

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF FLINT

In the Matter of
ELECTRA L GARCIA

Case No:
21JU12345

a child

CITIZEN REVIEW BOARD (CRB)
FINDINGS AND RECOMMENDATIONS

Citizen Review Board Flint 1

Date Entered Care: 10/28/2021

Date of Review: 11/10/2022

Date of Jurisdiction: 12/31/2021

Permanency Plan: Reunification

ODHS Number: DHS345678

Concurrent Plan: Adoption

Date of Birth: 10/21/2008

We are here to review the case of [Child Name] who entered care on [Date]. The permanency plan is [Plan]. Documentation indicates this [is/is not] an Indian Child Welfare Act case.

- Does any person present have a reason to know that [Child Name] is an Indian child?
- [Caseworker], have there been any significant changes to the permanency plan, placement, or circumstances of [Child Name] or the parents in the last 30 days?

Now we will move to the findings.

Board Members Present:

Others Present: Tracy Lee, ODHS Caseworker; Lydia Garcia, Mother; Jon Garcia, Father; Resource Parent for Electra; Harrison Parker, Attorney for Electra; William Jones, Attorney for Ms. Garcia; Beverly Smith, Attorney for Mr. Garcia; Teresa Schmitt, CASA; Sue Land, CRB Field Manager.

Not Present:

Indian Child Welfare Act Status (ICWA): Does not apply, because: There is not a reason to know this child is an Indian child. Ms. Garcia and Mr. Garcia completed ODHS Form 1270, the Indian Child Welfare Act (ICWA) verification forms, indicating they do not have Native American or Alaskan Native ancestry. At the review, parties reported no reason to know Electra is an Indian child.

The Board Made the Following Findings and Recommendations at the Review:

FINDINGS	
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FINDINGS

1.

We will first address Electra.

Has ODHS ensured that appropriate services are in place to safeguard the safety, health, and well-being of Electra?

Here, we are looking at what ODHS is providing to Electra.

Note: For this finding, board members are encouraged to prioritize natural discussion and giving youth and parents an opportunity to be heard first by directing a question to the youth first (if present) or parents first (if youth is not present). For example:

- *If youth is present:* [Youth], the board is interested in hearing about your likes and dislikes, and how you are doing. When we ask questions about those things, would you like us to ask you, or someone else who can answer for you?
- *If youth is not present:* [Parent], can you describe [Child Name] for us? Tell us about their personality and interests.

Directing a broad, open-ended initial question to each party is a good way to keep natural discussion flowing. More detailed follow-up questions can be asked as needed before moving to the next party. Examples of broad, opened-ended initial questions include:

- [Caseworker], can you please give us an update on how [Child Name] is doing and what services they are currently receiving?
- [Resource Parent], can you please give us an update on how [Child Name] is doing?
- [CASA], are there any additional services or supports you'd recommend?
- [Child's Attorney], are there any services or supports your client needs that they are not currently receiving, or any additional input on behalf of your client?
- *If youth is not present:* [Parent], are there any services or supports [Child Name] needs that they are not currently receiving?

When youth is present, at the end of Finding 1, ask the youth if there is anything else they'd like the board to know, and then offer that the youth can either leave and move on with their day at this point, or they can stay for the rest of the review, whatever they prefer.

Electra, age 13.

SAFETY

FINDINGS						
	<p><u>PLACEMENT:</u></p> <p><u>SUPERVISION:</u></p> <p>HEALTH</p> <p><u>MENTAL HEALTH / THERAPEUTIC SUPPORT:</u></p> <p><u>PHYSICAL HEALTH:</u></p> <p>WELL-BEING</p> <p><u>FAMILY TIME:</u></p> <p><u>EDUCATION:</u></p> <p><u>SOCIAL / CULTURAL:</u></p> <p><u>TRANSITION PLANNING:</u></p>					
2.	<p>Has ODHS taken appropriate steps to ensure that 1) the substitute care provider is following the reasonable and prudent parent standard, and 2) Electra has regular, ongoing opportunities to engage in age appropriate or developmentally appropriate activities?</p> <p>This finding only applies when the child is age 16 or older and the permanency plan is Another Planned Permanent Living Arrangement (APPLA).</p>	N/A				
3.	<p>Has ODHS made <u>diligent efforts</u> to place Electra with a relative or person who has a caregiver relationship?</p> <p>Here, we are looking at the agency's efforts to place Electra with a relative or someone already known to them.</p>					
4.	<p>We will now address efforts and progress towards the permanency plan.</p> <p>Has ODHS made reasonable efforts (or active efforts if ICWA applies) to provide services to make it possible for Electra to safely return home and to finalize the permanency plan of reunification?</p> <p>Here, we are looking at what services and assistance ODHS has offered to the parents to help make reunification safe and possible given their jurisdictional issues.</p> <p>MOTHER:</p> <table border="1"> <thead> <tr> <th><u>Bases of Jurisdiction</u></th> <th><u>Services Provided</u></th> </tr> </thead> <tbody> <tr> <td>4A: The mother's substance abuse, if left untreated,</td> <td>ODHS referred both parents to substance abuse evaluation, ART</td> </tr> </tbody> </table>	<u>Bases of Jurisdiction</u>	<u>Services Provided</u>	4A: The mother's substance abuse, if left untreated,	ODHS referred both parents to substance abuse evaluation, ART	
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FINDINGS

interferes with her ability to safely parent.

