

B-Engrossed House Bill 2908

Ordered by the Senate May 19
Including House Amendments dated March 18 and Senate Amendments
dated May 19

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

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 Strengthening Families Act of
3 2014; amending ORS 418.201, 419A.004, 419A.116, 419B.337, 419B.343, 419B.371, 419B.395,
4 419B.443, 419B.449 and 419B.476; and declaring an emergency.

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

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

7 419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires
8 otherwise:

9 (1) "Age-appropriate or developmentally appropriate activities" means:

10 (a) Activities or items that are generally accepted as suitable for children of the same
11 chronological age or level of maturity or that are determined to be developmentally appro-
12 priate for a child, based on the development of cognitive, emotional, physical and behavioral
13 capacities that are typical for an age or age group; and

14 (b) In the case of a specific child, activities or items that are suitable for the child based
15 on the developmental stages attained by the child with respect to the cognitive, emotional,
16 physical and behavioral capacities of the child.

17 (2) "Another planned permanent living arrangement" means an out-of-home placement
18 for a ward 16 years of age or older that is consistent with the case plan and in the best in-
19 terests of the ward other than placement:

20 (a) By adoption;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

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

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

3 [(1)] **(3)** “CASA Volunteer Program” means a program that is approved or sanctioned by a ju-
4 venile court, has received accreditation from the National CASA Association and has entered into
5 a contract with the Oregon Volunteers Commission for Voluntary Action and Service under ORS
6 458.581 to recruit, train and supervise volunteers to serve as court appointed special advocates.

7 [(2)] **(4)** “Child care center” means a residential facility for wards or youth offenders that is li-
8 censed under the provisions of ORS 418.240.

9 [(3)] **(5)** “Community service” has the meaning given that term in ORS 137.126.

10 [(4)] **(6)** “Conflict of interest” means a person appointed to a local citizen review board who has
11 a personal or pecuniary interest in a case being reviewed by that board.

12 [(5)] **(7)** “Counselor” means a juvenile department counselor or a county juvenile probation of-
13 ficer.

14 [(6)] **(8)** “Court” means the juvenile court.

15 [(7)] **(9)** “Court appointed special advocate” means a person in a CASA Volunteer Program who
16 is appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112.

17 [(8)] **(10)** “Court facility” has the meaning given that term in ORS 166.360.

18 [(9)] **(11)** “Department” means the Department of Human Services.

19 [(10)] **(12)** “Detention” or “detention facility” means a facility established under ORS 419A.010
20 to 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders
21 pursuant to a judicial commitment or order.

22 [(11)] **(13)** “Director” means the director of a juvenile department established under ORS
23 419A.010 to 419A.020 and 419A.050 to 419A.063.

24 [(12)] **(14)** “Guardian” means guardian of the person and not guardian of the estate.

25 [(13)] **(15)** “Indian child” means any unmarried person less than 18 years of age who is:

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

27 (b) Eligible for membership in an Indian tribe and is the biological child of a member of an In-
28 dian tribe.

29 [(14)] **(16)** “Juvenile court” means the court having jurisdiction of juvenile matters in the several
30 counties of this state.

31 [(15)] **(17)** “Local citizen review board” means the board specified by ORS 419A.090 and
32 419A.092.

33 [(16)] **(18)** “Parent” means the biological or adoptive mother and the legal father of the child,
34 ward, youth or youth offender. As used in this subsection, “legal father” means:

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

37 (b) In cases in which the Indian Child Welfare Act applies, a man who is a father under appli-
38 cable tribal law.

39 [(17)] **(19)** “Permanent foster care” means an out-of-home placement in which there is a long-
40 term contractual foster care agreement between the foster parents and the department that is ap-
41 proved by the juvenile court and in which the foster parents commit to raise a ward in substitute
42 care or youth offender until the age of majority.

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

1 [(19)] (20) "Public building" has the meaning given that term in ORS 166.360.

