."** The statute required that the length of reunification efforts would be related to the child's developmental stage and ability to form attachments, rather than to the problem the parent had to overcome. If the child's

development or ability to form attachments were seriously compromised by the pace of parental recovery, then an alternate plan would be implemented.

At about this same time the **Adoption and Safe Families Act (ASFA)** was passed by Congress. In the 1999 session of the legislature, Oregon conformed its statutes to the new federal requirements. Based on the same awareness of the link between extended stays in foster care and negative outcomes for children, the ASFA has the same underlying policy as Senate Bill 689: **expeditious permanency for children.**

Permanency does not necessarily mean termination of parental rights, even when children cannot safely return home in a reasonable time. Although some children will be adopted into new families, there are many "intermediate" permanency placements for children that do not entail total and permanent separation of children from their parents. Guardianship, permanent guardianship, custody arrangements, permanent foster care, and other planned permanent living arrangements can all allow children as much access to their birth families as is consistent with their safety and well being.

Despite the intricate lines and boxes on the flowchart, the complicated juvenile court process, the various findings, and the different timelines, there is an uncomplicated policy that underlies every decision made in court: **expeditious permanency for children.** Oregon courts fulfill this policy and meet the needs of the children we serve by asking: "Will making this particular decision at a particular time lead to a child's safety and permanency in a reasonable time?"

This document was prepared and distributed by the Oregon Judicial Department's Juvenile Court Improvement Program. A grant from the Oregon Children's Justice Act Task Force made this revised edition possible.

For more information, please contact:

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# Oregon's Dependency Court Process

Reasonable Efforts Affidavit: required if removed by court order.

DHS files with the court:  
 \* Reasonable Efforts Documentation  
 \* Dependency Petition

No later than **30** days from the petition file date all parties shall comply with the discovery requirements in ORS 419B.300. No later than **30** days from the petition file date each person about whom allegations have been made shall admit or deny the allegations.

The court may order that this hearing be continued for good cause. If the court grants a continuance beyond the **60** days, the matter becomes the highest priority for rescheduling on the court docket. The permanency hearing date should be set during this proceeding.

At these reviews the CRB will determine if reasonable/active efforts have been made. A party adversely affected by the findings of the CRB may request court review within 10 days of receipt of the CRB Findings & Recommendations Document.

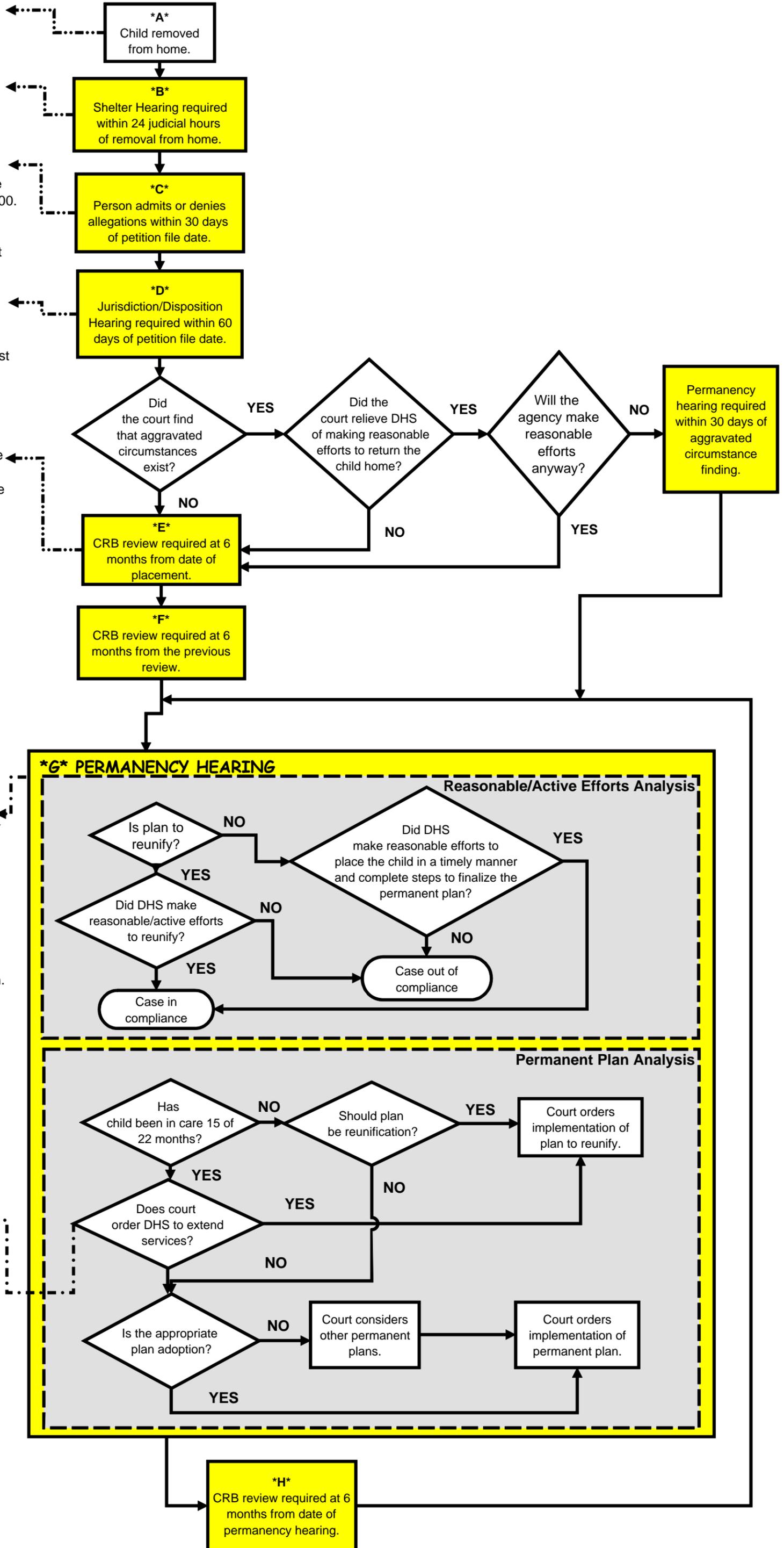
ORS 419B.470 requires that the court conduct a Permanency Hearing no later than 12 months after the child was found to be within the jurisdiction of the court or 14 months after the child was placed in substitute care, whichever is **earlier**. Subsequent Permanency Hearings are held every 12 months. If permanent foster care placement disrupts; a permanency hearing is required within **90** days of the disruption.

ORS 419B.476 requires the agency to make reasonable/active efforts for **12** months after the date that the child was found to be within the jurisdiction of the court or **14** months after the date that the child was placed in substitute care, whichever is **earlier**.

Part of this analysis is the applicability of the 15 of 22 month rule. If none of the exceptions under ORS 419B.498 exists, then adoption is the appropriate plan.

