

State of Oregon Department of Human Services
Oregon Commission on Children and Families
Oregon Court Appointed Special Advocate Directors Network

Memorandum of Understanding

This Memorandum of Understanding (MOU) among the State of Oregon Department of Human Services (**DHS**), the Oregon Commission on Children and Families (**OCCF**) and the Oregon Court Appointed Special Advocate Directors Network (**OCDN**) was developed jointly and shall become effective on the date at which all parties have signed.

This Memorandum of Understanding between DHS, OCCF and OCDN reflects agreed upon statewide guidelines for the working relationship of DHS Service Delivery Area (SDA) Managers and Court Appointed Special Advocate (CASA) Directors, as well as DHS child welfare workers and local CASAs. DHS child welfare workers operate within state and federal laws and the policies of DHS. The CASAs work within state and federal laws and the policies of local CASA programs, with the oversight of the Oregon Commission on Children and Families and in compliance with national CASA standards. Local CASA Programs work together as the Oregon CASA Directors Network.

By signing this Memorandum of Understanding, DHS, OCCF and OCDN acknowledge the urgency and importance of effective and efficient advocacy and service to children and families in Oregon. DHS will provide assistance to local DHS offices, and OCCF and OCDN will provide assistance to local CASA programs, to negotiate local agreements guided by this Memorandum of Understanding.

Department of Human Services:

Ramona L. Foley _____ 3-2-06
Ramona L. Foley Assistant Director Date

Oregon Commission on Children and Families:

Mickey Lansing _____ 3-3-06
Mickey Lansing Executive Director Date

Oregon Court Appointed Special Advocate Directors Network:

Donna J. Bowman _____ 3-9-06
Donna Bowman President Date

Mission Statements:

DHS: Helping people to become independent, healthy and safe.

OCDN: To strengthen the ability of each CASA program in Oregon to advocate for safe permanent homes for abused and neglected children.

OCCF: A partnership of citizens and professionals working together to improve the lives of children and families in Oregon's local communities. OCCF facilitates and supports local, coordinated, comprehensive planning for all children and families, promotes system integration, and provides leadership for local and state efforts focused on early childhood.

SECTION 1: ROLES AND RESPONSIBILITIES

A. Partnership Roles and responsibilities of SDA Managers (or designees) and CASA Directors (or designees)

1. The SDA Manager and CASA Director will model and foster a partnership that promotes mutual respect.
2. The SDA Manager and CASA Director will negotiate local agreements within the parameters of this MOU and ensure their implementation.
 - a. The SDA Manager and CASA Director will develop, model and foster effective communication strategies;
 - b. The SDA Manager and CASA Director will develop, model and foster effective conflict resolution strategies; and
 - c. The SDA Manager and CASA Director will ensure that training on roles and responsibilities of each is provided to new and current child welfare staff and CASA volunteers and staff.
3. The SDA Manager and CASA Director will establish and maintain regular (at least quarterly) contact in order to discuss specific and systematic program issues.
4. Local agreements will include a working definition of "timely" that meets the needs of both programs.

B. Roles and responsibilities of the CASA

1. A CASA is a legal party to the juvenile dependency case in which the CASA is appointed by the Court. Pursuant to ORS 419A.170, it is the responsibility of the CASA to:
 - a. Investigate all relevant information about the case;
 - b. Advocate for the best interests of the child, ensuring all relevant facts are brought before the court;
 - c. Facilitate and negotiate to ensure that the court, DHS, and the child's attorney, if any, fulfill their obligations to the child in a timely fashion; and
 - d. Monitor all court orders to ensure compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order.