2 (21) "Reasonable and prudent parent standard" means the standard, characterized by
3 careful and sensible parental decisions that maintain the health, safety and best interests
4 of a child or ward while encouraging the emotional and developmental growth of the child
5 or ward, that a substitute care provider shall use when determining whether to allow a child
6 or ward in substitute care to participate in extracurricular, enrichment, cultural and social
7 activities.

8 [(20)] (22) "Reasonable time" means a period of time that is reasonable given a child or ward's
9 emotional and developmental needs and ability to form and maintain lasting attachments.

10 [(21)] (23) "Records" means any information in written form, pictures, photographs, charts,
11 graphs, recordings or documents pertaining to a case.

12 [(22)] (24) "Resides" or "residence," when used in reference to the residence of a child, ward,
13 youth or youth offender, means the place where the child, ward, youth or youth offender is actually
14 living or the jurisdiction in which wardship or jurisdiction has been established.

15 [(23)] (25) "Restitution" has the meaning given that term in ORS 137.103.

16 [(24)] (26) "Serious physical injury" means:

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

18 (b) A physical injury that:

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

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

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

22 [(25)] (27) "Shelter care" means a home or other facility suitable for the safekeeping of a child,
23 ward, youth or youth offender who is taken into temporary custody pending investigation and dis-
24 position.

25 [(26)] (28) "Short-term detention facility" means a facility established under ORS 419A.050 (3) for
26 holding children, youths and youth offenders pending further placement.

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

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

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

30 [(28)] (30) "Substitute care" means an out-of-home placement directly supervised by the depart-
31 ment or other agency, including placement in a foster family home, group home or other child caring
32 institution or facility. "Substitute care" does not include care in:

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

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

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

38 [(29)] (31) "Surrogate" means a person appointed by the court to protect the right of the child,
39 ward, youth or youth offender to receive procedural safeguards with respect to the provision of free
40 appropriate public education.

41 [(30)] (32) "Tribal court" means a court with jurisdiction over child custody proceedings and
42 that is either a Court of Indian Offenses, a court established and operated under the code of custom
43 of an Indian tribe or any other administrative body of a tribe that is vested with authority over child
44 custody proceedings.

45 [(31)] (33) "Victim" means any person determined by the district attorney, the juvenile depart-

1 ment or the court to have suffered direct financial, psychological or physical harm as a result of the
2 act that has brought the youth or youth offender before the juvenile court. When the victim is a
3 minor, "victim" includes the legal guardian of the minor. The youth or youth offender may not be
4 considered the victim. When the victim of the crime cannot be determined, the people of Oregon,
5 as represented by the district attorney, are considered the victims.

6 [(32)] (34) "Violent felony" means any offense that, if committed by an adult, would constitute
7 a felony and:

8 (a) Involves actual or threatened serious physical injury to a victim; or

9 (b) Is a sexual offense. As used in this paragraph, "sexual offense" has the meaning given the
10 term "sex crime" in ORS 181.805.

11 [(33)] (35) "Ward" means a person within the jurisdiction of the juvenile court under ORS
12 419B.100.

13 [(34)] (36) "Young person" means a person who has been found responsible except for insanity
14 under ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

15 [(35)] (37) "Youth" means a person under 18 years of age who is alleged to have committed an
16 act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance
17 of the United States or a state, county or city.

18 [(36)] (38) "Youth care center" has the meaning given that term in ORS 420.855.

19 [(37)] (39) "Youth offender" means a person who has been found to be within the jurisdiction
20 of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years
21 of age.

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

23 419A.116. (1) After reviewing each case, the local citizen review board shall make written
24 findings and recommendations with respect to:

25 (a) Whether reasonable efforts were made prior to the placement, to prevent or eliminate the
26 need for removal of the child or ward from the home;

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

31 (c) If the case plan at the time of the review is something other than to reunify the family,
32 whether the department has made reasonable efforts to place the child or ward in a timely manner
33 in accordance with the case plan, including, if appropriate, placement of the child or ward through
34 an interstate placement, and to complete the steps necessary to finalize the permanent placement
35 of the child or ward;

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

37 (e) Compliance with the case plan;

