



Oregon

Kate Brown, Governor

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February 15, 2018

The Honorable Representative Jeff Barker, Chair
The Honorable Representative Jennifer Williamson, Vice-Chair
The Honorable Representative Andy Olson, Vice-Chair
House Committee on Judiciary
900 Court Street NE
Oregon State Capitol
Salem, OR 97301

Re: HB 4009 DHS response to questions raised in February 14, 2018 Public Hearing

Dear Chair Barker and Vice-Chairs Williamson and Olson:

At the Public Hearing on HB 4009 held on February 14, 2018, Rep. Stark asked several questions during my testimony on the -3 amendments to the bill. Below are the questions and DHS responses to those questions.

- 1. Question: Section 3 of the original bill talks about whether to reinstate parental rights and the best interest of the child. Has DHS has already decided there are “immediate disqualifiers” if certain offenses led to TPR? Sex abuse was given as an example.**

The -3 amendments to the bill do not contemplate “immediate disqualifiers” however the parent would have to demonstrate that he or she had successfully ameliorated the conduct or conditions that lead to the termination of their parental rights, as well as provide evidence he or she is presently fit, at a high clear and convincing legal standard. The amendments provide that DHS shall promulgate rules establishing procedures to investigate the parent’s present fitness to parent the ward. Even if the parent is able to prove this, the reinstatement of parental rights must still be found to be in the ward’s best interests. In determining this, the court shall consider the ward’s health, safety, permanency, age, maturity and ability to express the ward’s preferences. DHS or the child could file an objection to the motion to reinstate and could call witnesses and present evidence to support their position.

2. Question: Will same/similar services that DHS utilizes for reunifications be utilized in the reinstatement of parental rights process?

The -3 amendments to the bill provide that once parental rights are reinstated all parental rights and duties of the former parent as to the ward are restored. The former parent, now a parent, regains party status and a permanency hearing must be held within 60 days. DHS envisions offering the same type of services and safeguards typically utilized in family reunification (safety planning, create conditions for return, using any available and appropriate support services etc.) during the mandatory minimum six months period of continuing wardship. The court may also order services as part of the on-going juvenile dependency case.

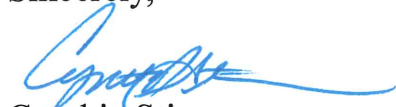
Oregon Administrative rules and procedures will be modified/created as appropriate to allow for the provisions of appropriate monitoring, services and supports.

3. Question: Cost?

The number of cases anticipated is very small (under 10 a year). The activities associated with this change are considered normal in the course of our business. DHS officially submitted a \$0 fiscal on the -3s

Please let me know if I can be of further assistance.

Sincerely,



Cynthia Stinson

DHS Legislative Coordinator – Child Welfare