



CHILD ABUSE PREVENTION AND TREATMENT ACT

CITIZEN REVIEW PANELS 2020-21 FISCAL YEAR



INTRODUCTION

In 1996, an amendment to the Child Abuse Prevention and Treatment Act (CAPTA) mandated that each state establish at least three Citizen Review Panels composed of members of the community to select and research a systemic issue within child welfare and make recommendations to improve related policies and practices. The Citizen Review Board (CRB), Oregon’s citizen foster care review program, has coordinated these panels since 2012.

CRB typically selects three counties each year as panel sites. For the 2020-21 fiscal year (FY), CRB convened two statewide panels—one focused on concurrent planning and another on youth who have run from foster care—and a Portland metropolitan area panel focused on long-term voluntary foster placements.

Collectively, panels were composed of members representing CRB volunteers and staff, the Oregon Department of Human Services (ODHS), court appointed special advocates (CASA), and Oregon Foster Youth Connection (OFYC).

Panels planned to meet four to five times to:

- Narrow area of focus and brainstorm ideas for a data collection.
- Review related laws, policies, and practices; and finalize the data collection plan.

- Finalize the data collection instrument.
- Interview subject matter experts.
- Review data collection results and develop recommendations.

The panel on concurrent planning was a continuation of a panel from the prior year. They met a total of 8 times—4 in the 2019-20 FY and 4 in the 2020-21 FY. The other panels were new. The panel on youth who run from foster care met 4 times and the panel on long-term voluntary placements met 3 times.

The panels’ findings and draft recommendations were submitted to Oregon’s Child Welfare Director on May 15, 2021. Per CAPTA, DHS has six months to respond in writing whether or how they intend to incorporate the panels’ recommendations into their improvement efforts. The report and response will also be part of DHS’ annual Title IV-B Progress and Service Report to the federal government.

A special thank you is owed to all the panel members who participated in this project. Margaret Mead, an American cultural anthropologist, once said “Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”

Past Panel Locations*

2012-13 FY

Deschutes County
Lane County
Lincoln County

2014-15 FY

Douglas County
Lane County
Multnomah County

2016-17 FY

Benton County
Multnomah County
Umatilla and Morrow

2018-19 FY

Baker County
Linn County
Multnomah County

2020-21 FY

Statewide (2)
Portland Metro

2013-14 FY

Deschutes County
Lane County
Lincoln County

2015-16 FY

Douglas County
Lane County
Multnomah County

2017-18 FY

Baker County
Linn County
Multnomah County

2019-20 FY

Marion County
Multnomah County
Statewide

*DHS transferred coordination of the Panels to CRB in 2012.

AREA OF FOCUS

Concurrent Planning

PANEL MEMBERS

Citizen Review Board

Board Members

Kent Bailey, Baker County

Kathy Cooney, Washington County

Jennifer Doerner, Douglas County

Lee Graves, Malheur County

Kate Kavanagh, Multnomah County

Jessica Lloyd-Rogers, Douglas County

Tracy Powell, Polk County

Dru Powers, Umatilla (2019-20 FY only)

Beverly Schenler, Lane County

Melinda Stephens-Bukey, Jackson County

Danny Stoddard, Coos County

Bill Wagner, Deschutes County

Jeff White, Yamhill County

Staff

Angela Keffer, Field Manager and
Volunteer Resource Coordinator
Leola McKenzie, Juvenile and Family
Court Programs Division Director

John Nichols, Field Manager

David Smith, Field Manager

Tricia Swallow, Field Manager

CASA—Voices For Children

Kari Pinard, Executive Director (2019-20
FY only)

Oregon Department of Human Services

Lacey Andresen, Deputy Director of Child
Welfare Practice and Program (2019-
20 FY only)

Tammy Young, Permanency Consultant
(2020-21 FY only)

PANEL COORDINATOR

Christina Jagernauth, CRB Assistant
Director

Statewide CAPTA Citizen Review Panel on Concurrent Planning

The Statewide CAPTA Citizen Review Panel on Concurrent Planning was convened in the 2019-20 FY and continued its work through the 2020-21 FY. The panel included 21 members: 13 CRB volunteers and 5 staff, a representative from CASA-Voices for Children (2019-20 FY only), and 2 representatives from ODHS.

Area of Focus

The panel selected concurrent planning as its area of focus in July 2019. A concurrent plan is an alternate permanency plan for children in foster care that is developed simultaneously with a permanency plan of Return to Parent. Concurrent planning (i.e., making efforts to develop the concurrent plan) is required by state law. Its purpose is to expedite a permanent home for the child should reunification with a parent fail.

The Adoption and Safe Families Act (ASFA) gives parents about a year to correct the circumstances that brought their children into foster care.¹ The court may move to the concurrent plan at a permanency hearing if it determines that despite the reasonable efforts of ODHS, the child cannot be safely returned to a parent and further efforts will not make it possible for the child to safely return home within a reasonable time.

There are five types of permanency plans, and an order of preference based on the level of permanency the plan offers the child. Return to Parent is the most permanent and preferred permanency plan. Adoption is the preferred concurrent plan followed by Guardianship. Placement with a Fit and Willing Relative and Another Planned Permanent Living Arrangement (APPLA) are also options, but they are the least preferred concurrent plans as ODHS maintains custody of the child even after the plan is achieved.

Literature Review

In the 2019-20 FY, the panel reviewed related laws, appellate decisions, child welfare rules and procedures, history, efforts in other states, and federal and state statistics. The panel found that, according to ODHS' online Child Welfare Data Set, in 2018, only 20% of adoptions and 52% of guardianships were achieved in less than 24 months. The federal guideline for achieving adoption is within 24 months after a child enters substitute care, and within 18 months for guardianship.²

The panel also identified a list of concurrent planning tasks that

ODHS should have completed by 6 months and 12 months after a child enters foster care. These time periods correspond with the first and second federally required periodic reviews of the cases.

In Oregon, CRB and the courts share responsibility for conducting periodic reviews. CRB typically conducts the first and second reviews (at 6 and 12 months respectively), the court conducts a permanency hearing at 14 months that also qualifies as a periodic review, and then the CRB and court alternate every 6 months thereafter until the child leaves foster care.

The panel's list of concurrent planning tasks was based on the work of former Washington County CRB Field Manager Sandy Berger. In 2018, she developed a series of concurrent planning technical assistance guides in consultation with ODHS Permanency Consultant Jason Wright.

In the 2020-21 FY, the panel conducted a more thorough review of [Oregon Administrative Rules](#) (OARs) and Child Welfare (CW) [procedures](#) behind each concurrent planning task. Below is a list of the tasks and associated ODHS rules and procedures.

