

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3219

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

***Only Impacts on Original or Engrossed
Versions are Considered Official***

Prepared by: Kim To
Reviewed by: Laurie Byerly, Steve Bender, Monica Brown
Date: 4/8/2013

Measure Description:

Prohibits finding of unfitness, for purpose of terminating parental rights, based solely on emotional illness, mental illness, intellectual or developmental disability or other disability.

Government Unit(s) Affected:

Department of Human Services (DHS), Oregon Judicial Department (OJD), Department of Justice (DOJ)

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

House Bill 3219 adds the word “disability” to statutes regarding termination of parental rights, and stipulates that a court may not find a parent unfit solely by reason of having an emotional illness, mental illness, intellectual or developmental disability or other disability.

Currently, ORS 419B.504 does not authorize termination of an individual’s parental rights solely because the individual suffers from an emotional or mental illness, or intellectual or developmental or other disability. Current law and practice requires proof that the individual’s condition is seriously detrimental to the child and renders the individual incapable of parenting. This bill creates ambiguities, including what would constitute a “disability”, that would require litigation and appeals to resolve.

Passage of this bill is anticipated to have an indeterminate, but potentially significant, fiscal impact to the Department of Human Services (DHS), the Oregon Judicial Department (OJD), and the Department of Justice (DOJ). Passage of this bill could result in increased litigation in termination of parental rights cases. Although the number of cases cannot be predicted at this time, increase in litigation will result in increased attorney general costs, as well as costs associated with additional judge and court staff time for both hearings to adjudicate termination petitions, and the appeals process.