

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

In The Matter of: _____) Court No. _____
)
)
) DHS No. _____
A child.) **SHELTER ORDER** (ORS 419B.180 et seq.)

This matter came before the Court on _____. The following persons appeared by phone or in person:
 Mother Attorney for Mother Father Attorney for Father Guardian(s) Attorney for Guardian(s) Child
 Attorney for Child Tribe Attorney for Tribe DHS AAG DDA CASA Other: _____

DHS Documentation: The DHS **did** **did not** provide the Court with the required documentation. ORS 419B.185.

Evidence Considered: Stipulations; Exhibits; Testimony; Admissions; Judicial notice of the following: _____

Standard of Proof: The findings made below are based on **a preponderance of** **clear and convincing** evidence.

1. PROTECTIVE CUSTODY FINDING AND PROBABLE CAUSE DETERMINATION:

- ▶ The child is a resident of _____ County and was taken into protective custody by DHS on _____
- ▶ There **is** **is not** probable cause to believe that the child is within the jurisdiction of the court. ORS 419B.100(1).

2. INDIAN CHILD WELFARE ACT (ICWA) - FINDINGS AND ORDER:

- The ICWA **does not** apply.
- At this time, the Court **does not have reason to believe that the ICWA applies**, but DHS shall continue its inquiry whether the child is an “Indian child” and report the results of the inquiry to the Court. 25 USC § 1903(4).
- See ICWA Findings and Order reference this same date, which is incorporated herein by reference.

3. NOTICE FINDINGS AND ORDERS:

- ▶ **Parties:** All parties **were notified**. All parties **were not notified**, and DHS shall make diligent efforts to notify the following: _____
 - Mother Father Guardian(s) was/were provided the notice of rights and obligations. ORS 419B.117.
- ▶ **Current Care Provider(s)/Legal Grandparents:**
 - The child is in substitute care, and DHS **did** **did not** give the current care provider(s) notice of the hearing.
 - Current care provider(s) attended the hearing and had an opportunity to be heard.
 - DHS **did** give the legal grandparent(s) notice of the hearing. ORS 419B.875 (7).
 - DHS **did not** give the legal grandparent(s) notice of the hearing, because: the grandparent(s) did not ask to be notified other: _____
 - Legal grandparent(s) attended the hearing and had an opportunity to be heard.

4. UCCJEA FINDINGS:

This Court **has** **does not have** jurisdiction to make a “child custody determination.” ORS 109.701 to 109.834.

5. REASONABLE EFFORTS FINDINGS: (this section not marked if ICWA add-on included)

In light of the circumstances of the child and the parent(s)/guardian(s), and having considered the child’s health and safety to be the paramount concerns, the Court finds that DHS **has made** **has not made** reasonable efforts to prevent or eliminate the need for removal to make it possible for the child to safely return home. The court adopts as a recitation of those efforts the facts **in the DHS report(s) marked as Exhibit(s)** _____
 made on the record in this matter, which are incorporated herein by this reference. ORS 419B.185(1).
 Although DHS did not make the required reasonable efforts, additional preventive/reunification efforts would not permit the child to remain safely in the home; therefore, the Court may authorize/continue the removal. ORS 419B.185(1).

6. IN-HOME PLACEMENT – FINDINGS AND ORDERS:

The Court has considered the child’s health and safety and whether the provision of reasonable services can prevent or eliminate the need to separate the family and finds that it is in the child’s best interests to be placed in/remain in the child’s home. THEREFORE, the child shall remain/be placed with: Mother Father Guardian(s).

7. PLACEMENT IN SUBSTITUTE CARE – FINDINGS AND ORDERS:

▶ **Substitute Care Determination:** (this section not marked if ICWA add-on included)

The Court has considered the child’s health and safety and whether the provision of reasonable services can prevent or eliminate the need to separate the family and finds that the child cannot be safely returned home/maintained in the home without further danger of suffering physical injury or emotional harm endangering or harming others not remaining within the reach of the court process prior to adjudication. The Court further finds that the selected placement is the least restrictive, most family-like setting that meets the health and safety needs of the child. THEREFORE, for the reasons stated in the evidence incorporated previously in section 5, it is in the child’s best interests to be in substitute care.

▶ **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. ORS 419B.192.

Sibling Placement: The child does not have minor siblings. The child is in substitute care and has one or more minor siblings, and DHS **has made** **has not made** diligent efforts to place the child with a sibling. ORS 419B.192.

The court adopts as a recitation of the diligent efforts made the evidence incorporated previously in section 5.

▶ **Visitation Findings/Orders:** _____

8. TEMPORARY CUSTODY:

The Court places the child in the temporary custody of DHS Other: _____ for care, placement, and supervision, pursuant to ORS 419B.809(5). The Court authorizes DHS to disclose court records and reports associated with the petition(s) in this matter, if such disclosure is reasonably necessary to perform its official duties related to the involvement of the child with the juvenile court and complies with ORS 419A.255 through ORS 419A.257 and ORS 419B.035.

9. RESTRAINING ORDER FINDINGS:

The Court finds that the requirements for a restraining order are satisfied in this case and that entry of a restraining order against: Mother Father Other: _____ is in the child’s best interests. ORS 419B.845.
 The restraining order is attached.

10. PARTY’S STIPULATIONS – COURT ORDERS:

Based on the stipulation of the party to the service, the Court orders the Mother Father Guardian to submit to random observed urinalysis, with or without ETG testing, at the direction of DHS.

11. APPOINTMENT OF COUNSEL/CASA:

Mother: _____ Father: _____ Child: _____
 Guardian: _____ CASA: _____ Other: _____

12. OTHER FINDINGS/ORDERS:

13. PARTIES PRESENT ARE ORDERED TO APPEAR AS FOLLOWS:

Settlement conference for Mother Father Guardian(s) on _____ at _____ AM/PM.
 Trial for Mother Father Guardian(s) on _____ at _____ AM/PM.
 Review hearing for Mother Father Guardian(s) on _____ at _____ AM/PM.
 Other hearing for Mother Father Guardian(s) on _____ at _____ AM/PM.

▶ The 60-day deadline for resolving the petition is: _____ No pending petition. ORS 419B.305(1).

Date

Circuit Court Judge

Distribution: Records/Parents/DHS/OYA/PO: _____ /Atty: _____ /Other: _____