

**PROPOSED AMENDMENTS TO
HOUSE BILL 3363**

1 On page 1 of the printed bill, line 3, delete “419B.470, 419B.476, 419B.504,
2 419B.872” and insert “419B.446, 419B.449”.

3 In line 23, delete the boldfaced material.

4 In line 25, after “a” insert “permanency hearing or a”.

5 In line 26, after “the” insert “hearing or”.

6 On page 2, line 5, delete “the court appointed special advocate, if one has
7 been appointed,” and insert “all parties”.

8 Delete lines 37 through 45 and delete pages 3 through 6.

9 On page 7, delete lines 1 through 11.

10 In line 12, delete “6” and insert “2”.

11 In line 19, after the third comma insert “when reasonably necessary for
12 the appointment or supervision of court appointed special advocates,”.

13 In line 28, after the second comma insert “when reasonably necessary for
14 the appointment or supervision of court appointed special advocates,”.

15 On page 9, line 13, delete “7” and insert “3”.

16 In line 23, after the second comma insert “when reasonably necessary for
17 the appointment or supervision of court appointed special advocates,”.

18 Delete lines 25 through 27 and insert:

19 **“SECTION 4.** ORS 419B.446 is amended to read:

20 “419B.446. (1) Notwithstanding the requirements under ORS 419B.440 that
21 reports be filed with the court, any report after the initial report that is
22 required by ORS 419B.443 on a child or ward whose case is being regularly

1 reviewed by a local citizen review board shall be filed with that local citizen
2 review board rather than the court.

3 “(2) Notwithstanding subsection (1) of this section, all reports made under
4 ORS 419B.440 (2)(c) on [*wards*] **a child or ward** in the legal custody of the
5 Department of Human Services shall be filed with the court.

6 “(3) **Notwithstanding subsection (1) of this section, all reports filed**
7 **pursuant to ORS 419B.440 (2)(a) on a child or ward who was under**
8 **three years of age at the time the child or ward was placed with the**
9 **agency shall be filed with the court.**

10 “**SECTION 5.** ORS 419B.449 is amended to read:

11 “419B.449. (1) Upon receiving any report required by ORS 419B.440, the
12 court may hold a hearing to review the child or ward’s condition and cir-
13 cumstances and to determine if the court should continue jurisdiction and
14 wardship or order modifications in the care, placement and supervision of the
15 child or ward. The court shall hold a hearing:

16 “(a) In all cases under ORS 419B.440 (2)(b) when the parents’ rights have
17 been terminated;

18 “(b) If requested by the child or ward, the attorney for the child or ward,
19 if any, the parents or the public or private agency having guardianship or
20 legal custody of the child or ward within 30 days of receipt of the notice
21 provided in ORS 419B.452;

22 “(c) Not later than six months after receipt of a report made under ORS
23 419B.440 (1) on a ward who is in the legal custody of the Department of
24 Human Services pursuant to ORS 419B.337 but who is placed in the physical
25 custody of a parent or a person who was appointed the ward’s legal guardian
26 prior to placement of the ward in the legal custody of the department; [*or*]

27 “(d) Within 30 days after receipt of a report made under ORS 419B.440
28 (2)(c)[.]; **or**

29 “(e) **Within 30 days after receipt of a report made under ORS**
30 **419B.446 (3) unless the court has performed a complete judicial review**

1 **as described under ORS 419A.106 within the 60 days preceding receipt**
2 **of the report or will make a complete judicial review within 90 days**
3 **following receipt of the report.**

4 “(2) The court shall conduct a hearing provided in subsection (1) of this
5 section in the manner provided in ORS 419B.310, except that the court may
6 receive testimony and reports as provided in ORS 419B.325. At the conclusion
7 of the hearing, the court shall enter findings of fact.

8 “(3) If the child or ward is in substitute care and the decision of the court
9 is to continue the child or ward in substitute care, the findings of the court
10 shall specifically state:

11 “(a)(A) Why continued care is necessary as opposed to returning the child
12 or ward home or taking prompt action to secure another permanent place-
13 ment; and

14 “(B) The expected timetable for return or other permanent placement.

15 “(b) Whether the agency having guardianship or legal custody of the child
16 or ward has made diligent efforts to place the child or ward pursuant to ORS
17 419B.192.

18 “(c) The number of placements made, schools attended, face-to-face con-
19 tacts with the assigned case worker and visits had with parents or siblings
20 since the child or ward has been in the guardianship or legal custody of the
21 agency and whether the frequency of each of these is in the best interests
22 of the child or ward.

23 “(d) For a child or ward 14 years of age or older, whether the child or
24 ward is progressing adequately toward graduation from high school and, if
25 not, the efforts that have been made by the agency having custody or
26 guardianship to assist the child or ward to graduate.

27 “(4) If the ward is in the legal custody of the department but has been
28 placed in the physical custody of the parent or a person who was appointed
29 the ward’s legal guardian prior to placement of the ward in the legal custody
30 of the department, and the decision is to continue the ward in the legal

1 custody of the department and the physical custody of the parent or guard-
2 ian, the findings of the court shall specifically state:

3 “(a) Why it is necessary and in the best interests of the ward to continue
4 the ward in the legal custody of the department; and

5 “(b) The expected timetable for dismissal of the department’s legal cus-
6 tody of the ward and termination of the wardship.

7 “(5) In making the findings under subsection (2) of this section, the court
8 shall consider the efforts made to develop the concurrent case plan, includ-
9 ing, but not limited to, identification of appropriate permanent placement
10 options for the child or ward both inside and outside this state and, if
11 adoption is the concurrent case plan, identification and selection of a suit-
12 able adoptive placement for the child or ward.