2. The child welfare caseworker can expect that a CASA will:
 - a. Contact the child regularly as appropriate to the case;
 - b. Provide consistent advocacy for the child from case assignment until the court vacates the CASA appointment. The goal is to provide one CASA from initial assignment to closure of the case;
 - c. Monitor educational, health, mental health, developmental and dental needs, assessments and treatment implementation;
 - d. Recommend appropriate services for the child or family, but not provide the service;
 - e. Monitor changes in the child's placements;
 - a. Attend/participate in all court proceedings regarding the child (hearings, dispositions, CRBs, etc.);
 - g. Attend/participate in other agency meetings regarding the child as appropriate;
 - h. Advocate for but not provide transportation for the child or family;
 - i. Recommend and monitor appropriate visits between the child and the parent(s), and other appropriate persons but not supervise the visits; and
 - j. Make written reports and recommendations to the court.

C. Roles and Responsibilities of the Child Welfare Caseworker

1. DHS has the primary responsibility for providing services for children in the care of DHS, which includes the responsibility to:

- a. Assess safety threats to children;
 - b. Develop and implement plans for safety, permanency and well being;
 - c. Provide and obtain timely and appropriate services for the child and family;
 - d. Recommend court appointment of a CASA, when appropriate.
2. CASAs can expect that a child welfare caseworker will provide the following casework services:
- a. Contact child regularly, according to policy;
 - b. Receive and assess allegations of child abuse;
 - c. Develop safety plans including maintaining children safely with their families, placement of children in substitute care.
 - d. Engage families in decision-making meetings to identify children's needs, family strengths and appropriate services;
 - e. Develop, record and implement case plan and concurrent case plan; and
 - f. Obtain and provide appropriate services for the child or family to meet the child's safety, permanency and well being needs;
 - g. Develop a visitation plan appropriate to the safety and attachment needs of the child;
 - h. Assess and monitor educational, health, mental health, and dental needs of the child;
 - i. Monitor child's placements;
 - j. Attend/participate in other agency meetings regarding the child as appropriate; and
 - k. Make written reports and recommendations to the court.

SECTION 2: COMMUNICATION

A. Initial and on-going communication between the CASA and the child welfare caseworker

1. After the CASA is appointed to a case they will make an appointment to meet the caseworker. The caseworker must meet with the CASA as soon as possible. At that meeting the CASA and the child welfare caseworker will:

- a. Agree on a communication plan including e-mail/phone/fax preferences, long or short messages, and exchange of usual and emergency contact information;
 - b. Review the case including the case history, the case plan, the permanency plan and the concurrent plan; and
 - c. Discuss how the CASA and child welfare caseworker can work together to achieve safety, permanency and well being for the child(ren).
2. Throughout the case the child welfare caseworker and the CASA will provide frequent updates and return e-mail/phone/fax within 48 hours.
 3. The child welfare caseworker and the CASA will share court reports prior to court presentations (meeting in person if possible) according to local court expectation.

SECTION 3: RECORDS ACCESS

1. The effective work of the CASA depends on timely access to complete information. According to ORS 419A.170, the appointed CASA shall have access to information relating to the child from the child's file. The full record, with the exception of the reporter's identity, may be accessed by:
 - a. Authorization for use and disclosure of information;
 - b. Court order; or
 - c. Through the process of discovery.
2. DHS may not disclose to CASA information that identifies persons who have reported child abuse and neglect.
3. Both DHS employees and CASA employees/volunteers have statutory responsibilities to maintain the confidentiality of records under both state and federal law including ORS 419B.035, 419A.225, 409.225 ORS 419A.170, HIPAA and 42 CFR Part governing drug and alcohol treatment records.
4. The local agreement negotiated by the SDA Manager and CASA Director will address efficient access to child records that:
 - a. Provides initial access to the child's file to the CASAs at the DHS

- office within 24 hours, if possible, but not more than three (3) working days from the request;
- b. Allows CASAs sufficient space and time to read the file and make notes;
 - c. Allows CASAs access to files without constant supervision;
 - d. Allows DHS staff or the CASA to copy the portions of the file the CASA deems necessary, except for information relating to the identity of the reporter and other parts of the file that may not be open (see paragraphs 1 and 2 above);
5. The CASA, after reading or copying case files, will return the DHS file material in the same order as contained in record.
 6. CASAs or CASA programs will not be charged for copies.

