

**SB 1526 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Knopp

**Senate Committee On Human Services**

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**Action Date:** 02/06/18

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Gelser, Knopp, Linthicum, Monnes Anderson, Wagner

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

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**WHAT THE MEASURE DOES:**

Requires the court to consider mental health condition of parents if the nature and duration renders the parent incapable of giving proper care for the child for an extended period of time. Prohibits the court from considering a parent's disability unless the parent's disability-related conduct is of a nature and duration as to render the parent incapable of providing care for an extended period. Prohibits courts from considering termination of parental rights, due to finding of unfitness, based solely on emotional illness, mental illness, intellectual or other recognized disability. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Factors for considering termination of parental rights by courts
- Protections and support services for parents with disabilities
- Stigmatization and discrimination of individuals with disabilities and mental health conditions

**EFFECT OF AMENDMENT:**

Requires the court to consider mental health condition of parents if the nature and duration renders the parent incapable of giving proper care for the child for an extended period of time. Prohibits the court from considering a parent's disability unless the parent's disability-related conduct is of a nature and duration as to render the parent incapable of providing care for an extended period.

**BACKGROUND:**

The rights of a parent or parents may be terminated if the court finds that the parent or parents are unfit to care for the safety and wellbeing of their children. A study from the Center for Advanced Studies in Child Welfare found that a parent with a disability is over three times as likely to have parental rights terminated than a parent without a disability. According to the National Council on Disability, one in 10 children have at least one parent with a disability, and in Oregon 15.5 percent of foster children were removed from their home due to the mental illness of a parent. Senate Bill 1526 A allows parents with an emotional illness, mental illness, intellectual or developmental disability or other disability to retain parental rights if the court does not find any additional conduct or conditions seriously detrimental to the children.