

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

In the Matter of: _____) Case Number: _____
)
)
_____) **PERMANENCY JUDGMENT**
A Child.)

► **This matter came before the Court on _____, 20___, for a permanency hearing, pursuant to ORS 419B.470 and 419B.476.**

Parties Appearing:

- Father Mother Guardian(s) Child DHS Tribe Deputy District Attorney
 Assistant Attorney General Attorney for Father Attorney for Mother Attorney for child
 Attorney for Tribe Attorney for Guardian(s) CASA Other: _____
-

Type of Permanency Hearing:

- A. ORS 419B.470(1):** Within 30 days of aggravated circumstances findings, under ORS 419B.340 (5) and (6).
- B. ORS 419B.470(2):** 12 months after finding of jurisdiction.
 14 months after child’s placement in substitute care.
- C. ORS 419B.470(3):** Within 90 days of child’s removal from permanent foster care.
- D. ORS 419B.470(4):** Within 30 days court’s receipt of the report required by ORS 419B.440(2)(b) when DHS has not physically placed the child for adoption or initiated adoption proceedings within six months of the child’s being surrendered for adoption or the termination of the parents’ rights.
- E. ORS 419B. 470(5):** At request of: _____.
- F. ORS 419B.470(6):** Annual hearing, required once every 12 months after permanency hearings under ORS 419B.470(1),(2),(3),(4), or (5).
- G. ORS 419B.470(7):** Within 6 months of a permanency hearing held under ORS 419B.470(4), and every 6 months thereafter, if DHS has not yet physically placed the child for adoption, or initiated adoption proceedings.
- H. ORS 419B.498(1):** Child in substitute care 15/22 months. Parent convicted of crime listed in ORS 419B.498(1)(b). A court has determined that the child is an abandoned child.
- I. At the order of the Court.**

Standard of Proof / Evidence Considered:

- The Findings made below are based on a preponderance of the evidence.
- The Findings made below are based on clear and convincing evidence, because the child is an “Indian child” under the Indian Child Welfare Act (25 USC § 1901-63).
- The Court considered the following evidence in making the Findings and Orders in this Judgment:
- Stipulations by the parties
 - The exhibits offered by the parties and admitted at the hearing
 - The exhibits admitted by the Court under ORS 419A.253
 - The testimony of the witness(es) at the hearing
 - The following information/materials, of which the Court has taken judicial notice, either at the request of the parties or pursuant to ORS 419A.253: _____
- Other: _____

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

1. JURISDICTION AND WARDSHIP

The child was found to be within the juvenile court's jurisdiction and made a ward by judgment(s) entered on:

2. PLACEMENT / CONCURRENT PLANNING (ORS 419B.476 (2)(d) and 419B.476 (4)(e)(f) and (g))

► **Placement:** The child's current placement is with/in: Parent Relative Non-relative foster care Guardianship Permanent foster care Residential treatment: _____
_____. Other: _____. The current placement is is not an interstate placement. The current placement is is not in the best interests of the child and the least restrictive, most family-like setting that meets the health and safety needs of the child. DHS shall modify the child's care, placement, and/or supervision, as follows: _____

► Indian Child Welfare Act (ICWA):

The ICWA **does not** apply.
 The ICWA **does** apply, because the child is an "Indian child" under the Indian Child Welfare Act (25 USC § § 1901-63), and the current placement **does** **does not** comply with the placement preference established by the Indian Child Welfare Act. The child is a member of the following Indian tribe(s): _____.

► Diligent efforts (ORS 419B.192):

Relative Placement

The child is in substitute care, and DHS **has made** **has not made** diligent efforts to place the child with a suitable relative.

The child is in substitute care, and, although a suitable relative placement is available, it is in the child's best interests to be in a non-relative placement, because: _____

Sibling Placement

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.

► Number of placements, visits, school changes, and DHS contacts:

The child has been in _____ out-of-home placement(s) since the child has been in the legal custody and guardianship of DHS, and the number of placements **is** **is not** in the child's best interests.

The child has attended _____ school(s) since the child has been in the legal custody and guardianship of DHS, and the number of schools the child has attended **is** **is not** in the child's best interests.

