

House Bill 3501

Sponsored by Representative DALTO

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies child welfare practices.

A BILL FOR AN ACT

1
2 Relating to child welfare; creating new provisions; and amending ORS 409.185, 418.747, 418.749 and
3 419B.192.

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

5 **SECTION 1.** ORS 409.185 is amended to read:

6 409.185. (1) The Director of Human Services shall oversee the development of standards and
7 procedures for assessment, investigation and enforcement of child protective services.

8 (2)(a) The Department of Human Services shall take action to implement the provision of child
9 protective services as outlined in ORS 417.705 to 417.797 and 419A.170 and based on the recom-
10 mendations in the 1992 "Oregon Child Protective Services Performance Study" published by the
11 University of Southern Maine.

12 (b) In all substantiated cases of child abuse and neglect, the role of the department is to com-
13 plete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs
14 and provide immediate protective services as necessary.

15 (c) The department shall provide remedial services needed to ensure the safety of the child.

16 (d) In all cases of abuse and neglect when a criminal investigation occurs, the role of law
17 enforcement agencies is to provide a legally sound, child sensitive investigation of whether abuse
18 or neglect or both have occurred and to gather other evidence and perform other responsibilities in
19 accordance with interagency agreements.

20 **(3)(a) The department shall work in partnership with local law enforcement in the area**
21 **of child welfare. The department shall facilitate the flow of information relating to child**
22 **welfare to local law enforcement.**

23 **(b) The department shall designate a person at each local department office who shall**
24 **be the contact for law enforcement in child protective services cases.**

25 **(c) Every local department office shall have at least one person on call to respond to the**
26 **after-hours needs of law enforcement in child protective services cases.**

27 [(e)] **(d)** The department and law enforcement agencies shall conduct the investigation and as-
28 sessment concurrently, based upon the protocols and procedures of the multidisciplinary team in
29 each jurisdiction **under ORS 418.747.**

30 [(f)] **(e)** When the department and law enforcement agencies conduct a joint investigation and
31 assessment, the activities of the department and agencies are to be clearly differentiated by the
32 protocols of the multidisciplinary team.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(f) The members of a multidisciplinary team shall ensure that each member of the team**
 2 **is knowledgeable about and uses the protocols of the multidisciplinary team.**

3 **(g) If the department has contact with a child based on an investigation of child abuse**
 4 **arising under circumstances other than a report under ORS 419B.015, the department shall**
 5 **notify a law enforcement agency within the county where the contact occurred within 24**
 6 **hours of the contact.**

7 [(g)] (4) Nothing in [this subsection] **subsection (2) or (3) of this section** is intended to be in-
 8 consistent with ORS 418.747, 418.748 and 418.749 and ORS chapter 419B.

9 [(3)] (5) Upon receipt of a recommendation of the Children’s Advocate under ORS 417.815 (2)(e),
 10 the department shall implement the recommendation or give the Children’s Advocate written notice
 11 of an intent not to implement the recommendation.

12 **SECTION 2.** ORS 418.747 is amended to read:

13 418.747. (1) The district attorney in each county shall be responsible for developing interagency
 14 and multidisciplinary teams to consist of but not be limited to law enforcement personnel, Depart-
 15 ment of Human Services child protective service workers, school officials, county health department
 16 personnel, child abuse intervention center workers, if available, and juvenile department represen-
 17 tatives, as well as others specially trained in child abuse, child sexual abuse and rape of children
 18 investigation.

19 (2) The teams shall develop a written protocol for immediate investigation of and notification
 20 procedures for child abuse cases **that includes having a law enforcement officer present during**
 21 **the initial contact** and for interviewing child abuse victims. Each team also shall develop written
 22 agreements signed by member agencies that specify:

- 23 (a) The role of each agency;
- 24 (b) Procedures to be followed to assess risks to the child;
- 25 (c) Guidelines for timely communication between member agencies;
- 26 (d) Guidelines for completion of responsibilities by member agencies;
- 27 (e) That upon clear disclosure that the alleged child abuse occurred in a child care facility as
 28 defined in ORS 657A.250, immediate notification of parents or guardians of children attending the
 29 child care facility is required regarding any abuse allegation and pending investigation; and

30 (f) Criteria and procedures to be followed when removal of the child is necessary for the child’s
 31 safety.

32 (3) Each team member and those conducting child abuse investigations and interviews of child
 33 abuse victims shall be trained in risk assessment, dynamics of child abuse, child sexual abuse and
 34 rape of children and legally sound and age appropriate interview and investigatory techniques.