**Exceptions to TPR include:**

1. Child is cared for by a relative
2. There is documentation of a compelling reason why adoption is not in the best interest of the child:
  - a) Parents are working on a plan to reunite
  - b) Another permanent plan is in the best interest of the child  
**(hierarchy of plans):**
    - i. Guardianship/Custody
    - ii. Permanent Foster Care
    - iii. Other Planned Permanent Living Arrangement
  - c) DHS has not made reasonable/active efforts to reunify
3. DHS has not provided services necessary for the reunification consistent with the time period in the case plan.



## OREGON'S DEPENDENCY COURT TIMELINE

Figuring review and hearing dates within federal and state requirements: use the shaded columns to fill in specific dates based on file information and the formula provided. This chart reflects minimum hearing/review requirements. Additional hearings/reviews may be requested or set.

<b>A</b>	Date child removed from home		
<b>B</b>	Shelter Hearing: <b>A + 1 judicial day</b>		Petition should be filed.
<b>C</b>	Admit / Deny / Discovery: <b>B + 30 days</b> No later than 30 days from petition file date all parties shall comply with discovery, and each person about whom allegations have been made shall admit or deny the allegations.		
<b>D</b>	Jurisdiction/Disposition Hearing: <b>B + 60 days</b> (If petition was filed.)  This hearing can occur anytime within 60 days of the Shelter Hearing.		For good cause, the court may order this hearing continued beyond the 60 days. If so use the actual date of the Jurisdiction/ Disposition Hearing in the space to the left.

<b>NO</b>	Did the court relieve DHS of making reasonable efforts due to aggravated circumstances?	<b>YES</b>
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<b>E</b>	CRB review: <b>A + 6 months</b>		<b>G</b>	Court Permanency Hearing <b>D + 30 days</b> The hearing can occur anytime within 30 days of the Jurisdiction/ Disposition Hearing.	
<b>F</b>	CRB review: <b>E + 6 months</b>		<b>H</b> *	CRB review <b>G + 6 months</b>	
<b>G</b>	Court Permanency Hearing <b>Select <u>earliest</u> date:</b> <b>D + 12 months</b> <b>or</b> <b>A + 14 months</b>		<b>I</b> *	Court Permanency Hearing: <b>G + 12 months</b>	
<b>H</b> *	CRB review <b>G + 6 months</b>		<p><b>* Please Note: "H" and "I" repeat in both tracks until the child leaves substitute care.</b></p> <p><b>If a permanent foster care placement disrupts, a permanency hearing is required within 90 days of the disruption.</b></p>		
<b>I</b> *	Court Permanency Hearing: <b>G + 12 months</b>				

**OREGON JUDICIAL DEPARTMENT  
NOTICE OF OBLIGATIONS/RIGHTS OF PARENTS/GUARDIANS IN JUVENILE CASES**

Case Name \_\_\_\_\_ JJIS No. \_\_\_\_\_ Case No. \_\_\_\_\_ Petitioner No. \_\_\_\_\_

**OBLIGATION TO PAY.**

In all juvenile cases, a court may order a parent or legal guardian to pay certain costs. If your child is found within the jurisdiction of the court, the court may order you to pay such costs which may include but are not limited to the following:

- compensation and reasonable expenses for counsel for your child; (ORS 419C.020(1)(a), 419B.117(1)(a))
- administrative costs of determining your ability to pay for appointed counsel; (ORS 419C.203, 419B.198(1))
- daily expenses and mileage of certain witnesses; (ORS 419C.408, 419B.201, 419B.908 , 135.055(3)(a))
- service of summons; (ORS 419C.408, 419B.201 , 135.055(3)(a))
- support of your child while he or she is in the custody of a state-financed or state-supported residence; (ORS 419C.020(1)(a) , 419B.117(1)(a)) and
- any other costs that may arise as a result of your child being within the jurisdiction of the court. (ORS 419C.020(1)(a) , 419B117(1)(b))

In a delinquency case (law violations), you may also be obligated to pay the costs of:

- HIV testing; (ORS 419C.475(2))
- graffiti damages caused by your child; (ORS 419C.461(3(a))
- drug or alcohol treatment; (ORS 419C.020(1)(a))
- supervision fees for probation of your child; (ORS 419C.449) and
- detention services for your child. (ORS 419C.590 , 418.034)

**ASSIGNMENT OF SUPPORT RIGHTS.** If your child is in substitute care or otherwise in the physical custody of the State of Oregon, any child support you receive for that child may be ordered to be paid to the State of Oregon. (ORS 419C.597, 419B.406)

**RIGHT TO APPEAL.** In juvenile cases, you may appeal decisions in your child’s case as follows:

- Referee Decisions (ORS 419A.150)  
To appeal a decision by a referee, you must file the appeal with the circuit court within 10 days of entry of the referee’s decision in the court register.
- Circuit Court Decisions That Are Not Recorded or Transcribed (ORS 419A.200(2))  
If no recording or transcript of the proceeding was kept, you may file a request for rehearing with the circuit court within 15 days after the entry of the court’s order and the court will grant a rehearing on the record with certain exceptions.
- Appeal of Circuit Court Decisions (ORS 419A.200)  
To appeal a circuit court’s decision, you must file a notice of appeal with the Court of Appeals within 30 days of the entry of the court’s final order in the court register. (The Court of Appeals may grant leave to file a notice of appeal within 90 days after entry of the judgment being appealed only in *very limited* circumstances. (ORS 419A.200(5))

A copy of this notice was given to the parent/guardian (name(s))\_\_\_\_\_.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
(signature) (title)

## PERSONS WHO SHOULD BE PRESENT AT THE PPH<sup>2</sup>

- Judge or judicial officer
- Parents of each child whose rights have not been terminated
  - Mothers, fathers (legal, biological, alleged, putative, named), non-custodial parents – all possible parents
- Parent partners, parent mentors if assigned/available, substance abuse coach, DV advocate
- Relatives – relatives with legal standing or other custodial adults, including adult half-siblings
  - Paternal and maternal relatives
- Non-related extended family, fictive kin (someone who is known and trusted by the families; godparents)
- Assigned caseworker
- Agency attorney
- Attorney for each parent (if conflict exists)
- Legal advocate for the child
- Guardian ad Litem (GAL)
- Court Appointed Special Advocate (CASA)
- ICWA expert (if ICWA applies)
- Tribal representative/tribal liaison
- Treatment and/or service providers
- All age-appropriate children
- Foster parents
- Cultural leaders, cultural liaisons, religious leaders
- Court-certified interpreters or court-certified language services
- Education liaison/school representative
- Court reporter
- Court security

## COURTS CAN MAKE SURE THAT PARTIES AND KEY WITNESSES ARE PRESENT BY:<sup>3</sup>

- Ensuring that the judge, not the bailiff or court staff, makes the determination about who is allowed to be in the courtroom.
- Asking the youth/family if there is someone else who should be present.
- Requiring quick and diligent notification efforts by the agency.
- Requiring both oral and written notification in a language understandable to each party and witness.
- Requiring service/tribal notice to include the reason for removal, purpose of the hearing, availability of legal assistance in a language and form that is understandable to each party and witness.
- Requiring caseworkers and/or protective service investigators to facilitate attendance of children, parents, relatives (paternal and maternal), fictive kin and other parties.
- Facilitating telephonic or video conferencing appearance at hearings.

