

CHAPTER 74

AN ACT

SB 1526

Relating to the parental rights of individuals with disabilities; creating new provisions; amending ORS 419B.504; and declaring an emergency.

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

SECTION 1. ORS 419B.504 is amended to read:

419B.504. The rights of the parent or parents may be terminated as provided in ORS 419B.500 if the court finds that the parent or parents are unfit by reason of conduct or condition seriously detrimental to the child or ward and integration of the child or ward into the home of the parent or parents is improbable within a reasonable time due to conduct or conditions not likely to change. In determining such conduct and conditions,]:

(1) The court shall consider but is not limited to the following:

[*(1) Emotional illness, mental illness or mental retardation of the parent of such nature and duration as to render the parent incapable of providing proper care for the child or ward for extended periods of time.*]

[*(2) (a) Conduct toward any child of an abusive, cruel or sexual nature.*]

[*(3) (b) Addictive or habitual use of intoxicating liquors, cannabis or controlled substances to the extent that parental ability has been substantially impaired.*]

[*(4) (c) Physical neglect of the child or ward.*]

[*(5) (d) Lack of effort of the parent to adjust the circumstances of the parent, conduct, or conditions*

to make it possible for the child or ward to safely return home within a reasonable time or failure of the parent to effect a lasting adjustment after reasonable efforts by available social agencies for such extended duration of time that it appears reasonable that no lasting adjustment can be effected.

[*(6) (e) Criminal conduct that impairs the parent's ability to provide adequate care for the child or ward.*]

(f) A mental health condition of the parent of such nature and duration as to render the parent incapable of providing proper care for the child or ward for extended periods of time.

(2) The court may not consider a parent's disability, as that term is defined in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), unless the parent's conduct related to the disability is of such nature and duration as to render the parent incapable of providing proper care for the child or ward for extended periods of time.

SECTION 2. The amendments to ORS 419B.504 by section 1 of this 2018 Act apply to proceedings to terminate parental rights commenced on or after the effective date of this 2018 Act.

SECTION 3. This 2018 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect on its passage.

Approved by the Governor April 3, 2018

Filed in the office of Secretary of State April 3, 2018

Effective date April 3, 2018