

Youth, Rights & Justice

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Separating Myth from Reality – What SB 741 Does and Does Not Do

The purpose of SB 741 is to promote the best decision-making and support the best interests of foster children when decisions are made regarding long term placement and adoption. Specifically, SB 741 will:

- Require DHS to amend its adoption selection rule to allow consideration of both relatives and long-term foster parents who are interested in adopting a child. (Section 5)
- Require DHS to make a report to the court if DHS moves or plans to move a child from a long-term foster home to another foster home. (Section 7)
- In addition to the court's authority to order foster care placements with relative foster parents, placement with other foster parents and placement in group care and other residential settings, the court would have the additional authority to order placement with a foster parent who is or has been a current caretaker (i.e., has cared for a child for 12 months or longer). (Section 6)

Amendments to SB 741 do the following:

- Limit the court's discretion to order a placement with a current caretaker when a final adoption decision has been made (including the completion or expiration of appeals). The court may not order placement with a current caretaker when such an order would prevent placement in the chosen adoptive home. (Section 7)
- Clarifies that DHS is not required to report to the court when DHS has removed a child due to abuse or neglect or when the agency has placed the child in an adoptive home (and the appeals process has expired or has been completed), or when the move is at the request of the foster parent. (Section 6)
- At the request of committee members, move the effective date of Section 5 forward to September 2015.

What SB 741 **does not** and **cannot** do:

- SB 741 does not interfere with placement preferences under ICWA or other federal laws.
- SB 741 does not prevent DHS from responding appropriately to allegations of abuse and neglect or from acting to protect children.
- SB 741 does not prevent DHS or the Court from making decisions that are in the best interests of the child.
- SB 741 does not make foster parents legal parties to the juvenile court case or provide them an opportunity to disrupt or interfere with the court process.

In sum, SB 741 promotes decision making that supports the best interests of children and is supported by advocates and care providers for children, including Court-Appointed Special Advocates (CASA), attorneys for children and parents, foster parents and the Oregon Permanency Coalition.

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