35 (4) All investigations of child abuse and interviews of child abuse victims shall be carried out
 36 by appropriate personnel using the protocols and procedures called for in this section. If trained
 37 personnel are not available in a timely fashion and, in the judgment of a law enforcement officer
 38 or department child welfare worker, there is reasonable cause to believe a delay in investigation
 39 or interview of the child abuse victim could place the child in jeopardy of physical harm, the in-
 40 vestigation may proceed without full participation of all personnel. This authority applies only for
 41 as long as reasonable danger to the child exists. A reasonable effort to find and provide a trained
 42 investigator or interviewer shall be made.

43 (5) Protection of the child is of primary importance. To ensure the safe placement of a child, the
 44 department may request that local multidisciplinary team members obtain criminal history informa-
 45 tion on any person who is part of the household where the department may place or has placed a

1 child who is in the department's custody. All information obtained by the local team members and
2 the department in the exercise of their duties is confidential and may only be disclosed as necessary
3 to ensure the safe placement of a child.

4 (6) Each team shall classify, assess and review cases under investigation.

5 (7) Each multidisciplinary team shall develop policies that provide for an independent review
6 of investigation procedures of sensitive cases after completion of court actions on particular cases.
7 The policies shall include independent citizen input. Parents of child abuse victims shall be notified
8 of the review procedure.

9 (8) Each team shall establish a local multidisciplinary fatality review process. The purposes of
10 the review process are to:

11 (a) Coordinate various agencies and specialists to review a fatality caused by child abuse or
12 neglect;

13 (b) Identify local and state issues related to preventable deaths; and

14 (c) Promote implementation of recommendations on the local level.

15 (9) In establishing the review process and carrying out reviews, the members of the local
16 multidisciplinary team shall be assisted by the local medical examiner or county health officer as
17 well as others specially trained in areas relevant to the purpose of the local team.

18 (10) The categories of fatalities reviewed by the multidisciplinary team include:

19 (a) Child fatalities in which child abuse or neglect may have occurred at any time prior to death
20 or have been a factor in the fatality;

21 (b) Any category established by the local multidisciplinary team;

22 (c) All child fatalities where the child is less than 18 years of age and there is an autopsy per-
23 formed by the medical examiner; and

24 (d) Any specific cases recommended for local review by the statewide interdisciplinary team
25 established under ORS 418.748.

26 (11) The local multidisciplinary team shall develop a written protocol for review of child
27 fatalities. The protocol shall be designed to facilitate communication and information between per-
28 sons who perform autopsies and those professionals and agencies concerned with the prevention,
29 investigation and treatment of child abuse and neglect.

30 (12) Within the guidelines, and in a format, established by the statewide interdisciplinary team
31 established under ORS 418.748, the local team shall provide the statewide team with information
32 regarding child fatalities under subsection (10) of this section.

33 (13) The local multidisciplinary team shall have access to and subpoena power to obtain all
34 medical records, hospital records and records maintained by any state, county or local agency, in-
35 cluding, but not limited to, police investigations data, coroner or medical examiner investigative
36 data and social services records, as necessary to complete the review of a specific fatality under
37 subsection (8)(a) of this section. All meetings of the local team relating to the fatality review process
38 required by subsections (8) to (13) of this section shall be exempt from the provisions of ORS 192.610
39 to 192.690. All information and records acquired by the local team in the exercise of its duties are
40 confidential and may only be disclosed as necessary to carry out the purposes of the local fatality
41 review process.

42 **SECTION 3.** ORS 418.749 is amended to read:

43 418.749. (1) The Department of Human Services shall implement a training and continuing edu-
44 cation curriculum for persons other than law enforcement officers required by law to investigate
45 allegations of child abuse. The curriculum shall address the areas of training and education neces-

1 sary to facilitate the skills necessary to investigate reports of child abuse and shall include but not
 2 be limited to:

- 3 (a) Assessment of risk to the child;
- 4 (b) Dynamics of child abuse, child sexual abuse and rape of children; and
- 5 (c) Legally sound and age appropriate interview and investigatory techniques.

6 (2) The Oregon State Bar and each board that licenses, certifies or registers public and private
 7 officials required to report child abuse under ORS 419B.010 shall identify those persons regulated
 8 by the board who in their official capacity have regular and on-going contact with children and shall
 9 notify those persons every two years of their duty to report child abuse. Such notice shall contain
 10 what the person is required to report and where such report shall be made and also advise of the
 11 symptoms to look for and provide a contact number for further information.

12 (3) The department shall develop content of the notice for such a mailing. The cost of distrib-
 13 ution shall be paid by the board.

