

SB 730 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 3/20, 4/1

WHAT THE MEASURE DOES:

The measure creates additional requirements for the Department of Human Services (ODHS) to certify eligibility for adoptive parents or guardians who receive subsidy payments and allows ODHS to redirect payments to other persons or an adopted child under certain circumstances. The measure creates requirements for a court to permit contact between a child or ward and their sibling if it is in their best interest. The measure authorizes ODHS to disclose child welfare records to a minor child with a legal parent's consent.

Detailed Summary:

Adoption Subsidies (Sections 1 to 3)

- Modifies definition of "child" for purposes of adoption to mean an unemancipated, unmarried person who has not joined the military and is either under age 18, under age 21 and has a mental or physical disability as determined by ODHS, or a person over 18 who meets other conditions.
- Requires adoptive parents or guardians who receive payments from ODHS on behalf of a child to respond to an annual certification notice from ODHS within 30 days and immediately inform ODHS of circumstances that would make them ineligible to receive payments.
- Requires ODHS to enter into a subsidy agreement with qualified adoptive parents or guardians and specifies the duties of an adoptive parent or guardian to be outlined in the agreement.
- Requires ODHS to certify annually that a subsidy recipient is in compliance with the subsidy agreement and to review the eligibility of a subsidy recipient who fails to respond to the annual certification notice or is otherwise potentially out of compliance.
- Specifies that ODHS may stop payments if adoptive parents or guardians are no longer providing a child with certain types of support that directly benefit the child.
- Authorizes ODHS to redirect subsidy payments retroactively to another person after suspending or terminating payments to an adoptive parent or guardian under specified conditions.
- Requires ODHS to redirect subsidy payments to the child retroactively after suspending or terminating payments to an adoptive parent or guardian under specified conditions.

Continuing Contact with Siblings (Sections 4 to 6)

- Requires a court, during a hearing on the termination of parental rights, to determine whether a child's continuing contact with their sibling is in the child's best interest, with a rebuttable presumption that such contact is in the child's best interest unless it would threaten the child's health, safety, or welfare.
- Requires that any disposition relating to a ward following a termination of parental rights must include a binding agreement to ensure continuing contact between a ward and their sibling, unless the court finds that such contact is not in the ward's best interest.
- Requires an adoptive parent to enter into a written agreement to permit continuing contact between a child and their biological sibling, unless the court finds that such contact is not in the child's best interest.
- Becomes operative on July 1, 2026.

Information about Biological Family (Section 7)

- Authorizes ODHS to disclose child welfare records to a recipient of child welfare services who is under age 18, whose legal parents consent to the disclosure, and whose birth parents' rights were surrendered or terminated.

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- Specifies the records that must be disclosed under this provision.
- Applies to individuals who received child welfare services before, on, or after the measure's effective date.

Miscellaneous (Sections 8 to 10)

- Specifies applicable and operative dates.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

For children and wards receiving child welfare services, adoption and guardianship are two possible options for permanency that may be pursued. Under current law, the Oregon Department of Human Services (ODHS) issues [subsidy payments](#) to adoptive parents and guardians until the adopted child turns 18, except in cases when the child has a disability or medical condition or is enrolled in an education or training program ([ORS 418.330 to 418.345](#)). Under current law, payments may be changed, suspended, or terminated if the underlying circumstances change or when the child ages out of the family's care ([ORS 418.335](#)). Federal assistance for these payments was established under the [Adoption and Safe Families Act of 1997](#) and reauthorized in 2018 by the [Family First Prevention Services Act](#).

As part of the permanency process, a court may order that the parental rights of a child's biological parent be terminated in order for the child to be adopted or have a guardian appointed ([ORS 419B.498 to 419B.532](#)). Oregon law specifies that ODHS may not pursue a termination order if doing so would not be in a child's best interest, such as preserving the child's sibling attachments and relationships ([ORS 419B.498\(2\)\(b\)\(B\)](#)). Although the law allows adoptive parents and biological parents to enter into a written agreement to allow a child to have continued contact with their biological parents, no such requirement exists for contact between siblings ([ORS 109.268](#)). Oregon law also generally prohibits disclosure of child welfare records, except to recipients of child welfare services who are over 18 or legally emancipated ([ORS 409.225](#)).