



Juvenile Dependency Benchmark Series

Shelter Hearing

Prior to the Hearing

1. Read the court report.
2. Make preliminary determination if ICWA applies.
3. Ensure your court has set up a process to appoint attorneys in advance for parents and children, and that they are provided a copy of the report/petition and have an opportunity to meet with their clients prior to the hearing. Consult "Model Shelter Hearing" Protocol for additional details.

Preliminary Matters

4. Provide Notice of Obligations/Rights of Parents Notice (JCIP form based on ORS 419B.117). Appoint counsel on the record and ask if they will waive reading and advice of rights.
5. Identify court report on the record as a document you intend to rely, allow for objections, and mark and receive as an exhibit. ORS 419A.253
6. If child is present, acknowledge him or her first and let parties know if the child should be present for all or just part of hearing.
7. Ask parents and children:
 - a. What language are you most comfortable with?
 - b. Do you understand what this hearing is about?
 - c. Have you gone over the petition with your lawyer?
 - d. If not waived by attorney, read petition and advise parent of rights. ORS419B.117 (see JCIP form)
 - e. What family members or other important people should be involved?
8. Ask DHS:
 - a. Has paternity been established? Child support?
 - b. Is there a putative father (acknowledged paternity but not legally established)?
 - c. If father missing, has DHS: Asked mother, age appropriate child, and other relatives about identity and whereabouts of father and father's relatives? Used search/family finding technology to locate? Checked jail/prison/probation/parole?
9. Determine who else is present and acknowledge them (you may later want to solicit their input on child's needs, placement, and visitation).
Acknowledge that grandparents and foster parents have right to be heard and tell them you will allow them that opportunity at appropriate time. If absent, ask worker if proper notice was given to grandparents and to current care provider if not parent.
10. Appoint CASA if available and out of home placement (recommended highly for teens and children under age 5).
11. Determine if there are other pending cases involving child that should be consolidated with this one. ORS 419B.806
12. Ask all participants, "Do you know, or is there a reason to know, if the child is an 'Indian child' under the Indian Child Welfare Act (ICWA)?" If yes, follow process in "ICWA: Shelter Jurisdiction Benchmark" in conjunction with this benchmark.

The rules of evidence don't apply, except for the rules on relevancy and privilege. ORS 419B.185(1)(b). All evidence considered by the judge needs to be in the record through stipulation, testimony, judicial notice or admitted exhibits.

Determine Subject Matter Jurisdiction Under UCCJEA

13. Is this the child's home state or was home state within 6 months of today?

Determine Reasonable Efforts

14. Has DHS made Reasonable Efforts ("RE")?

- a. RE to provide services/support to prevent removal?
- b. Was referral of child and child's family made to Strengthening, Preserving and Reunifying Families Program? ORS 418.595.
- c. Since removal, were RE made to make it possible for child to return home safely?
- d. It is reasonable efforts to make no efforts in an emergency situation.
- e. Does report describe the RE efforts sufficiently? List those efforts in the judgment, or mark the report as exhibit, allow parties to object, adopt as court's written findings, and attach to the judgment. ORS 419A.253



THE THREE BIG QUESTIONS

Can child go home today?

15. Child and parents must be given opportunity to provide evidence that the child can be returned home without further danger of suffering physical injury or emotional harm, endangering or harming others, or not remaining within reach of the court process prior to adjudication.
16. If in child's best interest to be placed at home, how will safety be monitored (safety plan/safety service provider)?
17. Enter Orders regarding Parent(s).
 - a. Safety conditions/reference to voluntary entry into necessary services.
 - b. Enter Juvenile Restraining Order if appropriate.
 - c. Enter order governing conduct of parties e.g. no discussions with child.
 - d. Order for child support if appropriate.

If not, is this the best temporary placement?

18. Make finding that out of home placement in the best interest of child.
19. Determine if this foster placement is the least restrictive and most family-like.
 - a. If not placed in home, did DHS make *diligent efforts* to place with relatives?
 - b. Did DHS make *diligent efforts* to place siblings together?
 - c. If not, order DHS to investigate relatives or family friends; set second shelter. Consider asking relatives and friends present for input.
20. What is the ability of the proposed caregiver to meet the child's physical, emotional, developmental and educational needs, including the child's need to continue in the same school or educational placement?
 - a. Ask parents, DHS, grandparents and foster parents (if present) about child's specific needs, favorite people, toys, comfort items, special medical needs.
 - b. Order DHS to provide immediate appropriate treatment/services for child to address trauma, physical and mental health.
 - c. Address critical developmental needs of children zero to three.
 - d. Discuss older child's school placement and plan to meet educational needs and extracurricular interests. If the plan is to change the child's school, determine whether that is in the child's best interests. ORS 339.133.
21. Grant temporary custody -- usually granted to DHS but statute allows grant of temporary custody to "suitable person."

What is the plan and why?

22. DHS policies require preparation of a *Temporary Visit and Contact Plan* when the child first enters care. Ask about it.
23. The first visit should occur within 48 hours when possible, and no later than one week of the child's entry into care. Consider ordering the first visit if one hasn't been arranged.

24. DHS policy requires development of an *Ongoing Visit and Contact Plan* within 30 days. Ask the worker what that might look like.
25. Visits once a week in office are usually not enough. The child, parent or guardian, and sibling each have a right to visit as often as reasonably necessary to develop and enhance their attachment to each other. Lack of resources is not a justification to limit visits.
26. DHS policy requires that when DHS resources alone cannot meet the family contact and visitation needs of the child the caseworker must solicit help from family resources and the community.
 - a. Ask DHS what it has done to engage relatives/grandparents in assisting with supervision and creating the *Visit and Contact Plan*.
 - b. Ask relatives and friends present for input. How could they provide support?
27. The Court can order DHS to provide a certain number of supervised or unsupervised visits weekly. ORS 419B.337 (3).

