

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Beyer, Kruse, Prozanski, Walker, Burdick

Nays: 0

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 2/20, 3/15

WHAT THE MEASURE DOES: Requires the Department of Human Services (DHS) to make diligent efforts to place siblings together when the siblings are removed from the home and placed in foster care, residential care or group care unless such a placement is not in the best interest of the children.. Defines “sibling” as one of two or more children related by blood or adoption through a common legal parent or related through the marriage of the children’s legal or biological parents. Recognizes as a matter of state policy the importance of a child’s relationship with parents, siblings and other relatives. Requires a court to make written findings when a child is removed from the home concerning whether DHS made reasonable (diligent) efforts to place the child with a relative. Requires DHS to make reasonable (diligent) efforts to place siblings in the same home. Requires DHS to report to the court concerning these efforts. Allows a court to order visitation by the ward’s parents and siblings with the child or children removed from the home and placed in foster care. Requires DHS to report to the court: (1) A list of all schools the child has attended since the child has been in guardianship or legal custody of DHS, the length of time in each school and for a child 14 years or older, the number of high school credits the child or ward has earned; (2) A list of dates of face-to-face contacts the assigned case worker has had with the child since the child has been in guardianship or custody of DHS; and (3) A list of the visits the child has had with parent and sibling(s) since the child has been in the guardianship or custody of DHS.

ISSUES DISCUSSED:

- Children benefit when placed with siblings
- Need for DHS to make diligent efforts to prevent removal or to place with relatives

EFFECT OF COMMITTEE AMENDMENT: Replaces the original bill.

BACKGROUND: When there is an allegation of child abuse or neglect, the legal rights, remedies and responsibilities of the child, the parents, caregivers, and the state are set forth in ORS Chapter 419B. When a child is taken into protective custody, or about to be taken into custody, this triggers an evidentiary hearing more popularly known as a “shelter hearing” (ORS 419B.185). The court must make written findings concerning whether DHS has made reasonable efforts (or in cases subject to the Indian Child Welfare Act (ICWA), active efforts) to prevent removal of the child from the home and, if there is an order to remove the child, the court must make written findings of why removal is in the best interest of the child (ORS 419B.185(1)(a) and (b)).

If a juvenile court finds abuse or neglect, it will take jurisdiction over the child. If the court places the child in the custody of DHS, the department must make reasonable or active efforts to allow the child to safely return home(ORS 419B.340). The juvenile court with jurisdiction over a child must conduct a permanency hearing within the earlier of 12 months after finding jurisdiction over the child or 14 months after the child was placed in substitute care(ORS 419B.470). These hearings are expedited when aggravating circumstances are present. If it does not believe parents are making adequate progress and that the child's needs cannot be met by the parents in a reasonable time, DHS may seek to terminate parental rights (ORS 419B.500). If it does so, a court may only terminate parental rights if it finds termination is in the best interest of the child (ORS 419B.500), that the parents are unfit by reason of conduct or conditions that are seriously detrimental to the child, and that the child cannot be integrated back into the home within a reasonable time due to these conditions (ORS 419B.504). These facts must be established by clear and convincing evidence, or beyond a reasonable doubt in ICWA cases (ORS 419B.521).

3/29/2007 8:22:00 AM

This summary has not been adopted or officially endorsed by action of the committee.