



Oregon Juvenile Law Annual Appellate Update

THROUGH THE EYES OF THE CHILD CONFERENCE

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Delinquency

COMMITMENT TO OREGON YOUTH AUTHORITY

- *State v. C. J. W.* [345 Or App 531 \(2025\)](#)

Youth appeals from a delinquency judgment committing him to the legal custody of the Oregon Youth Authority (OYA) for placement on probation. Youth raises two assignments of error. In his first assignment of error, youth argues that the juvenile court's written findings placing him in OYA custody under ORS 419C.478 were not supported by evidence in the record. In his second assignment of error, youth argues that the juvenile court erred when it ruled that it was in youth's best interests to remove him from his parents and commit him to the custody of OYA. Held: The juvenile court properly understood and applied the dispositional considerations mandated in ORS 419C.411(3) and the best-interests determination in ORS 419C.478(1) and acted within its discretion when it concluded that committing youth to OYA's custody was in youth's best interests. Additionally, the juvenile court's written findings were supported by evidence in the record. Therefore, the juvenile court did not err. Affirmed.

- *State v. C. L. B.* [345 Or App 335 \(2025\)](#)

Youth appeals the juvenile court's judgment committing him to the legal custody of Oregon Youth Authority (OYA), for placement in a close-custody facility for a period not to exceed 10 years. He raises two assignments of error. First, he argues that the juvenile court's judgment must be reversed because ORS 419A.190 prohibits successive dispositions arising out of the same conduct. Second, he argues that the juvenile court could not authorize OYA to place him in a youth correction facility under ORS 419C.495 because youth did not meet OYA's criteria for such placement under OAR 416-410-0060(5). Held: The Court of Appeals determined that ORS 419A.190 does not bar placement decisions following detention orders because ORS 419C.478(1) allows juvenile courts to place a youth in OYA custody "in addition to * * * any other dispositional order" when it determines that it is in a youth's best interest. Therefore, the juvenile court did not err when it ordered an eight- day detention for youth's probation violations and subsequently ordered youth's placement in OYA custody with a recommendation for his placement in a youth correction facility. Further, the Court concluded that, because juvenile courts are not bound by OAR 416-410-0060, the juvenile court did not abuse its discretion by ordering such placement. Affirmed.

- *State v. D. J. P.* [342 Or App 422 \(2025\)](#)

Youth appeals from a judgment revoking his probation and committing him to the Oregon Youth Authority for placement in a youth correctional facility. Youth asserts that the juvenile court failed to make sufficient written findings as required by ORS 419C.478(1) describing why it is in

youth's best interests to be placed with OYA. Held: The Court of Appeals concluded that the juvenile court's written findings were ambiguous and conclusory as to why commitment to a youth correctional facility was in youth's best interests. Vacated and remanded for written findings under ORS 419C.478(1).

- *State v. E. J. R.* [341 Or App 488 \(2025\)](#)

Youth appeals a judgment committing him to the Oregon Youth Authority (OYA) with a recommendation for placement in a youth correctional facility (YCF). He raises four assignments of error. In the first and second assignments, youth argues that the juvenile court plainly erred when it did not strike vouching testimony by a nurse examiner. In the third assignment, youth argues that the juvenile court failed to make sufficient written findings under ORS 419C.478(1) describing why it is in youth's best interests to be committed to the legal custody of OYA. In his fourth assignment, youth argues that the juvenile court erred in recommending that he be placed in a YCF because that recommendation was based on a misunderstanding of the juvenile court's authority. Held: On youth's first and second assignments, the Court of Appeals concluded that the nurse's statements did not unambiguously constitute vouching that warranted correction on plain error review. On youth's fourth assignment, the court did not understand the juvenile court to have misunderstood its authority because the juvenile court's statement taken in context simply explained the practical results of the court's acceptance of the state's recommendation to permit placement in a YCF. Finally, on youth's third assignment the court concluded that the juvenile court did err in failing to provide sufficient written findings pursuant to ORS 419C.478(1). The juvenile court's written findings did not sufficiently identify the youth's needs that were driving the court's decision to place youth in OYA custody and how the placement in OYA custody would address those needs, while also considering the downsides of OYA custody for youth. Vacated and remanded for written findings under ORS 419C.478(1).

- *State v. R. E. S.* [345 Or App 540 \(2025\)](#)

Youth appeals from a juvenile court order and judgment revoking her probation, placing her in the custody of Oregon Youth Authority (OYA), and committing her to a youth correctional facility. In her only preserved assignment of error, youth argues that the juvenile court failed to make adequate written findings to support commitment to OYA under ORS 419C.478(1) because the juvenile court's handwritten findings are illegible. Held: The juvenile court's illegible written findings were inadequate to support youth's commitment to OYA custody. By enacting ORS 419C.478(1), the legislature intended the juvenile court to consider what is in a youth's best interests and to carefully examine the significant ramifications of OYA commitment on a youth. Illegible written findings do not communicate that careful examination and do not allow for appellate review. The legible portions of the written findings also fail to comply with ORS 419C.478(1). Vacated and remanded for written findings under ORS 419C.478(1).

CRIMINAL MISCHIEF

- *State v. C. G. P.* [343 Or App 371 \(2025\)](#)

Youth challenges his adjudication for conduct that, if committed by an adult, would constitute criminal mischief in the second degree, ORS 164.354, involving damage to playground equipment. Youth, who was playing at a playground, found a can of spray paint without a nozzle and, wanting to see if it worked, pushed the can on a pole such that paint came out, damaging the pole. On appeal, youth contends that the evidence was insufficient to support a finding that he intended to damage the playground equipment. Held: On this record, it was not a reasonable inference that youth acted with a conscious objective of damaging the playground equipment. The circumstances in this case showed youth acting carelessly and thoughtlessly--clearly causing damage to the playground--but it was too much of an inferential leap to conclude as a matter of law that youth acted with a conscious objective to cause that damage for purposes of a delinquency adjudication on second-degree criminal mischief. Reversed.

EVIDENCE

- *State v. E. J. R.* [341 Or App 488 \(2025\)](#)

Youth appeals a judgment committing him to the Oregon Youth Authority (OYA) with a recommendation for placement in a youth correctional facility (YCF). He raises four assignments of error. In the first and second assignments, youth argues that the juvenile court plainly erred when it did not strike vouching testimony by a nurse examiner. In the third assignment, youth argues that the juvenile court failed to make sufficient written findings under ORS 419C.478(1) describing why it is in youth's best interests to be committed to the legal custody of OYA. In his fourth assignment, youth argues that the juvenile court erred in recommending that he be placed in a YCF because that recommendation was based on a misunderstanding of the juvenile court's authority. Held: On youth's first and second assignments, the Court of Appeals concluded that the nurse's statements did not unambiguously constitute vouching that warranted correction on plain error review. On youth's fourth assignment, the court did not understand the juvenile court to have misunderstood its authority because the juvenile court's statement taken in context simply explained the practical results of the court's acceptance of the state's recommendation to permit placement in a YCF. Finally, on youth's third assignment the court concluded that the juvenile court did err in failing to provide sufficient written findings pursuant to ORS 419C.478(1). The juvenile court's written findings did not sufficiently identify the youth's needs that were driving the court's decision to place youth in OYA custody and how the placement in OYA custody would address those needs, while also considering the downsides of OYA custody for youth. Vacated and remanded for written findings under ORS 419C.478(1).

