

December 10, 2020

New Requirements for petitions and Judgments in Dependency Cases

OVERVIEW

Presenter: Megan Hassen Juvenile and Family Court Programs Interim Director

BACKGROUND

Post-Jurisdiction Petitions Service and related Requirements Jurisdictional and Dispositional Judgments



POST JURISDICTION PETITION: WHERE FILED?

Post jurisdiction petitions must be filed under the ward's existing dependency case number, unless otherwise permitted under ORS 419B.118

If there is more than one existing case number for the current wardship episode, the petition must be filed under the first case number for the child during that wardship episode. POST JURISDICTION PETITIONS: NEW CONTENT REQUIREMENTS

- UTCR 11.130(3): Post jurisdiction petitions must contain:
 - A sequential number of the petition in the case caption
 - The date of the initial judgment establishing jurisdiction
 - The existing bases of jurisdiction and the date each basis was established and whether each allegation was admitted or proved
 - Pending allegations from previous petition and petition title
 - Consecutively numbered allegations

SERVICE AND RELATED REQUIREMENTS

Service Notice Appointment of attorneys

SERVICE

A copy of any new petition filed during an existing wardship must be served with a summons in accordance with ORS 419B.815. UTCR 11.130(4)

SERVICE

- Requirements under ORS 419B.815:
 - Service of summons and a true copy of the petition (ORS 419B.823)
 - Personal service
 - Substitute service
 - Office service
 - Service by mail
 - Alternative service as ordered under ORS 419B.824(5)

SUMMONS AND COURT NOTICE

- Summons that requires:
 - Personal appearance for a hearing on the petition;
 - Personal appearance to admit/deny, or
 - Person to file written answer within 30 days (default method if not specified)
- If the parent appears as required and contests the petition, provide ORS 419B.816 notice.
 - Notice can be provided in person, mailed, or by oral order on the record
 - Link to JCIP Form: Order to Appear (Jurisdiction) - Printable

HEARING

- A hearing must be held:
 - within 60 days of when the petition was filed. ORS 419B.305
 - "at a reasonable time after service" or final publication of the summons if service is by publication. ORS 419B.812(9)



NO NEW ATTORNEY APPOINTMENT

- No new appointment of the attorneys is necessary. The appointments made when the initial petition was filed remain effective.

JUDGMENTS OF JURISDICTION AND DISPOSITION

New Content Requirements

NEW REQUIREMENTS

- UTCR 11.140(1): All judgments of jurisdiction must state how each allegation is resolved:
 - Admitted
 - Proved
 - Dismissed
 - Pended

JUDGMENTS ENTERED AFTER CHILD IS A WARD

- UTCR 11.140(2): The judgment must include:
 - In the document title, in parentheses, the title of the petition or petitions it is resolving; e.g., Judgment of Jurisdiction and Disposition(SECOND PETITION);
 - The bases of jurisdiction previously established during the existing wardship that have not been dismissed;
 - The date each basis of jurisdiction was established in judgment of jurisdiction; and
 - The date of the first judgment establishing jurisdiction over the child during the current wardship episode.

SEPARATELY ENTERED JUDGMENTS OF DISPOSITION

A separately entered judgment of disposition must also include the title of the petition it is based on in the parenthesis of the document title.



POST JURISDICTION PETITIONS: FILE AND SERVE

Presenter: Amy Emig, ETSD Lead Business Process Analyst

PETITIONS SUBMITTED IN FILE & SERVE

- All subsequent petitions while the child is a ward of the court must be submitted in the existing dependency case.
- If multiple active dependency cases exist, the petition should be submitted in the child's first dependency case.
- The filing code of Petition Dependency (PTDP) should be used.
 - This code triggers Odyssey functionality to track the dependency petitions.
- Delinquency petitions are still filed in a separate Juvenile Delinquency case record, not in the Dependency case.

REVIEWING FILINGS

Rejection Reasons

Use of the incorrect filing codeFiling into the incorrect <u>case</u>

Contact the Filer (AAG)

- Allegation numbered incorrectly
- Allegations not numbered
- Allegations not numbered consecutively with other current petitions
- Petition numbering not correct

Accept the Filing

- Summons or proof of service not submitted
 - •These can be submitted at a later date and are not requirements for the petition.



PTDP DATA ENTRY & DOCUMENT INDEX#'S

Presenter: Teresa Baxter, ETSD Business Process Analyst

WHAT'S NEW WITH THE PETITION-DEPENDENCY EVENT?



Starting January 1, 2021, PTDP events will include a numbering system displayed on the event in the order it was entered onto the case. This numbering system is referred to as the document index number.

