

D R A F T

SUMMARY

Brings Oregon law into compliance with federal Preventing Sex Trafficking and Strengthening Families Act of 2014.

Requires Department of Human Services to ensure that providers of care for wards in substitute care follow reasonable and prudent parent standard and that wards have regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities.

When court decides to continue child or ward in substitute care, requires court to make certain findings for ward 16 years of age or older with permanency plan of another planned permanent living arrangement.

Requires that court review comprehensive plan for ward's transition to successful adulthood and make certain findings when ward is 14 years of age or older.

Changes term "independent living" to "successful adulthood" in permanency plan hearings and determinations.

Limits permanency placements in another planned permanent living arrangements to children or wards 16 years of age or older.

Declares emergency, effective October 1, 2015.

A BILL FOR AN ACT

1
2 Relating to implementation of the Preventing Sex Trafficking and Strength-
3 ening Families Act of 2014; amending ORS 418.201, 419A.004, 419A.116,
4 419B.337, 419B.343, 419B.371, 419B.395, 419B.443, 419B.449 and 419B.476;
5 and declaring an emergency.

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

7 **SECTION 1.** ORS 419A.004 is amended to read:

8 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless
9 the context requires otherwise:

10 **(1) "Age-appropriate or developmentally appropriate activities"**

1 **means:**

2 (a) **Activities or items that are generally accepted as suitable for**
3 **children of the same chronological age or level of maturity or that are**
4 **determined to be developmentally appropriate for a child, based on the**
5 **development of cognitive, emotional, physical and behavioral capaci-**
6 **ties that are typical for an age or age group; and**

7 (b) **In the case of a specific child, activities or items that are suit-**
8 **able for the child based on the developmental stages attained by the**
9 **child with respect to the cognitive, emotional, physical and behavioral**
10 **capacities of the child.**

11 (2) **“Another planned permanent living arrangement” means an**
12 **out-of-home placement for a ward 16 years of age or older that is**
13 **consistent with the case plan and in the best interests of the ward**
14 **other than placement:**

15 (a) **By adoption;**

16 (b) **With a legal guardian; or**

17 (c) **With a fit and willing relative.**

18 [(1)] (3) **“CASA Volunteer Program” means a program that is approved**
19 **or sanctioned by a juvenile court, has received accreditation from the Na-**
20 **tional CASA Association and has entered into a contract with the Oregon**
21 **Volunteers Commission for Voluntary Action and Service under ORS 458.581**
22 **to recruit, train and supervise volunteers to serve as court appointed special**
23 **advocates.**

24 [(2)] (4) **“Child care center” means a residential facility for wards or**
25 **youth offenders that is licensed under the provisions of ORS 418.240.**

26 [(3)] (5) **“Community service” has the meaning given that term in ORS**
27 **137.126.**

28 [(4)] (6) **“Conflict of interest” means a person appointed to a local citizen**
29 **review board who has a personal or pecuniary interest in a case being re-**
30 **viewed by that board.**

31 [(5)] (7) **“Counselor” means a juvenile department counselor or a county**

1 juvenile probation officer.

2 [(6)] (8) “Court” means the juvenile court.

3 [(7)] (9) “Court appointed special advocate” means a person in a CASA
4 Volunteer Program who is appointed by the court to act as a court appointed
5 special advocate pursuant to ORS 419B.112.

6 [(8)] (10) “Court facility” has the meaning given that term in ORS 166.360.

7 [(9)] (11) “Department” means the Department of Human Services.

8 [(10)] (12) “Detention” or “detention facility” means a facility established
9 under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention
10 of children, wards, youths or youth offenders pursuant to a judicial commit-
11 ment or order.

12 [(11)] (13) “Director” means the director of a juvenile department estab-
13 lished under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

14 [(12)] (14) “Guardian” means guardian of the person and not guardian of
15 the estate.

16 [(13)] (15) “Indian child” means any unmarried person less than 18 years
17 of age who is:

18 (a) A member of an Indian tribe; or

19 (b) Eligible for membership in an Indian tribe and is the biological child
20 of a member of an Indian tribe.

21 [(14)] (16) “Juvenile court” means the court having jurisdiction of juve-
22 nile matters in the several counties of this state.

23 [(15)] (17) “Local citizen review board” means the board specified by ORS
24 419A.090 and 419A.092.

25 [(16)] (18) “Parent” means the biological or adoptive mother and the legal
26 father of the child, ward, youth or youth offender. As used in this subsection,
27 “legal father” means:

28 (a) A man who has adopted the child, ward, youth or youth offender or
29 whose paternity has been established or declared under ORS 109.070 or
30 416.400 to 416.465 or by a juvenile court; and

31 (b) In cases in which the Indian Child Welfare Act applies, a man who

1 is a father under applicable tribal law.

2 [(17)] (19) “Permanent foster care” means an out-of-home placement in
3 which there is a long-term contractual foster care agreement between the
4 foster parents and the department that is approved by the juvenile court and
5 in which the foster parents commit to raise a ward in substitute care or
6 youth offender until the age of majority.

