

A-Engrossed
Senate Bill 1526

Ordered by the Senate February 7
Including Senate Amendments dated February 7

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits court from considering parent's disability in determining whether to terminate parental rights [*absent finding that behaviors or limitations related to parent's disability will endanger health, safety or welfare of child or ward even when accommodations or support services are in place*] **unless parent's conduct related to disability is of such nature and duration as to render parent incapable of providing proper care to child or ward for extended periods of time.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the parental rights of individuals with disabilities; creating new provisions; amending
3 ORS 419B.504; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 419B.504 is amended to read:

6 419B.504. The rights of the parent or parents may be terminated as provided in ORS 419B.500
7 if the court finds that the parent or parents are unfit by reason of conduct or condition seriously
8 detrimental to the child or ward and integration of the child or ward into the home of the parent
9 or parents is improbable within a reasonable time due to conduct or conditions not likely to change.
10 In determining such conduct and conditions[,]:

11 (1) The court shall consider but is not limited to the following:

12 [(1) *Emotional illness, mental illness or mental retardation of the parent of such nature and dura-*
13 *tion as to render the parent incapable of providing proper care for the child or ward for extended pe-*
14 *riods of time.*]

15 [(2)] (a) Conduct toward any child of an abusive, cruel or sexual nature.

16 [(3)] (b) Addictive or habitual use of intoxicating liquors, cannabis or controlled substances to
17 the extent that parental ability has been substantially impaired.

18 [(4)] (c) Physical neglect of the child or ward.

19 [(5)] (d) Lack of effort of the parent to adjust the circumstances of the parent, conduct, or con-
20 ditions to make it possible for the child or ward to safely return home within a reasonable time or
21 failure of the parent to effect a lasting adjustment after reasonable efforts by available social
22 agencies for such extended duration of time that it appears reasonable that no lasting adjustment
23 can be effected.

24 [(6)] (e) Criminal conduct that impairs the parent's ability to provide adequate care for the child
or ward.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(f) A mental health condition of the parent of such nature and duration as to render the**
2 **parent incapable of providing proper care for the child or ward for extended periods of time.**

3 **(2) The court may not consider a parent’s disability, as that term is defined in the**
4 **Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), unless the parent’s conduct**
5 **related to the disability is of such nature and duration as to render the parent incapable of**
6 **providing proper care for the child or ward for extended periods of time.**

7 **SECTION 2. The amendments to ORS 419B.504 by section 1 of this 2018 Act apply to**
8 **proceedings to terminate parental rights commenced on or after the effective date of this**
9 **2018 Act.**

10 **SECTION 3. This 2018 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
12 **on its passage.**

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