

**PROPOSED AMENDMENTS TO
HOUSE BILL 3249**

- 1 On page 1 of the printed bill, line 2, delete “109.309, 109.332 and”.
- 2 Delete lines 5 through 25 and delete pages 2 through 6 and insert:
- 3 **“SECTION 1.** ORS 419B.875 is amended to read:
- 4 “419B.875. (1)(a) Parties to proceedings in the juvenile court under ORS
- 5 419B.100 and 419B.500 are:
- 6 “(A) The child or ward;
- 7 “(B) The parents or guardian of the child or ward;
- 8 “(C) A putative father of the child or ward who has demonstrated a direct
- 9 and significant commitment to the child or ward by assuming, or attempting
- 10 to assume, responsibilities normally associated with parenthood, including
- 11 but not limited to:
- 12 “(i) Residing with the child or ward;
- 13 “(ii) Contributing to the financial support of the child or ward; or
- 14 “(iii) Establishing psychological ties with the child or ward;
- 15 “(D) The state;
- 16 “(E) The juvenile department;
- 17 “(F) A court appointed special advocate, if appointed;
- 18 “(G) The Department of Human Services or other child-caring agency if
- 19 the agency has temporary custody of the child or ward; and
- 20 “(H) The tribe in cases subject to the Indian Child Welfare Act if the
- 21 tribe has intervened pursuant to the Indian Child Welfare Act.
- 22 “(b) An intervenor who is granted intervention under ORS 419B.116 is a

1 party to a proceeding under ORS 419B.100. An intervenor under this para-
2 graph is not a party to a proceeding under ORS 419B.500.

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

4 “(a) The right to notice of the proceeding and copies of the petitions,
5 answers, motions and other papers;

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

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

11 “(d) The right of appeal; and

12 “(e) The right to request a hearing.

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

18 “(4) If no appeal from the judgment or order is pending, a putative father
19 whom a court of competent jurisdiction has found not to be the child or
20 ward’s legal or biological father or who has filed a petition for filiation that
21 was dismissed is not a party under subsection (1) of this section.

22 “(5)(a) A person granted rights of limited participation under ORS
23 419B.116 is not a party to a proceeding under ORS 419B.100 or 419B.500 but
24 has only those rights specified in the order granting rights of limited par-
25 ticipation.

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

28 “(6) If a foster parent, preadoptive parent or relative is currently provid-
29 ing care for a child or ward, the Department of Human Services shall give
30 the foster parent, preadoptive parent or relative notice of a proceeding con-

1 cerning the child or ward. A foster parent, preadoptive parent or relative
2 providing care for a child or ward has the right to be heard at the proceed-
3 ing. Except when allowed to intervene, the foster parent, preadoptive parent
4 or relative providing care for the child or ward is not considered a party to
5 the juvenile court proceeding solely because of notice and the right to be
6 heard at the proceeding.

7 “[(7) *When a legal grandparent of a child or ward requests in writing and*
8 *provides a mailing address, the Department of Human Services shall give the*
9 *legal grandparent notice of a hearing concerning the child or ward and the*
10 *court shall give the legal grandparent an opportunity to be heard. Except when*
11 *allowed to intervene, a legal grandparent is not considered a party to the ju-*
12 *venile court proceeding solely because of notice and an opportunity to be*
13 *heard.*]

14 “(7)(a) **The Department of Human Services shall make diligent ef-**
15 **forts to identify and obtain contact information for the grandparents**
16 **of a child or ward committed to the department’s custody. Except as**
17 **provided in paragraph (b) of this subsection, when the department**
18 **knows the identity of and has contact information for a grandparent,**
19 **the department shall give the grandparent notice of a hearing con-**
20 **cerning the child or ward. Upon a showing of good cause, the court**
21 **may relieve the department of its responsibility to provide notice un-**
22 **der this paragraph.**

23 “(b) **If a grandparent of a child or ward is present at a hearing**
24 **concerning the child or ward, and the court informs the grandparent**
25 **of the date and time of a future hearing, the department is not re-**
26 **quired to give notice of the future hearing to the grandparent.**

27 “(c) **If a grandparent is present at a hearing concerning a child or**
28 **ward, the court shall give the grandparent an opportunity to be heard.**

29 “(d) **The court’s orders or judgments entered in proceedings under**
30 **ORS 419B.185, 419B.310, 419B.325, 419B.449, 419B.476 and 419B.500 must**

1 include findings of the court as to whether the grandparent had notice
2 of the hearing, attended the hearing and had an opportunity to be
3 heard.

