

House Bill 2709

Sponsored by Representative SCHARF; Representatives HIEB, LEVY B, MORGAN, Senator WEBER (Presession 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**.

Modifies criteria requiring Department of Human Services to file petition to terminate parental rights to include child or ward who has been removed from parent's home three times or who has been in substitute care for aggregate of 36 months.

A BILL FOR AN ACT

1
2 Relating to termination of parental rights; creating new provisions; and amending ORS 419B.498.

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

4 **SECTION 1.** ORS 419B.498 is amended to read:

5 419B.498. (1) Except as provided in subsection (2) of this section, the Department of Human
6 Services shall simultaneously file a petition to terminate the parental rights of a child or ward's
7 parents and identify, recruit, process and approve a qualified family for adoption if the child or ward
8 is in the custody of the department and:

9 (a) The child or ward has been in substitute care under the responsibility of the department for
10 15 months of the most recent 22 months;

11 (b) A parent has been convicted of murder of another child of the parent, voluntary
12 manslaughter of another child of the parent, aiding, abetting, attempting, conspiring or soliciting to
13 commit murder or voluntary manslaughter of the child or ward or of another child of the parent or
14 felony assault that has resulted in serious physical injury to the child or ward or to another child
15 of the parent; *[or]*

16 (c) A court of competent jurisdiction has determined that the child or ward is an abandoned
17 child[.];

18 **(d) The child or ward has been removed from the parent's home for safety reasons on**
19 **three occasions; or**

20 **(e) The aggregate amount of time that the child or ward has spent in substitute care**
21 **exceeds 36 months.**

22 (2) The department shall file a petition to terminate the parental rights of a parent in the cir-
23 cumstances described in subsection (1) of this section unless:

24 (a) The child or ward is being cared for by a relative and that placement is intended to be
25 permanent;

26 (b) There is a compelling reason, which is documented in the case plan, for determining that
27 filing such a petition would not be in the best interests of the child or ward. Such compelling rea-
28 sons include, but are not limited to:

29 (A) The parent is successfully participating in services that will make it possible for the child
30 or ward to safely return home within a reasonable time as provided in ORS 419B.476 (5)(c);

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 (B) Another permanent plan is better suited to meet the health and safety needs of the child or
2 ward, including the need to preserve the child's or ward's sibling attachments and relationships;

3 (C) If the child is an Indian child, the court finds that tribal customary adoption, as described
4 in ORS 419B.656, is an appropriate permanent plan for the child and the Indian child's tribe consents
5 to the tribal customary adoption; or

6 (D) The court or local citizen review board in a prior hearing or review determined that while
7 the case plan was to reunify the family the department did not make reasonable efforts or, if the
8 child or ward is an Indian child, active efforts, as described in ORS 419B.645, to make it possible
9 for the child or ward to safely return home; or

10 (c) The department has not provided to the family of the child or ward, consistent with the time
11 period in the case plan, such services as the department deems necessary for the child or ward to
12 safely return home, if reasonable efforts to make it possible for the child or ward to safely return
13 home are required to be made with respect to the child or ward.

14 (3) No petition to terminate the parental rights of a child or ward's parents pursuant to sub-
15 section (1) of this section or pursuant to ORS 419B.500, 419B.502, 419B.504, 419B.506 or 419B.508
16 may be filed until the court has determined that the permanency plan for the child or ward should
17 be adoption after a permanency hearing pursuant to ORS 419B.476.

18 **SECTION 2. The amendments to ORS 419B.798 apply to petitions to terminate parental**
19 **rights filed on or after the effective date of this 2023 Act.**

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