

HB2908

Testimony to Judiciary Committee

2 March 2015

CONCERN : Medically complex children under 16 years old
in long term placements designated APPLA

Christine Ruck, appointed Citizen Review Board member
Linn County

Chair Barker and Committee members,

Thank you for the opportunity to address the committee on behalf of the foster children in the custody of DHS and through no fault of their own at the mercy of state and federal law.

My experience with foster is as a member one of the Citizen Review Boards in Linn County. I have the privilege and obligation to perform the periodic reviews of foster care cases and make the findings that assist the judges in ensuring the the foster children, OUR children are receiving services and care in settings that are appropriate and in the best interest of the child.

It is my understanding that there are changes in Federal law that are triggering the need to modify the corresponding Oregon statues. In most cases, the children are able to be cared for within the existing processes because they are don't have health or developmental issues requiring highly specialized management.

I have a significant concern that the changes in the designation and definition of Alternative Permanent Planned Living Arrangements (APPLA). The future restriction to have that available only to children 16 years or older leaves a very small but vulnerable group of foster children and their foster parents in a financial / administrative no mans land.

This bill has been discussed at our recent board briefings with our field manager and it is my understanding that there may be approximately 200 such children in a specific circumstance that we need to address.

Linn County has one such case that we review every 6 months.

Please pardon some vagueness to ensure the anonymity of the child is maintained.

Child now 11 years old, in care several years

Limited verbal capability, approximate 4-6 year old vocabulary. Hard to understand.

Diminutive, the size of a 4-5 year old

Developmental delays and expresses emotional attachments

Musculo-skeletal issues that prevent typical ambulatory to a certain extent

Bones break easily, genetic condition

Dental issues, changing constantly, no adult teeth

Hormonal and gastrological abnormalities that require specialized food preparation and feeding

Requires 24 hour care

This child is in the home with all the love and attention that every child deserves.

This child has siblings and the daily chore of gathering and counting eggs. A daily ritual of accomplishment and pride.

This child has a foster a grandparent to share with other foster/adopted siblings.

This child goes to private school a couple days a week with sibling as a special classroom assistant.

This child has a family. NOT an adoptive family, but a family for life.

This family manages to satisfy the high needs of the child within some bizarre administrative hurdles and complies with the case plans in every manner.

This child has a rich full life within an envelope of limitations not anticipated or considered when federal legislation is crafted.

The child's medical issues far exceed what these foster parents could afford in order to change the child from a foster status to be adopted. Adoption would have been pursued and completed by now were it not for the financial aspects of the child's physical care.

To fill the emotional need to have a family, the child's attorney processed a name changes that the feeling of belonging was able to be achieved for a child who could not have been placed, in my opinion the best possible home.

This is the case that brings tears of joy to read knowing how OUR child is doing.

Every agency, case worker, volunteer, court appointed advocate and attorney has followed the spirit and intent of the laws with the objective to make sure every child has a home with a family.

It is now your opportunity to play a part in the solutions that will fill the void for the fosters children with unique and complex needs.

PROBLEM

The federal law is restricting the use of APPLA to children 16 years or older.

According to the changes in federal law, the funding to care for this child should stop on October 1, 2015.

Children younger than 16 years old AND with high needs and medically complex cases will not be able to be funded with out asking judges to play fast and loose with rulings and court orders to game the system.

RECOMMENDATION

We need to be creative as we craft the amendments to the ORS statutes.

Insert into the ORS statutes a mechanism that would authorize a waiver for the age requirement when the case meets some standard of complexity to use APPLA.

OR

Create a designation for a medically complex guardianship with special circumstances. This could grant foster parents the ability to authorize medical care without engaging case workers for permission on a repeated basis. (some unquantified savings ?)

OR

Create and fund specialized adoptions for the limited numbers of high needs children who don't fit within existing processes and funding options.

The citizens of Oregon have accepted a legal responsibility for these children and the foster families who have opened their hearts and their homes to some of the most special children.

These are not the one-size-fits-all children and they deserve special consideration.

I thank the committee for the opportunity to share my experience and perspective on the impact of HB2908. Unable to be present at the hearing today in person, I would be very happy to participate in the hearing by phone or to answer any committee member's questions at their convenience.

Thanks you again.

Christine Ruck
Lebanon OR

christinelruck@gmail.com

541.401.0457