OREGON'S CHILD ABUSE AND NEGLECT LAW: UNDERLYING POLICY

For all of its complexity and nuance, there is a simple policy principle that underlies child abuse and neglect law: **expeditious permanency for children.**

The longer that children are in foster care the longer they are in doubt as to where their permanent home will be and the more likely it is that they will have multiple placements. This increases the risk that such children will suffer a number of negative outcomes, including attachment and other emotional disorders, school drop-out, delinquent behavior, teenage pregnancy, substance abuse, homelessness, and, eventually, repetition of the cycle of child abuse and neglect in their own parenting.

A growing awareness in the juvenile court community of the link between such outcomes and "foster care drift" led Oregon, in 1997, to pass landmark legislation to reform the laws governing our state's child abuse and neglect cases. Senate Bill 689, also known as the **"Best Interest of the Child"** bill, introduced three new concepts into Oregon law:

1. Timelines. For the first time, a case had to have a jurisdictional hearing before a certain point in the life of the case, and at a later point in the case, the court was required to rule on whether it was in the child's best interest to continue reunification efforts or to implement an alternate permanency plan.

2. Mutual accountability. Rather than the parents alone being accountable for the success or failure of family reunification, the efforts the agency made to support the parents' efforts would also be scrutinized. If found wanting, agency efforts would influence when the cut off of reunification services would be.

3. "Reasonable time." The statute required that the length of reunification efforts would be related to the child's developmental stage and ability to form attachments, rather than to the problem the parent had to overcome. If the child's development or ability to form attachments were seriously compromised by the pace of parental recovery, then an alternate plan would be implemented.

At about this same time the **Adoption and Safe Families Act (ASFA)** was passed by Congress. In the 1999 session of the legislature, Oregon conformed its statutes to the new federal requirements. Based on the same awareness of the link between extended stays in foster care and negative outcomes for children, the ASFA has the same underlying policy as Senate Bill 689: **expeditious permanency for children.**

Permanency does not necessarily mean termination of parental rights, even when children cannot safely return home in a reasonable time. Although some children will be adopted into new families, there are many "intermediate" permanency placements for children that do not entail total and permanent separation of children from their parents. Guardianship, permanent guardianship, custody arrangements, permanent foster care, and other planned permanent living arrangements can all allow children as much access to their birth families as is consistent with their safety and well being.

Despite the intricate lines and boxes on the flowchart, the complicated juvenile court process, the various findings, and the different timelines, there is an uncomplicated policy that underlies every decision made in court: **expeditious permanency for children.** Oregon courts fulfill this policy and meet the needs of the children we serve by asking: "Will making this particular decision at a particular time lead to a child's safety and permanency in a reasonable time?

This document was prepared and distributed by the Oregon Judicial Department's Juvenile Court Improvement Program.

