

Senate Bill 749

Sponsored by Senators FERRIOLI, 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**.

Limits period of time that child may be in custody of Department of Human Services.

A BILL FOR AN ACT

1
2 Relating to children in the custody of the Department of Human Services; creating new provisions;
3 and amending ORS 418.015 and 419B.337.

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

5 **SECTION 1.** ORS 418.015 is amended to read:

6 418.015. (1) The Department of Human Services may, in its discretion, accept custody of children
7 and may provide care, support and protective services for children who are dependent or neglected,
8 who have mental or physical disabilities or who for other reasons are in need of public service.

9 (2) The department shall accept any child placed in its custody by a court under, but not limited
10 to, ORS chapter 419B or 419C, and shall provide such services for the child as the department finds
11 to be necessary.

12 (3) All children in the legal custody of the department who, in the judgment of the Director of
13 Human Services or the authorized representative for the director are in need of care or treatment
14 services, may be placed with any person or family of good standing or any child caring agency for
15 such services under an agreement pursuant to ORS 418.027.

16 (4) **Notwithstanding any other provision of law, the department may not retain custody**
17 **of a child nor provide care, support and protective services to a child under this section for**
18 **a period exceeding 18 months from the date the department accepted custody of the child.**

19 **SECTION 2.** ORS 419B.337 is amended to read:

20 419B.337. (1) When the court determines it would be in the best interest and for the welfare of
21 a ward, the court may place the ward in the legal custody of the Department of Human Services for
22 care, placement and supervision. When the court enters an order removing a ward from the ward's
23 home or an order continuing care, the court shall make a written finding as to whether:

24 (a) Removal of the ward from the ward's home or continuation of care is in the best interest and
25 for the welfare of the ward;

26 (b) Reasonable efforts, considering the circumstances of the ward and parent, have been made
27 to prevent or eliminate the need for removal of the ward from the home or to make it possible for
28 the ward to safely return home. In making this finding, the court shall consider the ward's health
29 and safety the paramount concerns; and

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

31 (2) The court may specify the particular type of care, supervision or services to be provided by
32 the Department of Human Services to wards placed in the department's custody and to the parents

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 or guardians of the wards, but the actual planning and provision of such care, supervision or ser-
 2 vices is the responsibility of the department. The department may place the ward in a child care
 3 center authorized to accept the ward.

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

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

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

13 (6) Commitment of a ward to the **custody of the** Department of Human Services continues until
 14 dismissed by the court or until the ward becomes 21 years of age **but may not exceed a period**
 15 **of 18 months from the date the ward was first committed.**

16 (7) A court may dismiss commitment of a ward to the **custody of the** Department of Human
 17 Services if:

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

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

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

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

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

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

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

31 **SECTION 3. The amendments to ORS 418.015 and 419B.337 by sections 1 and 2 of this 2011**
 32 **Act apply to children taken into or committed to the custody of the Department of Human**
 33 **Services on or after the effective date of this 2011 Act.**

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