*CONTINUE TO BACK*

<sup>1</sup> The preliminary protective hearing is the first court hearing in juvenile abuse and neglect cases. In some jurisdictions this may be called a “shelter care,” “detention,” “emergency removal,” or “temporary custody” hearing.

<sup>2</sup> State and federal law determine who must be present for any hearing to proceed. Noted participants may or may not be required by law; however, as many as possible should be encouraged to attend the initial hearing.

<sup>3</sup> State and federal law determine who must be present for any hearing to proceed.

## **REVIEWING THE PETITION**

- A sworn petition or complaint should be filed prior to the preliminary protective hearing and served/provided to the parents.
- The petition should be specific about the facts that bring the child before the court.
- The petition should not be conclusory without relevant facts to explain and support the conclusions.
- Petitions need to include allegations specific to each legal parent or legal guardian if appropriate.
- If the petition does not contain allegations against a legal parent or legal guardian, the child should be placed with or returned to that parent or legal guardian unless it is determined that there is a safety threat to the child.
- Petitions/removal affidavits need to include specific language clearly articulating the current threat to the child's safety.

## **REFLECTIONS ON THE DECISION-MAKING PROCESS THAT PROTECT AGAINST INSTITUTIONAL BIAS:**

### **ASK YOURSELF, AS A JUDGE:**

- What assumptions have I made about the cultural identity, genders, and background of this family?
- What is my understanding of this family's unique culture and circumstances?
- How is my decision specific to this child and this family?
- How has the court's past contact and involvement with this family influenced (or how might it influence) my decision-making process and findings?
- What evidence has supported every conclusion I have drawn, and how have I challenged unsupported assumptions?
- Am I convinced that reasonable efforts (or active efforts in ICWA cases) have been made in an individualized way to match the needs of the family?
- Am I considering relatives as preferred placement options as long as they can protect the child and support the permanency plan?

## KEY INQUIRIES, ANALYSES AND DECISIONS THE COURT SHOULD MAKE AT THE PRELIMINARY PROTECTIVE HEARING

### INDIAN CHILD WELFARE ACT (ICWA) DETERMINATION

The court should require that the applicability of the ICWA be determined before proceeding with the preliminary protective hearing. If the court has reason to believe ICWA applies, the court should proceed accordingly.

- If Yes – different standards apply, refer to the ICWA Checklist.
- If Yes – determine whether there was clear and convincing evidence, including testimony of a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. 25 U.S.C. § 1912(e).

### ENGAGE PARENTS

- What language are you most comfortable speaking and reading?
- Do you understand what this hearing is about?
- What family members and/or other important people should be involved in this process with us?
- Do you understand the petition? (review petition with parties)

### DUE PROCESS

- Who are the child's parents and/or guardians?
- How was paternity determined?
- What were the diligent search efforts for all parents?
- Have efforts to identify and locate fathers been sufficient? What has been done?
- How were the parents notified for this hearing?
  - Was the notice in a language and form understandable to parents and/or guardians?
- Do the parents understand the allegations?
- Are the parents entitled to representation? Are there language issues to consider when appointing attorneys?
- Are there issues in the case that are covered by the Americans with Disabilities Act?

### LEGAL THRESHOLD FOR REMOVAL

- Has the agency made a prima facie case or probable cause showing that supports the removal of the child?
- Have the family's cultural background, customs and traditions been taken into account in evaluating the event and circumstances that led to the removal? Have the parent(s) cultural or tribal liaison/relevant other(s) been asked if there is a culturally-based explanation for the allegations in the petition?

### REASONABLE EFFORTS (TO PREVENT REMOVAL)

- Were there any pre-hearing conferences or meetings that included the family?
  - Who was present?
  - What was the outcome?
- What services were considered and offered to allow the child to remain at home? Were these services culturally appropriate? How are these services rationally related to the safety threat?
- What was done to create a safety plan to allow the child to remain at home or in the home of another without court involvement?
  - Have non-custodial parents, paternal and maternal relatives been identified and explored? What is the plan to do so?
- How has the agency intervened with this family in the past? Has the agency's previous contact with the family influenced its response to this family now?

*CONTINUE TO BACK*

## KEY INQUIRIES, ANALYSES AND DECISIONS THE COURT SHOULD MAKE AT THE PRELIMINARY PROTECTIVE HEARING

### WHAT IS PREVENTING THE CHILD FROM RETURNING HOME TODAY?

- What is the current and immediate safety threat? Has the threat diminished? How do you know that? Specifically, how can the risk be ameliorated or removed?
- What is preventing the child from returning home today? What type of safety plan could be developed and implemented in order for the child to return home today?
  - What specifically prevents the parents from being able to provide the minimally adequate standard of care to protect the child?
  - Will the removal or addition of any person from or in the home allow the child to be safe and be placed back in the home?
- If the safety threat is too high to return the child home, how have the conditions for return been conveyed to the parents, family and child, and are you satisfied that they understand these conditions?

### APPROPRIATENESS OF PLACEMENT

- If child is placed in foster care/shelter, have kinship care options been fully explored? If not, what is being done to explore relatives? If so, why were the relatives deemed inappropriate?
- If child is placed in kinship care, what steps have been taken to ensure the relative is linked with all available training, services, and financial support?
- How is the placement culturally and linguistically appropriate?
  - From the family and child's perspective, is the current placement culturally and linguistically appropriate?
- How does the placement support the child's cultural identity? In what way does the placement support the child's connection to the family and community?
- How does the placement support the family/child's involvement in the initial plan?
- What are the terms of meaningful family time with parents, siblings and extended family members?
  - Do the terms of family time match the safety concerns? Is it supervised? Specifically, why must it be supervised?
  - Is the time and location of family time logistically possible for the family, and supportive of the child's needs?

### REASONABLE EFFORTS TO ALLOW THE CHILD TO SAFELY RETURN HOME

- What services can be arranged to allow the child to safely return home today?
- How are these services rationally related to the specific safety threat?
- How are the parents, extended family and children being engaged in the development and implementation of a plan for services, interventions, and supports?
- How will the agency assist the family to access the services?
  - Does the family believe that these services, interventions and supports will meet their current needs and build upon strengths?
  - Has the family been given the opportunity to ask for additional or alternate services?
- How are the services, interventions and supports specifically tailored to the culture and needs of this child and family?
  - How do they build on family strengths?
  - How is the agency determining that the services, interventions and supports are culturally appropriate?
- What evidence has been provided by the agency to demonstrate that the services/interventions for this family have effectively met the needs and produced positive outcomes for families with similar presenting issues and demographic characteristics?