- *State v. K.-M. D. C.* [343 Or App 92 \(2025\)](#)

Youth seeks reversal of an adjudication for reckless burning, ORS 164.335. Youth started a fire on a grassy hill that damaged property at three homes. Youth argues that the evidence presented at his trial was insufficient to prove beyond a reasonable doubt that youth acted recklessly as it pertained to the allegations in the petition about damaging property. Held: The Court of Appeals concluded that there was insufficient evidence that youth was subjectively aware of the risk of property damage as alleged in the petition. The state did not introduce any evidence to establish the distance between the grassy field and the homes, whether the homes were visible from youth's location, or whether youth was aware of the hill's proximity to the homes when he started the fire. Reversed.

MOTION TO SUPPRESS

- *State v. C. P. L.* [346 Or App 499 \(2026\)](#)

Youth appeals from a delinquency judgment finding him within the jurisdiction of the juvenile court based on conduct that, if committed by an adult, would constitute the crime of unlawful possession of a firearm, ORS 166.250. In a single assignment of error, youth challenges the trial court's denial of his motion to suppress, arguing that he was unlawfully seized because the officer lacked reasonable suspicion that youth had committed a crime. Held: The trial court did not err in denying youth's motion to suppress because the officer's belief that youth had committed acts constituting the crime of trespass at the time he was seized was objectively reasonable. Based on the specific, articulable facts, the officer could have reasonably inferred that youth was intruding onto the home's curtilage for a purpose other than to contact residents at the front door, and thus that youth's intrusion was unlawful. Affirmed.

RESTITUTION

- *State v. F. E. D. J. L. R.* [346 Or App 600 \(2026\)](#)

The panel has voted to grant the state's petition for reconsideration to designate its nonprecedential memorandum opinion, issued on November 26, 2025, precedential. Thus, the nonprecedential memorandum opinion, issued on November 26, 2025, accordingly is withdrawn and forthwith issued as a precedential opinion without modification. Youth admitted to conduct that, if committed by an adult, would constitute fourth-degree assault and harassment after knocking a classmate unconscious, leaving him with head pain and facial bruising. On appeal, he challenges the juvenile court's order of restitution payable to Equian LLC, a recovery company working on behalf of Kaiser Permanente, which insured the victim through the Oregon Health Plan and paid \$1,099 for the victim's medical care. In two assignments of error, youth argues, first, that Equian is not an insurer to whom restitution can be paid under ORS 137.103(4)(d) and, second, that the juvenile court plainly erred because the evidence of both the reasonableness and necessity of the medical charges was legally insufficient. Held: The Court of Appeals rejected

youth's first assignment because youth identified no authority that prohibited Kaiser from employing a company to recover damages on its behalf; indeed, such a prohibition would contravene the statute's legislative history. As to the second assignment, the Court of Appeals was not persuaded that the juvenile court plainly erred in assessing the medical charges. Affirmed.

- *State v. O. A. M. A.* [350 Or App 493 \(2026\)](#)

In this juvenile delinquency proceeding, youth appeals a supplemental judgment awarding restitution in the amount of \$12,808.98 to State Farm Insurance, raising two assignments of error. First, he argues that the juvenile court plainly erred by ordering youth to pay restitution to State Farm because the state failed to identify State Farm as a victim before the juvenile court accepted youth's admission. In youth's view, the state's request was untimely under ORS 419C.450(1)(a), which requires the state to present evidence of the "nature and amount" of damages "prior to or at the time of adjudication." Second, youth contends that the evidence was insufficient to establish a causal connection between his conduct and the full amount of restitution, arguing that the juvenile court impermissibly relied on surveillance video to conclude that youth worked "in concert" with the other individuals because that video was never formally admitted into evidence. Held: First, because it was not obvious or beyond reasonable dispute that ORS 419C.450(1)(a) required the state to specifically identify the victim prior to or at the time of adjudication, the trial court did not plainly err. Second, youth's counsel played the video for the juvenile court and affirmatively invited the juvenile court to rely on the video. Accordingly, youth invited any error below and youth's second assignment did not provide a basis for reversal. Affirmed.

- *State v. A. P.* [344 Or App 116 \(2025\)](#)

In this juvenile delinquency case, youth appeals from a supplemental judgment and challenges the juvenile court's imposition of a restitution award in the amount of \$5,281.97. The juvenile court awarded restitution to youth's high school for damages caused by a fire youth started at the school. Youth argues that the state's restitution evidence was untimely, that she did not waive an objection to the untimely presentation of the restitution evidence, and that the school's labor costs cannot be awarded as restitution. Held: The Court of Appeals held that the juvenile court did not err when it imposed \$5,281.97 in restitution to the school. The nature and amount of damages to the school were established at the time of adjudication, as the state filed a notice that alleged that youth owed the school \$5,281.97 in restitution and youth admitted that the court could find that she caused the school that amount in damages. As a result, youth waived her argument that those damages were not economic damages. Even if youth had not waived her argument, those costs were qualifying economic damages because they were incurred because of youth's conduct. Affirmed.

SEX OFFENDER REPORTING REGISTRATION

- *State v. W. V.* [342 Or App 250 \(2025\)](#)

Youth appeals a judgment that ordered him to report as a sex offender. In his sole assignment of error, youth argues that the juvenile court erred when it denied his motion to dismiss for lack of jurisdiction. In youth's view, the juvenile court lacked jurisdiction to hold his sex offender reporting hearing eight months after it entered an order terminating jurisdiction. Held: The Court of Appeals concluded that, even where the juvenile court's jurisdiction to hold a reporting hearing was terminated under ORS 419C.005(4)(c), the juvenile court retained jurisdiction to hold the hearing under ORS 163A.030(12). However, ORS 163A.030(1)(b)(A) required the juvenile court to make a "good cause" determination before holding a sex offender reporting hearing outside of the statutory six-month period. Because the juvenile court did not make a good cause determination, the court remanded to the juvenile court to make that finding. Powers, J., filed a dissenting opinion. Reversed and remanded.

WAIVER

- *State v. G. J. T.-T.* [342 Or App 162 \(2025\)](#)

Youth appeals the juvenile court's order waiving its exclusive jurisdiction over youth so that he would be tried in circuit court on charges of second-degree murder, conspiracy to commit second-degree murder, attempted first-degree murder, first-degree assault, and unlawful use of a weapon. In two assignments of error, youth challenges the juvenile court's rulings (1) that at the time of the alleged offenses youth "was of sufficient sophistication and maturity to appreciate the nature and quality of the conduct involved," ORS 419C.349(2)(a), and (2) that "retaining jurisdiction will not serve the best interests of the youth and of society and therefore is not justified," ORS 419.349C(2)(b). Held: The Court of Appeals concluded that the juvenile court applied the correct legal standards and that its legal conclusions follow from and were supported by permissible factual findings from the evidence presented. Youth has not identified any reversible error. Affirmed.

Dependency

APPEALABILITY

- *Dept. of Human Services v. C. C.* [343 Or App 657 \(2025\)](#)

In this consolidated juvenile dependency case, father timely filed notices of appeal from jurisdiction, disposition, and permanency judgments, as well as from orders denying several motions he had filed in the dependency cases. However, he did not timely serve all parties listed

in ORS 419B.875(1) who had appeared in the dependency cases with his notices of appeal. Held: The Court of Appeals held that it lacked jurisdiction to hear father's appeals from the juvenile court jurisdiction, disposition, and permanency judgments, because he did not timely serve his notices of appeal on all parties who had appeared in the dependency proceedings, as required by ORS 419A.200, which governs appeals from juvenile court judgments. The court further held that it lacked jurisdiction over father's appeals from the orders denying his motions because the underlying orders were not final, appealable orders under ORS 419A.205 and because, as with his other notices of appeal, he did not timely serve them on all parties who had appeared in the dependency proceedings. Appeals dismissed.