The child has had _____ face-to-face contacts with a DHS case worker since the child has been in the legal custody and guardianship of DHS, the case worker currently sees the child at least _____ times every 30 days, and the number and frequency of the child's face-to-face contacts with a DHS case worker **is** **is not** in the child's best interests.

The child has had _____ visits with the child's parent(s) since the child has been in the legal custody and guardianship of DHS, and the number of visits **is** **is not** in the child's best interests.

The child has had _____ sibling visits since the child has been in the legal custody and guardianship of DHS, and the number of visits is is not in the child's best interests.

Additional findings re: number of placements, schools attended, DHS case worker contacts, and visits: _____

► **Concurrent planning:**

There is **no** concurrent plan, because: _____.

There **is** a concurrent plan, and that plan is: Adoption Permanent guardianship under ORS 419B.365 Guardianship under ORS 419B.366 Placement with a fit and willing relative under ORS 419B.331 A permanent planned living arrangement (PPLA), which is: _____

DHS has made the following efforts to develop the concurrent plan: _____

Those efforts are are not sufficient. DHS shall make the following additional efforts to develop the concurrent plan and report those efforts to the Court: _____

The concurrent plan **is** in the child's best interests.

The concurrent plan **is not** in the child's best interests and, **THEREFORE** : is changed to: _____ .

3. PERMANENT PLAN – REUNIFICATION (NOTE: If Reunification is NOT the plan when the parties walk into the courtroom skip to section 4 on page 6.)

► **Reunification of the family is the permanent plan (case plan) in effect at the time of the permanency hearing.** (ORS 419B.476(2)(a), 419B.476 (4)(c)(d) and (f) and 419B.476(5))

► **DHS reunification efforts:**

This case is is not an ICWA case, and, for that reason, DHS is required to make **reasonable efforts** **active efforts** to reunify the family.

DHS **has** **has not** made **reasonable efforts** **active efforts** to reunify the family during the period since the last review/permanency hearing.

The reunification efforts of DHS (*i.e.*, services provided either directly or through DHS referrals or financial support) include the following:

Mother:

Substance Abuse – Referrals for:

- Alcohol and drug evaluation /treatment
- UA’s or other drug testing
- Dual Diagnosis evaluation/ treatment

Domestic Violence/Anger - Referrals for:

- Anger management counseling
- Anger management education
- Domestic violence batterer intervention program
- Domestic violence victim counseling & education

Support Services

- housing assistance
- transportation assistance
- Clothing vouchers
- In-home outreach assistance

Mental Health Related – Referrals for:

- Psychological evaluation/treatment
- Psychiatric evaluation/ treatment
- Mental health evaluation/ treatment or counseling services
- Medication management
- neuropsychological evaluation

Parenting/Home Services –

Referrals for:

- Parent training
- Specialized parent training
- Homemaker services
- Failure to thrive assessment and all recommended aftercare

Sex Offense Related – Referrals for:

- Psycho-sexual evaluation and treatment.
- Non-offending parent sex offense education program

Children Treatment/Care – Referrals for:

- Family counseling
- Counseling or treatment/assessments for child(ren)
- Development of safety plan
- Individual counseling
- Intensive Family Services
- Supervised Visitation with children.

Other:

Father:

Substance Abuse – Referrals for:

- Alcohol and drug evaluation /treatment
- UA’s or other drug testing
- Dual Diagnosis evaluation/ treatment

Domestic Violence/Anger - Referrals for:

- Anger management counseling
- Anger management education
- Domestic violence batterer intervention program
- Domestic violence victim counseling & education

Support Services

- housing assistance
- transportation assistance
- Clothing vouchers
- In-home outreach assistance

Mental Health Related – Referrals for:

- Psychological evaluation/treatment
- Psychiatric evaluation/ treatment
- Mental health evaluation/ treatment or counseling services
- Medication management
- neuropsychological evaluation

Parenting/Home Services –

Referrals for:

- Parent training
- Specialized parent training
- Homemaker services
- Failure to thrive assessment and all recommended aftercare

Sex Offense Related – Referrals for:

- Psycho-sexual evaluation and treatment.
- Non-offending parent sex offense education program

Children Treatment/Care – Referrals for:

- Family counseling
- Counseling or treatment/assessments for child(ren)
- Development of safety plan
- Individual counseling
- Intensive Family Services
- Supervised Visitation with children.

