

# House Bill 3464

Sponsored by Representative BUCKLEY; Representatives CANNON, DEMBROW, Senator BATES

## 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 provide ward with assistance obtaining driving privileges as part of case plan to transition into independent living. Authorizes court review of department's delay or refusal to provide assistance.

Becomes operative January 1, 2010.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to driving privileges for wards; creating new provisions; amending ORS 419B.337 and  
3 419B.343; and declaring an emergency.

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;

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; and

16 (c) Diligent efforts have been made to place the ward pursuant to ORS 419B.192.

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

22 (3) The court may make an order regarding visitation by the ward's parents or siblings. The  
23 Department of Human Services is responsible for developing and implementing a visitation plan  
24 consistent with the court's order.

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

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

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

3 (7) A court may dismiss commitment of a ward to the Department of Human Services if:

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

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

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

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

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

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

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

17 **SECTION 2.** ORS 419B.343 is amended to read:

18 419B.343. (1) To ensure effective planning for wards, the Department of Human Services shall  
19 take into consideration recommendations and information provided by the committing court before  
20 placement in any facility. The department shall ensure that the case planning in any case:

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

23 (b) Incorporates the perspective of the ward and the family and, whenever possible, allows the  
24 family to assist in designing its own service programs, based on an assessment of the family's needs  
25 and the family's solutions and resources for change; and

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

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

29 (a) Appropriate services to allow the parent the opportunity to adjust the parent's circum-  
30 stances, conduct or conditions to make it possible for the ward to safely return home within a rea-  
31 sonable time; and

32 (b) A concurrent permanent plan to be implemented if the parent is unable or unwilling to adjust  
33 the parent's circumstances, conduct or conditions in such a way as to make it possible for the ward  
34 to safely return home within a reasonable time.

35 (3) Any time after a ward attains 14 years of age, if the department determines that it is ap-  
36 propriate, but in no case later than the date the ward attains 16 years of age, the department shall  
37 ensure that the case planning in the case addresses the ward's needs and goals for a successful  
38 transition to independent living, including needs and goals related to housing, physical and mental  
39 health, education, employment, **driving privileges**, community connections and supportive relation-  
40 ships.

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

43 (a) The names and addresses of the ward's health and education providers, **including driver**  
44 **education or student driver training providers or instructors**;

45 (b) The grade level of the ward's academic performance;

1 (c) The ward's school record;

2 (d) Whether the ward's placement takes into account proximity to the school in which the ward  
3 is enrolled at the time of placement;

4 (e) The ward's immunizations;

5 (f) Any known medical problems of the ward;

6 (g) The ward's medications; and

7 (h) Any other relevant health and education information concerning the ward that the depart-  
8 ment determines is appropriate to include in the records.

9 **SECTION 3. Section 4 of this 2009 Act is added to and made a part of ORS chapter 419B.**

10 **SECTION 4. (1) The Department of Human Services shall include in its case planning**  
11 **under ORS 419B.343 (3) assistance to a ward to obtain driving privileges. The assistance**  
12 **provided by the department must include, but need not be limited to:**

13 (a) Information on how to obtain a driver license or other driving privileges for which  
14 the ward may be eligible;

15 (b) Driver education classes or student driver training at no cost to the ward or foster  
16 care provider;

17 (c) Transportation to and from driver education classes or student driver training and  
18 to the examinations required under ORS 807.065 and 807.070 if necessary;

19 (d) Assistance completing any applications for driving privileges under ORS 807.050, in-  
20 cluding but not limited to assistance obtaining vital records and documentation required to  
21 complete the applications; and

22 (e) Assistance paying any fees and costs associated with obtaining driving privileges.

23 (2) Case planning under ORS 419B.343 (3) must address how the ward will obtain driving  
24 privileges prior to the ward's graduation from high school or upon reaching the age of 18  
25 years, whichever occurs first.

26 (3) The department may delay providing or refuse to provide the assistance required by  
27 subsection (1) of this section if:

28 (a) The department reasonably believes that obtaining driving privileges would pose a  
29 substantial risk of harm to the ward or others;

30 (b) The ward has run away from home or from a placement at least once during the  
31 previous 12 months; or

32 (c) The ward has been under the influence of intoxicating liquor, a controlled substance,  
33 an inhalant or any combination thereof during the previous 12 months.

34 (4) The department shall provide the ward, the attorney for the ward, if any, and the  
35 parents of the ward, if appropriate, with written reasons for a delay or refusal under sub-  
36 section (3) of this section within 10 days of the delay or refusal.

37 (5) Upon request of a ward, the attorney for the ward or the parents of the ward, the  
38 court may hold a hearing to review the department's delay or refusal to provide the ward  
39 with assistance under subsection (1) of this section. The court shall conduct the hearing as  
40 provided in ORS 419B.310, except that the court may receive testimony, reports and other  
41 material relating to the ward as provided in ORS 419B.325. The decision of the court under  
42 this subsection is appealable under ORS 419A.200.

43 (6) The department need not provide the assistance in subsection (1) of this section if the  
44 ward does not want to obtain driving privileges.

45 **SECTION 5. (1) Section 4 of this 2009 Act and the amendments to ORS 419B.337 and**

1 419B.343 by sections 1 and 2 of this 2009 Act become operative on January 1, 2010.

2 (2) The Department of Human Services may take any action before the operative date  
3 specified in subsection (1) of this section that is necessary to enable the department to im-  
4 plement the provisions of section 4 of this 2009 Act and the amendments to ORS 419B.337  
5 and 419B.343 by sections 1 and 2 of this 2009 Act on and after the operative date specified in  
6 subsection (1) of this section.

7 SECTION 6. This 2009 Act being necessary for the immediate preservation of the public  
8 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
9 on its passage.

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