Set The Next Hearing

28. Set a second shelter if necessary – no more than a few days to week out.
29. Set non-judicial settlement conference involving attorneys, DHS and clients at 30 days (highly recommended). Set at time just prior to 30-day pretrial conference so court can put admit /deny / dispo on the record if settlement reached.
30. Set a pretrial conference at 30 days (aka *status, pre-hearing, trial readiness*).
31. Set a *very firm* adjudication/disposition date within 60 days of filing. Rarely, if ever, grant continuances for “good cause” under ORS 419B.305 (1). A pending criminal case is generally not considered sufficient cause.
32. The Citizen Review Board (CRB) will set a review at 6 months

Questions?

Contact the Juvenile Court Improvement Program, 503.986.6403

Last updated: July, 2017



Juvenile Dependency Benchmark Series

CARD 2

Jurisdiction/Disposition Hearing

Jurisdiction

1. Have both parents been found and served?
2. Tribe(s), foster parents, grandparents notified?
3. Do you know or have reason to know child is an Indian child?
4. Is Oregon the child's home state?
5. Are the petition allegations jurisdictional under ORS 419B.100? Are they admitted or proved?
6. If the jurisdictional basis is 419B.100 (1) (c) is there a present risk of serious loss or injury and a nexus between the parent or guardian's risky conduct and the harm?
7. Have you based your decision on evidence in the record, based on preponderance of or (under ICWA) clear and convincing evidence?
8. One parent admits/other contests: If both parents have been served and appear, court cannot take jurisdiction over one parent. Instead, take an admission on the record from the non-contesting parent. Continue shelter order. Notice both parents for adjudication. At adjudication:
 - a. Determine that underlying conditions for the prior admission continue to exist.
 - b. Adjudicate contested parent.
 - c. Do disposition for both and enter judgment.

Disposition: Child is now your "ward."

1. Can the child go home safely? If so, order an in home placement.
 - a. Make best interest findings as to why child can be safely returned to parent (usually by giving DHS legal custody and implementing a detailed safety plan).
2. If there is a reason the child can't be returned home, order an out of home placement.
 - a. Make findings that removal from home in child's best interests.
 - b. Make findings regarding DHS diligent efforts to place with relatives and siblings.



Jurisdiction/Disposition Hearing

For use with JCIP Model Forms JF3, JF4 & JF4B

- c. Make findings regarding DHS reasonable efforts to prevent removal and return child safely home.
- d. Is placement least restrictive and most family like?
- e. ICWA out of home: Why can't the child go home today?
 - i. Make all findings above based on clear and convincing evidence.
 - ii. Make active efforts findings instead of reasonable efforts findings.
 - iii. Make additional findings based on qualified expert witness testimony that return would result in serious emotional or physical injury/damage. See ICWA Shelter/Jurisdiction bench card for requirements and questions.
 - iv. Is placement in accord with ICWA placement preferences?
- 3. Grandparents/Relatives
 - a. Were diligent efforts made to identify and obtain contact information for grandparents?
 - i. Did DHS notify them of the hearing? If present, give them opportunity to be heard.
 - ii. They have right to request court-ordered visitation.
 - b. What has DHS done to locate relatives?
- 4. What is the concurrent plan?
 - a. What steps has DHS taken on concurrent planning checklist?
- 5. Review Action Agreement/Letter of Expectation
 - a. Rationally related to bases for jurisdiction with specific Conditions of Return?
- 6. Assign legal custodian and legal guardian.
- 7. Review child's case plan. Does it address trauma, attachment, health, mental health, education, transition planning?
 - a. Has DHS ordered appropriate assessments to mental health, to Early Intervention, for medical and dental checkups?
 - b. Should court order specific exam or treatment?
 - c. Are foster parents a good match for child's needs?
 - d. Is child in same school? If not, has a determination been made that the change is in the child's best interest? ORS 339.133.



8. Visitation "Family Time"
 - a. Court may order specific visitation.
 - b. Parents and siblings have a right to visit as often as reasonably necessary to develop and enhance their attachment to each other.
 - c. Caseworker must solicit family and community resources if DHS resources alone insufficient.
 - d. Infants and toddlers need more frequent contact to maintain attachments.
9. Set court review. Recommended 9 months from removal; some courts also review some or all cases at 4 months from removal.
10. Set permanency hearing no later than 12 months from jurisdiction or 14 months after the child was placed in substitute care, whichever is first.

Questions?

Contact the Juvenile Court Improvement Program, 503.986.6403

Last updated: July, 2017





Juvenile Dependency Benchmark Series

Permanency Hearing

Engage Parents and Child and Explain Hearing Process

1. Who is here? Did DHS notify and transport age-appropriate children? Did DHS notify foster parents, grandparents, tribe? If the child is not present, why not?
2. Determine who wishes to be heard and tell them how and when that is going to happen.
3. Determine if parents or others should be excluded when children are heard or if children should be heard in chambers. ORS 419B.310.
4. Briefly explain in simple language that the hearing is about answering the following questions:
 - a. Can the child go home now?
 - b. How is the child doing? Is the current foster home okay?
 - c. How is the child doing at home, at school and (if at least 14) in planning for transition to successful adulthood?
 - d. How is the visitation ("family time") plan working?
 - f. Did DHS help parents fix the problems that brought the child into care? (identified in the jurisdictional judgment)
 - g. Are parents making progress, so the child can go home? When?
 - h. If parents are taking too long of a time to fix their problems, is there another kind of permanent plan like adoption or guardianship that would be better for the child?
 - i. Is DHS making progress on the alternate or "concurrent" plan?
5. Ensure the procedures in ORS 419A.253 are followed for any materials that you rely on that a party has not offered or matters judicially noticed.