14 (4)(a) The department shall develop and make available, at cost, training materials that **de-**
 15 **scribe child abuse reporting responsibilities and information about opportunities for addi-**
 16 **tional training.**

17 (b) **The training materials** may be used at training conferences and other similar events in-
 18 volving such public and private officials, as defined in ORS 419B.005.

19 (5) **The department shall work with private and public institutions of higher education**
 20 **and community colleges to develop an optional curriculum for fields of study for persons who**
 21 **choose careers subject to mandatory child abuse reporting requirements.**

22 **SECTION 4.** ORS 419B.192 is amended to read:

23 419B.192. (1) If the court finds that a child or ward is in need of placement or continuation in
 24 substitute care, there shall be a preference given to placement with relatives, **including siblings,**
 25 and persons who have a child-parent relationship with the child or ward as defined in ORS 109.119.
 26 The Department of Human Services shall make reasonable efforts to place the child or ward with
 27 such persons and shall report to the court what efforts were made to effectuate such a placement.

28 (2) In attempting to place the child or ward pursuant to subsection (1) of this section, the de-
 29 partment shall consider, but not be limited to, the following:

30 (a) The ability of the person being considered to provide safety for the child or ward, including
 31 a willingness to cooperate with any restrictions placed on contact between the child or ward and
 32 others, and to prevent anyone from influencing the child or ward in regard to the allegations of the
 33 case;

34 (b) The ability of the person being considered to support the efforts of the department to im-
 35 plement the permanent plan for the child or ward;

36 (c) The ability of the person being considered to meet the child or ward's physical, emotional
 37 and educational needs; and

38 (d) Which person has the closest existing personal relationship with the child or ward if more
 39 than one person requests to have the child or ward placed with them pursuant to this section.

40 (3) Notwithstanding subsections (1) and (2) of this section, in cases where the Indian Child
 41 Welfare Act applies, the placement preferences of the Indian Child Welfare Act shall be followed.

42 **SECTION 5. Law enforcement officers in a county where a report of abuse is made shall**
 43 **be present during contacts between the Department of Human Services and a child where**
 44 **there is a substantial risk of serious physical injury, as defined in ORS 419A.004, to the child.**

45 **SECTION 6. The Department of Human Services shall establish an after-hours statewide**

1 toll-free telephone number for the purposes of reporting alleged child abuse. The department
2 shall:

- 3 (1) Route callers to the appropriate county; and
- 4 (2) Operate the toll-free number on evenings and weekends.

5 **SECTION 7.** (1) The Department of Human Services shall provide to members of the
6 Legislative Assembly upon request:

- 7 (a) Information about public records to which members of the Legislative Assembly have
8 access;
- 9 (b) Information about records that are protected from disclosure;
- 10 (c) An explanation of why certain records are accessible and others are confidential; and
- 11 (d) An information release form.

12 (2) The department shall adopt rules developing a procedure for use by a member of the
13 Legislative Assembly to request designation as a member of a sensitive review committee
14 described in ORS 409.225.

15 (3) The department shall allow a member of the Legislative Assembly to meet with a
16 department employee who provides child protective services. The employee may not:

- 17 (a) Refuse to speak with the member; or
- 18 (b) Disclose confidential information to the member unless the member is a member of
19 a sensitive review committee.

20 **SECTION 8.** Within 72 hours of taking a child into protective custody, the Department
21 of Human Services shall provide to all individuals involved in a child welfare proceeding
22 written materials that clearly describe:

- 23 (1) The allegations made;
- 24 (2) The actions taken by the department; and
- 25 (3) The options available to individuals involved in the proceeding and to the family of the
26 child to obtain assistance or have the child returned.

27 **SECTION 9.** (1) The Department of Human Services, in conjunction with a law enforce-
28 ment agency in a county where a report of abuse is made, shall meet with a child and a
29 parent responsible for the child's care within:

- 30 (a) Twenty-four hours after receiving a report alleging physical or sexual abuse; and
- 31 (b) Seventy-two hours after receiving a report of behavior that poses a lower risk to the
32 child.

33 (2) The department shall complete a child abuse assessment within 30 days of the date
34 that the department receives a report alleging child abuse. The department shall adopt rules
35 regarding granting an extension of the initial 30-day period.

36 (3) The department shall conduct follow-up visits every 30 days with children receiving
37 in-home services.

38 **SECTION 10.** No later than January 1, 2011, the Department of Human Services shall
39 appoint a manager with child welfare experience to oversee child welfare services in each
40 service delivery area.

