



# CRB Reviews of ORICWA Cases

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## Suggested Structure for Lead Reviewers

**Please note:** Suggested lead reviewer wording is underlined; suggested lead reviewer actions are *italicized*.

### **Finding #1: Has ODHS made active efforts to prevent or eliminate the need for removal of the child from the home?**

1. *Read the language of the finding:* “Has ODHS made active efforts to prevent or eliminate the need for removal of the child from the home?”
2. *Ask relevant questions and gather any information needed, including about whether removal was necessary based on serious emotional or physical damage to the Indian child.*
3. *When you are ready to make a finding, tell your fellow board members what finding you suggest by stating:* “Has ODHS made active efforts to prevent or eliminate the need for removal of the child from the home? I suggest a ‘yes’ [or ‘no’] finding, board do you agree?”
4. *Next, make the ORICWA sub-finding by stating:* “Active efforts did not [or DID] eliminate the necessity for removal based on serious emotional or physical damage to the Indian child.”
  - a. *If ODHS’s efforts did NOT eliminate the necessity for removal based on serious emotional or physical damage to the Indian child, and it was because the removal occurred during an emergency, also state:* “This is because emergency removal of the Indian child was necessary to prevent imminent physical damage or harm.”
  - b. *Note: You do not need to vote as a board on the ORICWA sub-findings unless you prefer to. If you prefer to do so, you can vote as a board by asking the sub-findings as questions, just like you do with the regular findings. (Example: “Did active efforts eliminate the necessity for removal based on serious emotional or physical damage to the Indian child? I suggest a ‘no’ [or ‘yes’] finding, board do you agree?”)*
5. *Move on to Finding #2.*

### **Finding #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?**

1. *Read the language of the finding:* “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?”
2. *Ask relevant questions and gather any information needed, including about ODHS’s efforts to place the child in accordance with the Tribe’s placement preferences.*
3. *When you are ready to make a finding, tell your fellow board members what finding you suggest by stating:* “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? I suggest a ‘yes’ [or ‘no’] finding, board do you agree?”
4. *Next, make the ORICWA sub-finding by stating:* “ODHS has [or has NOT] made active efforts to place the child in a timely manner in accordance with the placement preferences for Indian children.”
5. *Move on to Finding #8.*

### **Finding #7: Has ODHS made sufficient efforts in developing the concurrent permanency plan?**

1. *Read the language of the finding: “Has ODHS made sufficient efforts in developing the concurrent permanency plan?”*
2. *Ask relevant questions and gather any information needed, including about whether the child is placed in a home outside the placement preferences, ODHS’s efforts to continue to search for a placement within the placement preferences if the child is not placed in such a home already, and ODHS’s efforts to maintain the child’s relationship with potential adoptive resources.*
3. *When you are ready to make a finding, tell your fellow board members what finding you suggest by stating: “Has ODHS made sufficient efforts in developing the concurrent permanency plan? I suggest a ‘yes’ [or ‘no’] finding, board do you agree?”*
4. *If the child is placed in a home within the placement preferences, move on to Finding #8.*
5. *If the child is not placed in a home within the placement preferences, state “The child is placed in a home outside of the placement preferences.”*
  - a. *Next, make the ORICWA sub-findings by stating:*
    - i. “ODHS has [or has NOT] continued to maintain the relationship of the Indian child with potential adoption preferences.”
    - ii. *If you find that ODHS has continued to maintain the relationship of the Indian Child with potential adoption preferences, move on to Finding #8.*
    - iii. *If ODHS has not done so, then make the next sub-finding by stating:*
    - iv. “ODHS has [or has NOT] continued to search for a permanent placement that complies with the placement preferences.”
    - v. *Move on to Finding #8.*

### **Finding #10: Is there a continuing need for placement?**

1. *Read the language of the finding: “Is there a continuing need for placement?”*
2. *Ask relevant questions and gather any information needed, including about whether implementing an in-home plan today would result in serious emotional or physical damage to this child.*
3. *When you are ready to make a finding, tell your fellow board members what finding you suggest by stating: “Is there a continuing need for placement? I suggest a ‘yes’ [or ‘no’] finding, board do you agree?”*
4. *Next, make the ORICWA sub-finding by stating: “Active Efforts have not [or HAVE] eliminated the necessity for continued removal based on serious emotional or physical damage to the Indian child.”*
  - a. *Note: This sub-finding is made independent of prior ‘active efforts’ findings you may have made in this review. The focus is whether the child could be returned home on an in-home plan today without sustaining serious emotional or physical damage. You do not need to alter the language of the sub-finding if the board made a ‘no active efforts’ finding earlier in the review, but for the sake of clarity you may acknowledge the prior ‘no’ finding. Your field manager will document the explanation in the Findings and Recommendations report.*