

## HOUSE AMENDMENTS TO HOUSE BILL 2190

By COMMITTEE ON JUDICIARY

May 2

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest of the line and insert  
2 “creating new provisions; and amending ORS 418.016, 419A.116, 419A.255, 419B.343, 419B.443,  
3 419B.449, 419B.476, 419B.875 and 419B.918.”.

4 Delete lines 4 through 30 and delete pages 2 through 5 and insert:

5 “**SECTION 1.** ORS 418.016 is amended to read:

6 “418.016. (1) To protect the health and safety of children who are in the custody of the Depart-  
7 ment of Human Services and who may be placed in a foster home or adoptive home or with a rela-  
8 tive caregiver, the department shall adopt rules pursuant to ORS 181.534 and ORS chapter 418 to  
9 require that criminal records checks be conducted under ORS 181.534 on:

10 “(a) All persons who seek to be foster parents, adoptive parents or relative caregivers; and

11 “(b) Other individuals over 18 years of age who will be in the household of the foster parent,  
12 adoptive parent or relative caregiver.

13 “(2) Rules adopted under subsection (1) of this section shall include:

14 “(a) A list of crimes for which a conviction disqualifies a person from becoming a foster parent,  
15 adoptive parent or relative caregiver;

16 “(b) A requirement that persons who have been convicted of crimes listed in the rules are dis-  
17 qualified from becoming a foster parent, adoptive parent or relative caregiver; and

18 “(c) A provision that the department may approve a person who has been convicted of certain  
19 crimes listed in the rules if the person demonstrates to the department that:

20 “(A) The person possesses the qualifications to be a foster parent or adoptive parent regardless  
21 of having been convicted of a listed crime; or

22 “(B) The disqualification would create emotional harm to the child for whom the person is  
23 seeking to become a foster parent, adoptive parent or relative caregiver and placement of the child  
24 with the person would be a safe placement that is in the best interests of the child.

25 “[*(3) In accordance with 42 U.S.C. 671(a)(20)(B), the Legislative Assembly elects to make the pro-*  
26 *visions related to criminal records checks set forth in 42 U.S.C. 671(a)(20)(A) inapplicable to this*  
27 *state.*]

28 “**SECTION 2.** The amendments to ORS 418.016 by section 1 of this 2007 Act become op-  
29 erative on October 1, 2008.

30 “**SECTION 3.** ORS 419A.116 is amended to read:

31 “419A.116. (1) After reviewing each case, the local citizen review board shall make written  
32 findings and recommendations with respect to:

33 “(a) Whether reasonable efforts were made prior to the placement, to prevent or eliminate the  
34 need for removal of the child or ward from the home;

35 “(b) If the case plan at the time of the review is to reunify the family, whether the Department

1 of Human Services has made reasonable efforts or, if the Indian Child Welfare Act applies, active  
2 efforts to make it possible for the child or ward to safely return home and whether the parent has  
3 made sufficient progress to make it possible for the child or ward to safely return home;

4 “(c) If the case plan at the time of the review is something other than to reunify the family,  
5 whether the department has made reasonable efforts to place the child or ward in a timely manner  
6 in accordance with the case plan, **including, if appropriate, placement of the child or ward**  
7 **through an interstate placement**, and to complete the steps necessary to finalize the permanent  
8 placement of the child or ward;

9 “(d) The continuing need for and appropriateness of the placement;

10 “(e) Compliance with the case plan;

11 “(f) The progress which has been made toward alleviating the need for placement;

12 “(g) A likely date by which the child or ward may be returned home or placed for adoption;

13 “(h) Other problems, solutions or alternatives the board determines should be explored; and

14 “(i) Whether the court should appoint an attorney or other person as special advocate to rep-  
15 resent or appear on behalf of the child or ward under ORS 419B.195.