EVIDENCE

- *Dept. of Human Services v. A. T.* [349 Or App 399 \(2026\)](#)

In this consolidated case, parents appeal jurisdiction and disposition judgments concerning their two children. In nine assignments of error, father challenges the assertion of jurisdiction as to each child, the bases on which the juvenile court asserted jurisdiction over each child, and the part of each judgment that ordered father to undergo a psychological evaluation. In two assignments of error, mother challenges the assertion of dependency jurisdiction as to each child. Held: The Court of Appeals concluded that the evidence in the record was insufficient to support the assertion of jurisdiction over the children. Reversed.

- *Westbrook v. Hubbard* [350 Or App 255 \(2026\)](#)

Father appeals from an order denying his motions to enforce parenting time and to modify custody, parenting time, child support, and one of the shared children's last name. During mother's testimony at the hearing on father's motions, she began referencing a statement made by one of the children about father's alleged conduct. Father objected, arguing that any such testimony would be hearsay. Mother indicated that she had a video recording of what the child had said. The court permitted mother to play the video. Father objected again on hearsay grounds. The trial court summarily overruled the objection and ultimately denied all of father's motions. Father challenges the trial court's ruling that the statement of the child played in mother's video was admissible. Held: The trial court erred in admitting the hearsay statement of the child because mother made no attempt to comply with OEC 803(18a)(b)'s requirements that she establish that the time, content, and circumstances of the statement provided indicia of reliability and that she provide father with 15 days' notice. Further, that error was harmful given that the allegation of abuse was the basis for mother withholding visitation from father and the statement in the video was the only evidence of the allegation of sexual abuse. Reversed and remanded.

GUARDIANSHIP

- *Dept. of Human Services v. D. W. M.* [346 Or App 827 \(2026\)](#)

In this juvenile dependency case, father appeals from a judgment establishing a permanent guardianship pursuant to ORS 419B.365 for his son, L. The juvenile court determined that father was unfit at the time of the guardianship hearing and that the permanent guardianship was in L's best interest. Father raises twelve assignments of error challenging the court's rulings and grant of guardianship. Held: The Court of Appeals clarified the applicable standard of review. A party seeking a permanent guardianship must prove its case by clear and convincing evidence, meaning the fact finder must be persuaded by the evidence that it is highly probable that the fact in question exists. The task of the reviewing court is to "review the sufficiency of the evidence by viewing the evidence in the light most favorable [to the trial court's disposition] to determine whether any rational trier of fact, accepting reasonable inferences and credibility choices, could have" determined that clear and convincing evidence supported the findings and disposition reached by the trial court. *State v. J. D. S.*, 242 Or App 445, 448, 263 P3d 1017 (2011). Applying that standard of review, the court determined that there was sufficient evidence to support the juvenile court's determination that seriously detrimental conduct or conditions existed at the time of the guardianship hearing and were unlikely to change, and to support the juvenile court's determination that placement with the proposed guardian is in L's best interest. Affirmed.

- *Dept. of Human Services v. J. L. S.* [345 Or App 75 \(2025\)](#)

In this juvenile dependency case, mother appeals from a permanency judgment changing her son's permanency plan from "durable guardianship" to "permanent guardianship" at the request of the Oregon Department of Human Services (ODHS). Mother argues that the juvenile court lacked authority to order her son's permanency plan as "permanent guardianship" and thereby direct the parties to participate in a particular type of guardianship for him. Held: It is unnecessary to assign error to or preserve an argument that, at the permanency stage, the court recommended the "wrong" type of guardianship. The Court of Appeals agreed with ODHS that if the designation by the juvenile court of permanent guardianship was error, it was harmless error because such designation in the permanency judgment does not control or foreclose any type of petition or motion ultimately filed by a party, and because any party could have filed for a permanent guardianship at any time after jurisdiction was exercised and wardship was established. Additionally, the effect of a court's designation of a preferred guardianship type at the permanency stage is not directive, but advisory. Affirmed.

- *Dept. of Human Services v. N. B.* [344 Or App 124 \(2025\)](#)

Mother appeals from a juvenile court's judgment establishing a general guardianship under ORS 419B.366. In a single assignment of error, mother contends that the juvenile court erred when it

determined that the Oregon Department of Human Services (ODHS) had met its burden to prove that the child, L, would not be able to return to mother's care within a reasonable time, and also when the court concluded that ODHS had met its burden to show that a general guardianship was in L's best interest. Mother argues that the juvenile court improperly relied on historical evidence, which, in her view, could not be used to understand mother's current circumstances. Held: The Court of Appeals concluded that ODHS presented sufficient and contemporary evidence at the general guardianship hearing to support the juvenile court's determination that L could not be returned to mother in a reasonable time and that guardianship is in L's best interest. Affirmed.

ICWA

- ***Dept. of Human Services v. J. N.* 347 [Or App 567 \(2026\)](#)**

In this juvenile dependency proceeding, mother appeals judgments establishing durable guardianships for her three children, who are Indian children. Mother argues that the Oregon Department of Human Services failed to prove by clear and convincing evidence, as required by the federal Indian Child Welfare Act, and the Oregon Indian Child Welfare Act, that it is likely that the children will suffer serious emotional or physical damage if returned to her custody or that the children could not be safely returned to mother within a reasonable time. Held: The juvenile court's determinations that the children will suffer serious emotional or physical damage if returned to mother's custody and that the children could not be safely returned to mother within a reasonable time are supported by clear and convincing evidence in the record. Thus, the court did not err in establishing durable guardianships for the children. Affirmed.

- ***Dept. of Human Services v. K. C. W.* 347 [Or App 425 \(2026\)](#)**

Mother appeals from the juvenile court judgments establishing general guardianships over her children under the Oregon Indian Child Welfare Act. Mother argues that the juvenile court erred in determining that the Oregon Department of Human Services (ODHS) proved, by clear and convincing evidence, a nexus between mother's substance use and the likelihood that the children would suffer "serious emotional or physical damage." Mother concedes that she did not preserve that issue below but contends that 25 USC § 1914 permits her to raise it for the first time on appeal. Held: Mother's Indian Child Welfare Act (ICWA)-based challenge is reviewable despite lack of preservation and the juvenile court erred in finding on this record that ODHS met its burden to prove by clear and convincing evidence that custody by mother was likely to result in serious emotional or physical damage to the children. Reversed.