Other:

► **Case plan compliance/progress – DHS and parent(s)**

DHS:

DHS is in compliance with the current case plan. DHS is not in compliance with the current case plan, and, to correct the non-compliance, DHS shall: _____

DHS shall develop/modify the case plan, as follows and, within ___ days after the permanency hearing the date of entry of this judgment, shall provide to the court and the parties a case progress report: _____

Mother:

Mother **is** involved in the case and **has** **has not** made sufficient progress toward meeting the expectations set forth in the service agreement, letter of expectation and/or case plan, and the child **can be** **cannot be** **has been** safely returned to mother's care. Additional related findings: _____

Mother **is not** involved in case, because: mother's parental rights terminated/relinquished mother is deceased other: _____

Father:

Father **is** involved in the case and **has** **has not** made sufficient progress toward meeting the expectations set forth in the service agreement, letter of expectation and/or case plan, and the child **can be** **cannot be** **has been** safely returned to father's care. Additional related findings: _____

Father **is not** involved in case, because: father's parental rights terminated/relinquished father is deceased other: _____

► **Findings and Orders to CONTINUE case plan of REUNIFICATION** (NOTE: If the court is **NOT** continuing the plan of reunification SKIP to the top of page 6.)

The case plan of reunification shall continue in effect, pursuant to ORS 419B.476 (4)(c) and (5)(c), because: further efforts by the agency will make it possible for the child to be safely returned to **mother's** **father's** care within a reasonable time.

THEREFORE, between the date of entry of this judgment and _____, 20__ :

Mother shall participate in the following services and make the progress specified below.
Services: _____

Progress: _____

Father shall participate in the following services and make the progress specified below.
Services: _____

Progress: _____

If the parent(s) make(s) the progress described above, the child will be returned to **mother's** **father's** care not later than _____, 20____. (ORS 419B.476(5)(b)(A)) (**DHS shall promptly notify the Court and the parties if the child is not returned home by that date.**)

(NOTE: After filling out this section SKIP to section 6 on page 9.)

► **Findings and Orders to change case plan from reunification to a different plan**

The case plan of reunification should be changed to a different permanent plan, because: notwithstanding the reasonable active reunification efforts of DHS, the child cannot be safely returned to mother's father's care at the time of the hearing, and the evidence does **not** support a determination under ORS 419B.476(4)(c) and (5)(c) that further efforts by the agency will make it possible for the child to safely return home within a reasonable time.

THEREFORE, the permanent plan is changed from reunification of the family to the permanent plan specified in SECTION 5 below.

4. PERMANENT PLAN - OTHER THAN REUNIFICATION

► **A permanent plan (case plan) other than reunification of the family is in effect at the time of the permanency hearing.** (ORS 419B.476(2)(b), 419B.476 (4)(d), and 419B.476 (5))

► **The case plan in effect at the time of the hearing is:** Adoption Permanent guardianship under ORS 419B.365 Guardianship under ORS 419B.366 Placement with a fit and willing relative under ORS 419B.331 A permanent planned living arrangement (PPLA), which is: _____

DHS shall develop/modify the case plan, as follows and, within ___ days after the permanency hearing the date of entry of this judgment, shall provide to the Court and the parties a case progress report: _____

► **DHS compliance with case plan:**

The child is is not in the permanent placement designated by the case plan. The date of permanent placement was will be: _____, 20__.

DHS has has not made reasonable efforts active efforts to place the child in a timely manner (including, if applicable, in an interstate placement) in accordance with the plan and to finalize the child's permanent placement. The DHS efforts include the following: _____

DHS has has not considered the appropriate and available permanent placement options for the child, both in-state and interstate.

DHS is in compliance with the current case plan. DHS is not in compliance with the case plan, and, to correct the non-compliance, DHS shall: _____

► **The current case plan:** is in the child's best interests and shall continue in effect. (NOTE: If this box is marked SKIP to section 6 on page 9.)

► **The current case plan:** is no longer in the child's best interests, or is otherwise inappropriate, because: _____

THEREFORE, the permanent plan should be and is changed to: reunification of the family the permanent plan specified in **SECTION 5 below.**

5. FINDINGS AND ORDERS IDENTIFYING NEW PERMANENT PLAN (NOTE: Only complete this section if the plan is being CHANGED. Otherwise, SKIP to section 6 on page 9.)

