

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

MEASURE: HB 2908 B
CARRIER: Sen. Kruse

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 05/18/15

Action: Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

Meeting Dates: 05/12, 05/18

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Brings Oregon law into compliance with HR 4980, the federal Preventing Sex Trafficking and Strengthening Families Act of 2015. Specifies ward may be placed with fit and willing relative as option for permanency plan. Requires local citizen review board in dependency cases to include in findings and recommendations the steps Department of Human Services has taken to ensure that substitute care provider of child or ward 16 years of age or older in permanency plan of “another planned permanent living arrangement” is following reasonable and prudent parent standard and providing ongoing opportunities for child to participate in age-appropriate or developmentally-appropriate activities. Requires such description be included in six-month agency reports and in court’s findings for continuation of substitute care. Defines “age-appropriate or developmentally appropriate activities.” Defines “another planned permanent living arrangement.” Defines “reasonable and prudent parent standard.” Changes “independent living” to “successful adulthood.” Requires inclusion of document describing rights and signed acknowledgment of copy of documents and explanation by ward within case plan. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Parameters of federal law
- Some changes made in rule, some in statute
- Work group efforts to conform language
- Interactions with House Bill 2890 (2015)

EFFECT OF COMMITTEE AMENDMENT:

Makes technical corrections.

BACKGROUND:

House of Representatives Bill 4980 was passed by Congress and signed by the President on September 29, 2014. HR 4980 intends to “prevent and address sex trafficking of children in foster care, to extend and improve adoption incentives, and to improve international child support recovery.” The measure contains several mandates that states must adopt within one year of the bill’s passage. Several portions of HR 4980 may be enacted through rule changes, but some must be made in statute.

House Bill 2908 B brings Oregon statutes into compliance with HR 4980 as it relates to children in foster care or in dependency. The measure allows placement of a child with a fit and willing relative as a permanency plan and clarifies that only wards 16 years of age or older may be placed in another planned permanent living arrangement, such as with a family friend or neighbor. The measure requires substitute caregivers follow a reasonable and prudent parent standard and provides the courts with opportunities to verify that standard is met. The measure also requires documentation that wards have received and understand their rights.