

Senate Bill 944

Sponsored by Senator KNOPP, Representative WHISNANT; Representative BUEHLER

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**.

Prohibits Department of Human Services, Oregon Health Authority or Oregon Youth Authority from contracting with behavior rehabilitation services providers that permit, or authorizing behavior rehabilitation services providers to allow, children or youth who are not sex offenders or who do not have inappropriate sexual behaviors to reside in same home or residential facility as children or youth who are sex offenders or who have inappropriate sexual behaviors.

Requires state agencies to adopt rules to implement prohibition.

A BILL FOR AN ACT

1
2 Relating to behavior rehabilitation services programs.

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

4 **SECTION 1. As used in this section and section 2 of this 2015 Act:**

5 (1) **"Behavior rehabilitation services program" means a program administered by a state**
6 **agency to provide services or placement related activities to children and youths to address**
7 **debilitating psychosocial, emotional and behavioral disorders in a community placement uti-**
8 **lizing either a residential care model or a therapeutic foster care model.**

9 (2) **"Behavior rehabilitation services provider" means a person or entity that has con-**
10 **tracted with a state agency to be responsible for providing services and placement related**
11 **activities and may include, but is not limited to, a private child-caring agency as defined in**
12 **ORS 418.205 or a public child-caring agency approved by the Department of Human Services'**
13 **Office of Licensing and Regulatory Oversight.**

14 (3) **"Children" means persons under 18 years of age.**

15 (4) **"Placement related activities" means activities provided by a behavior rehabilitation**
16 **services provider in the context of a behavior rehabilitation services program and include,**
17 **but are not limited to, providing children and youth with food, clothing, shelter, room and**
18 **board, daily supervision, access to educational, cultural and recreational activities, and case**
19 **management.**

20 (5) **"Residential care model" means services and placement related activities provided in**
21 **the context of a behavior rehabilitation services program to children and youth in a resi-**
22 **dential community setting and not in the home of an approved behavior rehabilitation ser-**
23 **vices provider.**

24 (6) **"Services" means treatment provided to children and youth in a behavior rehabili-**
25 **tation services program, including but not limited to treatment planning, individual and**
26 **group counseling, skills training and parent training.**

27 (7) **"Sex offender" has the meaning given that term in ORS 181.805.**

28 (8) **"State agency" means the Department of Human Services, Oregon Health Authority**
29 **or Oregon Youth Authority.**

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 (9) “Therapeutic foster care model” means services and placement related activities
 2 provided to children and youths who reside in the home of an approved behavior rehabili-
 3 tation services provider.

4 (10) “Youth” means a person who is 18 through 24 years of age.

5 **SECTION 2.** (1) The Department of Human Services, Oregon Health Authority and
 6 Oregon Youth Authority may not, in the administration of any behavior rehabilitation ser-
 7 vices program, contract with a behavior rehabilitation services provider that will permit, nor
 8 authorize a behavior rehabilitation services provider to allow, children or youth who are not
 9 sex offenders or who do not have inappropriate sexual behaviors to reside in the same home
 10 or residential facility as children or youth who are sex offenders or who have inappropriate
 11 sexual behaviors.

12 (2) The state agencies identified in subsection (1) of this section shall jointly adopt rules
 13 to implement the prohibition in subsection (1) of this section. The rules shall, at a minimum:

14 (a) Further define “sex offender” and “inappropriate sexual behavior” to assure the
 15 maximum protection and safety for children and youth who receive services and placement
 16 related activities from a behavior rehabilitation services provider. The definitions shall in-
 17 clude children and youth who are sex offenders or who have inappropriate sexual behavior
 18 regardless of whether the child or youth has completed an approved supervision or treatment
 19 program, passed polygraphs or is no longer required to register or report as a sex offender.

20 (b) Establish procedures for redirecting children and youth who are considered within the
 21 definitions of sex offender or as having inappropriate sexual behavior to alternative services
 22 or placements.

23 (c) Create a biennial audit process to determine compliance by behavior rehabilitation
 24 services providers with the prohibition in subsection (1) of this section and establish penal-
 25 ties for noncompliance, including but not limited to revocation of approval or licensure, ter-
 26 mination of contract and fines.

27 **SECTION 3.** Sections 1 and 2 of this 2015 Act apply to behavior rehabilitation services
 28 programs that are in operation or begin operation on or after the effective date of this 2015
 29 Act.

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