

<b>Policy Title:</b>	Court Reports – Policy		
<b>Policy Number:</b>	I-I.3		<b>Effective Date:</b> 01-02-1996

Approved By: *on file*

Date Approved:

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## Reference(s):

- ORS 419B.171
- ORS 419B.440
- ORS 419B.346
- ORS 419C.489
- ORS 419C.620

## Form(s) that apply:

- None referenced.

## Policy:

### **Purpose**

This procedure specifies the minimum statutory requirements for reporting information to the court. The court may request or order additional reports to be submitted as needed.

### **Procedure**

#### **(1) Protective Custody Without a Court Order:**

**(a)** ORS 419B.171 requires that when a person takes a child into protective custody without an order of the court the person shall promptly file a brief written report with the court stating all of the following:

**(A)** The child's name, age and address;

**(B)** The name and address of the person having legal or physical custody of the child;

**(C)** Efforts made to notify the person having legal or physical custody of the child and the results of those efforts;

**(D)** Reasons for and circumstances under which the child was taken into protective custody;

**(E)** If the child was not released, the reason why the child was not released;

**(F)** If the child is not taken to court, the placement of the child and why the type of placement was chosen;

**(G)** Efforts to determine whether the child or the parents have any Indian heritage and the results of those efforts. Apply ICWA placement standards if the child is an Indian child.

**(b)** This report is required even if the child is released to a parent or other responsible person prior to a hearing. The report shall be completed and sent to the court the day the child is taken into protective custody, or at the latest the morning of the next working day. A CF 147 may be used to provide the required information to the court.

## **(2)** Legal Custody Reports:

**(a)** ORS 419B.440 and ORS 419C.620 require public or private agencies having guardianship or custody of a child by court order to file a written report with the juvenile court at the end of the first six months of custody, and no less frequently than every six months thereafter. It also requires Child Welfare to inform a juvenile court when a child under court jurisdiction is moved from one substitute care placement to another. Child Welfare will submit a court report to the juvenile court in the following circumstances:

**(A)** When Child Welfare has had custody of a child by court order for six consecutive months. Commitments to state juvenile training schools are excepted from such reporting;

**(B)** When a child has been surrendered to Child Welfare for adoption, or parental rights have been terminated and the Department has neither physically placed the child for adoption nor initiated adoption proceedings within six months of receiving the child.

**(b)** The written six-month report shall be submitted by the end of the first six months, and no less than every six months thereafter, or more frequently if the court so directs. If a hearing takes place prior to a due date of an annual report, a new due date would be one year from the date of that hearing unless the court otherwise directs (ORS 419B.443; ORS 419C.623);

**(c)** The report must be written so that a copy may be forwarded by the court to the child's parents without confidential information being divulged. Language relating to diagnosis must be supportable and limited to observable behavior. Descriptions must be presented so that parents may read the report without compromising relationships vital

to the treatment process. The CF 147 may be used if it contains relevant information;

**(d) Notification of Placement or Placement Change:**

**(A)** The Department will report to a juvenile court within 10 days when a child:

**(i)** has been placed in substitute care as a result of a court order;

**(ii)** is moved from one substitute care placement to another; or

**(iii)** goes home.

**(B)** The only exception to reporting within 10 days is when the court has been previously notified by a court report or treatment plan;

**(C)** This report may consist of a written notification by use of a form or form letter.

**(3) Court-ordered Treatment Plan:**

**(a)** ORS 419B.346 and ORS 419C.489 permit the court to identify children "in need of medical care or other special treatment", and order that a plan be presented within 14 days. Failure to provide the plan within 14 days can result in the court ordering a show-cause hearing and a contempt of court;

**(b)** When ordered by the juvenile court, Child Welfare will prepare a plan to be presented to the court in writing which shall include the following elements:

**(A)** Identifying information (name, date of birth, parents' ID);

**(B)** History. A brief summary of Child Welfare's involvement with the child and a brief statement of the main problem as seen by the worker;

**(C)** Treatment goal (physical rehabilitation, ultimate return home, long-term foster care, permanent planning, emancipation, etc.);

**(D)** Action plan and timelines to achieve the goal (e.g., medical plan, placement in specified treatment resource, referral to Target Problem Child Committee);

**(E)** Interim plan for care. If the actions planned are not immediately available.

**Contact(s):**

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