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## **Children's Justice Act: An Examination of Time to Jurisdiction for Dependency Cases in Clackamas and Columbia Counties**



*Submitted to:*

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**April 2005**

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*Research designed to promote effective decision-making by policymakers  
at the national, state and community levels*

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# INTRODUCTION

## PROJECT BACKGROUND AND STUDY DESIGN

The court processing of alleged child abuse/neglect (dependency) cases is complicated and highly dependent on the collection of information from a multitude of different sources. It also faces the burden of being responsible for the well being of children and their families. The collection of information by the court must be as rapid yet as accurate as possible in order to achieve the best possible outcomes for children and families involved.

Federal funding available through the Children's Justice Act (CJA) is intended for developing projects that will improve the handling and investigation of child abuse and neglect cases. "The Children's Justice Act (CJA) provides grants to States to improve the investigation, prosecution and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim. This also includes the handling of child fatality cases in which child abuse or neglect is suspected and some cases of children with disabilities and serious health problems who also are victims of abuse and neglect" ([www.acf.hhs.gov](http://www.acf.hhs.gov)).

The purpose of the grant awarded to Clackamas County Circuit Court was to have an external consultant gather documentation to determine why cases that go beyond the 60-day statute (ORS 419B.305) are not resolved within the target 60-day period. The court's interest lies in gaining an outside perspective of the workings of the system and recommendations for how to increase the efficiency and coordination of dependency case processing.

NPC Research was selected to help examine dependency cases that had jurisdiction established both sooner, as well as later than the 60-day statute. One of NPC's goals was to help identify common areas in those cases that take longer than 60 days to establish jurisdiction, and offer some suggestions for decreasing the time period between case filing and jurisdiction.

The evaluation team and the Clackamas County Circuit Court agreed that two avenues of data collection were appropriate. First, court files of dependency cases would be reviewed to help define commonalities in those cases that typically extend beyond the 60-day goal versus those that were completed in the prescribed timeframe. Second, parties involved in the processing of these cases during their court tenure would be interviewed about their perceptions of the system, as well as their experiences with cases that did and did not meet the time period goal.

Additionally, the judge in Clackamas County identified Columbia County as an additional county for study. The judge in Columbia County, Judge Grove was interested in being part of the data collection efforts and granted the evaluation team access to court documents and provided a list of potential staff to interview for the project. Describing how dependency cases are processed, the time it takes to establish jurisdiction, and the experiences of case-involved staff (e.g., judges, attorneys, DHS) may help to gain insight into both promising practices and areas of improvement for both of these courts.

The state mandate is for at least 67% of dependency cases to have jurisdiction established within 60 days. In 2002, 271 petitions for new dependency cases were processed in Clackamas County. Fifty-three percent (53%) of those cases had timely jurisdiction (jurisdiction within 60 days). In Columbia County that same year, 119 new petitions were processed, with 24% having timely jurisdiction. In 2003, 280 new petitions were processed in Clackamas County; however, only 56% established jurisdiction within 60 days. In Columbia County, 125 new petitions were files, with

43% having timely jurisdiction. Although close to reaching the state mandate, Clackamas County could show additional improvement in the timely processing of dependency cases. Columbia County, however, seems to be further from reaching the state mandate. However, discussions with the judge about their data suggest that the Columbia Court staff may have, at the time, been entering information incorrectly into the state database responsible for producing these estimates.

Since the implementation of the mandate, increased awareness on the part of both courts has decreased the amount of cases extending beyond the 60-day target; however, both judges were interested in gathering documentation about why more of their cases are not being resolved within the 60-day period.

### **COUNTY DESCRIPTION: CLACKAMAS COUNTY**

The 2003 population estimate for Clackamas County was 357,435. In 1999 (the last reported data), the median household income for Clackamas County residents was \$52,080; 6.6% of the population during that time was considered to be living below poverty level. The 2000 census data reports that Clackamas County is primarily White, non-Hispanic (89.1%). Persons of Hispanic or Latino origin make up the next largest race/ethnicity bracket at 4.9%, followed by Asian (2.5%), Multiracial (2.5%), African American (.7%), American Indian or Alaskan Native (.7%), and Native Hawaiian (.2%). Persons of other races or ethnicities comprise 2.3% of the county's population.



**Judge Deanne Darling, Clackamas County**

In Clackamas County, there is primarily one judge who is responsible for hearing dependency cases. About 40-50% of the judge's in-and-out-of-court time is spent on dependency cases. Additionally, there are 10 court appointed attorneys who agree to take on dependency cases. The Clackamas County juvenile department employs a court counselor who serves as a liaison to assist with paperwork and other court related documentation or needs. This employee generally only is present in the first phase of the case (through jurisdiction).

### **COUNTY DESCRIPTION: COLUMBIA COUNTY**

The 2003 population estimate for Columbia County was 46,261. In 1999 (the last reported data), the median household income for Columbia County residents was \$45,797; 9.1% of the population during that time was considered to be living below poverty. The 2000 census data reports that Columbia County is primarily White, non-Hispanic (93.1%). Persons of Hispanic or Latino origin and persons reporting to be Multiracial make up the next two largest race/ethnicity bracket at 2.5% each, followed by American Indian or Alaskan Native (1.3%), Asian (.6%) African American (.2%), and Native Hawaiian (.1%). Persons of other races or ethnicities comprise .8% of the county's population.



**Judge Ted Grove, Columbia County**

Columbia County similarly has one judge who is responsible for hearing dependency cases. The judge spends about 8 hours a week in court and 4 hours a week out of court on dependency cases. Further, the county has a consortium system of eight contract attorneys who rotate serving on dependency cases.

# FILE REVIEW METHODS

## CASE FILE SAMPLE SELECTION

At the start of the project, the evaluation team requested information from the state about dependency cases opened between February and July 2003 in Clackamas and Columbia Counties. This sampling timeframe was chosen for multiple reasons, (1) it allowed sufficient follow-up time for all cases of interest to be processed and documented by the time of data collection for this project, and (2) to help minimize fluctuations in possible working days of involved staff, the sample period purposely began after the winter holiday season (when most staff on holiday vacations would be back in the office). The Oregon State Judicial Department returned a list of 147 newly opened cases in Clackamas and 44 newly opened cases in Columbia during that time period.

Case files selected for inclusion in the review had to be (1) first time petitions and (2) those cases that had not been dismissed (i.e., the case is resolved before reaching jurisdiction).<sup>1</sup> During the time period examined, both counties had a similar dismissal rate (22% for Clackamas and 18% for Columbia). Additionally, when cases involve siblings, each sibling is assigned a case number. Sibling cases (provided both parents involved are the same for each sibling) are processed simultaneously and will have jurisdiction established during the same court appearance as the other sibling(s). For instance, if a family has three siblings, and the court was able to establish jurisdiction in 75 days, there would be three separate records with 75 days to jurisdiction each. This could cause some inflation or deflation in the average time to jurisdiction if all sibling cases are examined as unique cases. Therefore, in these cases only one sibling from each set of siblings was included in data analyses (one unique case per family)<sup>2</sup>. The resulting number of valid unique cases for the evaluation to examine was 62 in Clackamas County and 13 in Columbia County.