7 [(18) “Planned permanent living arrangement” means an out-of-home place-
8 ment other than by adoption, placement with a relative or placement with a
9 legal guardian that is consistent with the case plan and in the best interests
10 of the ward.]

11 [(19)] (20) “Public building” has the meaning given that term in ORS
12 166.360.

13 (21) “Reasonable and prudent parent standard” means the standard,
14 characterized by careful and sensible parental decisions that maintain
15 the health, safety and best interests of a child or ward while encour-
16 aging the emotional and developmental growth of the child or ward,
17 that a substitute care provider shall use when determining whether
18 to allow a child or ward in substitute care to participate in extracur-
19 ricular, enrichment, cultural and social activities.

20 [(20)] (22) “Reasonable time” means a period of time that is reasonable
21 given a child or ward’s emotional and developmental needs and ability to
22 form and maintain lasting attachments.

23 [(21)] (23) “Records” means any information in written form, pictures,
24 photographs, charts, graphs, recordings or documents pertaining to a case.

25 [(22)] (24) “Resides” or “residence,” when used in reference to the resi-
26 dence of a child, ward, youth or youth offender, means the place where the
27 child, ward, youth or youth offender is actually living or the jurisdiction in
28 which wardship or jurisdiction has been established.

29 [(23)] (25) “Restitution” has the meaning given that term in ORS 137.103.

30 [(24)] (26) “Serious physical injury” means:

31 (a) A serious physical injury as defined in ORS 161.015; or

1 (b) A physical injury that:

2 (A) Has a permanent or protracted significant effect on a child's daily
3 activities;

4 (B) Results in substantial and recurring pain; or

5 (C) In the case of a child under 10 years of age, is a broken bone.

6 [(25)] **(27)** "Shelter care" means a home or other facility suitable for the
7 safekeeping of a child, ward, youth or youth offender who is taken into
8 temporary custody pending investigation and disposition.

9 [(26)] **(28)** "Short-term detention facility" means a facility established
10 under ORS 419A.050 (3) for holding children, youths and youth offenders
11 pending further placement.

12 [(27)] **(29)** "Sibling" means one of two or more children or wards related:

13 (a) By blood or adoption through a common legal parent; or

14 (b) Through the marriage of the children's or wards' legal or biological
15 parents.

16 [(28)] **(30)** "Substitute care" means an out-of-home placement directly
17 supervised by the department or other agency, including placement in a fos-
18 ter family home, group home or other child caring institution or facility.

19 "Substitute care" does not include care in:

20 (a) A detention facility, forestry camp or youth correction facility;

21 (b) A family home that the court has approved as a ward's permanent
22 placement, when a private child caring agency has been appointed guardian
23 of the ward and when the ward's care is entirely privately financed; or

24 (c) In-home placement subject to conditions or limitations.

25 [(29)] **(31)** "Surrogate" means a person appointed by the court to protect
26 the right of the child, ward, youth or youth offender to receive procedural
27 safeguards with respect to the provision of free appropriate public education.

28 [(30)] **(32)** "Tribal court" means a court with jurisdiction over child cus-
29 tody proceedings and that is either a Court of Indian Offenses, a court es-
30 tablished and operated under the code of custom of an Indian tribe or any
31 other administrative body of a tribe that is vested with authority over child

1 custody proceedings.

2 [(31)] (33) “Victim” means any person determined by the district attorney,
3 the juvenile department or the court to have suffered direct financial, psy-
4 chological or physical harm as a result of the act that has brought the youth
5 or youth offender before the juvenile court. When the victim is a minor,
6 “victim” includes the legal guardian of the minor. The youth or youth
7 offender may not be considered the victim. When the victim of the crime
8 cannot be determined, the people of Oregon, as represented by the district
9 attorney, are considered the victims.

10 [(32)] (34) “Violent felony” means any offense that, if committed by an
11 adult, would constitute a felony and:

- 12 (a) Involves actual or threatened serious physical injury to a victim; or
13 (b) Is a sexual offense. As used in this paragraph, “sexual offense” has the
14 meaning given the term “sex crime” in ORS 181.805.

15 [(33)] (35) “Ward” means a person within the jurisdiction of the juvenile
16 court under ORS 419B.100.

17 [(34)] (36) “Young person” means a person who has been found responsible
18 except for insanity under ORS 419C.411 and placed under the jurisdiction of
19 the Psychiatric Security Review Board.

20 [(35)] (37) “Youth” means a person under 18 years of age who is alleged
21 to have committed an act that is a violation, or, if done by an adult would
22 constitute a violation, of a law or ordinance of the United States or a state,
23 county or city.

24 [(36)] (38) “Youth care center” has the meaning given that term in ORS
25 420.855.

26 [(37)] (39) “Youth offender” means a person who has been found to be
27 within the jurisdiction of the juvenile court under ORS 419C.005 for an act
28 committed when the person was under 18 years of age.

