



JCIP MODEL DEPENDENCY FORMS JFCPD DELINQUENCY FORMS SUMMARY OF CHANGES EFFECTIVE DECEMBER 15, 2017

Revised and new forms for juvenile dependency and delinquency cases have been posted on the JCIP website and integrated into Odyssey for immediate court use.

Revised Forms

(1) Shelter Order. A space has been added to the Shelter Order allowing the court to order the first visit between the parent and child. As part of a project with Office of Public Defense Services, the Department of Justice and the Department of Human Services, we are working to ensure parents and children have an opportunity for a first visit within 48 hours of removal when circumstances permit. DHS policy requires the first visit to occur within the first week of removal. Early and frequent visitation reduces trauma for children and parents, and is associated with decreased time to reunification.

(2) All Dependency Hearing Orders and Judgments. [Senate Bill 20](#) (2017) amended ORS 339.133 to bring Oregon into compliance with the Every Student Succeeds Act of 2015. Effective August 15, 2017, DHS is required to maintain a foster child, age 4 to 21, in his or her “school of origin” unless the juvenile court makes a finding that it is not in the child’s best interest to be maintained in his or her school of origin. The child’s “school of origin” is defined as the school the child attended before he or she was placed in foster care, or before the child’s foster care placement changed. Until the court finds the child’s attendance in the school of origin or any other school in the school district of origin is not in the child’s best interest, the child is to be maintained in the school of origin and is entitled to free transportation between home and school. DHS and the Oregon Department of Education have created a shared cost transportation program to provide transportation as needed. For additional information on how DHS has implemented the requirements, please refer to the [Memorandum](#) from Laurie Price dated 8/29/2017.

(3) Permanency Judgment. Findings required when the court determines the permanency plan should be adoption have been simplified and revised to more closely mirror the statutory language in ORS 419B.498(2). A recent Court of Appeals decision, *Dept. of Human Services v. S.J.M.*, [283 Or App 367 \(2017\)](#), *rev allowed*, 361 Or 350 (2017), makes it clear that the court must make a compelling reasons determination before changing a plan from reunification to adoption, and that there must be evidence in the record supporting the court’s decision that the compelling reasons listed in ORS 419B.498(2) aren’t present before the plan may be changed. While the form more clearly calls out those compelling reasons, there will still need to be evidence in the record to support the court’s determination.

(4) Court Notice of Juvenile Sex Offender Registration. This form has been updated with the new mailing address for the Oregon State Police (OSP). The court must ensure the form is

filled out by the youth when the court enters an order requiring the youth to report as a sex offender, and ensure the form is sent to the OSP. ORS 163A.030

New Forms

(1) Order to Appear (ORS 419B.816). A new order is available for use when a parent appears personally or in writing as directed in the dependency summons and contests the dependency petition. In these circumstances, the court is required to order the items provided in ORS 419B.816(1) through (5), either orally or in writing. In some districts, the Department of Justice or the District Attorney's Office may already be submitting a draft order for the court's signature. In courts where this is not the case, the model form is now available for use.

(2) Motion and Order Regarding Use of Physical Restraints. [Senate Bill 846](#) (Oregon Laws 2017, chapter 257, section 2), prohibits the use of physical restraints in juvenile court without a court order beginning on January 1, 2018. Information about the new requirement, a motion to request use of restraints and a form of order are available for court use. The form of order is available in Odyssey only. Please be aware that the new provisions will appear in ORS Chapter 419A and apply to both dependency and delinquency cases. The forms, however, are tailored to delinquency cases since this issue rarely comes up in dependency court.

(3) Request for Waiver of Counsel. [House Bill 2616](#) (2017), also effective January 1, 2018, amends ORS 419C.200 and requires the court to appoint an attorney in all stages of a delinquency case involving a misdemeanor or felony, any proceeding concerning an order of probation, and any case in which the youth would be entitled to court appointed counsel if the youth were an adult charged with the same offense. In addition, the legislation prohibits the court from accepting a waiver of counsel unless the youth is at least age 16; has met with and been advised by counsel; the youth and youth's attorney have signed a written waiver; and at a hearing on the record where the youth's counsel appears, the court consults with the youth and finds the waiver was knowingly, intelligently and voluntarily made. An overview of the requirements and model colloquy are available, along with a written waiver form and accompanying court order. The form of order is available in Odyssey only.

Questions or comments about the forms should be directed to Megan Hassen at megan.e.hassen@ojd.state.or.us or 503.986.6403.