### CLOSING QUESTIONS TO ASK PARENTS, CHILDREN AND FAMILY MEMBERS

- **Do you understand what happened here today?**
- **Do you understand what are the next steps?**
- **Do you have any questions for the court?**



## OREGON JUDICIAL DEPARTMENT: JUVENILE COURT PROGRAMS

Juvenile Court Programs (JCP) is part of the Office of the State Court Administrator. JCP is charged with managing the statewide Citizen Review Board program and the federally funded Juvenile Court Improvement Program (JCIP). JCP is also responsible for managing and coordinating activities for statewide VAWA grants, to support courts statewide in how they handle domestic violence cases. JCP provides assistance to trial courts and stakeholder groups on family law issues that relate to juvenile and domestic violence matters, as well as delinquency issues that relate to “cross-over” kids and youth in foster care.

### JCIP (“Jay-Sip”)

The Juvenile Court Improvement Program (JCIP) is a federally funded program that works to raise the priority and performance of Oregon Juvenile Courts. Under the grants, JCIP activities require ongoing collaboration with DHS, Office of Public Defense Services, Department of Justice, statewide CASA programs, and tribes. The goals and activities of JCIP are closely linked to the federal Child and Family Services Review (CFSR). JCIP is responsible for collection and distribution of juvenile court statistics on a statewide basis and performing high-level liaison work to develop and evaluate policies, procedures, and laws affecting juvenile court operations statewide. JCIP develops and delivers educational programs for judges, OJD staff, CRB volunteer board members, and stakeholders in the child welfare system. JCIP also supports local court improvement efforts and model court teams.

**For additional information see the JCIP website at:**

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/jcip/index.page>

This website will take you to the 2010 Model Dependency Forms, Dependency Benchbook, materials from previous juvenile dependency conferences, educational and training resources, and links to many other recommended sites. You can also view past editions of the JCIP Newsletter.



### Citizen Review Board

The CRB, created in 1985 by the Oregon Legislature, is a statewide foster care review program of citizen volunteers to help state courts ensure that case plans and services meet the needs of Oregon’s most vulnerable children and families. Currently, 350 Volunteer Board Members serve on 83 local boards. In 2009, CRBs conducted 5,473 case reviews of 6,483 children, saving significant time and resources for Oregon trial courts.

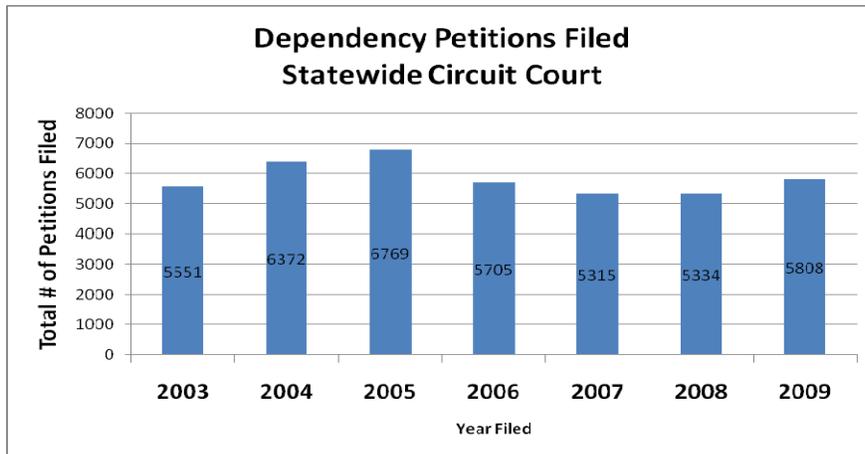
In reviews of cases involving abused or neglected children, local boards invite parents, foster parents, attorneys, caseworkers, court-appointed special advocates (CASAs), other interested parties, and the child, if appropriate, to attend CRB reviews and discuss plans and services for children and families. The board then makes findings and recommendations to the Juvenile Court and the Department of Human Services (DHS).

The program advocates for changes in the substitute care system by making recommendations about policies, procedures, and laws to the juvenile court, DHS, and the legislature.

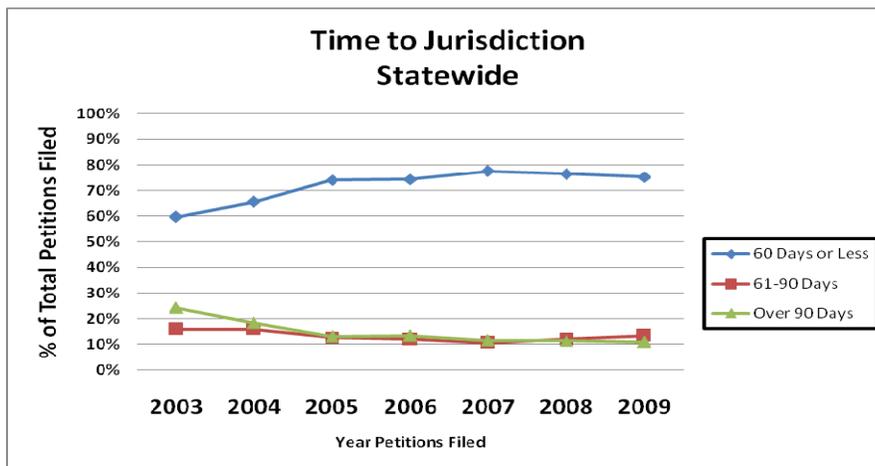
*We provide a citizen voice on the safety, supervision, and stability of children in foster care through impartial case review and advocacy.*

**For more information see the CRB website at:**

<http://courts.oregon.gov/sites/OJD/OSCA/cpsd/citizenreview/index.page>



Juvenile Dependency Proceedings	Average Length (in minutes)
Shelter hearings	21
Pretrial hearings	12
Jurisdiction/Disposition (noncontested)	27
Trials (contested Judisdiction)	96
Disposition	17
Permanency Heaings	26
Review Hearings	21
CRB Reviews	36



Citizen Review Board		July 1, 2009 - June 30, 2010
Number of CRB Volunteers (who served at any time during this year)		375
Total Volunteer Hours (includes training)		50,451
Average Number of Volunteer Hours (includes training)		135
Total Training Hours		6,158
Average Number of Training Hours for Volunteers		16
Average Length of Service		4.77 years

## Child Welfare Update

*Legislative Presentation  
December 15, 2010*



## Child Welfare Programs – 2009 Data

- Child Protective Services – In 2009 DHS responded to 67,885 reports of abuse and neglect (up from 65,460 in 2008); 28,584 reports were referred for investigation; 11,090 children were confirmed victims of abuse/neglect (up from 10,421 in 2008)
- Out-of-Home Care – 13,291 children experienced foster care in 2009; 8,466 on an average daily basis (down from 13,965 and 8,775 in 2008). 5,830 children were in family foster care (ADP), about 30% with relatives.
- Reunification, Adoption and Guardianship – In 2009, about 58% of children leaving foster care returned to their parents (a decrease from 60% in 2008); 1,104 children leaving foster care were adopted (up from 1,054); 294 went in to permanent guardianship arrangements (down from 316 in 2008).

