

# LEADING A REVIEW

## A GUIDE FOR BOARD MEMBERS

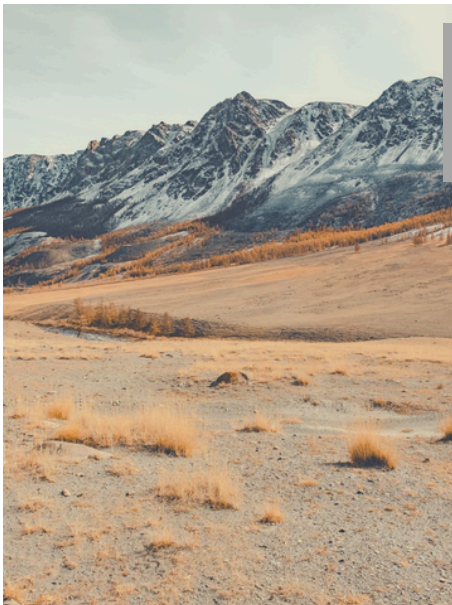
### STEP BY STEP

**Document Review** - Ensure that you are prepared for the review day by reading all case materials, identifying the key issues in each case, and preparing questions to ask attendees. Questions should focus on any remaining information you would need in order to make a "yes" finding.



#### The Live Review:

1. **Opening Statement** - A board member reads the opening statement.
2. **Introduce the Case** - The lead reviewer then introduces the case. (We recommend using the red "script" in your notes document.)
3. **Ask About ICWA** - Ask if any party present has any reason to believe the child is an Indian child. Then state whether ICWA will apply to this case.
4. **Get Updates** - Ask the caseworker if there are any changes to the plan, placement, or circumstances of the parents or child in the last 60 days.
5. **Discuss and Make Findings** - Read each finding as a question. Ask parties for input. Give opportunity for parties to contribute. Ask follow up questions. Ask fellow board members if they have further questions. Then, recommend a "yes" or "no" finding and ask your fellow board members if they agree.
6. **Make Recommendations** - State them aloud to your Field Manager throughout.
7. **Closing Statement** - A board member reads the closing statement.



### WHAT FINDINGS APPLY?

**If Permanency Plan is Reunification:** Make Findings 1, 3, 4, 6, 7, 8, 9 and 10. *If the child is reunified with a parent and is in-home at the time of the review, you will only make Findings 1, 4, 6, 8 and 9.*

**If Permanency Plan is anything besides Reunification:** Make Findings 1, 3, 5, 8, 9, and 10. In APPLA cases, make Finding 2 as well.

# BOARD INPUT

All findings are made by a consensus of the whole board. As the lead reviewer, remember to ask two questions at the end of every finding: "**Do any of my fellow board members have any further questions?**" and "**I recommend a [yes or no] finding. How do my fellow board members find?**"



## GENERAL TIPS

**Opening and Closing Statements** are typically read by the lead reviewer, but every county does this differently. Some counties have county-specific opening and closing statements. Ask your Field Manager how you will do this in your county.

**ICWA Status** - At every review, before you start making findings, Oregon's ICWA law requires us to ask, "Does any party have a reason to know the child is an Indian Child?" Give time for all parties to reply. If any party responds with new information indicating there is a reason to know the child is an Indian Child, please make a recommendation that ODHS follow up on that immediately. You can continue with the review as a non-ICWA review until ICWA status is confirmed by the Tribe. You must ask this question at all reviews throughout the life of a case. The exception are reviews of cases where you already know ICWA applies, or where the child is not a child (i.e., the youth is age 18+).

New board members often ask if we must use the phrase "Indian Child." This phrase is a term of art referring to a specific legal status, and is necessary and appropriate in this context. Everyone at the review has likely heard this question asked at court and in meetings at least several times before they hear you ask it at a CRB review.

**Getting Nervous** - It is normal to get nervous when leading cases, especially when you are new to it. It may be helpful to have a plan for what to do if you freeze or lose your place while leading a review. For instance, you could have a sticky note on your computer that reminds you to ask, "Do any of my fellow board members have any questions about this topic?" A question like that will give you time to refocus while your fellow board members jump in. You can also be honest! Simply say, "Thank you for your input. Please give me one moment so I can find my place in my notes." Then take as much time as you need to get re-centered and find your place. You may also wish to state that you need a moment to think about your finding. And of course you can always ask your Field Manager to step in and assist at any time.

# WHAT SHOULD I FOCUS ON?

**Board Business** - You will see “board business” time marked on every CRB schedule. Be prepared to discuss the case(s) you are leading with your fellow board members and Field Manager at this meeting. You do not need to walk your fellow board members through the facts of the case, because they all just read the same materials you did. Instead, focus your limited time together on: 1. Confirming the key issues in the case, and 2. Briefly discussing any findings that will be a “no” unless information shared at the review indicates otherwise, noting what information you would need to hear in order for the finding to change to a “yes.”