SECTION 4: HOME STUDY REPORT

1. OAR 413-010-0081 establishes the procedures for the review of adoption home studies by the CASA for the child(ren).
2. Redactions are not necessary if the prospective adoptive family signs a release to allow the CASA to view the entire document.
3. The adoption home study will be modified (redacted) prior to the release to the CASA.
4. Redactions will be the information that is confidential by federal or state law:
 - a. Protected health information;
 - b. Mental health information;
 - c. Substance abuse information;
 - d. Criminal record check information.
5. Other redactions will be made, per OAR 413-010-0084(2), to ensure that the prospective adoptive family cannot be identified.
6. In some cases, a redaction may not protect the identity of a family, and a summary may be used.

PROCEDURE

1. The caseworker shall notify the CASA that the Adoption Home Study Report has been selected for consideration by the adoption committee, as soon as practicable after its selection, but no later than 10 business days before the adoption committee meets.
2. The CASA must request a copy of the redacted report no later than seven days prior to the scheduled adoption committee. Local programs may have informal agreements to release reports without a request by the CASA.
3. The caseworker must submit the redacted Adoptive Home Study to the local CASA director no later than three business days before the adoption committee. Redactions, if necessary, must be completed by that date.
4. If another Adoptive Home Study is selected within ten days of the adoption committee meeting, the CASA will be informed, as soon as possible, and provided the redacted copy as requested.
5. The local CASA director or designee will retain the report at the CASA office for the CASA to review. The local CASA program director must retain the report or summary, keep it secure, and allow the child's CASA to review and take notes from the report at the office of the local CASA program.
6. The CASA director may not re-disclose any information contained in the report for any purpose other than discussing the needs of the child with DHS, the CASA's supervisor, the child's attorney, the court, the child's tribe or the adoption committee.
7. The CASA director or designee cannot make copies of the report and will shred or return the report to DHS pending the outcome of an adoption committee or appeal.

SECTION 5: NOTIFICATION

1. The appointed CASA will receive timely notification of:
 - a. All DHS staff and family meetings relevant to the child;

- b. Sibling planning conferences;
 - c. Placement change of the child;
 - d. Current caretaker committee meetings; and
 - e. Adoption committee meetings.
2. Cancellations and rescheduling will be communicated immediately to the CASA or CASA program.
 3. The CASA will RSVP to meeting notifications in a timely fashion.

SECTION 6: ACCESS TO THE CHILD

1. DHS will include in the pre-service training for foster and adoptive parents information about the CASA's role including their statutory authority and need to visit the child.
2. Both CASA and DHS will actively facilitate and support positive working relationships between biological parents, foster parents, and adoptive parents.
3. The CASA will have reasonable access to the child in the home, foster home, or other placements, including an adoptive placement.
4. The CASA may have private conversations with the child. These conversations may occur in the home, foster home, other placement, or in a public setting.
5. The CASA's appointment remains in effect until the Court vacates the appointment or the petition is dismissed. After the appointment is vacated there is no legal relationship between the CASA and the child and/or official contact with the child, the adoptive parent(s) or other parties.

SECTION 7: CONFLICT RESOLUTION

1. DHS and OCDN expect that cooperative problem solving will occur. Both child welfare caseworkers and CASAs are supervised; supervisors will be utilized in conflict resolution when necessary.
2. The SDA Manager (or designee) and the CASA Director (or designee) will meet regularly and work together to address concerns.

3. The local agreement will address conflict resolution and will require:
 - a. Documentation of the concern, including the frequency, who is involved, whether the issues are based in policy, practice or personality, etc;
 - b. Direct communication between the persons involved in the concern;
 - c. Communication with the supervisor(s);
 - d. Development and implementation of a resolution strategy involving the individual(s) and the supervisor(s) before taking the issue to the next management level(s); and
 - e. That if a timely resolution cannot be reached at the local management level, or if the issue has ramifications beyond the local DHS office or program, the SDA manager will contact the Administrator-CAF Office of Safety and Permanency for Children (OSPC), and the CASA director will contact the CASA State Coordinator. The CASA State Coordinator and the CAF OSPC Administrator will work together with the local programs to address the issues.