41 **SECTION 11.** The Department of Human Services shall develop a standardized numerical
42 system designed to match the needs of a child in foster care with the knowledge, skill and
43 expertise of a foster parent. The system developed under this section shall rate the suit-
44 ability of a proposed foster parent to care for a specific foster child and assess the needs of
45 a foster child and the foster child's proposed foster family.

1 **SECTION 12.** (1) All local Department of Human Services offices shall implement state-
2 wide policies and procedures that are established by the Director of Human Services. A local
3 department office may not adopt any policies that differ from department policy unless the
4 local department office has express written authorization from the director.

5 (2) The department shall create a training manual for all department employees who
6 provide child protective services that sets out the policies and procedures for child welfare
7 cases described in subsection (1) of this section. All department employees who provide child
8 protective services shall follow the procedures set out in the manual.

9 (3) The department shall develop evidence-based models for training and case manage-
10 ment services.

11 **SECTION 13.** The Department of Human Services shall establish an after-hours statewide
12 toll-free number for the purpose of providing crisis support services to caregivers. The de-
13 partment shall inform caregivers about the after-hours crisis support services.

14 **SECTION 14.** The Department of Human Services shall conduct employment screenings
15 and criminal background checks on all persons hired by the department on or after the ef-
16 fective date of this 2005 Act. The department shall adopt rules that specify the crimes, a
17 conviction for which disqualifies a person from jobs involving vulnerable persons.

18 **SECTION 15.** The Department of Human Services shall develop a plan to increase the
19 ability of employees to address the language needs, cultural sensitivity issues and religious
20 traditions of clients for each local department office. The department shall adopt rules es-
21 tablishing a pay differential for department employees who provide child protective services
22 and who speak a language other than English. The department shall work with private and
23 public institutions of higher education and community colleges to promote the study of for-
24 eign languages and American Sign Language.

25 **SECTION 16.** The Department of Human Services shall train all department employees
26 who provide child protective services in a process that assists caseworkers in determining
27 the presence of a safety threat and that requires consideration of the vulnerabilities of
28 children.

29 **SECTION 17.** No later than January 1, 2007, the Department of Human Services shall
30 develop practice guidelines in the area of child welfare that clearly delineate assignments,
31 roles, responsibilities, department expectations, protocols and procedures for department
32 employees who provide child protective services. The department shall employ an independ-
33 ent consultant to facilitate the development of the guidelines.

34 **SECTION 18.** (1) The Department of Human Services shall adopt rules establishing
35 guidelines for caseworkers who conduct supervised visits between parents and children. The
36 rules shall include but need not be limited to activities in which the caseworker may engage
37 and the maximum distance to be maintained between the caseworker and the child.

38 (2) The department shall develop staffing models that emphasize caseworker meetings
39 with a child and the parent responsible for the child's care and that discourage the transfer
40 of cases between caseworkers.

41 (3) The department shall require supervisors to meet with a child and the parent re-
42 sponsible for the child's care as a supplement to caseworker visits.

43 (4) The department shall ensure that the balance between ensuring a child's safety and
44 achieving family reunification is maintained.

45 **SECTION 19.** Notwithstanding any other provision of law, the Department of Human

1 Services is not subject to restrictions or limitations on hiring imposed as a result of fiscal
2 restraints.

3 **SECTION 20.** As used in sections 20 to 30 of this 2005 Act:

4 (1) "Birth relative" means a relative who has a legal relationship with a child at the time
5 the child is placed in the custody of the Department of Human Services and is:

6 (a) Related to the child by blood or half-blood through the child's biological mother or
7 legal father;

8 (b) Related to the child through the child's adoptive mother or adoptive father;

9 (c) The child's stepparent or former stepparent who had a personal relationship with the
10 child prior to the child being placed in the custody of the department;

11 (d) The adoptive parent of the child's sibling or the adoptive parent's adult biological or
12 adoptive child; or

13 (e) A person who has been designated as the adoptive parent for the child's sibling or the
14 adult biological or adoptive child of the designated adoptive parent.

15 (2) "Diligent search" means identifying, locating and contacting the birth relatives of a
16 child who has been placed in foster care to discuss the relatives' interest in providing a
17 temporary or permanent home for or adopting the child before the child is placed in an
18 adoptive home or other permanent placement.

19 (3) "Interbranch permanency-adoption committee" means a permanency-adoption com-
20 mittee that is established by a permanency-adoption council and that is responsible for de-
21 cisions about adoptive placement as specified by the department by rule.

22 (4) "Personal relationship" means a relationship between a child and an adult with sub-
23 stantial continuity characterized by interaction, companionship, interplay and mutuality.