Table 1 shows that over half of the cases reviewed (69%) in Clackamas County established jurisdiction after 60 days of the petition being filed. Table 2 shows that 25% of the case files reviewed in Columbia County established jurisdiction after 60 days. Because the goal of this evaluation was to describe any events that may happen differently in those cases that extend beyond 60 days, it was important to review as many of these extended cases as possible. These cases, therefore, were made first priority for the file reviews.

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<sup>1</sup> In Clackamas County 33 cases during the time frame were dismissed. For the first phase of this research project dismissals were not included in the file reviews; however, dismissals are included in the published reports from the state, as they, by definition resolve the jurisdictional issues.

<sup>2</sup> Jurisdiction must be established on each child, and each child is a unique case; however, this research project chose to only include one sibling from each sibling set.



**Table 1. Number of Cases and Mean Days to Jurisdiction in Clackamas**

<b>Open Cases: Feb – July 2003<sup>3</sup></b>	
<b>N = 62</b>	
<b>Number of cases over 60 days</b>	<b>Mean days for case processing</b>
30 (48%)	74.6 days
<b>Cases Reviewed<sup>4</sup></b>	
<b>N = 42 (68% of eligible cases)</b>	
<b>Number of cases over 60 days</b>	<b>Mean days for case processing</b>
29 (69%)	91.7 days

**Table 2. Number of Cases and Mean Days to Jurisdiction in Columbia**

<b>Open Cases: Feb – July 2003<sup>5</sup></b>	
<b>N = 13</b>	
<b>Number of cases over 60 days</b>	<b>Mean days for case processing</b>
4 (31%)	50.7 days
<b>Cases Reviewed<sup>6</sup></b>	
<b>N = 12 (68% of eligible cases)</b>	
<b>Number of cases over 60 days</b>	<b>Mean days for case processing</b>
3 (25%)	49.8 days

### **Case File Data Collection**

Four members of the evaluation team conducted file reviews. As a reliability check, all members reviewed a sample of the same files. This assured that data collection efforts were consistent across the members of the team. Eligible case files were examined for “flow” through the court system. That is, each court appearance date was documented, as well as the type of appearance (i.e., preliminary hearing, review, trial) who was present (e.g., district attorney, parent(s) attorney, child attorney, parent(s), DHS, CASA), if there were any staffing changes for those present, and how much time elapsed between court appearances. Additionally, files were

<sup>3</sup> Meeting the evaluation teams criteria for inclusion.

<sup>4</sup> Actual files the evaluation team reviewed for these analyses.

<sup>5</sup> Meeting the evaluation teams criteria for inclusion.

<sup>6</sup> Actual files the evaluation team reviewed for these analyses.

examined for “Good Cause” statements<sup>7</sup> (orders of continuance), written by the judge, which would help identify possible reasons for the establishment of jurisdiction beyond the 60-day goal, or any details that would suggest a “Good Cause” decision (i.e., unable to locate parent) even if one wasn’t explicitly written.

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<sup>7</sup> “Good Cause” has not been defined by state statute. Possible discrepancies around semantics may exist.

# FILE REVIEW RESULTS

## COURT APPEARANCES

The evaluation team was interested in determining if those cases that took longer to establish jurisdiction had, on average, more court appearances. Cases who met the 60-day target to jurisdiction had an average of less than 3 court appearances, whereas those that took longer averaged about 4 court appearances. The range of court appearances was also larger in the group that established jurisdiction later than 60 days. The higher number of court appearances before establishing jurisdiction in these cases that extend beyond the 60-day window suggest that work on these cases was still being done even though jurisdiction had yet to be established. It is unlikely, then, that these cases establishing jurisdiction after 60 days are being “lost” in the system—the range and number of court appearances suggest that court times are being established and parties are meeting in front of the judges.

**Table 3. Number of Court Appearances per Case File in Clackamas**

Days to Jurisdiction	Average # of Court Appearances	Range of Court Appearances	Number of Cases
60 Days or Less	2.9	2 – 4	13
61 + Days	4.4	3 – 7	29

**Table 4. Number of Court Appearances per Case File in Columbia**

Days to Jurisdiction	Average # of Court Appearances	Range of Court Appearances	Number of Cases
60 Days or Less	2.7	2 – 3	10
61 + Days	4.0	3 – 5	2

## DAYS TO JURISDICTIONAL REVIEW OF PENDING PETITION (JRP)/PRETRIAL

The evaluation team was also interested in determining if cases that took longer to establish jurisdiction had longer times to first Judicial Review of Pending Petition (JRP)/Pretrial. JRP/Pretrial is the first court appearance when stipulations about jurisdiction can be made. In both counties the first JRP/Pretrial is typically scheduled 30 days after the first appearance. However, few cases in Clackamas (14%) and Columbia (30%) reviewed reached jurisdiction at the first JRP/Pretrial. The data presented in Tables 5 and 6 suggest that the average time to jurisdiction is generally similar between the two groups in Clackamas. The sample size in Columbia, however, was too small to be conclusive. For Clackamas, this finding may suggest that issues prolonging time to jurisdiction may not necessarily be occurring at the early stages of the case (i.e., things that need to be present for the first JRP to be heard in front of the judge are being met), but rather the challenges to establishing timely jurisdiction may be occurring after the initial JRP.

**Table 5. Days Between First Court Appearance and JRP in Clackamas**

Days to Jurisdiction	Mean # of Days between first appearance and JRP	Range of Days	Number of Cases
60 Days or Less	32.5	25 – 42	13
61 + Days	32.5	21 – 66	29

**Table 6. Days Between First Court Appearance and JRP in Columbia**

Days to Jurisdiction	Mean # of Days between first appearance and JRP	Range of Days	Number of Cases
60 Days or Less	33.9	14 – 47	9
61 + Days	41.0	41	1 <sup>8</sup>

## GOOD CAUSE FACTORS

All cases that take longer than 60 days should have a Good Cause factor<sup>9</sup> associated with it. It is possible that individual cases can have multiple good cause factors cited. Tables 7 and 8 show the frequency of each type of good cause response<sup>10</sup>. In the sample of files reviewed in Clackamas (1) inability to locate a parent, (2) unavailability of counsel, (3) lack of parent meetings with attorney’s, (4) need for expert witnesses, and (5) simultaneous criminal cases always resulted in a case not meeting its jurisdiction goal of 60 days for this sample of files reviewed. In Columbia County, however, no cases establishing jurisdiction over 60 days had a good cause factor associated with it.