29 **SECTION 2.** ORS 419A.116 is amended to read:

30 419A.116. (1) After reviewing each case, the local citizen review board
31 shall make written findings and recommendations with respect to:

1 (a) Whether reasonable efforts were made prior to the placement, to pre-
2 vent or eliminate the need for removal of the child or ward from the home;

3 (b) If the case plan at the time of the review is to reunify the family,
4 whether the Department of Human Services has made reasonable efforts or,
5 if the Indian Child Welfare Act applies, active efforts to make it possible for
6 the child or ward to safely return home and whether the parent has made
7 sufficient progress to make it possible for the child or ward to safely return
8 home;

9 (c) If the case plan at the time of the review is something other than to
10 reunify the family, whether the department has made reasonable efforts to
11 place the child or ward in a timely manner in accordance with the case plan,
12 including, if appropriate, placement of the child or ward through an inter-
13 state placement, and to complete the steps necessary to finalize the perma-
14 nent placement of the child or ward;

15 (d) The continuing need for and appropriateness of the placement;

16 (e) Compliance with the case plan;

17 (f) The progress which has been made toward alleviating the need for
18 placement;

19 (g) A likely date by which the child or ward may be returned home or
20 placed for adoption;

21 (h) Other problems, solutions or alternatives the board determines should
22 be explored; *[and]*

23 (i) Whether the court should appoint an attorney or other person as spe-
24 cial advocate to represent or appear on behalf of the child or ward under
25 ORS 419B.195[.]; **and**

26 **(j) For a child or ward 16 years of age or older with a permanency**
27 **plan of another planned permanent living arrangement, the steps the**
28 **department is taking to ensure that:**

29 **(A) The child or ward's substitute care provider is following the**
30 **reasonable and prudent parent standard; and**

31 **(B) The child or ward has regular, ongoing opportunities to engage**

1 **in age-appropriate or developmentally appropriate activities, including**
2 **by consulting with the child or ward in an age-appropriate manner**
3 **about the opportunities the child or ward has to participate in the**
4 **activities.**

5 (2) The local citizen review board may, if the case plan has changed dur-
6 ing the period since the last review by a local citizen review board or court
7 hearing, make written findings and recommendations with respect to:

8 (a) Whether the Department of Human Services has made reasonable ef-
9 forts or, if the Indian Child Welfare Act applies, active efforts to make it
10 possible for the child or ward to safely return home and whether the parent
11 has made sufficient progress to make it possible for the child or ward to
12 safely return home, if a plan to reunify the family was in effect for any part
13 of the period since the last review or hearing; or

14 (b) Whether the department has made reasonable efforts to place the child
15 or ward in a timely manner in accordance with the case plan, including, if
16 appropriate, placement of the child or ward through an interstate placement,
17 and to complete the steps necessary to finalize the permanent placement of
18 the child or ward, if a case plan other than to reunify the family was in ef-
19 fect for any part of the period since the last review or hearing.

20 (3) In determining whether the Department of Human Services has made
21 reasonable efforts or, if the Indian Child Welfare Act applies, active efforts
22 to make it possible for the child or ward to safely return home, the local
23 citizen review board shall consider the child or ward's health and safety the
24 paramount concerns.

25 (4) No later than 10 days after receiving the findings and recommen-
26 dations of the local citizen review board, a party adversely affected by the
27 findings and recommendations may request judicial review.

28 **SECTION 3.** ORS 419B.443 is amended to read:

29 419B.443. (1) An agency described in ORS 419B.440 shall file the reports
30 required by ORS 419B.440 (2) at the end of the initial six-month period and
31 no less frequently than each six months thereafter. The agency shall file re-

1 ports more frequently if the court so orders. The reports shall include, but
2 not be limited to:

3 (a) A description of the problems or offenses that necessitated the place-
4 ment of the child or ward with the agency;

5 (b) A description of the type and an analysis of the effectiveness of the
6 care, treatment and supervision that the agency has provided for the child
7 or ward;

8 (c) A list of all placements made since the child or ward has been in the
9 guardianship or legal custody of an agency and the length of time the child
10 or ward has spent in each placement;

11 (d) For a child or ward in substitute care, a list of all schools the child
12 or ward has attended since the child or ward has been in the guardianship
13 or legal custody of the agency, the length of time the child or ward has spent
14 in each school and, for a child or ward 14 years of age or older, the number
15 of high school credits the child or ward has earned;

16 (e) A list of dates of face-to-face contacts the assigned case worker has
17 had with the child or ward since the child or ward has been in the
18 guardianship or legal custody of the agency and, for a child or ward in
19 substitute care, the place of each contact;

20 (f) For a child or ward in substitute care, a list of the visits the child or
21 ward has had with the child's or ward's parents or siblings since the child
22 or ward has been in the guardianship or legal custody of the agency and the
23 place and date of each visit;

24 **(g) For a child or ward in substitute care, the steps the Department**
25 **of Human Services is taking to ensure that:**

26 **(A) The child's or ward's substitute care provider is following the**
27 **reasonable and prudent parent standard; and**

