



Juvenile Dependency Benchcard Series

Full Review Hearing

Engage Parents and Child and Explain Hearing Process

1. Who is here? Did DHS notify and transport age-appropriate children? Did DHS notify foster parents, grandparents, tribe? If the child is not present, why not?
2. Determine who wishes to be heard and tell them how and when that is going to happen.
3. Determine if parents or others should be excluded when children are heard or if children should be heard in chambers. ORS 419B.310.
4. Briefly explain in simple language that the hearing is about answering the following questions:
 - a. Can the child go home now?
 - b. How is the child doing? Is the current foster home okay?
 - c. How is the visitation ("family time") plan working?
 - d. Did DHS help parents fix the problems that brought the child into care? (identified in the jurisdictional judgment)
 - e. Are parents making progress so the child can go home? When?
 - f. Is DHS making progress on the alternate or "concurrent" plan?
5. Appoint a CASA if child is still out of home and not likely to go home today and no CASA was previously appointed. ORS 419B.112.
6. If case older than 6 months, check for CRB report. Were there any problems/recommendations identified at the last review?
7. If you intend to rely on the DHS Court Report and it hasn't been offered, identify it on the record, mark it as an exhibit and allow parties to object before entering it into the record of the case.

Is there a continued basis for jurisdiction?

8. Motions to dismiss:
 - a. Apply rules of evidence. DHS has burden of proof unless permanency plan is no longer reunification.
 - b. If the plan is return to parent, DHS has burden of proving by a preponderance of the evidence (clear and convincing if ICWA) that the factual bases for jurisdiction persist and continue to pose a risk of harm that is likely to be realized.
9. Has DHS made sufficient efforts developing the concurrent plan?
 - a. Mark and receive completed Concurrent Planning Checklist if in use.

10. Document RE/AE toward reunification. Efforts must relate to basis for jurisdiction with child's health/safety paramount concern.
 - a. Efforts must be made as to each parent, even if he or she is incarcerated.
 - b. ICWA active efforts: DHS must assist client through steps.
11. Document reasonable efforts to finalize permanent plan if plan is not reunification.

How is the child doing?

12. Evaluate whether the number of placements, schools, and face to face contact with the caseworker and visits with parents are in the child's best interests. How often is the caseworker in the foster home and what has s/he observed?
13. Elicit testimony from child, foster parents, grandparents, relatives or others as to how child is doing at home and in school.
14. Review the child's treatment.
 - a. Have all assessments and screenings been completed? What is the follow-up plan?
 - b. Infant or toddler: How are child's developmental needs being met?
 - c. Trauma/mental health: What is being done to address?
15. Education
 - a. Is child in same school? If not, why in best interest to move? ORS 339.133
 - b. Special Ed – is there an educational surrogate? Consider appointing one if needed.
 - c. School attendance and grades? Plan to help improve?
 - d. Efforts to assist child in completing high school? Make findings.
 - e. Ages 14 and up: Is there a transition plan for independent living for housing, physical and mental health, education, employment, community connections and supportive relationships? Is DHS providing appropriate services to help the child reach goals?
 - f. Foster Child Bill of Rights: Was child over age 14 provided written information on getting a bank account, credit report, college tuition waivers, health services w/o consent, how to remain in foster care after 18? ORS 418.202(4).

Have parents made sufficient progress for return within a reasonable time/timetable for return?

16. Determine case plan compliance based on court report, testimony or other evidence in the record of the case.
 - a. Has DHS followed the plan?
 - b. Are parents meeting expectations? Explain to parents the specific behaviors, conditions or circumstances that must exist within the home prior to child's return with in-home safety plan.
17. Make findings as to whether substitute care is still necessary and the expected timetable for return within a reasonable time.
18. If child is placed with parent but in DHS legal custody, make best interest finding and determine dates of termination of both DHS legal custody and court wardship.
19. The court may determine the current placement is not in the child's best interests and

order a change in *type* of placement. The court can't order a specific placement. ORS 419B.349.

20. Have ICWA placement preferences been followed or is there good cause to deviate from ICWA placement preference?

Has DHS made diligent efforts to place with relatives/sibs?

21. Consider whether sufficient efforts have been made to locate and place with maternal and paternal relatives and efforts to place siblings in care together.

How is the visitation plan working?

22. Do young children have frequent contact with the primary caregiver in order to maintain familiarity, attachment and promote healthy brain development?
23. Does the plan for older children fit with their school schedule and after school activities?
24. Is there Skype and telephone contact with parents, siblings, out of state/country relatives who may become placement resources?
25. Are siblings together? If not, is there frequent contact?
26. Can relatives or community volunteers be utilized to assist in providing more opportunities for visits?
27. Set next hearing(s) and order next appearance.
28. Attach exhibits to judgment & list of facts judicially noticed, if any.

Questions?

Contact the Juvenile Court Improvement Program, 503.986.6403

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