16 “(2) The local citizen review board may, if the case plan has changed during the period since  
17 the last review by a local citizen review board or court hearing, make written findings and recom-  
18 mendations with respect to:

19 “(a) Whether the Department of Human Services has made reasonable efforts or, if the Indian  
20 Child Welfare Act applies, active efforts to make it possible for the child or ward to safely return  
21 home and whether the parent has made sufficient progress to make it possible for the child or ward  
22 to safely return home, if a plan to reunify the family was in effect for any part of the period since  
23 the last review or hearing; or

24 “(b) Whether the department has made reasonable efforts to place the child or ward in a timely  
25 manner in accordance with the case plan, **including, if appropriate, placement of the child or**  
26 **ward through an interstate placement**, and to complete the steps necessary to finalize the per-  
27 manent placement of the child or ward, if a case plan other than to reunify the family was in effect  
28 for any part of the period since the last review or hearing.

29 “(3) In determining whether the Department of Human Services has made reasonable efforts or,  
30 if the Indian Child Welfare Act applies, active efforts to make it possible for the child or ward to  
31 safely return home, the local citizen review board shall consider the child or ward’s health and  
32 safety the paramount concerns.

33 “(4) No later than 10 days after receiving the findings and recommendations of the local citizen  
34 review board, a party adversely affected by the findings and recommendations may request judicial  
35 review.

36 “**SECTION 4.** ORS 419A.255 is amended to read:

37 “419A.255. (1) The clerk of the court shall keep a record of each case, including therein the  
38 summons and other process, the petition and all other papers in the nature of pleadings, motions,  
39 orders of the court and other papers filed with the court, but excluding reports and other material  
40 relating to the child, ward, youth or youth offender’s history and prognosis. The record of the case  
41 shall be withheld from public inspection but is open to inspection by the child, ward, youth, youth  
42 offender, parent, guardian, court appointed special advocate, surrogate or a person allowed to in-  
43 tervene in a proceeding involving the child, ward, youth or youth offender, and their attorneys. The  
44 attorneys are entitled to copies of the record of the case.

45 “(2) Reports and other material relating to the child, ward, youth or youth offender’s history and

1 prognosis are privileged and, except at the request of the child, ward, youth or youth offender, may  
2 not be disclosed directly or indirectly to anyone other than the judge of the juvenile court, those  
3 acting under the judge's direction, service providers in the case and the attorneys of record for the  
4 child, ward, youth or youth offender or the child, ward, youth or youth offender's parent, guardian,  
5 court appointed special advocate, surrogate or person allowed to intervene in a proceeding involving  
6 the child, ward, youth or youth offender. Reports and other material relating to a youth offender's  
7 history and prognosis in cases under ORS 419C.005 may be disclosed to the superintendent of the  
8 school district in which the youth offender resides. The service providers in the case, school super-  
9 intendants and attorneys are entitled to examine and obtain copies of any reports or other material  
10 relating to the child, ward, youth or youth offender's history and prognosis. Any service provider in  
11 the case, school superintendent or attorney who examines or obtains copies of such reports or ma-  
12 terials is responsible for preserving their confidentiality. A service provider or school superinten-  
13 dent who obtains copies of such reports or materials shall return the copies to the court upon the  
14 conclusion of the service provider's or superintendent's involvement in the case.

15 “(3) Except as otherwise provided in subsection (7) of this section, no information appearing in  
16 the record of the case or in reports or other material relating to the child, ward, youth or youth  
17 offender's history or prognosis may be disclosed to any person not described in subsection (2) of this  
18 section without the consent of the court, except for purposes of evaluating the child, ward, youth  
19 or youth offender's eligibility for special education as provided in ORS chapter 343, and no such  
20 information may be used in evidence in any proceeding to establish criminal or civil liability against  
21 the child, ward, youth or youth offender, whether such proceeding occurs after the child, ward,  
22 youth or youth offender has reached 18 years of age or otherwise, except for the following purposes:

23 “(a) In connection with a presentence investigation after guilt has been admitted or established  
24 in a criminal court.

25 “(b) In connection with a proceeding in another juvenile court concerning the child, ward, youth  
26 or youth offender or an appeal from the juvenile court.

27 “(4) If the court finds that the child, ward, youth, youth offender or parent is without financial  
28 means to purchase all or a necessary part of the transcript of the evidence or proceedings, the court  
29 shall order upon motion the transcript or part thereof to be furnished. The transcript or part thereof  
30 furnished under this subsection shall be paid for in the same manner as furnished transcripts are  
31 paid for in criminal cases.

