



March 2010

State v. L.C., ___ Or App ___ (March 17, 2010) (Ortega, J.) (Polk Co.) Reversed and remanded.

In this unusual case, the state appeals from a permanency judgment establishing “achieve adoption” as the permanent plan and ordering DHS to file a petition to terminate the parents’ rights. The parents had originally been the children’s foster parents and eventually adopted them. Within a year of the adoption the children claimed that father had abused them and neither they nor the parents wanted reunification.

On appeal, DHS argued that because the children were unlikely to be adopted, terminating the parents’ rights would not be in the children’s best interests. After analyzing the statutes governing permanency hearings and termination of parental rights, the Court of Appeals concluded that termination of parental rights is expected to be followed by adoption and where, as here, “there was no evidence in the record that an adoptive placement is likely and there is persuasive evidence to the contrary, the court erred in changing the permanency plan to adoption.”