Is there a continued basis for jurisdiction?

6. Motions to dismiss:
 - a. Apply rules of evidence to this part of the proceeding.
 - b. If the plan is return to parent, DHS has the burden to prove, by a preponderance of the evidence, that the facts on which jurisdiction is based persist to the degree that they pose a current threat of serious loss or injury that is reasonably likely to be realized.

Is the child's placement in child's best interest?

7. Must make findings that placement is in child's best interests and is least restrictive and family like. If ICWA applies – follow placement preferences.
8. Must make findings as to DHS diligent efforts to place child with relatives and siblings.
9. If the court finds the current placement is not in the child's best interest, the court may direct DHS to place the child in one of the placement categories outlined in ORS 419B.349. The court may not order a specific placement.

How is the child doing?

10. Elicit testimony from child, foster parents, grandparents, relatives or others as to how child is doing at home and in school. If the child is not present, why not?
11. How is the visitation plan working? (See questions 24 - 28 on Full Review Benchcard.)
12. Based on court report and testimony, determine whether the number of placements, schools, and contact with DHS and visits with family is in the child's best interests.
13. Inquire as to wellness exams, assessments, special medical/mental health/ developmental/trauma needs, appropriateness of psychotropic medications.
14. Inquire as to education: Is child in same school? If not, has best interest determination been made? ORS 339.133
 - a. School attendance and grades? Plan to help improve?
 - b. Special Ed – Is there an educational surrogate? Consider appointing one.
15. For ages 14 and over:
 - a. Efforts to assist child in completing high school?
 - b. Transition plan for successful adulthood including housing, employment, community connections and supportive relationships?
 - c. Was teen provided written information on getting a bank account, credit report, college tuition waivers, health services w/o consent, how to remain in foster care after 18? ORS 418.201(4).
16. Safety: how often is the caseworker in the foster home and what has s/he observed? Has the child been provided a copy of the foster children bill of rights and contact information of people responsible for his/her care? ORS 418.201

Has DHS made sufficient concurrent plan efforts?

17. Take testimony, review Concurrent Planning Checklist.

Findings When Permanent Plan is Reunification

18. Must make written findings if DHS made reasonable efforts ("RE") / active efforts ("AE") to safely return ward within a reasonable time and finalize the permanent plan of reunification. DHS must make efforts as to each parent. AE requires DHS to assist client through steps.
19. Must make written findings as to whether the parent has made sufficient progress for child to safely return home within reasonable time with health/safety being the paramount concern.
20. If court determines further efforts will make it possible for the child to return home within a reasonable time, order the services the parent is required to complete and the progress that must be made over a given period of time.



21. May determine DHS not in compliance with case plan and order any changes to case plan and date for case progress report or order CRB to review.
22. To change plan to adoption:
 - a. Must find DHS made reasonable/active efforts and the parents made insufficient progress for the child to safely go home.
 - b. Must make findings that none of following circumstances apply: (1) Child placed with relative and placement will be permanent; (2) A compelling reason exists not to file a TPR under ORS 419B.498(2) including (but not limited to): (a) parent is participating in services that will make it possible for the child to return home within a reasonable time, (b) another plan is more appropriate, (c) CRB or court made no reasonable/active efforts finding at a prior hearing.
 - c. Must order date by which TPR shall be filed and set hearing no later than 6 months from expected date of service.
23. If change of plan to something less than adoption, must determine why the ward should not be placed in a higher level in the plan hierarchy when moving down the list from return to parent, adoption, legal guardianship, "placement with a fit and willing relative," APPLA (child must be at least 16).

Findings when Permanent Plan Not Reunification

24. Must make written findings if DHS made RE to (1) place child in a timely manner in accordance with the plan and (2) finalize child's permanent placement.
25. Must order plan continued or changed and rule out higher levels in plan hierarchy even when plan stays the same.
26. To change back to reunification: Inquiry is if child can be returned home within a reasonable time. Sufficient progress standard does not apply. Court can consider facts extrinsic to jurisdictional basis in evaluating parent and must give parent opportunity to respond to evidence.

Set Next Hearing(s) and Order Next Appearance

27. Must enter judgment within 20 days and set next annual permanency hearing. Attach exhibits to judgment and attach list of facts judicially noticed, if any.

Questions?

Contact the Juvenile Court Improvement Program, 503.986.6403

Last updated: July, 2017



Engaging Children in the Courtroom

Juvenile Court Improvement Program

BENEFITS OF CHILD INVOLVEMENT IN COURT HEARINGS

Involving children in critical life decisions helps give them a sense of control over their lives, allows them to practice the art of advocating for their own well-being, and develop decision making and negotiating skills needed to be self-reliant. Involvement of children in hearings provides the judge with an opportunity to observe and talk to the child, providing crucial information needed in order to make the best decision for the child's safety, permanency, and well-being. It is the policy of the National Council of Juvenile and Family Court Judges (NCJFCJ) that children of all ages be brought to court unless the judge decides it is not appropriate or safe based on information provided by case participants.

GENERAL GUIDELINES FOR JUDGES

Assess whether your courtroom and waiting areas are child friendly.

Set expectations with DHS and attorneys as to when children are to be invited to their hearings. Remind caseworkers of the responsibility to provide transportation as needed, and ask that children attend with a caregiver or support person. For situations in which children cannot appear in person, consider working with your model court team to implement alternative means to receive information, such as a child friendly questionnaire that can be filled out by the child outside of the courtroom. Examples include: [Young Child Court Form](http://youngchild.throughtheeyes.org) (youngchild.throughtheeyes.org) or [Youth Court Questionnaire](https://cip.nebraska.gov/youth-families/youth/youth-court-form) (https://cip.nebraska.gov/youth-families/youth/youth-court-form).