## Child Welfare Strategic Improvement Efforts

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### **Goal: Safe and Equitable Reduction of Children in Foster Care**

- Increase number of children who remain safely at home after a founded report of abuse or neglect.
- Increase placements and connections with family, siblings, relatives and other individuals children know.
- Increase number of children leaving foster care – either to reunite with parents or to be adopted/permanent guardianship – and decrease the length of time children spend in foster care.
- Safely: Maintaining or Improving the Re-Abuse rate
- Equitably: Eliminate disparate treatment and over-representation of children of color/Native American children in foster care.

2  
DHS

## Child Welfare Strategic Improvement Efforts

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### **Goal: Children in Foster Care are Safe & Healthy**

- Timely and appropriately meeting the medical and behavioral health needs of children in foster care.
- Providing services that support placement stability and that are culturally and linguistically specific to the child and their family.
- Eliminating abuse in foster care.

3  
DHS

## Results: Statewide Improvement Indicators

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### Improvements at a glance: Compared to 2008 (state level)

- ✓ 10% fewer children in Oregon spent time in foster care
- ✓ Re-abuse rate declined from 6.3% to 4.7% annually
- ✓ Re-entry declined by 16%
- ✓ First placements with relatives increased by more than 20%
- ✓ Number of children with two or fewer placements up by 10%
- ✓ Number of children timely referred for MH assessments at 85%  
(number timely receiving MH assessment up to 63%)
- ✓ Number of children abused in foster care declined by 32%
- ✓ As of September 2010 dashboard, Face-to-Face contact with kids up to 82.6%

4  
DHS

## Equitable Foster Care Reduction: Improvement Efforts

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### Child Welfare Program Improvements

- ✓ Redesigned Family Based Services contracts to support earlier, more individualized in-home services
- ✓ Revised Relative rules
- ✓ Revised Another Planned Permanent Living Arrangement rules
- ✓ Permanency Roundtables
- ✓ Wraparound Pilot Sites

Casey Partnership – Communities, Courts, OCCF, Tribes and DHS

Workforce Development: CAF Diversity Unit

Research, Evaluation, Data-based Decision-making: OR-Kids

5  
DHS

## ORS 418.036 - 2010 Legislative Report

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### Foster Care Stability:

- ✓ 36.5% of children had only 1 placement (10% better than 2009)
- ✓ Oregon's performance better than national median for children in foster care less than 24 months; for children in care 24 months or more, Oregon's performance consistent with national median.

### Placement Connections:

- ✓ 34% of children in care were placed with relatives or were with parents while DHS had legal custody (4% better than 2009)
- ✓ Percent of children placed with relatives up 9.2% between '09 and '10  
\*increase before new definition of relative took effect on 7/1/10

### Sibling Relationships:

- ✓ 83.5% of foster children were placed with one or more siblings
- ✓ Percent of children not placed with any sibling improved



## Results: Federal Program Improvement Plan

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### **6 National Composite Measures Met:**

Absence of Maltreatment Recurrence: Of all children who were victims of a founded allegation of abuse/neglect during the first 6 months of the year, fewer had been victims before (within the previous 6 months).

Absence of Abuse in Foster Care: Fewer children are being abused/neglected in FC.

Timeliness of Permanency and Reunification: More children are returning sooner and safely to their parents.

Timeliness of Adoption: More children free to be adopted are being adopted sooner.

### Permanency for Children in Foster Care for Long Periods of Time:

Oregon's efforts to have kids who've been in care too long be adopted are paying off.

Stability of Foster Placement: Number of children with two or fewer placements is increasing.



## Results: Federal Program Improvement Plan

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### **Oregon-Specific Measures; Goal Not Yet Met**

Providing services to families to keep children safe at home  
~Percent of cases where in-home services provided are meeting family's individual needs = 93.2%; Goal = 94.8%

### **Child Welfare Data Book**

[www.oregon.gov/DHS/abuse/publications/children/index.shtml](http://www.oregon.gov/DHS/abuse/publications/children/index.shtml)

### **CAF Dashboard**

[www.oregon.gov/dhs/data/](http://www.oregon.gov/dhs/data/)





# Oregon

Theodore R. Kulongoski, Governor

## Department of Human Services

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Salem, OR 97301-1067  
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FAX (503) 581-6198  
<http://www.oregon.gov/DHS/>

### INTEROFFICE MEMORANDUM

To: Mickey Serice, Lois Day

From: Anna Cox, Child Welfare Research Analyst

Date: 12/3/2010

Subject: Interbranch Juvenile Work Group--Education subcommittee

1. Average # of children in foster care
  - a. In FFY 2009, there was an average daily population of 8,466 children in all foster care settings.
2. Average length of time in foster care
  - a. The median length of stay for all children exiting foster care during FFY 2009 is 16.2 months.
3. # of foster care cases where no petition filed with the court
  - a. There are a total of 99 children currently in foster care (as of 11/26/2010) as a voluntary case (child had a voluntary agreement signed AND there is no court petition/custody finding)
4. Profile of "typical" parent (i.e., educational level, age, prior involvement with DHS as a child, income level, etc.--if there are such stats).
  - a. Family Stress Factors for families with Founded Child Abuse/Neglect

<b>Stress Factor</b>	<b>FFY 2007</b>	<b>FFY 2008</b>	<b>FFY 2009</b>
Parent/caregiver alcohol or drug use	38.5%	41.2%	42.1%
Physical abuse of spouse/fighting	23.6%	30.7%	31.7%
Parent/caregiver involvement with LEA	25.1%	27.7%	27.0%
Head of household unemployed	13.2%	16.1%	19.9%
New baby/pregnancy	12.6%	14.3%	13.2%
Parent/caregiver history of abuse as child	11.0%	13.3%	13.0%
Inadequate housing	8.4%	11.7%	10.0%
Heavy child care	3.1%	4.3%	3.6%

5. Breakdown of children by race and ICWA status



**Children Served in Foster Care, by Race FFY 2007 - FFY 2009**

<b>Race</b>	<b>FFY 2007</b>	<b>FFY 2008</b>	<b>FFY 2009</b>
African American	6.8%	7.4%	8.3%
Asian	0.8%	0.9%	0.9%
Caucasian	63.8%	61.7%	62.5%
Hispanic (any race)	8.7%	10.0%	12.8%
Native American	9.1%	9.1%	8.8%
Pacific Islander	0.3%	0.4%	0.5%
Unknown/Not Recorded	10.5%	10.5%	6.4%

**FFY 2009 Total Children Served in Foster Care by Indian Child Welfare Act (ICWA) Status**

<b>ICWA Status</b>	<b>Number</b>	<b>Percent</b>
ICWA Eligible	559	4.2%
ICWA Not Eligible	12,732	95.8%
<b>Total</b>	<b>13,291</b>	<b>100.0%</b>

6. # of Children Fully Freed for Adoption
  - a. In FFY 2009, DHS identified 772 children to be freed for adoption.
  - b. In FFY 2009, 881 children were fully freed for adoption.
7. # of children adopted
  - a. In FFY 2009 there were 1,104 children adopted.
8. Adoptions by race and ICWA status