- Document Index# only applies to the PTDP event.
- Sequential order is not disrupted by:
 - Cases with multiple PTDP events added both conventionally and electronically.
 - Other petition codes which may be added to the case.

DISPLAY LOCATIONS: EVENTS TAB

The Importance:

Displays the corresponding petition number requirement within the document title.

20JU02632 - OJDODYTEST <u>F</u> ile View <u>T</u> ools <u>H</u> elp					
Case Manager Home	20JU02632 Summary Detail 1n the Matter of: Po Type Juvenile Dependent	oh Bear, a Child	ESigs Eon auses Appeals Notes	ns Notifications	- Now
myOdyssey	Events				Previous Next 🖓
Searches 🖌 🗸	Date 10/06/2020	Type and Comment Petition - Dependency			•
Find a Case Find a Party	10/00/2020	Party: Juvenile Bear, Pooh		1	
Find a Judgment Find a Hearing Find a Group	10/07/2020	Petition - Dependency Party: Juvenile Bounce, Tigger		2	0
Find a Citation Add a Case	10/07/2020	Petition - Dependency Party: Juvenile Pessimistic, Eeyore		3	ø
Add a Case Classic Add a Citation	10/07/2020	Petition - Dependency Party: Juvenile Timid, Piglet		4	0
Court Administration					

DISPLAY LOCATIONS: EVENTS TAB FILTERING

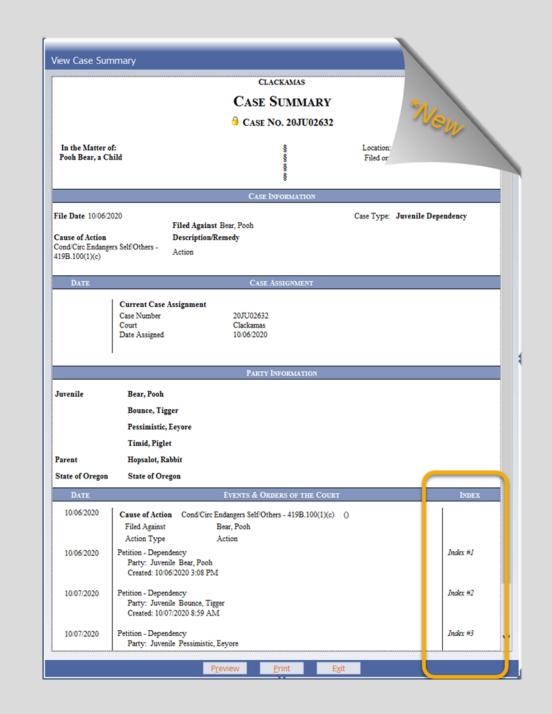
The Importance:

Filtering options provide a clear look for maintaining document index numbers with corresponding petitions.

		203U02632	a colores					ESigs	Eorms	Sav	e Egit
se Manager Home	y	Summary Detail In the Matter of: Po Type Juvenie Dependen		ts <u>Service</u>	Hearings (onditions Disposition	Time St	ds Financial Warrants	Bonds	Documents A	opeals 1
yOdyssey		Events							_	Previous	Lien 💎
arches	~	Event Group			From	To	12	View Chronological	T		
nd a Case		Event Type			Party		3	Sort Date Order	¥		
nd a Party nd a Judgment			1		Party 2		1	Background Color			
nd a Hearing		Declistable All Europe	(w)	1	Judicial Officer			Show Deleted Events			
nd a Group nd a Citation		Show Only Events W			9	•	-	show zo matches Per Page			
d a Case		Only Events w			Event Status						
d a Case Classic			venus.					Find Get All	Clear	Saya Filters	Reset Filte
d a Citation		Date	Type and Comme	nt							
	1.0	10/06/2020	Petition - D	Depender				City	1	Ø	
	3	10/00/2020		uvenile I	Bear, Pooh						
es & Finances	2		Party: J		Bear, Pooh				2	Ø	
es & Finances nds	~ ~ ~ ~	10/07/2020	Party: J Petition - D	Depender	псу	er			2	Ø	
es & Finances nds arrants	> > >	10/07/2020	Party: J Petition - [Party:]	Depender uvenile f	ncy Bounce, Tigg	er				Ø	
es & Finances nds arrants rms & Documents	> > >		Party: J Petition - D Party: J Petition - D	Depender uvenile I Depender	ncy Bounce, Tigg ncy				2 3		
es & Finances nds arrants rms & Documents t Manager	> > > > >	10/07/2020 10/07/2020	Party: J Petition - [Party: J Petition - [Party: J	Depender uvenile I Depender uvenile I	ncy Bounce, Tigg ncy Pessimistic, E						
ourt Administration les & Finances onds arrants rms & Documents t Manager orkflow Queues	> > > > > > >	10/07/2020	Party: J Petition - D Party: J Petition - D Party: J Petition - D	Depender uvenile I Depender uvenile I Depender	ncy Bounce, Tigg ncy Pessimistic, E				3	Ø	