24 **SECTION 21.** (1) The Department of Human Services shall place a child who is in the
25 custody of the department in a home that best meets the child's needs for safety, attach-
26 ment, permanence and well-being.

27 (2) The department shall focus on the best interests of a child when planning the child's
28 placement and shall treat all persons involved in the planning process with respect. It is in
29 the best interests of a child to identify a permanent placement as early as possible.

30 (3) The department shall consider the birth relatives of a child who is unable to safely
31 live with a parent for temporary or permanent placement of the child. If a birth relative
32 cannot safely care for the child, the department shall consider ways to safely and meaning-
33 fully involve the birth relative in the child's life.

34 (4) In working with the birth relatives, the department shall:

35 (a) Identify the child's needs;

36 (b) Search for other birth relatives;

37 (c) Identify the interest of the birth relatives in providing care for the child;

38 (d) Assist foster families in identifying the most appropriate role of the birth relatives
39 in the child's life;

40 (e) Assess the suitability of the birth relatives who express interest in providing care for
41 the child;

42 (f) Complete an adoption home study on the birth relatives who are suitable for and in-
43 terested in adopting the child; and

44 (g) Determine the permanent placement of the child.

45 **SECTION 22.** A child welfare caseworker employed by the Department of Human Services

1 shall inform a foster parent that the placement of a child with the foster parent may not be
 2 permanent and that the role of the foster parent is transitional. The caseworker shall keep
 3 the foster parent informed of primary and alternate permanent placement planning for the
 4 child.

5 **SECTION 23.** (1) If the Department of Human Services has not conducted a diligent
 6 search for birth relatives in the six months prior to a hearing conducted under ORS 419B.185,
 7 a local department office with responsibility for the child shall request the court to order the
 8 child's parents to identify any birth relatives. No later than 30 days after the child is placed
 9 in the custody of the department, the local department office shall begin a diligent search
 10 for birth relatives in order to identify a potential placement and assist the department and
 11 the child's family in developing an alternate permanent placement plan under ORS 419B.343.

12 (2) The department may consider the unrelated parent of a child's stepsibling as a birth
 13 relative and may search for the unrelated parent or the unrelated parent's relatives.

14 (3) The department may not consider the relatives of the putative father of a child as
 15 birth relatives.

16 **SECTION 24.** (1) In conducting a diligent search, the Department of Human Services
 17 shall:

18 (a) Ask a child and the child's birth parents or guardians about birth relatives and pref-
 19 erences about the birth relatives;

20 (b) Use family decision meetings to ask participants to help identify other birth relatives;
 21 and

22 (c) Contact the known birth relatives to request names of other birth relatives. The de-
 23 partment may release only information necessary to identify additional birth relatives and
 24 assess the birth relatives' interest in accepting placement of the child.

25 (2) The department shall document the diligent search process.

26 (3) A local department office conducting a diligent search is responsible for determining
 27 when a search is concluded.

28 (4) If a parent of a child in the custody of the department objects to the department
 29 contacting a birth relative, the manager of the local department office shall determine
 30 whether to contact the birth relative. The manager of the local department office shall con-
 31 sider, but is not limited to considering, whether contacting a birth relative:

32 (a) Jeopardizes the safety of the child or the parent;

33 (b) Is in the best interests of the child; and

34 (c) Will substantially limit the department's ability to work with the parent to the det-
 35 riment of the child.

36 (5) If the manager contacts a birth relative over the objection of a parent, the depart-
 37 ment shall notify the parent of the decision prior to the contact.

38 (6) The department shall complete a diligent search for birth relatives no later than six
 39 months after the hearing conducted under ORS 419B.185.

40 (7) The department shall include information on the progress and results of a diligent
 41 search and the efforts to place a child with a birth relative in any court report.

42 (8) If the department locates a legal parent through the diligent search or after the
 43 conclusion of the search time limit in subsection (6) of this section, the department may
 44 resume searching for birth relatives who are relatives of the newly located legal parent after
 45 the search time limit.

1 (9) If the department locates a birth relative or a birth relative contacts the department
 2 after the conclusion of the search time limit in subsection (6) of this section, the department
 3 may consider the birth relative for potential placement of the child. In making this decision,
 4 the department shall consider:

5 (a) The child's needs including attachment to the birth relative or current caretaker
 6 under consideration for potential placement of the child;

7 (b) The potential of the birth relative to meet the child's needs; and

8 (c) The effect on the child of the delay in permanency for the child resulting from the
 9 consideration of the birth relative.