The child's attorney should prepare children for court appearances, including helping them understand what to expect, helping them prepare to speak to the judge, and advising them that painful, sensitive issues may be discussed. The child's attorney is the most appropriate professional to debrief the child after each appearance.

Ask why a child is not in attendance and what efforts were made to encourage the child's attendance, including providing transportation. Consider whether it is appropriate to postpone the hearing until the child can be present.

Schedule hearings to minimize the amount of time that children are away from school or activities, and when possible, accommodate the child's schedule. Avoid using cattle call dockets, which require children to wait while other cases are heard. Time certain docketing is considered more child friendly.

Communicate with the child at the beginning of the hearing by defining the purpose of the hearing, introducing the parties, and building rapport with the child. Avoid legal jargon. If helpful, offer to talk with the child in chambers within the confines of ORS 419B.310. Ensure the child understands why he/she is attending and encourage the child to participate. Acknowledge anything the child gives the court when s/he is present, praise the child's accomplishments, thank the child for attending, and encourage the child to attend the next hearing.

Observe the child's interaction with others. Who do s/he look to for support and guidance? Observe the child's hygiene, clothing, and whether s/he looks well nourished.

STATE AND FEDERAL LEGAL REQUIREMENTS

- Children are legal parties, have the right to notice, and to appear and participate in hearings. ORS 419B.875
- DHS is required to notify the child and transport the child to the hearing when appropriate. ORS 418.201
- The court may allow the child to appear telephonically, or by other means. ORS 419B.918
- The court may exclude the child's parents and other persons during the child's testimony if determined to be in the child's best interests. ORS 419B.310
- Effective October 1, 2015, the court must ask the child about his or her desired permanency outcome prior to designating a permanency plan of APPLA. 42 U.S.C. §675(a)(2)(A).

CONVERSATION TOPICS GENERALLY

- Note things that are going well for the child.
- How old are you?
- What do you like/not like where you're staying? (suggest options: bedroom, pets, people)
- What do you like/dislike about day care/school? Any problems? Favorite teachers?
- Who do you visit with and what kinds of things do you do?
- What do you do for fun? Are there activities or sports you are involved in or would like to be involved in?
- Is there anything that you need help with?
- Do you have someone to talk to if you need help? Provide foster care ombudsman contact information if needed: **1-855-840-6036**

ADDITIONAL AGE SPECIFIC QUESTIONS AND CONSIDERATIONS

Ages 0-5

- Is the child reaching developmental milestones?
- Is the child developing healthy attachments and to whom?

Ages 5-11

- Is there anyone you miss?
- Have you been to the doctor? Do you like your doctor?
- Is the child on track for reading?

Ages 12 and up

- When appropriate, share documents with the child.
- Ask the child about his or her desired permanency outcome, as appropriate.
- At age 14, ensure the youth is engaged in transition planning (effective 10/1/15).
- By age 16, ask questions about career interests, college or other plans after school is finished, including considerations in ORS 419B.337(7)(a)(B) (housing, mental/physical health, education, employment, community connections, supportive relationships) necessary for dismissal.
- Ask the child what s/he wants to accomplish before the next hearing.
- Ensure the child understands what is ordered and why.

All About

Today's Date: _____

_____ I am _____ years old
(Your Name)



Who helped you fill this out? _____

The Judge makes decisions about your life. The judge hears from a lot of people about you and wants to also hear from you. The judge can't always get what you ask for but wants to know what you think.

Stuff About Me

Draw what your life is like

I do/don't like school because:

I do these things for fun:

My brothers and sisters are:

My Top 3 Wishes are:

1.

2.

3.



CIRCLE YOUR CHOICE

I do/don't see them as much as I want to.

The 3 most important people to me are:

1.

2.

3.

I am awesome at:

I do/don't like where I'm living because:

In your life, what are some:

Good Things

Not-So-Good Things

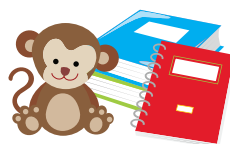
Are you having any trouble right now? If so what:

→ At School? → Yes/No

→ At Home? → Yes/No

→ With Friends? → Yes/No

Is there anything you need?



When you're upset:

What do you do? ●.....

Who do you talk to? ●.....

What makes you :



What is the best thing that has happened to you lately?

What do you want the Judge to know?



Help the judge help you!

Teen Comments for Court

Clatsop County Courthouse

749 Commercial, P.O. Box 835
Astoria, Oregon 97103

Please fill out this form to help the judge make better decisions about your life. Completion of this form is optional, and you are welcome to answer some questions and skip others.

When you are finished completing this form, please submit it to the court in one of the following ways:

- Give it to your lawyer, caseworker, or CASA and they will give it to the judge
- Mail this form to the Clatsop Courthouse at **P.O. Box 835, Astoria, Oregon 97103**
- Print and scan this form and email it to: clt.dependency@ojd.state.or.us
- Use the "Email" button on the last page of this form to email it directly to the Juvenile Dependency Clerk who will forward it to the judge for review

Your Name: _____

Date: _____ Age: _____

Date of next court hearing: _____

Names of people who helped you fill out this form: _____

After you finish reading this please initial below to confirm your understanding of the following points:

<p>Under the law, information you write here will be given to your parents if they are involved in the case, the lawyers in the case, and your case worker. If you don't want to share information with all of these people, talk to your lawyer.</p>	<p>Initial Here</p>	
<p>You have the right to be told of your hearing dates and to be driven to your hearings. Your lawyer and your caseworker should talk to you about your rights. You may contact the Foster Care Ombudsman to report problems at 1.855.840.6036 or fco.info@state.or.us.</p>	<p>Initial Here</p>	



Living Conditions

1. Do you feel happy and safe where you live? Yes No
If no, why not?

2. Is there anything you need to improve your living conditions? Yes No
If yes, what do you need?

3. Your case worker has made a case plan for you and your family.
Have you read your case plan? Yes No
Did you choose two people to be on your case planning team? Yes No

4. Where would you like to live permanently and why?

5. What do you like to do in your spare time?



Health

6. Do you have any medical or dental problems? Yes No
If yes, are you receiving treatment? If no, why not?

7. Are you taking any medicine or supplements (prescribed or not)? Yes No
If yes, what are you taking and how does it help?



