

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

In the Matter of: ) No. \_\_\_\_\_  
)  
) REVIEW HEARING  
)  
\_\_\_\_\_, ) FINDINGS OF FACT AND REVIEW  
a child. ) JUDGMENT

★Parties appearing:  DHS  Father  Mother  Guardian  Child  Tribe  Deputy District Attorney  Assistant Attorney General  Attorney for Father  Attorney for Mother  Attorney for child  Attorney for Tribe  Attorney for Guardian  CASA

Type of review:  4 month  9 month  other.

**THE COURT MAKES THE FOLLOWING FINDINGS** by  a preponderance of the evidence  clear and convincing evidence in ICWA cases **AND JUDGMENT:**

★1. NOTICE FINDINGS:  All parties notified;  All parties not notified, DHS will make  reasonable  active efforts to notify the following: \_\_\_\_\_  
 Despite proper notice, parent failed to appear. Reason why parents were not present: \_\_\_\_\_  
\_\_\_\_\_  
 Other: \_\_\_\_\_

None of the children are over 12 years of age.  There are children over 12:  they were notified of this hearing and were transported.  They were not notified or transported - DHS will notify children over 12 and provide transportation to the hearing if they choose to appear.  
 The court finds it is not in the children's best interest to be present.

Care Takers have been notified of this hearing and given an opportunity to be heard.  
 Care Takers were not notified of this hearing - DHS shall notify them of all future hearings.

There currently are no Care Takers in this case.

★2. PLACEMENT FINDINGS: DATE OF LAST PLACEMENT CHANGE (from home to substitute care or reverse): \_\_\_\_\_

2.1 Current Placement:  Parent;  Relative;  Foster Care;  Pending Adoptive;  Perm. Guardianship;  PPLA;  Perm. Foster Care;  Residential;  Other: \_\_\_\_\_

**★3. COMPLIANCE WITH CASE PLAN/PROGRESS FINDINGS:**

Since the permanency hearing or the last review:

3.1 **Mother** has has not made sufficient progress toward meeting the expectations set forth in the service agreement, letter of expectation and/or case plan. To come into compliance mother must: \_\_\_\_\_  
\_\_\_\_\_

Mother not involved in case. Mother agrees disagrees with the case plan. Mother is ordered to complete these services, she must commence services no later than:\_\_\_\_\_.  
Mother is deceased. Mother’s parental rights were terminated.

3.2. **Father** has has not made sufficient progress toward meeting the expectations set forth in the service agreement, letter of expectation and/or case plan. To come into compliance father must: \_\_\_\_\_  
\_\_\_\_\_

Father not involved in case. Father agrees disagrees with the case plan. Father is ordered to complete these services; he must commence services no later than:\_\_\_\_\_.  
No legal father ever identified. Father is deceased. Father’s legal rights were terminated.

3.3 DHS is in compliance with the case plan and court orders. DHS is not in compliance with the case plan and court orders. To come into compliance DHS must:\_\_\_\_\_  
\_\_\_\_\_

**★4. REASONABLE EFFORTS FINDINGS:**

In light of the circumstances of the child and the parents and the child’s health and safety having been considered as the paramount concern, the court finds that the DHS:

- (a) has made has not made reasonable efforts to prevent or eliminate the need for removal of the child from the home, (ORS 419B.185) for the period between \_\_\_\_\_ and \_\_\_\_\_; [ORS 419B.476 or ORS 419B.340]
- (b) has made has not made reasonable efforts to achieve permanency for the period between \_\_\_\_\_ and \_\_\_\_\_;
- (c) has made has not made reasonable efforts to make it possible for the child to safely remain in the home or be safely returned to the home.

**★5. ACTIVE EFFORTS FINDINGS:**

The court finds that the Indian Child Welfare Act applies to this case.

In light of the circumstances of the child and the parents and the child’s health and safety having been considered as the paramount concern, the court finds that the Department of Human Services (DHS):

- (a) has made has not made **active efforts** to prevent or eliminate the need for removal of the child from the home (ORS 419B.185) for the period between \_\_\_\_\_ and \_\_\_\_\_ [ICWA]

(b) has made has not made active efforts to achieve permanency for the period between \_\_\_\_\_ and \_\_\_\_\_;

(c) has made has not made active efforts to make it possible for the child to safely remain in the home or be safely returned to the home.

**★6. ADDITIONAL FINDINGS OF REASONABLE OR ACTIVE EFFORTS:**

The court adopts as a recitation of reasonable/active efforts and by reference incorporates herein the facts set forth in the a. Affidavit b. Report submitted by c. DHS d. Juvenile Dept. e. Oregon Youth Authority, and marked Exhibit A.

evidence having been taken in court.

The court finds that the Indian Child Welfare Act does not apply in this case.

The court makes the following additional findings of reasonable or active efforts:

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**★7. NO FINDING** because: it is an extreme conduct case; the child is living with a parent;

Aggravated circumstances cases only: the court has relieved DHS from making reasonable efforts pursuant to ORS 419B.340:

DHS elects to provide services anyway;

DHS elects not to provide services. [Special Circumstances Findings and Judgment attached].