<sup>8</sup> Only one case reviewed in Columbia County had sufficient data to calculate number of days to pretrial.

<sup>9</sup> Clackamas County began implementing a “Good Cause Order” sheet to improve the documentation of good cause factors. This was implemented after the time frame of the current sample.

<sup>10</sup> On two occasions, case notes were written in that suggested a good cause order without explicitly stating as such (i.e., notification of parties) which the evaluation team coded as good cause.

**Table 7. Good Cause Factors Cited in Case Files in Clackamas**

<b>Good Cause Factors</b>	<b>0 – 60 days</b>	<b>61 + days</b>
Unable to locate a parent/no service	0%	28%
Unavailability of counsel	0%	21%
Parent needs attorney	8%	7%
Parent hasn't met with attorney	0%	10%
Need to subpoena expert witnesses	0%	14%
Issues with timely discovery	8%	10%
Simultaneous (pending) criminal cases	8%	17%
Other good cause	8%	17%

**Table 8. Good Cause Factors Cited in Case Files in Columbia**

<b>Good Cause Factors</b>	<b>0 – 60 days</b>	<b>61 + days</b>
Other good cause (not specified)	20%	0%

## **OTHER FACTORS**

### **Siblings**

The evaluation team was also interested in determining if cases would take longer to establish jurisdiction if siblings were involved; specifically we wanted to determine if the extra work of documenting additional siblings would influence court time. Although the court keeps separate documentation (files) on siblings, we noted whether there was a simultaneous case with a sibling on the files we reviewed. In order to be classified as siblings for the purpose of this evaluation, the children had to be removed at the same time and shared the same parents. Furthermore, the court processed these cases at the same time (same court appearances). In the sample, having a simultaneous sibling case did not seem to influence how quickly jurisdiction was established. Of these sibling cases, exactly half had jurisdiction established by the 60-day time window, whereas the other half established jurisdiction after 60 days. Sixty percent (60%) of cases (9 cases) involving a sibling took over 60 days to establish jurisdiction. This is slightly above the percentage of dependency cases in the county that took longer than the 60-day goal (47%), which indicates that having more than one child involved in a dependency case may increase the amount of time to jurisdiction. However, the data reflecting siblings are quite small, thus additional data collection in this area would be important in determining the actual impact of multiple siblings on a given case.

## Changes in Judge/Parties/Counsel

The evaluation team was also interested in exploring whether substitutions in case staffing (e.g., a temporary fill-in for one staff by another staff) created a delay in establishing jurisdiction. Tables 9 and 10 describe the number of cases in which there was a change in case staffing. Those cases that took longer to establish jurisdiction (61+ days) more frequently had a staff change than those establishing jurisdiction in less time. For instance, in cases taking longer than 60 days to establish jurisdiction in Clackamas County, there was a substitute for the judge in 55% of the cases, compared to only 31% of the cases taking less than 60 days to establish jurisdiction. It is possible that as children are in the system longer, staff substitutions may occur due to the extended timeline. However, in this sample many of the staff substitutions began occurring prior to 60 days. After data collection it was discovered that in Clackamas County, when a case goes to trial it is scheduled at the other county courthouse, automatically resulting in a change in the judge hearing the case. Further, in Clackamas County, the court worker initially enters the name of the DHS worker who submits paperwork to the court on a case. This is not always the same as the worker who is eventually assigned to the court case. Thus, the number of substitutions reported by the evaluation for this role is likely over-inflated due to this common data entry procedure. In Columbia County, CASA workers are present from the beginning of the case, and are included in the Columbia County data discussion below.

**Table 9. Staffing Substitutes in Cases Taking 0-60 and 61+ Days to Jurisdiction in Clackamas**

Staffing Changes	0 - 60 days	61+ days
	Number of Cases = 13	Number of Cases = 29
Substitutions in Judge	31%	55%
Substitutions in District Attorney	23%	31%
Substitutions in DHS	46%	52%
Substitutions in Attorney (Mother)	15%	17%
Substitutions in Attorney (Father)	0%	10%
Substitutions in Attorney (Child)	8%	21%

**Table 10. Staffing Substitutes in Cases Taking 0-60 and 61+ Days to Jurisdiction in Columbia**

Staffing Changes	0 - 60 days	61+ days
	Number of Cases = 10	Number of Cases = 2
Substitutions in Judge	10%	0%
Substitutions in District Attorney	30%	100%
Substitutions in DHS	30%	50%
Substitutions in CASA	70%	100%
Substitutions in Attorney (Mother)	0%	0%
Substitutions in Attorney (Father)	0%	0%
Substitutions in Attorney (Child)	0%	0%

### Individuals present at court appearances

As part of the file reviews, the evaluation team also noted which staff were identified in case files as present at each court appearance. We were interested in exploring the relationship between the number of times one of the staff was not present and the length of time to jurisdiction. Additional research should examine the extent to which the presence of these staff may be necessary for cases to progress.

**Table 11. Number (and percent) of Times Staff Not Present at All Court Cases (through Jurisdiction) in Clackamas**

At Least One Absence	0-60 days	61 + days
	Number of Cases	Number of Cases
District Attorney	10 (76.9%)	20 (69.0%)
DHS	2 (15.4%)	3 (10.3%)

**Table 12. Number (and percent) of Times Staff Not Present at All Court Cases (through Jurisdiction) in Columbia**

At Least One Absence	0-60 days	61 + days
	Number of Cases	Number of Cases
District Attorney	2 (20.0%)	1 (50.0%)
DHS	2 (20.0%)	0 (0%)

## **File Entry Dates**

Occasionally, some cases had an event file date that was different from the date of the court appearance that established jurisdiction, resulting in a record showing that the case took longer than the 60-day goal when jurisdiction was actually established before 60 days. Inquires at the state level suggest this is likely due to paper flow problems and data entry into Oregon Judicial Information Network (OJIN) at the local level.

## **FILE REVIEW DATA LIMITATIONS**

An important caveat of the above data discussions is that our findings are limited by data we collected from actual case files. A more accurate representation of some of the data, particularly around staff absences, staff changes, and possible good cause factors could be better obtained by observing actual cases. Actual case observation was not practical for the current research exploration, so primary reliance on hard copy files was essential.



## STAKEHOLDER INTERVIEW METHODS

The evaluation team was also interested in interviewing staff involved in dependency cases. In both counties the judges presented a list to the evaluation team of staff to contact. In addition to interviewing staff on the contact sheets from the judges, the evaluation team reviewed the case files to determine if there were any key players (most often attorneys) who were involved in dependency case proceedings, but were not on the original list. Several additional attorneys were identified, and the judicial assistants in each county supplied the evaluation team with the contact information for those staff.