School

8. Do you go to school? Yes No
If no, why not?

If yes, how are you doing in school? Which classes do you like best?

9. Do you do sports, music, or other activities? Yes No
If no, why not? If yes, what activities are you doing and how is it going?

10. If you are old enough, do you work? Yes No
If yes, where do you work and how do you like it?



Support Systems

11. Who have you seen or talked to in the last month? (check all that apply)
- Mom Dad Foster Parent Brother/Sister
 Caseworker Therapist Grandparent Other: _____

12. Is there someone else you'd like to talk to? Yes No
If yes, please explain:

13. Do you see your caseworker at least once a month? Yes No

14. Does your caseworker help you when you need help? Yes No
Please leave additional comments about your caseworker:

15. What is your biggest worry about how things are going?



Preparing for Adulthood

A **Comprehensive Transition Plan** is a written plan to help you get ready to live on your own after you leave foster care. The plan includes goals for finishing school, finding a job, getting housing, and managing your money. It's best if you help your caseworker write this plan.

- 16. Do you have a Comprehensive Transition Plan? Yes No
- 17. Did you help write it? Yes No
- 18. If you are 17 years of age, are you almost ready to live independently?
 - a. Do you know about your education options after high school? Yes No
 - b. Do you know how to get a job? Yes No
 - c. Do you know how to find & pay for a place to live? Yes No
 - d. Do you know how to get medical services? Yes No

Regarding preparing for adulthood, what could you use help with?



Court Hearings

- 19. Have you been to any of your court hearings? Yes No
If not, why?

- 20. Would you like to speak to the judge? Yes No
If you cannot go to your hearing, what would you like the judge to know?

Thank you for completing this form!

You can fill out this form to help the judge make better decisions about your life. You do not have to give any information if you don't want to. You can answer some questions and skip others.

Shared information.

Under the law, information you write here will be given to your parents and other adults in your case. If you don't want to share information with all of these people, talk to your lawyer.

You have the right to be told of your court dates and to be driven to your hearings.

THE COURT DOESN'T WANT TO MAKE DECISIONS ABOUT YOU, WITHOUT YOU!

Child Comments for Court

(Age 8-12)

1. Your name: _____
Age: _____ Today's date: _____
Date of next court hearing: _____
Names of people who helped you fill out this form:

2. Your situation

Are you happy with where you live?
 Yes No If not, why not?

Do you feel safe where you live?
 Yes No If not, why not?

Are you getting enough to eat? Yes No

Do you have enough clothing? Yes No

Is anyone hurting you? Yes No

Is there anything you need that you aren't getting?
 Yes No

What is it?:

Where would you like to live until you are grown up, and why? _____

What do you like to do in your free time? _____

3. Your Health

Have you seen your doctor this year? Yes No

Have you seen a dentist this year? Yes No

Are you taking any medicine? Yes No

Does it help? Yes No

If no, please say why: _____

4. School

Do you go to school? Yes No

If no, why not? _____

If yes, how are you doing in school? _____

Which classes do you like best? _____

Do you do sports, music, or something else that's fun? Yes No

If no, why not? _____

If yes, what are you doing and how is it going? _____

5. Support systems

Who have you seen or talked to in the last month? Mom Dad Foster parent
 Brother/Sister Caseworker Therapist Grandparent Other:

Is there someone you'd like to talk to? Yes No

If yes, please say who:

Are there any adults you trust to talk to?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you see your caseworker at least once a month?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does your caseworker help you when you need help?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

What could you use help with? _____

7. Goals and Concerns

What is your biggest worry about how things are going?

8. Court Hearings

Have you been to any of your court hearings? Yes No

Do you want to go to your court hearings? Yes No

Would you like to speak to the judge? Yes No

If you cannot go to your hearing, what else would you like the judge to know?

Thank you for completing this form! Please give or send it to your caseworker, CASA, attorney or mail it to:

Coos County Courthouse
250 N. Baxter
Coquille, OR 97423

Date: _____



Coos County Circuit Court
Foster Parent Report

Note to foster parent: you may use this form to provide information about how the child is doing. Bring this form to the hearing or give it to the attorney for the child if you will be unable to attend. You and the child are welcome in the courtroom. If you come to court with small children, your case will be called at the front of the docket. Keep in mind that the judge may not look at the form until a copy has been provided to the legal parties in the proceeding, including the parents (if their rights have not been terminated), the child or their attorney, the caseworker, CASA and the other attorneys in the case.

Child's name and age: _____

Foster parent's name: _____

- | | | | |
|----------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Child's adjustment in the home | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |
| Interactions with foster parents | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |
| Interactions with other children | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |
| Meeting developmental milestones | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |
| Respect for property | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |
| Sleep habits | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |
| Physical health | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |
| Emotional Condition | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |
| Behavior before and after visits | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |
| School status | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |

Do you agree with the current plan for the child? yes no. If not, please explain:

Are you getting the support you need to care for the child? yes no. If not, please explain:

Additional comments may be attached or provided on the back of this page.



