

A-Engrossed
House Bill 2181

Ordered by the House March 19
Including House Amendments dated March 19

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires protective supervision of ward of state reunited with parent after out-of-home placement. Limits commitment of ward of state to custody of Department of Human Services after reunification with parent to 90 days or other period specified by court.]

Requires Department of Human Services to file report with court regarding department's recommended timetable for dismissal of department's legal custody of ward of state and describing department services that should be continued after dismissal. Directs court, after hearing, to issue findings stating why it is in best interests of ward to continue in department custody and expected timetable for termination of custody.

Applies to children in custody of department on and after effective date of Act.

A BILL FOR AN ACT

1
2 Relating to juvenile jurisdiction; creating new provisions; and amending ORS 419B.440, 419B.443,
3 419B.446 and 419B.449.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 419B.440 is amended to read:

6 419B.440. Any public or private agency having guardianship or legal custody of a child or ward
7 pursuant to court order shall file reports on the child or ward with the juvenile court that entered
8 the original order concerning the child or ward or, when no such order exists, with the juvenile
9 court of the county of the child or ward's residence in the following circumstances:

10 (1) When the child or ward has been placed with the agency as a result of a court order and
11 prior to, or as soon as practicable after the agency places the child or ward in any placement in-
12 cluding, but not limited to, the child or ward's home, shelter care, substitute care or a child care
13 center, unless the court has previously received a report or treatment plan indicating the actual
14 physical placement of the child or ward[;].

15 (2)(a) When the child or ward has been placed with the agency as the result of a court order
16 and remains under agency care for six consecutive months from date of initial placement; [or]

17 [(3)] (b) When the child or ward has been surrendered for adoption or the parents' rights have
18 been terminated and the agency has not physically placed the child or ward for adoption or initiated
19 adoption proceedings within six months of receiving the child or ward; **and**

20 (c) **When the ward is in the legal custody of the Department of Human Services as pro-**
21 **vided in ORS 419B.337, but the ward has been placed for a period of six consecutive months**
22 **in the physical custody of a parent or a person who was appointed the ward's legal guardian**
23 **prior to placement of the ward in the legal custody of the department.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 2.** ORS 419B.443 is amended to read:

2 419B.443. (1) The agency shall file the reports required by ORS 419B.440 (2) [and (3)] at the end
3 of the initial six-month period and no less frequently than each six months thereafter. The agency
4 shall file reports more frequently if the court so orders. The reports shall include, but not be limited
5 to:

6 (a) A description of the problems or offenses that necessitated the placement of the child or
7 ward with the agency;

8 (b) A description of the type and an analysis of the effectiveness of the care, treatment and
9 supervision that the agency has provided for the child or ward, together with a list of all placements
10 made since the child or ward has been in the guardianship or legal custody of an agency and the
11 length of time the child or ward has spent in each placement;

12 (c) A description of agency efforts to return the child or ward to the parental home or find
13 permanent placement for the child or ward, including, when applicable, efforts to assist the parents
14 in remedying factors which contributed to the removal of the child or ward from the home;

15 (d) A proposed treatment plan or proposed continuation or modification of an existing treatment
16 plan, including, when applicable, terms of visitation to be allowed and expected of parents and a
17 description of efforts expected of the child or ward and the parents to remedy factors that have
18 prevented the child or ward from safely returning home within a reasonable time; and

19 (e) If continued substitute care is recommended, a proposed timetable for the child or ward's
20 return home or other permanent placement or a justification of why extended substitute care is
21 necessary.

22 **(2) In addition to the information required in a report made under subsection (1) of this**
23 **section, for a ward who is in the legal custody of the Department of Human Services pur-**
24 **suant to ORS 419B.337 but who will be or recently has been placed in the physical custody**
25 **of a parent or a person who was appointed the ward's legal guardian prior to placement of**
26 **the ward in the legal custody of the department, a report required under ORS 419B.440 (1)**
27 **shall include:**

28 **(a) A recommended timetable for dismissal of the department's legal custody of the ward**
29 **and termination of the wardship; and**

30 **(b) A description of the services that the department will provide to the ward and the**
31 **ward's physical custodian to eliminate the need for the department to continue legal custody.**

32 **(3) In addition to the information required in a report made under subsection (1) of this**
33 **section, if the report is made by the department under ORS 419B.440 (2)(c), the report shall**
34 **include:**

35 **(a) A recommended timetable for dismissal of the department's legal custody of the ward**
36 **and termination of the wardship; and**

37 **(b) A description of the services that the department has provided to the ward and the**
38 **ward's physical custodian to eliminate the need for the department to continue legal custody.**

39 [(2)] (4) Notwithstanding the requirements of subsection (1) of this section, reports [following the
40 initial report] need not contain information contained in prior reports.

