

HB 2104 A STAFF MEASURE SUMMARY

Senate Committee On Human Services, Mental Health and Recovery

Prepared By: C. Ross, Counsel

Meeting Dates: 5/6, 5/18

WHAT THE MEASURE DOES:

Narrows the definition of "current caretaker" to exclude those caring for wards who have concurrent permanent adoption plans from being treated the same as a ward's relatives, for adoption purposes, and clarifies the calculation of time that a ward is cared for by a current caretaker as cumulative from the date the ward entered substitute care.

House committee: unanimous

House floor: unanimous

No fiscal or revenue impact

ISSUES DISCUSSED:

- Technical nature of change to definition established by previous legislation

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Courts can become involved in the lives of children and their families for many reasons. Guardians may be appointed by courts for children whose parents are unwilling or unable to care for them. A relative or another adult, or the Department of Human Services (DHS) or another qualifying entity, can be appointed as a child's guardian, and guardianships are usually temporary, but sometimes permanent. The findings that courts are required to make, and the applicable standards of proof vary depending on the type of guardianship and the person or entity being appointed. The same standards that courts apply when deciding whether to terminate parental rights, apply to the establishment of a permanent guardianship; parents may ask a court to terminate a temporary guardianship, but not a permanent guardianship.

In 2015, the Legislative Assembly enacted Senate Bill 741. Among other provisions, the measure treated a ward's current caretakers the same as relatives, with respect to their being considered as prospective adoptive parents, when certain criteria were met. The definition of "current caretaker" established by the measure, includes those who care for wards in the legal custody of the Department of Human Services (DHS) who have a permanency plan of adoption, as well as those who have a concurrent plan of adoption.

House Bill 2104 A narrows the definition of "current caretaker" to remove those who care for wards who have a concurrent plan of adoption, and leaving those who care for wards who have a permanency plan of adoption, who may be treated the same as relatives when seeking to adopt, if other criteria are met.