

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

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

A Child. _____) **JUDGMENT OF JURISDICTION
AND DISPOSITION (insert petition
name(s))**

This matter came before the Court on: _____, 20____.

Persons appearing:

Check box if person appeared by video or telephone.

Legal Father <input type="checkbox"/> :	Attorney <input type="checkbox"/> :
Putative Father <input type="checkbox"/> :	Attorney <input type="checkbox"/> :
Mother <input type="checkbox"/> :	Attorney <input type="checkbox"/> :
Child <input type="checkbox"/> :	Attorney <input type="checkbox"/> :
Tribe <input type="checkbox"/> :	Tribal Atty/Rep <input type="checkbox"/> :

CASA <input type="checkbox"/> :	Deputy D.A <input type="checkbox"/> :
Guardian <input type="checkbox"/> :	Assist. Atty Gen'l <input type="checkbox"/> :
DHS Caseworker <input type="checkbox"/> :	Other <input type="checkbox"/> :
Guardian Ad Litem <input type="checkbox"/> :	Other <input type="checkbox"/> :

Relevant Dates/Current Placement:

Date juvenile court jurisdiction was established: _____, 20____.

Date the child was last placed in substitute care: _____, 20____.

Date the child was placed in current placement: _____, 20____.

Current Placement: home with parent or guardian, or substitute care with: relative current caretaker
 non-relative/non-current caretaker residential other: _____

DHS Documentation: The Department of Human Services (DHS) has has not prepared a written case plan that complies with the requirements of ORS 419B.343.

Evidence Considered

<u>JURISDICTION</u>	<u>DISPOSITION</u>
<input type="checkbox"/> Stipulations by the parties <input type="checkbox"/> The admissions described below <input type="checkbox"/> The exhibits admitted at the hearing <input type="checkbox"/> The testimony of the witnesses at the hearing <input type="checkbox"/> The following facts/law, of which the court has taken judicial notice: _____ <input type="checkbox"/> Other:	<input type="checkbox"/> Stipulations by the parties <input type="checkbox"/> The exhibits admitted at the hearing <input type="checkbox"/> The testimony of the witnesses at the hearing <input type="checkbox"/> The following facts/law, of which the court has taken judicial notice: _____ <input type="checkbox"/> Other:

The findings in this judgment are found by:

preponderance of the evidence.

clear and convincing evidence because the child is an "Indian child" under the ICWA (25 USC §§ 1901-63).

1. SUMMONS, NOTICE AND PARTICIPATION

▶ Parties Summoned:

- Mother** was summoned to the hearing and appeared.
- Mother was summoned to the hearing and failed to appear, and she is is not a person in the military service who is entitled to the protections of the Servicemembers Civil Relief Act.
- Other: _____.

- Father** was summoned to the hearing and appeared.
- Father was summoned to the hearing and failed to appear, and he is is not a person in the military service and who is entitled to the protections of the Servicemembers Civil Relief Act.
- Other: _____.

Mother Father Guardian(s) was/were provided the notice of obligations and rights required by ORS 419B.117.

▶ 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 attended 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 a prior order relieved DHS of the notice requirement, or: _____.

For good cause shown, the court relieves DHS of the responsibility to provide notice of this hearing: to all grandparents, to the following grandparents:

2. INDIAN CHILD WELFARE ACT (ICWA)

- At this time, the Court does not have reason to believe that the ICWA applies.
- The ICWA applies to this case, because the Court has determined has reason to know that the child is an "Indian child" under the ICWA, and is an enrolled member of, or is eligible for membership in, the following tribe(s): _____, 25 USC § 1903(4). The tribe(s) has has not been notified of this proceeding, as required by 25 USC § 1912(a). This Court has does not have jurisdiction under 25 USC § 1911 to proceed with the case. Additional findings _____

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 pending on the dates set out below.

Allegations for:				
#	Date	Proved/Admitted	Amended	Text (or summary if full text in admissions form)
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
#	Date	Dismissed/Pended	Text optional	
		<input type="checkbox"/> D <input type="checkbox"/> P		
		<input type="checkbox"/> D <input type="checkbox"/> P		
		<input type="checkbox"/> D <input type="checkbox"/> P		

Allegations for: (insert name)				
#	Date	Proved/Admitted	Amended	Text (or summary if full text in admissions form)
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
		<input type="checkbox"/> P <input type="checkbox"/> A	<input type="checkbox"/> Y	
#	Date	Dismissed/Pended	Text optional	
		<input type="checkbox"/> D <input type="checkbox"/> P		
		<input type="checkbox"/> D <input type="checkbox"/> P		
		<input type="checkbox"/> D <input type="checkbox"/> P		

▶ **Jurisdiction Finding**

- The child is **within** the jurisdiction of the court under ORS 419B.100.
- The child is **not within** the jurisdiction of the court under ORS 419B.100.

