

**HOUSE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2849
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

June 19

1 On page 2 of the printed A-engrossed bill, after line 2, insert:

2 “**SECTION 2a.** If Senate Bill 924 becomes law, section 2 of this 2019 Act is amended to read:

3 “**Sec. 2.** (1) If it reasonably appears that a child is a runaway, the child may be taken into
4 protective custody by a peace officer, counselor, employee of the Department of Human Services or
5 any other person authorized by the juvenile court of the county in which the child is found.

6 “(2) When a child is taken into protective custody as a runaway under subsection (1) of this
7 section, the peace officer or other person who takes the child into custody:

8 “(a)(A) Shall release the child without unnecessary delay to the custody of the child’s parent
9 or guardian or to a shelter **care** facility that has agreed to provide care and services to runaway
10 children and that has been designated by the juvenile court to provide such care and services; or

11 “(B) Shall follow the procedures described in ORS 419B.160, 419B.165, 419B.168 and 419B.171;

12 “(b) Shall, if possible, determine the preferences of the child and the child’s parent or guardian
13 as to whether the best interests of the child are better served by placement in a shelter **care** facility
14 that has agreed to provide care and services to runaway children and that has been designated by
15 the juvenile court to provide such care and services or by release to the child’s parent or guardian;
16 and

17 “(c) Notwithstanding ORS 419B.165 and subsection (1) of this section, shall release the child to
18 a shelter **care** facility that has agreed to provide care and services to runaway children and that
19 has been designated by the juvenile court to provide such care and services if it reasonably appears
20 that the child would not willingly remain at home if released to the child’s parent or guardian.”.

21 On page 4, after line 11, insert:

22 “**SECTION 3a.** If Senate Bill 924 becomes law, section 3 of this 2019 Act (amending ORS
23 419B.150) is repealed and ORS 419B.150, as amended by section 8, chapter ___, Oregon Laws
24 2019 (Enrolled Senate Bill 924), is amended to read:

25 “419B.150. [(1) A child may be taken into protective custody by a peace officer, counselor, employee
26 of the Department of Human Services or any other person authorized by the juvenile court of the county
27 in which the child is found, in the following circumstances:]

28 “[*(a) When the child’s condition or surroundings reasonably appear to be such as to jeopardize the
29 child’s welfare;*]

30 “[*(b) When the juvenile court, by order indorsed on the summons as provided in ORS 419B.839
31 or otherwise, has ordered that the child be taken into protective custody;* or]

32 “[*(c) When it reasonably appears that the child has run away from home.*]

33 “[(2)(a) Before issuing an order under subsection (1)(b) of this section, the court shall review an
34 affidavit sworn on information and belief provided by a peace officer, counselor or employee of the

1 department or other person authorized by the juvenile court that sets forth with particularity the facts
2 and circumstances on which the request for protective custody is based, why protective custody is in the
3 best interests of the child and the reasonable efforts or, if the Indian Child Welfare Act applies, active
4 efforts made by the department to eliminate the need for protective custody of the child.]

5 “[b) Except as provided in paragraph (c) of this subsection, an order directing that a child be
6 taken into protective custody under subsection (1) of this section shall contain written findings, in-
7 cluding a brief description of the reasonable efforts or, if the Indian Child Welfare Act applies, active
8 efforts to eliminate the need for protective custody of the child that the department has made and why
9 protective custody is in the best interests of the child.]

10 “[c) The court may issue an order even though no services have been provided if the court makes
11 written findings that no existing services could eliminate the need for protective custody of the child
12 and that protective custody is in the best interests of the child.]

13 “[3) When a child is taken into protective custody as a runaway under subsection (1) of this sec-
14 tion, the peace officer or other person who takes the child into protective custody:]

15 “[a)(A) Shall release the child without unnecessary delay to the custody of the child’s parent or
16 guardian or to a shelter care facility that has agreed to provide care and services to children who have
17 run away from home and that has been designated by the juvenile court to provide such care and ser-
18 vices; or]

19 “[B) Shall follow the procedures described in ORS 419B.160, 419B.165, 419B.168 and 419B.171;]

20 “[b) Shall, if possible, determine the preferences of the child and the child’s parent or guardian
21 as to whether the best interests of the child are better served by placement in a shelter care facility that
22 has agreed to provide care and services to children who have run away from home and that has been
23 designated by the juvenile court to provide such care and services or by release to the child’s parent
24 or guardian; and]

25 “[c) Notwithstanding ORS 419B.165 and subsection (1) of this section, shall release the child to
26 a shelter care facility that has agreed to provide care and services to children who have run away from
27 home and that has been designated by the juvenile court to provide such care and services if it rea-
28 sonably appears that the child would not willingly remain at home if released to the child’s parent or
29 guardian.]

