

Case Notes Supplemental Sheet

This supplement to the case notes sheet is designed to provide information on relevant law and policy and to identify areas of focus for each of the findings. Keep in mind that reviews are case specific and not every bullet listed will apply in every case.

The following ASFA timelines are required in dependency cases unless an exception is allowed by law:

- *A jurisdictional hearing within 60 days of filing the dependency petition.*
- *A permanency hearing 14 months from placement or 12 months from jurisdiction.*
- *The filing of a petition to terminate parental rights if the child has been in care 15 of the most recent 22 months.*

*Access DHS policy at: www.dhs.state.or.us/policy/childwelfare/cross_index.htm



SPOTLIGHT ON CULTURALLY APPROPRIATE SERVICES

Services provided by DHS must comply with Title VI of the Civil Rights Act of 1964, the Indian Child Welfare Act (ICWA), and the Americans with Disabilities Act (ADA). To ensure DHS is in compliance with these federal laws, board members should consider the following when making each finding:

- Whether the family's language, disability, and/or culture are significant enough to be included in the case plan.
- Whether DHS provided a bilingual/bicultural caseworker or used a qualified interpreter when one was not available.
- Whether the child and parents are receiving legal representation in their primary language.
- Whether letters, forms, reports, and other documents are translated to the primary language of the person receiving them.
- Whether DHS efforts, assessments, and services are provided in the clients' primary language; are appropriate to their cultural background, customs, and traditions; and are focused on preserving the family's culture.
- Whether a contracted service provider is able to comply with Title VI, ICWA, and ADA.
- Whether there were delays in progress due to lack of culturally appropriate services.
- Whether tribal and cultural leaders were consulted, especially when there has been a lack of progress.

1. Has DHS made reasonable efforts to prevent or eliminate the need for removal of the child from the home?

Notes:

- If ICWA applies, active efforts to provide services are required.
- If the child was found to be in imminent danger, it is reasonable for DHS to make no efforts to provide services.
- All findings apply to voluntary cases, including this finding.

Determine whether:

- DHS provided appropriate services to the child and each parent to allow the child to safely remain in the home.
- DHS made efforts to facilitate the delivery of needed services (i.e. transportation, financial assistance, treatment programs, waiting lists).
- An emergency intervention service could have been put in place to prevent or eliminate the need for removal (day care, respite care, crisis counseling, housing or energy assistance, food, etc.).
- Household members or the home environment could have changed to prevent removal.
- DHS consulted with cultural and tribal leaders regarding the allegations.

2. Has DHS made diligent efforts to place the child with a relative or a person who has a caregiver relationship?

Notes:

- Efforts to identify relatives and persons with a caregiver relationship must begin the same day the child is placed into substitute care as a result of a CPS assessment or when it seems likely an in-home safety plan cannot be achieved to manage an identified safety plan.
- **Definition:** *A caregiver relationship is a relationship between a person and a child that existed for 12 months immediately preceding the dependency case; for at least six months during the case; for half the child's life if the child is less than 6 months of age; in which the person had physical custody of the child or lived in the same household as the child, provided for the child on a daily basis with love, nurturing and necessities required to meet the psychological and physical needs of the child, and on which the child depended to meet those needs. It does not include a relationship with a nonrelated foster parent unless the relationship continued at least 12 consecutive months.*

Determine:

- Whether the child is placed with a relative or person with a caregiver relationship. If so, when was the child placed? If not, what efforts were made?
- Whether the child has siblings who are in need of placement or continuation in substitute care. If so, what efforts have been made to place the siblings together?
- Efforts DHS has made to identify and locate paternal and maternal relatives, including those living outside the United States.
- Efforts to identify cultural and tribal leaders to assist in the search for relatives and persons with a caregiver relationship.
- Efforts DHS has made to address barriers to placement with relatives or persons with a caregiver relationship.
- Efforts DHS made to contact and communicate with relatives or persons with a caregiver relationship in the primary language of the person, this would include both verbal and written communication.

3. Has DHS ensured that appropriate services are in place to safeguard the child's safety, health, and well-being?

Notes:

- Consideration of child's safety is paramount in all areas.

