

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
THIRD JUDICIAL DISTRICT  
Juvenile Department**

**In the Matter of:** \_\_\_\_\_ ) **No.** \_\_\_\_\_  
 \_\_\_\_\_ )  
 \_\_\_\_\_ ) **COMPELLING REASONS DETERMINATION**  
 \_\_\_\_\_ ) **JUDGMENT**  
 \_\_\_\_\_ )  
 \_\_\_\_\_ ) **a child.** \_\_\_\_\_

On petition dated \_\_\_\_\_. The above named child has been in substitute care for 15 of the past 22 months. The parties and the Court  have had  have not had an opportunity to review DHS's documented case plan and its compelling reasons for determining that filing a Termination of Parental Rights [TPR] petition would not be in the best interests of the child. Upon review and hearing the Court Finds and Orders as Follows:

- DHS should not file a TPR petition because the child is being cared for by a relative and that placement is intended to be permanent [ORS 419B.498(2)(a)]. (This is a separate statutory basis and not a compelling reasons finding.)
- DHS has demonstrated compelling reasons that filing a TPR petition would not be in the best interests of the child at this time, those reasons include:
  - The parent is successfully working to complete a plan under ORS 419B.498(2)(B)\*;
  - Another permanent plan is better suited to meet the health and safety needs of the child, ORS 419B.498(2)(B)\*;
  - The Court or CRB in a prior hearing or review determined that while the case plan was to reunify the family DHS did not make reasonable efforts (or active efforts if ICWA applies) to safely return the child home. ORS 419B.498(2)(C)\*;
- DHS has not provided the family of the child, consistent with the time period in the agency case plan, such services as the agency deems necessary for the safe return of the child to the child's home, if reasonable efforts to make it possible for the child to safely return home are required. ORS 419B.498(2)(c).
- DHS has failed to document compelling reasons why the filing of a Petition for Termination of Parental Rights would not be in the best interests of the child at this time.

It is **ORDERED**:

DHS continue with or implement the plan to:  return to parent;  achieve adoption;  establish a guardianship;  establish a Planned Permanent Living Arrangement.

A permanency hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ am/pm; all parties were ORDERED to appear on the record at the next date and advised of the consequences of failure to appear;

The Court requests the Citizens Review Board review this case within \_\_\_\_\_ days and return a report to this court within 30 days of that review.

The State is not relieved of its obligation to file a TPR Petition against  mother  father within \_\_\_\_\_ days.

Other:

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\*Pursuant to ORS 419B.476 the Court must set out specifically what services the parent must complete and a time line for that completion. This should be set out in the Permanency Hearing Judgment.

Dated : \_\_\_\_\_  
 \_\_\_\_\_  
 Circuit Court Judge

\_\_\_\_\_  
 Print, Type or Stamp Name of Judge

Distribution: Records / Parents / DHS/PO: \_\_\_\_\_ / Atty: \_\_\_\_\_ / Other: \_\_\_\_\_