**IN THE CIRCUIT COURT OF THE STATE OF OREGON**

**FOR** **COUNTY**

|  |  |  |
| --- | --- | --- |
| In the Matter of:     A Child. | )))) | Case Number:      **PERMANENCY JUDGMENT**  |

**► This matter came before the Court on** **, 20****.**

**Persons appearing:**

[ ]  Check box if person appeared by video or telephone.

|  |  |
| --- | --- |
| Legal Father [ ] : | Attorney [ ] :       |
|       |
| Putative Father [ ] : | Attorney [ ] :       |
|       |
| Mother [ ] :       | Attorney [ ] :       |
| Child [ ] :       | Attorney [ ] :       |
| Tribe [ ] :       | Tribal Atty/Rep [ ] :       |

|  |  |
| --- | --- |
| CASA [ ] :       | Deputy D.A [ ] :       |
| Guardian [ ] :       | Assist. Atty Gen’l [ ] :       |
| DHS Caseworker [ ] :       | Other [ ] :       |
| Guardian Ad Litem [ ] :       | Other [ ] :       |
|  |  |

**Type of Permanency Hearing:**

[ ]  **Annual Review:** 12 months after jurisdictional finding or 14 months after child’s placement in substitute care, or subsequent annual review. ORS 419B.470(2) and (7).

 [ ]  **At the request of**:       [ ]  **By order of the court.** ORS 419B.470 (6).

 [ ]  **Delayed initiation of adoption proceedings/placement:** six months have passed since child was surrendered or parental rights were terminated (permanency hearing required every six months until child is placed, or adoption proceedings initiated). ORS 419B.470(4) and (8).

 [ ]  **Child removed from court sanctioned permanent foster care** (hearing within 90 days). ORS 419B.470(3).

[ ]   **Special circumstances:** within 30 days when DHS has determined it will not provide reunification services based on a judicial finding that DHS is not required to make reasonable efforts.. ORS 419B.340(5); 419B.470(1).

 [ ]  Child in substitute care 15/22 months. [ ]  Parent convicted of crime listed in ORS 419B.498(1)(b).

 [ ]  Following reinstatement of parental rights under ORS 419B.532.

 [ ]  A court has determined that the child is an abandoned child. ORS 419B.498(1)(c).

**Indian Child Welfare Act (ICWA):**

 [ ]  ICWA **does not** apply.

 [ ]  ICWA **does** apply, because the child is an “Indian child” under the ICWA (25 USC §§ 1901-63), who is a

 member of, or is eligible for membership in, the following Indian tribe(s):      .

**Standard of Proof / Evidence Considered:**

The Findings made below are based on [ ]  a preponderance of the evidence [ ]  clear and convincing evidence, because the child is an “Indian child” under the ICWA (25 USC §§ 1901-63).

The court considered the following evidence in making the Findings and Orders in this Judgment:

 [ ]  Stipulations by the parties.

 [ ]  The exhibits admitted by the court.

 [ ]  The testimony of the witness(es) at the hearing.

 [ ]  The following facts and/or law, of which the court has taken judicial notice:     .

**The Court Makes the Following Findings and Orders:**

 **1. notice and participation**

**►Grandparent(s)**

 DHS [ ] **made** [ ] **did not** make diligent efforts to identify, obtain contact information for, and notify all grandparents of the hearing.

 [ ]  No grandparents attended the hearing, *or*

 The following grandparents attending the hearing and had an opportunity to be heard:

 Maternal: [ ]  grandmother [ ]  grandfather

 Paternal: [ ]  grandmother [ ]  grandfather

 [ ]  The grandparents who attended the hearing were informed of the date of a future hearing.

 [ ]  DHS **did not** give the grandparents notice of the hearing because:      or [ ] a prior order relieved DHS

 of the notice requirement.

 [ ]  For good cause shown, the court relieves DHS of the responsibility to provide notice of the hearing: [ ]  to all grandparents,      to the following grandparents:      .