- ***Dept. of Human Services v. M. G. J.* 374 [Or 228 \(2025\)](#)**

On review from the Court of Appeals in an appeal from the Jackson County Circuit Court, 329 Or App 101 (2023) (nonprecedential memorandum opinion). Mother and her two children are members of the Pit River Tribe. The Department of Human Services (DHS) previously initiated a juvenile dependency proceeding against mother, resulting in a court-ordered permanency plan. DHS petitioned to change that plan from reunification with mother to TCA, which the juvenile court granted after conducting a contested permanency hearing. The Pit River Tribe then filed with the court a resolution for TCA. The juvenile court subsequently held a nonevidentiary TCA hearing under ORS 419B.656 and, at the conclusion of that hearing, entered judgments of adoption. Mother appealed, challenging the juvenile court's acceptance of the Tribe's TCA resolution that effectuated the TCA of her two children. Mother specifically argued that, at the TCA hearing, ORS 419B.656 required the juvenile court to receive evidence and resolve evidentiary challenges; independently determine whether TCA was in the children's best interests; and independently determine whether TCA was the appropriate placement option. Mother contended that the TCA effectively terminated her parental rights, and, therefore, she was owed the substantive procedural rights of a parent facing termination. The Court of Appeals affirmed the juvenile court's judgments. In a unanimous opinion, the Supreme Court also affirmed, concluding that the TCA statute, ORS 419B.656, did not require the juvenile court to conduct the TCA hearing in the manner that mother contended. The Court examined the statutory text and context of that statute, as well as its interplay with the permanency statute, ORS 419B.476, and reasoned that the legislature did not intend to require DHS to establish grounds for TCA twice, once in the permanency hearing and a second time in the TCA hearing, particularly given the permanency statute's stringent procedural requirements and the overlapping considerations contemplated in both the permanency statute and the TCA statute. To conclude otherwise, the Court explained, would allow the parties to effectively relitigate decisions previously made by the juvenile court and consented to by the Tribe -- a result that, among other things, would conflict with the underlying purpose of the Oregon Indian Child Welfare Act (ORICWA), namely, to observe tribal sovereignty and afford Indian tribes substantial control in dependency proceedings involving Indian children. The Court also rejected mother's argument that the juvenile court's acceptance of the TCA resolution had terminated her parental rights and that she was therefore entitled to the procedural rights guaranteed to parents involved in termination proceedings. The Court concluded that the juvenile court had satisfied its obligation under ORS 419B.656 at the TCA hearing and had not erred, and therefore affirmed.

- ▶ ***Dept. of Human Services v. T. G.* [342 Or App 548 \(2025\)](#) *The Oregon Supreme Court denied a petition for review in [374 Or 813 \(2026\)](#)**

Father appeals from the juvenile court's order accepting the Cowlitz Indian Tribe's order of a tribal customary adoption of child and the juvenile court's judgment of adoption. On appeal, father argues that the juvenile court's actions were in violation of the Oregon Indian Child Welfare Act (ORICWA), the federal Indian Child Welfare Act (ICWA), and the Due Process

Clause of the Fourteenth Amendment to the United States Constitution, because the court failed to hold a contested evidentiary hearing or to require the proponents of the tribal customary adoption to prove beyond a reasonable doubt that conduct or circumstances existed that warrant termination of father's parental rights. Held: ORICWA does not require a juvenile court to receive evidence that proves a circumstance sufficient to terminate parental rights when accepting a tribal customary adoption nor does it require more than the hearing the court held in this case. ICWA's provisions governing termination of parental rights did not apply because father's parental rights were suspended or modified by the tribe in the tribe's tribal customary adoption order and ICWA does not apply to tribal child custody proceedings. Finally, father's arguments based on due process were insufficiently developed and did not provide a basis for reversal. Affirmed.

JURISDICTION

Risk of Harm

- *Dept. of Human Services v. A. S.* [350 Or App 802 \(2026\)](#)

In this juvenile dependency case, mother, father, and child appeal from a judgment asserting dependency jurisdiction over child, which arose from a series of injuries suffered by the infant child. Mother, father, and child each assert the same assignment of error: that the trial court erred when it found dependency jurisdiction over child. While appellants' particular arguments vary, they all assert that the facts found by the court were insufficient to show a current threat of serious loss or injury to the child that was reasonably likely to be realized. Held: Under the standard of review, which required giving deference to the trial court's findings that parents did injure child, the facts found by the juvenile court did not support the determination that such injuries or the parents' behavior posed a current threat of serious loss or injury to the child. Accordingly, the trial court erred when it found dependency jurisdiction over child. Aoyagi, P. J., filed a concurring opinion. Reversed.

- *Dept. of Human Services v. K. G.* [346 Or App 392 \(2026\)](#)

In this juvenile dependency case, father appeals from the juvenile court's judgment asserting dependency jurisdiction over father's teenage daughter, L. The juvenile court stated three bases for its assertion of dependency jurisdiction: (1) father's lack of contact with L for the past thirteen years and not serving as a parental resource to the child since she was two years old, and that placement with father will create a serious risk of emotional or psychological harm to her; (2) father is "unable to be a custodial resource"; and (3) father's mental health problems interfere with his ability to safely parent and create a risk of harm to L. In four assignments of error, father challenges each of the three jurisdictional bases and the overall assertion of jurisdiction, arguing that the Oregon Department of Human Services (ODHS) did not meet its burden to prove a current risk of harm to L. ODHS responds that the juvenile court did not err in finding that, under

the totality of the circumstances, as to each of the jurisdictional bases, ODHS proved a current risk of harm to the welfare of the child. Held: ODHS met its burden to prove a risk of serious loss or injury to L arising out of the alleged conditions and circumstances related to father. Affirmed.

- *Dept. of Human Services v. A. M. B.* [342 Or App 447 \(2025\)](#)

Mother appeals from judgments asserting jurisdiction over her two children, assigning error to only a portion of the jurisdictional bases concerning each child. Specifically, she challenges the juvenile court's assertion of jurisdiction over both children based on parents' residential instability and chaotic lifestyle and inability or unwillingness to recognize and protect the children from a dangerous living environment and unsafe place, arguing that there is insufficient evidence in the record to support those jurisdictional bases. She also challenges the assertion of jurisdiction over her younger child based on parents' inability to provide that child with necessary dental care, arguing that the juvenile court correctly ruled that this basis for jurisdiction was not proven as to the younger child. Held: The Court of Appeals held that the evidentiary record supported the juvenile court's determination that parents were unable or unwilling to protect the children from the dangers inherent on the property where the family had been living and parents continued to live at the time of the jurisdictional trial. However, the court further held that the record did not support a determination that residential instability or a chaotic lifestyle were conditions or circumstances that currently endangered either child at the time of trial. Finally, the court held, accepting the concession of respondent Oregon Department of Human Services, that the record also did not support a determination that parents were unable to provide their younger child necessary dental care. Reversed and remanded for entry of judgments omitting jurisdictional bases 4C and 4I in Case Nos. 24JU03484 and 24JU03485 and omitting inability to provide dental care from jurisdictional bases 4F and 4L in Case No. 24JU03485; otherwise affirmed.

- *Dept. of Human Services v. D. J. L.* [345 Or App 474 \(2025\)](#)

Father appeals from and seeks reversal of the juvenile court's judgment dismissing the Oregon Department of Human Services' (ODHS) petition for establishment of juvenile dependency jurisdiction over his nine-year-old daughter, L. Father argues that the juvenile court erred because the evidence was "sufficient" to support dependency jurisdiction over L pursuant to ORS 419B.100(1)(c). The juvenile court dismissed the petition because the state had not proved that L's guardian, her maternal grandmother, subjected her to physical abuse and inappropriate discipline, thereby placing the child at risk of harm. ODHS takes no position on the juvenile court's decision to dismiss its petition for dependency jurisdiction. Held: The record supports the trial court's conclusion that ODHS failed to prove, by a preponderance of the evidence, that the child's circumstances placed her at a current risk of serious loss or injury. Affirmed.