32 “(5) Notwithstanding any other provision of law, the following are not confidential and not ex-  
33 empt from disclosure:

34 “(a) The name and date of birth of the youth or youth offender;

35 “(b) The basis for the juvenile court's jurisdiction over the youth or youth offender;

36 “(c) The date, time and place of any juvenile court proceeding in which the youth or youth  
37 offender is involved;

38 “(d) The act alleged in the petition that if committed by an adult would constitute a crime if  
39 jurisdiction is based on ORS 419C.005;

40 “(e) That portion of the juvenile court order providing for the legal disposition of the youth or  
41 youth offender when jurisdiction is based on ORS 419C.005;

42 “(f) The names and addresses of the youth or youth offender's parents or guardians; and

43 “(g) The register described in ORS 7.020 when jurisdiction is based on ORS 419C.005.

44 “(6) Notwithstanding any other provision of law, when a youth has been taken into custody  
45 under ORS 419C.080, the following information shall be disclosed unless, and only for so long as,

1 there is a clear need to delay disclosure in the course of a specific investigation, including the need  
2 to protect the complaining party or the victim:

3 “(a) The youth’s name and age and whether the youth is employed or in school;

4 “(b) The youth offense for which the youth was taken into custody;

5 “(c) The name and age of the adult complaining party and the adult victim, unless the disclosure  
6 of such information is otherwise prohibited or restricted;

7 “(d) The identity of the investigating and arresting agency; and

8 “(e) The time and place that the youth was taken into custody and whether there was resist-  
9 ance, pursuit or a weapon used in taking the youth into custody.

10 “(7)(a) Information contained in reports and other materials relating to a child, ward, youth or  
11 youth offender’s history and prognosis that, in the professional judgment of the juvenile counselor,  
12 caseworker, school superintendent, teacher or detention worker to whom the information for the  
13 reports or other materials has been provided, indicates a clear and immediate danger to another  
14 person or to society shall be disclosed to the appropriate authority and the person or entity who is  
15 in danger from the child, ward, youth or youth offender.

16 “(b) An agency or a person who discloses information under paragraph (a) of this subsection has  
17 immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for  
18 making the disclosure.

19 “(c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040  
20 and 419B.045. The disclosure of information under this section does not make the information ad-  
21 missible in any court or administrative proceeding if it is not otherwise admissible.

22 “(8) A county juvenile department is the agency responsible for disclosing youth and youth  
23 offender records if the records are subject to disclosure.

24 “(9) A petition filed under ORS 419B.851 alleging that a child who is a foreign national is within  
25 the jurisdiction of the court, or a motion requesting an implementation plan other than return of a  
26 ward to the ward’s parent, is subject to disclosure to the consulate for the child or ward’s country  
27 as provided under ORS 419B.851 (3).

28 “(10) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or 419B.366  
29 from disclosing or providing copies of letters of guardianship when so required to fulfill the duties  
30 of a guardian.

31 “(11) **The court shall cooperate in the sharing of information with a court in another**  
32 **state to facilitate an interstate placement of a child or ward.**

33 “**SECTION 5.** ORS 419B.343 is amended to read:

34 “419B.343. (1) To ensure effective planning for wards, the Department of Human Services shall  
35 take into consideration recommendations and information provided by the committing court before  
36 placement in any facility. The department shall ensure that the case planning in any case:

37 “(a) For the reunification of the family bears a rational relationship to the jurisdictional findings  
38 that brought the ward within the court’s jurisdiction under ORS 419B.100;

39 “(b) Incorporates the perspective of the ward and the family and, whenever possible, allows the  
40 family to assist in designing its own service programs, based on an assessment of the family’s needs  
41 and the family’s solutions and resources for change; and

42 “(c) Is integrated with other agencies in cooperation with the caseworkers.

