

FILED: August 21, 2013

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of E. R.,
a Child.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Respondent,

v.

B. G.,
Appellant.

Klamath County Circuit Court
0500459JV

Petition Number
1200444M

In the Matter of C. G.,
a Child.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Respondent,

v.

B. G.,
Appellant.

Klamath County Circuit Court
0500459JV2

Petition Number
1200444M

In the Matter of J. G.,
a Child.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Respondent,

v.

B. G.,
Appellant.

Klamath County Circuit Court
0500459JV3

Petition Number

1200456

A153386 (Control)

In the Matter of K. P.,
a Child.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Respondent,

v.

B. G.,
Appellant.

Klamath County Circuit Court
0900442JV

Petition Number
1200445M

In the Matter of K. G.,
a Child.

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Respondent,

v.

B. G.,
Appellant.

Klamath County Circuit Court
0900442JV2

Petition Number
1200445M

A153388

Cameron F. Wogan, Judge.

Submitted on July 16, 2013.

Peter Gartlan, Chief Defender, and Sarah Peterson, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Inge D. Wells, Senior Assistant Attorney General, filed the brief for respondent.

Before Ortega, Presiding Judge, and Sercombe, Judge, and Hadlock, Judge.

PER CURIAM

Judgments reversed as to C. G., J. G., K. P., and K. G.; with respect to E. R., reversed as to father; otherwise affirmed.

1 PER CURIAM

2 In these consolidated dependency cases, father appeals judgments in which
3 the juvenile court asserted jurisdiction over his four children.¹ He asserts that the
4 Department of Human Service (DHS) failed to present legally sufficient evidence to
5 support the court's exercise of jurisdiction. *See* ORS 419B.310(3) ("The facts alleged in
6 the petition showing the child to be within the jurisdiction of the court as provided in
7 ORS 419B.100(1), unless admitted, must be established by a preponderance of competent
8 evidence."). Specifically, father contends that DHS "failed to prove its factual
9 allegations, and its failure to do so is dispositive and requires reversal." The state, for its
10 part, concedes that "the juvenile court erred in concluding that DHS had proved the facts
11 alleged in the petitions by a preponderance of the evidence" and, for that reason, "the
12 judgments should be reversed." We agree and accept the state's concession.

13 Judgments reversed as to C. G., J. G., K. P., and K. G.; with respect to E.
14 R., reversed as to father; otherwise affirmed.

¹ In one of the judgments, the juvenile court also took jurisdiction over E. R., who is not father's child. Given that father is not E. R.'s parent or guardian, it appears to be uncontested that it was inappropriate for the court to assert jurisdiction over him as to father.