Concurrent planning tasks that should be completed by 6 months:

- **Legal parents/putative fathers identified**
OAR 413-015-0455(6)(d); CW Procedure Manual, Ch. 3, Sec. 16
- **Indian Child Welfare Act (ICWA) inquiry completed (all parents)**
OAR 413-115-0040; CW Procedure Manual, Ch. 3, Sec. 21
- **First relative search completed**
OAR 413-070-0069 & 0072; CW Procedure Manual, Ch. 5, Sec. 3
- **Birth certificate obtained**
CW Procedure Manual, Ch. 3, Sec. 16
- **Collection of medical and genetic information started** (not completed)
CW Procedure Manual, Ch. 5, Sec. 21
- **Concurrent plan identified**

OAR 413-070-0512(1)(a); CW Procedure Manual, Ch. 4, Sec. 7

- **ASFA timelines discussed with parents**
CW Procedure Manual, Ch. 4, Sec. 6 & Ch. 9, Sec. 3
- **Relatives engaged (if applicable)**
OAR 413-070-0075 to 0087; CW Procedure Manual, Ch. 5, Sec. 3
- **Absent parent search completed (if applicable)**
CW Procedure Manual, Ch. 3, Sec. 16
- **Request Interstate Compact on the Placement of Children (ICPC) home study (if applicable)**
OAR 413-040-0228; CW Procedure Manual, Ch. 5, Sec. 13

Concurrent planning tasks that should be completed by 12 months (only for concurrent plans of adoption):

- **Legal Assistance Specialist/Assistant Attorney General (LAS/AAG) staffing held**
OAR 413-110-0230 & 0330; CW Procedure Manual, Ch. 6
- **Adoption referral packet sent to Central Office**
CW Procedure Manual, Ch. 6, Sec. 2

Concurrent planning tasks that should be completed by 18 months:

- **Permanent resource identified**
OAR 413-070-0320, 413-115-0090, 413-120-0730; CW Procedure Manual, Ch. 6, Sec. 5A
- **Permanency Committee held (if applicable)**
OAR 413-070-0514, 0550(1), 0665(3), 0668 & 1020(2); 413-110-0130(3) & 0132; CW Procedure Manual, Ch. 6, Sec. 3, 14A, 15 & 16

The panel used this information to develop an updated concurrent planning technical assistance guide for CRB volunteers and staff, and added a checklist of concurrent planning tasks to the case notes sheet CRB volunteers use to prepare for and conduct reviews (see Appendix).

Data Collection

In the 2019-20 FY, the panel conducted a data collection to explore where delays might be occurring in concurrent planning. For children who left care in March 2019 by adoption, the panel looked at court judgments, CRB reports, and ODHS case plans from periodic reviews held at 6, 12, and 18 to 20 months after the child entered substitute care.

Results showed that in March 2019, 48 children left foster care by adoption after spending an average of 2.9 years in foster care. In these cases, panel members found documentation of some concurrent planning tasks were common while others were rare.

Panel members could confirm from documents at the 6-month review:

- 90% (38 of 42) had a concurrent plan identified.
- 86% (36 of 42) had a completed ICWA inquiry.
- 83% (35 of 42) had all legal parties identified.
- 81% (34 of 42) had a completed relative search.
- 77% (30 of 39) had relatives engaged.
- 41% (7 of 17) finished the absent parent search.
- 25% (5 of 20) had ICPC home study requested.
- 14% (6 of 42) had the birth certificate.

Panel members could confirm from documents at the 12-month review:

- 39% (16 of 41) had the LAS/AAG staffing, and
- 20% (8 of 41) had the adoption referral packet sent to central office.

Panel members could confirm from documents at the 18 to 20-month review:

- 73% (27 of 37) had an adoptive resource identified.

It is important to note that the percentages reflect how frequently concurrent planning activities were documented, not necessarily whether or not they occurred. Additionally, percentages were calculated only from those cases where the task applied. They

exclude 6 children adopted in Multnomah County because their dependency cases were sealed and not viewable. They also exclude cases where the adoption finalized before the periodic review.

In the 2020-21 FY, CRB volunteers on the panel spent 4 months preparing for and conducting CRB reviews using the case notes sheet that had been updated with the checklist of concurrent planning tasks (see Appendix). These are some of their observations:

- Relative searches weren't always initiated within 30 days of the child entering foster care.
- Caseworkers weren't contacting relatives again at critical junctures.
- Family Reports did not provide much detail about relative searches.
- Caseworkers did not come to reviews knowing many details about relative searches; absent parent searches; and collection of birth certificates and medical and genetic information because other staff were responsible for those tasks.
- Caseworkers got irritated when asked about collection of medical and genetic information because they saw this as a task to be done around the time the plan changes to adoption.
- Lack of focus on completing ICWA inquiries.
- Not putting efforts into engaging relatives in ways other than becoming a placement.
- ODHS not effectively partnering with Oregon's Child Support Program to locate absent parents.

Subject Matter Expert Interviews

In January 2021, a concurrent planning question and answer (Q&A) session was held with three subject matter experts—an ODHS Permanency Consultant, a CRB Field Manager, and the CRB Assistant Director. The Q&A was attended by almost 100 CRB volunteers and staff. Below are summarized highlights.

What is concurrent planning and why is it important?

(Field Manager) Concurrent planning is two plans being honored for the child at the same time. The first outlines the steps parents must take for their children to be returned. The second is focused on permanency with a family willing and able to adopt should reunification be unsuccessful. The caseworker must provide efforts toward both plans starting on the first day the child enters state custody.

It is important that ODHS completes all steps related to concurrent planning in a timely manner to ensure children are able to have permanency as quickly as possible. When workers follow the required steps of concurrent planning, children's time in foster care is shortened because of the progress made in developing the "back up" plan.

When is ODHS obligated to search for a father? Do they have to search for any possible father who is named? What are some search techniques that are used?

(Permanency Consultant) Mothers complete a Fathers Questionnaire during intake. ODHS must attempt to engage legal fathers prior to removal of the child. Alleged fathers may request paternity testing and ODHS is obligated to provide it. The Department of Justice (DOJ) assists in determining ODHS' level of involvement with alleged fathers.

If a parent isn't available to complete the Verification of ICWA Eligibility form, can someone else fill out the form? If yes, who? Does ODHS have to do anything when native ancestry is indicated on the form, but no specific tribe is named?

(Field Manager) Relatives must be asked about Indian ancestry if one or both parents are unavailable or unwilling to provide the needed information. When native ancestry is indicated but no specific tribe is named, ODHS is required to provide due diligence to identify and work with the Bureau of Indian Affairs (BIA) to determine a child's possible membership or ICWA eligibility. They must provide the name of the parent, the child and the family tree to the BIA. Oregon's BIA office is in Portland.

Boards often hear that the relative search is ongoing. What does this mean? Are there specific activities that should be happening on an ongoing basis?

(Permanency Consultant) Family engagement is the expectation. ODHS much make diligent efforts to contact relatives as soon as reasonably possible and no later than 30 calendar days after a child's initial removal. Support staff send out relative letters and then the worker looks at responses. OARs identify policy while the CW Procedure Manual identifies best practice. Even the Child Protective Services (CPS) worker should be seeking relative involvement at time of removal. OAR states that, at a critical juncture (like the 90-day caseworker/supervisor staffing), workers should reach out to relatives who did not respond previously. During reviews, CRB can ask the worker, what have you done within the last 6 months to reach out to relatives?

What is a LAS/AAG staffing? Who is present? What is discussed and decided?

(Field Manager) LAS means Legal Assistance Staffing or Legal Assistance Specialist. AAG means Assistant Attorney General. Caseworkers attend these staffings with their supervisor and sometimes the branch's paralegal and Program Manager also attend.

LAS/AAG staffings are for the purpose of discussing the concurrent plan and evaluating if ODHS has met their burden and responsibilities of providing reasonable efforts to support reunification. They must be held before ODHS can request permission from the court to implement the concurrent plan.

What is a Permanency Committee? Who is present? What is discussed and decided?

