

CHILD WELFARE and DEPENDENCY TERMS GLOSSARY

*The child welfare system in Oregon is comprised of programs run by the **Oregon Department of Human Services (ODHS)**. The child welfare cases within juvenile court are called juvenile **dependency** cases.*

Abuse: Physical harm to a child that is not accidental. Exists when a child is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability or physical or mental condition caused by brutality, neglect or other actions or inaction of a parent, relative, guardian or caretaker.

Action Agreement: A written, signed document, developed jointly between the caseworker and the parent or legal guardian that identifies activities and specific service requirements. This document lists court ordered services but also explains why Child Welfare is involved and what needs to change for the agency to no longer be involved with the family. (***See Letter of Expectation and Offer Letter**) **Action Agreements are a factor to consider under Finding 4, reasonable efforts by the agency.*

Active Efforts: Active efforts are applicable to all Indian Child Welfare Act (ICWA) cases and require a higher standard. As with reasonable efforts, active efforts are not legally defined but must be individually tailored to the facts and circumstances of the case. Active efforts specify “affirmative, thorough, and timely” assistance to children, parents, and Indian custodians, consistent with social and cultural conditions and in partnership with the tribe. **Active efforts are applied in the context of Findings 1 and 4 but are not required in Finding 5 when assessing efforts made to finalize a permanent plan.*

Addiction Recovery Teams (ART): Addiction Recovery Teams use a short-term crisis intervention model to coordinate multi-disciplinary services for families affected by substance abuse. Each team consists of an alcohol and drug counselor, an outreach worker and social services specialist/caseworker. ART assists clients with the initial response to their addiction, including assessment, referral for treatment, relapse prevention and healthy support networks.

Admission: In the context of Adjudication, the process by which a parent admits that the allegations in the petition are true and consents to the court taking jurisdiction of the child.

Adoption: The plan of adoption is considered the most permanent option of the “concurrent plans”. Adoption is a proceeding whereby a person or persons acquire the rights and responsibilities of a parent; therefore, the permanency plan of adoption cannot be finalized until children are legally free. (***see Decree**)

Adjudication (also, Adjudicatory hearing): A decision in which the court determines whether the allegations stated in the petition are legally sufficient, resulting in the legal basis to establish jurisdiction of a child. Parents admit or deny. The state presents evidence to prove allegations from the petition. (***see Jurisdiction and Basis of Jurisdiction**)

Adoption Assistance: Financial assistance paid to adoptive families, resulting from a signed adoption assistance agreement. The Adoption Assistance program was originally designed to incentivize adoptive homes for children with special needs. It provides federal and state funding for medical assistance and non-reoccurring expenses related to the legal finalization of adoption. Funds also support staff training and administrative costs.

Adoption Home Study: A full assessment conducted by Oregon Department of Human Services, a licensed adoption agency, or another public agency to evaluate the suitability of an individual (or individuals) who wish to adopt. The adoption home study is the written report that is completed upon conclusion of that assessment. (***see Guardianship Assistance**)

Adoption and Safe Families Act (ASFA): An act of Congress passed in 1997 establishing federal timelines and requirements for children in the child welfare system related to safety, permanency, and well-being. When children have been in care for 15 of the past 22 months, ASFA requires the agency to seek adoption or other permanent alternatives.

Alleged Father: A man who may be the father of the child, but whose biological paternity has not yet been established, or who has not achieved “presumed father status.”

Affidavit: A written statement made under oath asserting a fact. A paternity affidavit is a common example of this document.

Affirmed Without Opinion (AWOP): An action taken by the Appeals court in which the original court’s verdict is affirmed without comment or “opinion.” This generally indicates that the legal issues and outcomes were clear, and the appellate court did not feel further comment was warranted.

Aggravated Circumstances: A defined set of legal criteria in the adjudicatory (or jurisdictional) phase of the dependency proceeding that results from extreme circumstances. If “aggravated circumstances” is alleged and found by the court, reasonable efforts to reunify do not need to be made. The court must schedule a Permanency Hearing within 30 days to implement an alternate plan.

Allegations (of a petition): Allegations assert or “allege” facts of abuse or neglect by each parent. The section of the petition that lists why the court should take jurisdiction of a child. Parents admit or deny allegations. In some instances, the language of the allegations is amended when the court takes jurisdiction.

Another Planned Permanent Living Arrangement (APPLA): A permanency plan for children who are at least 16 years of age. APPLA is meant to provide a secure living arrangement and to maintain significant relationships for a young adult beyond their exit from substitute care. APPLA is considered the least preferred permanency plan and may only be implemented after the permanency plans of reunification, adoption, guardianship, and placement with a fit and willing relative have been ruled out. (a) “Planned” means the arrangement is intended, designed, and deliberate. (b) “Permanent” means enduring and stable.

Assessment (also, Screening): Reports received by Child Protective Services in which possible abuse or neglect has occurred are assigned for Assessment. After a safety assessment is completed, information is reviewed to determine whether abuse occurred (also, referred to as “founded”) and whether the child is safe. The process for determining safety includes, but is not limited to interviews, collateral information, as well as the type of abuse, age of the child, family history, protective capacities, and potential for re-abuse.

