

Oregon Judicial Guide to Working with Relatives in Juvenile Court

Before a diligent efforts finding is made:

- Are the children placed with family and are siblings placed together?
- Is there a network of caring adults who are not paid to care about them surrounding the children you will be discussing?
- Has DHS provided specific information about activities related to searching for relatives that have occurred since the last hearing?
- Are there relatives or other interested adults in the courtroom? Have they been greeted and their participation in the hearing welcomed?

- Oregon’s policy is to promote the stability and safety of children in foster care and recognizes the importance of children’s relationships with grandparents and other relatives. ORS 419.090(3).
- When children must be removed from their parents’ homes or continued in care, there shall be a preference given to placement with relatives or persons with a caregiver relationship with the child. ORS 419B.192(1)
- DHS shall make diligent efforts to place with a relative and report to the court on those efforts. ORS 419B.192(1)
- If the child has a sibling who also needs placement or continuation in care, DHS shall make diligent efforts to place them together and report to the court on those efforts. ORS 419B.192(2)
- Native American children covered by the Indian Child Welfare Act shall be placed according to the preferences outlined in the Act. ORS 419B.192(5)

Relatives can:

- Be a long or short term placement,
- Help keep children safe while at home,
- Develop and maintain family and cultural connections, and
- Provide family and medical history.

OAR 413-070-0060

Blood Relatives: three (3) generations of grandparents, aunts, uncles, nieces, nephews and their spouses (grand, great and great great), first cousins and first cousins once removed, siblings and half siblings, any other blood relative who self identifies or the family identifies as important to the child. OAR 413-070-0063

Relatives not related by blood are: legal step parents and step siblings (married to a biological parent), spouses of blood relatives even if the marriage is terminated by death or divorce (if the child has a relationship with the relative), adoptive parents of child’s sibling, relatives of refugee children, a relative defined by tribal custom or law, parents’ registered domestic partners. OAR 413-070-0063

Other people to consider are:

Caregivers as defined in ORS 419B.192(4). Parents’ former registered partners where the child has a significant relationship. An individual presented by the child or the child's family, not related by blood, marriage or adoption, as an individual with an emotionally significant relationship with the child or the child's family. OAR 413-070-0063

	Has DHS asked the family about the right people?	Has DHS asked the right questions?	Has DHS asked everyone?
No Relatives	<ul style="list-style-type: none"> • Has DHS asked about relatives on both the mother’s and father’s sides of the family? • Has DHS asked about other adults the family considers relatives even if they are not related by blood? • Has DHS asked about important adults? • Has DHS fully investigated Native American heritage and tribal connections? 	<ul style="list-style-type: none"> • Is there a language or cultural barrier? • Are there other strategies for asking about family? • Are the parents fearful or embarrassed about involving family? If so, can the court assist by encouraging or ordering the parents to answer questions about family? 	<ul style="list-style-type: none"> • Has DHS asked the children? Can foster parents or CASAs help the children talk about relatives? • Has DHS asked collateral sources about relatives as they have conducted the investigation? • What other strategies has DHS tried to locate the relatives the parents have identified (internet, other data systems, other community resources)?

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	Has DHS completed certification?	Has certification been denied?	The relatives cannot be certified under any circumstances.
Relatives are identified but children are not placed with them.	<ul style="list-style-type: none"> • Has DHS initiated the certification process? • If DHS is waiting on information from relatives, can the caseworker assist the family in providing it? • Is DHS waiting for additional information about criminal or child welfare history? • Does the caseworker need to request an exception to certification requirements? • Is the caseworker waiting for a response to a request for an exception? 	<ul style="list-style-type: none"> • Are there physical limitations that prevent the relative from meeting the child’s needs? Can they be overcome? • If the family is unable to support the case plan, are the family’s beliefs understandable in light of their past experience with DHS or the current situation? What additional support or discussion will allow the relatives to participate in caseplanning or in caring for the child? 	<ul style="list-style-type: none"> • Can the relatives assist with the case plan in other ways? • Can the relative provide information about family history or other family members?
			Are the relatives too far away to provide care?
			<ul style="list-style-type: none"> • Has DHS developed a strategy to allow the relatives to visit? • Has DHS developed a strategy that allows the relatives to participate in case planning and stay connected with the child?
	Children with APPLA plans or moving between placements.	When a child is aging out of foster care:	When DHS is recommending a move to relatives:
In the past, there have been no suitable relatives.	<ul style="list-style-type: none"> • What are the safety reasons that brought this child into care? Should they be re-evaluated? • Has DHS thoroughly reviewed the child’s file for relative contacts? • Has DHS re-evaluated relative placement? • Have the relatives been given information about the child and case plan? • Are relatives visiting or contacting the child? • Has DHS gathered information about family history from relatives? 	<ul style="list-style-type: none"> • Have relatives been included in the transition planning? • Does the youth know how to contact relatives, including siblings? • Does the youth understand the role interested adults can play in her life even if she doesn’t live with them? • Are there at least 5 people who will wish this youth a happy birthday? 	<ul style="list-style-type: none"> • Is the current foster home a relative or a person with a caregiver relationship? • Can the proposed relative caretaker best meet the child’s safety and well being needs, including educational continuity? OAR 413-070-0625 • Do the advantages of relative placement outweigh any risks to disrupting the existing placement? What evidence supports that conclusion? • If the court does not approve the move, what written findings support the conclusion that placement with a relative is not in the child’s best interest? ORS 419B.192(4)
Children are placed with relatives	<ul style="list-style-type: none"> • Is there a back up plan in the event that the current relative caretaker cannot continue to care for the child? • Are there other relatives who are part of the case planning process? • Is the child included in the life of the extended family in a way that will support life long connections? 		