

House Bill 2437

Sponsored by Representative SCHARF (Presession filed.)

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 notify juvenile court of certain adoptive placement decisions. Provides certain prospective adoptive parents with right to be heard and opportunity to request hearing on adoptive placement decision. Grants court authority to require petition for adoption to be filed.

A BILL FOR AN ACT

1
2 Relating to rights of prospective adoptive parents.

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

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 419B.**

5 **SECTION 2. (1) If the Department of Human Services utilizes an adoption committee to**
6 **make recommendations regarding the department's decision to consent to the adoption of a**
7 **child or ward by a prospective adoptive parent, the department shall notify the court of the**
8 **department's decision if the department consents to the adoption of the child or ward by a**
9 **prospective adoptive parent contrary to the recommendations of the majority of the mem-**
10 **bers of the adoption committee. The department shall provide the court with documentation**
11 **supporting the department's decision and an explanation of the department's reasons for**
12 **declining to consent to the adoption of the child or ward by the prospective adoptive parent**
13 **recommended by the majority of the adoption committee.**

14 **(2) The department shall give each prospective adoptive parent who was recommended**
15 **by the adoption committee and the prospective adoptive parent selected by the department**
16 **with notice of the filing described in subsection (1) of this section. At the request of a pro-**
17 **spective adoptive parent entitled to notice under this subsection, the court shall schedule a**
18 **hearing on the department's adoptive placement decision. A prospective adoptive parent en-**
19 **titled to notice under this subsection has the right to be heard at the hearing. Except when**
20 **allowed to intervene, the prospective adoptive parent is not considered a party to the pro-**
21 **ceeding solely because of notice and the right to be heard at the hearing.**

22 **(3) If the court schedules a hearing on the department's adoptive placement decision and,**
23 **after considering the documentation provided by the department and the testimony, if any,**
24 **from the prospective adoptive parents, the court determines that the department's decision**
25 **is not in the best interests of the child or ward, the court may direct that a petition for**
26 **adoption of the child or ward must be filed under ORS 109.276, notwithstanding ORS 419B.529.**

27 **SECTION 3. Section 2 of this 2023 Act applies to Department of Human Services consents**
28 **to adoption made on or after the effective date of this 2023 Act.**

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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.