Determine the child's needs:

- Health
 - Medical and dental checkups (I-C.4.1)
- Mental Health
 - Mental health assessments (I-C.4.1)
- Educational/Developmental
 - Referrals to Early Intervention for developmental assessment have been made if the child is under 3 (DHS procedure manual Chapter II Assessments, Section 11)
- Cultural/Attachment
 - Evaluations/assessments determined if there are significant cultural or tribal issues that need to be addressed in case plan
 - Tribal and/or cultural leaders were consulted
- Placement

Determine services being provided to address those needs:

- Health services
- Mental Health services
- Educational/Developmental services
 - IEP or IFSP
- Cultural/Attachment
 - Contacts and services to meet and maintain child's cultural/tribal ties
 - Visits with siblings and parents
- Placement
 - A knowledgeable caregiver with the ability to meet the specific needs of the child given the ages and needs of other children in the home
 - A caregiver knowledgeable about the child's genetic, medical, dental, educational and emotional history
 - A provider who is ensuring the child is engaged in appropriate services and visitation plans
 - A placement supported by the tribe, if ICWA applies
 - A placement which meets the cultural and language needs of the child/family

Determine whether the services are appropriate to address the child's needs and are in the child's best interests, in that:

- Recommendations from evaluators have been implemented.
- The child is currently taking medications and the date of last assessment is timely.
- The child's educational needs are being met (number of schools attended is in the best interests of the child).
- The frequency of visits with siblings and parents is in the best interests of the child.
- The number of face-to-face contacts with the assigned DHS caseworker is in the best interests of the child.
- The number of placements is in the best interests of the child.

- The placement is the least restrictive to meet the child’s needs.
- There are no present safety risks to the child and there are no concerns about the safety of the child in the current placement.

ADDITIONAL ISSUES TO CONSIDER FOR CHILDREN 14 YEARS AND OLDER:

Determine whether:

- A Youth Decision Meeting occurred and DHS has provided adequate information to the child.
- Referrals to ILP have been made.
- An assessment was completed, a Comprehensive Transition Plan has been developed, and appropriate services are in place.
- The child is making adequate progress toward high school graduation. If not, determine efforts DHS is making to assist the child.

4. Has DHS made reasonable efforts to provide services to make it possible for the child to safely return home? *(Make this finding when the plan has been return to parent for any part of the review period)*

Notes:

- If ICWA applies, active efforts to provide services are required.
- DHS must notify the Consulate and provide them with a copy of the petition if the child or the child’s parents are a foreign national.
- Services should be provided to allow for a return to parent by the first permanency hearing.

Determine whether:

- DHS has addressed barriers to safely return the child home.
- Each parent was referred to services to address the basis of jurisdiction.
- Services provided to the parent address the specific needs of the child.
- An absent parent search has been completed, when applicable.
- There are barriers to the family’s participation in services (transportation, funding, language, etc.).
- Referrals, evaluations, and services were made in a timely fashion.
- Services provided to the parents were adequate and accessible (includes providing services in the parents’ primary language and other cultural considerations).
- Necessary services were offered to other members of the household to which the child will be returned.
- There is a written visitation plan in place providing for appropriate visits.
- DHS has held a Family Decision Meeting and developed an action agreement with the parents or provided them with a letter of expectation.
- DHS informed the ICPC program of the limited English proficiency (LEP) mandates regarding evaluations and services if the parent is in another state.
- DHS worked with the country’s consulate and child welfare system to provide services if the parent lives in another country.

5. Has DHS made reasonable efforts in accordance with the case plan to place the child in a timely manner, and to complete the steps necessary to finalize the permanent placement, including an interstate placement if appropriate? *(Make this finding when the plan is other than return to parent)*

Determine whether:

- The court has approved the DHS plan.
- The tribe has approved the DHS plan.
- DHS has taken necessary steps to identify a permanent placement.
- A placement through interstate compact would be appropriate.
- DHS worked with the receiving state in ICPC cases to verify a bilingual staff person is assigned to conduct the home study and provide services or a qualified interpreter is used when one is not available.
- Whether DHS has taken appropriate steps to place the child and monitor the status of the case through interstate compact.

Determine the steps DHS has taken to finalize one of the following permanent plans:

Adoption

Note:

- If a child has been legally free for six months and has not been placed for adoption or DHS has not initiated adoption proceedings, a permanency hearing is required.

Determine:

- When the case was staffed with DHS' Permanency Planning Consultant and the AG/DA.
- Whether parents have relinquished their parental rights.
- If not, the status of the Legal Assistance Referral (LAR), date termination petition filed, if parents have been served and the date of the scheduled termination trial (I-F.3, I-F.3.2).
- The status of recruitment efforts.
- The status of the home study, designation of placement, adoption assistance, mediated agreements (I-G.1.3, I-G.1.9, I-G.3.1, I-G.1.6).
- Whether necessary transition services are in place (transition visitation schedule, counseling, medical cards, school transfers, life story book, etc.).
- The date in which DHS anticipates the adoption will finalize.

Guardianship

Determine:

- The progress toward establishing the guardianship.
- The status of the home study.
- Whether the subsidy has been negotiated, if applicable (I-E.3.6.2).

