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[PROD] Divorce, Children, and Separation (Response)

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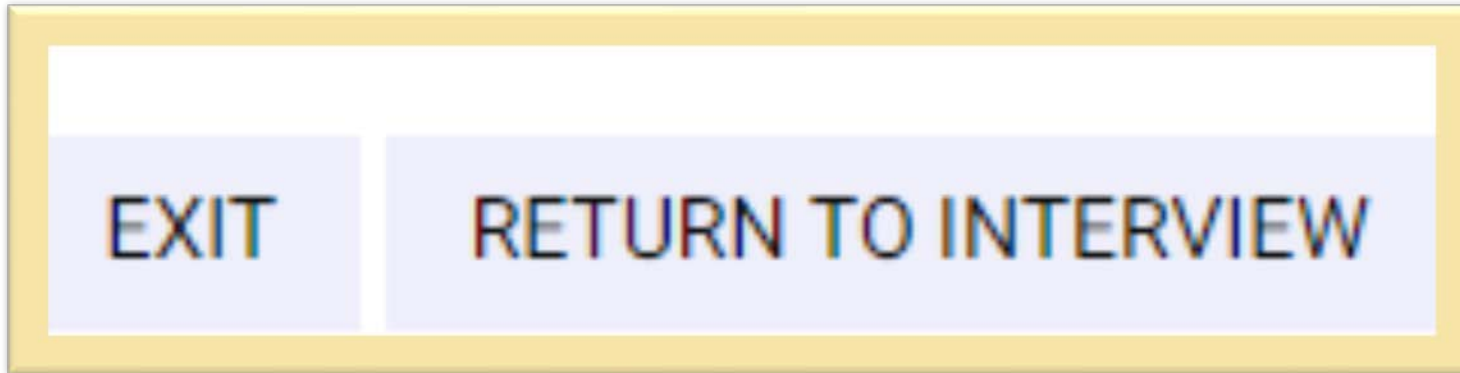


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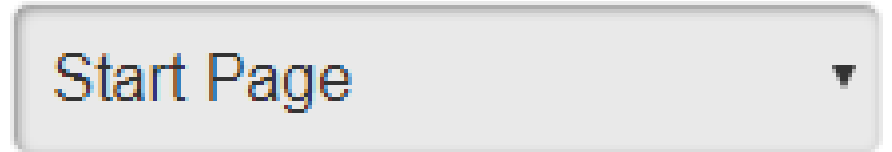
When completed, the interview will generate the form for you to view and download as a pdf

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PERMANENCY JUDGMENT-Reunification	Select... 	

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Questions

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Notice about Expunction (Dependency) **Cases Related to Child's Act or Behavior (ORS 419A.260)**

You may have the right to request expunction of records relating to your contact with law enforcement (police), the juvenile department, the juvenile court, and other related agencies, if that contact was related to your behavior.

Note: The information below is only a partial summary of Oregon law on expunction. For a more detailed and complete statement of the law, please read ORS 419A.260 to ORS 419A.265 or talk to an attorney.

What is expunction?

Expunction is a process allowed under Oregon law (ORS 419A.262) that allows a judge to order the destruction or sealing of certain court, agency and law enforcement records about a child or youth.

Which records can be expunged?

Records that have information about **a child's behavior** that resulted in contact with law enforcement, the juvenile court, the juvenile department, the Psychiatric Security Review Board, the Department of Human Services and the Oregon Health Authority, may be expunged, with some exceptions. For example, appellate court records can't be expunged. There are other types of records outlined in ORS 419A.260(1)(d) that can't be expunged, including records of certain serious offenses.

Records that contain information about a case or investigation that was **based on the parent's behavior** (neglect or abuse) **can not be expunged.**

Who can request expunction?

The child who the records are about may request that the records be expunged. The juvenile department may also request the records be expunged. The court may also order expunction after providing notice to the child, in some circumstances.

How do I ask the judge to expunge my records?

Check with the juvenile court in the county where you resided when your case was closed. Most courts have a specific form that you will need to fill out and may require that it be notarized. Follow any instructions provided by the court.

What happens when records are expunged?

When the court orders records be expunged, the juvenile court sends a copy of the judgment to each agency subject to the judgment. To comply, records of the child's contact with those agencies must be removed and destroyed or sealed, with some exceptions. The juvenile court assembles a list of complying agencies and sends it, along with a copy of the expunction judgment, to the person whose records have been expunged.

