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# NEW REQUIREMENTS FOR POST JURISDICTION PETITIONS & JUDGMENTS IN JUVENILE DEPENDENCY CASES

Effective January 1, 2021, new rules go into effect for dependency petitions and certain judgments in dependency cases. UTCR 11.130 imposes new requirements for juvenile dependency petitions filed under ORS 419B.100 when the child is already a ward of the court. The purpose of the new rule is to keep the child's case record under one court case number for each episode of wardship, and to ensure that each of the child's active petition allegations and established jurisdictional bases are kept within the most recently filed petition.

In addition, UTCR 11.140 imposes new content requirements on jurisdictional and dispositional judgments in dependency cases. This rule directs that jurisdictional judgments contain a comprehensive listing of the current bases of jurisdiction for the child, making it easier for parents, attorneys and judges to quickly determine which ODHS services and related measures of parental progress are necessary for reunification.

## ONE CHILD, ONE CASE NUMBER FOR EACH EPISODE OF WARSHIP

Each child is assigned one case number from the time the first petition is filed until the case is dismissed or wardship is terminated. All other dependency petitions filed for the child are assigned the same case number that was given to the initial petition (unless otherwise permitted under ORS 419B.118). Efforts are also made to connect any protective custody order requests that were filed before the initial dependency petition by assigning the petition the same case number as the last issued protective custody order.

## NEW CONTENT REQUIREMENTS FOR POST-JURISDICTION PETITIONS (UTCR 11.130)

A dependency petition filed under ORS 419B.100 after the court has already entered a judgment of jurisdiction and the child is still a ward, must include:

- The child's existing case number in the case heading;
- The sequential number of the petition before the word "PETITION" in the case heading;
- The date of the initial judgment establishing jurisdiction over the ward during the current wardship episode;
- The existing bases of jurisdiction and the date each basis was established in a judgment of jurisdiction and whether each allegation was admitted or proved; and
- Any allegation that remains pending from a previous petition and the title of that petition.

Also, new allegations must be numbered consecutively to allegations listed in the previous petition.

Note: Dependency petitions filed after the first petition but before the court has entered an initial jurisdictional judgment are also filed within the same case number as an "amended" petition. The content rules above do not apply to this situation.

## HOW TO FILE A POST-JURISDICTION PETITION

When filing the petition in File & Serve, select the Petition-Dependency (PTDP) filing code. File the petition under the child's existing case number. Make sure the petition includes the information in UTCR 11.130, referenced above.

## CHILDREN WHO HAVE MULTIPLE CASE NUMBERS

If the child already has more than one existing case number for the current wardship episode:

- The petition should contain and be filed under the child's first dependency case number;
- The petition should be numbered according to the total number of petitions filed during the child's current wardship episode; and
- Petition allegations should be numbered consecutively to the most recently filed dependency petition during the wardship episode.

## SERVICE REQUIREMENTS FOR POST-ADJUDICATION PETITIONS

A dependency petition containing allegations under ORS 419B.100 filed during an existing wardship must be served with a summons in accordance with ORS 419B.815.

## NEW CONTENT REQUIREMENTS FOR JUDGMENTS (UTCR 11.140)

### ALL JUDGMENTS OF JURISDICTION

A judgment of jurisdiction must state how each allegation in a petition is resolved: whether it is admitted, proved, dismissed or pending.

### JUDGMENTS OF JURISDICTION AND DISPOSITION BASED ON POST-JURISDICTION DEPENDENCY PETITIONS

Judgments of Jurisdiction and Disposition entered after the initial judgment of jurisdiction will need to identify the name of all petitions resolved by the judgment in the case heading in parentheses next to the document title. For example, a judgment of jurisdiction and disposition that is based on a Second Petition that also resolves an allegation from the initial petition would be called "Judgment of Jurisdiction and Disposition (PETITION, SECOND PETITION)".

In addition, post-jurisdiction judgments of jurisdiction must include:

- The bases of jurisdiction previously established during the existing wardship that have not been dismissed;
- The date each basis of jurisdiction was established in a judgment of jurisdiction; and
- The date of the first judgment establishing jurisdiction over the ward during the current wardship episode.

## ADDITIONAL INFORMATION

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