

HB 4009 -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/14

WHAT THE MEASURE DOES:

Heightens standard under which child may be taken into protective custody without protective custody order. Allows reinstatement of terminated parental rights in specific circumstances.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Replaces measure. Removes provisions on protective custody order. Revises process for reinstating parental rights. Specifies that the Department of Human Services (DHS) or the ward may file a motion to reinstate the parental rights of a former parent if: 1) the ward has not been adopted or does not have a legal parent; 2) it has been at least 18 months since the termination of parental rights or six months since affirmation of the judgement by an appellate court; and 3) the ward is at least 12 years old. Specifies the process for initiating reinstatement. Requires DHS to give notice to ward if former parent notifies DHS of desire to reinstate parental rights and eligibility exists. Requires showing my clear and convincing evidence that former parent is fit, wishes to have parental rights reinstated, and that reinstatement is in ward's best interest. Specifies that if ward is over 14 years of age, ward consents to reinstatement. Provides six month period following reinstatement in which ward remains ward of the court. Requires permanency hearing within 60 days of reinstating parental rights. Provides counsel at state expense for ward.

BACKGROUND:

Current Oregon law allows a peace officer, counselor, or Department of Human Services employee to take a child into protective custody when the child's welfare appears to be jeopardized by the surroundings or conditions, when it reasonably appears the child is a runaway, or when a juvenile court orders the child be taken into protective custody. Additionally, Oregon does not provide for a reinstatement of parental rights should those rights be terminated by the court.

House Bill 4009 requires reasonable cause to believe a child is likely to experience serious bodily harm in the time it takes to obtain an order before taking a child into protective custody. Additionally, the measure provides a route for reinstatement of parental rights following termination.