JCIP MODEL DEPENDENCY FORMS
2014 SUMMARY OF CHANGES

1. Admission to Petition Form and Recommended Practices post *Dept. of Human Services v. W.A.C.,* 263 Or App 382, ___ P3d ___ (2014).

In response to the *W.A.C.* decision in June of this year, the "Admissions to Petition" form has been revised to allow the court to document a party's admission(s) prior to entering a judgment establishing jurisdiction. The completed form may be maintained in the record of the case pending resolution of other petition allegations. Regardless of whether a court elects to use the form, recommended best practice is to put the parent's admission on the record at the time it is made.

If both parents have been summoned and have appeared and one parent contests the allegations, a judgment establishing jurisdiction may not be entered until a petition allegation as to each parent has been admitted or proven. The two model judgments addressing jurisdiction have been revised to eliminate the option to continue the case under ORS 419B.305. A separate order to continue the case should be entered if jurisdiction cannot be established within 60 days of the filing of a petition.

2. Letter to Guardian; Annual Report; and Procedure for Vacating Guardianship

The model letter to the guardian has been revised to provide notice that annual guardian reports under ORS 419B.367(2) are required until the child turns 21, unless the court vacates the guardianship prior to that time. In addition, notice has been added that if the guardian would like assistance payments to continue after the child turns 18, a request to extend guardianship assistance must be filed with DHS at least 30 days prior to the child's 18th birthday. OAR 413-070-0917 sets forth the criteria for eligibility for extension of guardianship assistance for a young adult.

Suggested best practice is to send out blank copies of the Guardian's Report and Summary Sheet to Guardian's Report, along with the letter at the time the order appointing the guardian is signed. DHS is no longer sending out blank guardian report forms to guardians.
If the annual report is not timely filed, in addition to setting the case for court or CRB review under ORS 419B.367(4)(b), sending the guardian another copy of the form may facilitate greater compliance with the reporting requirement.

Finally, DHS has asked to receive copies of orders vacating guardianships so that it can discontinue guardianship assistance payments in appropriate cases. The juvenile court may

release copies of these orders to DHS pursuant to the authority in ORS 419A.255(1)(c)(D). The court can also ensure DHS receives notice of the pending motion to vacate by requiring the moving party to submit a proof that DHS has been served pursuant to ORS 419B.368(6). If the court does vacate the guardianship, the court must hold a shelter hearing within 14 days to determine disposition of the child and a permanency hearing within 90 days. ORS 419B.368(4).

3. Reasonable/Active Efforts.

The following additions have been made to the reasonable/active efforts sections of the forms:

- A finding in the Review Judgment to allow the court to determine reasonable efforts to finalize the plan when the plan is something other than reunification. This makes it possible for the court to use the form for a "complete judicial review" under ORS 419A.106(1)(b).
- A finding in the Permanency Judgment to allow the court to make a reasonable efforts finding to finalize the plan of reunification. In order to maintain a child's eligibility for Title IV-E reimbursement, a reasonable efforts finding to finalize the current permanent plan is required every 12 months, even when the plan is reunification. 45 C.F.R. § 1356.21(b)(2).
- Language noting the court's consideration of whether referral to Strengthening, Preserving and Reunifying Families program is in the child's best interest.
- A checkbox allowing the court to reference a description of reasonable efforts as an exhibit to the judgment.

4. Probable Cause.

The probable cause finding has been removed from the Shelter Order. Oregon law required the court to make this finding until 1989, when the source of the requirement, ORS 419.600 was repealed. Currently, the primary legal criteria for ordering the child be removed or remain outside of the home is set forth in ORS 419B.185(1)(d), requiring the court to make a written finding describing why it is in the best interests of the child to be removed from the home or continued in substitute care. The Department of Human Services is required to submit written documentation as to why protective custody is in the best interest of the child, and the court is required to allow the parents and child the opportunity to present evidence that the child can be returned home without further danger of suffering physical injury or emotional harm, endangering or harming others, or not remaining within the reach of the court process prior to adjudication. ORS 419B.185 (1) & (2)(c).

5. Another Planned Permanent Living Arrangement (APPLA).

The Permanency Judgment has been modified to eliminate age as a compelling reason that adoption is not appropriate. Age is not listed in ORS 419B.498(2)(b) as a compelling reason. In addition, DHS policy provides that age is "never a disqualifier for a more preferred permanency plan." OAR 413-070-0536(3).

In addition, the APPLA permanency plans in DHS policy have been added to the permanency judgment: (1) permanent foster care, and (2) permanent connections and support. An APPLA - permanent foster care plan involves the signing of a permanent foster care agreement. A permanent connections and support plan may be used when the child or young adult is: (1) living independently and receiving an independent living housing subsidy, (2) in a developmental disabilities placement, residential or psychiatric treatment facility, or (3) placed with a substitute caregiver. These plan options can be found in OAR 413-070-0532.

6. Grandparent Findings.

During the 2013 legislative session, ORS 419B.875 was amended to require DHS to make diligent efforts to identify and obtain contact information for grandparents of a child committed to DHS custody. Court orders and judgments must include findings as to whether the grandparent had notice of the hearing, attended the hearing, and had an opportunity to be heard. The language on all court orders has been modified to make it easier for courts to make this finding.

7. Setting of First CRB Review.

Two courts have worked out a cooperative arrangement with the CRB to set the first review at the time of the jurisdictional hearing – Washington and Marion Counties. This arrangement is possible through the use of a shared calendar and information sharing systems. This system allows the attorneys, caseworkers and parents to have input as to the timing of the review, and provides them with greater advance notice of the review so they can plan to attend. The CRB will be working with additional courts to implement this practice over the coming year.

Space has been added to the jurisdictional and dispositional orders allowing the court to remind parties that the CRB review will be set (by the CRB) between the five and six month mark from when the child came into care. In those counties that have implemented a cooperative scheduling arrangement, the court can continue current practices of scheduling the date and time of the CRB review and providing that information to the CRB office.