28 **(B) The child or ward has regular, ongoing opportunities to engage**
29 **in age-appropriate or developmentally appropriate activities, including**
30 **consultation with the child or ward in an age-appropriate manner**
31 **about the opportunities the child or ward has to participate in the**

1 **activities; and**

2 [(g)] (h) A description of agency efforts to return the child or ward to the
3 parental home or find permanent placement for the child or ward, including,
4 when applicable, efforts to assist the parents in remedying factors which
5 contributed to the removal of the child or ward from the home;

6 [(h)] (i) A proposed treatment plan or proposed continuation or modifica-
7 tion of an existing treatment plan, including a proposed visitation plan or
8 proposed continuation or modification of an existing visitation plan and a
9 description of efforts expected of the child or ward and the parents to remedy
10 factors that have prevented the child or ward from safely returning home
11 within a reasonable time;

12 [(i)] (j) If continued substitute care is recommended, a proposed timetable
13 for the child's or ward's return home or other permanent placement or a
14 justification of why extended substitute care is necessary; and

15 [(j)] (k) If the child or ward has been placed in foster care outside the
16 state, whether the child or ward has been visited not less frequently than
17 every six months by a state or private agency.

18 (2) In addition to the information required in a report made under sub-
19 section (1) of this section, for a ward who is in the legal custody of the de-
20 partment [*of Human Services*] pursuant to ORS 419B.337 but who will be or
21 recently has been placed in the physical custody of a parent or a person who
22 was appointed the ward's legal guardian prior to placement of the ward in
23 the legal custody of the department, a report required under ORS 419B.440
24 (1) shall include:

25 (a) A recommended timetable for dismissal of the department's legal cus-
26 tody of the ward and termination of the wardship; and

27 (b) A description of the services that the department will provide to the
28 ward and the ward's physical custodian to eliminate the need for the de-
29 partment to continue legal custody.

30 (3) In addition to the information required in a report made under sub-
31 section (1) of this section, if the report is made by the department under ORS

1 419B.440 (2)(c), the report shall include:

2 (a) A recommended timetable for dismissal of the department's legal cus-
3 tody of the ward and termination of the wardship; and

4 (b) A description of the services that the department has provided to the
5 ward and the ward's physical custodian to eliminate the need for the de-
6 partment to continue legal custody.

7 (4) Notwithstanding the requirements of subsection (1) of this section,
8 reports need not contain information contained in prior reports.

9 **SECTION 4.** ORS 419B.449 is amended to read:

10 419B.449. (1) Upon receiving any report required by ORS 419B.440, the
11 court may hold a hearing to review the child or ward's condition and cir-
12 cumstances and to determine if the court should continue jurisdiction and
13 wardship or order modifications in the care, placement and supervision of the
14 child or ward. The court shall hold a hearing:

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

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

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

26 (d) Within 30 days after receipt of a report made under ORS 419B.440
27 (2)(c).

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

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

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

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

8 (b) Whether the agency having guardianship or legal custody of the child
9 or ward has made diligent efforts to place the child or ward pursuant to ORS
10 419B.192.

11 (c) The number of placements made, schools attended, face-to-face contacts
12 with the assigned case worker and visits had with parents or siblings since
13 the child or ward has been in the guardianship or legal custody of the agency
14 and whether the frequency of each of these is in the best interests of the
15 child or ward.

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

20 **(e) For a ward 16 years of age or older with a permanency plan of**
21 **another planned permanent living arrangement, the steps the depart-**
22 **ment is taking to ensure that:**

23 **(A) The ward's substitute care provider is following the reasonable**
24 **and prudent parent standard; and**

25 **(B) The ward has regular, ongoing opportunities to engage in age-**
26 **appropriate or developmentally appropriate activities, including by**
27 **consulting with the ward in an age-appropriate manner about the op-**
28 **portunities the ward has to participate in the activities.**

29 (4) If the ward is in the legal custody of the department but has been
30 placed in the physical custody of the parent or a person who was appointed
31 the ward's legal guardian prior to placement of the ward in the legal custody

1 of the department, and the decision is to continue the ward in the legal
2 custody of the department and the physical custody of the parent or guard-
3 ian, the findings of the court shall specifically state:

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

6 (b) The expected timetable for dismissal of the department's legal custody
7 of the ward and termination of the wardship.

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

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

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

19 **SECTION 5.** ORS 419B.476 is amended to read:

20 419B.476. (1) A permanency hearing shall be conducted in the manner
21 provided in ORS 418.312, 419B.310, 419B.812 to 419B.839 and 419B.908, except
22 that the court may receive testimony and reports as provided in ORS
23 419B.325.

24 (2) At a permanency hearing the court shall:

25 (a) If the case plan at the time of the hearing is to reunify the family,
26 determine whether the Department of Human Services has made reasonable
27 efforts or, if the Indian Child Welfare Act applies, active efforts to make it
28 possible for the ward to safely return home and whether the parent has made
29 sufficient progress to make it possible for the ward to safely return home.
30 In making its determination, the court shall consider the ward's health and
31 safety the paramount concerns.