Assessments (also, Evaluations) – for children/parents: Assessments determine the needs of a child, parent, and/or family. Evaluations are based on court orders and child-specific administrative rules. There are many types of assessments in dependency cases including: intake nursing, developmental assessment, Child and Adolescent/Needs (CANS), drug/alcohol assessment, mental health assessment, psychological evaluation. **Boards focus on the timeliness of these assessments as well as implementation of any recommendations.*

Assistant Attorney General (AAG): AAGs are attorneys that represent Oregon Department of Human Services – Child Welfare). AAGs work for the DOJ (Department of Justice). ODHS is their client.

Basis of Jurisdiction: The allegations against the parents that are proven or admitted in court become the “basis of jurisdiction.” While the agency may provide any helpful service/support to parents, the only services the agency must provide or can obligate parents to participate in are those that bear a rational relationship to the basis of jurisdiction. (***see Adjudication and Jurisdiction**) **Findings 1, 4, 6*

Behavioral Rehabilitation Services (BRS): BRS services are meant to be temporary, intensive, wraparound and/or residential-based services. These are contracted programs for the care and treatment of children and youth with emotional or behavioral difficulties whose needs cannot be met in a standard community placement.

Best Interests Finding (also, Best Interests Determination): The standard the court uses when deciding what type of services, actions, and orders will best serve a child, including who is best suited to take care of a child. "Best interests" determinations are generally made by considering factors related to the circumstances of the child as well as the circumstances and capacity of the potential caregiver(s), prioritizing child safety and well-being as the paramount concern. The determination is also the standard that a CASA volunteer uses in choosing a course of advocacy for a child.

Caregiver Relationship: By legal definition, a relationship between a person and a child that existed for 12 months immediately preceding a dependency case; for at least 6 months during the case; or for half the child’s life (if the child is less than 6 months of age); in which: a) the person had physical custody or resided in the same home as the child; b) provided for the child on a daily basis with love, nurturing and necessities required to meet the psychological and physical needs of the child, and on which the child depended to meet those needs. A non-relative resource parent also meets the definition of a “caregiver relationship” once a child has been in the home for at least 12 cumulative months. **Finding 2*

Child and Adolescent Needs/Strengths (CANS) Assessment: A mandatory screening conducted within 60 days of a child’s entry and on an annual basis thereafter (unless an early re-screening is warranted). The CANS is used to gather information on the needs and strengths of a child or young adult: (a) To identify case planning, service planning, and supervision needs of the child or young adult (b) To determine the level of foster care payment while in substitute care with a certified family; and/or (c) To determine if a child qualifies for a level of care payment for the purpose of negotiating or re-negotiating an adoption assistance or guardianship assistance payment. **Finding 3*

Central Office: This is the state-level office of Oregon Department of Human Services/Child Welfare located in Salem, Oregon in which various programs and state officials are housed. Amongst many regulatory functions, Central Office develops administrative rules and manages the state adoption program.

Child: a) Any unemancipated person under the age of 18 years of age. (b) Under 21 years of age and residing in or receiving care or services at a child-caring agency or proctor foster home.

Child Protective Services (CPS): CPS is the first line of response when calls of concern are received. Child Protective Service (CPS) workers are responsible for investigating cases of suspected abuse or neglect of children and to provide safety plans for children/families at the onset of the case. CPS staff work closely with law enforcement agencies and members of

multidisciplinary teams in each county to assess and respond to child abuse reports. (***See Assessment and Screenings**).

Child Welfare (also “Department” or ODHS): The Oregon Department of Human Services (ODHS), Child Welfare.

Concurrent Planning: Refers to the legal requirement in dependency cases that an alternative plan must be developed simultaneously with reunification services, should reunification efforts not be successful. Concurrent planning begins at entry and includes efforts to eliminate any potential delays in achieving permanency for a child. **Finding 7*

Conditions for Return: A written statement of specific behaviors, conditions or circumstances that must exist before a child can safely return home with an in-home safety plan in place. (***See In-Home placement criteria**) **Finding 10*

Considered Judgment: When children are mature enough to understand the process and importance of the outcomes in their case, then they have “considered judgment” and are entitled to make their own decisions. Attorneys, courts, and caseworkers apply this standard when making permanency decisions.

Confidentiality: Confidential information is that which is private and cannot legally be shared. There are many requirements about how and when information can be disclosed. CRB board members are bound by statute to maintain confidentiality. We also include an oath of confidentiality in our opening statement. Confidentiality is presumed; Child Welfare may not release or disclose client information except as authorized by law or through Disclosure of Information. (***See Release of Information**).

Continuance: Instance when a trial, hearing, or other court appearance is postponed to a later date. This is done by order of the court and/or upon agreement by legal parties and approved by the court. In most cases, the new hearing date is set at the time of the continuance.

Court Order: A direction from the court on any matter pertaining to the case. Orders are listed in a court document, referred to as a Judgment, and signed by the Judge. Violations of court orders are considered serious. (***See Judgment**)

Court Appointed Special Advocate (CASA): CASAs are parties appointed by the court to advocate for the best interests of children. They are specially trained advocates who conduct independent analysis of a case and make recommendations as to the needs and “best interests” of the child(ren) for whom they are assigned.

Cultural Awareness: A set of attitudes, beliefs, and actions based on continuing exploration of, understanding of, and respect for individual and cultural differences.

