



Supreme Court Operating Rules for the Administration of the Citizen Review Board



RULE 1. VOLUNTEER BOARD MEMBER APPOINTMENTS

- A. In addition to the statutory membership requirements, the Citizen Review Board (CRB) Director will adopt procedures and standards for the recruitment and evaluation of prospective volunteers for appointment as volunteer board members that include an application, an interview, a criminal history check, a court records check, a reference check, and other processes for evaluating the appropriateness of applicants. The evaluation process will include the sixteen-hour orientation training required by law. An applicant who is screened out by the CRB Field Manager may appeal the decision to the CRB Director. The CRB Director will make the final decision.

- B. If the CRB Field Manager recommends appointment of an applicant, CRB staff will forward the applicant's name, application, and a summary of his or her criminal history check and court records check to the Presiding Judge or designee in the county where the applicant will serve. Other information collected about the applicant from the evaluation, as well as information about applicants who were not recommended for appointment after evaluation will be available to the Presiding Judge or designee upon request.

- C. Upon the recommendation of the Presiding Judge or designee, a volunteer board member will be appointed by the Chief Justice of the Supreme Court for a term of up to two years ending December 31 of the second year. Following appointment of the Chief Justice, the Presiding Judge or designee will swear in the volunteer board member. Upon the recommendation of the CRB Field Manager, volunteer board members may be reappointed at the end of a term. There is no limit to the number of terms a volunteer board member may serve.

- D. Volunteer board members will be in a provisional service period the first year of their first term. After consultation and approval of the CRB Director and the Presiding Judge or designee a CRB Field Manager may remove a volunteer board member in the provisional service period who is not reasonably following the volunteer board member standards defined in the

CRB Volunteer Board Member Policy and Procedure Manual. Removals in the provisional period are not appealable.

- E. Volunteer board members who are no longer eligible to serve on a board pursuant to ORS 419A.092 (2011) will be put on inactive status until they become eligible again, resign, their term expires, or they are removed from the board.
- F. An active foster parent may not serve on any local citizen review board. This does not include adoptive parents receiving adoption assistance for a finalized adoption or guardians receiving a subsidized guardianship payment. Additionally, a person under the age of 18 may not serve on any local citizen review board.
- G. Volunteer board members must be domiciled or employed within the county of the court that they are appointed to serve. The CRB will consider the county of domicile as the county where the volunteer board member is registered to vote or the county of the home address listed on an Oregon ID Card or license.

RULE 2. DUTIES

- A. Volunteer board members must agree to adhere to the volunteer board member standards defined in the CRB Volunteer Board Member Policy and Procedure Manual.
- B. Volunteer board members must notify the CRB if they no longer qualify to serve on a board pursuant to ORS 419A.092(1)(c), (d), or (f) (2011) or by becoming an active foster parent.
- C. Volunteer board members must certify completion of their yearly training requirement to CRB staff by December 1 of each calendar year. At least one hour of the eight hours of annual training required by law will be in cultural responsiveness. If a volunteer board member does not participate in the required amount of yearly training, he or she will be put on inactive status and will not receive case materials or participate in reviews until the training has been completed.

- D. Volunteer board members must read and be familiar with case materials, and participate in all reviews during their regular attendance schedule (some volunteer board members only attend half days). If a volunteer board member is unable to attend a review, he or she must notify CRB staff as soon as possible.

RULE 3. QUORUM AND SUBSTITUTIONS

- A. Except as provided below, a review will not be conducted with less than three volunteer board members. When notified that a volunteer board member is unable to attend a review, CRB staff shall seek to obtain the attendance of an alternate volunteer board member or another local volunteer board member appointed by the same court. If the CRB Field Manager or CRB management determines that an emergency exists and circumstances prevent three volunteer board members from being present, a review can continue with only two volunteer board members present.
- B. If less than two volunteer board members are present, a review that meets the requirements of PL 105-89 shall be held in dependency cases. This review will be called a Title IV-E Review. In delinquency cases, a briefing will be held and the information will be shared with absent volunteer board members at the next regularly scheduled review board meeting. In guardianship cases, a review will be held.
- C. No more than five volunteer board members serving on a board may review a case at any one time.
- D. A volunteer board member may serve on more than one board in the same county.

