Statewide CAPTA Citizen Review Panel Data Collection of
Reasonable/Active Efforts and Compliance Findings
Fiscal Year (FY) 2019-20

BACKGROUND

Federal law requires each state to have three CAPTA Citizen Review Panels tasked with selecting and researching a systemic issue within child welfare and making recommendations to improve related policies and practices. In Oregon, these Panels are coordinated by the Citizen Review Board (CRB), the state citizen foster care review program. Where Boards review individual cases of children in foster care, Panels focus on larger systemic issues in child welfare.

Each year, CRB selects three locations to host a Panel. For the 2019-20 Fiscal Year, Marion and Multnomah counties were selected as Panel sites and, for the first time, a third statewide Panel was formed.

The research into reasonable/active efforts and compliance findings began with the Multnomah County Panel. CRB had recently started publishing a series of statistical reports showing how many negative findings Boards were making about the services DHS is providing to children and families, and the reasons behind those negative findings (see attached CRB Findings Reports). Because CRB conducts few reviews in Multnomah County, the Panel hoped to get a more complete picture of the entire state by looking at the findings the Court is making.

The Panel looked at <u>all</u> dependency Complete Judicial Review and Permanency Orders and Judgments from the 3rd Quarter of 2019 in Multnomah County. They found that out of 1,128 orders and judgments, there was 1 negative reasonable efforts finding and 6 negative findings for compliance with the case plan. They also found 21 instances where the reasonable/active efforts finding was deferred to give DHS time to fix the problem.

The Multnomah County Panel referred this issue to the Statewide Panel to collect and analyze results on a statewide level.

METHODOLOGY

The Statewide Panel looked at <u>all</u> dependency Complete Judicial Review and Permanency Orders and Judgments with an event date in the 3rd Quarter of 2019. The following data was collected:

- Type of order/judgment recorded in Odyssey and event date
- Case name and number
- Permanency plan at the time of the hearing,
- The reasonable/active efforts finding to reunify/achieve the current case plan, and
- The finding for compliance with the case plan.

STATEWIDE RESULTS (including Multnomah County)

- 3,189 orders and judgments were reviewed*

*Orders and judgments were counted per child. For example, if two children were listed on an order, the order was counted two times.

- 1,884 (59%) had a permanency plan of Reunification,
- 653 (20%) had a plan of Adoption,
- 236 (7%) a plan of Guardianship,
- 221 (7%) a plan of APPLA,
- 151 (5%) a plan of Placement with a Fit and Willing Relative,
- For 30, the hearing was held but no plan was listed on the order/judgment (most of these also did not have findings for reasonable/active efforts or compliance with case plan)
- For 3, no plan was listed for reason of child not being in the legal custody of DHS
- For 11, no plan was listed because the hearing was continued or set-over

- There were 20 negative reasonable efforts findings (7 in Clackamas, 3 in Lane, 3 in Malheur, 3 in Marion, 1 in Douglas, 1 in Lincoln, 1 in Linn, and 1 in Multnomah).
  - Reasons for negative findings (some had multiple reasons):
    - 8 for not providing a service to a parent or child (e.g., visitation, drug and alcohol treatment, UAs, batterer's intervention, establishing/engaging father, CARES evaluation, and comprehensive transition planning)
    - 4 for not completing various steps in the adoption process in a timely manner
    - 4 for not communicating with a parent
    - 3 for the length of time the child had been in substitute care
    - 2 for late report to the Court
    - 1 for not following Court orders
    - 1 because a change of plan was needed and parties stipulated to the change
    - 3 for reason that DHS was relieved
    - 2 did not have a reason included in the order/judgment
  - There were 27 instances where the reasonable/active efforts finding was deferred or pended.
  - And 104 instances where the reasonable/active efforts finding wasn't made (excludes instances where finding was deferred/pended, wasn't applicable, or not made because the hearing was continued or set-over.

- There were 23 negative findings for compliance with the case plan (7 in Clackamas, 1 in Clatsop, 2 in Douglas, 3 in Lane, 4 in Marion, and 6 in Multnomah).
  - Reasons for negative findings (some had multiple reasons):
    - 11 for not providing a service to a parent or child (e.g., visitation, drug and alcohol treatment, UAs, batterer's intervention, establishing/engaging father, CARES evaluation, ILP, and comprehensive transition planning)
    - 7 for not completing various steps in the adoption process in a timely manner
    - 4 for not communicating with a parent
    - 3 for the length of time the child had been in substitute care
    - 2 for late report to the Court
    - 2 for youth not being in agreement with the plan
    - 1 for not following recommendations in an assessment

        - 1 for not complying with ICWA
        - 1 for not exploring placement with mother
        - 1 because plan needed to change
    - There were 10 instances where the compliance finding was deferred or pended.
    - 14 instances where the compliance finding wasn't clear (either because there was a single checked box in between the positive and negative or because both the positive and negative boxes were checked).
    - And 191 instances where the compliance finding wasn't made (excludes instances where the finding was deferred/pended, wasn't applicable, or not made because the hearing was continued or set-over.