- ***Dept. of Human Services v. L. R. R.* [347 Or App 736 \(2026\)](#)**

Mother appeals from a judgment in which the juvenile court asserted dependency jurisdiction over her 11- year-old child S based on mother's (1) physical absence from the home and inability to be reached by phone (jurisdictional basis 4C); (2) failure to meet S's basic, emotional, and educational needs (jurisdictional basis 4D); and (3) lack of parenting skills, knowledge, motivation, and judgment necessary to safely parent (jurisdictional basis 4F). Mother challenges the court's rulings asserting jurisdiction on each of those individual bases as well as the court's overall ruling to assert jurisdiction. Held: The Court of Appeals reversed as to the jurisdictional ground that mother failed to provide for S's educational needs, concluding that the record failed to demonstrate a risk of serious loss or injury to S from regularly missing school and being tired at school, given evidence that S consistently passed all of his classes and was promoted to the next grade at the end of each term. However, the court otherwise affirmed, concluding that the balance of the evidence supported the juvenile court's factual findings and permitted the juvenile court to conclude that S was subject to a current, nonspeculative threat of serious loss or injury as a result of the remaining jurisdictional bases. Reversed and remanded for entry of judgment omitting mother's failure to meet the child's educational needs from jurisdictional basis 4D; otherwise affirmed.

- ***Dept. of Human Services v. T. C. S.* [348 Or App 437 \(2026\)](#)**

In this juvenile dependency case, father appeals a judgment asserting dependency jurisdiction over his child, P, who was four months old at the time of the jurisdictional trial. In two assignments of error, he challenges the juvenile court's ruling asserting dependency jurisdiction over P on the basis that his substance abuse impairs his ability to safely parent. In particular, father argues that the evidence was insufficient to prove that a nexus existed between father's methamphetamine use and a cognizable risk of harm to P, and therefore, he contends that the juvenile court impermissibly asserted jurisdiction solely on the basis of father's substance abuse. Held: The evidence was sufficient to establish the requisite nexus. Specifically, the record shows that P requires a high level of care and near constant monitoring as a result of exposure to methamphetamine in utero, and father's ongoing and untreated substance abuse impairs his ability to provide her with the level of care and stability she requires. Affirmed.

UCCJEA

- ***Dept. of Human Services v. J. A. G.* [344 Or App 511 \(2025\)](#)**

In this juvenile dependency case, father challenges the juvenile court's determination that Oregon has jurisdiction to make his children wards of the court. Father assigns error to the juvenile court's determination that Oregon had subject matter jurisdiction over the case, arguing that the juvenile court misapplied the test for jurisdiction under the Uniform Child Custody Jurisdiction

and Enforcement Act (UCCJEA) (codified as ORS 109.701 to 109.834). The Oregon Department of Human Services (ODHS) argues that the juvenile court correctly resolved the factual disputes. Held: The Court of Appeals concluded that the juvenile court properly applied a totality of the circumstances approach to test for subject matter jurisdiction under the UCCJEA. The court further concluded that the juvenile court made findings that were necessary to apply the legal test under the UCCJEA and that subject matter jurisdiction over the children lies in Oregon. Affirmed.

- ***Dept. of Human Services v. K. M. W.* [344 Or App 628 \(2025\)](#)**

In this consolidated appeal, father challenges permanency judgments for two of his children. In 2018, father, mother, and their children moved from Oregon to Finland, and, in 2022, Finland deported the family back to Oregon. When they arrived in Oregon, the Oregon Department of Human Services took custody of the children and filed a dependency petition. In August 2022, the juvenile court determined it had temporary emergency jurisdiction over the children under ORS 109.751, which is part of Oregon's enactment of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). In May 2024, the juvenile court changed the permanency plans for two of the children from reunification to guardianship. On appeal, father argues that the juvenile court lacked jurisdiction to do so. Held: The record indicates that Finland deported the family and a court in Finland terminated custody of the children in September 2022. Therefore, when the juvenile court stated in June 2023 that it had jurisdiction under the UCCJEA, it is reasonable to infer the court meant significant-connection jurisdiction under ORS 109.741(1)(b). As a result, the juvenile court had authority to change the permanency plans for the children. Affirmed.

- ***Dept. of Human Services v. M. P.* [344 Or App 661 \(2025\)](#)**

In this juvenile dependency case, father appeals from a corrected judgment of jurisdiction and disposition concerning his child J that was entered on remand from *Dept. of Human Services v. M. P.*, 328 Or App 502, 527, 537 P3d 593 (2023) (M. P. I). In nine assignments of error, he challenges the juvenile court's determination that it had subject matter jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and the assertion of dependency jurisdiction. Father first argues that the Court of Appeals' vacation of the jurisdiction and disposition judgment in M. P. I rendered the judgment void and the juvenile court, therefore, lacked authority to correct and re-enter it. He further argues that the Court of Appeals decided the question of whether Oregon was J's "home state" under the UCCJEA in M. P. I, precluding litigation of that and related questions on remand, including whether time that J was away from Oregon constituted a "temporary absence" under the UCCJEA. Father then argues that, to the extent the juvenile court was permitted to reach those questions, it erred in concluding that J was temporarily absent from Oregon such that Oregon remained his home state. Finally, father argues that because the July 2022 jurisdiction judgment was void as a result of the decision in M. P. I,

the juvenile court on remand was required to determine whether the Oregon Department of Human Services (ODHS) proved, at the time of remand, that J was exposed to a current, nonspeculative threat of serious loss or injury, once it determined that it had subject matter jurisdiction, and that ODHS failed to present evidence to establish jurisdiction at that time. Held: The Court of Appeals held that (1) the June 2022 jurisdiction and disposition judgment was not void as a result of the decision in M. P. I; (2) the questions before the juvenile court on remand were whether there was any basis for subject matter jurisdiction in the Oregon court under the UCCJEA--including "home state jurisdiction"--based on the determination in M. P. I that the dependency proceeding commenced with the petition filing in March 2022; (3) the juvenile court did not err in determining that J's time away from Oregon was a "temporary absence" under the UCCJEA such that Oregon had home state jurisdiction when it adjudicated the petition and entered the jurisdiction and disposition judgment in June and July 2022; and (4) because the juvenile court had UCCJEA subject matter jurisdiction in 2022 when it adjudicated the dependency petition and entered the jurisdiction and disposition judgment, it was not required to determine anew on remand whether ODHS had proved a basis for dependency jurisdiction. Affirmed.

Unable to Meet Child's Basic Needs

- *Dept. of Human Services v. V. G.* [349 Or App 452 \(2026\)](#)

Mother appeals a juvenile court judgment asserting dependency jurisdiction over her son. Only one basis for jurisdiction is at issue on appeal: that mother is "unable or unwilling to consistently meet the child's basic needs." The juvenile court took judicial notice that the "basic needs of a child include freedom from physical, sexual or emotional abuse" and relied on that understanding of the term "basic needs" to assert jurisdiction on the stated basis. Mother challenges the assertion of jurisdiction on that basis, arguing that "basic needs" should be understood to refer only to physical survival needs, such as food, shelter, and medical care, which the court expressly found mother adequately provided. Mother relatedly argues that the juvenile court misconstrued ORS 419B.090 in taking judicial notice. Held: The juvenile court did not commit reversible error by interpreting the "basic needs" allegation in the petition to encompass freedom from physical and emotional abuse, at least where mother did not raise any notice issues and instead disagreed only with the court's understanding of that term as relevant to asserting jurisdiction. As for the court's construction of ORS 419B.090, the Court of Appeals rejected mother's argument on plain-error review. Affirmed.

