



[Dept. of Human Services v. D.M.R., 301 Or App 436 \(2019\)](#)

Lane County; Clara Rigmaiden, Judge

The juvenile court asserted jurisdiction over the father's child based on his "chaotic lifestyle and chaotic relationship with mother." and the mother's "domestic violence toward father, substance abuse, chaotic lifestyle, mental health condition, and criminal behaviors." Thereafter, a DHS caseworker suggested that the father utilize services" at Womenspace. DHS also referred the father to parent training and attempted to assist him with housing. The court held a permanency hearing, DHS "argued that father had not ameliorated the 'chaos' in his relationship because he refused to end his relationship with mother." The father responded that DHS presented no evidence that it informed him that he needed to end his relationship with mother and that DHS failed to prove that its reunification efforts had been reasonable because "the only two DHS efforts that could have potentially addressed father's 'chaotic relationship' with mother were the referrals to parent training and to Womenspace, which DHS did not show was relevant to father's chaotic relationship." The juvenile court ruled that DHS had made reasonable efforts and that father's progress toward reunification was not sufficient and changed the child's permanency plan to adoption. The father appealed from the permanency judgment.

The Court of Appeals reversed, noting that DHS always bears the burden to prove that its efforts to assist a parent in ameliorating the jurisdictional basis have been reasonable and that doing so "becomes more challenging when DHS chooses to allege and proceed upon a jurisdictional basis as amorphous and ill-defined as a 'chaotic relationship.'" The court held that DHS efforts "must be targeted not just to the chaotic relationship, but to how that specific chaotic relationship endangers the child's welfare." Ultimately, the court concluded that DHS failed to meet its burden because it "provided little or no evidence concerning precisely what programming Womenspace offered, or how that programming served to ameliorate father's 'chaotic relationship' or prevented that chaotic relationship from endangering the child."