► **Based on the findings above in Section 3 Section 4, and those in this section, the current permanent plan (case plan) is changed to the permanent plan of:**

ADOPTION

None of the circumstances described in ORS 419B.498(2) applies, because: the child is not currently being cared for by relative in a placement that is intended to be permanent, as provided in ORS 419B.498(2)(a), there is not a “compelling reason” within the meaning of that term in ORS 419B.498(2)(b) for determining the filing of a petition to terminate the parent’s/parents’ parental rights would not be in the child’s best interests, and the circumstances described in ORS 419B.498(2)(c) are not present. Additional related findings: _____

THEREFORE: **The termination-of-parental-rights petition(s) shall be filed not later than _____, 20____, and the child shall be placed for adoption not later than _____, 20____.**

GUARDIANSHIP, pursuant to ORS 419B.366 ORS 419B.365

Placement of the child with a parent is not appropriate, because, as found above, despite the reasonable active reunification efforts of DHS, the child cannot be safely returned to a parent within a reasonable time.

Adoption is not appropriate, because: the child currently is being cared for by a relative in a placement that is intended to be permanent, as provided in ORS 419B.498(2)(a); there is a “compelling reason,” within the meaning of that term in ORS 419B.498(2)(b) and documented in the case plan, for determining that adoption would not be in the child’s best interests, which reason is that the circumstances described in ORS 419B.498(2) (b)(A) ORS 419B.498(2) (b)(B) ORS 419B.498(2) (b)(C) apply in this case; the child has needs that require a therapeutic or other specialized placement, which include _____; the child’s age health and safety needs sibling attachment(s) attachment to a parent make adoption unlikely and/or inappropriate. Additional related findings: _____

THEREFORE: **The child shall be referred for establishment of the guardianship not later than _____, 20____, and the guardianship shall be established not later than _____, 20____.**

PLACEMENT WITH A FIT AND WILLING RELATIVE under ORS 419B.331

Placement of the child with a parent is not appropriate, because, as found above, despite the reasonable active reunification efforts of DHS, the child cannot be safely returned to a parent within a reasonable time.

Adoption is not appropriate, because: the child currently is being cared for by a relative in a placement that is intended to be permanent, as provided in ORS 419B.498(2)(a); there is a “compelling reason,” within the meaning of that term in ORS 419B.498(2)(b) and documented in the case plan, for determining that adoption would not be in the child’s best interests, which reason is that the circumstances described in ORS 419B.498(2) (b)(A) ORS 419B.498(2) (b)(B) ORS 419B.498(2) (b)(C) apply in this case; the child has needs that require a therapeutic or other specialized placement, which include _____

the child’s age health and safety needs sibling attachment(s) attachment to a parent make adoption unlikely and/or inappropriate. Additional related findings: _____

THEREFORE: **The child shall be placed with a fit and willing relative not later than _____, 20____.**

PLANNED PERMANENT LIVING ARRANGEMENT (PPLA)

There are compelling reasons, which DHS has documented, why it would not be in the child’s best interests to be returned home, placed for adoption, placed with a legal guardian, or placed with a fit and willing relative. Those reasons include the following:

Placement of the child with a parent is not appropriate, because, as found above, despite the reasonable active reunification efforts of DHS, the child cannot be safely returned to a parent within a reasonable time.

Adoption is not appropriate, because: the child currently is being cared for by a relative in a placement that is intended to be permanent, as provided in ORS 419B.498(2)(a); there is a “compelling reason,” within the meaning of that term in ORS 419B.498(2)(b) and documented in the case plan, for determining that adoption would not be in the child’s best interests, which reason is that the circumstances described in ORS 419B.498(2) (b)(A) ORS 419B.498(2) (b)(B) ORS 419B.498(2) (b)(C) apply in this case; the child’s age health and safety needs sibling attachment(s) attachment to a parent make adoption unlikely and/or inappropriate.

Guardianship or a relative placement is not appropriate, because, despite reasonable and diligent efforts, DHS has been unable to identify a relative or non-relative who is willing and qualified to serve as the legal guardian for the child, or a fit and willing relative who could provide a permanent home for the child.