In Clackamas County, the judge, four attorneys, two CASA workers, the district attorney, and a representative from both the Juvenile Department and Department of Human Services participated in interviews with NPC staff. In Columbia County, the judge, three attorneys, two representatives from the Department of Human Services, the district attorney, a CASA representative, the trial court administrator, and the Citizens Review Board (CRB) coordinator participated in interviews.

Interviewees described the process dependency cases undergo from the time the case is opened through establishing jurisdiction. The procedure for Clackamas County is displayed in Appendix A, and the procedure for Columbia County is displayed in Appendix B. Establishing jurisdiction, although used as an “end variable” in this study, does not necessarily represent the end of the case in the court system. Respondents were asked about their role in the system, what the goals are for dependency cases are, and what they perceived as challenge areas as well as promising practices for themselves, their agency, and/or the system in general.

## STAKEHOLDER INTERVIEW RESULTS

### TIME TO JURISDICTION

Interview participants were asked, “What do you think is the average length of time, in normal circumstances, between a dependency case being filed and jurisdiction being established?”

Generally, in both courts the judge and the public defenders perceive the average time to jurisdiction over 60 days. However, the district attorney in Clackamas and the CRB coordinator in Columbia suggested that the time to jurisdiction might be less, whereas public defenders typically felt the time was longer. Please refer to Tables 13 and 14 for descriptions of perceived time to jurisdiction by interview participants.

**Table 13. Perceived Average Time to Jurisdiction in Clackamas<sup>11</sup>**

Court Staff	Perceived Time to Jurisdiction
Public Defender(s)/Defense Attorney(s)	60-90 days
District Attorney	30 days
CASA	(respondent uncertain)
Juvenile Department	30 days
DHS	(respondent uncertain)
Judge	60-90 days

**Table 14. Perceived Average Time to Jurisdiction in Columbia**

Court Staff	Perceived Time to Jurisdiction
Public Defender(s)/Defense Attorney(s)	42-75 days
District Attorney	60+ days
CASA	90-180 days
DHS	45-90 days
CRB Coordinator	60+ days
Trial Court Administrator	30-90 days
Judge	60-90 days

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<sup>11</sup> In the case of multiple responses from staff, the minimum given response and maximum given response are included as a range for the average (e.g., if three respondents said 60, 75 and 90 days, respectively, the reported time would be “60-90 days”).

## BARRIERS TO ESTABLISHING JURISDICTION

Additionally, interview participants were asked to describe common reasons for the average length of time to jurisdiction to be increased, and to describe the types of situations that prevent cases from not establishing jurisdiction in a 60-day time period. In Clackamas County, half of the respondents suggested that being unable to locate parents and not having timely discovery are the common reasons that jurisdiction is not established in 60 days. In Columbia County however, half the participants cited scheduling issues (coordinating all involved parties) as the primary reason for a delay in establishing jurisdiction. Please see Tables 15 and 16 for a list of most frequently cited barriers to jurisdiction from interview participants.

**Table 15. Frequently Cited Barriers to Establishing Jurisdiction in 60 Days in Clackamas**

<b>Perceived Barrier to Establishing Timely Jurisdiction</b>	<b>Number of Respondents</b>	<b>Percent of Respondents<sup>12</sup></b>
Locating and/or serving parents	4	50%
Timely discovery, reports, paperwork	4	50%
Scheduling issues and/or coordinating parties	3	38%
DHS staff turnover and/or issues	3	38%
Difficulty of the case and/or preparation time for case	3	38%
Coinciding criminal case	2	25%
Lack of resources/services (for parent)	1	13%
Parent not doing what is needed/parent resistance	1	13%
Parent not keeping in touch with attorney	1	13%
Attorney-client relationships and/or issues	1	13%
Additional law enforcement investigation	1	13%
Securing medical experts	1	13%
Lack of information/response from tribes	1	13%
Attorney-Attorney conflict	1	13%
Lack of judicial resources	1	13%
Unavailability of attorneys	1	13%
Court docket issues and/or court availability	1	13%
Cases having to go to trial	1	13%

<sup>12</sup> Percent based on total number of respondents to each question. Percentages will not equal 100%, and will vary among questions depending on the response total.

**Table 16. Frequently Cited Barriers to Establishing Jurisdiction in 60 Days in Columbia**

<b>Perceived Barrier to Establishing Timely Jurisdiction</b>	<b>Number of Respondents</b>	<b>Percent of Respondents</b>
Scheduling issues and/or coordinating parties	5	50%
Court docket issues/court availability	4	40%
Timely discovery, reports, paperwork	1	10%
Difficulty of the case/prep time for case	1	10%
Locating/serving parents	1	10%
Parents not doing what is needed/parent resistance	1	10%
Attorney-Attorney conflict	1	10%
Coinciding criminal case	1	10%
Attorney delays	1	10%
Full caseload	1	10%

## **DEPENDENCY CASE CHALLENGES**

Interview participants were also asked, “What are some of the challenges involved with the handling of dependency cases?” One of the most frequent responses in both counties was that the timeliness of discovery, reports and paperwork was a main challenge in dealing with dependency cases. Clackamas County respondents further cited court availability (court docket) and working with challenging clients as additional challenges. Columbia County respondents suggested that a lack of resources and services for parents, and staffing turnover/issues at DHS were additional challenges when working with dependency cases in their county. Please see Tables 17 and 18 for a complete list of responses staff had about challenges with dependency cases.

**Table 17. Frequently Cited Challenges with Dependency Cases in Clackamas**

<b>Challenges With Dependency Cases</b>	<b>Number of Respondents</b>	<b>Percent of Respondents</b>
Timely discovery, reports, paperwork	2	29%
Court docket issues/court availability	2	29%
Challenging clients	2	29%
Scheduling issues/coordinating parties	1	14%
Attorney-client relationships/issues	1	14%
Lack of resources/services (for parent)	1	14%
DHS staff turnover/issues	1	14%
Locating/serving parents	1	14%
Coinciding criminal case	1	14%
Communication among all parties	1	14%

**Table 18. Frequently Cited Challenges with Dependency Cases in Columbia**

<b>Challenges With Dependency Cases</b>	<b>Number of Respondents</b>	<b>Percent of Respondents</b>
Timely discovery, reports, paperwork	3	30%
Lack of resources/services for parents	3	30%
DHS staff turnover/issues	2	20%
Court docket issues/court availability	1	10%
Scheduling issues/coordinating parties	1	10%
Challenging clients	1	10%
Locating/serving parents	1	10%
Parent not doing what is needed/parent resistance	1	10%
Other trial commitments	1	10%

## POTENTIAL SYSTEM CHANGES

Finally, participants were asked, “If you could change three things about the handling of dependency cases, what would they be?” Both counties frequently cited having on-time discovery and more timely information. Clackamas respondents also cited increased communication and collaboration among the parties and agencies as changes they’d like to see, whereas Columbia respondents also cited the need for attorneys to have more availability (perhaps an indicator of scheduling issues). Tables 19 and 20 more fully describe responses from staff.