43 “(2) Except in cases when the plan is something other than to reunify the family, the department  
44 shall include in the case plan:

45 “(a) Appropriate services to allow the parent the opportunity to adjust the parent’s circum-

1 stances, conduct or conditions to make it possible for the ward to safely return home within a rea-  
2 sonable time; and

3 “(b) A concurrent permanent plan to be implemented if the parent is unable or unwilling to ad-  
4 just the parent’s circumstances, conduct or conditions in such a way as to make it possible for the  
5 ward to safely return home within a reasonable time.

6 “(3) Any time after a ward attains 14 years of age, if the department determines that it is ap-  
7 propriate, but in no case later than the date the ward attains 16 years of age, the department shall  
8 ensure that the case planning in the case addresses the ward’s needs and goals for a successful  
9 transition to independent living, including needs and goals related to housing, physical and mental  
10 health, education, employment, community connections and supportive relationships.

11 “(4) **The case plan for a ward in substitute care must include the health and education**  
12 **records of the ward, including the most recent information available regarding:**

13 “(a) **The names and addresses of the ward’s health and education providers;**

14 “(b) **The grade level of the ward’s academic performance;**

15 “(c) **The ward’s school record;**

16 “(d) **Whether the ward’s placement takes into account proximity to the school in which**  
17 **the ward is enrolled at the time of placement;**

18 “(e) **The ward’s immunizations;**

19 “(f) **Any known medical problems of the ward;**

20 “(g) **The ward’s medications; and**

21 “(h) **Any other relevant health and education information concerning the ward that the**  
22 **department determines is appropriate to include in the records.**

23 “**SECTION 6.** ORS 419B.443 is amended to read:

24 “419B.443. (1) The agency shall file the reports required by ORS 419B.440 (2) and (3) at the end  
25 of the initial six-month period and no less frequently than each six months thereafter. The agency  
26 shall file reports more frequently if the court so orders. The reports shall include, but not be limited  
27 to:

28 “(a) A description of the problems or offenses that necessitated the placement of the child or  
29 ward with the agency;

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

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

37 “(d) A proposed treatment plan or proposed continuation or modification of an existing treat-  
38 ment plan, including, when applicable, terms of visitation to be allowed and expected of parents and  
39 a description of efforts expected of the child or ward and the parents to remedy factors that have  
40 prevented the child or ward from safely returning home within a reasonable time; *[and]*

41 “(e) If continued substitute care is recommended, a proposed timetable for the child or ward’s  
42 return home or other permanent placement or a justification of why extended substitute care is  
43 necessary[.]; **and**

44 “(f) **If the child or ward has been placed in foster care outside the state, whether the**  
45 **child or ward has been visited not less frequently than every six months by a state or private**

1 **agency.**

2 “(2) Notwithstanding the requirements of subsection (1) of this section, reports following the  
3 initial report need not contain information contained in prior reports.

4 “**SECTION 7.** 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  
6 may hold a hearing to review the child or ward’s condition and circumstances and to determine if  
7 the court should continue jurisdiction and wardship or order modifications in the care, placement  
8 and supervision of the child or ward. The court shall hold a hearing:

9 “(a) In all cases under ORS 419B.440 (3) when the parents’ rights have been terminated; or

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

13 “(2) The court shall conduct a hearing provided in subsection (1) of this section in the manner  
14 provided in ORS 419B.310, except that the court may receive testimony and reports as provided in  
15 ORS 419B.325. At the conclusion of the hearing, the court shall enter findings of fact if the decision  
16 is to continue the child or ward in substitute care. Such findings shall specifically state:

17 “(a) Why continued care is necessary as opposed to returning the child or ward home or taking  
18 prompt action to secure another permanent placement; or

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

20 “(3) In making the findings under subsection (2) of this section, the court shall consider the ef-  
21 forts made to develop the concurrent case plan, including, but not limited to, **identification of ap-  
22 propriate permanent placement options for the child or ward both inside and outside this  
23 state and, if adoption is the concurrent case plan,** identification and selection of a suitable  
24 adoptive placement for the child or ward [*when adoption is the concurrent case plan*].

25 “(4) In addition to findings of fact required by subsection (2) of this section, the court may order  
26 the Department of Human Services to consider additional information in developing the case plan  
27 or concurrent case plan.