* **Foster Parent(s)/Care Provider(s)**

[ ]  The child is in substitute care, and DHS [ ]  **did** [ ]  **did not** give the foster parent(s)/current care provider(s) notice of the hearing.

 [ ]  The foster parent(s)/current care provider(s) **did not attend** the hearing.

 [ ]  The foster parent(s)/current care provider(s) **attended** the hearing and had an opportunity to be heard.

 **2. Placement**

**► Placement:**

The child’s current placement is: [ ]  in home with parent or guardian (or)

**substitute care**: [ ]  relative [ ]  current caretaker [ ]  non-relative/non-current caretaker [ ]  permanent foster care [ ]  residential [ ]  adoptive resource [ ]  Other:      .

* placement [ ]  **is** [ ]  **is not** an interstate placement
* placement [ ]  **is** [ ]  **is not** the least restrictive, most family-like setting that meets the health and safety needs of the child and is in reasonable proximity to the child’s home.
* [ ]  The placement **is** in the best interests of the child.

* [ ]  The placement **is not in the best interests of the child**. DHS is ordered to place the child in:

* [ ]  home with parent or [ ]  substitute care with: [ ]  relative [ ]  current caretaker

[ ]  non-relative/non-current caretaker [ ]  residential [ ]  other:      .

* [ ]  ICWA applies. The court finds that the selected placement [ ]  does comply [ ]  does not

comply with the placement preference(s) established by 25 USC §1915. Additional findings/

orders:      .

 **3. Diligent Efforts – Child in Substitute Care:**

**►**Relative Placement

 [ ]  The child is in substitute care, and DHS [ ]  **has made** [ ]  **has not** **made** diligent efforts to place the child with a relative/person who has a caregiver relationship with the child, as required by ORS 419B.192.

 [ ]  DHS has decided to place the child with a relative/person who has a caregiver relationship with the child, but that placement is not in the child’s best interest, because:      .

**►**Sibling Placement

 [ ]  The child is in substitute care and has one or more siblings in substitute care.

 DHS [ ]  **has made**  [ ]  **has not** **made**  diligent efforts to place the child with siblings, as required by ORS 419B.192. [ ]  Placement together is not in the best interest of the child or sibling.

**4. Number of Placements, Visits, School Changes and DHS Contacts**

 Since the child has been in the guardianship or legal custody of DHS the child has had:

|  |  |  |
| --- | --- | --- |
| **Item** | **Number** | **Is the number in the child’s best interest?** |
| Face to face contacts with caseworker |       | [ ]  yes [ ]  no |
| Out of home placements |       | [ ]  yes [ ]  no |
| Visits with Mother |       | [ ]  yes [ ]  no |
| Visits with Father |       | [ ]  yes [ ]  no |
| Visits with sibling(s) |       | [ ]  yes [ ]  no |
| Schools attended |       | [ ]  yes [ ]  no |

* **School of origin**.

[ ]  The court finds **it is** in the child’s best interest to attend the child’s school of origin.

[ ]  The court finds **it is not** in the child’s best interest to attend the child’s school of origin or any other school in the child’s district of origin.

**►Additional findings:** **.**

**5.** **Education (child 14 or older)**

The child [ ]  **is** [ ]  **is not** progressing adequately toward graduation from high school, needs       more credits to graduate, and is expected to graduate      , 20     . [ ]  The child has graduated from high school.

DHS **has made** the following efforts to assist the child to graduate:      .

DHS **is ordered to make** the following additional efforts:      .

 **6. Extracurricular, cultural and social activities (child in appla plan)**

The court finds DHS [ ]  has [ ]  has not taken sufficient steps to ensure that the child’s substitute care provider is following the reasonable and prudent parent standard and the child has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities. Those steps include:

 [ ]  Description of DHS steps is attached as Exhibit      , and is adopted as the Court’s written findings.

 **7. Transition plan** **(CHILD 14 OR OLDER)**

[ ]  **Plan review not required**

 [ ]  **Plan review required:** The child is 14 years or older.

