

Office of Child Welfare Programs

Maurita Johnson, Deputy Director

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Issue date: 12/13/13

Topic: Other

Subject: Upcoming changes related to grandparent rights

Applies to (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County DD Program Managers |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Other (please specify): |

Message:

This information memorandum provides advance notice of some changes that will be taking place Jan. 1, 2014 regarding grandparent rights. A Policy Transmittal will be issued 1/15/14 with links to the final documents.

Effective Jan. 1, 2014, the law will change as a result of House Bill 3249 (2013), which:

- 1) Requires the Department to make diligent efforts to identify and obtain contact information for grandparents of a child in the Department's custody and give the grandparents notice of hearings concerning the child. Grandparents no longer have to request notice of hearings in writing and provide a mailing address.
- 2) Gives the grandparents the opportunity to be heard at hearing.
- 3) Provides that grandparents may ask for court-ordered visitation or other contact with the child. The court may grant the grandparent's request if the court finds:
 - a. An ongoing relationship existed between the grandparent and the ward that included regular visits or other contact or communication; or despite the grandparents efforts, no ongoing relationship existed between the grandparent and the ward due to circumstances beyond the grandparent's control;
 - b. Ordering visitation or other contact will support and not interfere with the development and implementation of a permanency or concurrent permanent plan for the ward;
 - c. Ordering visitation or other contact will not reduce the frequency or the quality of a parent's visitation or other contact;

- d. If the court determines consultation with the ward is appropriate, the ward has been consulted and agrees that the court should allow the grandparent's request in whole or in part;
- e. Ordering visitation or other contact is in the ward's best interests; and
- f. Ordering visitation or other contact would not unreasonably burden the resources of DHS.

The new law defines "grandparent" as the legal parent of the child's legal parent. HB 3249 amends ORS 419B.875 and adopts a new provision, effective Jan. 1, 2014. For more details about the new law, please review HB 3249 by clicking on this link: <https://olis.leg.state.or.us/liz/2013R1/Measures/Text/HB3249/Enrolled>.

The following rules, procedures, and forms will be updated effective Jan. 1, 2014 to reflect the changes in the law:

Rules

- I-A.4.5, Rights of Relatives, OAR 413-010-0300 thru 413-010-0340
- I-E.3.5, Visits and Other Types of Child and Family Contact, OAR 413-070-0800 thru 0880

Please review the proposed changes to the rules by clicking on this link: <http://www.dhs.state.or.us/policy/childwelfare/drafts/drafts.htm>.

Procedure manual

- [Chapter 4](#): Services to Children, Section 3: Working with Relatives, D. Initial and ongoing contact with a relative
- [Chapter 8](#): Working with the Courts and External Partners, Section 1: The Courts
- [Chapter 8](#): Working with the Courts and External Partners, Section 7: Other Legal Matters, D. Rights of Grandparents

Forms

- Notice of Court Hearing, [CF 148](#)
- Relative Response form, [CF 0448](#)
- Options for Relatives brochure, [DHS 9360](#)
*The Options for Relatives brochure satisfies the requirement to provide notice to grandparents and other adult relatives under Rights of Relatives, I-A.4.5, OAR 413-010-0320(5) and federal law. Caseworkers are strongly encouraged to give this brochure to all grandparents and adult relatives.

Staff is expected to review the revised rules, procedures, and forms and begin implementing the new requirements as of Jan. 1, 2014.

A Policy Transmittal will be issued once the changes are effective with links to the final documents. In the meantime, Central Office staff has been talking about these changes at various quarterly meetings.

If you have any questions about this information, contact:

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