10 **SECTION 25.** (1) The Department of Human Services shall consider a birth relative for
 11 potential placement of the child if:

12 (a) The birth relative has contacted the department or the department has identified the
 13 birth relative; and

14 (b) The birth relative has demonstrated interest in being considered for placement of the
 15 child.

16 (2) A birth relative must submit a written response to a department inquiry or request
 17 for information no later than 30 days after receiving the request in order to be considered
 18 for potential placement of the child. The department shall send all inquiries or requests to
 19 a birth relative for information by certified mail, return receipt requested.

20 (3) The department may consider a birth relative who responds more than 30 days after
 21 receiving the inquiry or request if it is in the best interests of the child.

22 **SECTION 26.** (1) If more than one birth relative requests consideration for potential
 23 placement of the child, the Department of Human Services shall:

24 (a) Provide the birth relatives with information on the factors used to assess the suit-
 25 ability of placement of the child listed under subsection (4) of this section;

26 (b) Confer with the birth relatives to reach a consensus about which birth relative is the
 27 most appropriate placement for the child; and

28 (c) Determine which birth relative is the most appropriate for consideration for place-
 29 ment of the child if the birth relatives cannot agree among one another.

30 (2) The department may consider a maximum of three birth relatives for placement of a
 31 child.

32 (3) If the department concludes that a birth relative is suitable for the placement of a
 33 child using the factors described in subsection (4) of this section or, in the case of an out-
 34 of-state relative, using factors described in subsection (6) of this section, the department is
 35 not required to assess additional potential placements for the child.

36 (4) The department shall assess the suitability of birth relatives for the temporary or
 37 permanent placement of the child as early as possible in the case planning process. The de-
 38 partment shall assess each birth relative individually. The department shall consider, but not
 39 be limited to:

40 (a) A birth relative's ability to provide for the safety of the child. The department may
 41 conduct a criminal background check or compile a family history, including any history of
 42 domestic violence;

43 (b) A birth relative's ability to acknowledge and meet the child's needs;

44 (c) A birth relative's willingness to cooperate with any restrictions placed by the court
 45 or the department on contact between the child and other persons;

1 (d) A birth relative's willingness to prevent another person from influencing the child
2 about the facts of the child welfare case; and

3 (e) A birth relative's ability to support efforts of the department to implement the per-
4 manent placement plan for the child.

5 (5) If a birth relative requests consideration for permanent placement for the child, the
6 department shall consider:

7 (a) The timeliness of the birth relative's interest in providing a permanent home for the
8 child; and

9 (b) The birth relative's ability to commit to the child on a permanent basis.

10 (6) The department shall request a foster home study through the Interstate Compact
11 on the Placement of Children in order to determine the suitability of a birth relative who
12 lives outside of Oregon as a potential placement for the child.

13 (7) If the department determines, based on the factors listed in subsection (4)(a) of this
14 section, that the safety of the child may be jeopardized in the home of the birth relative, the
15 department shall document the findings in the child's case record. The department is not
16 required to consider the remaining factors under subsection (4) of this section.

17 (8) The department may select a permanent placement for a child placed in the custody
18 of the department under emergency circumstances other than the birth relative regardless
19 of whether the birth relative served as a temporary placement for the child.

20 (9) If the department places a child with a birth relative, the department shall inform the
21 birth relative of the relative foster care program and other financial resources to support
22 the placement.

23 **SECTION 27.** (1) The Department of Human Services shall request the assistance of the
24 designated consulate to determine the suitability of a birth relative who resides outside of
25 the United States.

26 (2) The department may not delay or deny the placement of a child based on the ge-
27 ographic location of the potential placement.

28 (3) If the department determines that the most appropriate placement for a child is with
29 a birth relative who lives outside of Oregon, the department may not move the child until
30 the department has stopped providing reunification services to the child's family and the
31 court has given approval for the move. If the child cannot be moved because the department
32 is providing reunification services to the child's family, the department may further the
33 child's relationship with the birth relative through:

34 (a) Meetings between the child and the birth relative;

35 (b) Telephone contact between the child and the birth relative; and

36 (c) Written correspondence between the child and the birth relative.

37 **SECTION 28.** (1) The Department of Human Services shall decide whether a birth relative
38 is suitable for temporary or permanent placement of the child. At a minimum, the child's
39 caseworker and the local department office supervisor and manager shall participate in any
40 decision to not place the child with the birth relative.

41 (2) The department may use the following resources to assist in the assessment of a birth
42 relative to reach the placement that is in the best interests of the child:

43 (a) An established branch or interbranch permanency-adoption committee; or

44 (b) A department adoption placement specialist.