* The comprehensive plan [ ]  **is adequate** [ ]  **is not adequate** to ensure the child’s transition to a successful adulthood.
* DHS [ ]  **has**  [ ]  **has not** offered appropriate services pursuant to the comprehensive plan and

 [ ]  **has** [ ]  **has not** involved the child in the development of the comprehensive plan.

 [ ]  DHS is ordered to modify the comprehensive plan and/or the development of the plan, as follows:      .

 **8. Permanent Plan - *Reunification* (ORS 419B.476(2)(a) and (5)):**

 ***(skip to the next section when the current permanent plan is other than reunification)***

[ ]  Reunification of the family is the permanent plan (case plan) in effect at the time of this hearing.

► DHS reunification effort

DHS [ ]  **has**  [ ]  **has not**  made [ ]  **reasonable** [ ]  **active** effortsto reunify the family. The court considered whether placement of the child and referral to the Strengthening, Preserving and Reunifying Families Program is in the child’s best interest as required by ORS 418.595. DHS efforts include the following:      .

[ ]  Description of reasonable/active efforts is attached as Exhibit      , and is adopted as the Court’s written findings.

 DHS [ ]  **has**  [ ]  **has not** made reasonableeffortsto finalize the permanent plan of reunification.

**►The reunification efforts of DHS (*i.e.,* services provided either directly or through DHS referrals or financial support) include the following:**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| ***Mother*** | ***Father*** | ***Substance Abuse*** |  | ***Mother*** | ***Father*** | ***Mental Health*** |  | ***Mother*** | ***Father*** | ***Child Treatment & Care*** |
| [ ]  | [ ]  | Alcohol & drug evaluation or treatment |  | [ ]  | [ ]  | Psychological evaluation & treatment |  | [ ]  | [ ]  | Family counseling |
| [ ]  | [ ]  | UA or other drug testing |  | [ ]  | [ ]  | Psychiatric evaluation & treatment |  | [ ]  | [ ]  | Counseling or treatment & assessment |
| [ ]  | [ ]  | Dual Diagnosis evaluation & treatment |  | [ ]  | [ ]  | Mental health evaluation & treatment or counseling services |  | [ ]  | [ ]  | Development of safety plan |
|  |  | ***Domestic Violence & Anger*** |  | [ ]  | [ ]  | Medication management |  | [ ]  | [ ]  | Individual counseling |
| [ ]  | [ ]  | Anger management counseling |  | [ ]  | [ ]  | Neuropsychological evaluation |  | [ ]  | [ ]  | Intensive Family Services |
| [ ]  | [ ]  | Anger management education |  |  |  | ***Parenting & Home*** |  | [ ]  | [ ]  | Supervised visitation with child |
| [ ]  | [ ]  | Domestic violence batterer intervention program |  | [ ]  | [ ]  | Parent training |  | [ ]  | [ ]  | *Other:* |
| [ ]  | [ ]  | Domestic violence victim counseling & education |  | [ ]  | [ ]  | Specialized parent training |  |  |
|  |  | ***Support*** |  | [ ]  | [ ]  | Homemaker services |  |
| [ ]  | [ ]  | Housing assistance |  | [ ]  | [ ]  | Failure-to-thrive assessment and recommended aftercare |  |
| [ ]  | [ ]  | Transportation assistance |  |  |  | ***Sex-Offense-Related***  |  | [ ]  | [ ]  | *Other:*  |
| [ ]  | [ ]  | Clothing vouchers |  | **[ ]**  | **[ ]**  | Psycho-sexual evaluation and treatment |  |  |
| [ ]  | [ ]  | In-home outreach assistance |  | **[ ]**  | **[ ]**  | Non-offending parent sex offense education program |  |
| [ ]  | [ ]  | In-home safety and reunification services |