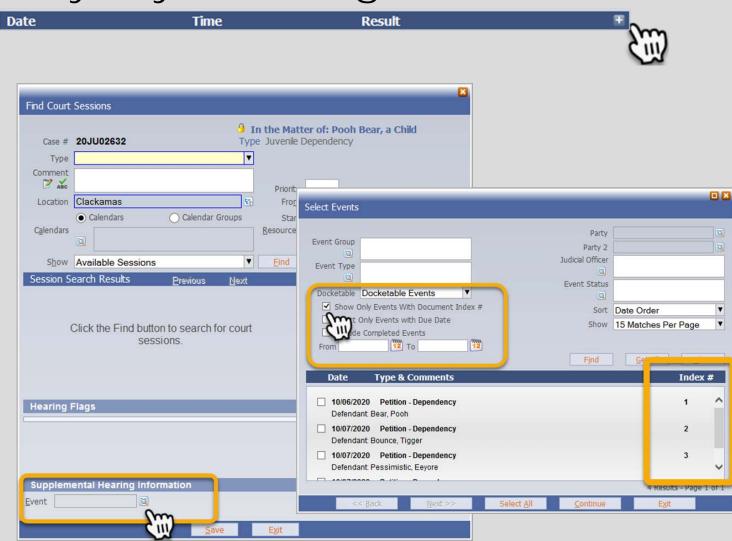
DISPLAY LOCATIONS: SUMMARY TAB CASE SUMMARY

The Importance: Shown on the Case Summary print out for the record of appeal.



DISPLAY LOCATIONS: HEARINGS TAB -SELECT EVENTS FILTERS

Odyssey – Hearings Tab



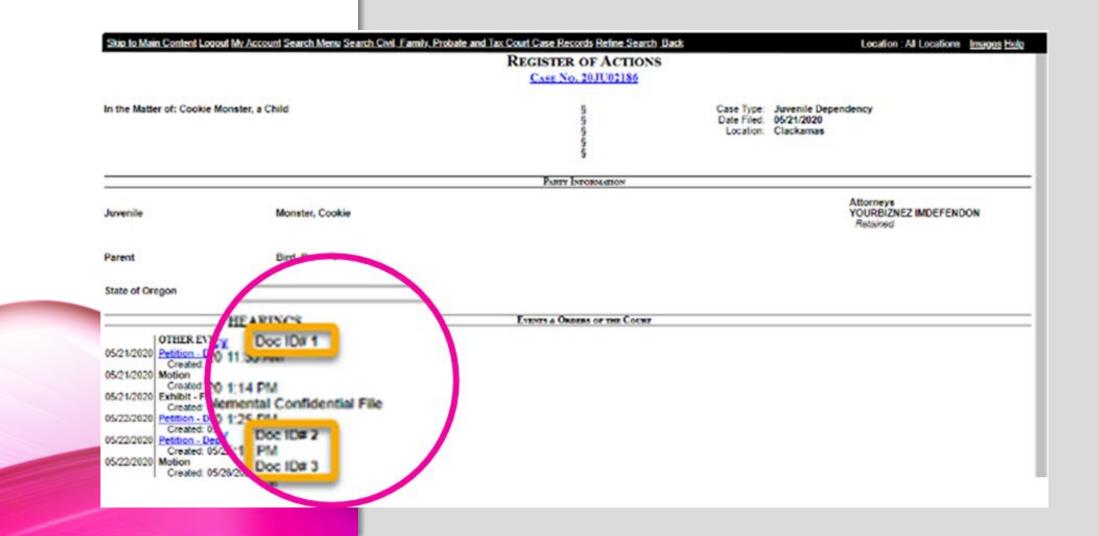
DISPLAY LOCATIONS: DOCUMENTS

Judge Edition

Hearing - Permanency 20JU05824 In the Matter of: Pooh Bear, a Child Attorneys: None			11/16/2020 11/16/2020	Petition - Dependency Petition - Dependency Hearing - Permanency (8:00 AM) (Judicial Officer: Weber, Ka Location: Courtroom 2) first hearing FINANCIAL INFORMATION	Index #1
20JU05824	•	Add Case Note	_	OTHER DOCUMENTS	
Filter Documents	Sorted by Ever	nt Date Descending 1 			
Hearing Documents 20JU05824 - Register of Activ 20JU05824	ons				
11/16/2020 Petition - Dependency Index # 1					

DISPLAY LOCATIONS:

Attorney Access – OECI a.k.a. Doc ID#



PETITION – DEPENDENCY LIVE DEMONSTRATION

• New Cases on or after January 1, 2021



PETITION – DEPENDENCY LIVE DEMONSTRATION

- Modifying the PTDP event code.
 - Updated and additional business processes will be found within the OJD Online Help System under Juvenile > <u>Dependency</u>.
- Pre Existing more than one related case.







