

SB 865 -1 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 3/22, 3/27, 4/3

WHAT THE MEASURE DOES:

Directs the Department of Human Services (DHS) to immediately begin searching for potential substitute care placements from among relatives when it places a child or ward in substitute care. Directs DHS to involve the parents, take into consideration parent's objection to placing child or ward with certain relatives, provide notice to parents, potential placement resource, or prospective adoptive parent that current caretaker may have priority status if child or ward remains in substitute care for at least 12 months. Modifies direction to department regarding home studies and placement reports when considering equal status and priority status of prospective adoptive parents for a child or ward. Directs DHS to consider any relative or current caretaker who was not initially selected as prospective adoptive parent if an adoption is disrupted. Directs DHS to also consider the ability of a person to maintain safe, long-term contact with siblings, relatives and caregivers known to the child or ward and others with whom the child or ward has developed an emotional attachment when placing a child. Prohibits DHS to move a child or ward in substitute care for the purpose of preventing the establishment of a caregiver relationship or a current caretaker relationship. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Removes requirements for the Department of Human Services (DHS) to involve parents in potential substitute care placement search or take into consideration a parent's objections before contacting the relatives of the child or ward. Directs DHS to consider the current caretaker and relatives to have equal status and priority as prospective adoptive parents, regardless of the child's age and the time the child has been in the care of the current caretaker. Removes requirement for preference to be given to relatives known to the child or ward. Requires court to ensure any order for child support is entered as a judgment. Restores power of courts to set aside, alter or modify the judgment or any portion of it. Prohibits courts to set aside, alter or modify a judgement if it affects moneys that accrued prior to the date the motion is filed if the moneys that accrued are for minor children or the support of a party, unless it affects moneys payable to DHS.

BACKGROUND:

Current caretaker is a foster parent who is currently caring for a ward who is in the legal custody of the Department of Human Services and who has a permanency plan or concurrent permanent plan of adoption; and who has cared for the ward, or at least one sibling of the ward, for at least 12 cumulative months or for one-half of the ward's or sibling's life where the ward or sibling is younger than two years of age, calculated cumulatively (ORS 419A.004). Oregon Law (ORS 419B.192) requires relatives and persons who have a caregiver relationship to be given a preference for placement of a child in need of it. The Department of Human Services (DHS) is required to make efforts and report on those effort to the court to place a child with relatives or persons who have a caregiver relationship with the child. If the child has a sibling that needs to be placed or continue in substitute care, DHS needs to make diligent effort to place the siblings together. When placing a child in care, DHS needs to consider how well the person they are placing the child with will provide safety, help implement the child's permanent plan, and meet the child's physical, emotional, and educational needs. if more than one person requests to have the child or ward placed with them, DHS must consider which person has the closest existing personal relationship with the child, their ability to also take into care their siblings. Courts may decide that a

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placement with a relative is not in the best interest of the child. When preparing placement reports, DHS must consider each prospective adoptive parent's ability to meet the individual needs of the child for safety, attachment and well-being but give a child's relatives and current caretaker priority as prospective adoptive parents and give them equal status (ORS 109.270).

Senate Bill 865 directs DHS to immediately begin searching for potential substitute care placements from among relatives when it places a child in substitute care and directs DHS to consider the current caretaker to have priority status as a prospective adoptive parent in specific circumstances.