**► Case Plan Compliance/Progress:**

|  |  |
| --- | --- |
| **DHS** | [ ]  DHS **is** in compliance with the current case plan.[ ]  DHS **is not** in compliancewith the current case plan, and, to correct the non-compliance, DHS is ordered to:      .[ ]  DHS is ordered to develop/modify the case plan, as follows within       days of this permanency hearing and to provide a case progress report to the court and the parties:      . |
| **Mother:** | [ ]  Mother **is** involved in the case and [ ]  **has**  [ ]  **has not** made sufficient progress toward meeting the expectations set forth in the service agreement, letter of expectation and/or case plan, and the child [ ]  **can be** [ ]  **cannot be** [ ]  **has been** safely returned to mother’s care. Additional findings:      . |
| [ ]  Mother **is** **not** involved in the case, because mother’s parental rights were terminated/relinquished or mother is deceased, or [ ]  other:      . |
| **Father:** | [ ]  Father **is** involved in the case and [ ]  **has**  [ ]  **has not** made sufficient progress toward meeting the expectations set forth in the service agreement, letter of expectation and/or case plan, and the child [ ]  **can be**  [ ]  **cannot be**  [ ]  **has been** safely returned to father’s care. Additional findings:      .[ ]  Father **is** **not** involved in the case, because father’s parental rights were terminated/relinquished, father is deceased, or [ ]  other:      . |

**Concurrent Planning (when plan is reunification):**

|  |
| --- |
| There **is** a concurrent plan: [ ]  Adoption [ ]  Permanent guardianship under ORS 419B.365 [ ]  Guardianship under ORS 419B.366 [ ]  Placement with a fit and willing relative [ ]  A planned permanent living arrangement (APPLA), which is [ ]  permanent foster care [ ]  permanent connections and support (residential treatment, independent living, substitute caregiver).DHS has made the following efforts to develop the concurrent plan, which [ ]  **include** [ ]  **do not include** efforts to identify appropriate permanent placement options both inside and outside this state:      .Those efforts [ ]  **are** [ ]  **are not** sufficient. [ ]  DHS is ordered to make the following additional efforts to develop the concurrent plan and report those efforts to the court:      . |

**►Orders re: Permanent Case Plan of Reunification**

|  |
| --- |
| **The court orders that the case plan of reunification be:**  |
| [ ]  **Continued** | [ ]  **Changed** from reunification to a different plan |
| The court finds that the permanent plan of reunification continue in effect as set forth in SECTION 10 of this judgment. | The plan of reunification should be changed to a different permanent plan because despite the [ ]  **reasonable** [ ]  **active** reunification efforts of DHS, the child cannot be safely returned to [ ]  **mother’s** [ ]  **father’s** care at the time of the hearing, and the evidence does **not** support a determination under ORS 419B.476(4)(c) and (5)(c) that further efforts will make it possible for the child to safely return home within a reasonable time. THEREFORE, the permanent plan is changed from reunification of the family to the permanent plan specified in SECTION 10 below. |

**9.**  **Permanent Plan – Other than Reunification** (**ORS 419B.476(2)(b), (2)(c) and (5)):**

[ ]  A permanent plan (case plan) other than reunification of the family is in effect at the time of the permanency hearing

**►** The case plan in effect at the time of the hearing is: [ ]  Adoption [ ]  Permanent guardianship under ORS 419B.365 [ ]  Guardianship under ORS 419B.366 [ ]  Placement with a fit and willing relative

 [ ]  A planned permanent living arrangement (APPLA), which is [ ]  permanent foster care

[ ]  permanent connections and support (residential treatment, independent living, substitute caregiver).

**► DHS compliance with case plan:**

* The child [ ]  **is**  [ ]  **is not** inthe permanent placement designated by the case plan. The date of permanent placement [ ]  **was** [ ]  **will be**:      , 20     .
* DHS [ ]  **has** [ ]  **has not** made reasonable efforts to place the child in a timely manner (including, if applicable, in an interstate placement) in accordance with the plan and to finalize the child’s permanent placement. The DHS efforts include the following:      .
* [ ]  Description of reasonable efforts is attached as Exhibit      , and is adopted as the Court’s written findings.
* DHS[ ]  **has**  [ ]  **has not** considered the appropriate and available permanent placement options for the child, both in-state and interstate.
* DHS [ ]  **is** [ ]  **is not**  **in compliance** with the case plan, and, to correct the non-compliance, DHS is ordered to:     .