(Permanency Consultant) Caseworkers use Permanency Committees to seek specific permanency casework decisions. It is required before a caseworker can request the court change a permanency plan to guardianship, placement with a fit and willing relative, or APPLA. A Permanency Committee is also required if a caseworker is considering separating siblings in an adoption. A Permanency Committee is a

function after the case has gone to LAS. It is a neutral group of people. Attorneys, CASA, foster parents and sometimes the youth themselves are invited. The Committee must first consider the most permanent alternative plan, which is adoption.

On the Case Notes Sheet, board members now have a checklist of concurrent planning activities that should be happening. When is it appropriate to make a negative finding?

(Assistant Director) As you look at the checklist, some of you may have an urge to make a negative finding anytime an item on the list hasn't been done. You need to fight that urge. This was not the intent of the checklist nor does it make a good basis for a negative finding. Instead, we train our board members to conduct issue-focused reviews. To identify the major issues of a case, and if ODHS isn't adequately addressing those issues, that is when a negative finding is appropriate. So, when you're looking at the concurrent planning finding and all the items that have been done and not done, you need to take a step back and consider the circumstances of the case. Ask yourself if this is a major issue in the case and whether ODHS has adequately addressed it with what they've done. If not, then it's appropriate to consider making the negative finding. If you're leaning towards a negative finding from what you've gathered from the case material, talk it over with your fellow board members and Field Manager or Review Specialist during board business time.

Panel Recommendations

1. ODHS clarify with workers expectations around concurrent planning in the first 6 months of the case.
2. ODHS ensure workers reach out again to relatives at critical junctures in the case, including those relatives who did not respond to initial inquires as well as those who responded they could not be a placement resource.
3. ODHS ensure workers come to CRB reviews knowing the details of what has happened with the relative search and absent parent search.

Citations

¹Oregon Department of Human Services, [What is ASFA?](#), March 2021.

²Children's Bureau, U.S. Department of Health & Human Services, [Child and Family Services Review Onsite Review Instrument](#) (Round 3), Section II: Permanency Outcome 1, Item 6, Pg. 34.

AREA OF FOCUS

Long-Term Voluntary Placements

PANEL MEMBERS

Citizen Review Board

Multnomah County

Kristin Ellison, Board Member

Tony Richoux, Board Member

Washington County

Joanie Quinn, Board Member

Linda Walker, Board Member

Maiya Hall-Olsen, Field Manager

CASA For Children

Washington County

Jeff Tapia, CASA Supervisor

Oregon Department of Human Services

Washington County

Michael Cleary, Permanency Supervisor

PANEL COORDINATOR

Christina Jagernauth, CRB Assistant

Director

Portland Metro Area CAPTA Citizen Review Panel on Long-Term Voluntary Placements

The Portland Metropolitan Area CAPTA Citizen Review Panel on Long-Term Voluntary Placements was convened in October 2020. The panel included 8 members: 4 CRB volunteers and 1 staff, a representative from CASA, and a representative from ODHS.

Area of Focus

The idea for this panel came out of concerns CRB volunteers were having with voluntary placement agreements sometimes lasting years, long after the parents and youth have determined that reunification of the family is no longer an option. There are two types of agreements a parent or guardian can make with ODHS to voluntarily place a child in foster care. In a voluntary custody agreement, legal custody of the child transfers to ODHS. In a voluntary placement agreement, the parent or guardian retains legal custody over the child and is obligated to continue to exercise and perform parental authority and legal responsibilities, except those specifically delegated to ODHS in the agreement.

CRB volunteers and staff on the panel indicated they frequently see during reviews of voluntary cases issues with the following:

- Completing Verification of ICWA Eligibility forms;
- Conducting a diligent relative search;
- Scheduling medical, dental, and vision appointments;
- Youth transition planning;
- Parent engagement;
- Timeliness of the 180-day judicial determination that the placement is in the best interest of the child; and
- Timeliness of permanency hearings.

Panel members expressed concern that some of these youth are in substitute care for years without a parent, attorney, or CASA advocating for them. And for those who cannot return home, not enough is done to prepare them for living independently once the voluntary placement ends on their 18th birthday.

Subject Matter Expert Interview

During one meeting, panel members engaged in a spontaneous

question and answer session with an ODHS Permanency Supervisor. Below are summaries of what was learned:

- On October 1, 2020, ODHS implemented Qualified Residential Treatment Programs (QRTP), which is a time-limited placement with treatment to provide services and stability before a child in care transitions to a family-like setting or returns home. These placements are a new option for youth, including those in voluntary placements. QRTP has adjusted how ODHS makes decisions – moving away from case specific.
- There are 5 counties that do cooperative cases (also called crossover cases). These are cases that involve both the dependency and delinquency systems where ODHS and the Oregon Youth Authority (OYA) or county Juvenile Department share responsibility in serving the child. ODHS has contracts with programs that meet specific needs such as sex offender treatment. Some of the crossover youth are placed in these programs under a voluntary agreement. Their “benchmark” for reunification is success in the program, which can sometimes be one to two years. If they don’t complete the program, they will go to OYA.
- OYA was created in 1996 and separated from the Child Services Division to serve children who committed felony level crimes. Facilities like Hillcrest (for girls), MaLaren (for boys), and others were created so these children could be incarcerated and served near the communities they live. Like ODHS, OYA has contracts with providers and foster parents. OYA is focused on keeping the community safe from the youth. But, some youth can be better served in the community rather than a facility with bars. These become cooperative or crossover cases.
- Voluntary custody agreements are time-limited and mostly occur when a parent has a medical issue that temporarily prevents them from parenting. It is like power of attorney. The length of a voluntary placement agreement is based on the youth’s needs.
- ODHS can’t implement a concurrent plan in a voluntary placement because they don’t have

custody. Filing a dependency petition to gain custody isn’t unheard of, but ODHS is reluctant to do this because these cases often involve kids with significant mental health issues and parents who are exhausted. ODHS relies on experts to help them decide what should happen.

- Washington County does not have any youth placed out-of-state. Youth are sometimes placed in other Oregon counties so they don’t have to wait for an opening in their home county.
- Oregon doesn’t have a whole lot of residential placements for youth. There is St. Mary’s Home for Boys near Portland as well as programs in Grants Pass, Pendleton, and Roseburg. Roseburg has three programs – one that addresses drugs and alcohol, another for impulsivity, and a third for youth at risk of sexual exploitation/trafficking.

Data Collection

The panel conducted a data collection to find out how many long-term voluntary placements there are, and what circumstances cause them. They looked at records in voluntary court cases (i.e., those with a Juvenile Dependency—Judicial Determination case type) for Clackamas, Multnomah, and Washington counties that were active on December 15, 2020. There were 8 total.

Three involved youth who had been in a residential treatment program for over three years. Each had an associated delinquency case involving a similar type of crime. The parents for two of the youth did not want to be reunified with the youth. The court appointed an attorney for one of the youth, which is unusual in a voluntary case.

Another three involved youth who had been in substitute care for less than a year-and-a-half. Two were in residential treatment; one was in a relative foster home. Each had a parent who wanted them returned, and it appeared two would return shortly. The court appointed an attorney for the youth who would not be returning home shortly.

The remaining two cases had dependency petitions filed just after 12/15/2020.

Literature Review

[OAR 413-020-0010\(2\)\(c\)](#) indicates voluntary custody agreements are meant to be short-term. OAR does not include similar language that voluntary placement agreements are meant to be short-term, but ODHS procedures indicate both types of agreements are intended to be “temporary and time-limited” (CW Procedure [Manual](#), Ch. 7, Sec. 5, Pg. 1492). The procedures further direct workers to immediately staff the case with a supervisor if the family has no intention to be a permanent resource.

