

Linn County Circuit Court
23rd Judicial District

2015 DEPENDENCY CASE FLOW MANAGEMENT PLAN
Effective: 02.12.2016

1. Goal:

Primary Goal:

To achieve optimal use of limited docket time to address problems preventing reunification of families through a more effective case flow management using differential case management.

Secondary Goals:

1. To treat cases involving children 6 and under with increased attention and focus;
2. To insure that children at the highest risk receive the services needed as quickly as possible to avoid further risk.
3. To insure that services are adequately provided, barriers to success are identified and removed, and cases proceed more effectively to early reunification or if necessary to alternative permanency.
4. Achieve compliance with statutory deadlines for jurisdiction, annual review permanency hearings and TPR case resolution.

2. Statutory Deadline Compliance Plan

2A. Jurisdiction Deadline

1. Oregon law requires jurisdiction to be resolved not more than 60 days after removal of the child. The court may find good cause to exceed the 60 day limit.
2. At the shelter hearing the matter will be set for a settlement conference two weeks out on the docket.
3. At the settlement conference the matter will be set for trial not more than 60 days after the date of removal unless jurisdiction is taken at the settlement conference.

4. The Settlement Conference judge may set the jurisdiction trial on his docket or on the dockets of one of the two primary dependency judges (Murphy or Novotny).
5. DHS shall file a motion for service by publication no later than 30 days after removal. Failure to file a motion for service by publication within 30 days after removal may be a basis for a reasonable efforts finding by the court.
6. If the court finds good cause to set the trial more than 60 days after the date of removal the court must issue a written order so finding and the court shall not set a trial without complying with this provision.
7. The court may allow a case to go forward pursuant to ORS 419B.914 if the court finds that DHS made diligent efforts to identify and/or locate a parent and has been unable to identify or locate the parent.
8. No motion to continue a scheduled jurisdiction trial shall be allowed unless the court makes a written good cause finding and good cause exists.
9. All jurisdiction trials will be assigned a P1 priority rating on the docket.

2B. Permanency Hearing Deadlines

The first annual review permanency hearing shall be set not more than 11 months after disposition or 13 months after removal, whichever date is sooner. Thereafter the subsequent annual reviews shall be set on the anniversary of the first setting.

2C. Termination of Parental Rights (TPR) Resolution Deadline

Statute provides that termination of parental rights proceedings shall be resolved not more than six months after filing.

The initial appearance for a TPR petition shall be set at the request of the state but shall not be more than 30 days after the petition is filed except that when service is by publication it shall be 60 days after petition is filed. .

At the initial appearance a pretrial conference shall be set:

In cases where DHS Mediation is allowed the pretrial conference shall be set not more than 60 days out;

In cases where DHS Mediation is not allowed the pre trial conference shall be set not more than 30 days out.

At the pre trial conference trial will be scheduled not more than 180 days after the date the petition was filed unless the court finds good cause to set the trial further out.

3. Differential Case Management – Post Jurisdiction

It has long been understood that different types of cases should be managed in different ways depending on the needs of those cases. The Sixty Day jurisdiction deadline set forth in our statutes is a crude effort in that regard. Differential Case Management theory actually advises against any one size fits all rule. Each case must be evaluated to some degree on its own merits.

The presumption underlying Differential Case Management is that each case should be resolved as quickly as possible given the needs of that case. Any delay in resolution that is not supported by good cause is not justified and should not be permitted. The real question, of course, becomes what constitutes “good cause”.

Any system of differential case management is a balance between undue complexity and over-simplification. The plan below seeks a middle ground between those extremes.

Finally, this system is designed to docket cases in response to the actual need for court oversight in the individual case depending on the issues and the level of conflict involved.

4. Linn County Differentiated Case Management for Dependency Cases

TRACK I. For Families with Children under 6 in substitute care:

First Review 30 days after Disposition. This will be a Limited Review unless the parties request a Full Review. At the First Review time if the case appears to be progressing satisfactorily without continual court oversight the case will be assigned to Track IV and no further reviews will be scheduled until the Annual Review or until someone requests one.

If the case is not progressing satisfactorily and additional court oversight is deemed necessary a second Limited Review or a Full Review will be scheduled 30-45 days following the First Review. The Court will then schedule such Reviews thereafter as the Court deems necessary after consulting with the parties.

The court will not generally cancel CRB reviews but will cancel a court review that would fall in the same month as the CRB review unless it is the Annual Review.

TRACK II. For Families with no children under 6:

First Review 30 days after Disposition. This will be a Limited Review unless the parties request a Full Review. At that time if the case appears to be progressing satisfactorily without continual court oversight the case will be assigned to Track IV no further reviews will be scheduled until the Annual Review or until someone requests one.

If the case is not progressing satisfactorily and additional court oversight is deemed necessary a second Limited Review or a Full Review will be scheduled 60 days following the First Review. The Court will then schedule such Reviews thereafter as the Court deems necessary after consulting with the parties.

TRACK III. Any case where the plan is adoption and it is more than 24 months after removal: Review every 90 days or as needed at order of the court. Court will suspend court review during month of CRB review. (It may be necessary to reduce the number of reviews in some cases due to lack of docket time.)

TRACK IV. Any case that does not require more than annual court review will be assigned to Track IV. Should the necessity arise to resume more frequent court reviews the case will be assigned back to the applicable regular track.

Summary:

	Track 1	Track 2	Track 3	Track 4
First post Disposition Review	30 days out / if case going well move to track 4	30 days out / if case going well move to track 4	90 days after children in care 24 months	First Annual Review
Second Review	30 days after first review / if all going well move to track 4	60 days after first review / if all going well move to track 4	90 days after first review	Second Annual Review
Third Review	Continue as for Second Review.	Continue as for Second Review	Continue as for Second review	Third Annual Review

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 Juv/Dependency Workgroup/Projects/Case Flow Management/2015 Dependency CFM Plan

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