

FILED: November 9, 2011

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of
S. M., a Child.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Respondent,

v.

F. J. M.,
Appellant.

Clackamas County Circuit Court
100342J

Petition Number
100342J01

A148415 (Control)

In the Matter of
V. M., a Child.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Respondent,

v.

F. J. M.,
Appellant.

Clackamas County Circuit Court
100343J

Petition Number
100343J01

A148416

Robert D. Herndon, Judge.

Submitted on September 02, 2011.

Sarah Peterson and Metcalfe & Peterson LLC filed the brief for appellant.

John R. Kroger, Attorney General, Mary H. Williams, Solicitor General, and Justice J. Rillera, Assistant Attorney General, filed the brief for respondent.

Before Schuman, Presiding Judge, and Wollheim, Judge, and Nakamoto, Judge.

PER CURIAM

Reversed and remanded.

1 PER CURIAM

2 After a contested permanency hearing, the Clackamas County Circuit Court
3 entered permanency judgments in these two cases changing the permanency plans for
4 father's two children from reunification with him to adoption. On appeal, father argues
5 that (1) the court failed to make findings required by ORS 419B.476(5); (2) the court
6 erred in changing the permanency plans from reunification to adoption because the
7 Department of Human Services (DHS) failed to make reasonable efforts toward
8 reunification and because DHS failed to demonstrate that adoption of the children is
9 likely achievable; and (3) the court erred in ordering DHS to file a petition to terminate
10 father's parental rights. The state concedes that the court failed to make the findings
11 required by ORS 419B.476(5). We agree. Because the state's concession is dispositive
12 and the case must be reversed on that ground, we need not and do not reach the remaining
13 issues raised in father's appeal.

14 Reversed and remanded.