



Juvenile Dependency Benchmark Series

CARD 2

Jurisdiction/Disposition Hearing

Jurisdiction

1. Have both parents been found and served?
2. Tribe(s), foster parents, grandparents notified?
3. Do you know or have reason to know child is an Indian child?
4. Is Oregon the child's home state?
5. Are the petition allegations jurisdictional under ORS 419B.100? Are they admitted or proved?
6. If the jurisdictional basis is 419B.100 (1) (c) is there a present risk of serious loss or injury and a nexus between the parent or guardian's risky conduct and the harm?
7. Have you based your decision on evidence in the record, based on preponderance of or (under ICWA) clear and convincing evidence?
8. One parent admits/other contests: If both parents have been served and appear, court cannot take jurisdiction over one parent. Instead, take an admission on the record from the non-contesting parent. Continue shelter order. Notice both parents for adjudication. At adjudication:
 - a. Determine that underlying conditions for the prior admission continue to exist.
 - b. Adjudicate contested parent.
 - c. Do disposition for both and enter judgment.

Disposition: Child is now your "ward."

1. Can the child go home safely? If so, order an in home placement.
 - a. Make best interest findings as to why child can be safely returned to parent (usually by giving DHS legal custody and implementing a detailed safety plan).
2. If there is a reason the child can't be returned home, order an out of home placement.
 - a. Make findings that removal from home in child's best interests.
 - b. Make findings regarding DHS diligent efforts to place with relatives and siblings.



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For use with JCIP Model Forms JF3, JF4 & JF4B

- c. Make findings regarding DHS reasonable efforts to prevent removal and return child safely home.
- d. Is placement least restrictive and most family like?
- e. ICWA out of home: Why can't the child go home today?
 - i. Make all findings above based on clear and convincing evidence.
 - ii. Make active efforts findings instead of reasonable efforts findings.
 - iii. Make additional findings based on qualified expert witness testimony that return would result in serious emotional or physical injury/damage. See ICWA Shelter/Jurisdiction bench card for requirements and questions.
 - iv. Is placement in accord with ICWA placement preferences?
- 3. Grandparents/Relatives
 - a. Were diligent efforts made to identify and obtain contact information for grandparents?
 - i. Did DHS notify them of the hearing? If present, give them opportunity to be heard.
 - ii. They have right to request court-ordered visitation.
 - b. What has DHS done to locate relatives?
- 4. What is the concurrent plan?
 - a. What steps has DHS taken on concurrent planning checklist?
- 5. Review Action Agreement/Letter of Expectation
 - a. Rationally related to bases for jurisdiction with specific Conditions of Return?
- 6. Assign legal custodian and legal guardian.
- 7. Review child's case plan. Does it address trauma, attachment, health, mental health, education, transition planning?
 - a. Has DHS ordered appropriate assessments to mental health, to Early Intervention, for medical and dental checkups?
 - b. Should court order specific exam or treatment?
 - c. Are foster parents a good match for child's needs?
 - d. Is child in same school? If not, has a determination been made that the change is in the child's best interest? ORS 339.133.



8. Visitation "Family Time"
 - a. Court may order specific visitation.
 - b. Parents and siblings have a right to visit as often as reasonably necessary to develop and enhance their attachment to each other.
 - c. Caseworker must solicit family and community resources if DHS resources alone insufficient.
 - d. Infants and toddlers need more frequent contact to maintain attachments.
9. Set court review. Recommended 9 months from removal; some courts also review some or all cases at 4 months from removal.
10. Set permanency hearing no later than 12 months from jurisdiction or 14 months after the child was placed in substitute care, whichever is first.

Questions?

Contact the Juvenile Court Improvement Program, 503.986.6403

Last updated: July, 2017



