

SB 1526 A STAFF MEASURE SUMMARY

Carrier: Rep. Piluso

House Committee On Human Services and Housing

Action Date: 02/22/18

Action: Do Pass the A-Eng bill.

Vote: 9-0-0-0

Yeas: 9 - Gorsek, Keny-Guyer, Meek, Nearman, Noble, Olson, Piluso, Sanchez, Stark

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Prohibits the court from considering a parent's disability when determining the termination of parental rights unless the parent's disability-related conduct renders the parent incapable of providing care to a child or ward for an extended period. Requires the court to consider the mental health condition of parents when determining whether to terminate parental rights if the nature and duration renders the parent incapable of giving proper care for the child or ward for an extended period of time. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Discrimination against parents with disabilities when determining termination of parental rights
- Support services to maintain family unit
- Case in Oregon of parents losing their children
- Requirements for child abuse report

EFFECT OF AMENDMENT:

No amendment.

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. Current Oregon law requires the court to consider the following when determining unfitness: emotional illness, mental illness, or mental retardation rendering parent incapable of providing proper care; abusive, cruel, or sexual conduct; addictive or habitual use of specified substances; physical neglect; lack of effort to adjust circumstances to return child to home; and criminal conduct impairing care for the child.

The Americans with Disabilities Act defines disability as an individual with a physical or mental impairment substantially limiting one or more major life activities, a record of such an impairment, or being regarded as impaired. 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 conduct or conditions seriously detrimental to the children.