

Supporting stable guardianships for children

Why it matters

Stability in a child's family situation is important for their **well-being and sense of safety**. One way we can support stable placements for children is by ensuring that Oregon law clearly defines the conditions under which juvenile courts can end legal guardianships.



Background

When a child's parent can't provide them with appropriate care and protection, ODHS Child Welfare may facilitate another family gaining **guardianship**. Guardianship can help a child stay connected to their culture and community and can allow relatives to provide a permanent and stable home for the child.

A guardianship can be ended by a juvenile court under ORS 419B.368. However, a [2019 court case](#) established that a guardianship can also come to an end once the court no longer has jurisdiction over the child. For example, if a court gains jurisdiction over a child due to safety threats at home, its jurisdiction may end once those safety threats no longer exist.

Risk

The way that Oregon law is currently written creates the **potential for a child to be uprooted from a stable guardianship** arrangement even when it's in their best interest to remain in their guardian's care.

Solution

Senate Bill 208 would change Oregon Revised Statutes to clarify that when a durable or permanent guardianship is established, it can only be terminated if the court vacates it under ORS 419B.368 or the child becomes 21 years of age. This would also mean that the guardianship can only be vacated if the court determines it's in the child's best interest, the parent is presently able and willing to adequately care for them, and the circumstances that gave rise to the child's removal from the home have been ameliorated.

This clarification of the law will help **prevent disruptions to children's placement stability** through guardianships, helping to provide a stronger foundation for their well-being.

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