Citizen Review Board
Findings Report (Statewide)

Time Period: 7/1/2019—9/30/2019

Reviews	
CRB reviews:	957
Children reviewed:	1297
Average duration (in minutes):	38

Attendees	
Average attendees:	6
% with all attorneys present:	57%
% with legal assistant present for at least one attorney:	30%

Negative Findings	*Count*	*%*
Finding 1	2	0%
Finding 2	9	1%
Finding 3a	138	11%
Finding 3b	5	4%
Finding 4	65	10%
Finding 5	26	4%
Finding 6 (mother)	439	68%
Finding 6 (father)	405	73%
Finding 7	18	3%
Finding 8	203	16%
Finding 9	206	16%
Finding 10	10	1%

Reasons for Negative Finding 4	*Count*	*%*
Service not offered	26	40%
Referral not timely	15	23%
Delay despite timely referral	6	9%
No current Action Agreement or Letter of Expectation	21	32%
No family decision meeting	15	23%
Other	19	29%

Reasons for Negative Finding 8	*Count*	*%*
Face-to-face contacts	88	43%
Other negative finding	110	54%
Not implemented previous CRB recommendations	31	15%
Not implementing court order	23	11%
Other	42	21%

Indian Child Welfare Act	
% of children ICWA applies:	4%
% of children ICWA is pending:	8%

	Partially	*Completely*
At the time of the CRB review, had DHS implemented the court orders?	13%	85%
Did DHS implement the recommendations from the last CRB review?	24%	74%

Reasons for Negative Finding 3a	*Count*	*%*
Placement(s)	21	15%
Number	4	3%
Appropriateness	19	14%
Safety	61	44%
Face-to-face contacts	43	31%
Child on the run	15	11%
Family contact	18	13%
with parent(s)	7	5%
because incarcerated	1	1%
with sibling(s)	11	8%
with extended family		
Assessment(s)	31	22%
Timeliness	16	12%
Not following recs in assessment	22	16%
Mental health/therapeutic support	63	46%
Timeliness of service (excluding assessments)	49	36%
Therapist transitions	5	4%
Psychotropic medications	1	1%
Education	10	7%
Physical health	33	24%
Medical	16	12%
Dental	15	11%
Vision	11	8%
Social/extracurricular activities	3	2%
Youth transition planning (14+)	18	13%
Cultural considerations	3	2%
Other	33	24%

Background

The Citizen Review Board (CRB) is a program within the Oregon Judicial Department that reviews the cases of children in foster care. The reviews are conducted by boards composed of volunteers from the community who are appointed by the Chief Justices of the Oregon Supreme Court. Currently, there are 63 boards in 33 of Oregon's 36 counties and about 300 volunteers serving on them statewide.

During CRB reviews, boards make a series of legal findings about the services the Department of Human Services (DHS) is providing to the child and family, the progress of the parents, and the appropriateness of the permanency plan. The Findings Report is a compilation of the reasons boards are making negative findings. The statistics are calculated per child reviewed, and the calculations for percentages exclude cases in which the finding doesn't apply.

To learn more about CRB, please visit our website at www.courts.oregon.gov/programs/crb .

Legal Findings

1. Has DHS made reasonable/active efforts to prevent or eliminate the need for removal of the child from the home?

2. Has DHS has made diligent efforts to place the child with a relative or person who has a caregiver relationship?

3a. Has DHS has ensured that appropriate services are in place to safeguard the child's safety, health, and well-being?

3b. Has DHS has taken appropriate steps to ensure that 1) the substitute care provider is following the reasonable and prudent parent standard, and 2) the child(ren) has/have regular, ongoing opportunities to engage in age appropriate or developmentally appropriate activities?

4. Has DHS made reasonable/active efforts to provide services to make it possible for the child to safely return home?

5. Has DHS made reasonable efforts in accordance with the case plan to place the child in a timely manner, and to complete the steps necessary to finalize the permanent placement, including an interstate placement if appropriate?

6. Have the parents made sufficient progress to make it possible for the child to safely return home (finding made separately for each parent)?