Voluntary custody agreements can continue after the child reaches 18 years of age (OAR 413-020-0045). Voluntary placement agreements end when the child reaches 18 years of age (OAR 413-020-0090(4)).

OAR 413-020-0070(3) states that in a voluntary placement agreement, ODHS has responsibility for the child’s placement and care. However, ODHS procedures make a point of specifying in voluntary agreements, ODHS is responsible for monitoring the child’s health care and educational needs whenever ODHS has legal custody of the child (CW Procedure Manual, Ch. 7, Sec. 4, Pg. 1487). ODHS does not have legal custody in voluntary placement agreements.

ODHS procedures further state that in both types of agreements, the caseworker must manage the child’s education, health care and mental health needs to the extent ODHS is authorized to do so through the agreement (CW Procedure Manual, Ch. 7, Sec. 5, Pg. 1493). This indicates there may be limits on the care ODHS is responsible for managing.

ODHS is responsible for ensuring the case plan (i.e., Family Report) continues to be appropriate. In voluntary placement agreements where the youth is nearly 18, ODHS procedures direct caseworkers to consider how the case plan addresses transition to adulthood and independence, and how available Independent Living Program (ILP) services are being used (CW Procedure Manual, Ch. 7, Sec. 7, Pg. 1508).

Final Meeting

During its final meeting, the panel discussed possible service gaps in voluntary placements, particularly around developing independent living skills. Some residential treatment programs like Youth Progress and St. Mary’s Home for Boys have independent living services built into the curriculum. It was suggested, as youth approach returning home, it would nice if there was an in-home service that trained parents how to teach their child independent living skills. A “train the trainer” of sorts.

Panel members re-stated their concern that some youth are in voluntary placements for years without a parent, attorney, or CASA advocating for them. It was mentioned that some youth elect to age out so they don’t have to complete residential treatment. It may not make sense to start the process of filing a dependency petition and establishing jurisdiction for a youth about to age out of care. On the other hand, doing so may make the youth eligible for more services that can continue after the age of 18.

Panel Recommendations

1. ODHS address service gaps in transition planning. Appropriately and in a timely manner, plan for transitional services to ensure the long-term success of the child.
2. ODHS create clear guidelines for when it is appropriate to file a dependency petition in a case that starts as a voluntary placement.
3. CASA For Children look into whether their rules allow a CASA to serve in a voluntary case.
4. CRB update its technical assistance guide for conducting reviews of voluntary cases (see Appendix).

AREA OF FOCUS

Youth Who Run from Foster Care

PANEL MEMBERS

Citizen Review Board

Board Members

Norma Alexander, Linn County

Cheryl Campbell, Lane County

David Davini, Lane County

Donna Fagan-Pelissier, Jackson County

Monica Gillooly, Linn County

Lee Graves, Malheur County

Sue Harbin, Klamath County

Jean Harman, Lane County

Kathryn Kennedy, Union County

Jessica Lloyd-Rogers, Douglas County

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Tamara Richards, Lane County

Richard Spady, Multnomah County

Kathy Smith, Hood River County

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Madison Langan

CASA of Marion County

Shaney Starr, Executive Director

Oregon Department of Human Services

Amber McClelland, Permanency
Consultant

Matt Rasmussen, Runaway and
Homeless Youth Program
Coordinator

PANEL COORDINATOR

Christina Jagernauth, CRB Assistant
Director

PROGRESS REPORT:

Statewide CAPTA Citizen Review Panel on Youth Who Run from Foster Care

The Statewide CAPTA Citizen Review Panel on Youth Who Run from Foster Care convened in the 2020-21 FY and will complete its work in the 2021-22 FY. The following is a report on its progress to date and plans for next year. The panel includes 21 members: 15 CRB volunteers and 2 staff, a representative from Oregon Foster Youth Connection (OFYC), a representative from CASA of Marion County, and 2 representatives from ODHS.

During the first meeting, panel members shared their concerns related to youth who run from foster care and what information they want to collect. Below are highlights from that discussion:

- What makes youth decide to stay (not run)?
- Why do they run? Where do they go? For how long?
- What do they experience? How often are they safe?
- What resources are available?
- How often do they stay engaged in school and/or services?
- What is being done to identify youth who might run?
- What interventions are used?
- How well are foster parents trained to recognize the signs?
- How well are current mental health resources meeting needs?
- What data is already available?
- What is the protocol when a youth runs? What is it when they're found? How often are all the steps followed?
- What types of placements are available? Is anyone tracking outcomes? What is ODHS' capacity to deal with placements that are not ideal for youth at risk of running?
- How involved are youth in developing their placement plan?
- Are LGBTQ+ youth being placed in supportive homes?
- Are the persons who must be notified within 24 hours of a run the right people? Should friends/close associates be added?

Literature Review

Child Welfare (CW) Procedures for Missing Children & Young Adults³

The panel reviewed CW procedures for missing children and young adults. When a child runs, the caseworker must make a report to law enforcement and the National Center for Missing and Exploited Children (NCMEC) within 24 hours. The worker must also notify parents and caregivers, court, attorneys, CASA, and tribe on the same working day the child is reported missing. After the child is missing for more than 24 hours, the caseworker must staff the case with a

supervisor and continue these staffings at least once per week.

The worker must search for the child. This includes physically looking; looking on the internet; using the phone; contacting individuals close to the child; and checking with shelters, hospitals, juvenile detention, etc. The worker must assemble a team to provide guidance on how to locate the child. This team may include law enforcement, juvenile probation, NGO-nonprofit for case management beyond ODHS provided services, shelter/treatment, and district attorney. Some counties already have these teams formed and call them multidisciplinary teams (MDT).

When the child is located, the caseworker must meet with the child, arrange transportation, and determine the placement. If the worker is considering returning the child to the last placement, the worker must gather information from the child and placement separately and, if the reasons are related to the placement itself, staff the placement decision with a supervisor. If the child has a history of running and won't accept any placement selected by ODHS, the worker can consider a relative, former caregiver or other adult in the child's life. Certification requirements must be met.

The child must be seen by a medical professional within 24 hours. Also within 24 hours, the caseworker must notify those who were notified of the run that the child has been found. The worker then vacates any pick-up order or warrant, replaces needed clothing or personal items, schedules a meeting with the child's team, and takes a photo of the child.

Within 3 days of being found, the caseworker must have a face-to-face contact with the child to determine the factors that contributed to the run, the experiences when missing, and whether the child is a victim or at risk of being a victim of sex trafficking. ODHS has a [Run Debrief](#) form to assist workers. The worker then must try to address the factors that contributed to the run, which may include seeking advice from the MDT, updating the ongoing safety plan, and/or developing a [Run Prevention Plan](#). The worker also must take steps, if needed, to resume the child's schooling.

Runaway and Homeless Youth (RHY) Program

Oregon's [RHY Program](#) is part of ODHS' Self-Sufficiency

Program and is responsible for coordinating and delivering services to runaway and homeless youth. With a budget of roughly \$3.1 million, RHY funds 24 grants to 13 providers across the state that offer:

- Overnight shelter services,
- Drop-in day facilities and outreach services, and
- Job development and mentoring services.

RHY has not had a budget increase since 2015. Last year, it submitted a legislative concept to double the budget to fund mental health services, a host-home program, and statewide assessment.