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

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

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

41 (i) Whether the court should appoint an attorney or other person as special advocate to repre-
42 sent or appear on behalf of the child or ward under ORS 419B.195[.]; **and**

43 **(j) For a ward 16 years of age or older with a permanency plan of another planned per-
44 manent living arrangement, the steps the department is taking to ensure that:**

45 **(A) The ward's substitute care provider is following the reasonable and prudent parent**

1 **standard; and**

2 **(B) The ward has regular, ongoing opportunities to engage in age-appropriate or devel-**
3 **opmentally appropriate activities, including consultation with the ward in an age-appropriate**
4 **manner about the opportunities the ward has to participate in the activities.**

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

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

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

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

22 (4) No later than 10 days after receiving the findings and recommendations of the local citizen
23 review board, a party adversely affected by the findings and recommendations may request judicial
24 review.

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

26 419B.443. (1) An agency described in ORS 419B.440 shall file the reports required by ORS
27 419B.440 (2) at the end of the initial six-month period and no less frequently than each six months
28 thereafter. The agency shall file reports more frequently if the court so orders. The reports shall
29 include, but not be limited to:

30 (a) A description of the problems or offenses that necessitated the placement of the child or
31 ward with the agency;

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

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

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

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

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

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

3 **(A) The child’s or ward’s substitute care provider is following the reasonable and prudent**
4 **parent standard; and**

5 **(B) The child or ward has regular, ongoing opportunities to engage in age-appropriate or**
6 **developmentally appropriate activities, including consultation with the child or ward in an**
7 **age-appropriate manner about the opportunities the child or ward has to participate in the**
8 **activities;**

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

12 [(h)] **(i)** A proposed treatment plan or proposed continuation or modification of an existing
13 treatment plan, including a proposed visitation plan or proposed continuation or modification of an
14 existing visitation plan and a description of efforts expected of the child or ward and the parents
15 to remedy factors that have prevented the child or ward from safely returning home within a rea-
16 sonable time;

17 [(i)] **(j)** If continued substitute care is recommended, a proposed timetable for the child’s or
18 ward’s return home or other permanent placement or a justification of why extended substitute care
19 is necessary; and

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

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

27 (a) A recommended timetable for dismissal of the department’s legal custody of the ward and
28 termination of the wardship; and

29 (b) A description of the services that the department will provide to the ward and the ward’s
30 physical custodian to eliminate the need for the department to continue legal custody.

31 (3) In addition to the information required in a report made under subsection (1) of this section,
32 if the report is made by the department under ORS 419B.440 (2)(c), the report shall include:

33 (a) A recommended timetable for dismissal of the department’s legal custody of the ward and
34 termination of the wardship; and

35 (b) A description of the services that the department has provided to the ward and the ward’s
36 physical custodian to eliminate the need for the department to continue legal custody.

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

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

40 419B.449. (1) Upon receiving any report required by ORS 419B.440, the court may hold a hearing
41 to review the child or ward’s condition and circumstances and to determine if the court should
42 continue jurisdiction and wardship or order modifications in the care, placement and supervision of
43 the child or ward. The court shall hold a hearing:

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

45 (b) If requested by the child or ward, the attorney for the child or ward, if any, the parents or

1 the public or private agency having guardianship or legal custody of the child or ward within 30
2 days of receipt of the notice provided in ORS 419B.452;

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

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

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

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

13 (a)(A) Why continued care is necessary as opposed to returning the child or ward home or tak-
14 ing prompt action to secure another permanent placement; and

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

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

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

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

25 (e) **For a ward 16 years of age or older with a permanency plan of another planned per-
26 manent living arrangement, the steps the department is taking to ensure that:**

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

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

32 (4) If the ward is in the legal custody of the department but has been placed in the physical
33 custody of the parent or a person who was appointed the ward's legal guardian prior to placement
34 of the ward in the legal custody of the department, and the decision is to continue the ward in the
35 legal custody of the department and the physical custody of the parent or guardian, the findings of
36 the court shall specifically state:

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

39 (b) The expected timetable for dismissal of the department's legal custody of the ward and ter-
40 mination of the wardship.