**Table 19. Frequently Cited Changes Respondents Would Like to See in the Process of Handling Dependency Cases in Clackamas**

Changes to the Dependency Case process	N	%
On-time discovery/information	3	30%
Increased collaboration/ communication among parties	3	30%
On-time docket/schedule trials sooner	2	20%
More staff training	2	20%
More services for parents	2	20%
Revamp process for locating parents	2	20%
Less clients on caseload	2	20%
More financial compensation for all parties	1	10%

**Table 20. Frequently Cited Changes Respondents Would Like to See in the Process of Handling Dependency Cases in Columbia**

Changes to the Dependency Case process	N	%
On-time discovery/information	3	33%
More availability of attorneys	3	33%
On-time docket/schedule trials sooner	2	22%
More staff training	2	22%
More services for parents	2	22%
Increased collaboration/communication among parties	1	11%
Have CASA on every case	1	11%
More child planning conferences	1	11%

## CLACKAMAS COUNTY SOLUTIONS SUMMIT

**O**n April 1, 2005, Clackamas County held a Solutions Summit in order to discuss findings of the CJA project and to determine what changes, if any, could be made to the handling of dependency cases that would increase efficiency and decrease the time to establish jurisdiction. Present were 14 staff from various agencies including representatives from the court (judge and staff), district attorney's office, juvenile department, public defenders, Department of Human Services, and the Oregon State Judicial Department.

Case file review and interview findings were presented by the evaluation team along with a list of priorities (based on common finding from the case files and interviews) about topics to be discussed with the group. The intention was to determine if any of the areas could be improved, in a manner that would help facilitate the 60-day jurisdiction goal. These priorities included (1) more timely service on parents, (2) more timely dispersion of discovery, and (3) improved scheduling of court docket and counsel.

### IMPROVED SERVICE ON PARENTS

Providing service to parents consists of presenting the parents with a summons that they are to appear in court as a result of having their child removed from the home. The parties present had the opportunity to suggest barriers to the timely service on parents. In Clackamas County, the standard practice is to serve both parents (even if the primary parent does not know the whereabouts of the other parent, or is unsure who the second parent may be). Summit participants indicated that in the majority of cases, they can usually serve one parent, but are unable to locate the other parent. Participants discussed reasons that there are delays with serving a parent. They also described processes that had been implemented to improve service prior to the, and the group agreed on system-wide changes that could be implemented to further improve serving parents in a timely manner.

#### Barriers to serving a parent

1. Lack of a clear definition of what constitutes a "diligent search" for a parent.
2. DHS is not legally allowed to serve a parent even though they may have contact with that parent (through visits to their office). The staff at DHS doesn't always know which parents needed to be served.
3. If the juvenile department has a local address for a parent, they can send a request to the sheriff's department to serve (this request is usually made within 24 hours). The sheriff's department may not go out to the address for 2-3 weeks. By this time the original summons may be expired, so the process has to begin all over again (new summons obtained from court).
4. If the juvenile department has an out of area address, they need to send it on to the DA who has the financial ability to employ other county/state offices to serve the summons.
5. DHS, the juvenile department, and the District Attorney's office all do a parent search in order to locate a parent, but without formally communicating with each other about their activities and search results. Therefore, these searches typically weren't well coordinated, and the same agencies would often try the same approaches to locating a

parent. Further, when parents were located by one agency, this information was not always communicated to the other agencies.

6. Traditionally in Clackamas County, petitions to publish were submitted when a parent couldn't be located after a reasonable search. Petitions to publish involve the DA getting approval from the judge to publish the name of the parent they are trying to locate in newspapers around the area of the parent's last know address. This procedure would add upwards of 3 months onto the length of the case, and annually cost close to \$5,000<sup>13</sup> for all cases.

### **Pre-summit system improvements to serving a parent**

It is important to note that between the time of the case file review performed for this study and the summit, the DA's office understood that locating and serving parents was adding a significant delay to establishing case jurisdiction. Therefore, the district attorney's office now employs a part time investigator that is able to spend a portion of his part time allotment searching for and serving parents.

### **Summit solutions to serving a parent**

1. A diligent search protocol was defined with each agency (district attorney (DA), juvenile department (JD), Department of Health and Human Services (DHS) assigned specific tasks. Diligent Search includes:
  - a. Talk to parent (DHS and JD)
  - b. Check OJIN (DA)
  - c. Check child support data (DA)
  - d. Conduct LEDS search (DA, JD)
  - e. Birth browse (DA)
  - f. DMV records search (DA)
  - g. Search former addresses (All)
  - h. Search internet (All)

Each agency will need to document what they did in their search, what information was found, and their next course of action. These protocols will be presented in affidavit form to the court by the JRP. A copy of the "Diligent Parent Search" document is provided in Appendix C.

2. The Juvenile Department will send a weekly email list of missing parents to both the DHS contact and the Deputy DA's. These agencies will communicate via email as they perform various aspects of the search, and/or locate parents. Further, DHS will notify the Juvenile Department if a parent from the missing parent list has an upcoming appointment at the DHS office so someone from the Juvenile Department can be there to serve them.
3. Petitions to publish will no longer be part of the diligent search.

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<sup>13</sup> Estimate given by summit participants



## **TIMELY DISPERSION OF DISCOVERY**

### **Delays to timely discovery**

1. Discovery consists of all the reports on a case being shared with all involved attorneys prior to the start of the case. Timely discovery is dependent on the type of reports needed for an individual case. Typically the reports available within 2 weeks include medical reports (containing medical results of a child's examination resultant of injuries sustained) and proposed service agreements (stating which services parents and or children will attend). Reports that vary in when they are made available include: police reports (from the events leading to the removal of the child) case notes from DHS, and investigator reports. Timely police reports were indicated as having been the most troublesome. Child welfare information from other states and tribal responses to the Indian Child Welfare Act (ICWA), although less common in Clackamas, tend to take the longest.

### **Pre-summit system improvements to timely discovery**

It is important to note that between the time of the case file review performed for this study and the summit, changes to the system had been implemented to help assure that discovery was made available to all case-involved attorney's in a timely manner.

1. After the DA receives reports, photocopies are made for all parties and either mailed to the other agencies/staff or placed in their office mailbox.
2. The summit participants commented that the DA's office has been instrumental in having police reports more readily available for discovery.
3. The summit participants commented that new staff at DHS resolved many of the prior issues present during the sampling time frame.