Current Caretaker (also, Caregiver Relationship): A resource parent who: (a) is currently caring for a child in the care and custody of the department and has a permanency plan or concurrent permanent plan of adoption; and (b) has cared for the child or at least one sibling of the child for at least 12 months or (c) cared for a one-half of the child’s or sibling’s life if the child or sibling is younger than two years of age. Time spent caring for the child or sibling under this definition is calculated cumulatively rather than consecutively. **Findings 2 and 5*

Decree (of adoption): The document signed by a judge to finalize an adoption. It formally creates the parent-child relationship between the adoptive parents and the adopted child, transferring full responsibility and legal rights to the new parents.

Delinquent Child: A child who has committed a delinquent act as determined by the court and found by the court to require supervision or rehabilitation under the authority of the Juvenile Department. Some of the dependency children we review may also have a delinquency offense. These are sometimes referred to as “crossover youth,” or joint- or dual-system cases.

Department of Justice: AGs and AAGs (Attorney General and Assistant Attorney General) are employed by the Department of Justice (DOJ). They represent ODHS/child welfare.

Dependent Child: A child placed in agency custody by the court when parent(s) are unable and/or unwilling to safely provide adequate care. (***See Dependency Case**)

Dependency Case: Temporary legal status of a child in which the court has determined protective custody is warranted to ensure safety. Children are “dependent” on the needs of a safe parent or guardian. Child Welfare cases are dependency cases.

Dependency Attorney: An attorney that specializes in child welfare cases to provide legal representation to a child or parent. Although family law attorneys can be privately retained, most dependency lawyers are appointed by the court and paid through state indigent defense funds.

Diligent Relative Search: Child Welfare is required to conduct a diligent search for family members and relatives who may be a resource for the child. Diligent efforts begin at entry and remain ongoing throughout the life of the case. The term “diligent” is not defined by statute but is outlined in Oregon Administrative Rule (OAR). **Finding 2.*

Dismissed (or Dismissal): This is an action by the judge terminating a proceeding, wardship or allegation based on evidentiary reasoning. When the court determines protective custody is no longer warranted, the dependency case is dismissed and wardship is closed.

Disposition: The stage of the juvenile court process in which, after finding that a child is within the jurisdiction of the court, parents are court ordered to comply with specific services. It is the equivalent of a sentence in a criminal case. In many courts, the dispositional hearing immediately follows the adjudicatory/jurisdiction hearing. **Findings 4 and 6*

Document Review: This is the first stage of case preparation. Volunteer board members prepare for CRB reviews by independently reviewing the documents provided in advance of a review day to identify questions, issues and/or key concerns in each case.

Early Intervention (EI) Services: Early Intervention services are supports available to young children (ages 0-3) with developmental delays/disabilities. This is a publicly funded program. Developmental assessments (also known as Ages/Stages Questionnaires) are required for all children under the age of 3 upon entry into care. **Finding 3*

Educational Surrogate: An educational surrogate can be appointed by the court, upon the request of any legal party in a dependency case, for any child in foster care who qualifies for (or may qualify for) special education. See ORS 419B.220.

Enhanced Supervision: Additional support, direction, observation, and guidance necessary to promote and ensure the safety and well-being of a child or young adult when the child or young adult qualifies for a level of care payment. Enhanced supervision is determined by a child’s Child and Adolescent Needs/Strengths (CANS) screening. A score higher than 0 (level 1-3) also requires a written supervision plan to be developed and reviewed with the resource family every 90 days. (***See Supervision Plan**) **Finding 3*

Exhibit: Documents, materials, recordings, videos, etc. which an attorney presents in court at a hearing or trial. Exhibits are “evidence.”

Ex Parte: A communication to the court made without notice to other parties, i.e. only one party. Attorneys are not allowed to meet with a judge ex parte, outside the presence of opposing counsel.

Expected Outcome: This is the criteria used to dismiss a case. It is defined as an observable, sustained change in a parent or guardian’s behavior, condition, or circumstance that, when accomplished, will increase a parent or guardian’s protective capacity; reduce or eliminate an identified impending danger safety threat, and when accomplished, will no longer require Child Welfare intervention to manage a child’s safety. A parent must meet the “conditions for return” for reunification to be achieved but expected outcomes relate to case closure. **Finding 10*

Face-to-Face Contact: A face-to-face interaction between caseworker/parent or caseworker/child. Face-to-face requirements include a minimum of monthly contact with a child and face-to-face contact in the substitute care placement a minimum of every other month. This is an essential component of ensuring safety for a child. **Findings 3 and 8*

Family Engagement Meeting (FEM) or Family Decision Meeting (FDM): Family Engagement Meetings are required upon case transfer from the intake worker. Family Decision Meetings can be used at any juncture in the case. These essential case planning meetings are designed to engage parents and families. The term “family engagement” is a strength-based approach to partner with families in decisions, goals, and outcomes. **Finding 4*

Family Report: A written plan developed by Child Welfare/caseworker in each case outlining requirements contained within Oregon Administrative Rule (OAR), including child specific summaries and service expectations for parents. This is meant to be a living document which is revised throughout the life of the case and in coordination with the parent(s) directly. The “Family Report” is also known as the “case plan” and one of the primary documents used for CRB and court reviews.

Finalization (of adoption): The legal act that establishes a family connection between the adoptive parent and the adopted child. Finalization grants rights and responsibilities to the adoptive parent. The court will include “date of finalization” deadline in the permanency hearing judgment. *(*See Decree) *Findings 5 and 10*

Finding (CRB): During reviews, board members answer a series of (10) questions, called findings. These findings are required by statute and are almost identical to the findings made by the court in a Permanency Hearing. Findings are made in sequential order. They provide the structure and framework to our reviews.

