



Testimony

March 27, 2017

SB 49: Juvenile placements for restoration services

Presenter: Nicole Corbin, Adult Behavioral Health Services Manager, OHA, Health Systems Division

Chair Prozanski and members of the committee, I am Nicole Corbin, Adult Behavioral Health Services Manager with the Oregon Health Authority.

Thank you for allowing me to testify today in support of Senate Bill 49.

As you will recall, when a youth is accused of a crime, but suffers from mental illness, the court may question whether or not the defendant can “aid and assist” the attorney in the criminal defense. If the court suspects this is the case, the judge will order a competency evaluation to determine the youth’s fitness to proceed in the criminal proceedings. For adults, this is often referred to as a “.370 evaluation” – referring to the governing statute ORS 161.370.

The Juvenile Fitness to Proceed process is separate and distinct. It was established by House Bill 2836 during the 2013 legislative session to create a standardized approach for Juvenile courts in Oregon to implement for both evaluations assessing a youth’s fitness to proceed and providing restorative services to youth found unfit to proceed in Juvenile Court. The governing statute is ORS 419C.380.

A primary tenet of the legislation is that youth are not to be removed from their current placements for either an evaluation or to receive restorative services except when removal is necessary for the provision of restorative services. Since the legislation, the Oregon Health Authority has developed a statewide restorative services program that is capable of providing services on an outpatient basis anywhere in Oregon. The service delivery is not dependent on the youth’s placement and follow a youth, should that youth’s placement change. This allows restorative services to be administered without disrupting other treatment that a youth may be engaged in.

If a youth is ordered to be removed from his or her current placement for the purposes of restorative services, the Oregon Health Authority opens a bed for the youth at the Secure Adolescent Inpatient Program—“SAIP” for short—at the Children’s Farm Home. This is the most intensive level of care in Oregon’s behavioral health system and functions as a state psychiatric hospital for youth. In these situations, OHA has seven days to provide for the youth’s intake. There are a limited number of SAIP beds, and there is consistently a waitlist for these beds. This means that when a youth is ordered to be removed from their current setting for restorative services that some youth already at SAIP need to be moved, or that youth waiting for admission to SAIP must wait longer, often in crisis.

Most of the time, when a youth is ordered to receive restorative services on an inpatient basis, it is necessary and appropriate. At times, however, a youth is ordered into SAIP for restorative services who does not require that level of care. Other times, a youth is initially in need of these intensive services, and during the restorative services process, becomes more appropriate for a different level of care. Senate Bill 49 is an attempt to address these issues. This bill allows the Oregon Health Authority to work with system partners to identify more appropriate settings for the youth while the youth is receiving restorative services. This will help ensure that the youth residing in SAIP are the youth who need that level of care the most, and will allow the Oregon Health Authority to provide restorative services in the most appropriate setting.

The proposed -1 amendment clarifies that “current placement” does not refer to a juvenile detention facility or a youth correctional facility. This clarifies that a youth in these facilities at the time that he or she is found unfit to proceed does not need to remain in detention for the duration of Restorative Services. It also allows the Oregon Health Authority to work with systems partners to identify the most appropriate setting for the youth.

This legislation allows for more flexibility in serving youth in the environment that most closely meets their needs throughout the entire restorative service process, and will help ensure the youth stable placements following the completion of the restorative services process.

Thank you again for the opportunity to testify today. The Oregon Health Authority supports this bill, and we hope you will, as well. I am happy to answer any questions.