Teen Comments for Court
Coos County Circuit Court
250 N. Baxter
Coquille, OR 97423

Please fill out this form to help the judge make better decisions about your life. Completion of this form is optional, and you are welcome to answer some questions and skip others. When you are finished, please give this form to your lawyer or caseworker or CASA or mail this form to the post office box above or scan this form and send it via email to coo.juvenile@ojd.state.or.us

Name: _____

Date: _____ Age: _____

Date of next court hearings: _____

Names of people who helped you fill out this form:

After you finish reading this cover page, please initial below to confirm your understanding of the following points:

Under the law, **information you write here will be given to your parents if they are involved in the case, the lawyers in the case, and your case worker.** If you don't want to share information with all of these people, talk to your lawyer.

Initial: _____

You have the right to be told of your hearing dates and to be driven to your hearings. Your lawyer and your caseworker should talk to you about your rights. You may contact the Foster Care Ombudsman to report problems at 1.855.840.6036 or fco.info@state.or.us.

Initial: _____

Next →

Please answer the following questions:

Living Conditions

1. Are you happy where you live? Yes No

If no, why not?

2. Do you feel safe where you live? Yes No

If no, why not?

3. Are you getting enough to eat? Yes No

4. Do you have enough clothes? Yes No

5. Is there anything you need? Yes No

Please explain:

6. Your case worker has made a case plan for you and your family. Have you read your case plan? Yes No

7. Were you able to choose people to be on your case planning team? Yes No

If no, why not?

8. Where would you like to live permanently and why?

9. What do you like to do in your spare time?

Health

10. Do you have any medical or dental problems? Yes No

11. If yes, are you receiving treatment? Yes No

If no, why not?

12. Are you prescribed any medicine? Yes No

13. Are you taking any medicine or supplements (prescribed or not)?
Yes No

If yes, what is it?

14. Does it help? Yes No

If no, please explain:

School

15. Do you go to school? Yes No

If no, why not?

If yes, how are you doing in school?

Which classes do you like best?

16. Do you do sports, music, or other activities? Yes No

If no, why not?

If yes, what are you doing and how is it going?

17. If you are old enough, do you work? Yes No

If yes, where and how do you like it?

Support Systems

18. Who have you seen or talked to in the last month?

Mom Dad Foster Parent Brother/Sister Caseworker
 Therapist Grandparent Other: _____

19. Is there someone you'd like to talk to? Yes No

If yes, please explain:

20. Are there any adults you trust to talk to? Yes No

21. Do you see your caseworker at least once a month? Yes No

22. Does your caseworker help you when you need help? Yes No

Please leave additional comments:

Preparing for Adulthood

A Comprehensive Transition Plan is a written plan to help you get ready to live on your own after you leave foster care. The plan includes goals for finishing school, finding a job, getting housing, and managing your money. You should help your caseworker write this plan.

23. Did you have a Comprehensive Transition Plan Yes No

24. Did you help write it? Yes No

25. If you are 17 years of age, are you almost ready to live independently?

- a. Have you learned to make a budget? Yes No
- b. Do you know how to find and pay for a place to live? Yes No
- c. Do you know how to get medical services? Yes No
- d. Do you have someone you can call if you need help? Yes No
- e. Do you know how to get a job? Yes No
- f. Do you know about your education options after high school? Yes No

What could you use help with?

Goals and Concerns

26. What is your biggest worry about how things are going?

27. What are your goals for next year?

28. What will help you meet your goals?

Court Hearings

29. Have you been to any of your court hearings? Yes No

If not, do you know why not?

30. Do you usually know when your court hearings are happening?

Yes No

31. Do you want to go to your court hearings? Yes No

32. Would you like to speak to the judge? Yes No

33. If you cannot go, what would you like the judge to know?

Thank you for completing this form!

TIPS FOR JUDGES: ENGAGING CHILDREN IN DEPENDENCY HEARINGS

- Schedule hearings to accommodate child's schedule. For a child in school, schedule the hearing after 3 p.m.
- Develop a hierarchy of options and make sure all parties know the expectations. For example:
 - Child appears in person
 - Child appears via Facetime
 - Child participates by telephone
 - Child writes a letter to the judge
- Continue the hearing if child is not present and has not been excused by the Court.
- CASA, child's attorney, or caseworker should prepare child in advance. Child's attorney or CASA could bring child to the courtroom the day before the hearing to lessen anxiety.
- Make advance arrangements if child might be adversely affected by seeing a parent.
- Allow child to appear outside the presence of the parents when appropriate. Talk to the child on the record in chambers or in the jury room.
- Ask CASA or child's attorney or caseworker to have someone available to take the child out of the courtroom after the conversation with the judge.
- Tell DHS to arrange transportation for the child.
- Have a child-friendly room available in case the hearing doesn't start on time.
- Introduce the people at counsel table. Make sure the child understands the judge's role.
- Avoid using legal terms and acronyms.
- When you hear a child does not want to attend court, dig a little deeper. What are the reasons and what accommodations can you make?
- Develop guidelines to waive a child's appearance in court. Examples: child is in an adoptive placement out of state and is too young to participate by phone; child is severely disabled and unable to travel to court.
- Issue special invitations to children and ask CASA or child's attorney or caseworker to deliver the invitation.

Guidelines for Remote Hearings.

- These official proceedings are on the record and are being recorded.
- Thank you for agreeing to appear remotely. Our goal is to keep all of you safe and make sure you have the hearing you are entitled to have without delay.
- The court will begin each hearing by taking roll of the parties and will check to see if each party can hear and see the court. If you are experiencing any difficulties with your computer, internet or phone, please inform the court.
- To the parents, youth and defendants, to protect your rights do not speak unless your attorney addresses you.
- All parties should be dressed appropriately as if you were in the courtroom at the courthouse.
- If anyone is disconnected from the hearing or experiences problems, please rejoin the hearing through the meeting link or call back into the audio number provided.
- **Please put your microphone on mute when not speaking.**
- Wait to speak until you are called on, then unmute your microphone to speak and remember to mute once you are done speaking.
- If you are on a mobile device and appearing by video, please stay in a private, quiet locations. Background noise or walking around is distracting to other participants.
- Make sure that the court can see you and be aware of your background. There should not be anything inappropriate in your background and you should remove any personal information or objects that should not be in the view of others.
- Just as in the physical courtroom do not take photos or recordings of the proceeding unless you have the court's permission to do so.
- If there is an interpreter present, please pause every 1-2 sentences to allow the interpreter to translate.
- Please mute any other devices you have in the room with you to avoid any feedback loop. If you have to call in and be on video, please mute the computers microphone.
- Please remember this is a court proceeding and behave accordingly.

