

**Protocol for Parents Incarcerated in Local, State or Federal Custody
Named on Dependency Petitions**

Adopted by the Dependency Committee of Multnomah County September 27, 2005

1. Prior to Initial Shelter Hearing:

DHS will learn as much as possible about the incarcerated parent from other parents, family members and others prior to the drafting of the petition including:

- **Name and DOB**
- **Legal status**
- **Institution name and address**
- **Native American heritage**
- **Parental strengths/ Deficiencies**
- **The history and extent of the incarcerated parent's relationship and contact with the child**
- **The reason for the parent's incarceration**
- **Earliest possible release date**
- **The identity and location of any family members who could be a resource for the child.**

DHS will include relevant information about the parent in the petition.

DHS will document the above information in the case file.

If the parent's location is known, DHS will attempt to advise the incarcerated parent of the fact that a Shelter Hearing is scheduled, and that there may be a second shelter hearing scheduled.

DHS will provide the parent basic information about the child and the circumstances which brought the child to the attention of the court.

If the parent's institution address is on the petition, the Child Abuse Unit of the Juvenile Services Division will serve the parent with summons and petition and will provide the parent with an application for court-appointed counsel.

2. Prior to the Second Shelter Hearing

Second shelter hearings are encouraged in all cases involving an incarcerated parent whose location is known.

Any steps above that were not completed prior to the Initial Shelter Hearing will be completed prior to the Second Shelter Hearing.

If DHS has not learned the location of the incarcerated parent prior to the initial Shelter hearing, DHS will promptly make diligent efforts to find the parent, initiating a formal absent parent search when necessary.

When the parent is found, DHS will immediately contact the assigned Deputy District Attorney and the Child Abuse Unit of the Juvenile Services Division so that the parent can be served with summons and petition.

If the parent has not already been appointed an attorney, the Child Abuse Unit will also provide the parent with an application to request a court-appointed attorney. The Circuit Court Clerk's Office will promptly process any request for court-appointed counsel submitted by an incarcerated parent.

The Attorney for the parent will initiate contact with the parent and complete an order to transport or request for telephonic participation as needed.

The Attorney for the parent is encouraged to send the parent A Resource Guideline for Parents Incarcerated in Oregon (Project Link-Up 2003)*, or help the parent identify a copy within the institution, if the parent does not already have a copy.

DHS will mail the parent an ICWA form and a father's questionnaire, as well as releases of information if approved by the parent's counsel, if any.

Unless a parent's counsel objects, DHS will contact the parent either in person or by telephone to learn the above information, as well as:

- The name of the parent's corrections counselor.
- Any services the parent has participated in while incarcerated.
- Any services available to the parent in the institution.
- The identity and location of any family members who could be a resource for the child.
- What the parent wants with regard to planning and placement of the child.
- What the parent wants with regard to contact with the child.
- What is possible in the institution with regard to the parent's contact with the child.
- What the parent's plan is upon release from custody.

DHS will document the above information in the case file.

DHS will contact the parent's corrections counselor to discuss the parent's history and current situation, including any services the parent engaged in while

* To obtain a copy of A Resource Guideline for Parents Incarcerated in Oregon contact Project Link-Up, c/o Carole Pope, 1430 SW 12th, #1213, Portland, Oregon 97201.

in custody, to determine what relevant services are available to the parent in the institution, and to request records related to the parent's incarceration.

DHS will request that an Inmate Evaluation Form (Project Link-Up 2004)[†] be prepared and submitted by the corrections counselor. DHS will distribute copies of any Inmate Evaluation Forms received to the parties, and maintain a copy in the case file.

3. Prior to the PTC/SLC:

Any steps above that were not completed prior to the Second Shelter Hearing will be completed prior to the PTC/SLC.

DHS will arrange contact between the parent and child as guided by any relevant criminal or family court orders, and with input from counsel for the parties, from the child and child's caretakers when appropriate, and from the child's therapist, if any.

4. Upon Wardship

DHS will maintain regular contact with the parent and provide the parent with information about the child's well being. DHS will try to facilitate, to the extent possible, the parent's participation in relevant services while the parent is in custody, making reasonable efforts (or active efforts in an ICWA case) to assist the parent in overcoming the barriers the parent faces to reunification with his or her child.

If the parent will be released from custody within the ASFA timelines and the court-approved plan in the case is return to parent, DHS will develop a service plan with the parent and make referrals for relevant services for the parent to participate in upon release.

[†] Copy Attached