RHY is engaged in two efforts to collect data on Oregon's homeless youth population. They are partnering with Oregon Housing & Community Services to inform the legislature of options for implementing an information system capable of tracking outcome data for homeless individuals. RHY also entered into a grant agreement with the Corporation for Supportive Housing to conduct a comprehensive statewide needs assessment and develop a 5-year roadmap for housing and support services for youth experiencing homelessness.

Homeless Youth Advisory Council

Oregon has a Homeless Youth Advisory Council (HYAC) charged with advising ODHS regarding policies and procedures that address statewide planning for the delivery of services to runaway and homeless youth and their families. In December 2019, HYAC developed a strategic action plan to build a statewide services system.

State and National Data on Homeless Youth

The U.S. Department of Housing and Urban Development (HUD) 2020 [Point-in-Time Count](#) found there were 1,314 unaccompanied homeless youth in Oregon, and 846 of them were unsheltered.

In 2017, Chapin Hall at the University of Chicago conducted a nation-wide study⁴ on levels of homelessness amongst teens and young adults. Some of the findings from that study include:

- 1 in 10 young adults (ages 18 to 25) and 1 in 30

adolescents (ages 13 to 17) experience some form of homelessness over the course of a year.

- Certain populations—specifically, African American and Hispanic youth; young people who identify as lesbian, gay, bisexual and transgender; young parents; and those who have not completed high school—are statistically more likely to experience homelessness than their peers.
- Nearly one-third of youth experiencing homelessness had experiences with foster care and nearly half had been in juvenile detention, jail, or prison.

ODHS conducted a recent internal data collection of foster youth on runaway status and found 37% were over the age of 18.

2020 OFYC Policy Recommendations

The [2020 OFYC Policy Recommendations](#) covered multiple areas that could impact a youth's decision to stay in a placement including culturally sensitive placements and access to mental health services.

Plans for Next Year

The panel is conducting file reviews of 24 randomly selected dependency cases involving youth who were on runaway status any time during the month of April 2020 and were younger than 18 at the time. The panel is looking at court and CRB documents including the ODHS case material submitted for proceedings.

In the 2021-22 FY, the panel will review results of the data collection, interview subject matter experts, and make recommendations for ODHS. The panel will also meet to discuss what CRB can do through its reviews to support foster youth at risk of running.

Citations

³Oregon Department of Human Services, [Child Welfare Procedure Manual](#) (5/3/2021), Ch. 4, Sec. 18: Missing Children and Young Adults, Pgs. 567—582.

⁴Chapin Hall, University of Chicago, [Missed Opportunities: Youth Homelessness in American](#) (2017).

Appendix



Concurrent Planning Activities to Confirm at Citizen Review Board (CRB) Reviews

At the first CRB review, confirm:

1. Legal parents/putative fathers identified

The Oregon Department of Human Services (ODHS) must complete a Father(s) Questionnaire with the mother within 30 days of placement. A putative father is a biological father who never legally established paternity, but who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood. OAR 413-015-0455(6)(d); CW Procedure Manual, Ch. 3, Sec. 16: Identifying Legal Parents.

2. ICWA inquiry completed (all parents)

Each parent must fill out a Verification of Indian Child Welfare Act (ICWA) Eligibility form. If a parent's whereabouts are unknown, ODHS should have an extended family member, on that parent's side of the family, complete the form. OAR 413-115-0040; CW Procedure Manual, Ch. 3, Sec. 21: Special Considerations and Requirements for CPS Assessment.

3. First relative search completed

ODHS must make diligent efforts to contact relatives as soon as reasonably possible and no later than 30 days after the child enters foster care. Typically, when a board asks about the relative search, ODHS will say letters were sent to relatives, indicate whether any responses were received, detail the follow-up to those responses, and state that the relative search is ongoing. ODHS rules and procedures emphasize the benefits of contacting relatives in person or by phone. If relatives do not respond to initial inquiries, caseworkers are to contact those relatives again at the next critical juncture (a placement change is generally considered a critical juncture) and/or at the periodic review of the case plan and the substitute care placement (this is the 90-day staffing between the caseworker and supervisor). If children are not already with a long-term relative resource, the board should inquire whether these more active relative search techniques were utilized. OAR 413-070-0069, 413-070-0072; CW Procedure Manual, Ch. 5, Sec. 3: Working With Relatives.

4. Birth certificate obtained

ODHS must obtain the child's birth certificate within 30 days after placement. CW Procedure Manual, Ch. 3, Sec. 16: Identifying Legal Parents.

5. Collection of medical and genetic info started

While not required by rule or procedure, it's common to start collecting this information right from the beginning because ODHS is supposed to review the child's medical information and services when developing the case plan. It's also good to have the information on file in the event a parent discontinues communicating with ODHS as the case progresses. CW Procedure Manual, Ch. 5, Sec. 21: Medical Care Services.

6. Concurrent plan identified

Identification of a concurrent plan is part of developing the case plan, which must be done 60 days after entering foster care. Parents (and children when appropriate) should be included in development of the plan. OAR 413-070-0512(1)(a); CW Procedure Manual, Ch. 4, Sec. 7: Document the Child Welfare Case Plan.

7. ASFA timelines discussed with parents

With some exceptions, the Adoption and Safe Families Act (ASFA) gives parents about a year to correct the circumstances that brought their child into care before ODHS and the Court start considering moving to the concurrent plan. These timelines are supposed to be discussed with parents at the Family Engagement Meeting held 30 to 60 days after the child enters care. CW Procedure Manual, Ch. 4, Sec. 6: Conduct family meetings & Ch. 9, Sec. 3: Court Hearings, Legal Documentation, and Legal Requirements.

8. Relatives engaged (if applicable)

Common ways to engage relatives include using them as safety service providers, placement resources, or respite care. Relatives should be

invited to Family Engagement Meetings; can provide regular extended family contact for the child through visits, phone calls, and/or email; and can provide transportation to visits, services, or extracurricular activities. OAR 413-070-0075 to 0087; CW Procedure Manual, Ch. 5, Sec. 3: Working With Relatives.

9. Absent parent search completed (if applicable)

An absent parent search includes specific steps. Boards do not need to verify that each step occurred, just that a thorough absent parent search was completed per ODHS procedure. CW Procedure Manual, Ch. 3, Sec. 16: Identifying Legal Parents.

10. Request ICPC home study (if applicable)

The Interstate Compact on the Placement of Children (ICPC) is an agreement among states to provide reciprocal services such as home studies and supervision of placements. An ICPC home study should be requested upon identification of a prospective out-of-state caregiver. They can take months to complete; therefore, requesting them should not be delayed. There is no prohibition against submitting more than one ICPC referral at a time, but it is advisable to limit the number of referrals by screening potential caregivers. OAR 413-040-0228; CW Procedure Manual, Ch. 5, Sec. 13: Placement In Another State.

At subsequent CRB reviews, confirm:

1. LAS/AAG staffing held (adoption only)

Before ODHS can request the Court change the permanency plan to adoption, the case must be staffed and approved by the legal assistance attorney (AAG) and legal assistance specialist (LAS) in Central Office. OAR 413-110-0230, 413-110-0330; CW Procedure Manual, Ch. 6, Sec. 1: Adoption Planning.

2. Adoption referral packet sent to Central Office (adoption only)

Within 30 days after receiving approval to pursue termination of parental rights at the LAS/AAG staffing, the adoption referral packet (Part B of the CF 0439 Legal Assistance Checklist) must be submitted to Central Office. Thirty days after that, the Adoption Child Summary (CF 0421) and Genetic and Medical History of Child and Biological Family (CF 0246) are also due to Central Office. CW Procedure Manual, Ch. 6, Sec. 2: Freeing a Child for Adoption.

