

**STAFF MEASURE SUMMARY****Senate Committee On Human Services and Early Childhood****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/16/15**Action:** Do Pass With Amendments And Requesting Referral To Ways And Means.  
(Printed A-Engrossed.)**Meeting Dates:** 04/07, 04/14, 04/16**Vote:**

Yeas: 5 - Dembrow, Gelser, Kruse, Monnes Anderson, Olsen

**Prepared By:** Chyenne Ross, Committee Administrator**WHAT THE MEASURE DOES:**

Requires Department of Human Services (DHS) rules governing home studies and placement reports in adoption proceedings, give equal status and priority to relatives and current caretakers as is given to prospective adoptive parents with regard to child safety, attachment, and well-being. Requires relatives and current caretakers be preferred over other persons with regard to suitability. Prohibits court order removing child from, or preventing placement with, parent or legal guardian with physical custody of child for six months prior to legal custody with DHS. Requires report to court when adoption agency has removed or plans to remove child, who has been in foster home for a year or pursuant to permanent foster agreement. Creates exemption from requirement to report to court when child is: removed due to abuse or neglect; removed due to imminent threat pending investigation; placed with adoptive parent; or removed at request of foster parent. Sets staggered operative dates of September 1, 2015, and January 1, 2016. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Policies that favor biological relatives over others
- Foster parents that have not prevailed at adoption proceedings
- Foster parents denied due process
- Misinformation or inconsistent information about adoption process provided to foster parents
- Importance of healthy attachments and protecting them
- Difficulty of contested adoption proceedings, especially when all choices are good; where all relationships are healthy and beneficial; where all parties have best intentions
- Fairness of adoption process
- How fair process can still result in heartbreak for parties that do not prevail

**EFFECT OF COMMITTEE AMENDMENT:**

Prohibits court order removing child from, or preventing placement with, parent or legal guardian with physical custody of child for six months prior to legal custody with the Department of Human Services (DHS). Creates exemption from requirement to report to court when child is: removed due to abuse or neglect; removed due to imminent threat pending investigation; placed with adoptive parent; or removed at request of foster parent. Authorizes DHS to make changes necessary to comply. Conforms numbering and references. Makes retroactivity explicit. Sets staggered operative dates of September 1, 2015, and January 1, 2016. Adds emergency clause.

**BACKGROUND:**

In a proceeding to adopt a minor child, a home study and a placement report must generally be completed and filed with the court by the Department of Human Services (DHS) or by an adoption agency licensed by the state. DHS administrative rules govern home studies and placement reports. State statutes do not express placement preferences, but rather, articulate the general standard for court decisions on behalf of minor children (the best interests of the child). Senate Bill 741-A requires the administrative rules that govern home studies and placement reports to provide equal status and priority to relatives and

current caretakers seeking to adopt, as is provided other prospective adoptive parents with regard to the child's safety, attachment, and well-being. In addition, with regard to suitability, Senate Bill 741-A requires that the rules prefer relatives and current caretakers over other persons seeking to adopt. In addition to modifying the expression of preferences in DHS administrative rules, the measure makes court orders illegal that remove a child from, or prevent the placement of a child with, a parent or legal guardian with physical custody of the child for six months prior to legal custody with DHS (persons described at ORS 419B.440(2)(c)).

Also, Senate Bill 741-A adds an additional event-based report to the court, to the list of reports that Oregon law currently requires, and creates a handful of exceptions to the reporting requirement. Current law requires those with guardianship or legal custody of a child or ward to file reports with the court when the child: is placed; remains without placement for six months; is adopted; remains without placement for six months after surrender for adoption or termination of parental rights; and when the child is in the physical custody of a parent or legal guardian for six months prior to being placed in the legal custody of DHS. Senate Bill 741-A requires an additional report to the court when an adoption agency has removed or plans to remove a child, who has been in a foster home for a year or pursuant to a permanent foster agreement. Exemptions from the reporting requirement created by the measure include: when a child is removed due to abuse or neglect; removed due to imminent threat pending investigation; placed with an adoptive parent; or removed at the request of a foster parent.