

SB 208 A STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

Prepared By: Matthew Perreault, LPRO Analyst

Meeting Dates: 4/17, 5/3

WHAT THE MEASURE DOES:

Provides that juvenile court's wardship continues when permanent guardianship is established until the court vacates the guardianship and subsequently terminates the wardship or the ward becomes 21 years old. Provides that permanent guardianship may end only when court vacates guardianship or ward becomes 21 years old. Requires parties filing a motion to terminate wardship to serve the motion upon the Department of Human Services. Applies to motions to terminate wardship and motions to vacate guardianship following effective date.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

SENATE VOTE: Ayes, 21; Nays, 7; Excused, 2

ISSUES DISCUSSED:

- Conditions under which court's jurisdiction over child may end
- Characteristics of guardianships

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In some cases, a juvenile court may assume responsibility for the care and custody of a minor child, which is known as wardship. Children in the jurisdiction of a juvenile court are called wards of the court (ORS 419B.100). A court may establish a guardianship that places the ward in the custody of a person, agency, or institution other than the child's parent. Oregon law (ORS 419B.368) allows courts to review, modify, or vacate guardianship orders if the court determines that doing so would be in the child's best interests, the conditions and circumstances giving rise to the establishment of the guardianship have been ameliorated, and the parent is able and willing to adequately care for the child. When modifying or vacating a guardianship, the court must consider at a minimum: the child's emotional and developmental needs; their need to maintain existing attachments and relationships and to form attachments and relationships; the child's health and safety; and the ward's wishes. Current law (ORS 419B.365(6)) provides that a permanent guardianship may end when a court vacates the guardianship or when the ward is no longer subject to the court's jurisdiction. A 2019 Oregon Supreme Court case, *Department of Human Services v. J.C.*, resulted in termination of a permanent guardianship as a result of finding that the underlying basis for a child's wardship no longer existed.

Senate Bill 208 A continues a court's wardship when a permanent guardianship has been established until the court vacates the wardship and subsequently terminates the wardship or the child becomes 21 years of age.