41 (5) In making the findings under subsection (2) of this section, the court shall consider the ef-
42 forts made to develop the concurrent case plan, including, but not limited to, identification of ap-
43 propriate permanent placement options for the child or ward both inside and outside this state and,
44 if adoption is the concurrent case plan, identification and selection of a suitable adoptive placement
45 for the child or ward.

1 (6) In addition to findings of fact required by subsection (2) of this section, the court may order
2 the department [*of Human Services*] to consider additional information in developing the case plan
3 or concurrent case plan.

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

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

7 419B.476. (1) A permanency hearing shall be conducted in the manner provided in ORS 418.312,
8 419B.310, 419B.812 to 419B.839 and 419B.908, except that the court may receive testimony and re-
9 ports as provided in ORS 419B.325.

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

11 (a) If the case plan at the time of the hearing is to reunify the family, determine whether the
12 Department of Human Services has made reasonable efforts or, if the Indian Child Welfare Act ap-
13 plies, active efforts to make it possible for the ward to safely return home and whether the parent
14 has made sufficient progress to make it possible for the ward to safely return home. In making its
15 determination, the court shall consider the ward's health and safety the paramount concerns.

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

20 (c) If the case plan at the time of the hearing is something other than to reunify the family,
21 determine whether the department has considered permanent placement options for the ward, in-
22 cluding, if appropriate, whether the department has considered both permanent in-state placement
23 options and permanent interstate placement options for the ward.

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

25 (3)[(a) *In the circumstances described in paragraph (b) of this subsection,*] **When the ward is 14**
26 **years of age or older**, in addition to making the determination required by subsection [(2)(a) or
27 (b)] (2) of this section, at a permanency hearing the court shall review the comprehensive plan for
28 the ward's transition to [*independent living*] **successful adulthood** and determine and make findings
29 as to:

30 [(A)] (a) Whether the plan is adequate to ensure the ward's [*successful*] transition to [*independ-*
31 *ent living*] **successful adulthood**;

32 [(B)] (b) Whether the department has offered appropriate services pursuant to the plan; and

33 [(C)] (c) Whether the department has involved the ward in the development of the plan.

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

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

36 [(B) *The ward is 14 years of age or older and there is a comprehensive plan for the ward's tran-*
37 *sition to independent living.*]

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

39 (a) If the case plan changed during the period since the last review by a local citizen review
40 board or court hearing and a plan to reunify the family was in effect for any part of that period,
41 determine whether the department has made reasonable efforts or, if the Indian Child Welfare Act
42 applies, active efforts to make it possible for the ward to safely return home. In making its deter-
43 mination, the court shall consider the ward's health and safety the paramount concerns;

44 (b) If the case plan changed during the period since the last review by a local citizen review
45 board or court hearing and a plan other than to reunify the family was in effect for any part of that

1 period, determine whether the department has made reasonable efforts to place the ward in a timely
2 manner in accordance with the plan, including, if appropriate, placement of the ward through an
3 interstate placement, and to complete the steps necessary to finalize the permanent placement;

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

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

8 (e) Review the efforts made by the department to develop the concurrent permanent plan, in-
9 cluding but not limited to identification of appropriate permanent in-state placement options and
10 appropriate permanent interstate placement options and, if adoption is the concurrent case plan,
11 identification and selection of a suitable adoptive placement for the ward;

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

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

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

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

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

22 (a) The court's [*determination*] **determinations** required under subsections (2) and (3) of this
23 section, including a brief description of the efforts the department has made with regard to the case
24 plan in effect at the time of the permanency hearing[;].

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

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

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

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

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

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

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

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

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

44 **(f) If the court determines that the permanency plan for a ward should be placement with**
45 **a fit and willing relative, the court's determination of why placement with the ward's par-**

1 **ents, or for adoption, or placement with a legal guardian, is not appropriate.**

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

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

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

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

12 **(ii) The ward has regular, ongoing opportunities to engage in age-appropriate or devel-**
13 **opmentally appropriate activities, including consultation with the ward in an age-appropriate**
14 **manner about the opportunities the ward has to participate in the activities.**

15 [(g)] (h) If the current placement is not expected to be permanent, the court's projected timeta-
16 ble for return home or for placement in another planned permanent living arrangement. If the
17 timetable set forth by the court is not met, the department shall promptly notify the court and
18 parties[;].