<u>This Photo</u> by Unknown Author is licensed under <u>CC BY</u>

JUDGMENTS OF JURISDICTION AND DISPOSITION: PREPARATION AND DATA ENTRY

Presenters:

Holly Rudolph, OJD Forms Manager, OGC

Megan Hassen, JFCPD Interim Director

Yousef Allouzi, Data Analyst, JCIP

JCIP MODEL FORM

• Draft version:

- Allegations in "Admissions to Petition" form dated ______ are hereby incorporated into this judgment.
- ▶ The following allegations were proved, admitted, dismissed and pended on the dates set out below.

Allegations for:									
#	Date	Prove	d/Admitted	A	mended	Text (or summary if full text in admissions form)			
		P	A		Y				
		P	A		Y				
		P	A		Y				
		P	A		Y				
		P	A		Y				
		P	A		Y				
ŧ	Date	Dism	issed/Pended	Te	ext optio	nal			
		D	P						
		D	P						
		D	P						

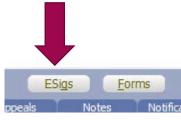
USING ODYSSEY FORMS

Manual - Type to enter text

Prefilled eSig – Check eSig use table and user rights

Copy-paste – Any copy-able text can be pasted into an Odyssey form and formatted

Quickparts – Set up on individual computers



E-SIG FORMS

• Same form, different button

	<u>Conf</u>	figuration of form				
<u>Creator</u>	<u>Clerk – Judge</u>	Judge-Clerk				
<u>No Sig</u>	 Creator gets a blank sig window Clerk can edit and sign Judge can sign but not edit 	 Creator gets a blank sig window Clerk can't edit or sign Judge can edit and sign Returns to Clerk for processing 				
<u>Clerk</u>	 Clerk can create and edit, sign Judge can sign 	 Clerk can create and edit with blank signature window Judge can edit and sign Returns to clerk for processing 				
<u>Judge</u>	 Judge can create and edit but not sign Clerk can edit and sign Judge can sign but not edit 	 Judge can create, edit and sign Clerk can sign but not edit 				

(Signing includes "acknowledge without signature." Most forms are built for judge signature and clerk initials with the expectation that the clerk will acknowledge)



ADMISSIONS TO PETITION

Presenter: Jennifer Friend Jackson County Circuit Court

o Content Requirements for Judgment (UTCR 11.140)

- o Effective January 1, 2021
- o Judgment of Jurisdiction must state how each allegation in a petition is resolved
 - o Admitted
 - \circ **Proved**
 - o Dismissed
 - o Pended

Revised Judgment of Jurisdiction / Disposition allows for the Admissions form to be "incorporated"

- Admission form filed prior to or at the time jurisdiction is stated on the record where a judgment is entered
- o 'Admission to Petition' Available JCIP form (Rev. 10/01/14)
 - <u>https://www.courts.oregon.gov/progr</u> <u>ams/jcip/ModelCourtForms/Pages/de</u> <u>fault.aspx</u>

3. JURISDICTION

- The child is under 18 years of age, and venue is proper in this court.
- This court has jurisdiction under the UCCJEA to make a child custody determination.
- Allegations in "Admissions to Petition" form dated_____are hereby incorporated into this judgment.
- The following allegations were proved, admitted, dismissed and pended on the dates set out below.

_	egations t		American	Test (an annual 200 Bartin a lasiation from)			
ŧ	Date	Proved/Admitted	Amended	Text (or summary if full text in admissions form)			
			ΠY				
		DP DA	ΠY				
		P A	ΠY				
		P A	ΠY				
		P A	ΠY				
		P A	ΠY				
ŧ	Date	Dismissed/Pended	Text option	ial			
Allegations for: (insert name)							
	Date I	Proved/Admitted A	mended	Text (or summary if full text in admissions form)			

IN THE CIRCUIT COURT OF THE STATE OF OREGON

		FUK			
	In the Matter of:) Case Number:		
	A Child.		ADMISSIONS TO PETITION		
I,		, Mother Father Guardian Other:			

admit allegations as true and accurate as set forth in paragraphs ________, as amended herein. The petition language to which I admit is amended as follows: (Include paragraph number and amended language)

Additional page attached (Addendum 1).