4. DISPOSITIONAL FINDINGS

▶ **PLACEMENT AND CUSTODY FINDINGS**

In-Home Placement:

- Placement in the **home** is in the child’s best interest and for the child’s welfare.
- Placement in the legal custody of **DHS** for in-home placement is in the child’s best interest and for the child’s welfare.

Out-of-Home Placement:

- Placement or continuation in substitute care is in the child’s best interest and for the child’s welfare, based on the jurisdictional findings under ORS 419B.100 and because:

Non-ICWA case: The child cannot be safely returned home/maintained in the home without further danger of suffering physical injury or emotional harm or endangering or harming others. Additional findings: _____

_____. ORS 419B.337(1).

ICWA case: Clear and convincing evidence, including qualified expert witness testimony, has established that continued custody of the child by the parent(s), or Indian custodian(s), is likely to result in serious emotional or physical damage/injury to the child. Additional findings: _____

_____. 25 USC §1912(e); ORS 419B.340(7).

The court further finds that it is in the child's best interest and welfare to be placed:

- in the legal custody of DHS for substitute care
- under protective supervision and in substitute care per ORS 419B.331 ORS 419B.334

► **Diligent Efforts:**

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 or 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 a sibling, as required by ORS 419B.192. Placement together is not in the best interest of the child or sibling.

► **Placement Preferences:**

- The selected placement is is not the least restrictive, most family-like setting that meets the health and safety needs of the child and in reasonable proximity to the child's home. 42 USC § 675(5)(A). Additional findings: _____

ICWA case: The selected placement: complies does not comply with the placement preference(s) established by 25 USC §1915. Additional findings: _____

► **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.

► **Reasonable/Active Efforts**

❖ **Findings Not Required**

- This judgment does not authorize the removal of the child from the home, and the child is currently in the home and was not removed from the home prior to entry of this judgment.
- This is not an ICWA case, and, pursuant to ORS 419B.340(5) and (6) (special circumstances), DHS is not required to make reasonable efforts to reunify the child with Mother Father. Additional findings: _____

❖ **Findings Required**

This judgment commits the child to the **legal custody** of DHS. The court has considered the circumstances of the child and parent(s) and the child's health and safety. The court finds:

Efforts Prior to Removal

DHS has made not made reasonable active efforts to prevent or eliminate the need for removal, as described below.

DHS has made reasonable active efforts because the agency's first contact with the family occurred during an emergency and the child could not remain without jeopardy in the home.

Although DHS did not make the required reasonable, or active, efforts to prevent or eliminate the need for removal, additional preventive/ reunification efforts would not permit the child to remain safely in the home.

Efforts Since Removal

DHS has made not made reasonable active efforts to make it possible for the ward to safely return home, as described below.

Description of preventive and reunification efforts and why those efforts were or were not sufficient and whether additional efforts would have been successful: _____

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

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.

► **Case Plan**

The Current Case Plan Is:

Reunification with Mother Father Other:

Other plan: _____

To be achieved by _____ (date)

The Concurrent Plan Is: _____

THE COURT ORDERS:

Wardship

Based on the finding of jurisdiction, the child is made a ward of the court under ORS 419B.328.

Dismissal

Based on the court's finding there is no jurisdiction, the petition/amended petition is dismissed.

Placement, Legal Custody and Guardianship

► **In-Home**

The court grants legal custody and guardianship (ORS 419B.372) of the child to DHS for care, placement and supervision, and directs the child be placed at home subject to the following conditions: _____

(OR)

The child is placed under the protective supervision of the court and in the legal custody of:
 Mother Father Guardian subject to the following conditions: _____

► **Out-of-Home**

The court grants legal custody and guardianship (ORS 419B.372) of the child to DHS for care, placement and supervision.

The child is placed under the protective supervision of the court and in the legal custody of _____ pursuant to: ORS 419B.331 ORS 419B.334

Parent/Guardians

Mother Father Other: _____ to comply with the terms of the Action Agreement/ Letter of Expectation, dated _____ Other: _____

DHS

DHS is ordered to: _____

CASA

CASA is appointed to represent the child/ren.

Visitation ORS 419B.337(3)

DHS is ordered to develop or modify the visitation plan to include the following provisions: _____

ICWA Determination

DHS is ordered to continue its inquiry into whether the child is an Indian Child and report the results of the inquiry to the court.

DHS Disclosure of Records and Reports

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.

Additional orders: _____

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

APPEARANCE TYPE:	DATE:	TIME:
► Review hearing		

▶ Permanency hearing		
▶ If the child is in the legal custody of DHS and placed in substitute care, the CRB will conduct a review of this case between 5 and 6 months from entry into care.		
▶ Other:		
▶ <input type="checkbox"/> No further hearings.		

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