13 “(6) In addition to findings of fact required by subsection (2) of this sec-
14 tion, the court may order the Department of Human Services to consider
15 additional information in developing the case plan or concurrent case plan.

16 “(7) Any final decision of the court made pursuant to the hearing provided
17 in subsection (1) of this section is appealable under ORS 419A.200.

18 **“SECTION 6. (1) The Work Group on Juvenile Court Dependency**
19 **Proceedings is established, consisting of 11 members appointed as fol-**
20 **lows:**

21 **“(a) The Chief Justice of the Supreme Court shall appoint six**
22 **members as follows:**

23 **“(A) Two members representing the Judicial Department with ex-**
24 **pertise in juvenile court dependency proceedings, at least one of whom**
25 **shall be a circuit court judge;**

26 **“(B) One member representing the citizen review board state ad-**
27 **ministrative office or local citizen review boards;**

28 **“(C) Two members representing CASA Volunteer Programs as de-**
29 **finied in section 3, chapter 97, Oregon Laws 2012; and**

30 **“(D) One member representing the Public Defense Services Com-**

1 **mission.**

2 **“(b) The Attorney General shall appoint two members as follows:**

3 **“(A) One member representing the Department of Justice with ex-**
4 **pertise in juvenile court dependency proceedings; and**

5 **“(B) One member representing the Oregon District Attorneys As-**
6 **sociation with expertise in juvenile court dependency proceedings.**

7 **“(c) The Board of Governors of the Oregon State Bar shall appoint**
8 **two members who are members of the Oregon State Bar with expertise**
9 **representing parents and children in juvenile court dependency pro-**
10 **ceedings.**

11 **“(d) The Director of Human Services shall appoint one member re-**
12 **presenting the Department of Human Services with expertise in the**
13 **area of child welfare.**

14 **“(2) The work group shall:**

15 **“(a) Examine Oregon’s juvenile court dependency system for the**
16 **purpose of identifying impediments to:**

17 **“(A) The timely resolution of jurisdictional petitions in juvenile**
18 **court dependency proceedings.**

19 **“(B) The assessment of the bases for dependency jurisdiction.**

20 **“(C) The development and implementation of case plans for the re-**
21 **unification of families that include services and other assistance that**
22 **are appropriate and accessible to parents.**

23 **“(D) The assessment of the adequacy of case plans.**

24 **“(E) The identification and implementation of specific, understand-**
25 **able and realistic conditions for the return of a child placed in sub-**
26 **stitute care to the physical custody of the child’s parent.**

27 **“(F) The timely development and implementation of permanent**
28 **plans, including reunification of the family, that take into account the**
29 **policies of the State of Oregon expressed in ORS 419B.090 and the**
30 **concept of ‘reasonable time’ as defined in ORS 419A.004.**

1 **“(b) Identify the specific actions each entity represented by the**
2 **work group members can take under existing law and within current**
3 **budgetary restraints to remove or mitigate the impediments identified**
4 **under paragraph (a) of this subsection, and develop a plan to put those**
5 **actions into practice and to measure the effectiveness of those actions.**

6 **“(c) Identify changes to existing law that could be made to assist**
7 **in removing or mitigating one or more of the impediments identified**
8 **under paragraph (a) of this subsection that would not require the in-**
9 **vestment and support of additional state funds.**

10 **“(d) Identify changes to existing law that would be essential to re-**
11 **move or mitigate one or more of the impediments identified in para-**
12 **graph (a) of this subsection that would require the investment and**
13 **support of additional state funds.**

14 **“(3) A majority of the members of the work group constitutes a**
15 **quorum for the transaction of business.**

16 **“(4) Official action by the work group requires the approval of a**
17 **majority of the voting members of the work group.**

18 **“(5) The work group shall elect one of its members to serve as**
19 **chairperson.**

20 **“(6) If there is a vacancy for any cause, the appointing authority**
21 **shall make an appointment to become immediately effective.**

22 **“(7) The work group shall meet at times and places specified by the**
23 **call of the chairperson or of a majority of the members of the work**
24 **group.**

25 **“(8) The work group may adopt rules necessary for the operation**
26 **of the work group.**

27 **“(9) The work group shall make a report, and may include recom-**
28 **mendations for legislation, to interim committees of the Legislative**
29 **Assembly related to juvenile dependency proceedings no later than**
30 **January 15, 2015.**

1 **“(10) The Legislative Administrator selected under ORS 173.710 shall**
2 **provide staff support to the work group.**

3 **“(11) Members of the work group who are not members of the**
4 **Legislative Assembly are not entitled to compensation, but may be**
5 **reimbursed for actual and necessary travel and other expenses in-**
6 **curred by them in the performance of their official duties in the**
7 **manner and amounts provided for in ORS 292.495.**

8 **“(12) All agencies of state government, as defined in ORS 174.111,**
9 **are directed to assist the work group in the performance of its duties**
10 **and, to the extent permitted by laws relating to confidentiality, to**
11 **furnish such information and advice as the members of the work**
12 **group consider necessary to perform their duties.**

13 **“SECTION 7. Section 6 of this 2013 Act is repealed on June 30, 2015.**

14 **“SECTION 8. The amendments to ORS 419A.255, 419A.256, 419B.446,**
15 **419B.449 and 419B.881 by sections 1 to 5 of this 2013 Act apply to de-**
16 **pendency proceedings commenced on or after the effective date of this**
17 **2013 Act.”.**

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