Findings and Recommendations Report (CRB): A Findings and Recommendations Report is generated after each review and finalized by CRB staff. It is then filed with the court and sent to legal parties. It is signed by the judge, documented in the court case and child welfare case, and therefore meets the federal “periodic review” requirement.

Foster Care: The colloquial term for the child welfare system. Also referred to as substitute care, meaning the children are residing out of the home. By federal definition, foster care is 24-hour substitute care for children for whom the state has responsibility for placement and care.

Founded (also, substantiated): The determination following an investigation by Child Protective Services, which means there is “believable evidence” that child abuse or neglect

occurred. Safety threats are determined by founded allegations. (***See Screening and Assessment**)

Guardian: An individual who has been granted guardianship of a child and transfer of custodial rights through a judgment of the court. (***See Guardianship**)

Guardian ad Litem (GAL) – for parents: A type of temporary, limited guardian who is appointed by the court to protect a party's best interests in a case. A GAL can appear for, assist, and act on behalf of a party only in that specific court case. A court may appoint a GAL to a parent in a dependency case if the court decides, by definition, that the parent of a minor is "mentally incapacitated." GALs for parents are often other attorneys or mental health providers.

Guardianship: A legal outcome resulting in transfer of custodial rights to a designated "guardian." Guardianships can be achieved outside of Child Welfare involvement. In dependency cases, this type of guardianship is subsidized by the state and often referred to as a "durable guardianship." Guardianship does not sever legal rights of the biological parent(s) and can be dismissed upon court order. It is used frequently by relative caregivers who wish to maintain relationships with extended family members.

Guardianship Assistance: Guardianship assistance is financial subsidy provided to designated guardians, including ongoing medical assistance for a child. It is intended to incentivize a legal guardianship when reunification and adoption are not appropriate options.

Independent Living Program (ILP): A county-based program designed to provide services to youth to prepare them for successful transition from the dependency system. This is a federal requirement for children/youth over the age of 16. **Independent Living Program Subsidy (ILSP)** and **Chaffee** funds are available to youth in care and former foster youth exiting care to assist with education, employment, and housing.

Indian Child: By statutory definition, any unmarried person who is under age 18 and either (a) is a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. Individual tribes determine if a child is an "Indian Child." The law also requires a tribe be notified whenever the court knows or has reason to know the child may be an Indian child.

Indian Child Welfare Act (ICWA): A federal law, the purpose of which is to protect the integrity of Indian families and tribes. **ORICWA** legislation adopts federal requirements, including but not limited to: Active Efforts standards and tribal placement preferences. **If ICWA applies, CRB must make additional sub findings and apply active efforts in Findings 1 and 4.*

Individualized Education Plan (IEP): A federally mandated statement of goals to provide educational services for a student who is entitled to special education services. Eligibility is determined by emotional disabilities, learning disability and/or other health impairments. IEPs are reviewed annually for revisions. Continued eligibility is determined every 3 years. Additionally, **504 plans** may be developed for children who do not meet the qualifications for an IEP but still require accommodations in the educational setting. **Finding 3*

In-Home Safety Plan Criteria (also, Conditions for Return): Conditions for return determine when a child can be safely returned home with an in-home plan. The critical issue has to do with sustainability over a reasonable time. The four conditions include: 1. A home-like setting (safe/stable residence); 2. Home is calm (environment allows for safety services providers and activities to occur); 3. One or more parent is available and willing to cooperate with safety plan; 4. Necessary safety activities and resources are available to implement the plan. **Finding 10.*

In-Home Safety and Reunification Services (ISRS): This program provides culturally appropriate and in-home service options to families with children to either prevent removal from the home *or* to support children and families who can be safely reunited.

Initial Appearance (also, prima facie case or “TWOP”): This is a preliminary hearing used in some counties as the first court hearing in the Termination of Parental Rights (TPR) process. Parents are served with the TPR petition and given court dates for this “initial appearance,” a pretrial hearing, and their TPR trial. At the initial appearance, parents state whether they agree or disagree with the basis to terminate their parental rights. If the parent does not appear despite being provided with notice of the hearing, the judge can proceed with a “prima facie” case, resulting in termination of parental rights.

Initial Safety Plan: One of three types of safety plans. This is a documented set of actions or interventions sufficient to protect a child from an “impending danger safety threat” while Child Protective Services completes their assessment.

Intake Nursing Assessment – for children: The evaluation is required for all children shortly after entering care. It’s completed by a contracted public health nurse to identify any health and medical needs for a child upon entry. **Finding 3*

Interstate Compact on the Placement of Children (ICPC) Agreement: This is a federal agreement between all states which governs out-of-state placements. Whenever a child may be placed with a relative out of state, the receiving state must first complete a home study and approve the placement. ICPC home studies can also be used to determine suitability of an out-of-state resource prior to implementation of the concurrent plan. (Note: A child returning to an out-of-state *parent* is considered reunification rather than foster placement, so ICPC is not required for parent homes.)

