

Senate Bill 414

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 **as introduced**.

Requires Department of Human Services to make reasonable efforts to place siblings together.

A BILL FOR AN ACT

1
2 Relating to the placement of children; amending ORS 419B.192 and 419B.349.

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

4 **SECTION 1.** ORS 419B.349 is amended to read:

5 419B.349. Commitment of a child or ward to the Department of Human Services does not ter-
6 minate the court's continuing jurisdiction to protect the rights of the child or ward or the child or
7 ward's parents or guardians. Notwithstanding ORS 419B.337 (4), if upon review of a placement of a
8 child or ward made by the department the court determines that the placement is not in the best
9 interest of the child or ward, the court may direct the department to place the child or ward in
10 foster care, residential care, group care or some other specific type of residential placement, but
11 unless otherwise required by law, the court may not direct a specific placement. The actual planning
12 and placement of the child or ward is the responsibility of the department. **The department shall**
13 **make reasonable efforts to place siblings together, unless placement with siblings is not in**
14 **the best interest of the child or ward.** Nothing in this section affects any contractual right of a
15 private agency to refuse or terminate a placement.

16 **SECTION 2.** ORS 419B.192 is amended to read:

17 419B.192. (1) If the court finds that a child or ward is in need of placement or continuation in
18 substitute care, there shall be a preference given to placement with relatives and persons who have
19 a caregiver relationship with the child or ward as defined in ORS 419B.116. The Department of
20 Human Services shall make reasonable efforts to place the child or ward with such persons and shall
21 report to the court what efforts were made to effectuate such a placement.

22 (2) In attempting to place the child or ward pursuant to subsection (1) of this section, the de-
23 partment shall consider, but not be limited to, the following:

24 (a) The ability of the person being considered to provide safety for the child or ward, including
25 a willingness to cooperate with any restrictions placed on contact between the child or ward and
26 others, and to prevent anyone from influencing the child or ward in regard to the allegations of the
27 case;

28 (b) The ability of the person being considered to support the efforts of the department to im-
29 plement the permanent plan for the child or ward;

30 (c) The ability of the person being considered to meet the child or ward's physical, emotional
31 and educational needs, including the child or ward's need to continue in the same school or educa-
32 tional placement; *[and]*

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 (d) Which person has the closest existing personal relationship with the child or ward if more
2 than one person requests to have the child or ward placed with them pursuant to this section[.];
3 **and**

4 **(e) The ability of the person being considered to provide a placement for the child or**
5 **ward's siblings who are in need of placement or continuation in substitute care.**

6 (3) Notwithstanding subsections (1) and (2) of this section, in cases where the Indian Child
7 Welfare Act applies, the placement preferences of the Indian Child Welfare Act shall be followed.

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