

Joint Committee on Ways and Means

Carrier – House: Rep. Krieger  
Carrier – Senate: Sen. Westlund

Revenue: No revenue impact

Fiscal: Fiscal statement issued

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Action: Do Pass the B-Engrossed Measure

Vote: 20 – 0 – 2

House – Yeas: D. Edwards, Galizio, Garrard, Hanna, Jenson, Morgan, Nathanson, Nolan, Shields  
– Nays:  
– Exc:

Senate – Yeas: Bates, Brown, Courtney, Devlin, Johnson, Morse, Nelson, Schrader, Verger, Westlund, Whitsett  
– Nays:  
– Exc: Gordly, Winters

Prepared By: Sheila Baker, Legislative Fiscal Office

Meeting Date: 6/22/07

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**WHAT THE MEASURE DOES:** Requires the Department of Human Services (DHS) to make diligent efforts to place siblings together when 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. Requires DHS to report to the court on these efforts. 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 diligent efforts to place the child with a relative. 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 information on school attendance and school progress, face-to-face contacts of the assigned caseworker with a child in the guardianship or custody of DHS; and parent and sibling visits while a child has been in the guardianship or custody of DHS. Also allows DHS to make federal foster care maintenance payments to for-profit organizations.

**ISSUES DISCUSSED:**

- Improved outcomes for children from best practices required by the bill
- Implications of new “diligent efforts” standard for sibling placement
- Fiscal impact of added reporting and hearing requirements
- Workload impact of new requirements on DHS, the Attorney General, and the courts

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** ORS Chapter 419B sets forth the legal rights, remedies and responsibilities of the child, the parents, caregivers, and the state when there is an allegation of child abuse or neglect. When a child is taken into protective custody, or about to be taken into custody, this triggers an evidentiary hearing, also known as a “shelter hearing”. The court must make written findings as to 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.

If a juvenile court finds abuse or neglect, it will take jurisdiction over the child. If the court places the child in DHS’ custody, the department must make reasonable or active efforts to allow the child to return home safely. 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. 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. If it does so, a court may only terminate parental rights if it finds termination is in the best interest of the child, 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. These facts must be established by clear and convincing evidence, or beyond a reasonable doubt in ICWA cases.