

SENATE AMENDMENTS TO SENATE BILL 741

By COMMITTEE ON HUMAN SERVICES AND EARLY CHILDHOOD

April 21

1 On page 1 of the printed bill, line 2, delete “and”.

2 In line 3, delete “and 419B.449” and insert “, 419B.443, 419B.446, 419B.449 and 419B.470; and
3 declaring an emergency”.

4 On page 7, line 25, delete “and in making recommendations to the court”.

5 In line 31, after the period insert “(1)”.

6 In line 42, delete “section” and insert “subsection”.

7 After line 43, insert:

8 “(2) The court may not exercise its discretion to direct the department to place or maintain a
9 child or ward where the effect of the direction will be to remove the child or ward from, or prevent
10 the placement of the child or ward with, a person described in ORS 419B.440 (2)(c).”.

11 Delete lines 44 and 45.

12 On page 8, delete lines 1 through 24 and insert:

13 “**SECTION 7.** ORS 419B.440 is amended to read:

14 “419B.440. (1) Any public or private agency having guardianship or legal custody of a child or
15 ward pursuant to court order shall file reports on the child or ward with the juvenile court that
16 entered the original order concerning the child or ward or, when no such order exists, with the ju-
17 venile court of the county of the child or ward’s residence in the following circumstances:

18 “[1] (a) When the child or ward has been placed with the agency as a result of a court order
19 and prior to, or as soon as practicable after the agency places the child or ward in any placement
20 including, but not limited to, the child or ward’s home, shelter care, substitute care or a child care
21 center, unless the court has previously received a report or treatment plan indicating the actual
22 physical placement of the child or ward.

23 “[2](a) (b)(A) When the child or ward has been placed with the agency as the result of a court
24 order and remains under agency care for six consecutive months from date of initial placement;

25 “[b] (B) When the child or ward has been surrendered for adoption or the parents’ rights have
26 been terminated and the agency has not physically placed the child or ward for adoption or initiated
27 adoption proceedings within six months of receiving the child or ward; and

28 “[c] (C) When the ward is in the legal custody of the Department of Human Services as pro-
29 vided in ORS 419B.337, but the ward has been placed for a period of six consecutive months in the
30 physical custody of a parent or a person who was appointed the ward’s legal guardian prior to
31 placement of the ward in the legal custody of the department.

32 “(c) **When the agency has removed or plans to remove a child or ward from a foster
33 home as defined in ORS 418.625 that is certified under ORS 418.635 and the removal is for the
34 purpose of placing the child or ward in a different substitute care placement, if:**

35 “(A) **The child or ward has resided for 12 consecutive months or more in the foster home;**

1 or

2 **“(B) The child or ward resides or resided in the foster home pursuant to a permanent**
3 **foster care agreement.**

4 **“(2) An agency is not required to file a report under subsection (1)(c) of this section**
5 **when:**

6 **“(a) The removal of the child or ward was made following a founded allegation of abuse**
7 **or neglect by the child’s or ward’s foster care provider;**

8 **“(b) The removal was made to address an imminent threat to the health or safety of the**
9 **child or ward pending completion of an investigation of reported abuse or neglect by the**
10 **child’s or ward’s foster care provider;**

11 **“(c) The agency has placed the child or ward with a person who has been selected by the**
12 **department to be the adoptive parent, when the selection has become final after the expira-**
13 **tion of any administrative or judicial review procedures under ORS chapter 183; or**

14 **“(d) The removal was made at the request of the foster care provider.**

15 **“SECTION 8. ORS 419B.443 is amended to read:**

16 **“419B.443. (1) An agency described in ORS 419B.440 shall file the reports required by ORS**
17 **419B.440 [(2)] (1)(b) at the end of the initial six-month period and no less frequently than each six**
18 **months thereafter. The agency shall file reports more frequently if the court so orders. The reports**
19 **shall include, but not be limited to:**

20 **“(a) A description of the problems or offenses that necessitated the placement of the child or**
21 **ward with the agency;**

22 **“(b) A description of the type and an analysis of the effectiveness of the care, treatment and**
23 **supervision that the agency has provided for the child or ward;**

24 **“(c) A list of all placements made since the child or ward has been in the guardianship or legal**
25 **custody of an agency and the length of time the child or ward has spent in each placement;**