RULE 4. CONFLICTS OF INTEREST

- A. Volunteer board members who are excused from participating in a review due to a potential conflict of interest in a case being reviewed, may be heard with other interested parties.
- B. Parties attending a review will be offered the opportunity to inform the board whenever they believe a particular volunteer board member will not

be fair or objective. The board will decide if they should excuse that volunteer board member from reviewing the case.

RULE 5. REMOVAL OF BOARD MEMBERS AFTER PROVISIONAL SERVICE PERIOD

- A. The Chief Justice of the Supreme Court may remove a volunteer board member for:
- 1) Not reasonably following the volunteer board member standards defined in the CRB Volunteer Board Member Policy and Procedure Manual;
 - 2) Failure to participate in training as prescribed by law;
 - 3) Unexcused absences from two regularly scheduled review days in a twelve-month period;
 - 4) Violating the duty of keeping confidential the information received by the board and its findings and recommendations in individual cases;
 - 5) Displaying any behavior that hinders the effectiveness of the board;
 - 6) No longer meeting CRB eligibility requirements pursuant to ORS 419A.092(1)(c), (d), or (f) (2011) or by becoming an active foster parent; or
 - 7) Other good cause shown.
- B. The process for removing a volunteer board member who is no longer in the provisional service period is as follows:
- 1) The CRB Field Manager will have a discussion with the volunteer board member and then submit a written request outlining the reasons for removal to the CRB Director. A copy will be provided to the volunteer board member and the Presiding Judge or designee of the county in which the volunteer board member serves. The CRB Director may determine that the volunteer board member be suspended from active service on the CRB pending the final decision on removal.

- 2) The CRB Director will review the request for removal, consult the Presiding Judge or designee, and meet with the volunteer board member within twenty-one days to discuss the concerns addressed in the request. The meeting may be held by phone.
- 3) The CRB Director may deny the request for removal. If such a decision is made, the Director will notify the CRB Field Manager and the volunteer board member within ten days of the meeting.
- 4) If the CRB Director concurs with the request, the Director will forward a request for removal to the Chief Justice, with a copy to the Presiding Judge or designee, within ten days.
- 5) The Chief Justice will make the decision whether to remove the volunteer board member. The decision of the Chief Justice is final.

RULE 6. STAFF ACCESS TO RECORDS

- A. CRB staff will have access to all records pursuant to ORS 419A.102 (2011).
- B. CRB staff will keep confidential all information submitted to and reviewed by the board, and the Board's findings and recommendations in individual cases.

RULE 7. DEFINITIONS

- A. Legal Parties – Those persons with legal standing before the juvenile court pursuant to ORS 419B.875(1) (2011).
- B. Essential Parties – Those persons specifically named as entitled to notice of CRB reviews, including legal parties, pursuant to ORS 419A.098(3) and any other parties listed by the Department of Human Services (DHS) or the Oregon Youth Authority (OYA) or listed in the Court order to review the Guardianship. A mature child means a child who is able to understand and participate in the decision making process without excessive anxiety or fear. There is a rebuttable presumption that a child 14 years or older is a mature child.

- C. Interested Parties – Those persons, other than those listed above, who have some connection with or knowledge of the child or family situation.
- D. Participants in the Review – Those essential parties who are present at the review.

RULE 8. CASE REVIEW INFORMATION

- A. CRB will request a case plan written within the last ninety days and any supporting documents at least twenty days before a scheduled review.
- B. DHS or OYA will submit the case plan and updated case information, including complete addresses of all essential parties, as outlined in the DHS/CRB Memorandum of Understanding or OYA/CRB Intergovernmental Agreement.
- C. In reviews of guardianship cases, the board may request a report or documents from the guardian in addition to the guardianship report and other pertinent materials provided by the court. The board will request, at the time notice is given, that the guardian mail the information to the CRB at least 6 days prior to the review.

RULE 9. NOTICE OF REVIEWS

CRB staff will send written notice to all essential parties at least fifteen days prior to a scheduled review. Such notice will briefly describe the review process and indicate the precise time and place of the review.

RULE 10. REVIEW BOARD HEARINGS

- A. A board will provide the opportunity for all essential parties to participate in the review.
- B. If a representative other than legal counsel accompanies a person receiving notice to the review, other legal parties may object to the representative's presence during presentation of information. The board will determine whether and to what extent the representative can participate in the review.

