

**PROPOSED AMENDMENTS TO
SENATE BILL 741**

1 On page 1 of the printed bill, line 3, delete “and 419B.449” and insert “,
2 419B.443, 419B.446, 419B.449 and 419B.470”.

3 On page 7, line 25, delete “and in making recommendations to the
4 court”.

5 In line 31, after the period insert “(1)”.

6 In line 42, delete “section” and insert “subsection”.

7 After line 43, insert:

8 “(2) The court may not exercise its discretion to direct the department to
9 place or maintain a child or ward where the effect of the direction will be
10 to remove the child or ward from, or prevent the placement of the child or
11 ward with, a person described in ORS 419B.440 (2)(c).”.

12 Delete lines 44 and 45.

13 On page 8, delete lines 1 through 24 and insert:

14 “**SECTION 7.** ORS 419B.440 is amended to read:

15 “419B.440. (1) Any public or private agency having guardianship or legal
16 custody of a child or ward pursuant to court order shall file reports on the
17 child or ward with the juvenile court that entered the original order con-
18 cerning the child or ward or, when no such order exists, with the juvenile
19 court of the county of the child or ward’s residence in the following cir-
20 cumstances:

21 “[*(1)*] (a) When the child or ward has been placed with the agency as a
22 result of a court order and prior to, or as soon as practicable after the

1 agency places the child or ward in any placement including, but not limited
2 to, the child or ward’s home, shelter care, substitute care or a child care
3 center, unless the court has previously received a report or treatment plan
4 indicating the actual physical placement of the child or ward.

5 “[2)(a)] (b)(A) When the child or ward has been placed with the agency
6 as the result of a court order and remains under agency care for six con-
7 secutive months from date of initial placement;

8 “[b)] (B) When the child or ward has been surrendered for adoption or
9 the parents’ rights have been terminated and the agency has not physically
10 placed the child or ward for adoption or initiated adoption proceedings
11 within six months of receiving the child or ward; and

12 “[c)] (C) When the ward is in the legal custody of the Department of
13 Human Services as provided in ORS 419B.337, but the ward has been placed
14 for a period of six consecutive months in the physical custody of a parent
15 or a person who was appointed the ward’s legal guardian prior to placement
16 of the ward in the legal custody of the department.

17 **“(c) When the agency has removed or plans to remove a child or**
18 **ward from a foster home as defined in ORS 418.625 that is certified**
19 **under ORS 418.635 and the removal is for the purpose of placing the**
20 **child or ward in a different substitute care placement, if:**

21 **“(A) The child or ward has resided for 12 consecutive months or**
22 **more in the foster home; or**

23 **“(B) The child or ward resides or resided in the foster home pursu-**
24 **ant to a permanent foster care agreement.**

25 **“(2) An agency is not required to file a report under subsection**
26 **(1)(c) of this section when:**

27 **“(a) The removal of the child or ward was made following a founded**
28 **allegation of abuse or neglect by the child’s or ward’s foster care pro-**
29 **vider;**

30 **“(b) The removal was made to address an imminent threat to the**

1 **health or safety of the child or ward pending completion of an inves-**
2 **tigation of reported abuse or neglect by the child’s or ward’s foster**
3 **care provider;**

4 **“(c) The agency has placed the child or ward with a person who has**
5 **been selected by the department to be the adoptive parent, when the**
6 **selection has become final after the expiration of any administrative**
7 **or judicial review procedures under ORS chapter 183; or**

8 **“(d) The removal was made at the request of the foster care pro-**
9 **vider.**

10 **“SECTION 8.** ORS 419B.443 is amended to read:

11 **“419B.443. (1) An agency described in ORS 419B.440 shall file the reports**
12 **required by ORS 419B.440 [(2)] (1)(b) at the end of the initial six-month pe-**
13 **riod and no less frequently than each six months thereafter. The agency shall**
14 **file reports more frequently if the court so orders. The reports shall include,**
15 **but not be limited to:**

16 **“(a) A description of the problems or offenses that necessitated the**
17 **placement of the child or ward with the agency;**

18 **“(b) A description of the type and an analysis of the effectiveness of the**
19 **care, treatment and supervision that the agency has provided for the child**
20 **or ward;**

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

24 **“(d) For a child or ward in substitute care, a list of all schools the child**
25 **or ward has attended since the child or ward has been in the guardianship**
26 **or legal custody of the agency, the length of time the child or ward has spent**
27 **in each school and, for a child or ward 14 years of age or older, the number**
28 **of high school credits the child or ward has earned;**

29 **“(e) A list of dates of face-to-face contacts the assigned case worker has**
30 **had with the child or ward since the child or ward has been in the**

1 guardianship or legal custody of the agency and, for a child or ward in
2 substitute care, the place of each contact;

3 “(f) For a child or ward in substitute care, a list of the visits the child
4 or ward has had with the child’s or ward’s parents or siblings since the child
5 or ward has been in the guardianship or legal custody of the agency and the
6 place and date of each visit;

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

11 “(h) A proposed treatment plan or proposed continuation or modification
12 of an existing treatment plan, including a proposed visitation plan or pro-
13 posed continuation or modification of an existing visitation plan and a de-
14 scription of efforts expected of the child or ward and the parents to remedy
15 factors that have prevented the child or ward from safely returning home
16 within a reasonable time;

