

A-Engrossed
Senate Bill 408

Ordered by the Senate April 2
Including Senate Amendments dated April 2

Sponsored by Senators BROWN, KRUSE, Representatives KRIEGER, SCHAUFLEER

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.

Prohibits Department of Human Services from filing petition to terminate parental rights [*for sole reason that child or ward has been in substitute care for 15 of last 22 months unless court previously determined*] **until court has determined, after permanency hearing, that permanency plan for child should be adoption.**

A BILL FOR AN ACT

1
2 Relating to termination of parental rights; amending ORS 419B.498.

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

4 **SECTION 1.** ORS 419B.498 is amended to read:

5 419B.498. (1) Except as provided in subsection (2) of this section, the Department of Human
6 Services shall simultaneously file a petition to terminate the parental rights of a child or ward's
7 parents and identify, recruit, process and approve a qualified family for adoption if the child or ward
8 is in the custody of the department and:

9 (a) The child or ward has been in substitute care under the responsibility of the department for
10 15 months of the most recent 22 months;

11 (b) A parent has been convicted of murder of another child of the parent, voluntary
12 manslaughter of another child of the parent, aiding, abetting, attempting, conspiring or soliciting to
13 commit murder or voluntary manslaughter of the child or ward or of another child of the parent or
14 felony assault that has resulted in serious physical injury to the child or ward or to another child
15 of the parent; or

16 (c) A court of competent jurisdiction has determined that the child or ward is an abandoned
17 child.

18 (2) The department shall file a petition to terminate the parental rights of a parent in the cir-
19 cumstances described in subsection (1) of this section unless:

20 (a) The child or ward is being cared for by a relative and that placement is intended to be
21 permanent;

22 (b) There is a compelling reason, which is documented in the case plan, for determining that
23 filing such a petition would not be in the best interests of the child or ward. Such compelling rea-
24 sons include, but are not limited to:

25 (A) The parent is successfully participating in services that will make it possible for the child
26 or ward to safely return home within a reasonable time as provided in ORS 419B.476 (5)(c);

27 (B) Another permanent plan is better suited to meet the health and safety needs of the child or

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 ward; or

2 (C) The court or local citizen review board in a prior hearing or review determined that while
3 the case plan was to reunify the family the department did not make reasonable efforts or, if the
4 Indian Child Welfare Act applies, active efforts to make it possible for the child or ward to safely
5 return home; or

6 (c) The department has not provided to the family of the child or ward, consistent with the time
7 period in the case plan, such services as the department deems necessary for the child or ward to
8 safely return home, if reasonable efforts to make it possible for the child or ward to safely return
9 home are required to be made with respect to the child or ward.

10 **(3) No petition to terminate the parental rights of a child or ward's parents pursuant to**
11 **subsection (1) of this section or pursuant to ORS 419B.500, 419B.502, 419B.504, 419B.506 or**
12 **419B.508 may be filed until the court has determined that the permanency plan for the child**
13 **or ward should be adoption after a permanency hearing pursuant to ORS 419B.476.**

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