I understand that I am waiving (giving up) my right to have a trial on the admitted allegations at which the State would have to prove the allegations by a preponderance of the evidence (or clear and convincing evidence, if the child is an "Indian child" as defined in the Indian Child Welfare Act). As to the facts that I am admitting, I am waiving (giving up) my right to confront (question) witness called to testify by the state or another party, the right to testify in court, and the right to call my own witnesses.

I understand that if I make these admissions, the court will consider the facts I admit in determining whether there is a legal basis to make my child a ward of the court. Also, the court may place my child outside my home for as long as the court deems necessary, or until the age of 21. I have discussed this with my attorney as much as I need to in order to make this decision and I am satisfied with the representation I have received by my attorney. No one has made any threats or promises to force me to make this admission against my will.

Parent / Guardian/Guardian ad Litem Date

I have personally reviewed the petition in this case, have discussed available legal options with my client, and have fully explained the potential consequences of admission to my client. To the best of my knowledge and belief, my client's decision to make this admission is made voluntarily, intelligently, and knowingly.

Parent/Guardian's Counsel

Date

I agree with this jurisdictional basis and move to dismiss paragraphs:_______of the petition without prejudice and with leave to refile.

AAG DDA

Date

The admissions set forth above are hereby accepted by the Court.

Date

Circuit Court Judge

Print, Stamp or Type Name of Judge Exhibit

Admissions to Petition:

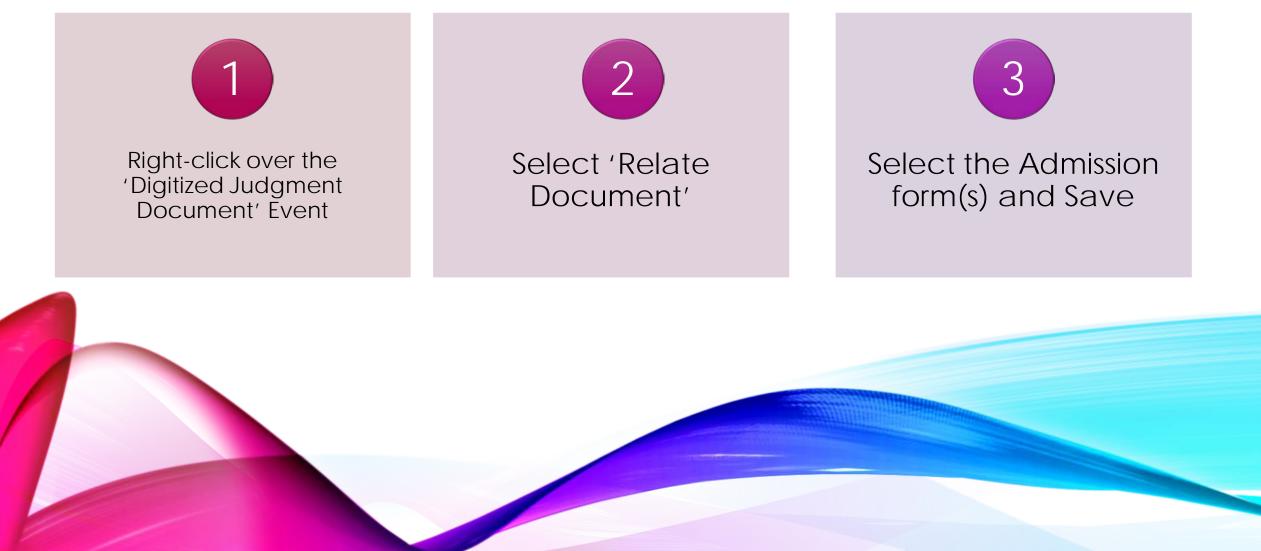
New Business Process

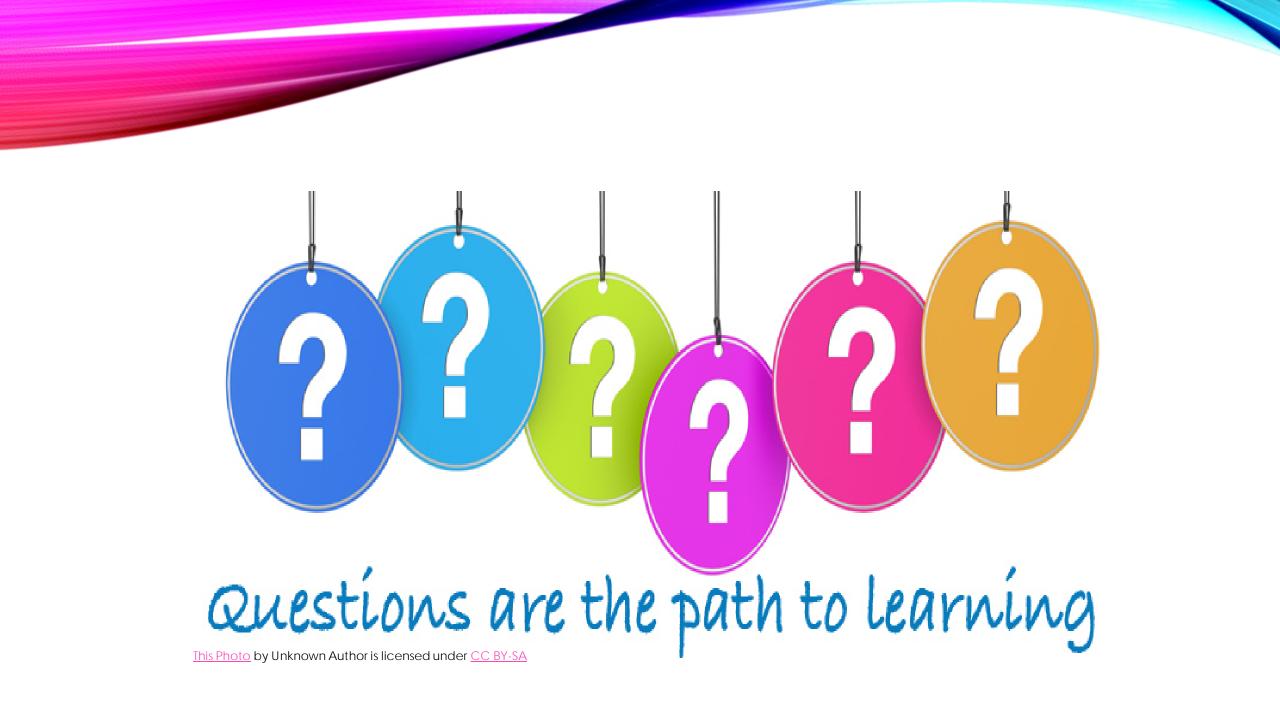
Enter the Admissions to Petition Document

o Add a new event on the Events tab
o Add a Type of Admission (AO)
o Link/Relate/Scan the document

**Follow local business processes to relate event to party or comment allegations admitted

IMPORTANT: RELATE 'ADMISSION' DOCUMENT(S) TO JUDGMENT OF JURISDICTION IF ONE IS ENTERED BASED ON THE ADMISSIONS





UNDERSTANDING JCIP DATA REPORTS

Presenter: Yousef Allouzi

Juvenile Court Improvement Program

YOU ARE THE KEY TO IMPROVING OUTCOMES!



A Few Terms To Know

Mean (average): 2,4
 Add 2 + 4 = 6 and then divide by 2.
 So, 2 + 4 = 6
 6 / 2 = 3←Mean

 Median (middle number, half above and half below): 2, 4, 6 But what if the numbers are even?
 2, 4, 6, 8 OR 4 + 6 = 10 / 2 = 5 ← Median

Percentage Change vs. Percentage Point Difference
 Percentage Change 802 – 754 = 48 / 802 = 0.059 = -6%
 Percentage Point Difference 42% - 44% = +2 percentage point

OJD TIMELY DISPOSITION STANDARDS

Time to Jurisdiction on Both Parents

- 75% with a jurisdictional or dismissal judgment(s) entered regarding all parents on the case within 60 days.
- 98% with a jurisdictional or dismissal judgment(s) entered regarding all parents on the case within 90 days.

Time to First Permanency Hearing, Looking Back

• 98% within 425 days (14 months) of filing

Time to TPR

• 98% within 270 days (9 months) of filing

PART I:

EVENT STATISTICS REPORTS



EVENT STATISTICS REPORTS

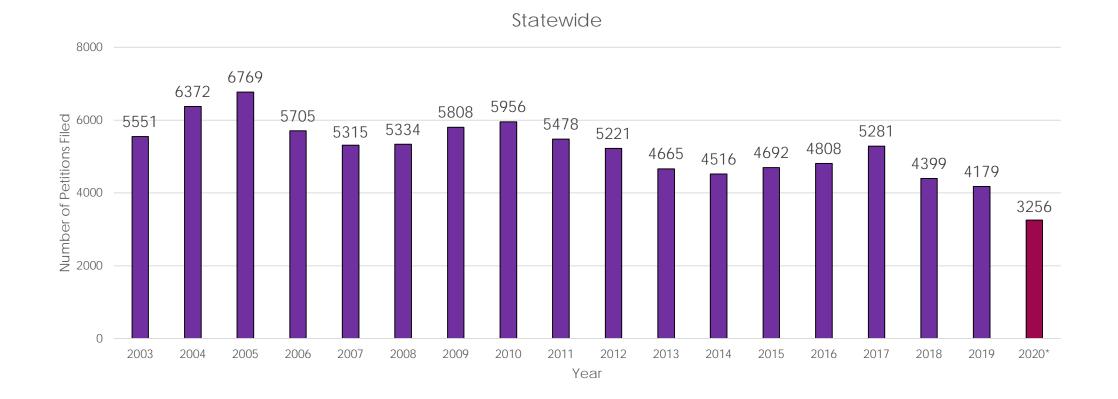
What They Measure

- Petitions Filed
- Hearings Held (by Hearing Type)
- Mean (Average) Hearing Duration, in Minutes (by Hearing Type)

What Case Types

- Dependency
- Termination of Parental Rights (TPR)
- Delinquency (Including felony, misdemeanor, and violation)
- Judicial Determination (Voluntary cases)
- Emancipation
- Permanent Guardianship

DEPENDENCY PETITIONS FILED



PART II: TIME TO JURISDICTION REPORTS



TIME TO JURISDICTION

• JCIP has two reports that measure the timeliness of jurisdiction:

Time to First Jurisdiction Finding

• Measures the percent of dependency cases that have a jurisdiction or dismissal judgment, order, or finding entered in Odyssey within 60 days of filing (75% goal), and 90 days of filing (98% goal)

Time to Jurisdiction on Both Parents

 Measures the percent that have jurisdiction or dismissal judgments, orders, or findings <u>relating to all parents</u> entered in Odyssey within 60 days (75%), and 90 days (98%) of filing.

TIME TO FIRST JURISDICTION FINDING

Includes:

- Dependency cases filed in the period starting three months prior to the reporting period:
 - 2020 Q3 statistics cover dependency petitions filed in 2020 Q2
 - 2020 Year-end statistics cover dependency petitions filed between October 1, 2019 and September 30, 2020

Measures:

• Percent of cases with jurisdiction findings within 60 days of filing (75% goal), and 90 days of filing (98% goal).

Starting Event:

• Dependency petition

Closing Event:

 Entry of a jurisdiction or dismissal judgment or order, or of Finding - In Jurisdiction or Finding – Not in Jurisdiction event

TIME TO JURISDICTION ON BOTH PARENTS

Includes:

- Dependency cases filed in the period starting three months prior to the reporting period:
 - 2020 Q3 statistics cover dependency petitions filed in 2020 Q2
 - 2020 Year-end statistics cover dependency petitions filed between October 1, 2020 and September 30, 2020.
 - OJD Timely Disposition Standard

Measures:

• Percent of cases with jurisdiction findings within 60 days and 90 days of filing

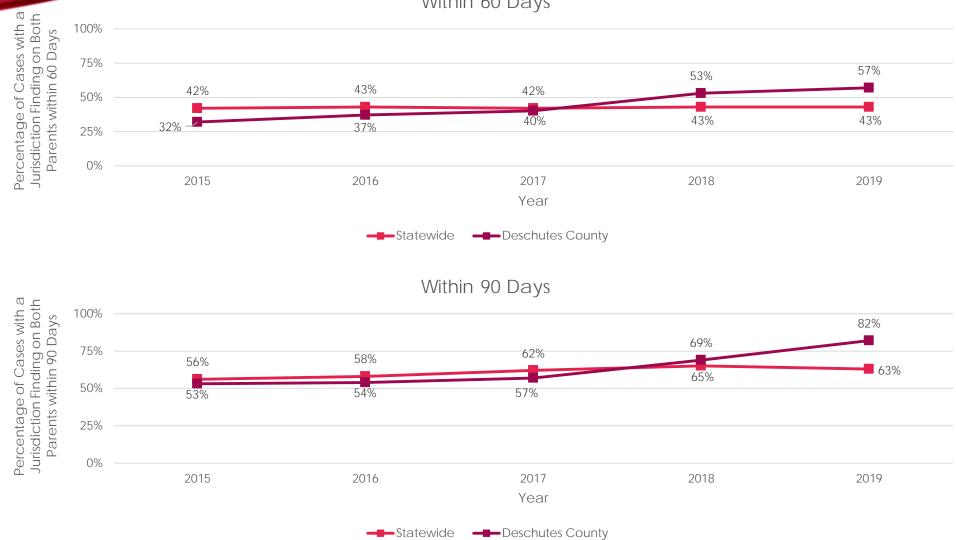
Starting Event:

• Dependency petition

Closing Event:

 Entry of jurisdiction or dismissal judgment(s) that dispose of all Causes of Action on the case (courts are supposed to enter one Cause of Action for each parent)

Time to Jurisdiction on Both Parents



Within 60 Days

WHY IS TIMELY JURISDICTION SO IMPORTANT?