26 **“(d) For a child or ward in substitute care, a list of all schools the child or ward has attended**
27 **since the child or ward has been in the guardianship or legal custody of the agency, the length of**
28 **time the child or ward has spent in each school and, for a child or ward 14 years of age or older,**
29 **the number of high school credits the child or ward has earned;**

30 **“(e) A list of dates of face-to-face contacts the assigned case worker has had with the child or**
31 **ward since the child or ward has been in the guardianship or legal custody of the agency and, for**
32 **a child or ward in substitute care, the place of each contact;**

33 **“(f) For a child or ward in substitute care, a list of the visits the child or ward has had with**
34 **the child’s or ward’s parents or siblings since the child or ward has been in the guardianship or**
35 **legal custody of the agency and the place and date of each visit;**

36 **“(g) A description of agency efforts to return the child or ward to the parental home or find**
37 **permanent placement for the child or ward, including, when applicable, efforts to assist the parents**
38 **in remedying factors which contributed to the removal of the child or ward from the home;**

39 **“(h) A proposed treatment plan or proposed continuation or modification of an existing treat-**
40 **ment plan, including a proposed visitation plan or proposed continuation or modification of an ex-**
41 **isting visitation plan and a description of efforts expected of the child or ward and the parents to**
42 **remedy factors that have prevented the child or ward from safely returning home within a reason-**
43 **able time;**

44 **“(i) If continued substitute care is recommended, a proposed timetable for the child’s or ward’s**
45 **return home or other permanent placement or a justification of why extended substitute care is**

1 necessary; and

2 “(j) If the child or ward has been placed in foster care outside the state, whether the child or
3 ward has been visited not less frequently than every six months by a state or private agency.

4 “(2) In addition to the information required in a report made under subsection (1) of this section,
5 for a ward who is in the legal custody of the Department of Human Services pursuant to ORS
6 419B.337 but who will be or recently has been placed in the physical custody of a parent or a person
7 who was appointed the ward’s legal guardian prior to placement of the ward in the legal custody
8 of the department, a report required under ORS 419B.440 [(1)] (1)(a) shall include:

9 “(a) A recommended timetable for dismissal of the department’s legal custody of the ward and
10 termination of the wardship; and

11 “(b) A description of the services that the department will provide to the ward and the ward’s
12 physical custodian to eliminate the need for the department to continue legal custody.

13 “(3) In addition to the information required in a report made under subsection (1) of this section,
14 if the report is made by the department under ORS 419B.440 [(2)(c)] (1)(b)(C), the report shall in-
15 clude:

16 “(a) A recommended timetable for dismissal of the department’s legal custody of the ward and
17 termination of the wardship; and

18 “(b) A description of the services that the department has provided to the ward and the ward’s
19 physical custodian to eliminate the need for the department to continue legal custody.

20 “(4) Notwithstanding the requirements of subsection (1) of this section, reports need not contain
21 information contained in prior reports.

22 “**SECTION 9.** ORS 419B.446 is amended to read:

23 “419B.446. (1) Notwithstanding the requirements under ORS 419B.440 that reports be filed with
24 the court, any report after the initial report that is required by ORS 419B.443 on a child or ward
25 whose case is being regularly reviewed by a local citizen review board shall be filed with that local
26 citizen review board rather than the court.

27 “(2) Notwithstanding subsection (1) of this section, all reports made under ORS 419B.440
28 [(2)(c)] (1)(b)(C) on wards in the legal custody of the Department of Human Services shall be filed
29 with the court.”.

30 In line 25, delete “8” and insert “10”.

31 In line 30, delete “(2)(b)” and insert “(1)(b)(B)”.

32 In line 34, delete “(1)” and insert “(1)(a)”.

33 In line 37, delete “or”.

34 In line 38, delete “(2)(c).” and insert “(1)(b)(C); or”.

35 In line 39, delete “(3)” and insert “(1)(c)”.

36 On page 9, delete lines 31 through 34 and insert:

37 “**SECTION 11.** ORS 419B.470 is amended to read:

38 “419B.470. (1) The court shall conduct a permanency hearing within 30 days after a judicial
39 finding is made under ORS 419B.340 (5) if, based upon that judicial finding, the Department of Hu-
40 man Services determines that it will not make reasonable efforts to reunify the family.

