

# Senate Bill 404

Sponsored by Senator SHIELDS (Presession filed.)

## 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 grandparents parties to juvenile dependency proceedings.

## A BILL FOR AN ACT

1  
2 Relating to grandparents in juvenile dependency proceedings; creating new provisions; and amending  
3 ORS 419B.875.

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

5 **SECTION 1.** ORS 419B.875 is amended to read:

6 419B.875. (1)(a) Parties to proceedings in the juvenile court under ORS 419B.100 and 419B.500  
7 are:

8 (A) The child or ward;

9 (B) The parents or guardian of the child or ward;

10 (C) A putative father of the child or ward who has demonstrated a direct and significant com-  
11 mitment to the child or ward by assuming, or attempting to assume, responsibilities normally asso-  
12 ciated with parenthood, including but not limited to:

13 (i) Residing with the child or ward;

14 (ii) Contributing to the financial support of the child or ward; or

15 (iii) Establishing psychological ties with the child or ward;

16 (D) The state;

17 (E) The juvenile department;

18 (F) A court appointed special advocate, if appointed;

19 (G) The Department of Human Services or other child-caring agency if the agency has temporary  
20 custody of the child or ward; *[and]*

21 (H) The tribe in cases subject to the Indian Child Welfare Act if the tribe has intervened pur-  
22 suant to the Indian Child Welfare Act[.]; **and**

23 **(I) The grandparents of the child or ward.**

24 (b) An intervenor who is granted intervention under ORS 419B.116 is a party to a proceeding  
25 under ORS 419B.100. An intervenor under this paragraph is not a party to a proceeding under ORS  
26 419B.500.

27 (2) The rights of the parties include, but are not limited to:

28 (a) The right to notice of the proceeding and copies of the petitions, answers, motions and other  
29 papers;

30 (b) The right to appear with counsel and, except for intervenors under subsection (1)(b) of this  
31 section, to have counsel appointed as otherwise provided by law;

32 (c) The right to call witnesses, cross-examine witnesses and participate in hearings;

**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 (d) The right of appeal; and

2 (e) The right to request a hearing.

3 (3) A putative father who satisfies the criteria set out in subsection (1)(a)(C) of this section shall  
 4 be treated as a parent, as that term is used in this chapter and ORS chapters 419A and 419C, until  
 5 the court confirms his paternity or finds that he is not the legal or biological father of the child or  
 6 ward.

7 (4) If no appeal from the judgment or order is pending, a putative father whom a court of com-  
 8 petent jurisdiction has found not to be the child or ward’s legal or biological father or who has filed  
 9 a petition for filiation that was dismissed is not a party under subsection (1) of this section.

10 (5)(a) A person granted rights of limited participation under ORS 419B.116 is not a party to a  
 11 proceeding under ORS 419B.100 or 419B.500 but has only those rights specified in the order granting  
 12 rights of limited participation.

13 (b) Persons moving for or granted rights of limited participation are not entitled to appointed  
 14 counsel but may appear with retained counsel.

15 (6) If a foster parent, preadoptive parent or relative is currently providing care for a child or  
 16 ward, the Department of Human Services shall give the foster parent, preadoptive parent or relative  
 17 notice of a proceeding concerning the child or ward. A foster parent, preadoptive parent or relative  
 18 providing care for a child or ward has the right to be heard at the proceeding. Except when allowed  
 19 to intervene, the foster parent, preadoptive parent or relative providing care for the child or ward  
 20 is not considered a party to the juvenile court proceeding solely because of notice and the right to  
 21 be heard at the proceeding.

22 (7) When a *[legal]* grandparent of a child or ward requests in writing and provides a mailing  
 23 address, the Department of Human Services shall give the *[legal]* grandparent notice of a hearing  
 24 concerning the child or ward and the court shall give the *[legal]* grandparent an opportunity to be  
 25 heard. *[Except when allowed to intervene, a legal grandparent is not considered a party to the juvenile*  
 26 *court proceeding solely because of notice and an opportunity to be heard.]*

27 (8) Interpreters for parties and persons granted rights of limited participation shall be appointed  
 28 in the manner specified by ORS 45.275 and 45.285.

29 **SECTION 2. The amendments to ORS 419B.875 by section 1 of this 2013 Act apply to ju-**  
 30 **venile dependency proceedings commenced on or after the effective date of this 2013 Act.**

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