### **Summit solutions to timely discovery**

Most summit participants agreed that although timely discovery may have been an issue during the timeframe of the cases under review for this study (February 2003 – July 2003), it was no longer an issue. The only exception being occasional reports that come in just before the court hearing.

## **SCHEDULING IMPROVEMENTS (COURT DOCKET TIME, AVAILABILITY OF COUNSEL)**

### **Scheduling barriers**

1. Due to budget cuts, the judicial workweek between March 2003 and June 2003 (during our time of the study) had been limited to 4 days (eliminating Friday, which previously had been a juvenile trial day).
2. General scheduling difficulties for all case-involved attorney's being free on a given date given the timeframes of when court appearances need to be scheduled (i.e., JRPs are set for approximately 30 days from first appearance).

3. Cases that are scheduled for trial consume a lot of court time and resources (i.e., locating and serving witnesses). Summit participants estimated that about 20% of cases get set for trial, however only 5% actually go to trial<sup>14</sup>, which means the resources involved in the 15% not going to trial is wasted.
4. There is a limit to how many juvenile cases the judge can set during a given week, either more court time, more defense attorneys, or both may be needed. This may be related, in part, to the general scheduling difficulties described in #2 above.
5. Parents often don't contact their attorneys in a timely manner, thus delaying information sharing and processing.

### **Pre-summit system improvements to scheduling**

After the period of study but before the summit, some changes were made in Clackamas County that may positively impact scheduling difficulties. These changes include:

1. The judicial workweek had been reinstated to 5 days a week.
2. Staff commented that parents contact attorneys sooner, in part due to pressure put on them by both the judge and the juvenile department.

### **Summit solutions to scheduling**

1. All parties present agreed to move the Judicial Review of Pending Petition (JRP) from 30 days to 3 weeks (21 days). This may allow for cases to be heard sooner. Cases that aren't resolved at JRP typically have a trial set (even though an actual trial may not occur).
2. An additional ½ day per week per month will be added to the court docket (perhaps at the downtown courthouse) to hear cases that didn't resolve at JRP but are scheduled to go to trial. This will serve as an additional hearing effort to try to resolve the case prior to the trial. This effort should allow for the hearing of 6-8 cases per session.

For those cases that go to trial, the district attorney will work with the court clerk to put case notes in the case file. These notes will be in worksheet form, will be signed, and copies will be faxed to each attorney. An example of the case notes to be included in the case file can be found in Appendix D.

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<sup>14</sup> Estimates given by summit participants.

## COLUMBIA COUNTY SOLUTIONS SUMMIT

**O**n April 25, 2005, Columbia County held its Solutions Summit to discuss the implications of the CJA project and determine what changes, if any, could be made to the handling of dependency cases as a result of the research findings and discussion. Ten staff from various agencies attended, including representatives from the court (judge and staff), trial court administrator (and staff), Citizens Review Board coordinator, Department of Human Services, defense attorneys, and the Oregon State Judicial Department.

The summit process was similar to that of Clackamas County, with case file review and interview findings presented by the evaluation team along with a list of priorities (based on common finding from the case files and interviews) about topics to be discussed with the group. The priorities for Columbia County included (1) a review of the discovery process, and (2) a review of the scheduling procedures.

### REVIEW OF DISCOVERY PROCESS

Discovery consists of all the reports on a cases being shared with all involved attorneys. In Columbia County, the goal is to have discovery shared by the pre-trial (which occurs 30 days from the first appearance). Discovery consists of the initial referral report (307's) DHS reports, police reports, mental health reports, substance abuse reports and assessments, medical reports, reports from the assessment center (CARES), any parole/probation reports that may exist on the parent, any juvenile department reports that may exist on the child, and any out of county reports.

### Delays to the discovery process

1. DHS is responsible for compiling discovery and presenting it to the DA (this takes about 30 days to gather complete discovery). DHS is currently (through June 2005) operating with only one-third of its available staff (the remaining two-thirds are in trainings). Additionally, there are few DHS caseworkers with long-term experiences in the county, as this department has had a high degree of turnover, resulting in workers with large caseloads. This could mean delays in providing discovery to the DA.
2. The DA receives discovery from DHS in stages, cross checks the information, photocopies it (which can become a source for backlog, as many discoveries are quite lengthy), and mails it to the attorney's.

### Summit solutions for improving the discovery process

1. The group present for the summit suggested that a goal for discovery should be within 1 week after the first appearance. However, it was noted that some reports take longer to receive (police, mental health, CARES, and medical reports) so those should have a deadline closer to 20 days from the first appearance.
2. DHS currently meets with the district attorney each Tuesday to discuss cases. DHS recommended that a part of each meeting could be focused on discovery needs, in an effort to more effectively gather and disperse discovery information.
3. It was suggested that the DA, instead of mailing discovery to the attorneys, should place discovery in attorney boxes either in the courthouse or the district attorney's office. The

attorney representative at the summit suggested that attorneys will have access to these boxes and would check them daily.

4. The judge suggested he would contact the juvenile department (no representatives were present at the summit) to inquire if they have the capacity/resources to assist the DA's office with the photocopying of discovery.

It is important to note that a representative from the DA's office was not present at the summit, so the suggested solutions #2 and #3 above would need to have consent from the DA prior to implementation.

## **REVIEW OF SCHEDULING PROCEDURES**

A shelter hearing occurs within 24 hours of the petition being filed. Parents are typically always present at the shelter hearing (there is little issue with locating a parent). At the shelter hearing, a first appearance is scheduled. This typically falls on the following Monday. At the first appearance, DHS provides service on the parent, attorneys are assigned to the parent (attorneys are actually appointed between the shelter hearing and the first appearance), and a pre-trial is scheduled for 30 days from the first appearance. If jurisdiction is not reached at the pretrial, a trial is set (typically 30-60 days out from the pretrial).

### **Barriers to timely scheduling**

1. Pre-trials are held during two timeslots on Mondays. The judge inquired about the possibility of adding a third time during the week to hear pre-trials.
2. Most summit participants felt issues with establishing jurisdiction in a timely manner were common for cases that go to trial rather than those establishing jurisdiction at pretrial. The main issue is scheduling. Finding the first available trial date that works with all attorneys' schedules is difficult and results in delays in scheduling the trial.

### **Pre-Summit improvements to scheduling procedures**

Summit participants commented on how the inclusion of a first-appearance has helped the processing of dependency cases, rather than going from a shelter hearing to a pretrial. This first appearance gives DHS the ability to formally serve the parent (thus eliminating the need for locating the parent outside of court) and often serves as the attorney's first meeting with the parent. However, there is often no discovery available at the first appearance<sup>15</sup>.

### **Summit solutions for improving scheduling**

1. The judge suggested that an additional timeslot to the pretrial hearings on Monday's in the hopes of processing more cases sooner.
2. The court agreed to also try to find additional court docket time to hear reviews. It was suggested that this could occur on Tuesdays.