28 “(5) Any final decision of the court made pursuant to the hearing provided in subsection (1) of  
29 this section is appealable under ORS 419A.200.

30 “**SECTION 8.** ORS 419B.476 is amended to read:

31 “419B.476. (1) A permanency hearing shall be conducted in the manner provided in ORS 418.312,  
32 419B.310, 419B.812 to 419B.839 and 419B.908, except that the court may receive testimony and re-  
33 ports as provided in ORS 419B.325.

34 “(2) At a permanency hearing the court shall:

35 “(a) If the case plan at the time of the hearing is to reunify the family, determine whether the  
36 Department of Human Services has made reasonable efforts or, if the Indian Child Welfare Act ap-  
37 plies, active efforts to make it possible for the ward to safely return home and whether the parent  
38 has made sufficient progress to make it possible for the ward to safely return home. In making its  
39 determination, the court shall consider the ward’s health and safety the paramount concerns.

40 “(b) If the case plan at the time of the hearing is something other than to reunify the family,  
41 determine whether the department has made reasonable efforts to place the ward in a timely manner  
42 in accordance with the plan, **including, if appropriate, reasonable efforts to place the ward  
43 through an interstate placement,** and to complete the steps necessary to finalize the permanent  
44 placement.

45 “(c) **If the case plan at the time of the hearing is something other than to reunify the**

1 **family, determine whether the department has considered permanent placement options for**  
2 **the ward, including, if appropriate, whether the department has considered both permanent**  
3 **in-state placement options and permanent interstate placement options for the ward.**

4 “(3)(a) In the circumstances described in paragraph (b) of this subsection, in addition to making  
5 the determination required by subsection (2)(a) or (b) of this section, at a permanency hearing the  
6 court shall review the comprehensive plan for the ward’s transition to independent living and de-  
7 termine and make findings as to:

8 “(A) Whether the plan is adequate to ensure the ward’s successful transition to independent  
9 living;

10 “(B) Whether the department has offered appropriate services pursuant to the plan; and

11 “(C) Whether the department has involved the ward in the development of the plan.

12 “(b) The requirements of paragraph (a) of this subsection apply when:

13 “(A) The ward is 16 years of age or older; or

14 “(B) The ward is 14 years of age or older and there is a comprehensive plan for the ward’s  
15 transition to independent living.

16 “(4) At a permanency hearing the court may:

17 “(a) If the case plan changed during the period since the last review by a local citizen review  
18 board or court hearing and a plan to reunify the family was in effect for any part of that period,  
19 determine whether the department has made reasonable efforts or, if the Indian Child Welfare Act  
20 applies, active efforts to make it possible for the ward to safely return home. In making its deter-  
21 mination, the court shall consider the ward’s health and safety the paramount concerns;

22 “(b) If the case plan changed during the period since the last review by a local citizen review  
23 board or court hearing and a plan other than to reunify the family was in effect for any part of that  
24 period, determine whether the department has made reasonable efforts to place the ward in a timely  
25 manner in accordance with the plan, **including, if appropriate, placement of the ward through**  
26 **an interstate placement**, and to complete the steps necessary to finalize the permanent placement;

27 “(c) If the court determines that further efforts will make it possible for the ward to safely re-  
28 turn home within a reasonable time, order that the parents participate in specific services for a  
29 specific period of time and make specific progress within that period of time;

30 “(d) Determine the adequacy and compliance with the case plan and the case progress report;

31 “(e) Review the efforts made by the department to develop the concurrent permanent plan, in-  
32 cluding but not limited to[,] **identification of appropriate permanent in-state placement options**  
33 **and appropriate permanent interstate placement options and, if adoption is the concurrent**  
34 **case plan**, identification and selection of a suitable adoptive placement for the ward;

35 “(f) Order the department to develop or expand the case plan or concurrent permanent plan and  
36 provide a case progress report to the court and other parties within 10 days after the permanency  
37 hearing;

38 “(g) Order the department or agency to modify the care, placement and supervision of the ward;

39 “(h) Order the local citizen review board to review the status of the ward prior to the next court  
40 hearing; or

41 “(i) Set another court hearing at a later date.

