

House Bill 2181

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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 **as introduced**.

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.

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.328, 419B.331 and
3 419B.337.

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

5 **SECTION 1.** ORS 419B.328 is amended to read:

6 419B.328. (1) The court shall make a child found to be within the jurisdiction of the court as
7 provided in ORS 419B.100 a ward of the court.

8 (2) The court's wardship continues, and the ward is subject to the court's jurisdiction, until one
9 of the following occurs:

10 (a) The court dismisses the petition concerning the ward;

11 (b) The court transfers jurisdiction over the ward as provided in ORS 419B.127, 419B.130 and
12 419B.132;

13 (c) The court enters an order terminating the wardship;

14 (d) A judgment of adoption of the ward is entered by a court of competent jurisdiction; or

15 (e) The ward becomes 21 years of age[.]; **or**

16 **(f) The ward has left an out-of-home placement for reunification at the home of a parent**
17 **and the period of protective supervision pertaining to the ward pursuant to ORS 419B.331 and**
18 **419B.337 has concluded.**

19 **SECTION 2.** ORS 419B.331 is amended to read:

20 419B.331. (1)(a) When the court determines it would be in the best interest and welfare of a
21 ward, the court may place the ward under protective supervision. The court may direct that the
22 ward remain in the legal custody of the ward's parents or other person with whom the ward is liv-
23 ing, or the court may direct that the ward be placed in the legal custody of some **a** relative or some
24 **a** person maintaining a foster home approved by the court, or in a child care center or a youth care
25 center authorized to accept the ward.

26 **(b) When the court places a ward under protective supervision under this subsection, the**
27 **court may specify particular requirements to be observed during the protective supervision **that are****
28 **consistent with recognized juvenile court practice, including but not limited to restrictions on**
29 **visitation by the ward's parents, restrictions on the ward's associates, occupation and activities,**
30 **restrictions on and requirements to be observed by the person having [*the ward's*] legal custody **of****

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 **the ward**, and requirements for visitation by and consultation with a juvenile counselor or other
 2 suitable counselor.

3 **(2)(a) When a ward leaves an out-of-home placement for reunification at the home of a**
 4 **parent, the ward is subject to protective supervision for a period of 90 consecutive days after**
 5 **reunification. If the best interests of the ward require a different period of protective**
 6 **supervision, the court may order the period of protective supervision necessary for the best**
 7 **interests of the ward.**

8 **(b) When a ward is under protective supervision, the Department of Human Services may**
 9 **provide in-home or other services to the ward, the ward’s family and any individuals living**
 10 **in the ward’s home.**

11 **(c) If at any time during the period of protective supervision a party requests a hearing,**
 12 **or on motion of the court, the court may convene a hearing to determine whether the ward**
 13 **should remain in the legal custody of the department for care, placement and supervision.**

14 **(d) Notwithstanding paragraph (a) of this subsection, if the court finds it is in the best**
 15 **interests of the ward:**

16 **(A) The court may end protective supervision prior to the conclusion of the period of**
 17 **protective supervision;**

18 **(B) The court may extend the period of protective supervision; or**

19 **(C) The court may order out-of-home placement pursuant to ORS 419B.337.**

20 **(e) When the court extends a period of protective supervision under this subsection, the**
 21 **court may specify particular requirements to be observed during the protective supervision**
 22 **that are consistent with recognized juvenile court practice, including restrictions on**
 23 **visitation by the ward’s parents who are not authorized to live with the ward, restrictions**
 24 **on the ward’s associates, occupation and activities, restrictions on and requirements to be**
 25 **observed by the person having legal custody of the ward, and requirements for visitation by**
 26 **and consultation with a juvenile counselor or other suitable counselor.**

27 **SECTION 3.** ORS 419B.337 is amended to read:

28 419B.337. (1) When the court determines it would be in the best interest and for the welfare of
 29 a ward, the court may place the ward in the legal custody of the Department of Human Services for
 30 care, placement and supervision. When the court enters an order removing a ward from the ward’s
 31 home or an order continuing care, the court shall make a written finding as to whether:

32 (a) Removal of the ward from the ward’s home or continuation of care is in the best interest and
 33 for the welfare of the ward; and

34 (b) Reasonable efforts, considering the circumstances of the ward and parent, have been made
 35 to prevent or eliminate the need for removal of the ward from the home or to make it possible for
 36 the ward to safely return home. In making this finding, the court shall consider the ward’s health
 37 and safety the paramount concerns.

38 (2) The court may specify the particular type of care, supervision or services to be provided by
 39 the Department of Human Services to wards placed in the department’s custody and to the parents
 40 or guardians of the wards, but the actual planning and provision of *[such]* care, supervision or ser-
 41 vices is the responsibility of the department. The department may place the ward in a child care
 42 center authorized to accept the ward.

43 (3) Uniform commitment blanks, in a form approved by the Director of Human Services, shall
 44 be used by all courts for placing wards in the legal custody of the Department of Human Services.

45 (4) If the ward has been placed in the custody of the Department of Human Services, the court

1 shall make no commitment directly to any residential facility, but shall cause the ward to be deliv-
2 ered into the custody of the department at the time and place fixed by rules of the department. A
3 ward so committed may not be placed in a Department of Corrections institution.

4 (5) Commitment of a ward to the Department of Human Services continues until:

5 (a) Dismissed by the court;

6 (b) [*or until*] The ward becomes 21 years of age[.]; or

7 (c) **The ward leaves an out-of-home placement for reunification at the home of a parent**
8 **and the period of protective supervision ordered pursuant to ORS 419B.331 (2) has concluded.**

9 (6) A court may dismiss commitment of a ward to the Department of Human Services if:

10 (a)(A) Dismissal is appropriate because the ward has been safely reunited with a parent or be-
11 cause a safe alternative to reunification has been implemented for the ward; and

12 (B) The ward is at least 14 years of age but less than 21 years of age and the court finds that:

13 (i) The department has provided case planning pursuant to ORS 419B.343 that addresses the
14 ward's needs and goals for a successful transition to independent living, including needs and goals
15 relating to housing, physical and mental health, education, employment, community connections and
16 supportive relationships;

17 (ii) The department has provided appropriate services pursuant to the case plan;

18 (iii) The department has involved the ward in the development of the case plan and in the pro-
19 vision of appropriate services; and

20 (iv) The ward has safe and stable housing and is unlikely to become homeless as a result of
21 dismissal of commitment of the ward to the department; or

22 (b) The ward has been committed to the custody of the Oregon Youth Authority.

23 **SECTION 4. The amendments to ORS 419B.328, 419B.331 and 419B.337 by sections 1, 2 and**
24 **3 of this 2007 Act apply to a ward of the state in the legal custody of the Department of**
25 **Human Services on or after the effective date of this 2007 Act.**

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