

D R A F T

SUMMARY

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

A BILL FOR AN ACT

Relating to termination of parental rights; creating new provisions; and amending ORS 419B.504.

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

SECTION 1. ORS 419B.504 is amended to read:

419B.504. The rights of the parent or parents may be terminated as provided in ORS 419B.500 if the court finds that the parent or parents are unfit by reason of conduct or condition seriously detrimental to the child or ward and integration of the child or ward into the home of the parent or parents is improbable within a reasonable time due to conduct or conditions not likely to change. In determining such conduct and conditions, the court shall consider but is not limited to the following:

(1) Emotional illness, mental illness, [*or mental retardation*] **intellectual or developmental disability or other disability** of the parent of such nature and duration as to render the parent incapable of providing proper care for the child or ward for extended periods of time. **The court may not find a parent unfit solely by reason of having an emotional illness, mental illness, intellectual or developmental disability or other disability.**

(2) Conduct toward any child of an abusive, cruel or sexual nature.

(3) Addictive or habitual use of intoxicating liquors or controlled sub-

1 stances to the extent that parental ability has been substantially impaired.

2 (4) Physical neglect of the child or ward.

3 (5) Lack of effort of the parent to adjust the circumstances of the parent,
4 conduct, or conditions to make it possible for the child or ward to safely
5 return home within a reasonable time or failure of the parent to effect a
6 lasting adjustment after reasonable efforts by available social agencies for
7 such extended duration of time that it appears reasonable that no lasting
8 adjustment can be effected.

9 (6) Criminal conduct that impairs the parent's ability to provide adequate
10 care for the child or ward.

11 **SECTION 2. The amendments to ORS 419B.504 by section 1 of this**
12 **2013 Act apply to proceedings, for the purpose of terminating parental**
13 **rights based upon unfitness, commencing on or after the effective date**
14 **of this 2013 Act.**

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