

2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2190 **STATUS:** B-Engrossed
SUBJECT: Interstate placement of child or ward and court permanency hearing modifications
GOVERNMENT UNIT AFFECTED: Department of Human Services
PREPARED BY: John F. Borden
REVIEWED BY: Sheila Baker
DATE: May 30, 2007

	<u>2007-2009</u>	<u>2009-2011</u>
EXPENDITURES: See Comments		

EFFECTIVE DATE: January 1, 2008

GOVERNOR’S BUDGET: This bill is anticipated by the Governor’s recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This measure eliminates on October 1, 2008 a provision of law allowing Oregon to opt out of a federal requirement pertaining to the need to conduct certain types of criminal records checks for prospective foster care parents or adoptive parents. The measure also directs that courts shall cooperate in sharing information with a court of another state and to facilitate the interstate placement of a child or ward. Courts are to consider appropriate permanent placement options for the child or ward considering options both inside as well as outside the state. A court permanency hearing may consider whether interstate placement continues to be appropriate and in the best interest of the ward. Foster parents, a preadoptive parent or relative providing care for a child has the right to be heard during a court permanency hearing. The Department of Human Services (DHS) is to update the case plan for a child or ward with the most recent academic and medical information. DHS is to report on whether the child or ward placed in foster care outside the state has been visited by a state agency or private agency.

According to DHS, this measure aligns state law with recently enacted federal law (“Adam Walsh Law”). This federal law will require more stringent fingerprinted-based criminal records checks of prospective foster care parents or adoptive parents and additional child abuse and/or child neglect background checks. DHS states that the Department’s compliance with this federal law does have a fiscal impact. The Department’s 2007-09 Governor’s recommended budget, as well as the Co-Chairs of the Joint Committee on Ways and Means budget (as of the date of this fiscal impact) includes a budget enhancement package (#106-66) totaling \$443,928 for additional criminal background checks. This package includes five positions (4.00 FTE) and associated services and supplies. Funding for the package is 50% General Fund and 50% Federal Funds. The package’s 2009-11 cost is estimated to be \$545,948.

DHS reports that other provisions of the bill do not have a fiscal impact on the Department (e.g., case plan records; child or ward visitation on out of state placements; foster parents, preadoptive parent or relative permanency hearing testimony).

The Judicial Department states that this measure would have an indeterminate, but minimal fiscal impact on the Department.