45 (3) If the department concludes that a birth relative is not an appropriate placement for

1 the child, the department shall provide a written explanation for not placing the child with
 2 the birth relative on either a temporary or permanent basis and place a copy in the child's
 3 case file.

4 (4) If a birth relative who has an existing personal relationship with the child is not se-
 5 lected for placement of the child, the department may encourage and facilitate the develop-
 6 ment of an agreement for ongoing contact between the birth relative and the child.

7 **SECTION 29.** (1) If permanent placement with a birth relative is the proposed alternate
 8 permanent placement plan for the child, the Department of Human Services shall develop the
 9 alternate plan if:

10 (a) The plan is in the best interests of the child;

11 (b) The plan does not conflict with reunification services for a parent if reunification with
 12 the parent is the primary plan; and

13 (c) The department has determined that the birth relative is suitable for permanent
 14 placement of the child under section 26 of this 2005 Act.

15 (2) The alternate plan may include, but is not limited to:

16 (a) Requesting a home study;

17 (b) Completing Indian Child Welfare Act requirements;

18 (c) Making an interstate compact under ORS chapter 417;

19 (d) Arranging visits with suitable birth relatives; and

20 (e) Developing other opportunities for contact between the child and the birth relatives.

21 **SECTION 30.** (1) If the Department of Human Services has found a birth relative suitable
 22 for permanent placement of the child under section 26 of this 2005 Act and the child is
 23 available for adoption:

24 (a) The department shall instruct a birth relative who lives in Oregon to:

25 (A) Contact the local department office responsible for the child to apply for adoption of
 26 the child;

27 (B) Notify the child's caseworker in writing of the birth relative's intent to complete an
 28 adoption home study and the name of the agency performing the study. The notification
 29 must be made within 14 days of the department advising the birth relative of the birth rela-
 30 tive's adoptive options; and

31 (C) Obtain, at the birth relative's expense, a current adoption home study through an
 32 Oregon licensed private adoption agency, if the birth relative chooses to use a private
 33 adoption agency. The birth relative shall provide a copy of the study to the child's
 34 caseworker no later than 90 days after the date of the birth relative's written notice of intent
 35 to adopt the child.

36 (b) If the birth relative lives outside of Oregon, the department shall:

37 (A) Contact the department administrator responsible for the Interstate Compact on the
 38 Placement of Children prior to discussing adoptive options with the birth relative to ensure
 39 compliance with adoption statutes where the birth relative resides;

40 (B) Document in the child's case file the date and adoptive options discussed with the
 41 relative;

42 (C) Instruct the birth relative to:

43 (i) Contact a local public agency child welfare office where the birth relative resides and
 44 follow the agency's process to complete an adoption home study;

45 (ii) Notify the child's caseworker in writing of the birth relative's intent to complete an

1 adoption home study and the name of the agency performing the study. The notification
 2 must be made within 14 days of the department advising the birth relative of the birth rela-
 3 tive's options; and

4 (iii) Obtain, at the birth relative's expense, a current adoption home study through a li-
 5 censed private adoption agency in the state where the birth relative resides, if the birth
 6 relative chooses to use a private adoption agency. The birth relative shall provide a copy of
 7 the study to the child's caseworker no later than 90 days after the date of the birth relative's
 8 written notice of intent to adopt the child. If the birth relative chooses a public agency to
 9 complete an adoption home study, the child's caseworker shall request an adoption home
 10 study through the Interstate Compact on the Placement of Children no later than 30 days
 11 after the notification under this sub-subsection. If the child's caseworker is unable to obtain
 12 a completed adoption home study from the birth relative, the caseworker shall consult with
 13 a department adoption placement specialist.

14 (c) If the birth relative lives outside of the United States, other than on a United States
 15 military base, the child's caseworker shall contact a consular office of the country in which
 16 the relative resides. If the relative is domiciled in the United States, the Interstate Compact
 17 on the Placement of Children applies.

18 (2) After receipt of a completed adoption home study for a birth relative, the department
 19 shall refer the child being considered for placement with the birth relative to the appropriate
 20 adoption committee as follows:

21 (a) If only one birth relative is being considered for placement of the child, to a local
 22 department office permanency-adoption counsel. The local department office may delegate
 23 placement selections to a central adoption committee.

24 (b) If the department conducted a diligent search and the birth relative is the current
 25 caretaker, the department shall finalize the adoption.

26 (c) If more than one birth relative is being considered or a current caretaker and a birth
 27 relative are being considered, to the central adoption committee.

