

Senate Bill 866

Sponsored by Senator GELSER BLOUIN

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 court authority to direct placements of children in custody of Department of Human Services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to court authority to direct placement of children in Department of Human Services cus-
3 tody; creating new provisions; amending ORS 419B.349; and declaring an emergency.

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

5 **SECTION 1.** ORS 419B.349 is amended to read:

6 419B.349. (1) Commitment of a child or ward to the Department of Human Services does not
7 terminate the court's continuing jurisdiction to protect the rights of the child or ward or the child
8 or ward's parents or guardians. Notwithstanding ORS 419B.337 **(2) or** (5), if upon review of a
9 placement or proposed placement of a child or ward made or to be made by the department the court
10 determines that the placement or proposed placement is not in the best interest of the child or ward,
11 the court may direct the department to place or maintain the child or ward in [*the care of the child*
12 *or ward's parents, in foster care with a foster care provider who is a relative, in foster care with a*
13 *foster care provider who is or has been a current caretaker for the child, in foster care with a foster*
14 *care provider who is not a relative or current caretaker, in residential care, in group care or in some*
15 *other specific type of residential placement, but unless otherwise required by law, the court may not*
16 *direct a specific placement. The actual planning and placement of the child or ward is the responsi-*
17 *bility of the department.] **a specific placement, including in a specific residential facility, or may***
18 **direct the department to place or maintain the child or ward in a specified category of**
19 **placement.** Nothing in this subsection affects any contractual right of an individual or a private
20 agency to refuse or terminate a placement.

21 (2) The court may not exercise its discretion to direct the department to place or maintain a
22 child or ward where the effect of the direction will be to remove the child or ward from, or prevent
23 the placement of the child or ward with, a person described in ORS 419B.440 (2)(c).

24 **SECTION 2.** **The amendments to ORS 419B.349 by section 1 of this 2023 Act apply to**
25 **placement decisions made by the Department of Human Services before, on or after the ef-**
26 **fective date of this 2023 Act.**

27 **SECTION 3.** **This 2023 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
29 **on its passage.**

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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.