**During Reviews** - During reviews, board members should focus on the key issues in a case rather than asking questions about every potentially relevant fact under each finding. The board must be careful to demonstrate an understanding and awareness of the parties’ circumstances and the major things that are happening in the case. CRB reviews are not for recapping or re-confirming facts already known. Doing so demonstrates a misalignment between the board’s priorities and the needs of the family. Instead, CRB reviews are for identifying issues and bringing attention to them so that they can be addressed.

Board members should focus attention on the information they still need in order to make a “yes” finding. Findings are assumed to be a “no” unless sufficient information is provided to the board to find “yes.” ODHS has the burden of proof (except in Finding 9, which is strictly the board’s opinion, and Finding 6, which is about the parents).

Board members should be prepared to listen well and ask follow up questions as appropriate, adjusting future questions and findings based on new information heard in the review.



Board members should never use CRB review time to give advice, share personal stories, make jokes (even well-intentioned ones meant to lighten the mood), or tell people what to do. Board members should refrain from all joking, flippant remarks, chastising, or “coaching” others, and should remain aware of their body language and tone so that reviews stay professional, de-escalated, and show objectivity. Treating the public with compassion, fairness, and professionalism is more important than any finding or recommendation.



## WHEN THE BOARD HAS A CONCERN

**Remember, the board's role is to identify, not solve, issues in the case.** If the board identifies an issue that needs to be addressed, the board has a number of tools to ensure the issue gets the attention it deserves:

- **Make a "No" Finding.** A "no" finding is your primary tool for creating positive change. A finding of "no" on Finding 1, 2, 3, 4, 5, 7, or 8 is an alert to the Court, parties and ODHS that there is or has been an issue that was not addressed adequately by the state. Board members should not be afraid to make findings of "no" when appropriate, even when ODHS or attorneys push back during the review. A "no" finding in any category does not make a case ineligible for federal funding or trigger a court hearing. A "no" finding cannot by itself change a case plan, a child's placement, or impact any party's rights. Instead, a "no" finding will often cause ODHS to staff the case with supervisors so that the agency can find a way to remedy the problems identified by the board. It also makes the Court aware of the issues so the judge may follow up, and it helps the state accurately assess the needs of the system as a whole.
- **Make a Recommendation:** Make a recommendation during the review that ODHS or the Court look into the issue or implement a solution. You do not need to solve the problem with your recommendation, only recommend that the problem be addressed. The board may also recommend that the Court conduct a permanency or review hearing on the case, or schedule an additional CRB review if needed.
- **Additional Findings / Advocacy:** If you have a concern about a case and that concern cannot be addressed by any of the 10 findings, ask your Field Manager to make note of your concern as an Additional Finding. This is an especially good place to note systemic concerns. For instance, imagine you made a "no" finding about child health and well-being because the child is still on a waiting list for appropriate mental health treatment with the only provider in the state that offers it. An additional finding can point out the concern, alert the court/ODHS that this is a recurring system-wide issue that needs to be remedied by the state, and note that this is out of the caseworker's ability to address. Depending on the concern, your Field Manager may also meet with ODHS, raise the issue with the local Model Court Team, report the concern to the Oregon Foster Care Ombudsman, or consult with CRB staff/Advisory Committee to determine other remedies.



## WHEN THE BOARD HAS A CONCERN

- **Issues Pertaining to Caseworker Supervision.** If your board identifies a concern related to caseworker supervision, CRB's Memorandum of Understanding with ODHS encourages Field Managers to address these issues with the worker's supervisor. You may ask your Field Manager to address such issues with caseworkers' supervisors.
- **Child Safety Concerns.** Oregon has multiple entities that investigate and take action on concerns about a child's safety and well-being in foster care. Speak to your Field Manager when you feel a concern rises to this level. All reports of children being abused while in foster care should be reported to the Child Abuse Hotline and the Oregon Foster Care Ombudsman.
- **Attorney Issues.** Sometimes boards will note concerns about the legal representation that a parent or child is receiving, such as an attorney who has never met their client or acts inappropriately at reviews. Discuss such concerns with your Field Manager who will determine the appropriate way to address it with the attorney or the state's public defense system administrators.
- **Other.** As a CRB volunteer, you should never feel that your concerns are too big or too small to raise with your fellow board members and Field Manager. Your Field Manager has many possible resources and tools to address any number of issues or situations that may arise in the course of your time conducting CRB reviews, and is a tremendous resource for you and your board. Solutions and options for positive action are available, and volunteers are encouraged to use their unique knowledge of Oregon child welfare functioning wisely and objectively to propose changes and draw attention to issues impacting Oregon families. In short, do not be afraid to speak up and share your thoughts, concerns and ideas with your Field Manager and your board at any time - they are your team.