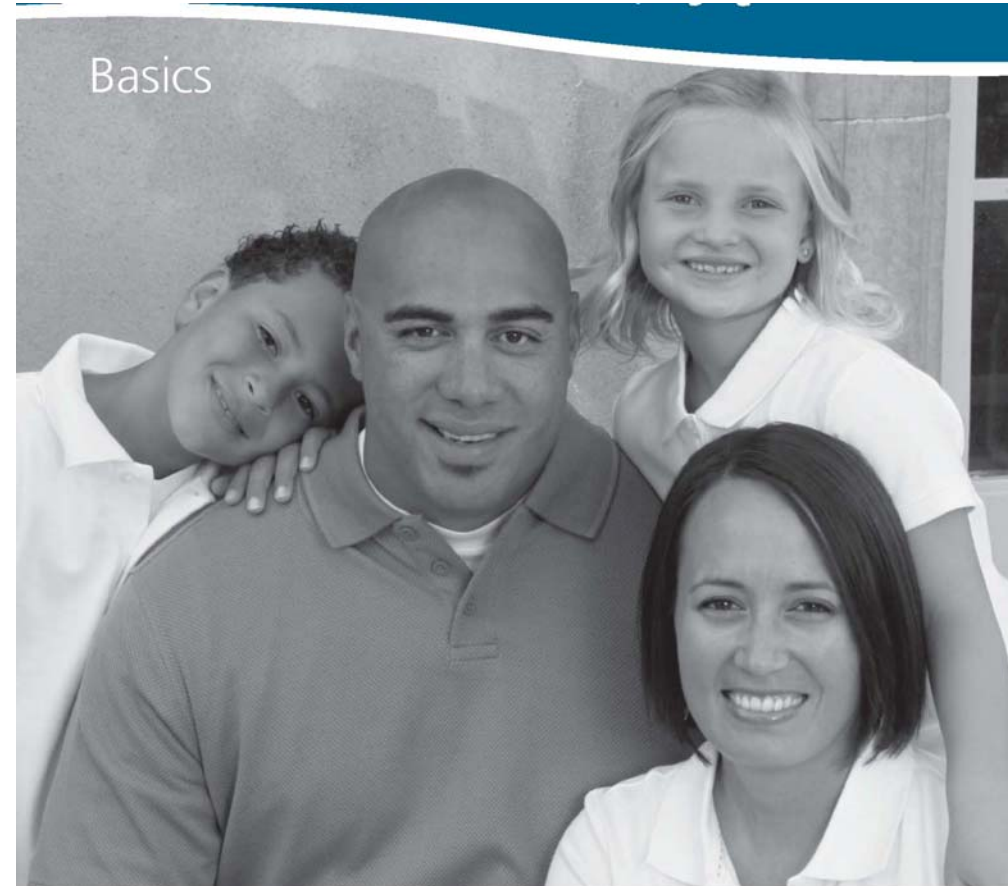


# Rights Of Relatives



## Preface

**It is the policy of the State of Oregon to safeguard and promote each child’s right to safety, stability and well-being. The State of Oregon recognizes the importance of a child’s relationships with parents, siblings, grandparents and other relatives. ORS 419B.090(3)**

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### **Grandparents have the right to notice of court hearings**

A legal grandparent has the right to be informed of court proceedings about their grandchild.

The grandparent must request in writing to the department of Human services, to receive notice of court proceedings,

The legal grandparent must provide to the Department of Human services a mailing address where the legal notice may be sent.

A legal grandparent also has the right to be given an opportunity to be heard by the court.

A grandparent already caring for a child has the right to receive notice of court proceeding and has the right to be heard during the court proceeding.

ORS 419B.875(6) and (7).

### **Relative’s right to file for intervenor status**

Any relative that meets the statutory definition of person having a, “caregiver relationship” ORS 419B.116(1) with a child can ask the court to give them intervenor status.

Intervenor status gives a person status as a party to the case.

This means that a person with intervenor status receives:

- notice of all court hearings,
- the same information other parties receive about a case (unless the court rules differently),
- has the right to be heard in court.,
- has the right to appear in court with counsel,
- has the right to call and examine witnesses,
- has the right to appeal,
- has the right to request a hearing,
- has the right to ask the court for consideration as a temporary placement,
- has the right to ask the court for visitation of the child, and
- at a certain point in the case, ask the court for consideration as a permanent resource for the child.

ORS 419B.116(2)

ORS 419B.366

### **Relative's rights of limited participation**

A relative seeking rights of limited participation must file a written motion with the court seeking such status. The court will state in a court order the specific rights granted to a person with limited participation status.

Among the rights granted by the court, a person with the status of limited participation will have the right to:

- appear with retained counsel
- ask the court for consideration as a temporary placement,
- ask the court for visitation of the child, and
- at a certain point in the case, ask the court for consideration as a permanent resource for the child. .

ORS 419B.116(7)

ORS 419B.366

### **Post Adoption Communication with Birth Relatives:**

A birth relative who has an ongoing personal relationship with child being adopted may continue to have contact with a child being adopted.

This requires the birth relative to inter into an agreement with the adoptive parent.

ORS 109.305

### **Provide information and input:**

Relatives of a child in the custody of the department have the right to provide information about the child's background and to make recommendations for the child's future.

OAR 413-010-0320

### **Communication and visitation with a child:**

Relatives have a right to communicate and visit with a child in the department's legal custody within reasonable guidelines as set by the child's service plan and by the direction of the court.

OAR 413-010-0330

### **Assessment as a foster care placement recourse:**

Any relative or person has the right to obtain and submit an application to the department for assessment as a foster care placement option for the child in the department's custody.

### **Right for review:**

A relative or person has the right to obtain a review of the department's decision when the department denies a relative or person as a placement option.

However, the department has sole discretion in where a child in its custody will be placed.

OAR 413-200-0395 and 0396  
ORS 419B.337

For resources visit:

<http://extension.oregonstate.edu/fcd/parentchild/>