Intervenor (also, Intervenor status): Any person who meets the definition of a “caregiver relationship” has the right to file for intervenor status and if granted, becomes a legal party to the case. The court must find a caregiver relationship exists and that the basis for intervention is in the best interests of the child. If ICWA applies, tribes have intervenor status in the case. **(*See Caregiver Relationship)**

Judgment: Decision or determination of a court, otherwise listed in a court order. **(*See Court Order)**

Jurisdiction: To have jurisdiction over a child, the court must establish legal authority and justify the need for child welfare involvement. The “bases of jurisdiction” refer to the conditions and circumstances in which there is a risk of harm to the child, according to the court. The allegations in the petition become bases of jurisdiction if the court finds the burden of proof has been met. The Judgment of Jurisdiction must state how each allegation in the petition(s) was resolved: admitted, proven, dismissed. **(*See Basis of Jurisdiction)**

Jurisdiction Hearing (also, Adjudication): The hearing at which the court determines whether the child will be made a “dependent” under jurisdiction of the juvenile court.

Juvenile Court: Sometimes referred to as family court, juvenile courts preside over juvenile dependency and delinquency cases. The CRB only reviews dependency cases (including dependency cases where a child is also involved in the delinquency system).

Kin/Kinship Care (also, Relative Resource Care): Certified placement in the home of a relative related by blood or marriage.

Kith Care: Certified placement with a caregiver who has an existing relationship with the child and/or family but does not have a biological or blood relation.

Legal Assistance Referral (LAR): Once the case has been legally approved for adoption, a legal assistance referral is made to Central Office to initiate a termination of parental rights (TPR) petition. This is considered an attorney-client privileged document used to prepare the termination of parental rights petition at the state level.

Legal Assistant Staffing or Legal Assistance Specialist (LAS): A formal meeting between the caseworker, supervisor, permanency consultant and the state's attorney (AAG) to determine if there is a legal basis to pursue a permanency plan other than reunification. (***See Staffing**)

Lead Reviewer – for CRB: For each case scheduled for CRB review, a “lead reviewer” is assigned in advance. Although the findings are made by all board members, the board member designated in this role “leads” the discussion and review of the case(s) in which they are assigned. More thorough preparation may be required by the lead reviewer. (***See Document Review**).

Legal Custody: The right and responsibility to provide care and supervision over a child. This includes major decisions affecting the best interest of a minor child, including but not limited to, medical, religious, and educational decisions. When children are placed in protective custody, Child Welfare is granted legal custody of a child.

Legal Party: A legal party has a right to discovery (information about the case that is exchanged between parties) and notice of all proceedings connected with the case. This includes biological parents, attorneys, CASA, Department of Justice (DOJ), Child Welfare, Tribes, and anyone with intervenor status. Resource parents/foster providers receive notice for hearings but are not considered a legal party to the case and do not have rights to ongoing discovery.

Legally Free: A child is legally free for adoption if the child has no parent, either because a parent is deceased or because parental rights have been terminated (through relinquishment or involuntary termination) by court order.

Legal Risk Placement (also, Legal Risk Designation): The placing of a child who is not yet legally free with a specific resource family who is identified as an adoptive resource. Legal Risk designation means a placement that occurs when the Department believes that an adoption is in the best interests of the child; that the child is placed in an approved adoptive home; and the agency intends to approve this placement for adoption if the child becomes legally free for adoption.

Letter of Expectation (LOE): A Letter of Expectation is a formal letter addressed to a parent from the caseworker outlining the service expectations and timeline to achieve expected outcomes in the case. A Letter of Expectation is used in lieu of an Action Agreement in the absence of parent availability and/or cooperation. (***See Action Agreement**) **Finding 4*

Mediation: A voluntary process in which a neutral person known as a mediator assists parties in negotiating an outcome. Often used in adoption cases to develop a post-adoption visitation plan between biological parents and adoptive parents. It is also used for negotiating cultural exposure in ICWA cases when the permanent resource is “non-Indian”.

Mental Health Assessment – for children: This evaluation is required for children ages 3 and older within 30 days of entering care. It identifies any diagnoses and recommended services to address a child's mental health needs. **Finding 3*

MIP (Minor in Possession): A criminal offense that results when a youth under the age of 21 is caught and charged with possession of alcohol or an illicit substance. This is a misdemeanor charge which prompts involvement of the Juvenile Dept. and often results in diversion or probation requirements. It may also result in sanctions through the school.

Motion: Papers filed to the court by an attorney or paralegal requesting court action in a client's favor.

Neglect: Neglect is often one of the founded safety concerns necessitating agency involvement. This is defined by failure to act, or the cumulative efforts of a pattern of conduct, behavior or inaction that constitutes a danger to a child's health, welfare or safety. Neglect can be physical, educational, or emotional/psychological. Neglect is also referred to as maltreatment.

Offer Letter: An "offer letter" is a Letter of Expectation provided to a parent *prior* to jurisdiction, outlining service expectations that will be requested in court following jurisdiction. As part of a protective capacity assessment, parents must be advised of safety concerns and actions required to resolve such safety concerns. **Finding 4*

Ongoing Safety Plan: One of three types of safety plans. A documented set of actions or interventions to manage child safety. The ongoing safety plan is developed at the completion of the safety assessment or anytime during ongoing work with a family.

