

Senate Bill 747

Sponsored by Senator FERRIOLI; Senator 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**.

Makes visitation plan part of court's determination as to whether Department of Human Services made reasonable or active efforts to prevent removal of ward from home or made it possible for ward to safely return home. Restricts visitation denial to limited statutory circumstances.

A BILL FOR AN ACT

1
2 Relating to visitation with ward in custody of Department of Human Services; creating new pro-
3 visions; and amending ORS 419B.337.

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*] **shall** make an order regarding visitation by the ward's parents,
23 **grandparents** or siblings. The Department of Human Services is responsible for developing and
24 implementing a visitation plan consistent with the court's order. **The visitation plan shall be**
25 **considered in the court's determination under ORS 419B.340 as to whether the department**
26 **has made reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to**
27 **prevent or eliminate the need for removal of the ward from the home, and whether the de-**
28 **partment has made reasonable or active efforts for the ward to safely return home. Only the**
29 **factors in ORS 419B.340 (5) may be considered in denying a parent, grandparent or sibling**
30 **visitation with a ward.**

31 (4) Uniform commitment blanks, in a form approved by the Director of Human Services, shall

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 be used by all courts for placing wards in the legal custody of the Department of Human Services.

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

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

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

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

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

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

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

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

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

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

22 **SECTION 2. The amendments to ORS 419B.337 by section 1 of this 2011 Act apply to**
23 **wards committed to the custody of the Department of Human Services on or after the ef-**
24 **fective date of this 2011 Act.**