Automatic Expunction Process - Notice (Sent by Juvenile Department)

See [SB 575 \(2021\)](#)

Use this process for:

- 1. Individuals with law enforcement contacts only**
- 2. Individuals with law enforcement contacts and disposition by informal means**

Penalties for non-compliance include:

- Actual and punitive damages and attorneys fees awarded against person who intentionally violates confidentiality provisions
- Dismissal for public employee who intentionally violates confidentiality provisions
- Class A violation for person who releases all or part of expunged record
- Liability for Juvenile Department employee if employee sends the notice with actual knowledge of ineligibility or fails to send notice with actual knowledge of eligibility (intentional misrepresentation and action in conformance)

All of the following conditions met:

1. Individual had contact with Juvenile Department
2. Individual has never had a delinquency petition filed in court
3. Individual has never been found in the court's delinquency jurisdiction
4. Individual does not have an open referral for a case by informal means (diversion)
5. Individual has no adult court (waived from juvenile court) conviction
6. Individual is age 18 after 1/1/2022

Within 90 days of the individual's 18th birthday or the individual's request for expunction, the Juvenile Department sends Notice of Expunction to all agencies that may have records relating to the individual's contact with the Juvenile Department

Agency complies with Notice of Expunction by:

1. Destroying records and
 2. Returning Indorsement of Compliance within 60 days
- OR

Agency requests and Juvenile Department grants a 30-day extension. Agency then complies with Notice of Expunction by:

1. Destroying records and
2. Returning the Indorsement of Compliance within 90 days

No

Juvenile Dept. files Petition to Compel Compliance with the Court

Court enters Order to Compel Agency Compliance

Juvenile Department sends Order to Compel to agencies

Agency complies with Notice of Expunction by

1. Destroying records and
2. Returning Indorsement of Compliance within 60 days

Yes

Juvenile Department receives Indorsement of Compliance

Juvenile Department sends Notice of Expunction to the individual with list of complying and noncomplying agencies and statement of rights and effects of expunction

Juvenile Department expunges all records related to the Notice, but keeps a confidential record of the expunction process

This guide should only be used as a reference tool. It is not a substitute for reading the applicable statutes.
Created by: Youth, Rights & Justice, Attorneys at Law - Revised 10/2021

Automatic Expunction Process- Application by Juvenile Department

See [SB 575 \(2021\)](#)

Use this process for individuals where a petition was filed in juvenile court but was ultimately dismissed

All of the following conditions met:

1. Individual had contact with Juvenile Department
2. Individual has never been found in the Court's delinquency jurisdiction
3. Individual does not have a pending delinquency petition
4. Individual does not have an open referral for a case by informal means (diversion)
5. Individual has not been waived to adult court and has no adult conviction from a waived case
6. Individual is age 18 after 1/1/2022

Juvenile Department files application with Court within 90 days of the individual's 18th birthday or 90 days from the date the individual requests expunction

Court grants application?

No

Court must specify the denial reason in the Expunction Judgment

Juvenile Department makes reasonable efforts to send individual the a copy of the Expunction Judgment along with a Notice of the individual's right to file another application and to be appointed an attorney to help with the expunction process.

Penalties for non-compliance include:

- Actual and punitive damages and attorneys fees awarded against person who intentionally violates confidentiality provisions
- Dismissal for public employee who intentionally violates confidentiality provisions
- Class A violation for person who releases all of part of expunged record

Juvenile Department or Juvenile Court sends Expunction Judgment to agencies that may have records

Agency complies with Expunction Judgment by:
1. Destroying records and
2. Returning Indorsement of Compliance within 60 days
OR
Agency requests and Juvenile Department grants a 30-day extension. Agency then complies with Expunction Judgment by:
1. Destroying records and
2. Returning the Indorsement of Compliance within 90 days

Juvenile Department (or Juvenile Court) receives Indorsement of Compliance and complies list of complying/noncomplying agencies

Juvenile Court sends the individual a list of complying/noncomplying agencies along with a notice of the rights and effects of expunction

Juvenile Department and Juvenile Court expunge all records related to the Expunction Judgment, but Court keeps Expunction Judgment and list of complying/noncomplying agencies under seal

What happens at an expunction hearing?

- 1 A judge will listen to the reason that the district attorney (DA) believes you do not qualify for expunction.
- 2 You, along with your attorney, may then tell the judge why you believe that you qualify, based on one of the five reasons listed on page 2.
- 3 It is the responsibility of the DA to prove you do not qualify for expunction. The judge will decide if your records should be expunged.

If the judge approves your expunction: You can legally say that your juvenile record never existed and the contact never occurred.

If the judge denies your expunction: You have the right to file a new expunction application based on the same or a different reason, from the list on page 2. You also have the right to have an attorney help you.

Other really important things to know about this brochure:

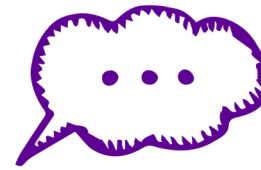
This brochure is NOT meant to be legal advice.

This brochure is to help make you aware of and explain expunction, how you qualify, how the process works, and some general facts.

This information was put together by Marion County Juvenile Department, Oregon Youth Authority, Oregon Judicial Department, Oregon Juvenile Department Directors Association, and Youth, Rights & Justice.

