

# Senate Bill 492

Sponsored by Senator GELSER; Representative PILUSO (Pre-session filed.)

## 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 **as introduced**.

Proclaims state policy to provide aids, benefits and services to persons with disabilities who are parents or guardians.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to support provided to parents with disabilities; amending ORS 419B.090; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 419B.090 is amended to read:

6 419B.090. (1) The juvenile court is a court of record and exercises jurisdiction as a court of  
7 general and equitable jurisdiction and not as a court of limited or inferior jurisdiction. The juvenile  
8 court is called "The \_\_\_\_\_ Court of \_\_\_\_\_ County, Juvenile Department."

9 (2)(a) It is the policy of the State of Oregon to recognize that children are individuals who have  
10 legal rights. Among those rights are the right to:

11 (A) Permanency with a safe family;

12 (B) Freedom from physical, sexual or emotional abuse or exploitation; and

13 (C) Freedom from substantial neglect of basic needs.

14 (b) Parents and guardians have a duty to afford their children the rights listed in paragraph (a)  
15 of this subsection. Parents and guardians have a duty to remove any impediment to their ability to  
16 perform parental duties that afford these rights to their children. When a parent or guardian fails  
17 to fulfill these duties, the juvenile court may determine that it is in the best interests of the child  
18 to remove the child from the parent or guardian either temporarily or permanently.

19 (c) The provisions of this chapter shall be liberally construed to the end that a child coming  
20 within the jurisdiction of the court may receive such care, guidance, treatment and control as will  
21 lead to the child's welfare and the protection of the community.

22 (3) It is the policy of the State of Oregon to safeguard and promote each child's right to safety,  
23 stability and well-being and to safeguard and promote each child's relationships with parents, sib-  
24 lings, grandparents, other relatives and adults with whom a child develops healthy emotional at-  
25 tachments.

26 (4) It is the policy of the State of Oregon to guard the liberty interest of parents protected by  
27 the Fourteenth Amendment to the United States Constitution and to protect the rights and interests  
28 of children, as provided in subsection (2) of this section. The provisions of this chapter shall be  
29 construed and applied in compliance with federal constitutional limitations on state action estab-  
30 lished by the United States Supreme Court with respect to interference with the rights of parents  
31 to direct the upbringing of their children, including, but not limited to, the right to:

**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 (a) Guide the secular and religious education of their children;
- 2 (b) Make health care decisions for their children; and
- 3 (c) Discipline their children.

4 (5) It is the policy of the State of Oregon, in those cases not described as extreme conduct under  
5 ORS 419B.502, to offer appropriate reunification services to parents and guardians to allow them the  
6 opportunity to adjust their circumstances, conduct or conditions to make it possible for the child to  
7 safely return home within a reasonable time. **The state shall provide to parents and guardians  
8 with disabilities opportunities to benefit from or participate in reunification services that are  
9 equal to those extended to individuals without disabilities. The state shall provide aids, ben-  
10 efits and services different from those provided to parents and guardians without disabilities,  
11 when necessary to ensure that parents and guardians with disabilities are provided with an  
12 equal opportunity under this subsection.** Although there is a strong preference that children live  
13 in their own homes with their own families, the state recognizes that it is not always possible or in  
14 the best interests of the child or the public for children who have been abused or neglected to be  
15 reunited with their parents or guardians. In those cases, the State of Oregon has the obligation to  
16 create or provide an alternative, safe and permanent home for the child.

17 (6) The State of Oregon recognizes the value of the Indian Child Welfare Act and hereby in-  
18 corporates the policies of that Act.

19 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public  
20 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect  
21 on its passage.**

22 \_\_\_\_\_