

Legislative Update

Through the
Eyes of a Child

Presented by : Jordan Bates, Senior
Assistant General Counsel
Oregon Judicial Department





Dependency Overview

- Senate Bill 93
- Senate Bill 202
- Senate Bill 208
- Senate Bill 209
- Senate Bill 556
- Senate Bill 865



Senate Bill 93

Effective July 13, 2023

- Section 5: Amends the definition of "abuse" in ORS 419B.005 to be "Any mental injury to a child, which shall include only **cruel or unconscionable acts or statements made, or threatened to be made, to a child if the acts, statements or threats result in severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.**" (language change in bold).

- Section 8: Amends 419B.875 to include the Department of Human Services as a party to a juvenile dependency case if the "department has taken the child or ward into protective custody" in addition to when the agency has temporary custody.



Senate Bill 202

Requires ODHS to develop and administer a “voluntary placement program” to support young adults previously in ODHS custody.

Young adult will no longer be a ward, nor in the legal custody of ODHS.

Court still required to make best interests determination if placement exceeds 180 days, and hold a permanency hearing if young adult remains in placement over a year.

Operative January 1,
2024

Senate Bill 208

- Amends ORS 419B.328 (duration of wardship) to add a provision addressing wardship after establishment of a permanent guardianship.
- 419B.328(3) - Wardship continues until the court vacates the guardianship under ORS 419B.368 and subsequently terminates wardship; or
- Ward becomes 21.
- Amends ORS 419B.365 (permanent guardianship) to state that a guardianship continues unless vacated under 419B.368 or until age 21.
- Amends ORS 419B.368 to require a party filing a Motion to terminate wardship to require service on ODHS.

*Effective January 1, 2024





Senate Bill 209

- Exempts child welfare records of a child's sexual orientation, gender identity or gender expression (SOGIE) from public disclosure.
- Section 1 Amends ORS 409.225 to define SOGIE records, prohibit disclosure of SOGIE data by ODHS when otherwise allowable, and notes exceptions (child consents, necessary to provide services, failure to disclose likely to jeopardize safety)
- Section 2 Amends ORS 419B.035 to prohibit disclosure when otherwise allowable and notes exceptions (child consents, necessary to provide services, failure to disclose likely to jeopardize safety)
- Section 3 Amends ORS 419B.881 relating to discovery obligations to prohibit disclosure of a child's SOGIE information. Exceptions include child or child's attorney consent or failure to disclose likely to jeopardize safety.


*Effective January 1, 2024



Senate Bill 556

Operative January 1, 2024

- SB 556 prohibits the Department of Human Services (DHS) from using "...funds, benefits, payments, proceeds, settlements, awards, inheritances, wages or any other moneys received by the department on behalf of the child for maintenance costs." Defines maintenance costs.
- Requires the department to establish separate accounts for each child for whom the department receives such moneys.
- Allows for the establishment of a trust or other privately held account established for the sole benefit of the child, at the request of the child or child's attorney or representative.



TRUST FUNDS

Senate Bill 865

Section 2: requires ODHS to immediately begin searching for potential substitute care placements from among relatives when a child is placed into care. Also requires notice to parents and their relatives about placement preference and amends provisions relating to adoption placements with current caretakers and relatives.

Section 3: amends ORS 109.270 to take Indian Child Welfare Act (ICWA) placement preferences into consideration along with retaining adoption placement preferences to consider current caretakers and relatives equally. Also adds provision to allow consideration of a relative or current caretaker who was not previously selected if an adoption disrupts.

Section 4: amends ORS 419B.192 to include current caretakers in initial placement preference when a child is taken into care.

Section 5: amends ORS 419B.402 to provide that any child support arrears owed to the state of Oregon upon termination or relinquishment are deemed satisfied. Additionally gives the court authority to deem any arrears satisfied that are owed to the state of Oregon.

Section 6: Removes failure to pay a reasonable portion of substitute care and maintenance by a parent as a reason for termination of parental rights. Amends ORS 419B.506(1).



More Bills!

- SB 231 – Centralized Child abuse reporting system, allowing for electronic and oral reports.
 - SB 577 – Use of reasonable physical force upon a minor child
 - No longer applies to an incompetent person. Must be based on reasonable belief of necessity to maintain discipline or promote welfare unless it constitutes abuse as defined in ORS 418.257 or 419B.005. Adds official of a YCF to list of those who may use physical force to maintain order and discipline.
 - SB 212 – Peer Support Check in Confidentiality
 - SB 745 – Sex Trafficking screening
 - HB 2372 – Youth Development Commission changes
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Delinquency Overview

- House Bill 2320
- Senate Bill 317
- Senate Bill 519
- Senate Bill 586
- Senate Bill 902

House Bill 2320

- Creates the Juvenile Justice Policy Commission
- Purpose is to provide “data-driven policy recommendations to strengthen public safety and improve youth outcomes in the juvenile justice system in this state.”
- Consists of 17 appointed members representing different community partners within the juvenile system.
- The bill provides term limits, sets rules relating to voting and quorums, and requires consideration of geographical, racial, ethnic, and gender diversity.
- JJPC must analyze the juvenile justice system at the state and local levels and make recommendations for improvements. Use data-driven analysis and report to the legislature every other year.

*Operative January 1, 2024

Senate Bill 317

Effective May 19, 2023

- Requires that certain hearsay statements of abuse made by unavailable witnesses must be supported by corroborative evidence in juvenile delinquency trials
- Corrects an inconsistency in the evidence code, ORS 40.460(18a)(b), that previously only required corroborative evidence in criminal trials.
- State v. R.J.S., 318 Or App 351 (2022)





Senate Bill 519

- Expands the process created by SB 575, requiring the juvenile department to file an application for expunction. Now requires the application for youth adjudicated of a misdemeanor or violation.
- Not truly automatic:
- Must confirm there are no: felony adjudications, pending petitions, outstanding restitution, ORS 137.707 convictions, or waiver to criminal court.
- Reduces number of years others (non presumptive) must wait to apply for expunction of other adjudications from 5 to 4. Adds payment of restitution requirement to this section as well.
- Victim notification requirement.
- Other smaller administrative changes.

*Operative January 1, 2024

Senate Bill 586

- Creates a new provision making restorative justice communications confidential.
- Defines Restorative Justice Communication, offender, participant, program and survivor.
- Declares policy behind the bill

- Establishes that RJ communications are confidential and exempt from public disclosure and not admissible as evidence in any administrative or judicial proceeding

- Exceptions to confidentiality include consent, child and elder abuse reporting, and reasonable belief of a crime resulting in death or substantial bodily injury.

*Effective May 16, 2023

Senate Bill 902

- Permits a person who is 20 years of age or older at the time of resentencing for a crime committed when the person was under 18 years of age to continue temporary assignment to a youth correction facility (YCF), if they were temporarily assigned to a YCF following their original sentence.
- Applies to a small number of people who choose to seek a legal remedy (e.g. appeal, PCR) to challenge their conviction and are resentenced after age 20.



Effective May 19, 2023

Get in Touch

Contact me



jordan.f.bates@ojd.state.or.us