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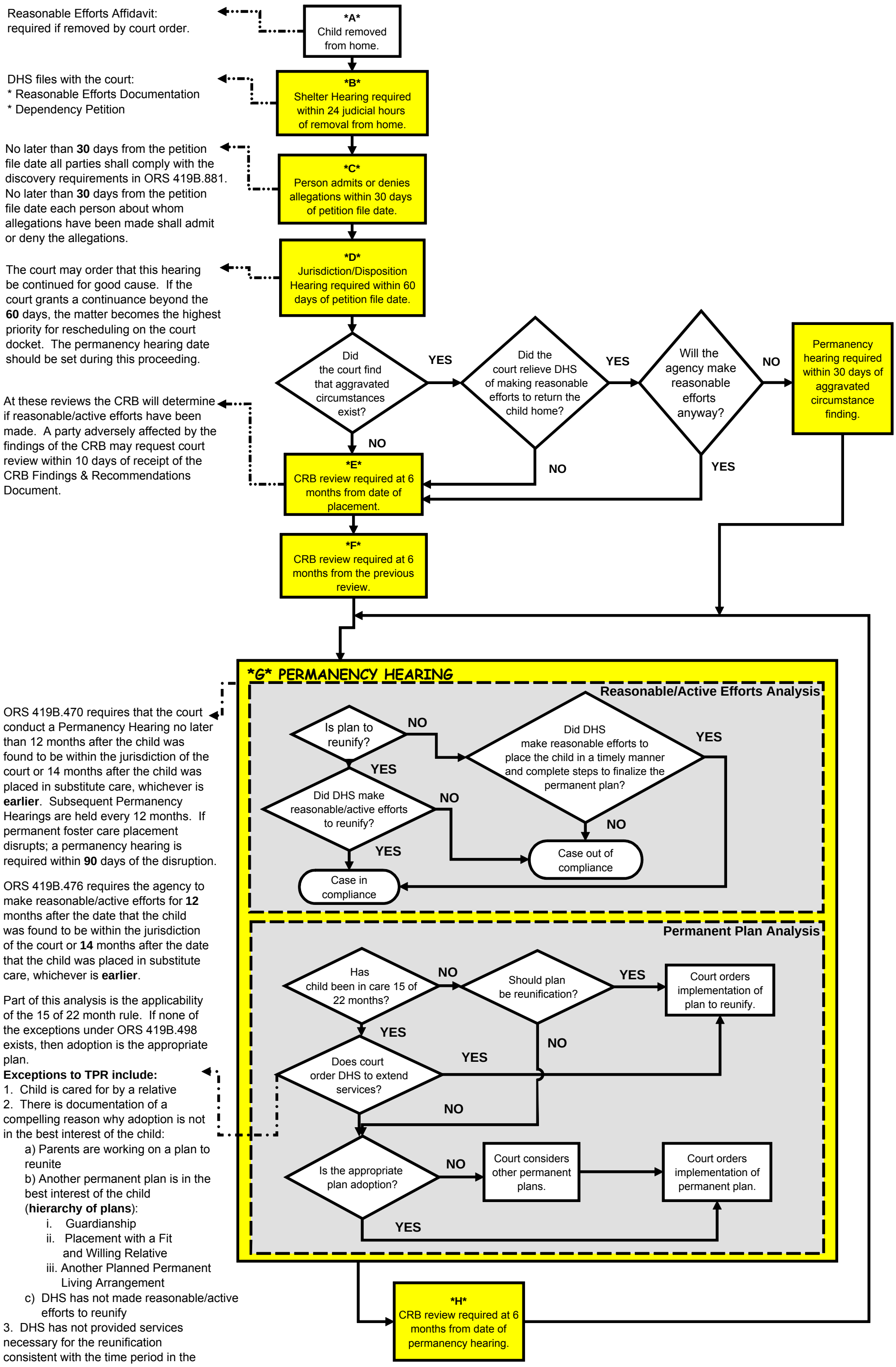
Oregon's Dependency Court Process



OREGON'S DEPENDENCY COURT TIMELINE

Figuring review and hearing dates within federal and state requirements: use the shaded columns to fill in specific dates based on file information and the formula provided. This chart reflects minimum hearing/review requirements. Additional hearings/reviews may be requested or set.

A	Date child removed from home		
B	Shelter Hearing: **A + 1 judicial day**		Petition should be filed.
C	Admit / Deny / Discovery: **B + 30 days** No later than 30 days from petition file date all parties shall comply with discovery, and each person about whom allegations have been made shall admit or deny the allegations.		
D	Jurisdiction/Disposition Hearing: **B + 60 days** (If petition was filed.) This hearing can occur anytime within 60 days of the Shelter Hearing.		For good cause, the court may order this hearing continued beyond the 60 days. If so use the actual date of the Jurisdiction/ Disposition Hearing in the space to the left.

Did the court relieve DHS of making reasonable efforts due to aggravated circumstances?

NO

E	CRB review: **A + 6 months**	
F	CRB review: **E + 6 months**	
G	Court Permanency Hearing ***Select earliest date:*** **D + 12 months** **or** **A + 14 months**	
H*	CRB review **G + 6 months**	
I*	Court Permanency Hearing: **G + 12 months**	

YES

G	Court Permanency Hearing **D + 30 days** The hearing can occur anytime within 30 days of the Jurisdiction/ Disposition Hearing.	
H*	CRB review **G + 6 months**	
I*	Court Permanency Hearing: **G + 12 months**	

*** Please Note: "H" and "I" repeat in both tracks until the child leaves substitute care.**

If a permanent foster care placement disrupts, a permanency hearing is required within 90 days of the disruption.