PERMANENCY HEARINGS

- *Dept. of Human Services v. J. L. S.* [345 Or App 75 \(2025\)](#)

In this juvenile dependency case, mother appeals from a permanency judgment changing her son's permanency plan from "durable guardianship" to "permanent guardianship" at the request of the Oregon Department of Human Services (ODHS). Mother argues that the juvenile court lacked authority to order her son's permanency plan as "permanent guardianship" and thereby direct the parties to participate in a particular type of guardianship for him. Held: It is unnecessary to assign error to or preserve an argument that, at the permanency stage, the court recommended the "wrong" type of guardianship. The Court of Appeals agreed with ODHS that if the designation by the juvenile court of permanent guardianship was error, it was harmless error because such designation in the permanency judgment does not control or foreclose any type of petition or motion ultimately filed by a party, and because any party could have filed for a permanent guardianship at any time after jurisdiction was exercised and wardship was established. Additionally, the effect of a court's designation of a preferred guardianship type at the permanency stage is not directive, but advisory. Affirmed.

Reasonable/Active Efforts

- **Dept. of Human Services v. S. L. B.** [346 Or App 641 \(2026\)](#)

Father appeals judgments establishing dependency jurisdiction over his three children and relieving the Oregon Department of Human Services of its obligation to make reasonable efforts to reunify him with the children. During father's testimony at the jurisdictional hearing, the court overruled a Fifth Amendment objection by father's counsel and ordered father to answer the children's counsel's questions regarding baby M, who allegedly died as a result of neglect while in parents' care. Father answered four questions about M, father's counsel renewed the objection, and the court sustained the renewed objection. On appeal, father assigns error to the juvenile court compelling him to testify without immunity, and he seeks reversal of the dependency jurisdictional judgments. Held: Any error in ordering father to answer the four questions about M was harmless for purposes of the juvenile dependency proceedings and thus not a basis to reverse the dependency judgments. Father gave limited testimony regarding M, the juvenile court discredited that testimony and did not rely on it in reaching its decision, and the testimony was also largely cumulative in that father had previously made similar statements about M being stillborn. Affirmed.

- **Dept. of Human Services v. T. B.** [350 Or App 218 \(2026\)](#)

Father appeals from a permanency judgment that changed his child's plan from reunification to adoption. On appeal, he argues that the Oregon Department of Human Services (ODHS) did not meet its burden to show that it made reasonable efforts to reunify father and his child, because ODHS caused delay in establishing his paternity and did not make reasonable efforts during the periods that he was in jail. Held: Based on the totality of the circumstances, ODHS proved reasonable efforts by a preponderance of the evidence. Affirmed.

- ***Dept. of Human Services v. A. R. S.* [43 Or App 260 \(2025\)](#)**

Father appeals a judgment changing the permanency plan for his six-year-old son, B, from reunification to permanent guardianship. Father challenges the juvenile court's determination that the Oregon Department of Human Services (ODHS) made reasonable efforts to reunify B with him. Specifically, he argues that ODHS did not do enough to assist him in understanding B's special needs and that ODHS failed to provide batterer intervention services while father was in jail. Held: The juvenile court did not err in determining that ODHS made reasonable efforts toward reunification. Although father could not participate in B's at-home therapy, due to a no-contact order with B's grandparents with whom B lives, ODHS tried in numerous other ways to educate father on B's special needs. ODHS also made reasonable efforts to provide father with batterer intervention services throughout the life of the case, including during the four to five months that father was in county jail. Affirmed.

- ***Dept. of Human Services v. H. C.* [344 Or App 302 \(2025\)](#)**

In this juvenile dependency case, mother appeals from the permanency judgment in which the juvenile court changed her child's permanency plan from reunification to adoption. In mother's two assignments of error, she challenges the juvenile court's (1) determination that the Oregon Department of Human Services (ODHS) made reasonable efforts to reunify child with mother, particularly as related to the volatile behavior jurisdictional basis, and (2) judgment changing the permanency plan from reunification to adoption. ODHS argues that, because the two jurisdictional bases are intimately connected, efforts toward ameliorating volatile behavior would have been futile if mother was not first able to maintain sobriety. Held: The Court of Appeals concluded that ODHS may focus its ameliorative efforts toward reunification on one of two jurisdictional bases, based on a determination that the two bases are so connected that curing one depends on first curing the other. Therefore, (1) the juvenile court did not err in its determination that ODHS made reasonable efforts to reunify child with mother and, (2) the juvenile court did not err in changing the permanency plan from reunification to adoption. Affirmed.

- ***Dept. of Human Services v. M. J. H.* [343 Or App 579 \(2025\)](#)**

In this consolidated juvenile dependency case, father appeals from permanency judgments regarding his three children. Father argues that the juvenile court erred in concluding that the reunification efforts made by the Oregon Department of Human Services (ODHS) qualify as "reasonable." Father also argues, due to the erroneous "reasonable efforts" determination, that the juvenile court erred by changing the permanency plans from reunification to "permanent guardianship." Held: The Court of Appeals concluded that the juvenile court did not err in determining that ODHS's efforts qualified as reasonable. Because the reasonable efforts determination was not erroneous, father's argument about the change in permanency plans failed.

The court also acknowledged that although the juvenile court's order stated that the guardianship would be permanent, that specification is not determinative as to what type of guardianship ODHS or any other party ultimately will petition for. Affirmed.

- ***Dept. of Human Services v. M. L.*** [348 Or App 494 \(2026\)](#)

In this juvenile dependency case, mother appeals from permanency judgments in which the juvenile court changed the permanency plan for her child from reunification to placement with a fit and willing relative and subsequently continued the plan. Mother argues that the juvenile court erred by evaluating the reunification efforts of the Oregon Department of Humans Services (ODHS) as to individual bases for jurisdiction and making separate rulings as to the efforts directed toward each basis for jurisdiction. Mother contends that Oregon law requires the juvenile court to evaluate ODHS's efforts as to the adjudicated bases under the totality of the circumstances, and therefore it was error to determine that ODHS both had and had not made reasonable efforts to reunify the family. Mother also asserts that the juvenile court erred when it changed the plan and subsequently continued the new plan. ODHS agrees with mother that the juvenile court legally erred when it did not make a singular reasonable-efforts determination based on the totality of the circumstances; however, it asserts that the judgments can nonetheless be affirmed. ODHS asserts in a cross-appeal that the juvenile court erred in determining that ODHS had not made reasonable efforts regarding jurisdictional basis 4(a). Held: The juvenile court erred when it made separate reasonable-efforts determinations rather than assessing reasonable efforts based on the totality of the circumstances. Accordingly, the judgments are reversed and remanded for the juvenile court to make a single reasonable-efforts determination in the first instance based on information current at the time of the new permanency hearing. Given the resolution of mother's appeal, the relief ODHS seeks in its cross-appeal cannot be provided, and the cross-appeal is dismissed as moot. On appeal, reversed and remanded; on cross-appeal, dismissed as moot.