41 **SECTION 3.** ORS 419B.446 is amended to read:

42 419B.446. (1) Notwithstanding the requirements under ORS 419B.440 that reports be filed with
43 the court, any report after the initial report that is required by ORS 419B.443 on a child or ward
44 whose case is being regularly reviewed by a local citizen review board shall be filed with that local
45 citizen review board rather than the court.

1 **(2) Notwithstanding subsection (1) of this section, all reports made under ORS 419B.440**
2 **(2)(c) on wards in the legal custody of the Department of Human Services shall be filed with**
3 **the court.**

4 **SECTION 4.** ORS 419B.449 is amended to read:

5 419B.449. (1) Upon receiving any report required by ORS 419B.440 and 419B.443, the court may
6 hold a hearing to review the child or ward's condition and circumstances and to determine if the
7 court should continue jurisdiction and wardship or order modifications in the care, placement and
8 supervision of the child or ward. The court shall hold a hearing:

9 (a) In all cases under ORS 419B.440 [(3)] **(2)(b)** when the parents' rights have been terminated;
10 [or]

11 (b) If requested by the child or ward, the attorney for the child or ward, if any, the parents or
12 the public or private agency having guardianship or legal custody of the child or ward within 30
13 days of receipt of the notice provided in ORS 419B.452[.];

14 **(c) Not later than six months after receipt of a report made under ORS 419B.440 (1) on**
15 **a ward who is in the legal custody of the Department of Human Services pursuant to ORS**
16 **419B.337 but who is placed in the physical custody of a parent or a person who was appointed**
17 **the ward's legal guardian prior to placement of the ward in the legal custody of the depart-**
18 **ment; or**

19 **(d) Within 30 days after receipt of a report made under ORS 419B.440 (2)(c).**

20 (2) The court shall conduct a hearing provided in subsection (1) of this section in the manner
21 provided in ORS 419B.310, except that the court may receive testimony and reports as provided in
22 ORS 419B.325. At the conclusion of the hearing, the court shall enter findings of fact.

23 **(3) If the child or ward is in substitute care and the decision of the court is to continue the**
24 **child or ward in substitute care[. Such], the findings of the court shall specifically state:**

25 (a) Why continued care is necessary as opposed to returning the child or ward home or taking
26 prompt action to secure another permanent placement; [or] **and**

27 (b) The expected timetable for return or other permanent placement.

28 **(4) If the ward is in the legal custody of the department but has been placed in the**
29 **physical custody of the parent or a person who was appointed the ward's legal guardian prior**
30 **to placement of the ward in the legal custody of the department, and the decision is to con-**
31 **tinue the ward in the legal custody of the department and the physical custody of the parent**
32 **or guardian, the findings of the court shall specifically state:**

33 **(a) Why it is necessary and in the best interests of the ward to continue the ward in the**
34 **legal custody of the department; and**

35 **(b) The expected timetable for dismissal of the department's legal custody of the ward**
36 **and termination of the wardship.**

37 [(3)] **(5)** In making the findings under subsection (2) of this section, the court shall consider the
38 efforts made to develop the concurrent case plan, including, but not limited to, identification and
39 selection of a suitable adoptive placement for the child or ward when adoption is the concurrent
40 case plan.

41 [(4)] **(6)** In addition to findings of fact required by subsection (2) of this section, the court may
42 order the Department of Human Services to consider additional information in developing the case
43 plan or concurrent case plan.

44 [(5)] **(7)** Any final decision of the court made pursuant to the hearing provided in subsection (1)
45 of this section is appealable under ORS 419A.200.

1 **SECTION 5.** The amendments to ORS 419B.440, 419B.443, 419B.446 and 419B.449 by
2 sections 1 to 4 of this 2007 Act apply to wards of the state placed in the legal custody of the
3 Department of Human Services on or after the effective date of this 2007 Act.

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