30 **“(1) As used in this section:**

31 **“(a) ‘Abuse’ has the meaning given that term in ORS 419B.005.**

32 **“(b) ‘Reasonable cause’ means a subjectively and objectively reasonable belief, given all**
33 **of the circumstances and based on specific and articulable facts.**

34 **“(c) ‘Severe harm’ means:**

35 **“(A) Life-threatening damage; or**

36 **“(B) Significant or acute injury to a person’s physical, sexual or psychological function-**
37 **ing.**

38 **“(2) The following persons are authorized to take a child into protective custody under**
39 **this section:**

40 **“(a) A peace officer, as defined in ORS 420.905;**

41 **“(b) A counselor; or**

42 **“(c) An employee of the Department of Human Services.**

43 **“(3)(a) Except as provided in paragraph (b) of this subsection, a child may be taken into**
44 **protective custody without a court order only when there is reasonable cause to believe that:**

45 **“(A) There is an imminent threat of severe harm to the child;**

1 “(B) The child poses an imminent threat of severe harm to self or others; or

2 “(C) There is an imminent threat that the child’s parent or guardian will cause the child
3 to be beyond the reach of the juvenile court before the court can order that the child be
4 taken into protective custody under subsection (6) of this section.

5 “(b) If there is reason to know that the child is an Indian child, the child may be taken
6 into protective custody without a court order only when it is necessary to prevent imminent
7 physical damage or harm to the child.

8 “(4) A person authorized to take a child into protective custody shall apply for a protec-
9 tive custody order, as described in subsection (6) of this section, by submitting a declaration
10 based on information and belief that sets forth with particularity:

11 “(a) Why protective custody is necessary and the least restrictive means available to:

12 “(A) Protect the child from abuse;

13 “(B) Prevent the child from inflicting harm on self or others;

14 “(C) Ensure that the child remains within the reach of the juvenile court to protect the
15 child from abuse or to prevent the child from inflicting harm on self or others; or

16 “(D) If the department knows or has reason to know that the child is an Indian child,
17 prevent imminent physical damage or harm to the child.

18 “(b) Why protective custody is in the best interests of the child.

19 “(5)(a) The applicant under subsection (4) of this section shall deliver the declaration
20 described in subsection (4) of this section to the juvenile court.

21 “(b) At the applicant’s request, instead of the declaration described in subsection (4) of
22 this section, the judge may take an oral statement under oath. If the applicant makes the
23 oral statement to the judge out of court, the applicant shall record the oral statement and
24 retain a copy of the recording. The recording constitutes a declaration for the purposes of
25 subsection (4) of this section.

26 “(6) The juvenile court may order that a child be taken into protective custody if, after
27 reviewing the declaration described in subsection (4) of this section, the court determines
28 that:

29 “(a) Protective custody is necessary and the least restrictive means available to:

30 “(A) Protect the child from abuse;

31 “(B) Prevent the child from inflicting harm on self or others;

32 “(C) Ensure that the child remains within the reach of the juvenile court to protect the
33 child from abuse or prevent the child from inflicting harm on self or others;

34 “(D) Ensure the safety of a child who has run away from home; or

35 “(E) If the department knows or has reason to know that the child is an Indian child,
36 prevent imminent physical damage or harm to the child; and

37 “(b) Protective custody is in the best interests of the child.

38 “(7) When the court issues a protective custody order under subsection (6) of this sec-
39 tion, the court may transmit the signed order to the applicant by a form of electronic com-
40 munication approved by the court that delivers a complete printable image of the signed
41 order. The court shall file the original order in the court record.”.

42 On page 6, after line 7, insert:

43 “**SECTION 6a.** If House Bill 2033 becomes law, section 6 of this 2019 Act (amending ORS
44 419B.021) is repealed and ORS 419B.021, as amended by section 1, chapter 153, Oregon Laws
45 2019 (Enrolled House Bill 2033), is amended to read:

1 “419B.021. (1) Except as provided in subsection (2) of this section, a person who conducts an
2 investigation under ORS 419B.020, makes a determination that a child must be taken into protective
3 custody under ORS 419B.150 **or section 2 of this 2019 Act** or makes a determination that a child
4 should not be released to the child’s parent or other responsible person under ORS 419B.165 (2) must
5 have:

6 “(a) At least a bachelor’s degree in:

7 “(A) Human services or a field related to human services; or

8 “(B) A field other than one described in subparagraph (A) of this paragraph, if the Department
9 of Human Services determines by rule that the coursework completed by the person is equivalent
10 to a bachelor’s degree in human services and that the person has sufficient training in providing
11 human services; or

12 “(b) An associate degree with additional training or additional certification in human services
13 or a field related to human services, as determined by the department by rule.

14 “(2) Subsection (1) of this section does not apply to a law enforcement official as defined in ORS
15 147.005.”.

16 On page 7, after line 32, insert:

17 “**SECTION 9a. If Senate Bill 924 becomes law, section 9 of this 2019 Act (amending ORS**
18 **419B.121) is repealed.**”.

19 On page 8, after line 37, insert:

20 “**SECTION 11a. If Senate Bill 924 becomes law, section 11 of this 2019 Act (amending ORS**
21 **419C.156) is repealed.**”.