



# Oregon

Kate Brown, Governor

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## **SB 103 – Hearing Requirements Modification**

### **Concept:**



### **Need for policy change:**

SB 741 in the 2015 session created, among other things, a requirement that DHS file a report with the court if DHS has removed or plans to remove a child from a foster home under specified circumstances. The court must then hold a hearing within 10 days of receiving the report. The placement of this new hearing requirement in 419B.449 (1) requires the department to submit a full court report and for the court to hold a full judicial review and make full judicial findings at this hearing as opposed to focusing the hearing on the court's authority to review the child's placement or proposed placement and determine if it is in the child's best interest. A full judicial review in this circumstance is unnecessary and an added workload for both the department and the court. Changing the statute would allow the court to only focus the hearing on the placement move or proposed placement move but would not prevent the court from reviewing other areas of the case or making other findings if need be.

### **Impact if not approved:**

The court would be forced to continue holding a full judicial review in circumstances when the department has moved or is planning to move a child in foster care under specified circumstances rather than focusing the hearing on the child's placement. The full judicial review would still be required in this circumstance even when the child has had a recent full judicial review (which are required a minimum of once every six months). Full judicial reviews require the department to report on and the court to make findings on the following elements of the case; diligent efforts for placement with relatives or siblings, number of placements, visits, school changes, DHS contacts, concurrent planning, reasonable efforts, case plan progress, permanency plans, transition plans, and education. Preparation for and the full judicial review itself is time intensive.

### **Facts:**

The proposed solution is to amend ORS 419B.449(1) to clarify that the requirements for a full judicial review hearing only apply to reports filed with the court pursuant to

ORS419B.440 (1) (a) or (b) and not (c). This would eliminate the full judicial review requirement when the department has made a placement change or proposed placement change in certain circumstances.

**Fiscal Impact:**

There is no fiscal impact for this LC.

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