

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: HB 3014
CARRIER: Sen. Kruse

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 05/12/15

Action: Do Pass.

Meeting Dates: 05/12

Vote:

Yeas: 4 - Burdick, Kruse, Prozanski, Thatcher

Nays: 1 - Gelser

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Changes definition of “grandparent” for purpose of notice of dependency proceeding and request for visitation or contact to include legal parents of child’s legal parent, even when parental rights of child’s legal parent have been terminated.

ISSUES DISCUSSED:

- Effect of measure on rights of adoptive family
- Interaction between grandparents and grandchildren
- Prior legislation on grandparents’ rights
- Measure limited to certain juvenile dependency proceedings
- Court determines whether grandparents should have contact or visitation

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Currently, the grandparents of a child in the dependency process are entitled to notice of hearings regarding the grandchild if the Department of Human Services knows who the grandparents are and has contact information for them. Grandparents are not parties to the proceeding, but do have an opportunity to be heard. Grandparents may also request the court grants visitation or contact with the child. ORS 109.119(c) defines a grandparent as “the legal parent of the child’s legal parent.” The same statute specifies that “legal parent” means a parent whose rights have not been terminated. As a result, grandparents of a child may be excluded from the notice and visitation provisions if the parental rights of the parent have been terminated.

House Bill 3014 changes the definition of “grandparent” within the notice and visitation request statute so as to include the legal parents of the child’s parent, even if the parental rights of the parent have been terminated.