**FFY 2009 Children with Finalized Adoptions, by Race**

<b>Race/Ethnicity</b>	<b>Number of Children</b>	<b>Percent of Children</b>
African American	96	8.7%
Asian	10	0.9%
Caucasian	740	67.0%
Pacific Islander	6	0.5%
Hispanic (any race)	224	20.3%
Native American	24	2.2%
Unknown/Not Recorded	4	0.4%
<b>Total</b>	<b>1,104</b>	<b>100.0%</b>

**FFY 2009 ICWA Status for Children with Finalized Adoptions**

<b>Gender</b>	<b>Number</b>	<b>Percent</b>
ICWA Eligible	35	3.2%
ICWA Not Eligible	1,069	96.8%
<b>Total</b>	<b>1,104</b>	<b>100.0%</b>

## MEMO

To: Members of the Juvenile Law Interbranch Workgroup

From: Public Defense Services Commission

Re: Increasing Representation of Parents and Children at Shelter Hearings in Juvenile Dependency Cases

### Performance Standards for Attorneys at Shelter Hearings

The performance standards for lawyers in juvenile dependency cases adopted by the Oregon State Bar<sup>1</sup> provide explicit guidance for lawyers representing parents and children at initial shelter hearings. Lawyers are advised to obtain relevant documents; meet with the client; assert the client's constitutional rights; assist the client to exercise his or her right to an evidentiary hearing; present arguments about: the jurisdictional sufficiency of the petition, the appropriateness of venue, the adequacy of notice, the need for shelter care and why continuation of the child's placement at home would or would not be contrary to the child's welfare, whether reasonable or active efforts were made to prevent removal, whether available services can prevent the need to separate the family, whether DHS's proposed placement is the least disruptive and most family like setting that meets the child's needs, the possibility of placement with relatives, arrangement for visits, applicability of the Indian Child Welfare Act; and request temporary orders that the client directs such as temporary restraining orders, child support orders, visitation orders, orders to the agency to investigate particular placements and the like.

### Representation at Shelter Hearings in Oregon Counties

Unfortunately, information received from 26 Oregon counties in response to a survey of PDSC providers indicates that in nine counties no attorneys are present at shelter hearings; in four counties one attorney is usually present and is appointed to represent one party while the other parties are unrepresented; in thirteen counties attorneys for all parties are present. In these latter counties some attorneys receive extensive discovery and have an opportunity to meet with the client before the hearing; others receive only limited information and are appointed at the hearing, leaving no opportunity for preparation.

One might assume that representation for all parties at shelter hearings is more common in urban counties than in rural counties but that is incorrect. For example, attorneys are generally present for all parties in Union, Wallowa,

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<sup>1</sup> The Specific Standards for Representation in Juvenile Dependency Cases can be found on the bar's website: <http://www.osbar.org/docs/resources/juveniletaskforce/JTFR3.pdf>.

Malheur, Baker, Grant and Harney Counties but not in Clackamas, Jackson, Linn or Polk Counties.

The Office of Public Defense Services has performed either a structural review or a quality assurance site visit to review the performance of its provider offices in most counties of the state and has uniformly urged its contractors to provide representation at shelter hearings. In some counties, OPDS believes its contractors have made genuine efforts to make representation available to all parties. In others, it is not clear why it has not been possible to provide such representation.

### Compensation of Public Defense Attorneys in Juvenile Dependency Cases

Payment for public defense representation in juvenile cases is provided either by the hour (\$45 per hour) or under contract. All but one of OPDS's contracts are unit contracts in which there is a flat rate for representation in each casetype. The typical contract rate for representation in a dependency case is \$700. Under their contracts attorneys are required to represent clients in these cases from the time of their appointment for the duration of the case or of their appointment. If the case ends after the jurisdictional hearing, no additional compensation is provided. If a review hearing or a hearing before the Citizen Review Board is held post jurisdiction, the typical amount of additional compensation provided to the contractor is \$290 per hearing<sup>2</sup>. The additional compensation paid to contractors for representation at Citizen Review Board hearings has resulted in much greater participation by attorneys in these hearings.<sup>3</sup> If a special contract credit were awarded to attorneys for participation in shelter hearings, OPDS believes that such participation would increase and become the norm in most counties. If attorneys received an additional amount of \$90 (two hours at \$45 per hour) for participation in the shelter hearing, the total estimated cost would be approximately \$800,000 per year or \$1.6 million for the biennium<sup>4</sup>. The additional award would be made both to attorneys in counties where representation is already provided at shelter hearings and to attorneys in those counties where it is not in order that those who are already providing such representation would not be penalized. The additional compensation would also make it possible for some contractors to add more attorneys and therefore increase availability to attend shelter hearings, which are generally scheduled on short notice.

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<sup>2</sup> A typical contract rate for representing a child or parent in a termination of parental rights case is \$2,200.

<sup>3</sup> Because scheduling conflicts often prevent an attorney from participating in Citizen Review Board hearings, contract credits are awarded when the attorney participates in the hearing by phone or sends a legal assistant to provide designated information to the board and to report on board action to the attorney.

<sup>4</sup> In FY10 there were 9,019 new dependency credits.

## **ROLE OF COUNSEL FOR CHILDREN AND YOUTH**

During the course of numerous site reviews over the last four years, OPDS has noticed significantly inconsistent practices regarding the role of appointed counsel for children in both dependency and delinquency cases.

For example, some attorneys believe that it is not necessary to meet and confer with child clients.

It is hoped that this statement will clarify what OPDS believes to be the role of counsel for children in dependency cases and youth in delinquency cases. The statement is being sent to all public defense providers. If you have questions about the role of counsel as outlined in this statement, please contact OPDS's General Counsel, Paul Levy at (503) 378-2478.

### **Role of Counsel in Dependency Cases**

In juvenile dependency cases, the role of the attorney appointed to represent a child will depend on the age of the child and the child's capacity for considered judgment.

An attorney for a child capable of considered judgment must advocate for the child's expressed wishes. The attorney for a child not capable of considered judgment must advocate for the child's best interest as determined by the attorney's independent investigation and exercise of sound judgment. Some children are capable of considered judgment with respect to some decisions that need to be made in the case but not with respect to others. Standard 3.4 of the Specific Standards for Representation in Juvenile Dependency Cases of the Oregon State Bar's Principles and Performance Standards<sup>1</sup> outlines the analysis to be used in deciding the appropriate type of advocacy in a given case.

Regardless of that ultimate determination, the child is a "client" and OPDS contracts require the contractor to speak to and conduct initial interviews, in person, with clients who are in custody within 24 hours of appointment whenever possible; and to arrange for contact, including notification of a scheduled interview time, within 72 hours of appointment for all clients who are not in custody. Children are not excepted from this rule.

In addition, Rule 1.14 of the Oregon Rules of Professional Conduct (ORPC) requires counsel for persons with diminished capacity (which includes children not capable of considered judgment) to maintain, as far as reasonably possible, a normal client-lawyer relationship with the client. The ORPC require attorneys to

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<sup>1</sup> The full text of the 2005 version of the Principles and Standards for Counsel in Criminal, Delinquency and Dependency Cases can be found on the bar's website at [http://www.osbar.org/surveys\\_research/performancestandard/index.html](http://www.osbar.org/surveys_research/performancestandard/index.html).