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<sup>15</sup> Possible changes to the deadline of discovery suggested earlier may alleviate some of the issue of not having discovery available at the first appearance.

## CONCLUSIONS

During this project we were able to help both courts more fully understand the barriers to establishing jurisdiction within 60 days. The interest of the courts in supporting this inquiry allowed us to verify assumptions staff held about the issues that prevent timely jurisdiction, to assist in identifying common areas barriers seemed to occur, and to facilitate a summit in which staff could help resolve those barriers.

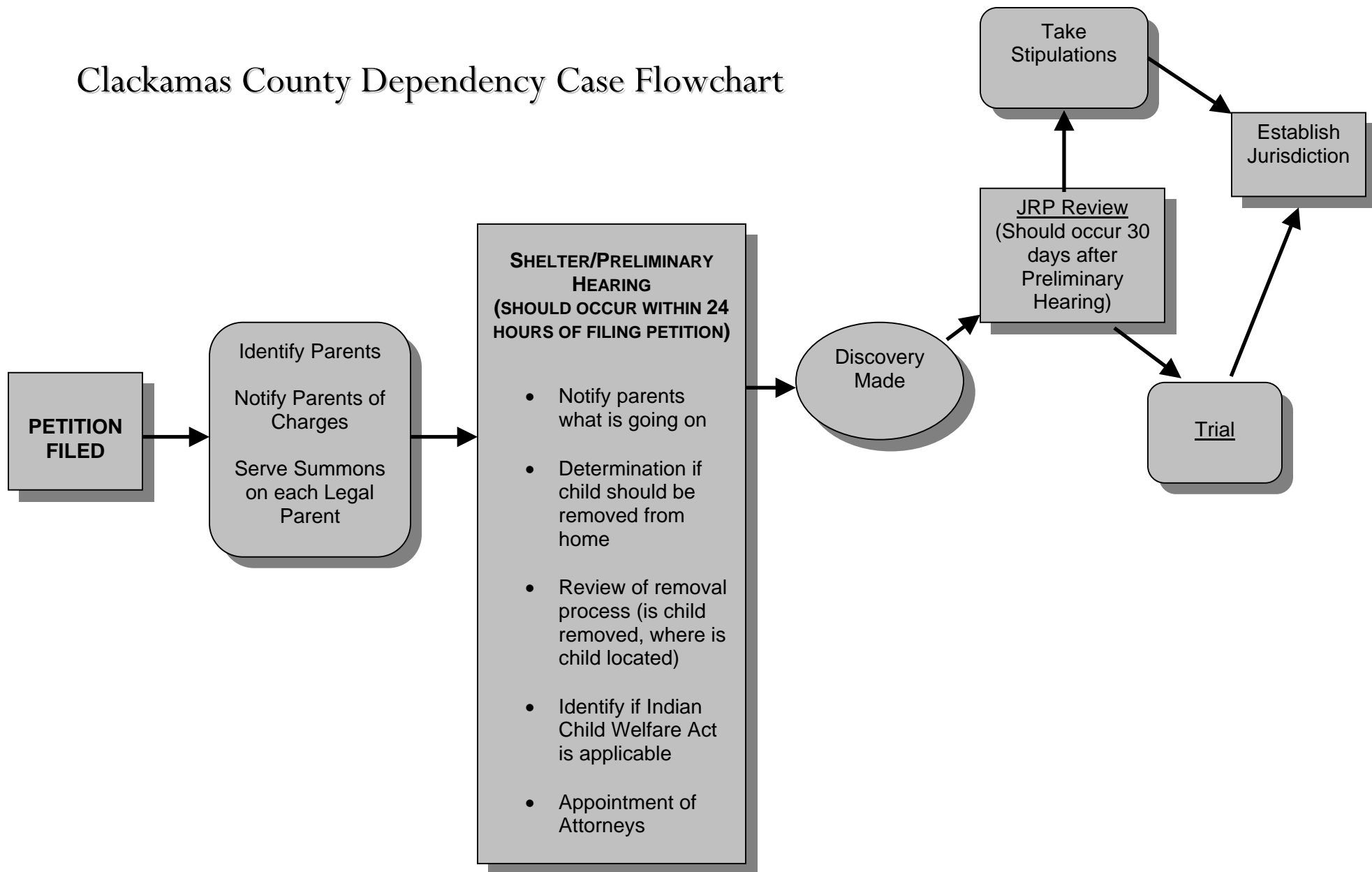
Case file reviews and staff interviews suggested that main barriers to establishing jurisdiction in Clackamas County included: (1) timely service of parent(s), (2) timely dispersion of discovery, and (3) difficulty in scheduling the court docket and counsel for court time. Each agency involved with dependency cases sent a representative to the Solutions Summit. The commitment of these staff at the summit helped influence local policy about dependency cases. A revised plan for conducting a diligent search on a parent and establishing a new communication system among those agencies participating in the search was implemented. Participants agreed that the renewed efforts of sharing discovery in a timely manner has helped in the timely handling of cases. Finally, the court and staff altered the timeframes for hearing Judicial Review of Pending Petitions (moving the schedule of them up to 21 days from 30 days) and agreed to have further discussion around adding an additional half-day a month of docket time to hearing dependency cases (post JRP, but before trial).

In Columbia County the main barriers identified through interviews and focused on during the summit included: (1) the gathering and dispersion of discovery, and (2) the difficulties of scheduling all parties for court time. The agencies involved in the summit agreed to set a deadline for having discovery gathered and dispersed. It was agreed that most discovery could be made available within a week, with some additional reports taking up to 20 days. The DA would subsequently disperse discovery to attorneys via their mail-slots either at the courthouse or at the district attorney's office. Additionally the court felt that adding more time to the court docket could improve the handling of maltreatment cases in a timely manner. The suggestion of adding an additional pre-trial time slot on Monday and an additional review timeslot on Tuesday was discussed. Further, Columbia County felt that many of its data-related issues had been resolved through increased training of court staff and was interested in pursuing avenues for more recent data evaluation efforts to better understand their current handling of cases.

It is the hope of this evaluation that the efforts taken to assist the courts in identifying barriers to establishing jurisdiction, and the strong commitments made by staff during the Solutions Summits will result in timelier processing of dependency cases, thus positively impacting the children involved.