3. Permanent resource identified (be careful to not put FP on the spot)

Potential permanent resources can be *relatives, current caretakers, and general applicants* as defined by OAR 413-120-0000(26), (33), & (64). Indian and refugee children have special placement preferences and rules around identification of permanent resources. Board members should be careful not to put the foster parent (FP) on the spot when making inquires about permanent resources. OAR 413-070-0320; 413-115-0090; 413-120-0730; CW Procedure Manual, Ch. 6, Sec. 5A: Section 5A: Identifying and assessing families for adoptive placement: General information for the caseworker.

4. Permanency Committee requested or held (if applicable)

A Permanency Committee is required before a caseworker can request the Court change a permanency plan to guardianship, placement with a fit and willing relative, or APPLA. When ODHS is considering a relative for the guardianship who is not the current substitute caregiver (rare), ODHS will hold a Guardianship Committee instead of a Permanency Committee. A Permanency Committee is also required if a caseworker is considering separating siblings in an adoption. The Permanency Committee is usually held between 12 and 18 months after the child enters foster care. OAR 413-070-0514 (generally); 413-070-0550(1) (APPLA); 413-070-0665(3) (guardianship); 413-070-0668 (guardianship); 413-070-1020(2) (fit and willing relative); 413-110-0130(3) (adoption); 413-110-0132 (adoption); CW Procedure Manual, Ch. 6, Sec. 3: Sibling Adoption Planning; Ch. 6, Sec. 14A: Approving and Implementing Guardianship as a Permanency Plan; Ch. 6, Sec. 15: Placement with a Fit and Willing Relative; Ch. 6, Sec. 16: Another Planning Permanent Living Arrangement.

Helpful links:

[Oregon Administrative Rules \(OARs\)](#)
[Child Welfare \(CW\) Procedure Manual](#)

Developed by the Statewide Child Abuse Prevention and Treatment Act (CAPTA) Citizen Review Panel in December 2020.

CRB CASE NOTES SHEET

(Revised December 2020)

Review Date: _____ Date of Last Review: _____

Mother: _____

Child: _____ Age: _____ Father: _____ Status: _____

Child: _____ Age: _____ Father: _____ Status: _____

Child: _____ Age: _____ Father: _____ Status: _____

Child: _____ Age: _____ Father: _____ Status: _____

Attorney for Child: _____ Caseworker: _____

Attorney for Mother: _____ CASA: _____

Attorney for Father: _____ Other: _____

Case Summary (optional) _____

Please confirm the following:

Reason parent/youth (14 or older)/foster parent is not at review: _____

Voluntary Custody/Placement: Yes No Been in care since _____ (_____ months)

Date of Jurisdiction: _____ Plan: _____

Basis of Jurisdiction: _____ Concurrent Plan: _____

Mother _____

Father _____

Ask → **Is there a reason to know the child is an Indian child? or Is there a reason to know the children are Indian children?**

Indian Child Welfare Act Status of Mother: _____ Signed 1270 Form

Indian Child Welfare Act Status of Father(s): _____ Signed 1270 Form

_____ Signed 1270 Form

We will now address placement efforts:

1. Has ODHS made reasonable active efforts to prevent or eliminate the need for removal of the child from the home? (First review only. Active efforts standard if ICWA applies.)

Additional finding if ICWA applies → **Did active efforts eliminate the necessity for removal based on serious emotional or physical damage to the Indian child?** Tip: If no efforts could have prevented removal because it was an emergency, answer "No" and say, "This is because emergency removal of the Indian child was necessary to prevent imminent physical damage or harm."

2. Has ODHS made diligent efforts to place the child with a relative or person who has a caregiver relationship? (Applies in all cases.)

We will now address services to the child:

3A. Has ODHS ensured that appropriate services are in place to safeguard the child's safety, health and well-being? (Applies in all cases.)

Placement(s):

Safety (including face-to-face contacts):

Family contact (parents, siblings, extended family):

Assessments (first review):

Mental health/therapeutic support/psychotropic medication:

Education:

Health/medical/dental/vision:

Social/extracurricular activities:

Youth transition planning (ages 14 and up):

Cultural considerations:

3B. Has ODHS taken appropriate steps to ensure that 1) the substitute care provider is following the reasonable and prudent parent standard, and 2) the child has regular, ongoing opportunities to engage in age appropriate or developmentally appropriate activities? (This finding only applies when the child is age 16 or older AND the current permanency plan is APPLA.)

We will now address efforts the agency has made toward the permanency plan:

4. Has ODHS made reasonable active efforts to provide services to make it possible for the child to safely return home? (Applies only if plan is "Return to Parent." Active efforts if ICWA.)

Parent: _____

Parent: _____

The court ordered the following services:

The court ordered the following services:

ODHS offered/referred the following services
(note any delays):

ODHS offered/referred the following services
(note any delays):

Family engagement meeting (FEM) held.

Family engagement meeting held.

There is a current action agreement/letter
of expectation.

There is a current action agreement/letter
of expectation.

Parent: _____

Parent: _____

5. Has ODHS 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? (Applies only if plan is NOT "Return to Parent.")

Additional finding if ICWA applies → **Has ODHS made active efforts to place the child in a timely manner in accordance with the placement preferences* for Indian children?**

*A Tribe may have its own established placement preferences. If it doesn't, the placement preferences for plans of Guardianship and Adoption are: 1) A member of the child's extended family, 2) Other members of the Indian child's tribe, or 3) Other Indian families. The placement preferences for plans of Placement with a Fit and Willing Relative and APPLA are: 1) A member of the child's extended family; 2) A foster home licensed, approved or specified by the Indian child's tribe; 3) A foster home licensed or approved by a licensing authority in this state and in which one or more of the licensed or approved foster parents in an Indian; or 4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

We will now address progress and compliance issues:

6. Have the parents made sufficient progress to make it possible for the child to safely return home? (This finding applies if the plan is "Reunification." Progress is determined separately for each parent. This finding is not necessarily asking whether the child can safely return home today. Rather, it is asking whether, given the parent's current and expected rate of progress, will further efforts by the parent permit the child to safely return home within a reasonable time. Reasonable time means a period of time that is reasonable given a child's emotional and developmental needs and ability to form and maintain lasting attachments.)

7. Has ODHS made sufficient efforts in developing the concurrent permanency plan? (Applies only when the plan is "Return to Parent.")

Confirm at first review:

- | | |
|---|---|
| <input type="checkbox"/> Legal parents/putative fathers identified | <input type="checkbox"/> Concurrent plan identified |
| <input type="checkbox"/> ICWA inquiry completed (all parents) | <input type="checkbox"/> ASFA timelines discussed with parents |
| <input type="checkbox"/> First relative search completed | <input type="checkbox"/> Relatives engaged (<input type="checkbox"/> n/a) |
| <input type="checkbox"/> Birth certificate obtained | <input type="checkbox"/> Absent parent search completed (<input type="checkbox"/> n/a) |
| <input type="checkbox"/> Collection of medical and genetic info started | <input type="checkbox"/> ICPC home study requested (<input type="checkbox"/> n/a) |

Confirm at subsequent reviews:

- LAS/AAG staffing held (adoption only)
- Adoption referral packet sent to Central Office (adoption only)
- Permanent resource identified (be careful to not put FP on the spot)
- Permanency Committee requested or held (n/a)*

Additional finding if ICWA applies AND the child is placed in a home outside the placement preferences:
Has ODHS continued to maintain the relationship of the Indian child with potential adoption preferences?
If not, **has ODHS continued to search for a permanent placement that complies with the placement preferences** (see note under Finding 5 for placement preferences)?