Oregon Department of Human Services (ODHS): The governmental state agency responsible for providing benefits and direct services from the State of Oregon to children, families, and adults with disabilities. Oregon Department of Human Services is housed in the Executive branch of our state government. Oregon Department of Human Services includes: Aging and People with Disabilities, Self Sufficiency, Developmental Disability Services; Vocational Rehabilitation and the **Office of Child Welfare Programs (OCWP)**.

Oregon Safety Model (OSM): The Oregon Safety Model is an overarching process used by Oregon Child Welfare to assess and manage safety from screening through case closure. This includes all actions and decisions required through the life of the case.

Out-of-Home Care (also, Foster Care or Substitute Care): "Out of home" care refers to any child who is not placed with one of their parents. This could be foster care, residential care, relative care, etc. A placement outside of the child's home but *with* a parent (for instance, placement of a child with their parent in the parent's residential treatment or sober living home) is not considered out-of-home or substitute care. The CRB only reviews cases of children who are in substitute care.

Out-of-Home Care Assessments (OHCA): OHCA include assessments of child abuse and neglect in all certified relative and non-relative homes and residential treatment facilities. The same process for screening and assessment by Child Protective Services applies. If a child is determined to be unsafe, the child must be removed from the home. As it relates to the review process, Child Welfare is required to notify all legal parties and CRB within 3 days of a report and to provide a redacted copy of the assessment summary for subsequent CRB review (if the assessment is completed within 6 months of scheduled CRB review).

Parent/Child Representation Program: Started in Oregon in 2014, this is a model for representing parents and children in the child welfare system. It provided increased funding and services to parents and children, prioritizing their representation.

Party (also, Legal Party): A person making or responding to a claim in a court or other proceeding. A party has the legal right to discovery and notice of all proceedings connected with

the case. This includes parents, attorneys, CASA, Department of Justice (DOJ) and Child Welfare but does not include resource parents unless they file for and meet the criteria for intervenor status.

Permanency: While not specifically defined in the statute, the concept of permanency is a goal established by federal law for children who are in out-of-home placements. It stems from a belief that it is in a child's best interests to be placed as quickly as possible in a safe environment that the child has a reasonable expectation of calling a home throughout his or her life. The process of permanency planning begins upon entry.

Permanency Committee: A permanency committee must be scheduled when 1) a caseworker is recommending a change in permanency plans to: guardianship by the current relative resource; fit and willing relative, or APPLA; 2) a caseworker is considering a separation of siblings for adoption (***see Sibling Split Staffing**); or 3) to review the relationship between a general applicant and a child whose permanency plan is adoption.

Permanency Hearing: A court proceeding held to reach a decision concerning the placement and most appropriate permanent plan for a child. Permanency Hearings must be conducted by the court within 14 months of a child's entry into care (or 12 months from jurisdiction, whichever is sooner) and annually thereafter. They may also be set by the court or held upon motion of another party. A Permanency Hearing is considered a full Judicial Review thereby meeting the periodic review requirement. This is also the hearing in which the court may order a change in permanency plans.

Permanency Plan (also, Permanency Goal): The permanency plan for the child as ordered by the court and stated in the Family Report. The hierarchy of permanency goals are as follows: Return to Parent/Reunification; Adoption; Guardianship; Place with Fit/Willing Relative; Another Permanent Plan Living Arrangement (APPLA); Permanent Connections/Support or APPLA; Permanent Foster Care.

Personal Care Assessment (also, Personal Care Rate and Services): Personal care assessments are conducted for children with medical needs. These assessments are scored at Level 1 – 4. Separate from foster care rate, enhanced payments assist with functional activities, hygiene, and delegated nursing tasks.

Petition: A dependency petition is filed when it is determined legal intervention is necessary, prompting the request for court jurisdiction and temporary custody of a child. This is a legal document which lists the allegations the agency is making against each parent, describing the basis for the court to take jurisdiction. (***See Allegations**)

Physical Abuse: Defined as non-accidental infliction of physical injury or physical mistreatment of a child.

Pleading: A "pleading" is a legal document that can be filed with the court that states a party's position in that case. The Department files a petition with the court to "plea allegations" against a parent. Counsel on behalf of parents can also file a plea with the court, admitting or denying allegations.

Presumed Father: A man who is/was married to the mother of the child and/or who has signed a declaration of paternity but is not otherwise listed on the birth certificate.

Prima Facie Case: A case determined to be sufficient and supported by rules of evidence, without a party/parent in attendance when party/parent has been served but does not attend. Prima facie is a Latin term approximately meaning "on the first appearance".

Protective Action Plan: One of three types of safety plans. An immediate, same day and short-term safety plan sufficient to protect a child from a present danger safety threat. Protective Action Plans are developed during the period of assessment to prevent the need for removal but may not exceed 10 calendar days. **Finding 1*

Protective Capacity: Defined as behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a child/young adult safe. A parent or caregiver's ability to protect his or her child(ren) from harm is a determination is made at the time of entry and throughout the course of the case.

Protective Capacity Assessment: This involves identifying the parents "enhanced" and "diminished" protective capacities. It is a required process that should occur prior to the development of the Family Plan/Ongoing Safety Plan and any Action Agreements. This information should also be provided to the parent and to service providers to assess progress. **Finding 4*

Protective Custody: When Oregon Department of Human Services determines removal of a child from the home is required to ensure safety, the child is brought into "protective custody". Child Welfare and Law Enforcement have the authority to place the child in temporary protective custody without a court order if there is "imminent threat of severe harm". The court determines at the Shelter Hearing if ongoing placement or "protective custody" is warranted. (***See Protective Custody Report and Shelter Hearing**).