Reside with Relative

Determine whether:

- The placement is intended to be permanent and whether the relative has agreed to raise the child until the age of majority.
- Appropriate services are in place to support the placement and support the child.

APPLA

Determine the date the case was staffed and the plan changed.

APPLA Permanent Foster Care

Determine:

- ✓ If there is a signed permanent foster care agreement.
- ✓ The date the court designated the foster care provider as the permanent placement.
- ✓ If the foster parents will preserve cultural ties.

APPLA Independence

Determine:

- ✓ If a needs assessment has been completed.
- ✓ If adequate independent living services have been provided.

APPLA Other

Determine:

- ✓ How the needs of the child are being met.
- ✓ The status of the transition plan for a developmentally delayed child.
- ✓ Attempts DHS has made to reconnect the child with extended family.
- ✓ If significant relationships have been developed for the child.

6. Have the parents made sufficient progress to make it possible for the child to safely return home? (*note: make this finding separately for each legal parent when the goal is return to parent)

Note:

- Sufficient progress does not mean the child can immediately return home. It is determined by parental improvement in areas necessary for the child to safely return home and is measured in terms of ASFA timelines.

Determine:

- The parent's progress in addressing the jurisdictional issues.
- Whether there are remaining barriers and safety issues that prevent the child from returning home.

7. Has DHS made sufficient efforts in developing the concurrent permanency plan?

Determine whether:

- The concurrent plan is appropriate.
- Relatives or those with a caretaker relationship have been contacted.
- Relatives are residing in another country and if so, whether the relative and the consulate of that country have been notified.
- Financial and legal considerations have been discussed with the potential resource.
- An ICPC request has been made for identified resources.
- Discussions have occurred with potential caregivers about how they will maintain the child's cultural ties.
- The tribe has been consulted and approved the concurrent plan.

8. Is DHS in compliance with the case plan and court orders? *(Such as: safety issues, permanency plans, visitation, face-to-face contact, action agreement/letter of expectation, family/safety meetings, cultural and language needs)*

Determine:

- If DHS is in compliance with policies and laws applicable to the case plan.
- If DHS has implemented the previous recommendations of the Board.

9. Is the permanency plan the most appropriate for the child?

Determine whether the current permanency plan best meets the needs of the child or whether a higher level of permanency could be achieved. Also determine if the tribe has approved the permanent plan.

Return to Parent

Determine:

- The parent's progress in services.
- The barriers to reunification.
- Whether there is a compelling reason not to file a petition to terminate parental rights, if the child has been in care for 15 of the past 22 months.
- Barriers to reunification including the child's needs.

Adoption

Determine:

- Why return to parent is not an appropriate plan.

Guardianship

Determine:

- Why return to parent or adoption has been determined not to be more appropriate for the child.

Permanent Placement with a Fit and Willing Relative

Determine:

- Why this is a more appropriate plan than return to parent, adoption, or guardianship for the child.

APPLA

Determine:

- Why all higher level permanency plans were ruled out as not being in the child's best interests and this plan was determined to be the most appropriate.

APPLA Permanent Foster Care

Determine:

- Why this is a more appropriate plan than permanent placement with a fit and willing relative, guardianship, adoption, or return to parent.

APPLA Independence

Determine:

- Why this is a more appropriate plan than permanent foster care, permanent placement with a fit and willing relative, guardianship, adoption, or return to parent.

APPLA Other

Determine:

- Why this is a more appropriate plan than permanent foster care, permanent placement with a fit and willing relative, guardianship, adoption, or return to parent.

10. Is there a continuing need for placement?

Determine:

- If the safety threat has been alleviated and the child could be returned home at this time.
- If continued placement is necessary and in the child's best interests.
- A likely date for the child to return home.
- If there are specific services which need to be provided related to language and/or culture.
- Has the tribe indicated their agreement with the continuing need for placement.

Additional Finding(s):

- Date of the next/last permanency hearing (*If a child has been legally free for 6 months and has not been placed for adoption a permanency hearing must be held.*).
- Date of the next CRB review.

Recommendations:

Plan: *(DHS continue to work toward or staff the case and change the plan)*

Placement: *(DHS continue or change to one better able to meet the child's needs)*

Services to Parents: *(DHS refer the parent(s) to ___ within ___)*

Services to Child: *(DHS provide the following services to the child)*

Parental Involvement in Services: *(Activities in which the parents should engage)*

Visits: *(DHS develop, re-evaluate, change the visitation plan)*

Future Review of this Case: *(The CRB will review a case every 6 months unless a court hearing is held that relieves the CRB. The Board may need to consider a recommendation regarding the timing of the next CRB review and permanency hearing to prevent duplication of reviews.)*

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