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

20 [(i)] (j) If the ward has been placed in an interstate placement, the court's determination of
21 whether the interstate placement continues to be appropriate and in the best interests of the ward.

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

24 [(6)] (7) If an Indian child is involved, the court shall follow the placement preference estab-
25 lished by the Indian Child Welfare Act.

26 [(7)] (8) Any final decision of the court made pursuant to the permanency hearing is appealable
27 under ORS 419A.200. On appeal of a final decision of the court under this subsection, the court's
28 finding, if any, under ORS 419B.340 (5) that the department is not required to make reasonable ef-
29 forts to make it possible for the ward to safely return home is an interlocutory order to which a
30 party may assign error.

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

32 419B.337. (1) When the court determines it would be in the best interest and for the welfare of
33 a ward, the court may place the ward in the legal custody of the Department of Human Services for
34 care, placement and supervision. When the court enters an order removing a ward from the ward's
35 home or an order continuing care, the court shall make a written finding as to whether:

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

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

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

43 (2) The court may specify the particular type of care, supervision or services to be provided by
44 the Department of Human Services to wards placed in the department's custody and to the parents
45 or guardians of the wards, but the actual planning and provision of such care, supervision or ser-

1 vices is the responsibility of the department. The department may place the ward in a child care
2 center authorized to accept the ward.

3 (3) The court may make an order regarding visitation by the ward's parents or siblings. The
4 Department of Human Services is responsible for developing and implementing a visitation plan
5 consistent with the court's order.

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

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

12 (6) Commitment of a ward to the Department of Human Services continues until dismissed by
13 the court or until the ward becomes 21 years of age.

14 (7) A court may dismiss commitment of a ward to the Department of Human Services if:

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

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

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

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

23 (iii) The department has involved the ward in the development of the case plan and in the pro-
24 vision of appropriate services; and

25 (iv) The ward has safe and stable housing and is unlikely to become homeless as a result of
26 dismissal of commitment of the ward to the department; or

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

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

29 419B.343. (1) To ensure effective planning for wards, the Department of Human Services shall
30 take into consideration recommendations and information provided by the committing court before
31 placement in any facility. The department shall ensure that the case planning in any case:

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

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

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

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

40 (a) Appropriate services to allow the parent the opportunity to adjust the parent's circum-
41 stances, conduct or conditions to make it possible for the ward to safely return home within a rea-
42 sonable time; and

43 (b) A concurrent permanent plan to be implemented if the parent is unable or unwilling to adjust
44 the parent's circumstances, conduct or conditions in such a way as to make it possible for the ward
45 to safely return home within a reasonable time.

1 (3) *[Any time after a ward attains]* **For a ward 14 years of age or older**, *[if the department de-*
2 *termines that it is appropriate, but in no case later than the date the ward attains 16 years of age,]* the
3 department shall ensure that *[the]*:

4 (a) Case planning *[in the case]* **for the ward** addresses the ward's needs and goals for a *[suc-*
5 *cessful]* transition to *[independent living]* **successful adulthood**, including needs and goals related
6 to housing, physical and mental health, education, employment, community connections and sup-
7 portive relationships; **and**

8 (b) **The ward's case plan includes a document that describes the rights of the ward as**
9 **specified in ORS 418.201 and a signed acknowledgment by the ward that the ward has been**
10 **provided with a copy of the document and that rights contained in the document have been**
11 **explained to the ward in an age-appropriate manner.**

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

14 (a) The names and addresses of the ward's health and education providers;

15 (b) The grade level of the ward's academic performance;

16 (c) The ward's school record;

17 (d) Whether the ward's placement takes into account proximity to the school in which the ward
18 is enrolled at the time of placement;

19 (e) The ward's immunizations;

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

21 (g) The ward's medications; and

22 (h) Any other relevant health and education information concerning the ward that the depart-
23 ment determines is appropriate to include in the records.