When a record has been expunged, it's treated like it no longer exists. The person who was the subject of the record may say that the record never existed and the contact never occurred without committing perjury or false swearing under Oregon law.

When can I request that my records be expunged?

The court has authority to expunge a record when:

- ✓ The person is at least 18 years old and was never found within the jurisdiction of the court; or
- ✓ The court finds expunction is in the best interests of the person and the public; or
- ✓ At least five years have passed since the case was dismissed and (1) there are no pending juvenile or criminal proceedings against the person; (2) the juvenile department is aware of no pending law enforcement investigation into the conduct of the person; and (3) since the juvenile case was dismissed, the person has not been convicted of a person or Class A misdemeanor.

Can an attorney help me with the request for expungement?

You may hire your own attorney. If a hearing is held and you can't afford an attorney, you may request that the court appoint an attorney to represent you. Contact the court for instructions on how to apply for a court appointed attorney. If the court does not want to grant your request for expunction, or the district attorney objects to the request, a hearing will be held. Most cases do not involve a hearing.

The Oregon State Bar offers programs to help find a lawyer, including lawyers who are willing to work for a reduced rate. Please visit <https://www.osbar.org/public/ris/> or call 503-684-3763 or toll-free in Oregon at 800-452-7636 for more information.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY**

In the Matter of: _____) Case Number: _____
 _____)
 _____)

A Child. _____) **PERMANENCY JUDGMENT**
 _____) **(Voluntary Placement or Custody**
 _____) **Agreement)**

► This matter came before the Court on _____, 20_____.

Persons appearing:

Legal Father (<i>name</i>):	Attorney:
Putative Father (<i>name</i>):	Attorney:
Mother:	Attorney:
Child:	Attorney:
Tribes:	Tribal Atty/Rep:
CASA:	Deputy D.A:
Guardian:	Assist. Atty Gen'l:
DHS Caseworker:	Other:
Guardian Ad Litem:	Other:

Type of Permanency Hearing:

- Annual Review:** 14 months after original voluntary placement or custody agreement or subsequent annual review. ORS 418.312; OAR 413-040-0130.
 At the request of: _____ **By order of the court.** ORS 419B.470(5)

INDIAN CHILD WELFARE ACT (ICWA):

- ICWA **does not** apply.
 ICWA **does** apply, because the child is an "Indian child" under the ICWA (25 USC §§ 1901-63), who is a member of, or is eligible for membership in, the following Indian tribe(s): _____.

Standard of Proof / Evidence Considered:

The Findings made below are based on a preponderance of the evidence clear and convincing evidence, because the child is an "Indian child" under the ICWA (25 USC §§ 1901-63).

The court considered the following evidence in making the Findings and Orders in this Judgment:

- Stipulations by the parties.
 The exhibits admitted by the court.
 The testimony of the witness(es) at the hearing.
 The following facts and/or law, of which the court has taken judicial notice: _____

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

1. NOTICE AND PARTICIPATION

► **Foster Parent(s)/Care Provider(s)**

- The child is in substitute care, and DHS **did** **did not** give the foster parent(s)/current care provider(s) notice of the hearing.
- The foster parent(s)/current care provider(s) **did not attend** the hearing.
- The foster parent(s)/current care provider(s) **attended** the hearing and had an opportunity to be heard.

► **Grandparent(s)**

- DHS **made** **did not** make diligent efforts to identify, obtain contact information for, and notify all grandparents of the hearing.
- No grandparents attended the hearing, *or*

The following grandparents attending the hearing and had an opportunity to be heard:

Maternal: grandmother grandfather

Paternal: grandmother grandfather

- The grandparents who attended the hearing were informed of the date of a future hearing.
- DHS **did not** give the grandparents notice of the hearing because: _____.
- For good cause shown, the court relieves DHS of the responsibility to provide notice of this hearing.

2. DILIGENT EFFORTS – CHILD IN SUBSTITUTE CARE:

► **Relative Placement**

- The child is in substitute care, and DHS **has made** **has not made** diligent efforts to place the child with a relative/person who has a caregiver relationship with the child, as required by ORS 419B.192.
- DHS has decided to place the child with a relative/person who has a caregiver relationship with the child, but that placement is not in the child’s best interest, because: _____

► **Sibling Placement**

- The child is in substitute care and has one or more siblings in substitute care.
- DHS **has made** **has not made** diligent efforts to place the child with siblings, as required by ORS 419B.192. Placement together is not in the best interest of the child or sibling.