1 (b) If the case plan at the time of the hearing is something other than to
2 reunify the family, determine whether the department has made reasonable
3 efforts to place the ward in a timely manner in accordance with the plan,
4 including, if appropriate, reasonable efforts to place the ward through an
5 interstate placement, and to complete the steps necessary to finalize the
6 permanent placement.

7 (c) If the case plan at the time of the hearing is something other than to
8 reunify the family, determine whether the department has considered per-
9 manent placement options for the ward, including, if appropriate, whether
10 the department has considered both permanent in-state placement options
11 and permanent interstate placement options for the ward.

12 (d) Make the findings of fact under ORS 419B.449 [(2)] (3).

13 (3)[(a) *In the circumstances described in paragraph (b) of this subsection,*
14 **When the ward is 14 years of age or older**, in addition to making the
15 determination required by subsection (2)(a) or (b) of this section, at a
16 permanency hearing the court shall review the comprehensive plan for the
17 ward's transition to [*independent living*] **successful adulthood** and deter-
18 mine and make findings as to:

19 [(A)] (a) Whether the plan is adequate to ensure the ward's [*successful*]
20 transition to [*independent living*] **successful adulthood**;

21 [(B)] (b) Whether the department has offered appropriate services pursu-
22 ant to the plan; and

23 [(C)] (c) Whether the department has involved the ward in the develop-
24 ment of the plan.

25 [(b) *The requirements of paragraph (a) of this subsection apply when:*]

26 [(A) *The ward is 16 years of age or older; or*]

27 [(B) *The ward is 14 years of age or older and there is a comprehensive plan*
28 *for the ward's transition to independent living.*]

29 (4) At a permanency hearing the court may:

30 (a) If the case plan changed during the period since the last review by a
31 local citizen review board or court hearing and a plan to reunify the family

1 was in effect for any part of that period, determine whether the department
2 has made reasonable efforts or, if the Indian Child Welfare Act applies, ac-
3 tive efforts to make it possible for the ward to safely return home. In making
4 its determination, the court shall consider the ward's health and safety the
5 paramount concerns;

6 (b) If the case plan changed during the period since the last review by a
7 local citizen review board or court hearing and a plan other than to reunify
8 the family was in effect for any part of that period, determine whether the
9 department has made reasonable efforts to place the ward in a timely manner
10 in accordance with the plan, including, if appropriate, placement of the ward
11 through an interstate placement, and to complete the steps necessary to fi-
12 nalize the permanent placement;

13 (c) If the court determines that further efforts will make it possible for
14 the ward to safely return home within a reasonable time, order that the
15 parents participate in specific services for a specific period of time and make
16 specific progress within that period of time;

17 (d) Determine the adequacy and compliance with the case plan and the
18 case progress report;

19 (e) Review the efforts made by the department to develop the concurrent
20 permanent plan, including but not limited to identification of appropriate
21 permanent in-state placement options and appropriate permanent interstate
22 placement options and, if adoption is the concurrent case plan, identification
23 and selection of a suitable adoptive placement for the ward;

24 (f) Order the department to develop or expand the case plan or concurrent
25 permanent plan and provide a case progress report to the court and other
26 parties within 10 days after the permanency hearing;

27 (g) Order the department or agency to modify the care, placement and
28 supervision of the ward;

29 (h) Order the local citizen review board to review the status of the ward
30 prior to the next court hearing; or

31 (i) Set another court hearing at a later date.

1 (5) The court shall enter an order within 20 days after the permanency
2 hearing. In addition to any determinations or orders the court may make
3 under subsection (4) of this section, the order shall include **the following**:

4 (a) The court's [*determination*] **determinations** required under sub-
5 sections (2) and (3) of this section, including a brief description of the efforts
6 the department has made with regard to the case plan in effect at the time
7 of the permanency hearing[;].

8 (b) The court's determination of the permanency plan for the ward that
9 includes whether and, if applicable, when:

10 (A) The ward will be returned to the parent;

11 (B) The ward will be placed for adoption, and a petition for termination
12 of parental rights will be filed;

13 (C) The ward will be referred for establishment of legal guardianship;
14 [*or*]

15 **(D) The ward will be placed with a fit and willing relative; or**

16 [*(D)*] **(E) If the ward is 16 years of age or older, the ward** will be
17 placed in another planned permanent living arrangement[;].

18 (c) If the court determines that the permanency plan for the ward should
19 be to return home because further efforts will make it possible for the ward
20 to safely return home within a reasonable time, the court's determination
21 of the services in which the parents are required to participate, the progress
22 the parents are required to make and the period of time within which the
23 specified progress must be made[;].

24 (d) If the court determines that the permanency plan for the ward should
25 be adoption, the court's determination of whether one of the circumstances
26 in ORS 419B.498 (2) is applicable[;].