42 “(5) The court shall enter an order within 20 days after the permanency hearing. In addition to  
43 any determinations or orders the court may make under subsection (4) of this section, the order  
44 shall include:

45 “(a) The court’s determination required under subsections (2) and (3) of this section, including

1 a brief description of the efforts the department has made with regard to the case plan in effect at  
2 the time of the permanency hearing;

3 “(b) The court’s determination of the permanency plan for the ward that includes whether and,  
4 if applicable, when:

5 “(A) The ward will be returned to the parent;

6 “(B) The ward will be placed for adoption, and a petition for termination of parental rights will  
7 be filed;

8 “(C) The ward will be referred for establishment of legal guardianship; or

9 “(D) The ward will be placed in another planned permanent living arrangement;

10 “(c) If the court determines that the permanency plan for the ward should be to return home  
11 because further efforts will make it possible for the ward to safely return home within a reasonable  
12 time, the court’s determination of the services in which the parents are required to participate, the  
13 progress the parents are required to make and the period of time within which the specified progress  
14 must be made;

15 “(d) If the court determines that the permanency plan for the ward should be adoption, the  
16 court’s determination of whether one of the circumstances in ORS 419B.498 (2) is applicable;

17 “(e) If the court determines that the permanency plan for the ward should be establishment of  
18 a legal guardianship or placement with a fit and willing relative, the court’s determination of why  
19 neither placement with parents nor adoption is appropriate;

20 “(f) If the court determines that the permanency plan for the ward should be a planned perma-  
21 nent living arrangement, the court’s determination of a compelling reason, that must be documented  
22 by the department, why it would not be in the best interests of the ward to be returned home, placed  
23 for adoption, placed with a legal guardian or placed with a fit and willing relative;

24 “(g) If the current placement is not expected to be permanent, the court’s projected timetable  
25 for return home or for placement in another planned permanent living arrangement. If the timetable  
26 set forth by the court is not met, the department shall promptly notify the court and parties; [and]

27 “(h) If an Indian child is involved, the tribal affiliation of the ward[.]; and

28 **“(i) If the ward has been placed in an interstate placement, the court’s determination of  
29 whether the interstate placement continues to be appropriate and in the best interests of the  
30 ward.**

31 “(6) If an Indian child is involved, the court shall follow the placement preference established  
32 by the Indian Child Welfare Act.

33 “(7) Any final decision of the court made pursuant to the permanency hearing is appealable  
34 under ORS 419A.200. On appeal of a final decision of the court under this subsection, the court’s  
35 finding, if any, under ORS 419B.340 (5) that the department is not required to make reasonable ef-  
36 forts to make it possible for the ward to safely return home is an interlocutory order to which a  
37 party may assign error.

38 **“SECTION 9.** ORS 419B.875 is amended to read:

39 “419B.875. (1)(a) Parties to proceedings in the juvenile court under ORS 419B.100 and 419B.500  
40 are:

41 “(A) The child or ward;

42 “(B) The parents or guardian of the child or ward;

43 “(C) A putative father of the child or ward who has demonstrated a direct and significant com-  
44 mitment to the child or ward by assuming, or attempting to assume, responsibilities normally asso-  
45 ciated with parenthood, including but not limited to:



1 “(i) Residing with the child or ward;  
2 “(ii) Contributing to the financial support of the child or ward; or  
3 “(iii) Establishing psychological ties with the child or ward;  
4 “(D) The state;  
5 “(E) The juvenile department;  
6 “(F) A court appointed special advocate, if appointed;  
7 “(G) The Department of Human Services or other child-caring agency if the agency has tempo-  
8 rary custody of the child or ward; and  
9 “(H) The tribe in cases subject to the Indian Child Welfare Act if the tribe has intervened pur-  
10 suant to the Indian Child Welfare Act.  
11 “(b) An intervenor who is granted intervention under ORS 419B.116 is a party to a proceeding  
12 under ORS 419B.100. An intervenor under this paragraph is not a party to a proceeding under ORS  
13 419B.500.  
14 “(2) The rights of the parties include, but are not limited to:  
15 “(a) The right to notice of the proceeding and copies of the petitions, answers, motions and other  
16 papers;  
17 “(b) The right to appear with counsel and, except for intervenors under subsection (1)(b) of this  
18 section, to have counsel appointed as otherwise provided by law;  
19 “(c) The right to call witnesses, cross-examine witnesses and participate in hearings;  
20 “(d) The right of appeal; and  
21 “(e) The right to request a hearing.  
22 “(3) A putative father who satisfies the criteria set out in subsection (1)(a)(C) of this section  
23 shall be treated as a parent, as that term is used in this chapter and ORS chapters 419A and 419C,  
24 until the court confirms his paternity or finds that he is not the legal father of the child or ward.  
25 “(4) If no appeal from the judgment or order is pending, a putative father whom a court of  
26 competent jurisdiction has found not to be the child or ward’s legal father or who has filed a peti-  
27 tion for filiation that was dismissed is not a party under subsection (1) of this section.  
28 “(5)(a) A person granted rights of limited participation under ORS 419B.116 is not a party to a  
29 proceeding under ORS 419B.100 or 419B.500 but has only those rights specified in the order granting  
30 rights of limited participation.  
31 “(b) Persons moving for or granted rights of limited participation are not entitled to appointed  
32 counsel but may appear with retained counsel.  
33 “(6) If a foster parent, preadoptive parent or relative is currently providing care for a child or  
34 ward, the Department of Human Services shall give the foster parent, preadoptive parent or relative  
35 notice of a [hearing] **proceeding** concerning the child or ward [and the court shall give the person  
36 an opportunity to be heard]. **A foster parent, preadoptive parent or relative providing care for**  
37 **a child or ward has the right to be heard at the proceeding.** Except when allowed to intervene,  
38 the foster parent, preadoptive parent or relative providing care for the child or ward is not consid-  
39 ered a party to the juvenile court proceeding solely because of notice and [an opportunity] **the right**  
40 **to be heard at the proceeding.**  
41 “(7) When a legal grandparent of a child or ward requests in writing and provides a mailing  
42 address, the Department of Human Services shall give the legal grandparent notice of a hearing  
43 concerning the child or ward and the court shall give the legal grandparent an opportunity to be  
44 heard. Except when allowed to intervene, a legal grandparent is not considered a party to the ju-  
45 venile court proceeding solely because of notice and an opportunity to be heard.

1 “(8) Interpreters for parties and persons granted rights of limited participation shall be ap-  
2 pointed in the manner specified by ORS 45.275 and 45.285.

3 “**SECTION 10.** ORS 419B.918 is amended to read:

4 “419B.918. (1) Notwithstanding ORS 419B.815, 419B.819 and 419B.820, on timely motion of a  
5 person showing good cause, a court may permit the person, instead of appearing personally, to par-  
6 ticipate in any hearing related to a petition alleging jurisdiction under ORS 419B.100, a petition to  
7 establish a permanent guardianship under ORS 419B.365 or a petition seeking termination of par-  
8 ental rights under ORS 419B.500, 419B.502, 419B.504, 419B.506 or 419B.508 in any manner that  
9 complies with the requirements of due process including, but not limited to, telephonic or other  
10 electronic means.

11 “(2) If a person who is summoned or ordered to appear under ORS 419B.815, 419B.816, 419B.819  
12 or 419B.820 seeks to reschedule any hearing at which the person is required to appear, the person  
13 must:

14 “(a) Appear personally at the time specified in the summons or order to request the change; or

15 “(b) Include in the person’s written motion requesting the change the person’s current mailing  
16 address, to which the court may send notice of the new date for the hearing if the motion is granted.

17 “(3) **In any proceeding that involves the interstate placement of a child or ward, the**  
18 **court may:**

19 “(a) **Permit a party from outside this state to provide information, testify or otherwise**  
20 **participate in the proceeding in any manner the court designates, provided the party com-**  
21 **plies with subsection (1) of this section, if applicable;**

22 “(b) **Permit an attorney from outside this state representing any party to participate in**  
23 **the proceeding in any manner the court designates; and**

24 “(c) **Obtain information or testimony in any manner the court designates from a state**  
25 **or private agency located in another state.”.**

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