PART III:

TIME TO PERMANENCY HEARING REPORTS

THE CLOCK IS TICKING



This Photo by Unknown Author is licensed under <u>CC BY-NC-ND</u>



PERMANENCY HEARINGS

• JCIP has three reports that measure the timeliness of permanency hearings:

- 1. Time to First Permanency Hearing
- 2. Time to First Permanency Hearing, Looking Back
- 3. Time to Subsequent Permanency Hearing

TIME TO FIRST PERMANENCY HEARING

Includes:

 First permanency hearings held on cases due for a first permanency hearing within a time period (i.e., cases filed 14 months prior)

Measures:

Percent of first permanency hearings held within 14 months of filing

Starting Event:

• Dependency petition

Closing Event:

• Final day of the first permanency hearing on the case

TIME TO FIRST PERMANENCY HEARING, LOOKING BACK

Includes:

All first permanency hearings held within a given time period.

OJD Timely Disposition Standard

Measures:

- Mean (average) and median days between the dependency petition and the first permanency hearing
- Percent of first permanency hearings that were completed within 425 days of filing

Starting Event:

• Dependency petition

Closing Event:

• Final day of the first permanency hearing on the case

TIME TO SUBSEQUENT PERMANENCY HEARING

Includes:

• All first permanency hearings held within a given time period that were not the first permanency hearing on the case

Measures:

- Mean (average) and median days between a permanency hearing and the most recent prior permanency hearing
- Percent of permanency hearings that were completed within 365 days of the completion of the most recent prior permanency hearing

Starting Event:

• Final day of most recent prior permanency hearing

Closing Event:

• Final day of permanency hearing

PART IV:

TIME TO TPR REPORTS



TPR TIMELINESS

• JCIP has three reports that measure the timeliness of TPR proceedings:

1. Time to TPR

Percent of TPR cases resolved within 6 months of filing

2. Time to TPR Petition

Mean (average) and median days from dependency petition to the filing of TPR petitions on all parents

3. Time to Termination or Relinquishment of Parental Rights

• Mean (average) and median days from dependency petition to termination or relinquishment of all parents' parental rights

TIME TO TPR REPORT

Includes:

- TPR cases due for resolution during time period (i.e., cases filed six months prior)
- OJD Timely Disposition Standard

Measures:

• Percent of cases resolved within 182 days (6 months) and 270 days (9 months) of filing

Starting Point:

• TPR Petition

Ending Point:

• Entry of judgment/order terminating parental rights, denying termination of parental rights, or dismissing the case

TIME TO TPR PETITION

Includes:

• All children who, in the time period, had a TPR petition filed against the last parent on the case who had not had a TPR petition filed against them

Measures:

• Mean (average) and median days between dependency petition and the filing of a TPR case against the last parent

Starting Event:

• Dependency petition

Closing Event:

• Date at which TPR petitions have been filed against all parents on the child's dependency case

TIME TO TERMINATION OR RELINQUISHMENT OF PARENTAL RIGHTS

Includes:

 All children who, in the time period, had a termination judgment or relinquishment entered against the last parent on the dependency case whose parental rights remained intact

Measures:

 Mean (average) and median days between dependency petition and the entry of termination judgment or relinquishment against the last parent whose parental rights remained intact

Starting Event:

• Dependency petition

Closing Event:

• Date at which termination judgments or relinquishments have been entered against all parents on the child's dependency case

PART V: FUTURE JCIP REPORTS



FUTURE JCIP REPORTS

- Party / attorney attendance at hearings
- Continued / rescheduled hearings
- Juvenile Dashboard

FUTURE JCIP REPORTS

• What other reports would be helpful to you?

• How could JCIP make its existing reports more useful?

QUESTIONS?

- OJD BP for juvenile cases: Yous
- <u>Rule Requirements:</u>
- <u>Technical Assistance</u>:

Yousef Allouzi, <u>yousef.k.allouzi@ojd.state.or.us</u> Megan Hassen, <u>megan.e.hassen@ojd.state.or.us</u> <u>SCA.ETSDHelp@ojd.state.or.us</u>

THANK YOU!