

House Bill 2711

Sponsored by Representative SCHARF; Representatives DIEHL, HIEB, LEVY B, MORGAN, REYNOLDS, Senator WEBER (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 consider placement of child or ward with previous substitute care providers, if applicable.

A BILL FOR AN ACT

1
2 Relating to substitute care placements; creating new provisions; and amending ORS 419B.192.

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

4 **SECTION 1.** ORS 419B.192 is amended to read:

5 419B.192. (1) If the court finds that a child or ward is in need of placement or continuation in
6 substitute care, there shall be a preference given to placement of the child or ward with relatives
7 and persons who have a caregiver relationship with the child or ward as defined in ORS 419B.116.
8 The Department of Human Services shall make diligent efforts to place the child or ward with such
9 persons and shall report to the court the efforts made by the department to effectuate that place-
10 ment.

11 (2) If a child or ward in need of placement or continuation in substitute care has a sibling also
12 in need of placement or continuation in substitute care, the department shall make diligent efforts
13 to place the siblings together and shall report to the court the efforts made by the department to
14 carry out the placement, unless the court finds that placement of the siblings together is not in the
15 best interests of the child or the ward or the child's or the ward's sibling.

16 **(3) If the department is unable to place a child or ward pursuant to subsection (1) or (2)**
17 **of this section, or if such placement is not in the best interests of the child or ward, the**
18 **department shall make diligent efforts to place the child or ward in a substitute care place-**
19 **ment in which the child or ward has previously been placed, if applicable. The department**
20 **shall report to the court the efforts made by the department to effectuate placement under**
21 **this subsection and shall provide the court with documentation, signed by any prior substi-**
22 **tute care providers, of the department's efforts to place the child or ward with the prior**
23 **substitute care providers.**

24 [(3)] (4) In attempting to place the child or ward pursuant to subsections (1) [*and (2)*] **to (3)** (2)
25 this section, the department shall consider, [*but not be limited to considering*] **at a minimum**, the
26 following:

27 (a) The ability of the person being considered to provide safety for the child or ward, including
28 a willingness to cooperate with any restrictions placed on contact between the child or ward and
29 others, and to prevent anyone from influencing the child or ward in regard to the allegations of the
30 case;

31 (b) The ability of the person being considered to support the efforts of the department to im-

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.

1 plement the permanent plan for the child or ward;

2 (c) The ability of the person being considered to meet the child or ward's physical, emotional
3 and educational needs, including the child or ward's need to continue in the same school or educa-
4 tional placement;

5 (d) Which person has the closest existing personal relationship with the child or ward if more
6 than one person requests to have the child or ward placed with them pursuant to this section; and

7 (e) The ability of the person being considered to provide a placement for the child's or ward's
8 sibling who is also in need of placement or continuation in substitute care.

9 [(4)] (5) When the court is required to make findings regarding the department's diligent efforts
10 to place a child or ward with relatives or persons with a caregiver relationship under subsection (1)
11 of this section, and the court determines that, contrary to the placement decision of the department,
12 placement with a relative is not in the best interest of the child or ward under ORS 419B.349, the
13 court shall make written findings setting forth the reasons why the court finds that placement of the
14 child or ward with an available relative is not in the best interest of the child.

15 [(5)] (6) Notwithstanding subsections (1) to [(4)] (5) of this section, in cases where there is rea-
16 son to know, as described in ORS 419B.636, the child or ward is an Indian child, the department
17 shall make diligent efforts to place the child or ward according to the placement preferences de-
18 scribed in ORS 419B.654.

19 **SECTION 2. The amendments to ORS 419B.192 by section 1 of this 2023 Act apply to**
20 **substitute care placement decisions made by the Department of Human Services on or after**
21 **the effective date of this 2023 Act.**

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