**APPENDIX A: CLACKAMAS COUNTY  
DEPENDENCY CASE FLOWCHART**

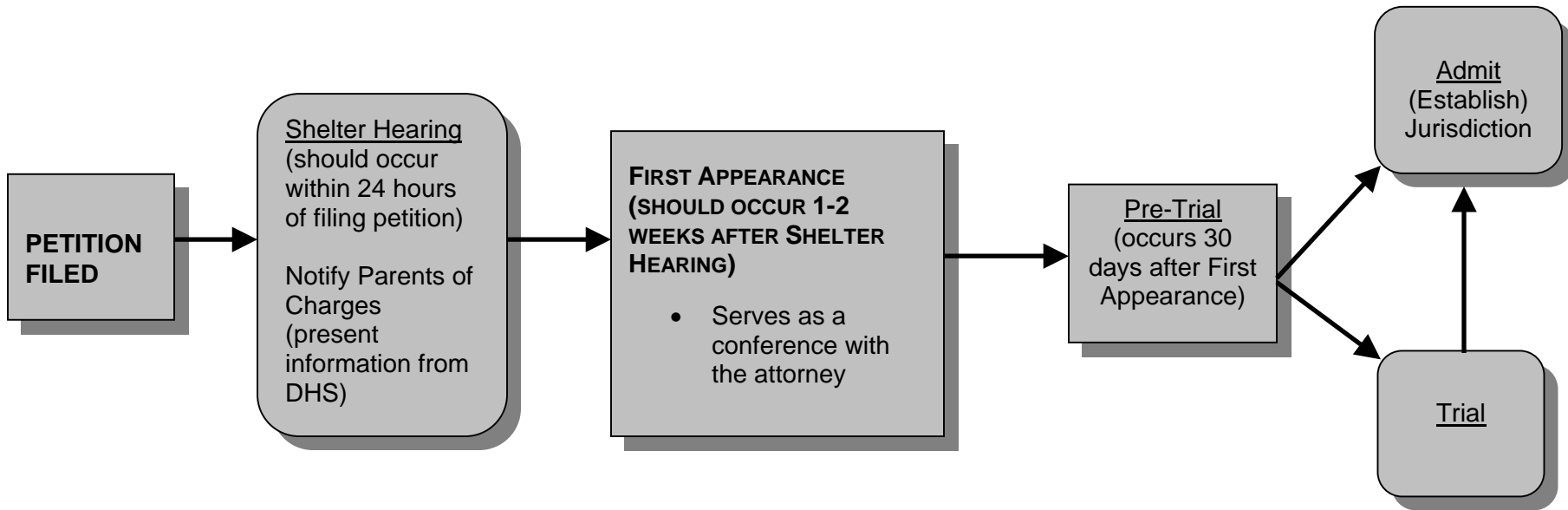
# Clackamas County Dependency Case Flowchart



**APPENDIX B: COLUMBIA COUNTY  
DEPENDENCY CASE FLOWCHART**



# Columbia County Dependency Case Flowchart



## **APPENDIX C: CLACKAMAS DILIGENT PARENT SEARCH**

## DILIGENT PARENT SEARCH

Case Name/Number: \_\_\_\_\_

Date Petition Filed: \_\_\_\_\_

Child/Court Number: \_\_\_\_\_

DA: \_\_\_\_\_

TYPE OF SEARCH	WHO	DATE	RESULTS
<b>Birth Browse</b>			
<b>Parent/Relative/Child</b>			
PS worker			
TDM/Visitation			
<b>Support Enforcement</b>			
<b>SSP</b>			
<b>DMV</b>			
<b>OJIN</b>			
Parole/Probation			
<b>Internet Search</b>			
Google/White Pages			
Reverse Directory			
Jail/Prison Search			
Sex Off. Registry			
<b>WAGE/Employment</b>			
Last employer			
<b>Forwarding Address</b>			
Landlord/Roommate			
USPS			
<b>Other DHS Cases</b>			
<b>LEDS</b> DA			
<b>CLASS</b> DA			
<b>Local LEA</b> DA			
<b>JJIS</b> JUV.			

## **APPENDIX D: CLACKAMAS CASE FILE NOTES**

Case name \_\_\_\_\_

Case No. \_\_\_\_\_

1. If a parent was not present, be sure service of summons was done properly before proceeding.
2. Mom stipulated/defaulted/trial held. Indicate what allegations were proven/agreed to:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Dad stipulated/defaulted/trial held. Indicate what allegations were proven/agreed to:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Were aggravated circumstances found? Mom: Yes/No Dad: Yes/No  
DHS relieved of re-unification on mom: Yes/No DHS relieved of re-unification on dad: Yes/No
5. What is the case plan and the concurrent plan (ask DHS):  
Plan Conc. Plan  
\_\_\_\_ return to/maintain with parent (custodial parent with priority) (mark which)  
\_\_\_\_ adoption  
\_\_\_\_ guardianship  
\_\_\_\_ permanent placement with relative  
\_\_\_\_ planned permanent living arrangement (ppla) as follows: \_\_\_\_\_  
Compelling reason:  
\_\_\_\_\_
6. Ask the following:  
\_\_\_\_ are the kids together Yes/No  
\_\_\_\_ are the kids with a parent\* Yes/No  
\_\_\_\_ are the kids with a relative Yes/No  
\_\_\_\_ are the kids in foster care Yes/No  
\* If not with a parent grant legal custody and shelter care if jurisdiction is established
7. Has the agency prepared service for each parent or a letter of expectation?  
If yes, resolve any objections and attach final form to this form (Remember, services ordered must bear a rational relation to the jurisdictional basis)
8. If the jurisdiction and disposition are done, set permanency hearing out to 14 months from date

9. Parties present:        \_\_\_ mom                                \_\_\_ mom atty: \_\_\_\_\_  
                                     \_\_\_ dad                                \_\_\_ dad atty: \_\_\_\_\_  
                                     \_\_\_ child atty: \_\_\_\_\_  
                                     \_\_\_ CASA: \_\_\_\_\_  
                                     \_\_\_ DHS: \_\_\_\_\_  
                                     \_\_\_ DA: \_\_\_\_\_  
                                     \_\_\_ other: \_\_\_\_\_

10. **IF THE TRIAL IS RESET NOTE DATE/TIME AND THE REASONS (if the trial is held more than 60 days after filing of petition we have to list the good cause – this is critical in meeting the performance standards)**

date/time \_\_\_\_\_  
Reasons: \_\_\_ no service on mom/dad  
             \_\_\_ late discovery  
             \_\_\_ newly amended petition  
             \_\_\_ someone not ready/who: \_\_\_\_\_  
             \_\_\_ parent not in contact with atty  
             \_\_\_ other: \_\_\_\_\_

11. Were any attorneys vacated: \_\_\_ mom \_\_\_ dad     Reason \_\_\_\_\_

FROM THESE NOTES AN ORDER WILL BE PREPARED—IT WILL GO TO JUDGE DARLING FOR SIGNATURE ON YOUR BEHALF UNLESS YOU NOTE OTHERWISE HERE OR INDICATE TO THE PARTIES THAT YOU WANT IT SENT TO YOU

Judge's name and date: \_\_\_\_\_