17 “(i) If continued substitute care is recommended, a proposed timetable for
18 the child’s or ward’s return home or other permanent placement or a justi-
19 fication of why extended substitute care is necessary; and

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

23 “(2) In addition to the information required in a report made under sub-
24 section (1) of this section, for a ward who is in the legal custody of the De-
25 partment of Human Services pursuant to ORS 419B.337 but who will be or
26 recently has been placed in the physical custody of a parent or a person who
27 was appointed the ward’s legal guardian prior to placement of the ward in
28 the legal custody of the department, a report required under ORS 419B.440
29 [(1)] **(1)(a)** shall include:

30 “(a) A recommended timetable for dismissal of the department’s legal

1 custody of the ward and termination of the wardship; and

2 “(b) A description of the services that the department will provide to the
3 ward and the ward’s physical custodian to eliminate the need for the de-
4 partment to continue legal custody.

5 “(3) In addition to the information required in a report made under sub-
6 section (1) of this section, if the report is made by the department under ORS
7 419B.440 [(2)(c)] **(1)(b)(C)**, the report shall include:

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

10 “(b) A description of the services that the department has provided to the
11 ward and the ward’s physical custodian to eliminate the need for the de-
12 partment to continue legal custody.

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

15 **“SECTION 9.** ORS 419B.446 is amended to read:

16 “419B.446. (1) Notwithstanding the requirements under ORS 419B.440 that
17 reports be filed with the court, any report after the initial report that is
18 required by ORS 419B.443 on a child or ward whose case is being regularly
19 reviewed by a local citizen review board shall be filed with that local citizen
20 review board rather than the court.

21 “(2) Notwithstanding subsection (1) of this section, all reports made under
22 ORS 419B.440 [(2)(c)] **(1)(b)(C)** on wards in the legal custody of the Depart-
23 ment of Human Services shall be filed with the court.”.

24 In line 25, delete “8” and insert “10”.

25 In line 30, delete “(2)(b)” and insert “(1)(b)(B)”.

26 In line 34, delete “(1)” and insert “(1)(a)”.

27 In line 37, delete “or”.

28 In line 38, delete “(2)(c)” and insert “(1)(b)(C)” and delete the period and
29 insert “; or”.

30 In line 39, delete “(3)” and insert “(1)(c)”.

1 On page 9, delete lines 31 through 34 and insert:

2 **“SECTION 11.** ORS 419B.470 is amended to read:

3 “419B.470. (1) The court shall conduct a permanency hearing within 30
4 days after a judicial finding is made under ORS 419B.340 (5) if, based upon
5 that judicial finding, the Department of Human Services determines that it
6 will not make reasonable efforts to reunify the family.

7 “(2) In all other cases when a child or ward is in substitute care, the
8 court shall conduct a permanency hearing no later than 12 months after the
9 ward was found within the jurisdiction of the court under ORS 419B.100 or
10 14 months after the child or ward was placed in substitute care, whichever
11 is the earlier.

12 “(3) If a ward is removed from court sanctioned permanent foster care, the
13 department shall request and the court shall conduct a permanency hearing
14 within three months after the date of the change in placement.

15 “(4) If a ward has been surrendered for adoption or the parents’ rights
16 have been terminated and the department has not physically placed the ward
17 for adoption or initiated adoption proceedings within six months after the
18 surrender or entry of an order terminating parental rights, the court shall
19 conduct a permanency hearing within 30 days after receipt of the report re-
20 quired by ORS 419B.440 [(2)(b)] **(1)(b)(B)**.

21 “(5) Unless good cause otherwise is shown, the court shall also conduct
22 a permanency hearing at any time upon the request of the department, an
23 agency directly responsible for care or placement of the child or ward, par-
24 ents whose parental rights have not been terminated, an attorney for the
25 child or ward, a court appointed special advocate, a citizen review board, a
26 tribal court or upon its own motion. The court shall schedule the hearing
27 as soon as possible after receiving a request.

28 “(6) After the initial permanency hearing conducted under subsection (1)
29 or (2) of this section or any permanency hearing conducted under subsections
30 (3) to (5) of this section, the court shall conduct subsequent permanency

1 hearings not less frequently than once every 12 months for as long as the
2 child or ward remains in substitute care.

3 “(7) After the permanency hearing conducted under subsection (4) of this
4 section, the court shall conduct subsequent permanency hearings at least
5 every six months for as long as the ward is not physically placed for
6 adoption or adoption proceedings have not been initiated.

7 “(8) If a child returns to substitute care after a court’s previously estab-
8 lished jurisdiction over the child has been dismissed or terminated, a
9 permanency hearing shall be conducted no later than 12 months after the
10 child is found within the jurisdiction of the court on a newly filed petition
11 or 14 months after the child’s most recent placement in substitute care,
12 whichever is the earlier.

13 **“SECTION 12. Section 5 of this 2015 Act and the amendments to**
14 **ORS 109.309, 419A.004, 419B.090, 419B.349, 419B.395, 419B.440, 419B.443,**
15 **419B.446, 419B.449 and 419B.470 by sections 1 to 4 and 6 to 11 of this 2015**
16 **Act apply to:**

17 **“(1) Children and wards who are in the legal custody of the De-**
18 **partment of Human Services before, on or after the effective date of**
19 **this 2015 Act; and**

20 **“(2) Children and wards for whom placement decisions are made on**
21 **or after the effective date of this 2015 Act.”.**

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