3. PLACEMENT

► **Placement:**

The child’s current placement is: in home with parent or guardian (or) **substitute care:** relative current caretaker non-relative/non-current caretaker permanent foster care residential adoptive resource Other: _____

- placement **is** **is not** an interstate placement
- placement **is** **is not** the least restrictive, most family-like setting that meets the health and safety needs of the child and is in reasonable proximity to the child’s home.
- The placement **is** in the best interests of the child.
- The placement **is not in the best interests of the child.** DHS is ordered to place the child in:
 - home with parent or substitute care with: relative current caretaker non-relative/non-current caretaker residential other: _____
- ICWA applies. The court finds that the selected placement does comply does not comply with the placement preference(s) established by 25 USC §1915. Additional findings/orders: _____

4. NUMBER OF PLACEMENTS, VISITS, SCHOOL CHANGES AND DHS CONTACTS

Since the child has been in the guardianship or legal custody of DHS the child has had:

Item	Number	Is the number in the child's best interest?
Face to face contacts with caseworker		<input type="checkbox"/> yes <input type="checkbox"/> no
Out of home placements		<input type="checkbox"/> yes <input type="checkbox"/> no
Visits with Mother		<input type="checkbox"/> yes <input type="checkbox"/> no
Visits with Father		<input type="checkbox"/> yes <input type="checkbox"/> no
Visits with sibling(s)		<input type="checkbox"/> yes <input type="checkbox"/> no
Schools attended		<input type="checkbox"/> yes <input type="checkbox"/> no

► **School of origin.**

- The court finds **it is** in the child's best interest to attend the child's school of origin.
- The court finds **it is not** in the child's best interest to attend the child's school of origin or any other school in the child's district of origin.

► **Additional findings:** _____

5. EDUCATION (CHILD 14 OR OLDER)

The child **is** **is not** progressing adequately toward graduation from high school, needs _____ more credits to graduate, and is expected to graduate _____, 20_____.

DHS **has made** the following efforts to assist the child to graduate: _____

DHS **is ordered to make** the following additional efforts: _____

6. TRANSITION PLAN

Plan review not required

Plan review required: The child is 14 years or older.

- The comprehensive plan **is adequate** **is not adequate** to ensure the child's transition to a successful adulthood.
- DHS **has** **has not** offered appropriate services pursuant to the comprehensive plan and **has** **has not** involved the child in the development of the comprehensive plan.

DHS is ordered to modify the comprehensive plan and/or the development of the plan, as follows: _____

7. PERMANENT PLAN - REUNIFICATION (ORS 419B.476(2)(a) AND (5)):

Reunification of the family is the permanent plan (case plan) in effect at the time of this hearing.

► **DHS reunification effort**

DHS **has** **has not** made **reasonable** **active** efforts to reunify the family. The court considered whether placement of the child and referral to the Strengthening, Preserving and Reunifying Families Program is in the child's best interest as required by ORS 418.595. DHS efforts include the following: _____

Description of reasonable/active efforts is attached as Exhibit ____, and is adopted as the Court's written findings.

DHS **has** **has not** made reasonable efforts to finalize the permanent plan of reunification.

► **The reunification efforts of DHS (i.e., services provided either directly or through DHS referrals or financial support) include the following:**

Child	Mental Health/Behavior Support	Parenting and Home			Child Treatment & Care		
		Mother	Father		Mother	Father	
<input type="checkbox"/>	Residential Services	<input type="checkbox"/>	<input type="checkbox"/>	Specialized parent training	<input type="checkbox"/>	<input type="checkbox"/>	Counseling or treatment & assessment
<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>	Parent training	<input type="checkbox"/>	<input type="checkbox"/>	Development of safety plan
	Family Reintegration				<input type="checkbox"/>	<input type="checkbox"/>	Individual counseling
<input type="checkbox"/>	Family time				<input type="checkbox"/>	<input type="checkbox"/>	Intensive Family Services
<input type="checkbox"/>	Family counseling				<input type="checkbox"/>	<input type="checkbox"/>	Other:
					<input type="checkbox"/>	<input type="checkbox"/>	

