

FILED: November 21, 2012

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of A. W., a Child.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Respondent,

v.

D. L. H. and I. K.,
Appellants.

Linn County Circuit Court
J060417

Petition Number
10136J

In the Matter of J. L. W., a Child.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Respondent,

v.

D. L. H.,
Appellant.

Linn County Circuit Court
J010086

Petition Number
10137J

A149947

James C. Egan, Judge.

On appellant-mother's confidential petition for reconsideration filed September 19, 2012; respondent's response to appellant's petition for reconsideration filed October 12, 2012. Opinion filed August 22, 2012. 251 Or App 787, 284 P3d 1233.

Megan L. Jacquot for petition.

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Christina M. Hutchins, Senior Assistant Attorney General, for response.

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

PER CURIAM

Reconsideration allowed; former disposition withdrawn; dispositional/permanency judgment as to A (Case No. J060417) reversed and remanded; otherwise affirmed.

1 PER CURIAM

2 Mother petitions for reconsideration of our disposition in this case, which
3 stated, "Dispositional/permanency judgment as to father reversed and remanded;
4 otherwise affirmed." [*Dept. of Human Services v. D. L. H.*](#), 251 Or App 787, 806, 284
5 P3d 1233 (2012). In *D. L. H.*, mother and father separately appealed the combined
6 dispositional and permanency judgment changing the permanency plans of mother's two
7 children, J and A. We concluded that the Department of Human Services (DHS) had
8 made active efforts to reunify A with mother but had failed to make active efforts to
9 reunify A with father. 251 Or App at 804. We then reversed and remanded the judgment
10 "as to father," and we also "otherwise affirmed" the judgment. Mother points out that this
11 had the effect of our affirming a permanency plan of adoption for A while at the same
12 time reversing it so that DHS can make active efforts to reunify A with father. Mother
13 requests that we modify the disposition so that the entire judgment as to A is reversed and
14 remanded. The state agrees with mother that a child can have only one permanency plan
15 implemented at any particular time and that the entire judgment as to A must be reversed
16 and remanded. We, too, agree.

17 Following a permanency hearing, the court's order must include a
18 "determination of the permanency plan for the ward." ORS 419B.476(5)(b).
19 "Permanency plan," as used in ORS 419B.476, specifically refers to a singular plan for
20 the child, rather than a plan for each parent. *See also* OAR 413-040-0005(14) (defining a
21 permanency plan as "a written course of action for achieving safe and lasting family

1 resources for the child," suggesting one active permanency plan at a time); ORS
2 419B.343(2)(b) (when the case plan is reunification, DHS shall include a concurrent
3 permanency plan "to be implemented" if the parent does not make the changes necessary
4 for the child to return home safely within a reasonable time). Accordingly, we allow the
5 petition and modify the disposition so that the dispositional/permanency judgment
6 changing the permanency plan for A to adoption is reversed and remanded.

7 Reconsideration allowed; former disposition withdrawn;
8 dispositional/permanency judgment as to A (Case No. J060417) reversed and remanded;
9 otherwise affirmed.