

Enrolled
House Bill 2897

Sponsored by Representative WHISNANT, Senator KRUSE; Representatives BENTZ, BRUUN, CAMERON, ESQUIVEL, FREEMAN, GARRARD, GILLIAM, HANNA, HUFFMAN, JENSON, KRIEGER, MAURER, RICHARDSON, G SMITH, SPRENGER, THOMPSON, WEIDNER, WINGARD, Senators BOQUIST, TELFER, WALKER

CHAPTER

AN ACT

Relating to placement of children in protective custody; creating new provisions; and amending ORS 419B.192.

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

SECTION 1. ORS 419B.192 is amended to read:

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

(2) If a child or ward in need of placement or continuation in substitute care has a sibling also in need of placement or continuation in substitute care, the department shall make diligent efforts to place the siblings together and shall report to the court the efforts made by the department to carry out the placement, unless the court finds that placement of the siblings together is not in the best interests of the child or the ward or the child's or the ward's sibling.

(3) In attempting to place the child or ward pursuant to subsections (1) and (2) of this section, the department shall consider, but not be limited to considering, the following:

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

(b) The ability of the person being considered to support the efforts of the department to implement the permanent plan for the child or ward;

(c) The ability of the person being considered to meet the child or ward's physical, emotional and educational needs, including the child or ward's need to continue in the same school or educational placement;

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

(e) The ability of the person being considered to provide a placement for the child's or ward's sibling who is also in need of placement or continuation in substitute care.

(4) When the court is required to make findings regarding the department's diligent efforts to place a child or ward with relatives or persons with a caregiver relationship under subsection (1) of this section, and the court determines that, contrary to the placement decision of the department, placement with a relative is not in the best interest of the child or ward under ORS 419B.349, the court shall make written findings setting forth the reasons why the court finds that placement of the child or ward with an available relative is not in the best interest of the child.

[(4)] (5) Notwithstanding subsections (1) to (3) of this section, in cases where the Indian Child Welfare Act applies, the placement preferences of the Indian Child Welfare Act shall be followed.

SECTION 2. The amendments to ORS 419B.192 by section 1 of this 2009 Act apply to hearings held on or after the effective date of this 2009 Act.

Passed by House April 27, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 5, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State