The child has needs that require a therapeutic or other specialized placement, which include _____

Additional related findings: _____

THEREFORE: **the child shall be placed in the planned permanent living arrangement not later than _____, 20____, and DHS shall promptly notify the Court and the parties if the child is not placed by that date.**

6. FINDINGS UNDER ORS 419B.476(4)(a) and (b)

▶ **419B.476(4)(a):** The permanent plan (case plan) changed during the period since the last Citizen Review Board or court hearing, and **a plan to reunify the family** was in effect during part of that period. While that plan was in effect, DHS **did** **did not** make **reasonable efforts** **active efforts** to make it possible for the child to safely return to a parent. The DHS reunification efforts (*i.e.*, services provided either directly or through DHS referrals or financial support) included: _____

▶ **419B.476(4)(b):** The permanent plan (case plan) changed during the period since the last Citizen Review Board or court hearing, and **a plan other than to reunify the family** was in effect during part of that period, which was _____. While that plan was in effect, DHS **did** **did not** make **reasonable efforts** to place the child in a timely manner in accordance with the plan and to complete the steps necessary to finalize the permanent placement. The DHS efforts to implement the plan included: _____

7. NEED FOR CONTINUING CHILD IN SUBSTITUTE CARE, NEED FOR CHILD TO REMAIN IN LEGAL CUSTODY OF DHS, REVIEW OF COMPREHENSIVE TRANSITION PLANNING AND REVIEW OF CHILD’S PROGRESS TOWARD HIGH SCHOOL GRADUATION. (ORS 419B.476(2)(d) and 419B.476(3) and (4))

▶ **Substitute care and custody:**

The child is in substitute care, which is not a permanent placement, and continued substitute care is necessary for the reasons stated above in **Section 3** **Section 4** for the following reasons: _____

The child is in the legal custody of DHS and placed with a parent (or guardian appointed before the child was found to be within the juvenile court’s jurisdiction), and it **is** **is not** necessary and in the child’s best interests that the child continue in the legal custody of DHS because: _____

Termination of the child’s commitment to the legal custody of DHS juvenile court wardship is expected to occur by, or before, _____, 20____.

▶ **Transition plan:**

Plan review not required: A review of the comprehensive plan for the child’s transition to independent living is not required because DHS is not required to develop such a plan Other: _____

Plan review required: A review of the comprehensive plan for the child’s transition to independent living is required, because: the child is 16 years of age or older the child is 14 years or older and DHS has developed such a plan for the child; and the comprehensive plan **is adequate** **is not adequate** to ensure the child’s successful transition to independent living. DHS: **has** **has not** offered appropriate services pursuant to the comprehensive plan, and **has** **has not** involved the child in the development of the comprehensive plan. DHS shall modify the comprehensive plan and/or the development of the plan, as follows: _____

▶ **Education (child 14 or older):**

The child is 14 years of age or older and **is** **is not** progressing adequately toward graduation from high school and is expected to graduate _____, 20____. **DHS has made** the following

efforts to assist the child to graduate:

 DHS **shall make** the following additional efforts: _____

8. ADDITIONAL FINDINGS AND ORDERS

▶ **The Court incorporates and adopts by this reference the oral findings made by the Court at the conclusion of the permanency hearing.**

▶ **The Court makes the following additional findings and orders:**

▶ The Court **has** **has not** consulted with the child, in an age appropriate manner, regarding the permanency and transition plans proposed for child. (42 U.S.C. § 675)

▶ **This case shall next be heard by the Court, and the parties are ordered to appear:**

at the preliminary hearing on the TPR Petition on _____, 20____, at _____ AM/PM.

at the annual permanency review on _____, 20____, at _____ AM/PM.

at a special review/permanency hearing on _____, 20____, at _____ AM/PM.

▶ **The Citizen Review Board:**

is relieved from reviewing this case until: _____, 20____.

is ordered to review the case on or before: _____, 20____.

No further review necessary

DATED: _____, 20____.

CIRCUIT COURT JUDGE

DISTRIBUTION: Records/Parents/DHS/CRB/PO: _____/Atty: _____/CASA: _____/
Tribe: _____/Other: _____