- ***Dept. of Human Services v. M. N. B.*** [346 Or App 440 \(2026\)](#)

Mother appeals from a permanency judgment changing the plan for her son, K, from reunification to guardianship. Mother challenges the change in permanency plan and the juvenile court's determinations that the Oregon Department of Human Services (ODHS) made reasonable efforts to reunify the family and that further efforts would not make it possible for K to safely return to mother's care within a reasonable time. Mother argues that the juvenile court's determination that "K needs permanency now" lacks child-specific evidentiary support. Mother also requests de novo review. Held: The Court of Appeals accepted mother's request for de novo review regarding how many family decision meetings (FDMs) were held. The court declined mother's other requests for de novo review because they involve deliberative conclusions drawn by the juvenile court from the presented evidence. On de novo review, the court determined that ODHS offered at least ten FDMs, and given the totality of the circumstances, ODHS made

reasonable efforts to reunify K with mother. Regarding the evidentiary support for the juvenile court's determination that K requires permanency now, the report from a child psychologist was sufficient. Although much of the information in the report would apply to most toddlers, the report--including a recommendation that K have the highest possible level of permanency as soon as possible--was based on multiple data points including direct interaction with K. Affirmed.

In [348 Or App 146 \(2026\)](#) , The Court of Appeals allowed reconsideration and modified the opinion to delete the sentence, "The proponent of the plan change bears the burden to show that reasonable efforts will not make it possible for the child to return home within a reasonable time," and correct the statutory citation for the definition of "reasonable time." The court otherwise adhered to its opinion as modified. Reconsideration allowed; opinion modified and adhered to as modified.

- *Dept. of Human Services v. T. R. P.* [344 Or App 375 \(2025\)](#)

Father appeals from a juvenile court judgment changing the permanency plan for his daughter, H, from reunification to adoption. In his first two assignments of error, father contends that the juvenile court erred when it determined that the Oregon Department of Human Services' (ODHS) reunification efforts were reasonable, and therefore, the juvenile court also erred when it determined that father's progress toward reunification was insufficient. In father's final assignment of error, he argues that the juvenile court impermissibly relied on evidence of father's "past history" of termination of his parental rights of another child, which, in father's view, was outside the scope of the juvenile court's jurisdictional bases when it changed the permanency plan from reunification to adoption. Held: The Court of Appeals concluded that the evidence, viewed in the light most favorable to the juvenile court's decision, established that ODHS made reasonable efforts to make it possible for the child to return to father's custody. The court also concluded that the juvenile court's statement about father's "past history," in context, was an observation that father's failure to participate in services for substance abuse and failure to make efforts to develop a relationship with H demonstrated a pattern of behavior that supported the juvenile court's decision to change the permanency plan for H. Affirmed.

PRESERVATION

- *Dept. of Human Services v. J. M. C.* [343 Or App 497 \(2025\)](#)

In this juvenile dependency case, father appeals a judgment in which the trial court asserted jurisdiction over his child, A. In an unpreserved assignment of error, father contends that the evidence was insufficient to prove that father's mental health gave rise to a current and nonspeculative risk of serious loss or injury to A. He argues that he had no practical ability to preserve the issue and that preservation should therefore be excused because the juvenile court

precluded his lawyer from advocating on his behalf once father failed to appear, as required by ORS 419B.815(8). Held: The Court of Appeals affirmed on the ground that father's assigned error is not preserved, and he did not request plain error review. Preservation is not excused because father had the ability to preserve the issue he raises on appeal by appearing at the hearing as ordered, which would have permitted him to raise the issue through his attorney. Affirmed.

- ***Dept. of Human Services v. S. W.* [347 Or App 65 \(2026\)](#)**

In this juvenile dependency proceeding, mother contends that the trial court erred in denying mother's motion to continue the dependency hearing. The Oregon Department of Human Services (ODHS) served mother with an amended juvenile dependency petition one day before the trial on that petition was to begin. On the day of trial, mother moved for a continuance, stating only that "we are asking for additional time as interest[s] of justice require under" ORS 419B.872. The juvenile court denied the motion, concluding that nothing in the amended petition was "substantially different" from the initial petition. Mother on appeal contends that the court erred as a matter of law in construing ORS 419B.872 and that this error violated her statutory rights under ORS 419B.875 and due process rights under the Fourteenth Amendment to the United States Constitution. Held: Mother's claim of error is unpreserved because her argument is materially different from the argument she raised below. While she did ask the court for additional time "as interest[s] of justice require," she did not explain why the particular circumstances of her case required additional time. She also failed to challenge ODHS's explanation to the court for why additional time was unwarranted. Finally, mother did not suggest to the court, as she now does on appeal, that the court was misapplying the relevant statute and denying mother her statutory and due process rights. Thus, the purposes of preservation were not satisfied. Affirmed.

RESIDENTIAL INSTABILITY

- ***Dept. of Human Services v. A. M. B.* [342 Or App 447 \(2025\)](#)**

Mother appeals from judgments asserting jurisdiction over her two children, assigning error to only a portion of the jurisdictional bases concerning each child. Specifically, she challenges the juvenile court's assertion of jurisdiction over both children based on parents' residential instability and chaotic lifestyle and inability or unwillingness to recognize and protect the children from a dangerous living environment and unsafe place, arguing that there is insufficient evidence in the record to support those jurisdictional bases. She also challenges the assertion of jurisdiction over her younger child based on parents' inability to provide that child with necessary dental care, arguing that the juvenile court correctly ruled that this basis for jurisdiction was not proven as to the younger child. Held: The Court of Appeals held that the evidentiary record supported the juvenile court's determination that parents were unable or

unwilling to protect the children from the dangers inherent on the property where the family had been living and parents continued to live at the time of the jurisdictional trial. However, the court further held that the record did not support a determination that residential instability or a chaotic lifestyle were conditions or circumstances that currently endangered either child at the time of trial. Finally, the court held, accepting the concession of respondent Oregon Department of Human Services, that the record also did not support a determination that parents were unable to provide their younger child necessary dental care. Reversed and remanded for entry of judgments omitting jurisdictional bases 4C and 4I in Case Nos. 24JU03484 and 24JU03485 and omitting inability to provide dental care from jurisdictional bases 4F and 4L in Case No. 24JU03485; otherwise affirmed.

REVIEWABILITY

- *Dept. of Human Services v. H. K.* [341 Or App 500 \(2025\)](#)

In this consolidated appeal, mother appeals the juvenile court's judgments changing the permanency plans for her two children from reunification to adoption. While the appeal was pending, mother relinquished her parental rights to her two children. Oregon Department of Human Services (ODHS) moved to dismiss mother's appeals as moot, asserting that a decision on the change in permanency plan will have no practical effect on mother's rights given that she has relinquished her parental rights and that the children have been placed for adoption. Mother opposed the motion to dismiss, arguing that the appeals were not moot. She contends that, pursuant to ORS 418.270(4), she may revoke her relinquishments for any reason until ODHS has designated the children's adoptive placement and that, even after the department has designated the adoptive placement, she may revoke her relinquishments upon a showing of fraud or duress. Held: Given that the children have been placed for adoption, mother was required to affirmatively allege and prove fraud or duress to show that her appeals were not moot. Here, the possibility that mother will succeed in making the necessary allegations of fraud or duress in the future, and that her proof will persuade the juvenile court, was so remote that it was legally insufficient to prevent the appeals from being moot. Therefore, ODHS had met its burden of proof by showing that the reversal of the judgments will have no practical effect on mother's rights. Motion to dismiss granted; appeals dismissed.