DHS is ordered to develop/modify the case plan, as follows within       days of this permanency hearing and to provide a case progress report to the court and the parties:     .

**►** [ ]  **Continue the current permanent plan.**

The current permanent plan **is** the most appropriate plan for the child under the existing circumstances and **is** in the child’s best interest. Therefore, the court orders that the current permanent plan continue in effect, as set forth in SECTION 10 below.

**►** [ ]  **Change the current permanent plan.**

The current permanent plan **is not** the most appropriate plan for the child under the existing circumstances and **is not** in the child’s best interest. Therefore, the court orders that the current permanent plan is changed to the permanent plan specified in SECTION 10 below.

**10.** **Court’s determination of the Permanency Plan.** ORS 419B.476(5)(a)-(g)

 **The court orders the plan be** [ ] **changed or** [ ] **continued as follows:**

[ ]  **Reunification**, under ORS 419B.476 (4)(c) and (5)(c), because further efforts will make it possible for the child to be safely returned to [ ]  **mother’s** [ ]  **father’s** care within a reasonable time.

 THEREFORE, between     , 20      and      , 20     . the parents are ordered to participate in the following services and make the progress specified below:

|  |  |
| --- | --- |
| Mother | Services:      |
| Progress:      |
| Father | Services:      |
| Progress:      |

[ ]  If the parent(s) make(s) the progress described above and any additional progress that the court may require based on a future hearing, the child will be returned to [ ]  mother’s [ ]  father’s care by      , 20     .

[ ]  **Adoption.** Pursuant to ORS 419B.498(2), the court finds:

 (a) The child is not being cared for by a relativein a placement (other than adoption)that is intended to be permanent;

 (b) Termination of parental rights is in the child’s best interest (no "compelling reason" to the contrary) because:

 The parent is not participating in services that will make it possible for the child to safely return home within a reasonable time;

 No other 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; and

 DHS provided reasonable or active efforts to make it possible for the child to safely return home, or, if the court or CRB made a prior finding that DHS did not make reasonable or active efforts for the child to safely return home, sufficient efforts have been provided since the negative finding; and

 (c) DHS has provided the services it deems necessary for the child to safely return home consistent with the time period in the case plan.

Additional findings:      .

[ ]  This court determines the permanency plan will be ADOPTION.

[ ] The termination of parental rights petition must be filed not later than      , 20     . The child must be placed for adoption by      20     .

[ ]  The termination of parental rights petition has already been filed.

[ ]  The child is legally free.

**Guardianship** [ ]  **ORS 419B.366 (Durable)** [ ]  **ORS 419B.365 (Permanent) , or**

[ ]  **Placement with a Fit and Willing Relative**

[ ]  Placement of the child with a parent is **not** appropriate, because, despite the [ ]  **reasonable** [ ]  **active** reunification efforts of DHS, the child cannot be safely returned to a parent within a reasonable time.

[ ]  Adoption is **not** appropriate because the child currently is being cared for by a relative in a placement (other than adoption) that is intended to be permanent, asprovided in ORS 419B.498(2)(a), or because the following “compelling reason(s)” under ORS 419B.498(2)(b) are applicable and establish that adoption would **not** be in the child’s best interest:

 **[ ]** another permanent plan is better suited to meet the child’s health, safety and attachment needs;

 **[ ]** the child has needs that require a therapeutic or other specialized placement;

 **[ ]** adoption is unlikely, or otherwise inappropriate, because of the child’s ***[ ]*** unwillingness to consent

 ***[ ]*** health and safety needs ***[ ]*** sibling attachment(s**) *[ ]*** attachment to a parent; [ ]  other “compelling reason(s)”:      .

 Additional findings:      .