Protective Custody Report: A Protective Custody Report is prepared by the Child Protective Services worker. It provides detailed explanation to the court of the safety threats and any actions taken by the agency to prevent a child's removal from the home. This report must be immediately filed with court.

Putative Father: A man who, under the laws of the state, is not legally presumed to be the father but who claims or is alleged to be the biological father of the child.

Qualified Expert Witness (QEW): Qualified Expert Witnesses are required for ICWA cases. A qualified expert witness is a person who is qualified to testify regarding whether the child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child, and should be qualified to testify as to the prevailing social and cultural standards of the Indian child's Tribe. A person may be designated by the Indian child's Tribe as being qualified to testify to the prevailing social and cultural standards of the Indian child's Tribe.

Reasonable and prudent parent standard: By statutory definition, the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child in care while encouraging the emotional and developmental growth of the child in care, that a substitute care provider shall use when determining whether to allow a child in care to participate in extracurricular, enrichment, cultural, and social activities. **Finding 3B*

Reasonable Efforts: The federal government requires the agency to demonstrate "reasonable efforts" to prevent or eliminate the need for removal of a child from the home and to make reasonable efforts to make is possible for a child to be reunited with their parents. When the plan is no longer reunification, reasonable efforts must also be made to achieve a permanent plan for the child in care. Reasonable efforts is not defined by statute but is the legal standard for all non-ICWA related cases. These findings have a direct correlation to funding and are arguably the most significant findings made by both CRB and the court. **Findings 1, 4 and 5.*

Referral – in screening: A report that has been assigned for purposes of a Child Protective

Services assessment. Reports are allegations that a screener must evaluate to determine if it meets the legal definition of abuse.

Relative: By statutory definition, a relative is an adult related to the child by blood, adoption, or kinship. **Finding 2*

Release of Information (ROI): Signed permission granting exchange of information between the persons listed in the release. ROIs are required for Child Welfare caseworkers to communicate with parents' service providers.

Relinquishments: This refers to the relinquishment of parental rights for purposes of adoption. A relinquishment is a legal document signed by a parent to voluntarily release their rights and responsibilities to a child. It gives the Department the legal authority to consent to the child's adoption on the parent's behalf. A parent may revoke their relinquishment and may remain a party to the case up until the point the child's placement is officially "designated". **Finding 5*

Residential Treatment – for children: An out-of-home placement for a child who requires intensive, on-site treatment. Residential programs are state licensed and meant to serve as temporary placements. Residential treatment includes both BRS-Behavioral Rehabilitation Services and psychiatric/mental health programs.

Respite Care: As available, respite care is a service provided by short-term substitute caregivers, approved by the agency. Respite allows a parent or resource family temporary relief from parenting responsibility. Respite care is considered a support and not a placement.

Resource Family (also, Foster Family): An adult or family unit recruited, trained, supported, and certified to serve children and families involved with a child welfare agency (in foster care). Resource parents and families may be relative or non-relative, kith (ie, a friend/acquaintance or a person known to the child before they entered foster care), and/or respite providers.

Reunification (also, Return to Parent). This is the primary and most preferred goal for children in care, meaning a child can safely return home. Beginning with a "trial reunification," children are placed in the physical custody of a parent, but the Department maintains legal custody until the case is dismissed.

Review Hearings: Court proceedings held by the juvenile and family court to review case progress and to determine the need for continued placement in out-of-home care or court jurisdiction of a child. Review hearings can be set by the court or requested by motion from any legal party. Full or "complete" review hearings (as opposed to limited review hearings or short hearings) may take the place of a CRB review.

Risk Factors: Behaviors and conditions present in the child, parent, or family that likely will contribute to child maltreatment occurring in the future.

Safety Assessment: A part of the child protective service (CPS) process in which available information is analyzed to identify whether a child is in immediate danger of moderate or serious harm.

Safety Service Provider: A willing and approved participant in a Protective Action Plan, Initial Safety Plan or Ongoing Safety Plan whose actions, assistance or supervision allows a family to sufficiently manage child safety.

Safety Threat: As part of the model used for case management and assessment, there are 16 "Oregon Safety Threats" used to determine the need for child protection. Safety threats are

“behaviors, conditions, or circumstances” that make the child unsafe. Only those determined to be “out of a parent/caregiver’s control” are considered to meet the threshold for intervention.

Sensitive Issue Adoption Committee: There are four different types of adoption committees responsible for selecting the adoptive placement; most are held at the local or district level. A “sensitive issue adoption committee” is held at the Central Office level when more than one adoptive resource has been identified and/or when a Child Welfare employee/community partner is being considered as an adoptive resource.

Settlement Conference: A designated meeting held prior to a contested hearing in which parties convene with the goal of determining whether the case may be resolved without a contested trial. Settlement conferences often occur prior to Adjudication and in some counties, as part of the Termination of Parental Rights process.

Services: The term used for any activity that Child Welfare uses to meet the needs of children and parents. Foster care is also considered a service.

