

Senate Bill 259

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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 Department of Human Services to give priority to placement in psychiatric residential treatment or drug or alcohol treatment for children in custody of state if court determines treatment is likely to reduce risk of termination of parental rights.

A BILL FOR AN ACT

1
2 Relating to mental health treatment for children in state custody; amending ORS 419B.337 and
3 419B.349.

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

5 **SECTION 1.** ORS 419B.337 is amended to read:

6 419B.337. (1) When the court determines it would be in the best interest and for the welfare of
7 a ward, the court may place the ward in the legal custody of the Department of Human Services for
8 care, placement and supervision. When the court enters an order removing a ward from the ward's
9 home or an order continuing care, the court shall make a written finding as to whether:

10 (a) Removal of the ward from the ward's home or continuation of care is in the best interest and
11 for the welfare of the ward; and

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

16 (2) The court may specify the particular type of care, supervision or services to be provided by
17 the Department of Human Services to wards placed in the department's custody and to the parents
18 or guardians of the wards, but, **except as provided in subsection (3) of this section**, the actual
19 planning and provision of such care, supervision or services is the responsibility of the department.
20 The department may place the ward in a child care center authorized to accept the ward.

21 **(3) If the court finds that a ward placed in the department's custody needs residential**
22 **psychiatric treatment or drug or alcohol treatment and that such treatment is likely to re-**
23 **duce the risk of termination of parental rights, the department must give the ward priority**
24 **in placement in those treatment settings.**

25 [(3)] (4) Uniform commitment blanks, in a form approved by the Director of Human Services,
26 shall be used by all courts for placing wards in the legal custody of the Department of Human Ser-
27 vices.

28 [(4)] (5) If the ward has been placed in the custody of the Department of Human Services, the
29 court shall make no commitment directly to any residential facility, but shall cause the ward to be
30 delivered into the custody of the department at the time and place fixed by rules 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 A ward so committed may not be placed in a Department of Corrections institution.

2 [(5)] (6) Commitment of a ward to the Department of Human Services continues until dismissed
 3 by the court or until the ward becomes 21 years of age.

4 [(6)] (7) A court may dismiss commitment of a ward to the Department of Human Services if:

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

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

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

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

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

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

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

18 **SECTION 2.** ORS 419B.349 is amended to read:

19 419B.349. Commitment of a child or ward to the Department of Human Services does not ter-
 20 minate the court's continuing jurisdiction to protect the rights of the child or ward or the child or
 21 ward's parents or guardians. Notwithstanding ORS 419B.337 [(4)] (5), if upon review of a placement
 22 of a child or ward made by the department the court determines that the placement is not in the
 23 best interest of the child or ward, the court may direct the department to place the child or ward
 24 in foster care, residential care, group care or some other specific type of residential placement,
 25 but, **except as provided in ORS 419B.337 (3) or** unless otherwise required by law, the court may
 26 not direct a specific placement. The actual planning and placement of the child or ward is the re-
 27 sponsibility of the department. Nothing in this section affects any contractual right of a private
 28 agency to refuse or terminate a placement.

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