

House Bill 2182

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes definition of "foster home" for purposes of foster care payments. Authorizes Department of Human Services to adopt standards for foster care payments. Authorizes department to consider income, resources and maintenance available to relative foster parents in determining need for or amount of foster care payment. Authorizes foster care payments to for-profit child caring agency.

A BILL FOR AN ACT

1
2 Relating to foster care; amending ORS 418.070, 418.495 and 418.625.

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

4 **SECTION 1.** ORS 418.495 is amended to read:

5 418.495. (1) Within the limits of funds available therefor, the Department of Human Services may
6 enter into agreements with licensed child-caring agencies and other appropriate facilities, including
7 youth care centers, for the purchase of care for children who require and are eligible for such care,
8 regardless of whether the children are wards of the state or whether the department is their
9 guardian or has their custody or whether the children are surrendered to a child-caring agency or
10 committed thereto by order of a court under ORS chapter 419B or 419C. The agreement shall pre-
11 scribe the procedures for payment, the rate of payment and may contain such other conditions as
12 the department and the agency or facility may agree.

13 **(2) The department shall by rule adopt payment standards for foster care. In establishing**
14 **standards, the department may take into account the income, resources and maintenance**
15 **available to and the necessary expenditures of a foster parent who is a relative, as defined**
16 **by rule, of the child placed in care.**

17 **SECTION 2.** ORS 418.625 is amended to read:

18 418.625. As used in ORS 418.625 to 418.645:

19 (1) "Certificate" means a written approval to operate a foster home issued by the Department
20 of Human Services on a form prescribed by the department that states the name of the foster parent,
21 the address of the premises to which the certificate applies and the maximum number of children
22 to be maintained or boarded in the foster home at any one time.

23 (2) "Department" means the Department of Human Services.

24 (3) "Foster home" means any home maintained by a person who has under the care of the person
25 in such home any child under the age of 21 years [*not related to the person by blood or marriage*]
26 and unattended by its parent or guardian, for the purpose of providing such child with care, food
27 and lodging, but does not include:

28 (a) Any boarding school that is essentially and primarily engaged in educational work;

29 (b) Any home in which a child is provided board and room by a school board;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Any foster home under the direct supervision of a private child-caring agency or institution
2 certified by the department;

3 (d) Any home under the direct supervision of a custodial parent for the purpose of providing
4 respite care as defined by rule; or

5 (e) Any developmental disability child foster home as defined in ORS 443.830.

6 **SECTION 3.** ORS 418.070 is amended to read:

7 418.070. For the purposes of ORS 418.035 to 418.185, with respect to any period for which federal
8 funds are made available to this state in aid of a state-administered program of aid to any child
9 defined in and meeting the requirements of this section:

10 (1) "Aid" includes foster care in behalf of a child described in subsection (2)(b) of this section
11 in the foster home of any individual or in a licensed [*nonprofit*] private child-caring agency.

12 (2) "Dependent child" includes:

13 (a) A needy child meeting the requirements of ORS 418.035 (2)(b)(A) or (B) who has been de-
14 prived of parental support or care by reason of the unemployment of a parent or parents and who
15 is living with any of the relatives specified in ORS 418.035 (2) in a place of residence maintained
16 by one or more of such relatives as the relative's or relatives' own home.

17 (b) A child:

18 (A) Who would meet the requirements of ORS 418.035 (2) or of paragraph (a) of this subsection
19 except for removal from the home of a relative specified in ORS 418.035 (2) as a result of a judicial
20 determination to the effect that continuation therein would be contrary to the welfare of such child;

21 (B) Who has been accepted for placement and care by the Department of Human Services;

22 (C) Who has been placed in a foster home or licensed [*nonprofit*] private child-caring agency as
23 a result of such determination; and

24 (D) Who received aid in or for the month in which court proceedings leading to such determi-
25 nation were initiated, or would have received such aid in or for such month if application had been
26 made therefor, or in the case of a child who had been living with a relative specified in ORS 418.035
27 (2) within six months prior to the month in which such proceedings were initiated, would have re-
28 ceived such aid in or for such month if in such month the child had been living with and removed
29 from the home of such a relative and application had been made therefor.

30 (3) "Foster home" means a foster home which is certified by this state or has been approved,
31 by the agency of this state responsible for the certification of foster homes, as meeting the standards
32 established for such certification.

33 (4) "Unemployment of parent" shall be defined by the department and such definition may take
34 into account definitions used to establish the availability of federal funds for the program of tem-
35 porary assistance for needy families.

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