

Youth, Rights & Justice

ATTORNEYS AT LAW

To: Senate Committee on Human Services, 2017 Oregon Legislative Assembly

From: Mark McKechnie, Executive Director

Date: February 6, 2017

RE: Support for SB 103

Chair Gelsler and Members of the Committee:

My name is Mark McKechnie, and I am the executive director of Youth, Rights & Justice. YRJ, founded in 1975, represents children and parents in the juvenile dependency system at the trial and appellate court levels.

In 2015, the Oregon Legislature unanimously passed SB 741 to require the Department of Human Services (DHS) to give equal status and priority to relatives and current caretakers when selecting an adoptive family for a child in foster care, and that these two groups be given preference over others, such as general applicants. In addition, the law required DHS to report to the court and the court to conduct a review hearing when DHS had removed or proposed removing a child from a current caretaker – a foster parent who had cared for the child for 12 months, or half of the child’s life, in instances of a child younger than two years. The law includes reasonable exceptions from the requirement to report to the court when child is removed due to a founded allegation of abuse or neglect; removed due to imminent threat to the health or safety of the child or ward, pending investigation; placed with the selected adoptive parent; or removed at the request of the foster parent.

SB 103 bill was brought forth by the Department of Human Services to amend one aspect of SB 741. Youth, Rights & Justice supports SB 103 with a small, but important, amendment.

We have heard feedback from DHS that a full review hearing with all of the required findings may not always be warranted in the circumstances when the court is required to conduct a hearing due to the removal or proposed removal by DHS of a child from a current caretaker. We agree that it may not be necessary to conduct a full review hearing when the question at issue is whether the child’s best interests are served by the removal. We do believe it is paramount and consistent with the Legislature’s intent in SB 741, however, for the court to consider whether the removal or proposed removal is in the best interests of the child.

To that end, we propose modifying the proposed finding in Section 1 of the bill, amending “ORS 419B.449(2)(c) Upon conclusion of a hearing held after receipt of a report under ORS 419B.440 (1)(c), the findings of the court shall specifically state: ...,” and replace Subsection B in lines 21-22, on page 2 of SB 103, with a new subsection (B):

(B) Whether the removal or the proposed removal of the child or ward from the foster home in Subsection (A) of this section is in the best interest of the child or ward.

YRJ encourages the committee to adopt the proposed amendment and pass the amended version of SB 103 to the Senate Floor.

Thank you for your consideration of these important issues.