7. Has DHS has made sufficient efforts in developing the concurrent permanency plan?

8. Is DHS in compliance with the case plan and court orders?

9. Is the permanency plan the most appropriate plan for the child?

10. Is there a continuing need for placement?

Citizen Review Board

Time Period: 7/1/2019—9/30/2019

Supplemental County Findings Report: County breakdown of total negative findings for each of the ten CRB findings.

County	Children Reviewed	ICWA Eligible	ICWA Pending	Total Negative Findings											
				#1	#2	#3a	#3b	#4	#5	#6 (mother)	#6 (father)	#7	#8	#9	#10
Baker	8		2							5	3			3	
Benton	14					1		1		2	9	1	2	2	
Clackamas	71	2	2	1		6	1	5	3	18	15	1	11	12	
Clatsop	22		1			1				3	1		1		
Columbia	18				1	2				4	2		2	2	1
Coos	45	1				7	2		3	5	1		10	2	3
Crook	16									9	11			4	
Curry	6	2				1				1	1		1		
Deschutes	45		10						2	11	12		3	4	
Douglas	93	6	6		1	18		15	3	36	29		33	15	2
Harney/Grant	12	2	3							3	6			2	
Hood River	10									7	7			2	
Jackson	99		3	1	3	20		6	3	33	27	4	26	27	
Jefferson	22	3	6							16	16		4	7	
Josephine	27					6		2		5	12	2	10	12	
Klamath	44	9	1			2				13	18		2	6	
Lake	6		2							4	3			3	
Lane	255	13				25	1	7	4	87	69	1	31	22	2
Lincoln	31	1				3		4		5	3		3	3	
Linn	43					2	1	5	2	14	13	1	6	10	1
Malheur	38		6		1	2				26	25		1	4	
Marion	123	6	4			6			2	43	37		10	15	1
Multnomah	20		13			4		3	1	10	6		4	5	
Polk	25					2				9	8		1	6	
Tillamook	10	1								1	3			2	
Umatilla/Morrow	54	1	11			1		1		31	32		6	15	
Union/Wallowa	2									1	1		1	1	
Wasco	12		2							4	5			3	
Washington	98	4	27		3	29		16	3	28	24	8	33	15	
Yamhill	28		5							5	6		2	2	
TOTAL	1297	51	104	2	9	138	5	65	26	439	405	18	203	206	10

This report is supplemental to the CRB Findings Report. It provides a county breakdown of total negative findings for each of the 10 CRB findings. Counts are per child reviewed (not per review).

The 10 CRB Findings

1. Has DHS made reasonable/active efforts to prevent or eliminate the need for removal of the child from the home?

2. Has DHS has made diligent efforts to place the child with a relative or person who has a caregiver relationship?

3a. Has DHS has ensured that appropriate services are in place to safeguard the child's safety, health, and well-being?

3b. Has DHS has taken appropriate steps to ensure that 1) the substitute care provider is following the reasonable and prudent parent standard, and 2) the child(ren) has/have regular, ongoing opportunities to engage in age appropriate or developmentally appropriate activities?

4. Has DHS made reasonable/active efforts to provide services to make it possible for the child to safely return home?

5. Has DHS made reasonable efforts in accordance with the case plan to place the child in a timely manner, and to complete the steps necessary to finalize the permanent placement, including an interstate placement if appropriate?

6. Have the parents made sufficient progress to make it possible for the child to safely return home (finding made separately for each parent)?

7. Has DHS has made sufficient efforts in developing the concurrent permanency plan?

8. Is DHS in compliance with the case plan and court orders?

9. Is the permanency plan the most appropriate plan for the child?

10. Is there a continuing need for placement?

Citizen Review Board

Time Period: 7/1/2019—9/30/2019

Supplemental Finding 3a Report: County breakdown of reasons CRBs found DHS had not ensured appropriate services were in place to safeguard children's safety, health, and well-being.

County	Negative Findings	Reason Code																										
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA
Baker																												
Benton	1	1											1	1		1	1			1								1
Clackamas	6	1		1	4	3	1	1	1				1		1	2	2				2		2			1		2
Clatsop	1	1	1	1												1												
Columbia	2	2	1	2												1	1											
Coos	7	1		1	7	6	2									2	1			1								1
Crook																												
Curry	1				1	1																						
Deschutes																												
Douglas	18				7	7		1	1				4	1	3	8	5				3	2	1	1		2		
Harney/Grant																												
Hood River																												
Jackson	20	5		5	7	1	3	7			7		4		4	11	4	4			1	1		1	3	3		6
Jefferson																												
Josephine	6	1		1	2	1							2		2													2
Klamath	2															2	2											
Lake																												
Lane	25	4	1	4	4	4	1						10	5	9	15	15			3	14	9	4	4		6		5
Lincoln	3				3	3	1									1				1	1							1
Linn	2	1		1	2		2														1							
Malheur	2				2		2																					
Marion	6				5	4	1									3	3				3		3					1
Multnomah	4				4	3		1	1							1		1	1		1	1	1	1			3	1
Polk	2	1		1	2		1																					
Tillamook																												
Umatilla/Morrow	1	1	1	1																								
Union/Wallowa																												
Wasco																												
Washington	29	2		1	11	10	1	8	4	1	4		9	9	3	15	15			4	7	3	4	4		6		13
Yamhill																												
TOTAL	138	21	4	19	61	43	15	18	7	1	11		31	16	22	63	49	5	1	10	33	16	15	11	3	18	3	33