**maintain contact** with their clients, **to keep them reasonably informed** about the status of their cases (ORPC Rule 1.4), **to promptly comply** with reasonable requests for information (*Id*), **to explain** matters to the extent reasonably necessary to permit the client to make informed decisions about matters regarding which the client is capable of exercising considered judgment (*Id*), **to abide by** the decisions of a client who is capable of considered judgment concerning the objectives of representation (ORPC Rule 1.2), and **to consult** with the client regarding the means by which the objectives of representation are to be pursued (*Id*). These rules apply regardless of the client's age or capacity.<sup>2</sup>

### **Role of Counsel in Delinquency Cases**

Attorneys for youth in juvenile delinquency proceedings are bound to advocate for the expressed wishes of the youth. While the attorney has a responsibility to advise the youth of legal options that the attorney believes to be in the youth's best interest and to identify potential outcomes of various options, the attorney must represent the expressed wishes of the juvenile at every stage of the proceedings. The attorney owes the same duties to a juvenile under the Rules of Professional Conduct as an attorney owes to an adult criminal defendant.

If an attorney determines that a youth is not capable of aiding and assisting in the youth's defense, the attorney shall move the court to dismiss or amend the petition, as discussed in Standard 2.8(2) of the Specific Standards for Representation in Criminal and Juvenile Delinquency Cases.

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<sup>2</sup> For those attorneys who lack the information or skills to have an age appropriate discussion with a young or disabled client, an online training will be available beginning in November, 2007 at the following link: <http://www.cwpsalem.pdx.edu/teen/>.



## In Their Own Words

***"I am living proof that CASA volunteers change kids' lives."***

*Laura Nunes, former foster youth*



My first foe was my father, who was horribly abusive to my mother and me. When he finally left, a new enemy surprised me: my mother's demons. I was 13 when my mother's mental illness drove her to lock me in a back bedroom of our house—without food or water. By the time the police broke in a week later, I was literally starving. When I got out of the hospital I had a new status: foster kid.

Throughout all the changes and different people I had to deal with during my five years in foster care, my CASA volunteer, Sally, was the one person who was there just for me. Knowing Sally cared about me meant the world to me. She was the anchor I desperately needed to stay in school, to keep moving forward, to make the choices that got me safely out of foster care and into service to my country. She made me believe that I was destined for success—in college or in whatever else I decided to do.



"My CASA gave me a voice in the system," says 23-year-old Brittany Jean, "and provided the stable presence I needed to escape the downward cycle of crime and delinquency that claims so many foster children. I don't know where I would be today without my CASA."



CASA volunteers have been proven to lessen the frequent upheaval that negatively impacts foster children's education, friendships and sense of belonging. Children with a CASA volunteer are substantially less likely to spend time in long-term foster care or re-enter the system once placed in a permanent home.

## In the Words of Oregon Judges

*From the Evaluation of Oregon's Court Appointed Special Advocate Program conducted in 2002 by Pacific Research and Evaluation, LLC*

"A CASA has no stake in the outcome other than the child's best interests. CASA recommendations are generally based on common sense and experience, rather than legal issues or expediency."

*The Honorable Allan H. Coon, Josephine County*

"CASA volunteers consistently maintain contact with the child and often provide information that is not available to the court from other sources."

*The Honorable Locke A. Williams, Benton County*

"The CASA program as a whole has been instrumental in bringing about system wide improvements, in Oregon and nationally, in the juvenile dependency arena."

*The Honorable Dale Koch, Multnomah County*

"We cannot do without them. They have the time, training, and dedication to shine the spotlight specifically on the parent(s)-child(ren), relationship and make the wide ranging collateral contacts needed to receive a full picture of the family."

*The Honorable Eric Valentine, Union and Wallowa Counties*



## About Court Appointed Special Advocates

### Oregon CASA

Each year, approximately 780,000 children in the U.S. are caught up in the court and child welfare maze because they are unable to live safely at home. Court Appointed Special Advocates (CASA) trains volunteer advocates who are appointed by judges to speak out on behalf of these children, to make sure they get the attention and services they need. These CASA volunteers make a lifelong difference in the lives of children in their community.

### *Oregon Commission on Children and Families (OCCF) and the Oregon CASA Directors' Network*

OCCF works with the 31 local CASA programs that recruit, train, and support volunteer advocates who work in every county and one Tribe to make each child count. Since 1993, OCCF has been working to better the lives of thousands of Oregon's children by strengthening, sustaining and growing Oregon's CASA network of programs, OCDN. Together, OCCF and OCDN provide wide-ranging assistance to local CASA programs and advocate for progressive, child-centered policies state-wide.

### *Oregon Statistics*

- During FFY 2009, 13,291 children spent at least one day in some kind of foster care (8,466 children on an average daily basis). Of those, 82.5 percent (10,969 children) were served in a family foster care setting. *2009 Child Welfare Data Book, Oregon Department of Human Services*
- CASA programs have increased their service level by 581 children from 2006 to 2009.\*
  - 2006: Children with a CASA: 4189
  - 2009: Children with a CASA: 4770
- The number of CASA volunteers appointed to a child increased by 461 from 2006 to 2009.\*
  - CASA Volunteers in 2006: 1352
  - CASA Volunteers in 2009: 1813
  - Average volunteer tenure is 40 months
- Community engagement in 2009\*
  - 200 community members serve on local CASA Boards of Directors; 94% are also financial donors.
  - 53% of all funding for CASA comes from community sources (27% from state general funds).



*CASA is endorsed by the National Council of Juvenile and Family Court Judges and the American Bar Association*

\* Figures from the OCCF Get Ready, Get Set, Go! CASA Capacity Building Project Final Report: June 2010

To learn more about CASA, find your local program or become a volunteer advocate for children in your community, please visit: [www.oregon.gov/OCCF](http://www.oregon.gov/OCCF)

JUVENILE CODE: DEPENDENCY

JUVENILE COURT

(Generally)