► **Case Plan Compliance/Progress:**

<u>DHS</u>	<input type="checkbox"/> DHS is in compliance with the current case plan. <input type="checkbox"/> DHS is not in compliance with the current case plan, and, to correct the non-compliance, DHS is ordered to: _____ <input type="checkbox"/> DHS is ordered to develop/modify the case plan, as follows within ____ days of this permanency hearing and to provide a case progress report to the court and the parties: _____
<u>Mother:</u>	<input type="checkbox"/> Mother is involved in the case and <input type="checkbox"/> has <input type="checkbox"/> has not made sufficient progress toward meeting the expectations set forth in the family support services plan and the child <input type="checkbox"/> can be <input type="checkbox"/> cannot be <input type="checkbox"/> has been safely returned to mother's care. Additional findings: _____ <input type="checkbox"/> Mother is not involved in the case, because mother's parental rights were terminated/relinquished or mother is deceased, or <input type="checkbox"/> other: _____
<u>Father:</u>	<input type="checkbox"/> Father is involved in the case and <input type="checkbox"/> has <input type="checkbox"/> has not made sufficient progress toward meeting the expectations set forth in the family support services plan, and the child <input type="checkbox"/> can be <input type="checkbox"/> cannot be <input type="checkbox"/> has been safely returned to father's care. Additional findings: _____ <input type="checkbox"/> Father is not involved in the case, because father's parental rights were terminated/relinquished, father is deceased, or <input type="checkbox"/> other: _____

CONCURRENT PLANNING:

There **is** a concurrent plan: Adoption Permanent guardianship under ORS 419B.365
 Guardianship under ORS 419B.366 Placement with a fit and willing relative A planned permanent living arrangement (APPLA), which is permanent foster care permanent connections and support (residential treatment, independent living, substitute caregiver).

DHS has made the following efforts to develop the concurrent plan, which **include** **do not include** efforts to identify appropriate permanent placement options both inside and outside this state:

Those efforts **are** **are not** sufficient. DHS is ordered to make the following additional efforts to develop the concurrent plan and report those efforts to the court:

_____.

Note: a concurrent plan will not be implemented unless a dependency petition is filed and other legal requirements have been satisfied.

There **is not** a concurrent plan because: _____

8. COURT’S DETERMINATION OF THE PERMANENCY PLAN. ORS 419B.476(5)(a)-(g)

The court orders the plan be continued as follows:

REUNIFICATION, under ORS 419B.476 (4)(c) and (5)(c), because further efforts will make it possible for the child to be safely returned to **mother’s** **father’s** care within a reasonable time.

THEREFORE, between _____, 20__ and _____, 20____. the parents are ordered to participate in the following services and make the progress specified below:

Mother	Services:
	Progress:
Father	Services:
	Progress:

9. SUBSTITUTE CARE

The child is in substitute care, which is not a permanent placement, and continued substitute care is necessary and is in the child’s best interest for the following reasons: _____

_____.

Parent(s) and DHS indicate they agree to continue the voluntary placement/custody agreement.

It is is not in the child’s best interest to continue under the voluntary placement custody agreement.

Termination of the child’s voluntary placement custody agreement is expected to occur by, or before, _____, 20__

Under ORS 419A.255(4)(a)(C), the Court consents to the use and disclosure of records, reports, materials or documents in the record of the case or the supplemental confidential file by DHS if such use and disclosure is reasonably necessary to perform its official duties related to the involvement of the child with the juvenile court.

10. ADDITIONAL FINDINGS AND ORDERS:

- The court incorporates and adopts by this reference the oral findings made by the court at the conclusion of the permanency hearing.
- The court **has** **has not** consulted with the child, in an age appropriate manner, regarding the permanency and transition plans proposed for child, as required by 42 U.S.C. § 675.

The court makes the following additional findings and orders: _____

All parties present were notified of these court dates and are ordered to appear.

APPEARANCE TYPE:	DATE:	TIME:
▶ Review hearing		
▶ Permanency hearing		
▶ Because the child is placed in substitute care pursuant to an agreement with DHS, the CRB will conduct a review of this case in:	<input type="checkbox"/> six months <input type="checkbox"/> three months	
▶ Other:		
▶ <input type="checkbox"/> No further review necessary.		

DATED: _____.

CIRCUIT JUDGE

Print, Type or Stamp Name of Judge