

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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

DEPARTMENT OF HUMAN SERVICES,
Petitioner-Respondent,

v.

S. D.,
Appellant.

Deschutes County Circuit Court
20JU06897; A176546

Alison M. Emerson, Judge.

Submitted January 26, 2022.

Shannon Storey, Chief Defender, Juvenile Appellate Section, and Joel C. Duran, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Shannon T. Reel, Assistant Attorney General, filed the brief for respondent.

Before Ortega, Presiding Judge, and Shorr, Judge, and Powers, Judge.

PER CURIAM

Jurisdictional judgment affirmed; dispositional judgment reversed in part and remanded; otherwise affirmed.

PER CURIAM

Mother appeals the judgment finding her child, O. S., to be within the jurisdiction of the juvenile court and imposing disposition. In mother's sixth assignment of error,¹ she argues that the juvenile court erred in ordering her to complete a drug and alcohol evaluation and any recommended treatment. According to mother, given the juvenile court's dismissal of the allegation that mother's substance abuse interferes with her ability to safely parent the child, the juvenile court erred in finding that a substance abuse evaluation and recommended treatment was "rationally related to the findings that bring O. S. into the court's jurisdiction." *Dept. of Human Services v. W. C. T.*, 314 Or App 743, 776, 501 P3d 44 (2021); *see id.* (setting forth required findings a juvenile court must make after an evidentiary hearing before it may order a parent to submit to a psychological evaluation). The state concedes the error, noting that, although "the court found that the evaluation was rationally related to mother's testimony that she had an alcohol problem, the court had dismissed the allegation that mother's substance abuse interferes with her ability to safely parent the child." We agree with the parties that the trial court erred in that regard and accept the state's concession. Accordingly, we reverse the portion of the dispositional judgment ordering mother to complete a drug and alcohol assessment and any recommended treatment and remand for entry of a judgment omitting the challenged order.

Jurisdictional judgment affirmed; dispositional judgment reversed in part and remanded; otherwise affirmed.

¹ We reject without written discussion mother's remaining assignments of error, one through five, challenging the jurisdictional portion of the judgment.