

Joint Committee on Ways and Means

Carrier – House: Rep. Krieger  
Carrier – Senate: Sen. Winters

Revenue: No revenue impact

Fiscal: Fiscal statement issued

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Action: Do Pass the A-Engrossed Measure

Vote: 22 – 0 – 3

House

Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, McLane, Nathanson, Read, Richardson, G. Smith, Whisnant

Nays:

Exc: Nolan, Thatcher

Senate

Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Thomsen, Verger, Whitsett, Winters

Nays:

Exc: Nelson

Prepared By: Kim To, Legislative Fiscal Office

Meeting Date: February 22, 2012

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**WHAT THE MEASURE DOES:** Creates a “community guardian” provision and defines the term “child-caring agency” licensed under ORS 418.205 to 418.310 that is petitioning for appointment as guardian of a juvenile sixteen years or older. Allows for the court to appoint a community guardian if: (1) the juvenile has spent more than three years in substitute care; (2) the proposed community guardian has provided care services to the juvenile in the immediate 12 months preceding the filing of the petition for guardianship; (3) there is no other appropriate permanency plan for the ward;(4) the proposed guardianship would include planning and guidance for the juvenile’s successful transition to independent living; (5) the juvenile has access to court-appointed counsel and, (6) the juvenile consents. Shifts the “community guardianship” from permanent guardianship provisions of ORS 419B.365 to ORS 419B.366. Requires that the juvenile has access to court-appointed counsel. Requires that the juvenile state in writing that he or she knows that he or she cannot be placed in the legal custody of the Department of Human Services (DHS) after reaching 18years of age. Requires a court to review no later than 60 days before the ward reaches age 18 and at this hearing inform the juvenile that, after reaching 18, the ward may not be placed in DHS substitute care. n writing. Declares an emergency; effective upon passage.

**ISSUES DISCUSSED:**

- Origin of the bill
- Rationale for age 16 instead of a younger age

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** If a child is in danger because of abuse or neglect, the state of Oregon will step in to protect the child. The process and procedure for doing this is set forth in Oregon Revised Code Chapter 419B. If a child is in danger because of abuse or neglect, the child will be placed under the jurisdiction of the Juvenile Court. Among other things, the Juvenile Court may appoint a guardian for the child.

A “child-caring agency” is any private school, private agency or private organization providing: (1) Day treatment for children with emotional disturbances; (2) Adoption placement services; (3) Residential care, including but not limited to foster care or residential treatment for children; (4) Residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances; (5) Outdoor youth programs; or (6) Other similar services for children. ORS 418.205((2)(a). A “child-caring agency” must be licensed. ORS 418.215.