**★8. BEST INTEREST/SUBSTITUTE CARE/DILIGENT EFFORTS FINDINGS:**

8.1 The court finds the current placement is in the **best interest** of the child. [ORS 419B.449(4)(a)]

(a) That continued substitute care is necessary for the following reasons:

\_\_\_\_\_  
[ORS 419B.449(3)(a)(A)]

(b) The expected time table for return or permanent placement is: \_\_\_\_\_.

(c) The agency has has not made diligent effort to place the child or ward pursuant to ORS 419B.192. [ORS 419B.449(3)(b)] to place ward with sibling with suitable relative.

(d) Since the child or ward has been in the guardianship or legal custody of the agency [ORS 419B.449(3)(c)]:

1) The child or ward has been in \_\_\_\_ placements.

2) The child or ward has attended \_\_\_\_ schools.

3) The worker has had \_\_\_\_ face-to-face visits.

4) The child or ward has had \_\_\_\_ visits with parents or siblings.

The frequency of each of (1) through (4) is is not in the best interests of the child or ward.

(e) The child or ward is 14 years of age or older and is is not progressing adequately toward graduation from high school. If the child is not adequately

progressing toward graduation from high school, the agency has made the following efforts towards assisting the child or ward to graduate:

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[ORS 419B.449(4)(b)]

8.2  The court finds the current placement is not in the **best interest** of the child and directs:

- (a)  DHS shall place the child in another type of residential placement [ORS 419B.349: foster care, residential care, group care].
- (b)  DHS shall place child with foster care or relative who is a foster care provider.
- (c)  DHS shall return the child to parent or guardian.
- (d)  DHS is relieved of custody, supervision, and guardianship.

8.3  **THE COURT FINDS THAT PERMANENCY ISSUES MUST BE ADDRESSED AND SETS A PERMANENCY HEARING FOR \_\_\_\_\_.**

**★9. VISITATION:** Visitation between  father  mother and the child(ren) shall be as follows: \_\_\_\_\_

**★10. CHILD CENTERED CASE PLAN:**

- The child's physical, developmental and mental health needs are being met.
- The child's educational/special ed needs are being met.
- Ages 14 and older: Needs and goals for transitional living are addressed.
- The child's needs are NOT being met and shall be met as follows: \_\_\_\_\_

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The child shall have no contact, direct or indirect, with \_\_\_\_\_ until further order of the court.

**★11. SPECIAL CONSIDERATIONS FOR CHILDREN ZERO TO FIVE:**

- A.  ASQ and ASQ/SE completed  
 DHS must complete by \_\_\_\_\_ (within \_\_\_\_\_ days).
- B.  Full Development Assessment completed  
 DHS must complete by \_\_\_\_\_ (within \_\_\_\_\_ days).
- C.  Parent - Child Interaction Assessment by qualified Infant Mental Health Specialist to be completed by \_\_\_\_\_  Completed.
- D.  Parent - Child Interaction Type Therapy (e.g. Theraplay, PCIT, Circle of Security) provided;  DHS must provide by \_\_\_\_\_.
- E.  Attachment Evaluation  Full Psychological  Completed (for children presenting severe behavioral issues)  DHS to complete by \_\_\_\_\_
- F.  Child receiving Early Intervention services.  
 Child in kindergarten  Child in pre-k  Child in Head Start
- G.  Child has medical home, attends well-child visit, receiving immunizations  
 DHS must \_\_\_\_\_
- H. Placement considerations: \_\_\_\_\_

I. Medication issues: \_\_\_\_\_  
\_\_\_\_\_

**★12. CONCURRENT PLANNING MILESTONES CHECKLIST:**

Reviewed  In compliance  Not in compliance  
 DHS ordered to complete (specific milestone) \_\_\_\_\_ by \_\_\_\_\_ (date).

**★13. UA:**  Mother  Father  Guardian to take observed, random UA's per DHS.

**★14. OTHER:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**★15 . DISMISSAL OF PENDED ALLEGATIONS:**

Paragraph(s) \_\_\_\_\_ is/are dismissed.  Petition now resolved.  Pended allegations remain.

**★16 . ATTORNEYS.**

Motion by Attorney for  Father  Mother  Child to withdraw is allowed.

► This case shall next be reviewed:

by the court at the annual review on \_\_\_\_\_ at \_\_\_\_\_ AM/PM.

4 months  9 months  other

by the court at a review hearing on \_\_\_\_\_ at \_\_\_\_\_ AM/PM.

the Citizens Review Board is relieved from reviewing this case until: \_\_\_\_\_.

**All parties present today were ORDERED on the record to appear at next date, and advised of the consequences for failure to appear.**

A CASA shall be appointed.

An order is entered.

CASA report is attached and entered as **Exhibit** \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Circuit Court Judge

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

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