

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Human Services and Early Childhood

REVENUE: No revenue impact**FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO: None****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Cheyenne Ross, Administrator**Meeting Dates:** 4/7, 4/14, 4/16

WHAT THE MEASURE DOES: Requires Department of Human Services' (DHS) rules governing home studies and placement reports in adoption proceedings, give equal status and priority to relatives and current caretakers as is given to prospective adoptive parents with regard to child safety, attachment, and well-being; and to prefer relatives and current caretakers over other persons with regard to suitability. Requires report to the court when adoption agency has removed or plans to remove a child to another placement, who has been in a foster home for a year or pursuant to a permanent foster agreement.

ISSUES DISCUSSED:

- Policies that favor biological relatives over others
- Foster parents that have not prevailed at adoption proceedings
- Foster parents denied due process
- Misinformation or inconsistent information about adoption process provided to foster parents
- The importance of healthy attachments and protecting them
- The difficulty of contested adoption proceedings, especially when all the choices are good; where all relationships are healthy and beneficial; where all parties have best intentions
- Whether adoption process is fair
- How even fair process can still result in heartbreak for parties that do not prevail

EFFECT OF COMMITTEE AMENDMENT:

[-2 amendment adopted 4/14/15] Prohibits court order removing child from, or preventing placement with, parent or legal guardian with physical custody of child for six months prior to legal custody with DHS ("persons described at ORS 419B.440(2)(c)"). Creates exemption from requirement to report to court when: child is removed due to abuse or neglect; child is removed due to imminent threat pending investigation; child is placed with adoptive parent; child is removed at request of foster parent. Conforms numbering and references. Makes retroactivity explicit.

[-3 amendment adopted 4/14/15] Sets staggered operative dates of September 1, 2015, and January 1, 2016. Authorizes DHS to make changes in order to comply. Adds emergency clause.

BACKGROUND: In a proceeding to adopt a minor child, a home study and a placement report must generally be completed and filed with the court by the Department of Human Services' (DHS) or by an adoption agency licensed by the state. DHS' administrative rules govern home studies and placement reports. State statutes do not express placement preferences, but rather, articulate the general standard for court decisions on behalf of minor children: "the best interests of the child." Senate Bill 741 requires the administrative rules that govern home studies and placement reports to provide equal status and priority to relatives and current caretakers seeking to adopt, as is provided other prospective adoptive parents with regard to the child's safety, attachment, and well-being. In addition, with regard to suitability, Senate Bill 741 requires that the rules prefer relatives and current caretakers over other persons seeking to adopt.

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This summary has not been adopted or officially endorsed by action of the committee.

Senate Bill 741 also adds an additional event-based report to the court, to the list of reports that Oregon law currently requires. Current law requires those with guardianship or legal custody of a child or ward to file reports with the court when the child: is placed; remains without placement for six months; is adopted; remains without placement for six months after surrender for adoption or termination of parental rights; and when the child is in the physical custody of a parent or legal guardian for six months prior to being placed in DHS' legal custody. Senate Bill 741 requires an additional report to the court when an adoption agency has removed or plans to remove a child to another placement, who has been in a foster home for a year or pursuant to a permanent foster agreement.