

Senate Bill 833

Sponsored by Senator GELSER

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**.

Directs Department of Human Services to require criminal records checks on noninvolved parents prior to releasing child in protective custody to custody of noninvolved parent.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to placement of children with noninvolved parents; amending ORS 418.016; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 418.016 is amended to read:

6 418.016. (1) To protect the health and safety of children who are in the custody of the Depart-
7 ment of Human Services and who may be placed in a foster home or adoptive home or with a rela-
8 tive caregiver, the department shall adopt rules pursuant to ORS 181A.195 and ORS chapter 418 to
9 require that criminal records checks be conducted under ORS 181A.195 on:

10 (a) All persons who seek to be foster parents, adoptive parents or relative caregivers; and

11 (b) Other individuals over 18 years of age who will be in the household of the foster parent,
12 adoptive parent or relative caregiver.

13 (2) Rules adopted under subsection (1) of this section shall include:

14 (a) A requirement that persons who have been convicted of crimes listed in the rules adopted
15 by the Oregon Department of Administrative Services under ORS 181A.215 are disqualified from
16 becoming a foster parent, adoptive parent or relative caregiver; and

17 (b) A provision that the Department of Human Services may approve a person who has been
18 convicted of certain crimes listed in the rules if the person demonstrates to the department that:

19 (A) The person possesses the qualifications to be a foster parent or adoptive parent regardless
20 of having been convicted of a listed crime; or

21 (B) The disqualification would create emotional harm to the child for whom the person is seek-
22 ing to become a foster parent, adoptive parent or relative caregiver and placement of the child with
23 the person would be a safe placement that is in the best interests of the child.

24 (3) **As used in this section, "relative caregiver" includes a parent of the child with whom**
25 **the child has spent not more than 21 unsupervised nights in the preceding 12-month period**
26 **and with whom the child does not currently live.**

27 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2019 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.