



## JCIP MODEL DEPENDENCY FORMS SUMMARY OF CHANGES EFFECTIVE JANUARY 1, 2016

The following forms were revised during this review cycle: (1) shelter orders, (2) jurisdictional and dispositional judgments, (3) review judgment (ORS 419B.449) and (4) permanency judgment. Details regarding the changes are provided below.

### 1. **Court's authority to review the child's placement.**

The statute governing the court's authority to review and direct the child's placement, ORS 419B.349, was amended by SB 741 during the 2015 legislative session to create a new placement category, "current caretaker".

#### A. Current caretaker defined. ORS 419A.004 (9).

A current caretaker is defined as a foster parent who:

- is currently caring for a ward who is in the legal custody of DHS and who has a permanency plan or concurrent plan of adoption; and
- who has cared for the ward, or at least one sibling of the ward, for at least the immediately prior 12 consecutive months or for one-half of the ward's or sibling's life if the ward or sibling is younger than two years of age.

#### B. New hearing requirement.

Effective January 1, 2016, when DHS removes or plans to remove a child from a foster home to a different substitute care placement, DHS must file a report with the court if the child has resided in the home for 12 or more consecutive months, or if the child resides or resided in the home pursuant to a permanent foster care agreement. Certain exceptions apply. See ORS 419B.440 (2). When a report is received, the court is required to hold a review hearing within 10 days of receiving the report.

#### C. Review and Permanency Judgments.

A new finding has been added to the review and permanency judgments allowing the court to find whether the current placement is in the child's best interests, and to the review judgment indicating whether the proposed placement is in the child's best interests. In the event the court finds the current or proposed placement is not in the child's best interests, language has been added to the end of the forms allowing the court to order the child be placed or maintained in one of the following placement categories provided in ORS 419B.349: at home with parents, or

in foster care with a relative, a person who is or who has been a current caretaker, a non-relative/non-current caretaker, or in residential care or some other type of placement. In addition, a box has been added to indicate the child is currently placed in an adoptive placement, a circumstance that precludes the court from directing placement after the expiration of any administrative or judicial review procedures under ORS chapter 183. ORS 419B.349 (2).

## **2. Miscellaneous changes.**

Based on feedback and requests we receive from stakeholders and courts, the following modifications have been made to the forms:

- All revised forms. ORS 419B.192 (2) allows the court to find that placement with a sibling is not in the child or sibling's best interests. This language has been added to the diligent efforts finding regarding efforts to place with siblings.
- Shelter orders and jurisdictional judgment. Language has been modified to more clearly state the options for ordering temporary custody.
- Jurisdictional and dispositional judgments. Language has been modified to clarify that when the court orders that the child be placed with parents and doesn't award DHS custody, the child remains in the legal custody of the parent. Lines have also been added to the end of the orders section to allow the court to write in additional orders.
- Review and permanency judgments. Language at the beginning of the reasonable/active efforts section requiring the court to check a box indicating the case is subject to ICWA has been deleted. In cases subject to ICWA, the court (or party filling out the judgment) will continue to check the active efforts box in this section. In addition, for cases involving children in APPLA, a box has been added allowing the court to attach an exhibit detailing DHS's efforts regarding the reasonable and prudent parent standard.

Questions or comments about the forms should be directed to Megan Hassen at [megan.e.hassen@ojd.state.or.us](mailto:megan.e.hassen@ojd.state.or.us) or 503.986.6403.