TERMINATION OF PARENTAL RIGHTS

Best Interests of the Children

- *Dept. of Human Services v. J. J.* [347 Or App 555 \(2026\)](#)

Father and mother appeal judgments terminating their parental rights to their child, M, who was five years old at the time of the termination of parental rights trial. Father makes several

challenges to the juvenile court's rulings that he was unfit under ORS 419B.504 and that terminating his parental rights was in M's best interests. Similarly, mother asserts that the court erred in terminating her parental rights as to M. Held: On de novo review, the Court of Appeals concluded that the Oregon Department of Human Services established unfitness as to both parents and neglect as to mother by clear and convincing evidence and, further, that termination is in M's best interest. Affirmed.

- ***Dept. of Human Services v. K. R. K.*** [348 Or App 651 \(2026\)](#) (A188129)

Mother appeals from a judgment terminating her parental rights to her son, A, who was three years old at the time of trial and has high medical needs. On appeal, mother assigns error to the juvenile court's rulings that she is unfit to parent A and that integration of A into her home is improbable within a reasonable time under ORS 419B.504, and that termination of her parental rights serves A's best interests under ORS 419B.500. Held: On de novo review, the Court of Appeals concluded that clear and convincing evidence established that mother suffers from cognitive difficulties that inhibit her ability to safely parent A and that A cannot be safely integrated into mother's home within a time reasonable for A. However, ODHS did not carry its burden to prove, by clear and convincing evidence, that terminating mother's parental rights was in A's best interests. Specifically, ODHS failed to prove that there would be harm to A from a continued legal relationship with mother or that termination of mother's parental rights was necessary for A's best interest. That evidentiary deficiency was highlighted in ODHS's failure to develop evidence on the issue of permanent guardianship, an alternative pathway to permanency that would preserve A's legal bond with mother. Reversed.

Default Judgment

- ***Dept. of Human Services v. C. D. D.*** [343 Or App 486 \(2025\)](#)

Mother appeals from judgments terminating her parental rights to her two children, entered after she failed to appear in person for trial as ordered by the juvenile court. She challenges the juvenile court's orders denying her motion for a continuance and allowing the Oregon Department of Human Services (ODHS) to proceed in her absence with presentation of its prima facie case for terminating her parental rights. Held: The Court of Appeals held that the juvenile court did not abuse its discretion in allowing ODHS to present its case in mother's absence, given the stage of the proceedings (trial rather than a pretrial conference); the lack of explanation for mother's nonappearance; and the court's express acknowledgement of the significance of the rights at stake, its delay of the start of trial, and its delay in allowing ODHS to proceed in mother's absence when she did not timely appear on each of the first three days of trial. The Court of Appeals further held that the juvenile court did not abuse its discretion in denying mother's motion for a continuance given that the court delayed the start of trial, warned mother

of the consequences of failing to appear on time, and allowed a reasonable amount of time for mother to either appear or notify her attorney as to why she had not appeared. Affirmed.

- ***Dept. of Human Services v. T. H. R.*** [346 Or App 273 \(2025\)](#)

Father appeals from a judgment terminating his parental rights to his child, B. He raises two assignments of error. In his first assignment of error, father asserts that the juvenile court erred when it denied his motion for a continuance of the termination of parental rights trial. In his second assignment of error, father asserts that the juvenile court erred in allowing his court-appointed counsel to withdraw. Father asserts that the juvenile court abused its discretion in denying his attorney's motion for a continuance and in granting counsel's motion to withdraw because it failed to explain its reasoning for why it ruled as it did. Held: The record showed that the juvenile court denied the motion for a continuance almost an hour after the time set for father's appearance because he was absent and there was no explanation given for that absence. In context, that was a permissible exercise of the juvenile court's discretion. Furthermore, the juvenile court did not err when it allowed father's counsel to withdraw. After father's motion for a continuance of the trial was denied, father's attorney could no longer defend against the petition in his absence. Affirmed.

Parental Fitness, Reasonable Time, and Best Interest Findings

- ***Dept. of Human Services v. C. F. S.*** [345 Or App 71 \(2025\)](#)

Father appeals a judgment terminating his parental rights to his three-year-old child N. Father assigns error to the juvenile court's rulings that he engaged in extreme conduct under ORS 419B.502; that he is unfit under ORS 419B.504; that he neglected N under ORS 419B.506; and that terminating his parental rights is in N's best interests. Held: On de novo review, the Court of Appeals concluded that clear and convincing evidence established that father was unfit under ORS 419B.504 and, given that conclusion, it need not reach father's assignments of error related to termination based on other statutory grounds. The court further concluded that clear and convincing evidence established that terminating father's parental rights was in N's best interests. Affirmed.

- ***Dept. of Human Services v. M. E. B. T.*** [346 Or App 609 \(2026\)](#)

In this termination of parental rights case, child appeals from the judgment dismissing the petition to terminate mother's parental rights. Child argues that there is sufficient evidence to establish that mother is unfit under ORS 419B.504 and specifically that integration of child into mother's home within a reasonable time is improbable due to conduct or conditions not likely to change. Child argues that the juvenile court erred in finding otherwise. The Oregon Department of Human Services agrees with child. Mother did not appear on appeal. Held: On de novo

review, the Court of Appeals found by clear and convincing evidence that mother is unfit by reason of conduct or condition that is seriously detrimental to child and that integration of child into mother's home is improbable within a reasonable time. The court reversed the judgment and remanded for the juvenile court to consider in the first instance whether termination of mother's parental rights is in child's best interests. Reversed and remanded.

WAIVER OF COUNSEL

- *Dept. of Human Services v. P. G.* [348 Or App 398 \(2026\)](#)

Mother appeals from the juvenile court's judgment establishing a guardianship for her child and denying her motion to dismiss, arguing that the court erred in denying her a fourth court-appointed attorney and requiring her to proceed pro se for the proceeding. The court appeared to conclude that mother was entitled to court-appointed counsel under ORS 419B.205(1) for the proceeding, but nevertheless denied appointment, deferring to prior judges' orders limiting mother to three-court appointed attorneys and denying appointment of a fourth following the withdrawal of her third. Held: The juvenile court erred when it denied mother appointed counsel for the proceeding after finding she was entitled to counsel under ORS 419B.205(1). The only basis for the prospective ruling limiting mother to three court-appointed attorneys and the subsequent ruling denying her a fourth attorney was a finding that mother had implicitly waived her right to counsel through her conduct of repeatedly requesting withdrawal of her attorneys and the appointment of new ones. However, the record was insufficient to show that mother validly waived through her conduct under the Sixth Amendment standard, and ODHS expressly stated at oral argument that it was not arguing that mother had waived that right. Thus, the juvenile court abused its discretion when it denied mother counsel, to which the court found she was entitled, in reliance on those prior orders and their implicit finding of waiver. Reversed and remanded.

- *Dept. of Human Services v. T. S.* [348 Or App 481 \(2026\)](#)

Mother appeals from a judgment establishing a permanent guardianship for her child. She challenges various court actions that resulted in the guardianship being established without mother being represented by counsel. Held: The Court of Appeals concluded that, under the unique circumstances of this matter--including that mother had had seven prior attorneys appointed and the juvenile court's unchallenged factual findings that mother was not requesting counsel in good faith and was only making the request for purposes of delay, and that appointment of an eighth attorney would be futile--mother was afforded due process and the juvenile court did not err in establishing the permanent guardianship without appointing counsel for mother. Affirmed; motion to supplement the record and file a late transcript denied as moot.