- C. A board may agree to hear an interested party who formally requests to be heard. In granting such a request, the board is not required to allow the interested party to be present during the entire review.
- D. Other persons directly concerned with the CRB or with a legitimate interest in the system may be permitted to observe a review.
 - 1. DHS, OYA, and Oregon Judicial Department staff or interns may attend any review.
 - 2. Staff, interns, and volunteers of other entities within the juvenile justice system; prospective volunteer board members; current volunteer board members from other counties; and prospective CASA volunteers must make a request to observe prior to the review. At the review, parties will be given the opportunity to object to the observation. If an objection is received from a legal party, no observation will be permitted. If an objection is received by any other person, the board will decide whether to allow the observation.
 - 3. Any other person wishing to observe a review must make a request at least eighteen days prior to the review. The request must include the reason or purpose for the observation. Upon receipt of the request, CRB staff will notify the essential parties of the request to observe. If an objection is received from a legal party, no observation will be permitted. If an objection is received by any other person, the board will decide whether to allow the observation.
- E. All persons observing a board will be asked at the time of the review to swear or affirm that he or she will keep confidential all information discussed during the review. Observers are not to receive written case material provided for the review or the written findings and recommendations made by the board.
- F. A board may elect to schedule reviews in such a manner that the board may hear from parties separately if the circumstances of the case require it.
- G. A board may exclude anyone who is not an essential party from any review.

- H. A board may end any person’s participation in a review if the person’s behavior is preventing the board from completing the review and the board has warned the person that he or she will no longer be able to participate if the behavior continues.
- I. Findings and recommendations of a board will be decided by consensus or, when a consensus is not possible, by majority vote.
- J. Audio or video recordings of a review are not allowed.
- K. A board may hear up to ten cases in a review day. Any exception must have prior approval of the CRB Director or designee.

RULE 11. PROCEDURE FOR SECURING OR EXCUSING THE PRESENCE OF CASEWORKERS AND OTHER EMPLOYEES OF DHS AND OYA

- A. The CRB Request for Case Information (CRB 700) will serve as advance notice to the case carrying worker that a review may be scheduled. The case carrying worker is expected to appear in person pursuant to ORS 419A.114 (2011). The CRB may offer participation by video conference in certain locations. Participation by video conference qualifies as appearing in person if it is authorized by the CRB.
- B. A worker may request to participate by telephone in an emergency. Worker requests to participate by telephone must be made to CRB staff in advance of the review.
- C. Substitutions or supervisors may attend in place of the case carrying worker as outlined in the DHS/CRB Memorandum of Understanding or OYA/CRB Intergovernmental Agreement
- D. A board may proceed with a review without the presence of a representative of the agency directly responsible for the care and placement of the child if the board can gather sufficient information from the other participants in the review to make the legally required findings.

RULE 12. PROCEDURES FOR REMOVING CASES FROM REVIEW WHEN REVIEW IS NOT REQUIRED BY FEDERAL LAW

- A. CRB staff may remove a case from the CRB review schedule when a review is not required by federal law.
- B. A trial reunification placement is when a child is returned home without the court dismissing legal custody. Since Oregon law does not consider these children to be in substitute care, CRB will not review the cases of children in trial reunification placements. Therefore, to meet federal Title IV-E review requirements, DHS is responsible for requesting that the court conduct the review required by federal law for children in trial reunification placements.
- C. CRB staff will notify DHS when a case is removed from the CRB review schedule.

RULE 13. REVIEW BOARD RECOMMENDATIONS

CRB staff will prepare the findings and recommendations document according to CRB policies and procedures. Within twenty-one days of the review, the findings and recommendations document will be sent to the court, the agency directly responsible for the care and placement of the child, legal parties, and other participants in the review.

RULE 14. ADDITIONAL PROCEDURES AND PRACTICES

The CRB Director may adopt other administrative practices and procedures that are consistent with these rules for the administration of the program.

**ADOPTION OF THE SUPREME COURT OPERATING RULES FOR THE ADMINISTRATION OF THE CITIZEN REVIEW BOARD
Effective October 1, 2012**

Pursuant to ORS 1.002 and 419A.098, following consultation with the Justices of the Oregon Supreme Court, I hereby exercise my authority and responsibility to adopt these Rules for the Administration of the Citizen Review Board Program.

Dated this 14 day of September, 2012.

/s/ Thomas Balmer

Thomas Balmer
Chief Justice