

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 741 - A

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

***Only Impacts on Original or Engrossed
Versions are Considered Official***

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Measure Description:

Directs Department of Human Services to adopt administrative rules for home studies and placement reports in adoption proceedings that require that equal consideration be given to relatives and current caretakers as prospective adoptive parents, and that greater consideration be given to relatives and current caretakers as compared to other persons who are not relatives or current caretakers.

Government Unit(s) Affected:

Department of Human Services (DHS), Public Defense Services Commission (PDSC), Oregon Judicial Department (OJD)

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.

Analysis:

Senate Bill 741:

- Adds “current caretaker” to the definition section of the Juvenile Code, and defines the term as a foster parent who is currently caring for a ward who is in the legal custody of the Department of Human Services (DHS) and who has a permanency plan or concurrent plan of adoption and who has cared for the ward, or a sibling of the ward for the previous 12 months, or for one-half of the ward’s or sibling’s life if younger than age two.
- Requires that rules adopted by DHS for home studies and placement reports must, at minimum, require the Department to consider a child’s relatives and current caretaker as having equal status and priority as prospective adoptive parents when considering the ability to meet the child’s needs for safety, attachment and well-being.
- Allows the court to review a placement or proposed placement of the child or ward, and allows the court to direct DHS to place the child with a foster care provider who is or has been a current caretaker for the child.
- Requires the court to hold a hearing within 10 days after receiving a report from DHS required when DHS has removed, or plans to remove, a child or ward under certain specified conditions.

Department of Human Services (DHS)

DHS believes passage of this bill could result in an increase in court hearings and judicial reviews thereby potentially increasing attorney general and investigator expenses. In addition, the requirements of the bill could also affect the workload of field staff, including impacting the number of reports that would need to be filed. Because of the unique and complex nature of each case, DHS cannot quantify the impact, at this time. The agency will monitor the workload created by the requirements of this bill, and if it is determined that there is a material increase in workload and to the expenditures associated with these requirements, DHS may need to request additional staffing and resources.

Public Defense Services Commission (PDSC)

If this bill becomes law, PDSC predicts an increase in required court hearings (1) within 10 days after receiving a report from DHS required when DHS has removed, or plans to remove, a child or ward; and (2) due to the elevation of foster parents to current caretaker status at 12 months. Assuming an

additional 120 to 150 review hearings a year at an average review hearing cost of \$337, PDSC projects the fiscal impact of this bill on the agency could range between \$80,880 and \$101,100 per biennium.

Oregon Judicial Department (OJD)

The fiscal impact of this bill on OJD is minimal. Although OJD anticipates an increase of cases involving a challenge of a placement decision by DHS requiring court review, the department will handle the anticipated increase in review hearings with existing staff and resources.