

Enrolled
Senate Bill 1034

Sponsored by COMMITTEE ON RULES

CHAPTER

AN ACT

Relating to juvenile dependency; amending ORS 418.625 and 419B.337.

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

SECTION 1. ORS 419B.337 is amended to read:

419B.337. (1) When the court determines it would be in the best interest and for the welfare of a ward, the court may place the ward in the legal custody of the Department of Human Services for care, placement and supervision. When the court enters an order removing a ward from the ward's home or an order continuing care, the court shall make a written finding as to whether:

(a) Removal of the ward from the ward's home or continuation of care is in the best interest and for the welfare of the ward; and

(b) Reasonable efforts, considering the circumstances of the ward and parent, have been made to prevent or eliminate the need for removal of the ward from the home or to make it possible for the ward to safely return home. In making this finding, the court shall consider the ward's health and safety the paramount concerns.

(2) The court may specify the particular type of care, supervision or services to be provided by the Department **of Human Services** to wards placed in the department's custody and to the parents or guardians of the wards, but the actual planning and provision of such care, supervision or services is the responsibility of the department. The department may place the ward in a child care center authorized to accept the ward.

(3) Uniform commitment blanks, in a form approved by the Director of Human Services, shall be used by all courts for placing wards in the legal custody of the Department **of Human Services**.

(4) If the ward has been placed in the custody of the Department **of Human Services**, the court shall make no commitment directly to any residential facility, but shall cause the ward to be delivered into the custody of the department at the time and place fixed by rules of the department. A ward so committed may not be placed in a Department of Corrections institution.

(5) Commitment of a ward to the Department of Human Services continues until dismissed by the court or until the ward becomes 21 years of age.

(6) A court may dismiss commitment of a ward to the Department of Human Services if:

(a)(A) Dismissal is appropriate because the ward has been safely reunited with a parent or because a safe alternative to reunification has been implemented for the ward; and

(B) The ward is at least 14 years of age but less than 21 years of age and the court finds that:

(i) The department has provided case planning pursuant to ORS 419B.343 that addresses the ward's needs and goals for a successful transition to independent living, including needs and goals relating to housing, physical and mental health, education, employment, community connections and supportive relationships;

(ii) The department has provided appropriate services pursuant to the case plan;

(iii) The department has involved the ward in the development of the case plan and in the provision of appropriate services; and

(iv) The ward has safe and stable housing and is unlikely to become homeless as a result of dismissal of commitment of the ward to the department; or

(b) The ward has been committed to the custody of the Oregon Youth Authority.

SECTION 2. ORS 418.625 is amended to read:

418.625. As used in ORS 418.625 to 418.645:

(1) "Certificate" means a written approval to operate a foster home issued by the Department of Human Services on a form prescribed by the department that states the name of the foster parent, the address of the premises to which the certificate applies and the maximum number of children to be maintained or boarded in the foster home at any one time.

(2) "Department" means the Department of Human Services.

(3) "Foster home" means any home maintained by a person who has under the care of the person in such home any child under the age of [18] **21** years not related to the person by blood or marriage and unattended by its parent or guardian, for the purpose of providing such child with care, food and lodging, but does not include:

(a) Any boarding school that is essentially and primarily engaged in educational work;

(b) Any home in which a child is provided board and room by a school board;

(c) Any foster home under the direct supervision of a private child-caring agency or institution certified by the department;

(d) Any home under the direct supervision of a custodial parent for the purpose of providing respite care as defined by rule; or

(e) Any developmental disability child foster home as defined in ORS 443.830.

Passed by Senate June 16, 2005

Received by Governor:

Repassed by Senate July 19, 2005

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Approved:

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Secretary of Senate

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President of Senate

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Governor

Passed by House July 11, 2005

Filed in Office of Secretary of State:

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Speaker of House

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Secretary of State