

SB 865 B STAFF MEASURE SUMMARY**Carrier:** Rep. Reynolds**House Committee On Early Childhood and Human Services****Action Date:** 05/15/23**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 9-0-1-0**Yeas:** 9 - Andersen, Cramer, Elmer, Hartman, Hieb, Nelson, Neron, Nguyen H, Reynolds**Exc:** 1 - Scharf**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Matthew Perreault, LPRO Analyst**Meeting Dates:** 4/24, 5/8, 5/15**WHAT THE MEASURE DOES:**

Directs Department of Human Services (DHS) to immediately begin searching for potential substitute care placement with child's relatives when child or ward is placed in substitute care. Requires DHS to notify parents and any relatives or prospective adoptive parents that nonrelative foster parents will have equal status for consideration of placement if child is placed in care for at least 12 cumulative months or one-half of child's, ward's, or sibling's life if younger than two years of age. Exempts children covered by Indian Child Welfare Act from requirement for DHS to consider equal status of relatives, current caretakers, and prospective adoptive parents. Requires DHS to consider any relative or current caretaker who was not initially selected as prospective adoptive parent if adoption is disrupted. Requires juvenile court to give preference to placement with current caretakers in addition to relatives or persons with caregiver relationship. Requires DHS to consider ability of person to maintain safe, long-term contact with siblings, relatives, and caregivers known to the child or ward and others when placing a child or ward for adoption, guardianship, or continued substitute care. Prohibits DHS from moving child or ward in substitute care in order to prevent establishment of a caregiver relationship or a current caretaker relationship. Applies to placement decisions made on or after effective date and appeals of placement decisions under consideration on effective date. Declares overdue child support payments owed to state are deemed satisfied when parental rights are terminated or relinquished and allows court to deem other overdue payments owed by parents satisfied. Prohibits court from considering parent's failure to pay for substitute care as cause for termination of parental rights. Applies to matters affecting unpaid moneys occurring before, on, or after effective date. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Current law regarding priority of placements with relatives and current caretakers
- Potential termination of parental rights due to past-due payment of child support to the Department of Human Services (DHS)
- Ability for child to retain relationships with family members and current caretakers
- Consideration of previous placements when children return to substitute care
- Ability of court to order child support payments to DHS

EFFECT OF AMENDMENT:

Removes requirement for Department of Human Services to involve parents during search for relatives, consider a parent's objection to contacting certain relatives, and provide notice that current caretaker may be prioritized if child or ward remains in substitute care for more than 12 months. Requires DHS to notify parents and any relatives or prospective adoptive parents identified for potential placement that nonrelative foster parents will have equal status for consideration of placement if child is placed in care for at least 12 cumulative months or one-half of child's, ward's, or sibling's life. Modifies prioritization of placements based on child's age with regard

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to requirements for home studies and placement reports to retain equal status except for children covered by Indian Child Welfare Act. Removes preference for relatives that are known to a child or ward and adds equal preference for current caretakers alongside relatives and persons with caregiver relationship. Prohibits court from considering parent's failure to pay for substitute care as cause for termination of parental rights.

BACKGROUND:

For cases involving decisions regarding the placement of a child or ward in substitute care, juvenile courts work with the Department of Human Services (DHS) to determine a suitable placement that is in the best interests of the child or ward. When a court finds that substitute care is necessary, DHS is required to give equal preference to placements with relatives or individuals with whom the child or ward has an existing caregiver relationship. The department is also required to place siblings together to the extent possible. Current law specifies that a foster parent who has cared for the child or ward for a period shorter than 12 consecutive months is not considered a caregiver for this purpose (ORS 419B.116). When placing a child in care, DHS must consider the ability of the caregiving person or family to 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 and their ability to also care for a child's siblings. A court may decide that 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 equally prioritize placement with a child's relatives or current caretakers.

Current law allows a court to require parents to make support payments to the state to partially cover the cost of a child's care in a state-financed facility or residence, as long as the child is in school (ORS 419B.400 to 419B.408). The order for support is a final judgment and a court may not set aside or change any part of the decision after the fact if unpaid payments have accrued. A court may terminate parental rights on the basis of failure to make sufficient support payments (ORS 419B.506).

Senate Bill 865 B modifies the process for DHS to seek placement for children or wards with relatives, prospective adoptive parents, or current caretakers, and allows a court to deem unpaid support payments satisfied when parental rights are terminated or relinquished.