4 “(e) Notwithstanding the provisions of this subsection, a
5 grandparent is not a party to the juvenile court proceeding unless the
6 grandparent has been granted rights of intervention under ORS
7 419B.116.

8 “(f) As used in this subsection, ‘grandparent’ has the meaning given
9 that term in ORS 109.119.

10 “(8) Interpreters for parties and persons granted rights of limited partic-
11 ipation shall be appointed in the manner specified by ORS 45.275 and 45.285.

12 **“SECTION 2. Section 3 of this 2013 Act is added to and made a part
13 of ORS chapter 419B.**

14 **“SECTION 3. (1) The grandparent of a ward who has been placed in
15 the legal custody of the Department of Human Services for care,
16 placement and supervision pursuant to ORS 419B.337 and who is in
17 substitute care as defined in ORS 419A.004 may, at any hearing con-
18 cerning the ward except for a hearing under ORS 419B.500, request
19 that the court order visitation or other contact or communication
20 between the grandparent and the ward, provided the grandparent has
21 notified the department and parties in the proceeding of the
22 grandparent’s intent to make the request at the hearing at least 30
23 days before the date of the hearing.**

24 **“(2) If the notice required under subsection (1) of this section has
25 been given, the court may grant the grandparent’s request in whole
26 or in part if the court finds that:**

27 **“(a) Prior to the establishment of wardship:**

28 **“(A) An ongoing relationship existed between the grandparent and
29 the ward that included regular visits or other contact or communi-
30 cation; or**

1 **“(B) Despite the grandparent’s efforts, no ongoing relationship ex-**
2 **isted between the grandparent and the ward due to circumstances be-**
3 **yond the grandparent’s control;**

4 **“(b) Ordering visitation or other contact or communication between**
5 **the grandparent and the ward will support and not interfere with de-**
6 **velopment and implementation of a permanent or concurrent perma-**
7 **nent plan for the ward;**

8 **“(c) Ordering visitation or other contact or communication between**
9 **the grandparent and the ward will not reduce the frequency or the**
10 **quality of a parent’s visitation or other contact or communication**
11 **with the ward;**

12 **“(d) If the court determines consultation with the ward is appro-**
13 **priate, the ward has been consulted and agrees that the court should**
14 **allow the grandparent’s request in whole or in part;**

15 **“(e) Ordering visitation or other contact or communication between**
16 **the grandparent and the ward is in the ward’s best interests; and**

17 **“(f) Ordering visitation or other contact or communication between**
18 **the grandparent and the ward would not unreasonably burden the re-**
19 **sources of the Department of Human Services.**

20 **“(3) Unless otherwise agreed by the Department of Human Services**
21 **and the grandparent, the costs of transportation, lodging, food or**
22 **other expenses required to implement visitation ordered by the court**
23 **under this section shall be the responsibility of the grandparent.**

24 **“(4) Notwithstanding ORS 419A.200, a grandparent may not appeal**
25 **from or otherwise challenge on appeal an order or judgment of the**
26 **court denying in whole or in part a request for visitation or other**
27 **contact or communication made under this section.**

28 **“(5) The court may receive testimony, reports or other material**
29 **relating to the ward’s mental, physical and social history and**
30 **prognosis without regard to the competency or relevancy of the testi-**

1 **mony, reports or other material under the rules of evidence for the**
2 **purpose of making the findings required by subsection (2) of this sec-**
3 **tion.**

4 **“(6) As used in this section, ‘grandparent’ has the meaning given**
5 **that term in ORS 109.119.**

6 **“SECTION 4. Section 3 of this 2013 Act and the amendments to ORS**
7 **419B.875 by section 1 of this 2013 Act apply to juvenile dependency**
8 **proceedings pending or commenced on or after the effective date of**
9 **this 2013 Act.”.**

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