27 (e) If the court determines that the permanency plan for the ward should
28 be establishment of a legal guardianship [*or placement with a fit and willing*
29 *relative*], the court's determination of why neither placement with parents
30 nor adoption is appropriate[;].

31 **(f) If the court determines that the permanency plan for a ward**

1 **should be placement with a fit and willing relative, the court's deter-**
2 **mination of why placement with the ward's parents, by adoption or**
3 **with a legal guardian is not appropriate.**

4 [(f)] (g) If the court determines that the permanency plan for [the] a ward
5 **16 years of age or older** should be [a] **another** planned permanent living
6 arrangement, the court's [determination] **determinations** [of]:

7 **(A) Why another planned permanent living arrangement is in the**
8 **ward's best interests and** a compelling reason, that must be documented
9 by the department, why it would not be in the best interests of the ward to
10 be returned home, placed for adoption, placed with a legal guardian or placed
11 with a fit and willing relative[;]; **and**

12 **(B) That the department has taken steps to ensure that:**

13 **(i) The ward's substitute care provider is following the reasonable**
14 **and prudent parent standard; and**

15 **(ii) The ward has regular, ongoing opportunities to engage in age-**
16 **appropriate or developmentally appropriate activities, including by**
17 **consulting with the ward in an age-appropriate manner about the op-**
18 **portunities the ward has to participate in the activities.**

19 [(g)] (h) If the current placement is not expected to be permanent, the
20 court's projected timetable for return home or for placement in another
21 planned permanent living arrangement. If the timetable set forth by the court
22 is not met, the department shall promptly notify the court and parties[;].

23 [(h)] (i) If an Indian child is involved, the tribal affiliation of the ward[;
24 *and*].

25 [(i)] (j) If the ward has been placed in an interstate placement, the court's
26 determination of whether the interstate placement continues to be appropri-
27 ate and in the best interests of the ward.

28 **(6) In making the determinations under subsection (5)(g) of this**
29 **section, the court shall ask the ward about the ward's desired**
30 **permanency outcome.**

31 [(6)] (7) If an Indian child is involved, the court shall follow the place-

1 ment preference established by the Indian Child Welfare Act.

2 [(7)] (8) Any final decision of the court made pursuant to the permanency
3 hearing is appealable under ORS 419A.200. On appeal of a final decision of
4 the court under this subsection, the court's finding, if any, under ORS
5 419B.340 (5) that the department is not required to make reasonable efforts
6 to make it possible for the ward to safely return home is an interlocutory
7 order to which a party may assign error.

8 **SECTION 6.** ORS 419B.337 is amended to read:

9 419B.337. (1) When the court determines it would be in the best interest
10 and for the welfare of a ward, the court may place the ward in the legal
11 custody of the Department of Human Services for care, placement and
12 supervision. When the court enters an order removing a ward from the
13 ward's home or an order continuing care, the court shall make a written
14 finding as to whether:

15 (a) Removal of the ward from the ward's home or continuation of care is
16 in the best interest and for the welfare of the ward;

17 (b) Reasonable efforts, considering the circumstances of the ward and
18 parent, have been made to prevent or eliminate the need for removal of the
19 ward from the home or to make it possible for the ward to safely return
20 home. In making this finding, the court shall consider the ward's health and
21 safety the paramount concerns; and

22 (c) Diligent efforts have been made to place the ward pursuant to ORS
23 419B.192.

24 (2) The court may specify the particular type of care, supervision or ser-
25 vices to be provided by the Department of Human Services to wards placed
26 in the department's custody and to the parents or guardians of the wards,
27 but the actual planning and provision of such care, supervision or services
28 is the responsibility of the department. The department may place the ward
29 in a child care center authorized to accept the ward.

30 (3) The court may make an order regarding visitation by the ward's par-
31 ents or siblings. The Department of Human Services is responsible for de-

1 veloping and implementing a visitation plan consistent with the court's
2 order.

3 (4) Uniform commitment blanks, in a form approved by the Director of
4 Human Services, shall be used by all courts for placing wards in the legal
5 custody of the Department of Human Services.

6 (5) If the ward has been placed in the custody of the Department of Hu-
7 man Services, the court shall make no commitment directly to any residen-
8 tial facility, but shall cause the ward to be delivered into the custody of the
9 department at the time and place fixed by rules of the department. A ward
10 so committed may not be placed in a Department of Corrections institution.

11 (6) Commitment of a ward to the Department of Human Services contin-
12 ues until dismissed by the court or until the ward becomes 21 years of age.

13 (7) A court may dismiss commitment of a ward to the Department of Hu-
14 man Services if:

15 (a)(A) Dismissal is appropriate because the ward has been safely reunited
16 with a parent or because a safe alternative to reunification has been imple-
17 mented for the ward; and

18 (B) The ward is at least 14 years of age but less than 21 years of age and
19 the court finds that:

20 (i) The department has provided case planning pursuant to ORS 419B.343
21 that addresses the ward's needs and goals for a [*successful*] transition to
22 [*independent living*] **successful adulthood**, including needs and goals relat-
23 ing to housing, physical and mental health, education, employment, commu-
24 nity connections and supportive relationships;

25 (ii) The department has provided appropriate services pursuant to the case
26 plan;

27 (iii) The department has involved the ward in the development of the case
28 plan and in the provision of appropriate services; and

29 (iv) The ward has safe and stable housing and is unlikely to become
30 homeless as a result of dismissal of commitment of the ward to the depart-
31 ment; or

1 (b) The ward has been committed to the custody of the Oregon Youth
2 Authority.

