

Enrolled
House Bill 2279

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Judiciary for Judicial Department)

CHAPTER

AN ACT

Relating to review of juvenile court guardianships; amending ORS 419A.109 and 419B.367; and declaring an emergency.

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

SECTION 1. ORS 419B.367 is amended to read:

419B.367. (1) Upon granting a motion for guardianship under ORS 419B.366 or upon granting a petition for guardianship under ORS 419B.365, the court shall issue letters of guardianship to the guardian. As provided in ORS 419A.255, a guardian may disclose letters of guardianship when necessary to fulfill the duties of a guardian. Letters of guardianship must be in substantially the following form:

State of Oregon,)
) LETTERS OF
County of _____) GUARDIANSHIP

BY THESE LETTERS OF GUARDIANSHIP be informed:

That on _____ (month) _____ (day), 2____, the _____ Court, _____ County, State of Oregon, appointed _____ (name of guardian) guardian for _____ (name of child) and that the named guardian has qualified and has the authority and duties of guardian for the named child including legal custody of the child, except as provided below.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the court at my office on _____ (month) _____ (day), 2____.

(Seal)
_____, Clerk of the Court
By _____, Deputy

(2) In the order appointing the guardian, the court shall require the guardian to file with the court a verified written report within 30 days after each anniversary of appointment and may:

(a) Specify the frequency and nature of visitation or contact between relatives, including siblings, and the child, if the court determines that visitation or contact is in the child's best interests;

(b) Enter an order for child support pursuant to ORS 419B.400 that complies with ORS 25.275; and

(c) Make any other order to provide for the child's continuing safety and well-being.

(3)(a) Upon timely receipt of a report under subsection (2) of this section, the court shall review the report and cause the report to become part of the juvenile court file and may:

(A) Direct the local citizen review board to conduct a review; [or]

(B) Subject to the availability of funds, appoint a court visitor and require the visitor to file a report with the court; **or**

(C) Conduct a court review.

(b) If the court does not receive a report under subsection (2) of this section in a timely manner, the court shall:

(A) Direct the local citizen review board to conduct a review; [or]

(B) Subject to the availability of funds, appoint a court visitor and require the visitor to file a report with the court; **or**

(C) Conduct a court review.

(4) Except as otherwise limited by the court, a person appointed guardian has legal custody of the child and the duties and authority of legal custodian and guardian under ORS 419B.373 and 419B.376. A guardian is not liable to third persons for acts of the child solely by reason of being appointed guardian.

SECTION 2. ORS 419A.109 is amended to read:

419A.109. (1) Subject to the availability of funds and upon request of a court under ORS 419B.367, a local citizen review board shall review the case of a child for whom a guardian has been appointed under ORS 419B.365 or 419B.366. In the request for review, the court shall notify the local citizen review board of the names and addresses of the parties.

(2) The review shall take place within 45 days, **or as soon as is practicable given the schedule of the local citizen review board**, after the local citizen review board receives the request for review by the court.

(3) The local citizen review board shall send notice of the review to all parties.

(4) The Chief Justice of the Supreme Court, in consultation with the Supreme Court, shall adopt rules under ORS 1.002 that may include any procedures for the administration of the local citizen review board program regarding:

(a) The time, content and manner in which the guardian must provide reports to the local citizen review board; and

(b) The process to be followed in conducting the reviews.

(5) The local citizen review board shall forward findings and recommendations generated at a review under subsection (1) of this section to the court and all parties. The court shall cause the findings and recommendations to become part of the juvenile court file for consideration by the juvenile court judge. The court shall give the local citizen review board written notice if the court modifies, alters or takes action on a case as a result of the recommendations of the local citizen review board.

SECTION 3. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

Passed by House February 21, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate May 6, 2005

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President of Senate

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State