

## **Expanded Second Shelter Hearings in the Portland (OR) Model Court**

In November 1998, the Multnomah County Juvenile Court in Portland, Oregon (a National Council of Juvenile and Family Court Judges (NCJFCJ) Model Court) began holding second shelter care hearings in dependency cases. Based on a “front-loading” approach to case processing, the second shelter hearing is designed to facilitate early appointment of counsel; facilitate early resolution of issues such as paternity, notification, service and Indian Child Welfare Act (ICWA) determinations; and establish a clear expectation that parties must be ready at each court hearing to discuss what actions they have taken on case-specific issues since the previous hearing.

The Oregon statute requires an initial shelter care hearing within 24 hours of when a child is taken into protective custody. The shelter care hearing is the first preliminary protective hearing held immediately before or after a child is removed and is the first review of the placement by the court. Because a lot of important information is not available at that time, the Multnomah Court decided to hold a second shelter care hearing within 7 to 14 days of the initial shelter hearing. The next statutorily required proceeding, a pre-trial conference, occurs within 42 days of the initial shelter hearing.

At the initial shelter hearing, the Court makes as many findings as possible based on the available information and then identifies a list of “tasks” to be completed before the second shelter hearing. These may include locating parents, obtaining service, clarifying paternity or developing a safety plan for return of the child. The second shelter hearing is scheduled and the date is written on the initial shelter order and distributed to the parents, caseworker and all attorneys present. At the second shelter hearing, the court reviews the outstanding issues and modifies the initial shelter order as necessary.

One key feature of the second shelter hearing is that the same judge/referee, caseworker, defense attorneys and district attorneys who are present at the initial hearing are also present at the second. The judge conducting the initial shelter is usually assigned to all further proceedings in that case.

Based on a recent evaluation by NCJFCJ’s Permanency Planning for Children Department (funded by the Office of Juvenile Justice and Delinquency Prevention), the results so far have been very positive. The initiative has resulted in increased judicial continuity, more mothers and fathers appearing in court at early hearings, and more fathers identified and in considerably less time. In addition:

- ❖ More extended family members are involved earlier in the case process.
- ❖ More children are placed with relatives.
- ❖ The Court issues more specific court orders for services early because more information is available at the second shelter hearing.
- ❖ ICWA determinations occur more quickly.

By holding the second shelter hearing, the Portland Court has significantly increased the amount of judicial time dedicated to each case during the shelter process and has achieved the time standards for length of shelter care hearings recommended in the *Resource Guidelines*.

Evaluation input from court participants suggests that the decision to hold a second shelter hearing should perhaps be made on a case-by-case basis. In each case the Court should determine at the initial shelter hearing whether a second is necessary. Clear criteria for the decision should be articulated and documented in the case file.

While the initial results from this initiative appear very promising, further evaluation of whether a second shelter care hearing has a *long-term* impact on the timeliness of the case and the achievement of permanency is recommended.

*Adapted with permission from The Portland Model Court Expanded Second Shelter Hearing Process: Evaluating Best Practice Components of Front-Loading, Technical Assistance Bulletin, Vol. VI, No. 3 (July 2002), by Sophia Gatowski, Ph.D., Shirley Dobbin, Ph.D. and Melissa Litchfield. This bulletin provides guidance to other jurisdictions considering such a process. For ordering and cost information, call (775) 327-5300 or visit [www.pppncjfcj.org](http://www.pppncjfcj.org).*