[ ]  This court determines the permanency plan will be Guardianship. The court orders that the child be referred for establishment of the guardianship by      , 20     . The guardianship must be established not later than      , 20     .

[ ]  This court determines the permanency plan will be Placement with a Fit and Willing Relative. The court orders that the child be placed with a fit and willing relative by      , 20     .

[ ]  **Another planned Permanent Living Arrangement(APPLA)(Child is 16 or older)**

 The court finds APPLA is the best permanency plan for the child because it is not in the child’s best interest to be placed in another permanency plan due to the following compelling reasons:

[ ]  Placement of the child with a parent is **not** appropriate, because, despite the [ ]  **reasonable** [ ]  **active** reunification efforts of DHS, the child cannot be safely returned to a parent within a reasonable time.

[ ]  Adoption is **not** appropriate because the following “compelling reason(s)” under ORS 419B.498(2)(b) are applicable and establish that adoption would **not** be in the child’s best interest:

 **[ ]** another permanent plan – APPLA – is better suited to meet the child’s health, safety and attachment needs

 **[ ]** the child has needs that require a therapeutic or other specialized placement

 **[ ]** adoption is unlikely, or otherwise inappropriate, because of the child’s

 ***[ ]*** unwillingness to consent ***[ ]*** health and safety needs

 ***[ ]*** sibling attachment(s**) *[ ]*** attachment to a parent; [ ]  other “compelling reason(s):      .

[ ]  Guardianship is **not** appropriate, because, despite reasonable and diligent efforts, DHS has been unable to identify a relative or non-relative who is willing and qualified to serve as the legal guardian for the child.

[ ]  Placement with a fit and willing relative is not appropriate, because there is no relative available who is willing and qualified to serve as a placement.

 Additional findings:     .

This court determines the permanency plan will be APPLA:

[ ]  permanent foster care [ ]  permanent connections and support (residential treatment, independent living, substitute caregiver. The court orders that the child be placed in the APPLA placement by      , 20     , and that DHS promptly notify the court and the parties if the child is not placed by that date.

 **11.** **Substitute care and custody**

[ ]  The court continues the child in the legal custody of DHS for care, placement and supervision. The child is in substitute care**,** which is not a permanent placement, andcontinued substitute care is necessary and is in the child’s best interest for the following reasons:      .

[ ]  The child is in the legal custody of DHS and is placed with a parent (or guardian appointed before the child was found to be within the juvenile court’s jurisdiction), and it [ ]  **is** [ ]  **is not** necessary and in the child’s best interest that the child continue in the legal custody of DHS because:      .

Termination of the child’s [ ]  commitment to the legal custody of DHS is expected to occur by, or before,      , 20      [ ]  juvenile court wardship is expected to occur by, or before,      , 20     .

Under ORS 419A.255(4)(a)(C), the Court consents to the use and disclosure of records, reports, materials or documents in the record of the case or the supplemental confidential file by DHS if such use and disclosure is reasonably necessary to perform its official duties related to the involvement of the child with the juvenile court.

 **12. Additional Findings and Orders:**

* [ ]  The court incorporates and adopts by this reference the oral findings made by the court at the conclusion of the permanency hearing.
* The court [ ]  **has** [ ]  **has not** consulted with the child, in an age appropriate manner, regarding the permanency and transition plans proposed for child, as required by 42 U.S.C. § 675.

 **The court makes the following additional findings and orders:** **.**

[ ]  **All parties present were notified of these court dates and are ordered to appear.**

|  |  |  |
| --- | --- | --- |
| **APPEARANCE TYPE:** | **DATE:** | **TIME:** |
|  ►Review hearing |       |       |
|  |  |  |
|  ►Permanency hearing |       |       |
|  |  |  |
| ►Because the child is in the legal custody of DHS and placed in substitute care, the CRB will conduct a review of this case in:  | [ ]  six months [ ]  three months  |  |
| ► Other:       |       |       |
| ►[ ]  No further review necessary. |  |  |