28 (3) If the department finds information through an adoption home study that indicates
 29 a child's safety or permanency may be affected by placement with a birth relative, the de-
 30 partment shall notify the birth relative in writing that the birth relative is not suitable for
 31 placement of the child. The department may not refer the birth relative to an adoption
 32 committee for consideration.

33 (4) The department may consider other birth relatives of the child if the department de-
 34 termines the birth relative is suitable for placement of the child.

35 (5) If the department has documented proof that it performed a diligent search, the de-
 36 partment may refuse to consider a birth relative who requests consideration as a placement
 37 for the child if:

38 (a) A meeting of an adoption committee has been set; or

39 (b) The department has completed a positive suitability assessment for another birth
 40 relative.

41 **SECTION 31.** A caseworker who is related by birth or marriage to a child who receives
 42 child protective services or who has a financial interest with any participant in a child wel-
 43 fare case may not be involved in the child protective services case.

44 **SECTION 32.** The Department of Human Services is the decision- making authority in
 45 situations where group decision-making processes are utilized.

1 **SECTION 33.** The Department of Human Services shall adopt rules requiring that local
2 department office supervisors and managers regularly review open child welfare cases.

3 **SECTION 34.** The Department of Human Services shall adopt rules requiring department
4 employees to:

- 5 (1) Maximize the use of paper record-keeping in child welfare cases; and
- 6 (2) Use video recordings to support the training and accountability of the department.

7 **SECTION 35.** The Department of Human Services shall adopt rules regarding the physical
8 appearance of a child, including the child's weight, as an indicator of neglect or abuse. The
9 rules adopted under this section shall require a caseworker to weigh a child at regular in-
10 tervals and to note trends in the child's physical well-being.

11 **SECTION 36.** (1) The Office of Inspector General is created in the office of the Governor.
12 The Office of Inspector General shall oversee the activities of the Oregon Youth Authority
13 and the child protective services functions of the Department of Human Services. The
14 Governor shall appoint the Inspector General.

15 (2) The Office of Inspector General shall:

- 16 (a) Establish performance measurements;
- 17 (b) Conduct annual performance audits of the authority and child protective services
18 provided by the department;

19 (c) Report to the Legislative Assembly audit findings and recommendations for the im-
20 provement of child protective services based on the audit findings;

21 (d) Conduct exit interviews with employees who provide child protective services and
22 make recommendations to the department based on the information obtained;

23 (e) Report to the Legislative Assembly on a biennial basis the recommendations described
24 in paragraph (d) of this subsection;

25 (f) Receive complaints, concerns and input from members of the public;

26 (g) Review a random selection of current cases and reports of child abuse to assess the
27 intervention; and

28 (h) Evaluate the child welfare intake system at local department offices.

29 (3) The Office of Inspector General shall conduct random inspections of procedures and
30 cases related to child welfare or children in the custody of the youth authority. Local de-
31 partment offices and authority facilities shall permit the office to review the case file and
32 tour the facilities.

33 (4) The Governor may appoint an advisory committee to assist the Inspector General.

34 **SECTION 37.** No later than February 1, 2007, the Department of Human Services shall
35 report to the Legislative Assembly the following:

36 (1) A statewide strategic plan for the recruitment and retention of foster parents and
37 homes that includes consistent respite programs for providers and local community part-
38 nerships.

39 (2) A plan to discontinue the use of department employees who provide child protective
40 services for performing legal duties in child welfare dependency cases, limiting the employees
41 to providing information as witnesses only. The plan shall provide for employing assistant
42 attorneys general to conduct legal proceedings on behalf of the department.

43 (3) A plan for the use of flexible funds and alcohol and drug treatment.

44 (4) A plan to develop a talented and sufficient workforce in the child welfare and pro-
45 tective services areas and to reduce department employee turnover. The plan should explore

1 entering into agreements with private and public institutions of higher education and com-
2 munity colleges to train new department employees who provide child protective services and
3 establish target staffing ratios.

4 (5) A feasibility study for assigning a single caseworker responsibility for a child or
5 family throughout the child's or family's entire involvement with the department.

6 (6) A strategic plan for building and maintaining effective community partnerships.

7 (7) A plan to implement a modern information management system that produces con-
8 sistent results and has a critical case management feature used in all cases, by all depart-
9 ment employees providing child protective services and in all local department offices.

10 (8) A plan for professionalizing department employees who provide child protective ser-
11 vices, including but not limited to licensing standards for social workers and support staff
12 and increasing educational requirements.

13 (9) A feasibility study for establishing regional medical directors.

14 (10) A plan to develop alcohol and drug treatment placements that includes, but is not
15 limited to, complete family residential placements for families under department supervision.
16