419B.090 Juvenile court; jurisdiction; policy	419B.168 Procedure when child is not released
419B.100 Jurisdiction; bases; Indian children	419B.171 Report required when child is taken into custody
419B.110 Emergency medical care; court may authorize	419B.175 Initial disposition of child taken into custody
419B.116 Intervention; caregiver relationship; rights of limited participation	(Shelter Hearings)
419B.117 Notice to parents or guardian of child; when given; contents	419B.180 Shelter and detention facilities
419B.118 Venue	419B.183 Speedy hearing required
419B.121 Return of runaway children to another state	419B.185 Evidentiary hearing
419B.124 Transfer to juvenile court from another court	(Placement of Child or Ward)
419B.127 Transfer to court of county of child or ward's residence	419B.192 Placement of child or ward; preference given to relatives and caregivers; written findings of court required
419B.130 Delegation of jurisdiction by county of residence	(Counsel)
419B.132 Delegation of jurisdiction among county juvenile courts	419B.195 Appointment of counsel for child or ward; access of appointed counsel to records of child or ward
419B.135 Transfer of case; transportation of child or ward	419B.198 Responsibility for payment of costs related to provision of appointed counsel for child or ward
(Protective Custody)	419B.201 Compensation for court-appointed counsel for child or ward under ORS 135.055
419B.150 When protective custody authorized; disposition of runaway child taken into protective custody	419B.205 Appointment of counsel for parent or legal guardian
419B.155 Protective custody not arrest	419B.208 Other law applicable to appointment of counsel
419B.157 Jurisdiction attaches at time of custody	419B.211 Motion to withdraw as counsel
419B.160 Place of detention; record; parental notice required	(Educational Surrogate)
419B.165 Release of child taken into custody	419B.220 Appointment of surrogate

419B.223 Duties and tenure of surrogate  
(Guardian Ad Litem for Parent)

419B.231 Appointment; hearing; findings  
419B.234 Qualifications; duties; privilege

419B.237 Duration of appointment;  
compensation  
(Hearings)

419B.305 When hearing must be held;  
continuation; priority

419B.310 Conduct of hearings  
(Disposition)

419B.325 Disposition required; evidence

419B.328 Ward of the court; duration of  
wardship

419B.331 When protective supervision  
authorized; conditions that may be  
imposed

419B.334 Placement out of state

419B.337 Commitment to custody of  
Department of Human Services

419B.340 Reasonable or active efforts  
determination

419B.343 Recommendations of committing  
court; case planning; plan contents

419B.346 Medical planning

419B.349 Court authority to review placement

419B.352 Hospitalization; mental health  
examination  
(Guardianships)

419B.365 Permanent guardianship; petition;  
when filed; procedure

419B.366 Guardianship; motion; procedure

419B.367 Letters of guardianship; reports by  
guardian; review of reports; legal  
status and liability of guardian

419B.368 Review, modification or vacation of  
guardianship order

419B.369 Guardianship study; rules

(Legal Custodian of Child)

419B.370 Guardianship as incident of custody

419B.373 Duties and authority of legal  
custodian  
(Guardian)

419B.376 Duties and authority of guardian

419B.379 Guardian is not conservator  
(Authority Over Parents)

419B.385 Parent or guardian as party

419B.387 Parent participation in treatment or  
training

419B.389 Inability of parent to comply with  
order of court  
(Paternity)

419B.395 Judgment of paternity or nonpaternity  
(Support)

419B.400 Authority to order support; collection

419B.402 Support order is judgment

419B.404 Support for child or ward in state  
financed or supported institution

419B.406 Assignment of support order to state

419B.408 Enforcement of support order  
(Reports by Guardians and Custodians)

419B.440 Circumstances requiring reports

419B.443 Time and content of reports

419B.446 Filing report

419B.449 Review hearing by court; findings

419B.452 Distribution of report by court  
(Child Surrendered for Adoption)

419B.460 Agency's responsibility  
(Permanency Hearing)

419B.470 Permanency hearing; schedule

419B.473 Notice; appearance

419B.476 Conduct of hearing; court  
determinations; orders

(Termination of Parental Rights)

- 419B.498 Termination of parental rights; petition by Department of Human Services; when required
- 419B.500 Termination of parental rights generally
- 419B.502 Termination upon finding of extreme conduct
- 419B.504 Termination upon finding of unfitness
- 419B.506 Termination upon finding of neglect
- 419B.508 Termination upon finding of abandonment
- 419B.517 Mediation to be encouraged
- 419B.518 Appointment of counsel for parents
- 419B.521 Conduct of termination hearing
- 419B.524 Effect of termination order
- 419B.527 Disposition of ward after termination
- 419B.529 Adoption after permanent commitment or surrender; procedure; certain fees prohibited
- 419B.530 Representation by Attorney General

(Emancipation of Minor)

- 419B.550 Definitions for ORS 419B.550 to 419B.558
- 419B.552 Application for emancipation judgment; effect of judgment
- 419B.555 Hearing; notice to parent; duty to advise minor of liabilities of emancipated person; filing fee
- 419B.558 Entry of judgment of emancipation

JUVENILE COURT DEPENDENCY  
PROCEDURE

- 419B.800 Applicability of ORS 419B.800 to 419B.929
- 419B.803 Jurisdiction
- 419B.806 Consolidation; when required; procedures

- 419B.809 Petition; contents; form; dismissal
- 419B.812 Issuance of summons; time for hearing on petition
- 419B.815 Summons for proceeding to establish jurisdiction under ORS 419B.100; contents; failure to appear
- 419B.816 Notice to person contesting petition to establish jurisdiction
- 419B.818 Form of summons under ORS 419B.815
- 419B.819 Summons for proceeding to establish permanent guardianship or terminate parental rights; contents; failure to appear
- 419B.820 Notice to parent contesting petition to establish permanent guardianship or terminate parental rights
- 419B.822 Form of summons under ORS 419B.819
- 419B.823 Service of summons generally
- 419B.824 Methods of serving summons
- 419B.827 Responsibility for costs of service of summons and travel expenses of party summoned
- 419B.830 Return of summons
- 419B.833 Proof of service of summons or mailing
- 419B.836 Effect of error in summons or service of summons
- 419B.839 Required and discretionary summons
- 419B.842 When arrest warrant authorized
- 419B.845 Restraining order when child abuse alleged
- 419B.846 Service of restraining order
- 419B.848 Process generally
- 419B.851 Service of process; filing; proof of service
- 419B.854 Computing statutory time periods
- 419B.857 Pleadings; construction

419B.860 Motions  
419B.863 Pleadings; captions  
419B.866 Signing pleadings required; effect of signing or not signing  
419B.869 Responding to pleadings; time limit  
419B.872 Amendment of pleadings  
419B.875 Parties to proceedings; rights of limited participation; status of grandparents; interpreters  
419B.878 Applicability of Indian Child Welfare Act  
419B.881 Disclosure; scope; when required; exceptions; breach of duty to disclose  
419B.884 Depositions; procedure  
419B.887 Objections at depositions; effect of failure to make timely objection; errors and irregularities in transcript preparation  
419B.890 Dismissal of petition at end of petitioner's case; settlement conference  
419B.893 Subpoenas generally  
419B.896 Subpoena for production of books, papers, documents and other tangible things  
419B.899 Issuance of subpoena  
419B.902 Service of subpoena  
419B.905 Subpoena of incarcerated witness  
419B.908 Witness fees; payment  
419B.911 Failure to obey subpoena  
419B.914 Proceeding when person entitled to service is not summoned and is not before court  
419B.918 Manner of appearance  
419B.920 New hearings  
419B.923 Modifying or setting aside order or judgment

419B.926 Stay of order or judgment pending appeal

419B.929 Enforcement of certain orders and judgments

#### MISCELLANEOUS

419B.950 Educational program regarding federal and state adoption and child welfare laws; establishment; purpose