Code	*Reason*
A	Placement(s)
B	Number
C	Appropriateness
D	Safety
E	Face-to-face contacts
F	Child on the run
G	Family contact
H	with parent(s)
I	because incarcerated
J	with sibling(s)
K	with extended family
L	Assessment(s)
M	Timeliness
N	Not following recs in assessment
O	Mental health/therapeutic support
P	Timeliness of service (excluding assessments)
Q	Therapist transitions
R	Psychotropic medications
S	Education
T	Physical health
U	Medical
V	Dental
W	Vision
X	Social/extracurricular activities
Y	Youth transition planning (14+)
Z	Cultural considerations
AA	Other

This report is supplemental to the CRB Findings Report. It provides a county breakdown of the reasons boards across the state made negative findings for CRB Findings 3a, which asks “Has DHS ensured that appropriate services are in place to safeguard the child’s safety, health, and well-being.” A negative finding can be based on multiple reasons, and counts are per child reviewed (not per review).

Citizen Review Board

Time Period: 7/1/2019—9/30/2019

Supplemental Finding 4 Report: County breakdown of reasons CRBs found DHS had not made reasonable efforts to provide services to make it possible for the children to return home.

County	Negative Findings	Reason					
		Service not offered	Referral not timely	Delay in service despite timely referral	No current Action Agreement or Letter of Expectation	No family decision meeting	Other
Baker							
Benton	1	1		1			
Clackamas	5	3	1	1			1
Clatsop							
Columbia							
Coos							
Crook							
Curry							
Deschutes							
Douglas	15	4			4	6	3
Harney/Grant							
Hood River							
Jackson	6	2		1	5	2	2
Jefferson							
Josephine	2				1	1	1
Klamath							
Lake							
Lane	7	4	3	2	3		1
Lincoln	4						
Linn	5	1			4		4
Malheur							
Marion							
Multnomah	3	3	3		3	3	
Polk							
Tillamook							
Umatilla/Morrow	1					1	
Union/Wallowa							
Wasco							
Washington	16	8	8	1	1	2	7
Yamhill							
TOTAL	65	26	15	6	21	15	19

This report is supplemental to the CRB Findings Report. It provides a county breakdown of the reasons boards across the state made negative findings for CRB Finding 4, which asks “Has DHS made reasonable/active efforts to provide services to make it possible for the child to safely return home?.” A negative finding can be based on multiple reasons, and counts are per child reviewed (not per review).

Citizen Review Board

Time Period: 7/1/2019—9/30/2019

Supplemental Finding 8 Report: County breakdown of reasons CRBs found DHS is not in compliance with the case plan and court orders.

County	Negative Findings	Reason				
		Face-to-face contacts	Other negative finding	Not implementing previous CRB recommendations	Not implementing court order	Other
Baker						
Benton	2		2			
Clackamas	11	3	7	2	4	3
Clatsop	1		1			
Columbia	2		2			
Coos	10	6	6	1		1
Crook	1	1				
Curry						
Deschutes	3	3		1		1
Douglas	33	6	25	9	1	4
Harney/Grant						
Hood River						
Jackson	26	2	18	5	7	7
Jefferson	4			4		4
Josephine	10	4	5	4		5
Klamath	2					2
Lake						
Lane	31	17	27	1	1	3
Lincoln	3	3		1		2
Linn	6		6		1	
Malheur	1	1				
Marion	10	7	3		1	2
Multnomah	4	4			3	
Polk	1		1			
Tillamook						
Umatilla/Morrow	6	5	1	1		
Union/Wallowa	1	1				
Wasco						
Washington	33	25	6	2	5	6
Yamhill	2					2
TOTAL	203	88	110	31	23	42

This report is supplemental to the CRB Findings Report. It provides a county breakdown of the reasons boards across the state made negative findings for CRB Finding 8, which asks “Is DHS in compliance with the case plan and court orders?.” A negative finding can be based on multiple reasons, and counts are per child reviewed (not per review).