Screening: For each call Child Protective Services (CPS) receives, the process begins with “screening” to obtain information. The CPS worker will make an initial determination of whether a report meets the guideline for further assessment. (*see Assessment)

Shelter Hearing: When a child is placed in substitute care, the case is reviewed by the juvenile court within 24 judicial hours (not including weekends and holidays). At the Shelter Hearing, the court decides, based on the child’s safety, whether the child can be safely maintained in the home or must remain in substitute care. There are legal findings that must be made to ensure the Department: 1) has considered placement with relatives/caregivers; 2) made reasonable efforts to prevent removal of the child from the home, and 3) that out-of-home placement is in the child’s best interests. These findings are required to claim federal (Title IV-E) reimbursement funds.

Sibling Split Staffing: A Sibling Split Staffing is required for siblings when separate placements are being considered for siblings whose permanency plan is Adoption.

Standard of Proof (also, Burden of Proof): In different judicial proceedings there are varying requirements of proof based on the amount of evidence needed to provide allegations.

- 1) Beyond a Reasonable Doubt: Evidence that is entirely convincing or satisfying to a moral certainty. This is the highest standard of proof, most often used in criminal cases.
- 2) Clear and Convincing Evidence: Less evidence than is required to prove a case beyond a reasonable doubt, but to the degree one is confident of the truth of the allegations. This is the standard applied to termination (TPR) cases and to establish jurisdiction in ICWA cases.
- 3) Preponderance of Evidence: Presenting a greater weight of credible evidence than that presented by the opposing party. This is the lowest standard of proof, used in most dependency cases, unless ICWA applies.

Staffing (also, Legal Assistance Staffing): Another word for an internal meeting to discuss a legal issue or issues in a case. A “Legal Assistant Staffing” (LAS) or “Legal Assistant Program” (LAP) staffing is a formal meeting between the caseworker, supervisor, permanency consultant and the state’s attorney (AAG) to determine if there is a legal basis to pursue a permanency plan other than reunification.

Stipulation: A document prepared by the Department of Justice (DOJ) and signed by the parents to admit to allegations in the termination of parental rights (TPR) petition. Once a

stipulation is signed, the parent's parental rights are terminated. Unlike voluntary relinquishments, stipulations cannot be rescinded by a parent.

Substitute Care (also, Foster Care): Also known as the Foster Care Program, this is the safety net for children with immediate safety needs who cannot safely remain with their parents or families. Substitute care is also referred to as an "out-of-home" placement.

Supervision Plan: A written supervision plan is considered a support provided to resource parents when a child qualifies for any enhanced rate of supervision, as determined by their Child and Adolescent Needs/Strengths assessment. Written supervision plans are developed every 90 days per policy. (***see Enhanced Supervision**).

Termination of Parental Rights (TPR): After a plan has been legally approved for adoption, a termination of parental rights petition is filed against each parent alleging circumstances for which the child should be freed for adoption. A termination trial is then scheduled to involuntarily terminate rights and responsibilities from a parent.

Temporary Assistance to Needy Families (TANF): A federal financial assistance managed through the Self Sufficiency program within Oregon Department of Human Services. Through monthly cash assistance as well as a wide range of services, TANF is designed to help eligible low-income families with children achieve economic self-sufficiency.

Temporary Custody: When a child is removed from the home, the Department is given temporary legal custody of the child.

Title IV-E: An amendment to the Social Security Act that created a federally funded program for out-of-home placement of children. Title IV-E provides reimbursement funds to the state. Reasonable and active efforts findings made by the court are directly tied to Title IV-E funding.

Transition Plan: ODHS is required to create a written transition plan for any child in foster care age 14+. This must be done starting at age 14 even though a child is not eligible for ILP services until age 16. The transition plan is a changeable document mapping out a teenager's path to safe, healthy, connected, adult independence.

Trial Reunification (also, Trial Home Visits): Means that a child remains under the care, legal custody and supervision of child welfare but has been returned to a parent. Trial reunification plans may not exceed 6 months in duration, unless there is a court ordered extension (referred to as judicial determination). The time a child is in a parental home is not included in the 15 of 22-month calculation. CRB does not review children on trial reunification with a parent; however, ongoing judicial review is still needed.

Unsubstantiated (also, Not Substantiated or Unfounded): An unfounded or unsubstantiated disposition means following the Child Protective Services (CPS) investigation, there is no credible evidence to confirm child abuse or neglect has occurred.

Visitation (also, Parenting Time): Parenting time is visitation between a parent and child to promote attachment and bonding. If supervision is warranted, oversight is provided by the caseworker, a relative who is caring for the child, or another responsible adult approved by the Department. Parenting time and family contact is considered a major feature of permanency planning. **Findings 3, 4 and 6*

Voluntary Placement: A signed agreement between the custodial parent(s) and Department to secure temporary placement of a child outside of the home. These are often utilized to secure

residential treatment for a child in cases in which there are no founded safety allegations against the parents(s). Judicial oversight and CRB reviews are still required.

Wardship: Children found to be within jurisdiction of the court are also called “wards of the court.” Wardship of the case is dismissed by the court.

WRAP Services (also, wraparound services): These are strength-based, and team-driven community-based services designed to support an individual or family. WRAP services are often utilized for children with elevated mental health and behavioral needs to prevent the need for a more restrictive placement.

Youth Decision Meeting: Youth decision meetings are planning meetings intended to support the youth’s transition to independence and to review goals and objectives listed in the comprehensive youth transition plan. These meetings are facilitated by the Department, but the youth plays a central role in the planning and identification of participants who should be invited.