*A Permanency Committee is not held for concurrent plans of adoption unless ODHS is considering splitting a sibling group.

8. Is ODHS in compliance with the case plan and court orders? (Applies in all cases)

Face-to-face contacts:

Implementation of previous CRB recommendations:

Compliance with court orders/case plan:

We will now address the appropriateness of the plan:

9. Is the permanency plan the most appropriate plan for the child? (Applies in all cases.)

10. Is there a continuing need for placement? (Applies in all cases)

Additional finding if ICWA applies AND the permanency plan is reunification → **Have active efforts eliminated the necessity for continued removal based on serious emotional or physical damage to the Indian child?**

Estimated date to leave care:

Upcoming court hearings (date and type):

RECOMMENDATIONS:

Plan:

Placement:

Services to Parents:

Services to Children:

Parental Involvement in Services:

Visits:

CRB Reviews of Voluntary Cases

Myths vs. Facts

This technical assistance guide is intended to dispel some commonly held myths about reviewing cases of children who are in foster care under a voluntary agreement between a parent or legal guardian and the Department of Human Services (DHS). Each myth is organized under the most applicable finding. A separate technical assistance guide will be created for young adults age 18 or older who enter into a Voluntary Custody Agreement with DHS.

INTRODUCTION

Myth: *Under Basis of Jurisdiction, boards need only confirm that the child is in foster care under a voluntary agreement.*

Fact: There are two types of agreements a parent or legal guardian may enter into with DHS to have a child voluntarily placed in foster care.

1. A Voluntary Placement Agreement is used when the sole reason for placement is to obtain services for a child's emotional, behavioral, or mental disorder or developmental or physical disability (OAR 413.020.0070(1)).
2. A Voluntary Custody Agreement is used when a parent or legal guardian is immediately and temporarily unable to fulfill his or her parental responsibilities (OAR 413.020.0010(2)).

In both types of agreements, all persons who have legal custody of the child must sign the agreement unless one of those persons is missing. If a person is missing, the one who signs the agreement must provide DHS the persons and places likely to have knowledge of the missing person's whereabouts. DHS must immediately begin a reasonably diligent search to find the missing person to provide him or her notice of the agreement (OAR 413-020-0020(2), (3) and 413-020-0075(2), (3)). OAR 413-020-0065(4) defines "legal custody" as a legal relationship between a person, agency, or institution and a child that imposes on the person, agency, or institution the duties and authority of the child's legal custodian.

When reviewing a voluntary case, boards should confirm the following under Basis of Jurisdiction:

1. Whether the agreement is a Voluntary Placement Agreement or a Voluntary Custody Agreement,
2. The date the agreement was signed,
3. Who signed the agreement, and
4. Whether there is a person with legal custody of the child who did not sign the agreement and, if so, what efforts DHS has made to provide that person with notice of the agreement.

Myth: *The Indian Child Welfare Act (ICWA) never applies in voluntary cases.*

Fact: ICWA can apply to a child voluntarily placed in foster care. DHS policy states that if a child is an Indian child who is an enrolled member of or may be eligible for membership in an Indian tribe, each parent or Indian custodian who has legal custody of the child must sign the Voluntary Custody Agreement or Voluntary Placement Agreement in a hearing before a judge of a court with appropriate jurisdiction (OAR 413-020-0020(5) and 413-020-0075(4)).

When reviewing a voluntary case, boards should confirm the following:

1. Whether each parent or legal guardian completed a Verification of ICWA Eligibility form (if it is a first review and the forms were not included in the case material, ask to see the signed forms during the review);
2. The status of the ICWA investigation if American Indian or Alaskan Native Ancestry is claimed or a parent or legal guardian did not complete the form; and
3. If ICWA applies, whether the voluntary agreement was signed during a court hearing before a judge.

Myth: *The CRB reviews cases subject to ICWA in which the tribal court has jurisdiction.*

Fact: Periodically, tribes will enter into a voluntary agreement with DHS so that a child under tribal court jurisdiction can get specific services provided by the state of Oregon. The CRB does not review these cases unless specifically requested by DHS.

It is important to note the distinction between cases in which the tribe has intervenor status in a state court case versus those cases in which the tribal court has jurisdiction. The CRB reviews all cases subject to state court jurisdiction, including when the tribe has intervenor status. The CRB also reviews all voluntary cases that are not otherwise subject to tribal court jurisdiction.

FINDING #1

DHS made reasonable/active efforts to prevent or eliminate the need for removal of the child from the home.

Myth: *When reviewing voluntary cases, boards must make detailed findings about efforts to prevent or eliminate the need for removal.*

Fact: Finding #1 is “YES” by default in voluntary cases. Federal law states an agency is in compliance with removal and foster care placement requirements if reasonable efforts to prevent or eliminate removal have been made, or the removal is in accordance with a voluntary agreement entered into by a parent or legal guardian (42 USC 672(a)(2)(A)).

A brief summary of the circumstances and/or precipitating placement history can be noted.

FINDING #2

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

Myth: *DHS does not need to conduct a relative search in voluntary cases.*

Fact: The child’s level of supervision and treatment needs may very well require a higher level of care than what can be provided in a relative foster care setting, however, DHS is still required to conduct a relative search in voluntary cases (OAR 413-070-0069(1)(b)). Not all children in voluntary placements end up going back home, so a relative search at the beginning of the case is important. Relatives are also needed to gather family information and history, to develop and maintain the child’s family relationships and cultural connections, and/or to engage extended family in managing the child’s safety.

Efforts made to conduct a relative search and to establish family connections is also a consideration of Finding #3 and Finding #7.

Myth: *DHS is only required to ask the parents or legal guardians to identify a child’s relatives or persons with a caregiver relationship.*

Fact: OAR 413-070-0069(2)(b) also requires DHS to communicate with the child or young adult, whenever possible, to identify relatives or persons with a caregiver relationship. Particularly when parents refuse to provide relative information, boards should confirm whether DHS has asked the child to identify relatives or persons with a caregiver relationship.

FINDING #3

DHS has ensured that appropriate services are in place to safeguard the child’s safety, health, and well-being.

There are no commonly held myths related to Finding #3 in voluntary cases.

Emphasis is to be given to educational supports, verification of access to available services and appropriateness of placement.

FINDING #4

DHS made reasonable/active efforts to provide services to make it possible for the child to safely return home.

Myth: *Finding #4 only applies when the permanency plan is Reunification (i.e., Return to Parent).*

Fact: In voluntary cases, boards should also make this finding when the permanency plan is return to a legal guardian.

Myth: *In voluntary cases, DHS doesn’t have to provide services to the parents because it is the child’s own behavior that necessitated placement.*

Fact: The DHS case plan in a voluntary case, known as a Family Support Services Case Plan, addresses the service needs of the family, not just the child (OAR 413-030-0009(k) and 413-030-0016(c)). At a minimum, DHS should be trying to engage parents in case planning for the child, and should be arranging for visitation. Additional services such as family counseling or parenting classes that address the special needs of the child may also be appropriate.

If a parent has not received a service the board feels is critical to reunification, it could be the basis for a negative finding and/or a recommendation that the Family Support Services Case Plan be revised.

FINDING #5

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 permanency placement, including an interstate placement if appropriate.