If you want legal advice about your expunction, you may ask for a court-appointed attorney to help you for free. Contact your local juvenile court's office to do this. You also may hire your own attorney.

I'm still confused! Who can help me?



All About Expunction

A guide for young people with juvenile records

January 2022

What is an expunction?

The expunction process destroys or seals records of your contact with the police agencies, juvenile court, and the county juvenile department. It's sometimes called "getting your record expunged."

If the juvenile department or the court approve an expunction of your records, this is what happens:

- Any agency who has a record based on the contact must remove your record.
- If people ask the agency or the court about your record, they must tell that person that you do not have one.
- The juvenile department or court will give you a copy of the expunction notice or order and a list of the agencies that have complied with it (the agencies that need to follow it).
- **You are legally permitted to say that your juvenile record never existed and the contact (act or behavior) never occurred.**



Before you keep reading, there are some legal words you should know.

Best interests: The reason you give for removing your record benefits BOTH you and the community.

Contact: When you act in a way that a court could find you within its jurisdiction. This is normally when the police speak with you about something that you did that could be against the law.

Jurisdiction: When a judge decides that you did something that would have been a crime if you were an adult, you are found to be "within the jurisdiction of the court." This is similar to the adult term "conviction." In juvenile justice, this normally means you were placed on probation through the juvenile department or committed to the Oregon Youth Authority.

Never within the jurisdiction: Even though you had contact with police or the juvenile department, you were never found in jurisdiction. This normally occurs when you go through some type of diversion program, you are on informal probation, or the charges against you are either never filed or were dropped.

Termination: After you are found in jurisdiction and either the maximum time period passes or your probation officer asks for your case to be closed, the court can order your jurisdiction terminated. This is usually when you finish probation or parole. Your most recent termination is when you last finished probation or parole. The juvenile department can help you figure out this date.

Do I qualify for an expunction?

To qualify, you have to meet **ONE** of the five criteria listed below:

1

You were NEVER found within the jurisdiction of the juvenile court, and you meet ALL FIVE of these conditions:

1. You are at least 18 years old.
2. There is no pending petition in juvenile court that alleges criminal conduct.
3. You were not waived to criminal court. (ORS 419C.349 or ORS 419C.352);
4. You do not have an open referral for a case by informal means.
5. You did not have contact with the juvenile department resulting in a conviction under ORS 137.707.

2

You were previously under the jurisdiction of the juvenile court, but now you meet ALL FIVE of these conditions:

1. At least five years have passed since your most recent termination.
2. Since termination, you have not been convicted of a felony or a Class A misdemeanor.
3. You are not the subject of a pending proceeding in juvenile or criminal court.
4. You are not currently within the jurisdiction of any juvenile court.
5. You are not the subject of a pending police criminal investigation.

3

You were previously under the jurisdiction of the juvenile court, but you meet ALL FOUR of these conditions:

1. You were adjudicated for a crime involving possession, delivery, or manufacturing of marijuana.
2. At least one year has passed since your most recent termination.
3. You have not been adjudicated for any other offense.
4. You complied with and performed all conditions of the adjudication.

4

You were referred for a prostitution-related offense, and:

1. You were younger than 18 at the time.
2. The request for expunction only applies to the part of the record that involves a charge, allegation, or adjudication of prostitution (ORS 167.007).

5

Expunging your record is in the best interests of both you and the public.



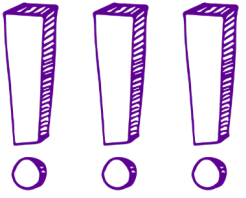
ORS = Oregon Revised Statutes. These are Oregon's state laws. You can find them online: oregonlegislature.gov

Does expunction happen automatically?

Yes, if you turn 18 after Jan. 2, 2022, and you were never found within the jurisdiction of the court. The juvenile department will process the expunction after you turn 18 and your case is closed.

However, if you were found within the jurisdiction of the court, you must apply for expunction. (See info on the next page.)

Are all records able to be expunged?



No. You are NOT allowed to expunge these types of records:

Records where you were found within the jurisdiction of the court for any of these acts:

- Aggravated murder or murder
- Attempt, solicitation, or conspiracy to commit murder or aggravated murder
- Manslaughter in the first or second degree
- Criminally negligent homicide
- Assault in the first degree
- Criminal mistreatment in the first degree
- Unlawful sexual penetration in the first or second degree
- Sexual abuse in the first, second or third degree
- Promoting or compelling prostitution
- Aggravated vehicular homicide
- An attempt to commit any of these acts listed above

Any records from:

- Department of Transportation (DMV)
- State Marine Board
- State Fish and Wildlife Commission
- Blood or buccal samples, other physical evidence, and identification information kept by Oregon State Police

For a complete list of records that cannot be expunged, see ORS 419A.260.

NOTE: There may be exceptions if you were adjudicated for certain sex crimes. To learn more, see the link to the statewide application (more info below).

How do I apply for expunction?

If you were under the jurisdiction of the court, you may submit an application to the county court or county juvenile agency that most recently handled your case. There is no fee to apply.

The application form is available at the county juvenile department or online: bit.ly/3Ct2Q72.

Can I get legal help to apply for expunction?

Yes! You have two options:

- Ask the court for an attorney to help you. Contact the court clerk for details.
- Hire your own attorney. The Oregon State Bar may be able to help you find one: 800-452-7636, osbar.org/public/ris

What happens after I apply?

The District Attorney (DA) will review your application and notify any victims. The DA may object to your application. If this happens, the court will schedule a hearing to decide if your records should be expunged, and they will notify you about how to request an attorney.

If the DA supports your application for expunction, the court usually will order expunction of your record without a hearing. (Learn more about these hearings on page 4.)