41 “(2) In all other cases when a child or ward is in substitute care, the court shall conduct a
42 permanency hearing no later than 12 months after the ward was found within the jurisdiction of the
43 court under ORS 419B.100 or 14 months after the child or ward was placed in substitute care,
44 whichever is the earlier.

45 “(3) If a ward is removed from court sanctioned permanent foster care, the department shall

1 request and the court shall conduct a permanency hearing within three months after the date of the
2 change in placement.

3 “(4) If a ward has been surrendered for adoption or the parents’ rights have been terminated
4 and the department has not physically placed the ward for adoption or initiated adoption pro-
5 ceedings within six months after the surrender or entry of an order terminating parental rights, the
6 court shall conduct a permanency hearing within 30 days after receipt of the report required by ORS
7 419B.440 [(2)(b)] (1)(b)(B).

8 “(5) Unless good cause otherwise is shown, the court shall also conduct a permanency hearing
9 at any time upon the request of the department, an agency directly responsible for care or place-
10 ment of the child or ward, parents whose parental rights have not been terminated, an attorney for
11 the child or ward, a court appointed special advocate, a citizen review board, a tribal court or upon
12 its own motion. The court shall schedule the hearing as soon as possible after receiving a request.

13 “(6) After the initial permanency hearing conducted under subsection (1) or (2) of this section
14 or any permanency hearing conducted under subsections (3) to (5) of this section, the court shall
15 conduct subsequent permanency hearings not less frequently than once every 12 months for as long
16 as the child or ward remains in substitute care.

17 “(7) After the permanency hearing conducted under subsection (4) of this section, the court shall
18 conduct subsequent permanency hearings at least every six months for as long as the ward is not
19 physically placed for adoption or adoption proceedings have not been initiated.

20 “(8) If a child returns to substitute care after a court’s previously established jurisdiction over
21 the child has been dismissed or terminated, a permanency hearing shall be conducted no later than
22 12 months after the child is found within the jurisdiction of the court on a newly filed petition or
23 14 months after the child’s most recent placement in substitute care, whichever is the earlier.

24 “**SECTION 12.** (1) **Section 5 of this 2015 Act and the amendments to ORS 109.309,**
25 **419A.004, 419B.090 and 419B.395 by sections 1 to 4 of this 2015 Act apply to:**

26 “(a) **Children and wards who are in the legal custody of the Department of Human Ser-**
27 **vices before, on or after the operative date specified in section 13 (1) of this 2015 Act; and**

28 “(b) **Children and wards for whom placement decisions are made on or after the operative**
29 **date specified in section 13 (1) of this 2015 Act.**

30 “(2) **The amendments to ORS 419B.349, 419B.440, 419B.443, 419B.446, 419B.449 and 419B.470**
31 **by sections 6 to 11 of this 2015 Act apply to reports on children and wards for whom place-**
32 **ment decisions are made on or after the operative date specified in section 13 (2) of this 2015**
33 **Act.**

34 “**SECTION 13.** (1) **Section 5 of this 2015 Act and the amendments to ORS 109.309,**
35 **419A.004, 419B.090 and 419B.395 by sections 1 to 4 of this 2015 Act become operative on Sep-**
36 **tember 1, 2015.**

37 “(2) **The amendments to ORS 419B.349, 419B.440, 419B.443, 419B.446, 419B.449 and 419B.470**
38 **by sections 6 to 11 of this 2015 Act become operative on January 1, 2016.**

39 “(3) **The Department of Human Services may take any action before the operative dates**
40 **specified in subsections (1) and (2) of this section that is necessary for the department to**
41 **exercise, on and after the operative dates specified in subsections (1) and (2) of this section,**
42 **all of the duties, functions and powers conferred on the department by section 5 of this 2015**
43 **Act and the amendments to ORS 109.309, 419A.004, 419B.090, 419B.349, 419B.395, 419B.440,**
44 **419B.443, 419B.446, 419B.449 and 419B.470 by sections 1 to 4 and 6 to 11 of this 2015 Act.**

45 “**SECTION 14.** **This 2015 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
2 **on its passage.”**

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