4B: The child has emotional, mental health, and/or behavioral problems that require structure, supervision, and treatment. The mother needs the assistance of the court and the agency to develop parenting skills to safely meet the child's needs.

(Addiction Recovery Team) services, UAs (Urine Analyses) to confirm sobriety.

ODHS referred both parents to a parenting class for parents of LGBTQ+ teenagers. A referral for family counseling was considered but Electra's treatment team felt more time was needed in individual counseling before starting family counseling. ODHS provided Ms. Garcia with information about the local Women's Place domestic violence shelter and victims' support advocate.

[Court Ordered Treatment](#) (summary):

[Action Agreement / Letter of Expectations:](#)

Concerns:

FATHER [of Child Name if needed]:

<u>Bases of Jurisdiction</u>	<u>Services Provided</u>
<p>4C: The father's substance abuse, if left untreated, interferes with his ability to safely parent.</p>	<p>ODHS referred both parents to substance abuse evaluation, ART (Addiction Recovery Team) services, UAs (Urine Analyses) to confirm sobriety.</p>
<p>4D: The child has emotional, mental health, and/or behavioral problems that require structure, supervision, and treatment. The father needs the assistance of the court and the agency to develop parenting skills to safely meet the child's needs.</p>	<p>ODHS referred both parents to a parenting class for parents of LGBTQ+ teenagers. A referral for family counseling was considered but Electra's treatment team felt more time was needed in individual counseling before starting family counseling.</p>
<p>4E: The father subjected the mother to domestic violence in the presence of the child, creating a threat of harm to the child.</p>	<p>ODHS referred Mr. Garcia for an intake assessment with the Batterer's Intervention Program.</p>

[Court Ordered Treatment](#) (summary):

[Action Agreement / Letter of Expectations:](#)

FINDINGS		
	<p>Concerns:</p> <p><u>Family Meetings:</u></p> <p>Additional finding at first review if the Board disagrees with the Court's finding on <u>efforts to prevent removal</u> based on what they read in the case material → Has ODHS made reasonable efforts (or active efforts if ICWA applies) to prevent or eliminate the need for removal of the child from the home?</p>	
5.	<p>Has ODHS made reasonable efforts in accordance with the case plan to place Electra in a timely manner and complete the <u>steps necessary to finalize the permanent placement</u>?</p> <p>This finding does not apply when the permanency plan is Reunification.</p>	N/A
6.	<p>Is the parent making <u>sufficient progress</u> for Electra to safely return home within a reasonable time?</p> <p>Here, we are looking at the rate of progress that each parent has made and whether reunification can be achieved within a reasonable time.</p>	
7.	<p><i>We will now address compliance issues.</i></p> <p>Has ODHS made sufficient efforts in <u>developing the concurrent permanency plan</u>?</p> <p>Here, we look at what ODHS has done to develop the "backup" plan in case Electra cannot safely return home within a reasonable amount of time.</p> <p>Additional finding if ICWA applies AND the child is placed in a home outside the placement preferences: Has ODHS continued to maintain the relationship of the Indian child with potential <u>permanent placement preferences</u>? If not, has ODHS continued to search for a permanent placement that complies with the placement preferences?</p>	
8.	<p>Is ODHS in <u>compliance with the case plan and court orders</u>?</p>	
9.	<p><i>We will now address appropriateness of the plan.</i></p> <p>Is the permanency plan the <u>most appropriate plan</u> for Electra?</p>	

FINDINGS	
10.	<p>Is there a continuing need for placement? Here, we are looking at whether the parents have met conditions for return and whether the child could go home today.</p>

Does anyone have any comments or information to add to this review before we close?

The board would like to commend [any commendations/encouragement for parents, CASA, attorneys, ODHS, the youth, etc.].

[If youth is present] We are so glad that you attended the review today. If you have any questions or feedback about this review, please contact the CRB Field Manager. Their email address is on the notice that you received for this review, but if you don't have it, please let us or your attorney know and we can get you that email address.

Field Manager, would you please read back our recommendations?

Additional Finding(s):

- a. A Hearing – Permanency is scheduled for 1/4/23 at 10:30 a.m

RECOMMENDATIONS:

- 1.

11/10/2022

Board Member	Date	CRB Field Manager
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Pursuant to state law, ODHS must notify CRB within 17 days of receipt of this report when the Agency does not intend to implement the above recommendations. ODHS may notify CRB by completing the [ODHS Response to CRB Recommendations](#) form and submitting it to the CRB inbox at crb@ojd.state.or.us . Please also send a copy of the Response to legal parties.

Parents may request the court to conduct a review hearing.