3 **SECTION 7.** ORS 419B.343 is amended to read:

4 419B.343. (1) To ensure effective planning for wards, the Department of
5 Human Services shall take into consideration recommendations and infor-
6 mation provided by the committing court before placement in any facility.
7 The department shall ensure that the case planning in any case:

8 (a) For the reunification of the family bears a rational relationship to the
9 jurisdictional findings that brought the ward within the court's jurisdiction
10 under ORS 419B.100;

11 (b) Incorporates the perspective of the ward and the family and, whenever
12 possible, allows the family to assist in designing its own service programs,
13 based on an assessment of the family's needs and the family's solutions and
14 resources for change; and

15 (c) Is integrated with other agencies in cooperation with the caseworkers.

16 (2) Except in cases when the plan is something other than to reunify the
17 family, the department shall include in the case plan:

18 (a) Appropriate services to allow the parent the opportunity to adjust the
19 parent's circumstances, conduct or conditions to make it possible for the
20 ward to safely return home within a reasonable time; and

21 (b) A concurrent permanent plan to be implemented if the parent is una-
22 ble or unwilling to adjust the parent's circumstances, conduct or conditions
23 in such a way as to make it possible for the ward to safely return home
24 within a reasonable time.

25 (3) *[Any time after a ward attains]* **For a ward** 14 years of age **or older**,
26 *[if the department determines that it is appropriate, but in no case later than*
27 *the date the ward attains 16 years of age,]* the department shall ensure that
28 *[the]:*

29 (a) Case planning *[in the case]* **for the ward** addresses the ward's needs
30 and goals for a *[successful]* transition to *[independent living]* **successful**
31 **adulthood**, including needs and goals related to housing, physical and men-

1 tal health, education, employment, community connections and supportive
2 relationships; **and**

3 **(b) The ward’s case plan includes a document that describes the**
4 **rights of the ward as specified in ORS 418.201 and a signed acknowl-**
5 **edgment by the ward that the ward has been provided with a copy of**
6 **the document and that the contents of the document have been ex-**
7 **plained to the ward in an age-appropriate manner.**

8 (4) The case plan for a ward in substitute care must include the health
9 and education records of the ward, including the most recent information
10 available regarding:

11 (a) The names and addresses of the ward’s health and education providers;

12 (b) The grade level of the ward’s academic performance;

13 (c) The ward’s school record;

14 (d) Whether the ward’s placement takes into account proximity to the
15 school in which the ward is enrolled at the time of placement;

16 (e) The ward’s immunizations;

17 (f) Any known medical problems of the ward;

18 (g) The ward’s medications; and

19 (h) Any other relevant health and education information concerning the
20 ward that the department determines is appropriate to include in the records.

21 **SECTION 8.** ORS 419B.371 is amended to read:

22 419B.371. (1) As used in this section:

23 (a) “Community guardian” means a child-caring agency licensed under
24 ORS 418.205 to 418.310 that is filing a motion for appointment as guardian
25 of a ward under ORS 419B.366.

26 (b) “Community guardianship” means a guardianship granted under ORS
27 419B.366 to a community guardian.

28 (2) The court may appoint a community guardian and establish a com-
29 munity guardianship of a ward under ORS 419B.366 when, in addition to the
30 requirements of ORS 419B.366:

31 (a) The ward is 16 years of age or older;

1 (b) The ward has spent three or more years in substitute care;

2 (c) The proposed community guardian has provided care or services to the
3 ward under ORS 418.205 to 418.310 in the 12 months immediately preceding
4 the filing of the motion for community guardianship;

5 (d) Except for another planned permanent living arrangement, there is
6 no other appropriate permanency plan for the ward under ORS 419B.476 (5);

7 (e) The proposed community guardianship would include planning and
8 guidance for the ward's [*successful*] transition to [*independent living*] **suc-**
9 **cessful adulthood**, including needs and goals related to crisis intervention,
10 housing, physical and mental health, education, employment, community
11 connections and supportive relationships;

12 (f) The ward gives informed consent to the establishment of the commu-
13 nity guardianship; and

14 (g) The ward has access to court-appointed counsel under ORS 419B.195.

15 (3) Informed consent of the ward under subsection (2)(f) of this section
16 shall include:

17 (a) The ward's written consent to information provided in writing to the
18 ward by the court, the Department of Human Services or the proposed com-
19 munity guardian about the consequences of establishment of a community
20 guardianship, including any loss of benefits currently being received or that
21 may prospectively be provided to the ward if another permanency plan were
22 ordered; and

23 (b) The ward's written acknowledgment that the ward cannot be placed
24 in substitute care in the legal custody of the Department of Human Services
25 after reaching 18 years of age.