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

25 419B.371. (1) As used in this section:

26 (a) "Community guardian" means a child-caring agency licensed under ORS 418.205 to 418.310
27 that is filing a motion for appointment as guardian of a ward under ORS 419B.366.

28 (b) "Community guardianship" means a guardianship granted under ORS 419B.366 to a commu-
29 nity guardian.

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

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

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

34 (c) The proposed community guardian has provided care or services to the ward under ORS
35 418.205 to 418.310 in the 12 months immediately preceding the filing of the motion for community
36 guardianship;

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

39 (e) The proposed community guardianship would include planning and guidance for the ward's
40 *[successful]* transition to *[independent living]* **successful adulthood**, including needs and goals re-
41 lated to crisis intervention, housing, physical and mental health, education, employment, community
42 connections and supportive relationships;

43 (f) The ward gives informed consent to the establishment of the community guardianship; and

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

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

1 (a) The ward's written consent to information provided in writing to the ward by the court, the
2 Department of Human Services or the proposed community guardian about the consequences of es-
3 tablishment of a community guardianship, including any loss of benefits currently being received or
4 that may prospectively be provided to the ward if another permanency plan were ordered; and

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

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

8 418.201. It is the intent of the Legislative Assembly that each foster child have certain essential
9 rights, including but not limited to the following:

10 (1) To have the ability to make oral and written complaints about care, placement or services
11 that are unsatisfactory or inappropriate, and to be provided with information about a formal process
12 for making complaints without fear of retaliation, harassment or punishment.

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

17 (3) To be provided with written contact information of specific individuals whom the foster child
18 may contact regarding complaints, concerns or violations of rights, that is updated as necessary and
19 kept current.

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

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

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

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

25 (d) The availability of a tuition and fee waiver for a current or former foster child under ORS
26 351.293;

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

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

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

31 (5) With respect to a foster child's rights under the federal and state constitutions, laws, in-
32 cluding case law, rules and regulations:

33 (a) To receive a document setting forth such rights that is [age] **age-appropriate** and develop-
34 mentally appropriate within 60 days of the date of any placement or any change in placement;

35 (b) To have a document setting forth such rights that is [age] **age-appropriate** and develop-
36 mentally appropriate posted at the residences of all foster parents, child-caring agencies and inde-
37 pendent resident facilities; [and]

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

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

41 **(A) To receive a document setting forth such rights that is age-appropriate and develop-**
42 **mentally appropriate; and**

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

45 (6) To be provided with current and updated contact information for adults who are responsible

1 for the care of the foster child and who are involved in the foster child’s case, including but not
2 limited to caseworkers, caseworker supervisors, attorneys, foster youth advocates and supporters,
3 court appointed special advocates, local citizen review boards and employees of the Department of
4 Human Services that provide certification of foster parents, child-caring agencies and independent
5 resident facilities.

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

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

10 419B.395. (1) If in any proceeding under ORS 419B.100 or 419B.500 the juvenile court determines
11 that the child or ward has no legal father or that paternity is disputed as allowed in ORS 109.070,
12 the court may enter a judgment of paternity or a judgment of nonpaternity in compliance with the
13 provisions of ORS 109.070, 109.124 to 109.230, 109.250 to 109.262 and 109.326.

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

- 16 (a) The parties to the proceeding;
- 17 (b) The man alleged or claiming to be the child or ward’s father; and
- 18 (c) The Administrator of the Division of Child Support of the Department of Justice or the
19 branch office providing support services to the county in which the court is located.

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

- 23 (a) Is a child born out of wedlock;
 - 24 (b) Has not been placed for adoption; and
 - 25 (c) Has no legal father.
- 26 (4) As used in this section:

- 27 (a) “Administrator” has the meaning given that term in ORS 25.010.
- 28 (b) “Child born out of wedlock” has the meaning given that term in ORS 109.124.
- 29 (c) “Legal father” has the meaning given that term in ORS 419A.004 [(16)] (18).

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

33 _____