Myth: *A court can implement the concurrent plan without taking jurisdiction on a dependency petition.*

Fact: Before a court can implement a concurrent plan, it must find that DHS has made reasonable/active efforts to reunify the family, the parents have not made sufficient progress to make it possible for the child to safely return home, and there are no further efforts that would make it possible for the children to safely return home within a reasonable time (ORS 419B.476(2) and (5)). Oregon’s Court of Appeals has determined that these findings must be based on the allegations on which the court has

taken jurisdiction. In voluntary cases, there are no allegations.

If a board is reviewing a voluntary case in which the court has implemented the concurrent plan, boards are to recommend that a dependency petition be filed.

FINDING #6

The parents have made sufficient progress to make it possible for the child to safely return home.

Myth: *This finding does not apply if placement is due solely to the child's own emotional, behavioral, or mental disorder or developmental or physical disability.*

Fact: This finding must always be made for each parent or legal guardian who signed the voluntary agreement when the permanency plan is reunification. This finding should also be made when the permanency plan is return to a legal guardian.

Myth: *In voluntary cases, DHS cannot require the parents to engage in services if there are no allegations against the parents on which the court has taken jurisdiction.*

Fact: In both Voluntary Placement Agreements and Voluntary Custody Agreements, the parent or legal guardian must agree to:

1. Full and ongoing cooperation in developing the family support services case plan and making decisions for the child based on the child's identified needs;
2. Visit and financially support the child to the fullest extent possible; and
3. Work cooperatively with the Department (OAR 413-020-0025(3) and 413-020-0080(4)).

If a parent is not cooperating with DHS or no longer wants the child returned home, the board should consider under Finding #9 whether or not the voluntary agreement is still appropriate and should consider recommending that a dependency petition be filed.

Myth: *A negative finding cannot be made for Finding #6 if the parents are complying with DHS expectations.*

Fact: This finding asks whether parents have made sufficient progress to make it possible for the child to safely return home, not whether the parents are complying with DHS. Sometimes the circumstances of a case are such that a child is unlikely to ever return home, regardless of the level of parental engagement in case planning (e.g., sexual abuse case involving siblings who still reside in the home).

Boards should feel compelled to make a negative finding if the parents have not made sufficient progress to make it possible for the child to safely return home or there is nothing the parents can realistically do to make it possible for the child to safely return home. An explanation of the basis of a negative finding must be noted.

FINDING #7

DHS has made sufficient efforts in developing the concurrent permanency plan.

Myth: *DHS does/does not have to identify or develop a concurrent plan in voluntary cases.*

Fact: DHS is required to identify and develop a concurrent plan when the child is placed pursuant to a Voluntary Custody Agreement because DHS has both legal and physical custody of the child. Concurrent planning is NOT required when a child is placed pursuant to a Voluntary Placement

Agreement (ORS 418.312 and 419B.476(4)(f), OAR 413-070-0500 and 413-070-0512) because DHS has only physical custody of the child. Boards may, however, recommend that DHS begin concurrent planning in these types of cases if the board believes it would be appropriate given the circumstances of the case (ORS 419A.116(1)(h)).

FINDING #8

DHS is in compliance with the case plan and court orders.

Myth: *Boards should assume that by the first CRB review, the court has made the required 180-day best interest finding.*

Fact: Federal and state law require the juvenile court to make a judicial determination that the placement is in the best interest of the child within 180 days of a voluntary placement or custody agreement (42 USC 672(d) and (e), ORS 418.312(1), and OAR 413-040-0170). If the finding is not made within the 180-day timeline, the case does not qualify for federal Title IV-E dollars. In most counties, the finding is made at a court hearing requested by DHS. DHS is responsible for filing the request for judicial determination with the court and, where appropriate, requesting the court hearing.

At the first CRB review of a voluntary case, boards should ask participants whether or not the court has made the 180-day best interest finding. If not, boards should recommend that DHS file the request for judicial determination and, if necessary, request a court hearing be scheduled.

Myth: *Boards should assume that the court has held a required permanency hearing.*

Fact: Federal and state law require the juvenile court to hold a permanency hearing no later than 14 months after the child's original voluntary placement and at least once every 12 months thereafter until the child leaves substitute care (42 USC 672(d) and (e), ORS 418.312(1), and OAR 413-040-0170). Most courts rely on DHS to schedule these hearings.

In voluntary cases, at the CRB review held 12 months after the child entered care, the board should ask participants whether the 14-month permanency hearing has been scheduled. If not, boards should recommend that it be scheduled. At every CRB review thereafter, boards should determine when the last permanency hearing was held, when the next one is scheduled, and make an appropriate recommendation to ensure that the next permanency hearing is within the timeline.

Myth: *The court does not need to be notified when a guardian enters into a voluntary agreement with DHS.*

Fact: Pursuant to ORS 419B.365, when a guardian is appointed the court maintains jurisdiction of the child and has the authority to review, modify, or vacate the guardianship on its own motion or upon the motion of a party; therefore, the court must be notified anytime a guardian enters into a voluntary agreement with DHS. It is also important that DHS' central office be notified if the guardian has been receiving guardianship assistance as a voluntary agreement may change the amount of that assistance. At the first CRB review of a voluntary case involving a guardianship, boards should ask participants whether or not the court has been notified of the voluntary agreement, and, if there is guardianship assistance, whether DHS' central office has been notified. If not, boards should recommend that DHS make these notifications.

FINDING #9**The permanency plan is the most appropriate plan for the child.**

Myth: *Boards can recommend moving to the concurrent plan without recommending that DHS file a dependency petition.*

Fact: A dependency petition must be filed before a court can move to the concurrent plan. When a board finds that a plan of reunification is not the most appropriate plan for the child, it should recommend that a dependency petition be filed. See additional explanation under Findings #5 and #6.

Myth: *The “15 of 22 months” finding does not apply in voluntary cases.*

Fact: Even in voluntary cases, DHS is required to file a petition to terminate parental rights if the child has been in substitute care for 15 of the most recent 22 months unless the child is being cared for by a relative and that placement is intended to be permanent, or there is a compelling reason that filing such a petition would not be in the child’s best interest (42 USC 675 (E) & (F), ORS 419B.498(1) and (2)). If DHS has not filed a petition to terminate parental rights for a child that has been in care 15 of the most recent 22 months, and the reason is because it would not be in the child’s best interest, boards should verify that the compelling reason is documented in the case plan. Compelling reasons not to file a petition to terminate parental rights include, but are not limited to:

1. The parent is successfully participating in services that will make it possible for the child to safely return home within a reasonable time;
2. Another permanent plan is better suited to meet the health and safety needs of the child, including the need to preserve the child’s sibling attachments and relationships; or
3. The court or CRB in a prior hearing or review determined that while the case plan was to reunify the family the department did not make reasonable/active efforts to make it possible for the child to safely return home.

Keep in mind that the state may not file a petition to terminate parental rights until DHS has filed a dependency petition, the court has established jurisdiction, and the court has changed the permanency plan to adoption ORS 419B.498(3).

FINDING #10**There is a continuing need for placement.**

There are no commonly held myths related to Finding #10 in voluntary cases. Board members should be aware that voluntary agreements can be terminated at any time by DHS or the parent or legal guardian. Voluntary Placement Agreements must end when a child reaches 18 years of age. Voluntary Custody Agreements, on the other hand, can continue after a child reaches 18, but the young adult may terminate the agreement at any time (OAR 413.020.0050 and 413-020-0090).

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