26 **SECTION 9.** ORS 418.201 is amended to read:

27 418.201. It is the intent of the Legislative Assembly that each foster child
28 have certain essential rights, including but not limited to the following:

29 (1) To have the ability to make oral and written complaints about care,
30 placement or services that are unsatisfactory or inappropriate, and to be
31 provided with information about a formal process for making complaints

1 without fear of retaliation, harassment or punishment.

2 (2) To be notified of, and provided with transportation to, court hearings
3 and reviews by local citizen review boards pertaining to the foster child's
4 case when the matters to be considered or decided upon at the hearings and
5 reviews are appropriate for the foster child, taking into account the age and
6 developmental stage of the foster child.

7 (3) To be provided with written contact information of specific individuals
8 whom the foster child may contact regarding complaints, concerns or vio-
9 lations of rights, that is updated as necessary and kept current.

10 (4) When a foster child is 14 years of age or older, to be provided with
11 written information within 60 days of the date of any placement or any
12 change in placement, regarding:

13 (a) How to establish a bank account in the foster child's name as allowed
14 under state law;

15 (b) How to acquire a driver license as allowed under state law;

16 (c) How to remain in foster care after reaching 18 years of age;

17 (d) The availability of a tuition and fee waiver for a current or former
18 foster child under ORS 351.293;

19 (e) How to obtain a copy of the foster child's credit report, if any;

20 (f) How to obtain medical, dental, vision, mental health services or other
21 treatment, including services and treatments available without parental
22 consent under state law; and

23 (g) A transition toolkit, including a comprehensive transition plan.

24 (5) With respect to a foster child's rights under the federal and state
25 constitutions, laws, including case law, rules and regulations:

26 (a) To receive a document setting forth such rights that is [age] **age-**
27 **appropriate** and developmentally appropriate within 60 days of the date of
28 any placement or any change in placement;

29 (b) To have a document setting forth such rights that is [age] **age-**
30 **appropriate** and developmentally appropriate posted at the residences of all
31 foster parents, child-caring agencies and independent resident facilities;

1 [and]

2 (c) To have an annual review of such rights that is [age] **age-appropriate**
3 and developmentally appropriate while the foster child is in substitute
4 care[.]; **and**

5 **(d) When the foster child is 14 years of age or older:**

6 **(A) To receive a document setting forth such rights that is age-**
7 **appropriate and developmentally appropriate as required under ORS**
8 **419B.343; and**

9 **(B) To acknowledge in writing receipt of the document and that the**
10 **rights contained in the document were explained in an age-appropriate**
11 **manner.**

12 (6) To be provided with current and updated contact information for
13 adults who are responsible for the care of the foster child and who are in-
14 volved in the foster child's case, including but not limited to caseworkers,
15 caseworker supervisors, attorneys, foster youth advocates and supporters,
16 court appointed special advocates, local citizen review boards and employees
17 of the Department of Human Services that provide certification of foster
18 parents, child-caring agencies and independent resident facilities.

19 (7) To have a hotline phone number that is available to the foster child
20 at all times for the purposes of enabling the foster child to make complaints
21 and assert grievances regarding the foster child's care, safety or well-being.

22 **SECTION 10.** ORS 419B.395 is amended to read:

23 419B.395. (1) If in any proceeding under ORS 419B.100 or 419B.500 the
24 juvenile court determines that the child or ward has no legal father or that
25 paternity is disputed as allowed in ORS 109.070, the court may enter a
26 judgment of paternity or a judgment of nonpaternity in compliance with the
27 provisions of ORS 109.070, 109.124 to 109.230, 109.250 to 109.262 and 109.326.

28 (2) Before entering a judgment under subsection (1) of this section, the
29 court must find that adequate notice and an opportunity to be heard was
30 provided to:

31 (a) The parties to the proceeding;

1 (b) The man alleged or claiming to be the child or ward's father; and

2 (c) The Administrator of the Division of Child Support of the Department
3 of Justice or the branch office providing support services to the county in
4 which the court is located.

5 (3) When appropriate, the court shall inform a man before the court
6 claiming to be the father of a child or ward that paternity establishment
7 services may be available through the administrator if the child or ward:

8 (a) Is a child born out of wedlock;

9 (b) Has not been placed for adoption; and

10 (c) Has no legal father.

11 (4) As used in this section:

12 (a) "Administrator" has the meaning given that term in ORS 25.010.

13 (b) "Child born out of wedlock" has the meaning given that term in ORS
14 109.124.

15 (c) "Legal father" has the meaning given that term in ORS 419A.004
16 [(16)] (18).

17 **SECTION 11. This 2015 Act being necessary for the immediate**
18 **preservation of the public peace, health and safety, an emergency is**
19 **declared to exist, and this 2015 Act takes effect October 1, 2015.**

20