SECTION 8: TRAINING

1. Positive working relationships develop more effectively when each individual understands the roles and responsibilities of both the child welfare caseworkers and CASAs. The local agreements will include a clear reciprocal plan for training, which will include, but is not limited to the following:
 - a. Cross-training opportunities about CASA and Child Welfare Caseworker roles and responsibilities, MOU, mandates and policies.
Examples:
 - Foster/Adoptive Parent Training
 - In-service Training
 - Orientation/Pre-Service Training for Staff/Volunteers
 - b. Joint training sessions, on current issues and practice related to child neglect, and Alcohol and Drug, ICWA, ICPC, and Family Meetings. (FDM, TDM, and OFDM)
Examples:
 - Invitations to In-Service Training
 - Community Training
 - Co-Developed Training

c. Opportunities for interaction between CASA and Child Welfare Caseworker/Staff

Examples:

- Ride Alongs
- Get Togethers/Brown Bags
- Work together on joint projects

GENERAL PROVISIONS

1. Services to Culturally Diverse Children and Families: Providing equal access to and maximum benefit from services for children and youth who are members of culturally diverse groups is a priority for DHS, OCCF and OCDN. To request information, call Gloria Anderson at 503-945-7000.
2. Compliance with the Americans with Disabilities Act: This memorandum is available in alternate formats such as Braille, large print, audio tape, oral presentation, and computer disk. To request an alternate format call the State of Oregon Department of Human Services, Contracts and Procurement Unit at (503) 945-5818 or TTY (503) 945-5928.

CASA/MOU DEFINITIONS

CAF (Children, Adults and Families): The DHS program area responsible for administering self-sufficiency and child-protective programs. These include JOBS, Temporary Assistance for Needy Families (TANF), Employment Related Day Care, Food Stamps, child-abuse investigation and intervention, foster care and adoptions.

CASA (Court Appointed Special Advocate): A volunteer who is appointed by the court, is a party to the juvenile proceeding, and is an advocate for the child pursuant to ORS 419A.170

Child Welfare Manager: A CAF manager or supervisor who supervises Child Welfare case workers and reports to an SDA Manager.

Child Welfare Worker: A CAF employee who works directly with clients and reports to a Child Welfare Manager or supervisor.

Concurrent case plan: A second plan developed by the Child Welfare caseworker in cases where the primary plan is return home that will be implemented to provide permanency for the child if the return home plan fails.

CRB (Citizen Review Board): Trained citizen volunteers who conduct case reviews of children and youth in substitute care to ensure that appropriate services and plans are in place.

DHS (Department of Human Services): Oregon State's health and human services agency. Established in 1971 as the Department of Human Resources, it changed to its current name in 1999.

Legal Party to the Case: A person with legal rights in a juvenile dependency case as outlined in ORS 419B.875 including the right to notice of court proceedings, copies of petitions, answers, motions and other court papers, the right to appear in court proceedings, the right participate in hearings and the right to request hearings. Parties to juvenile dependency cases also have the right to "discovery" as outlined in ORS 419B.881.

ICPC (Interstate Compact for Placement of Children): State law that governs the interstate placement of children, including the responsibilities

of “sending” and “receiving” states for a child who is under one state’s jurisdiction and physically placed in another state. See ORS 417.200 to 417.267.

ICWA (Indian Child Welfare Act): Federal law that prescribes specific legal and procedural requirements that must be observed when an “Indian child” is the subject of a child custody proceeding, including a juvenile dependency proceeding. See 25 USC §§1901 through 1934.

SDA Manager: A CAF manager responsible for oversight of a geographic area including a county or counties designated as a “Service Delivery Area” or “SDA” defined by region. Such managers also serve as legislative liaisons to the field office and report directly to the CAF Deputy Director.

Family Meetings: Facilitated meetings to address safety concerns and service planning. These meetings include family, DHS, DASA, and other significant community partners.

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