

# House Bill 2344

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown 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**.

Modifies qualifications and requirements for minors to participate in independent living programs in independent residence facilities.

## A BILL FOR AN ACT

1  
2 Relating to independent residence facilities; amending ORS 418.205 and 418.475.

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

4 **SECTION 1.** ORS 418.475, as amended by section 25, chapter 106, Oregon Laws 2016, is  
5 amended to read:

6 418.475. (1) Within the limit of moneys appropriated therefor, the Department of Human Services  
7 may establish or certify independent residence facilities for minors who:

8 (a) Are 16 years of age or older;

9 (b) Have been placed in at least one substitute care resource;

10 (c) Have been determined by the department to [*be unsuitable for placement in a substitute care*  
11 *resource*] **possess the skills and level of responsibility required for the transition to**  
12 **adulthood;**

13 (d) Have received permission from the appropriate juvenile court, if they are wards of the court;  
14 and

15 (e) Have been determined by the department to be suitable for an independent living program.

16 (2) Independent residence facilities shall provide independent housing arrangements with coun-  
17 seling services and minimal supervision available from at least one counselor. All independent resi-  
18 dence facilities having six or more residents shall be licensed by the department under ORS 443.400  
19 to 443.455.

20 (3) Each resident shall be required to maintain a **department approved independent living**  
21 **program consisting** of education, [*or*] employment **or volunteer activities**, or a combination  
22 thereof, [*amounting to full-time activity*] and shall be required to pay a portion or all of the resident's  
23 housing expenses and other support costs. **The department may approve an exception to the**  
24 **requirements of this subsection for reasons of temporary loss of employment or of other fi-**  
25 **ancial support.**

26 (4) The department may make payment grants directly to minors enrolled in an independent  
27 living program **who, at a minimum, meet the requirements described in subsection (1)(a) to**  
28 **(c) of this section** for food, shelter, clothing, **transportation** and incidental expenses. The payment  
29 grants shall be subject to an agreement between the minor and the department that establishes a  
30 budget of expenses.

31 (5) The department may establish cooperative financial management agreements with a minor

**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 and for that purpose may enter into joint bank accounts requiring two signatures for withdrawals.  
 2 The management agreements or joint accounts may not subject the department or any counselor  
 3 involved to any liability for debts or other responsibilities of the minor.

4 (6) The department shall make periodic reports to the juvenile court as required by the court  
 5 regarding any minor who is a ward of the court enrolled in an independent living program.

6 (7) The enrollment of a minor in an independent living program in accordance with the pro-  
 7 visions of subsection (1) of this section does not remove or limit in any way the obligation of the  
 8 parent of the minor to pay support as ordered by a court under the provisions of ORS 419B.400 or  
 9 419C.590.

10 **SECTION 2.** ORS 418.205, as amended by section 1, chapter 106, Oregon Laws 2016, is amended  
 11 to read:

12 418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to 418.970 and 418.992 to  
 13 418.998, unless the context requires otherwise:

14 (1) “Child” means an unmarried person under 21 years of age.

15 (2)(a) “Child-caring agency”:

16 (A) Means any private school, private agency or private organization providing:

17 (i) Day treatment for children with emotional disturbances;

18 (ii) Adoption placement services;

19 (iii) Residential care, including but not limited to foster care or residential treatment for chil-  
 20 dren;

21 (iv) Residential care in combination with academic education and therapeutic care, including but  
 22 not limited to treatment for emotional, behavioral or mental health disturbances;

23 (v) Outdoor youth programs; or

24 (vi) Other similar care or services for children.

25 (B) Includes the following:

26 (i) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;

27 (ii) An independent residence facility as described in ORS 418.475;

28 (iii) A private residential boarding school; and

29 (iv) A child-caring facility as defined in ORS 418.950.

30 (b) “Child-caring agency” does not include:

31 (A) Residential facilities or foster care homes certified or licensed by the Department of Human  
 32 Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental  
 33 disability services;

34 (B) Any private agency or organization facilitating the provision of respite services for parents  
 35 pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subpar-  
 36 agraph, “respite services” means the voluntary assumption of short-term care and control of a minor  
 37 child without compensation or reimbursement of expenses for the purpose of providing a parent in  
 38 crisis with relief from the demands of ongoing care of the parent’s child;

39 (C) A youth job development organization as defined in ORS 344.415;

40 (D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645; or

41 (E) A foster home subject to ORS 418.625 to 418.645.

42 (3) “Child-caring facility” has the meaning given that term in ORS 418.950.

43 (4) “Independent residence facility” *[has the meaning given that term in ORS 418.475]* **means a**  
 44 **facility established or certified under ORS 418.475.**

45 (5)(a) “Outdoor youth program” means a program that provides, in an outdoor living setting,

1 services to children who have behavioral problems, mental health problems or problems with abuse  
2 of alcohol or drugs.

3 (b) "Outdoor youth program" does not include any program, facility or activity:

4 (A) Operated by a governmental entity;

5 (B) Operated or affiliated with the Oregon Youth Conservation Corps;

6 (C) Licensed by the Department of Human Services under other authority of the department; or

7 (D) Operated by a youth job development organization as defined in ORS 344.415.

8 (6) "Private" means not owned, operated or administered by any governmental agency or unit.

9 (7) "Private residential boarding school" means either of the following as the context requires:

10 (a) A child-caring agency that is a private school that provides residential care in combination  
11 with academic education and therapeutic care, including but not limited to treatment for emotional,  
12 behavioral or mental health disturbances; or

13 (b) A private school providing residential care that is primarily engaged in educational work  
14 under ORS 418.327.

15 (8) "Proctor foster home" means a foster home certified by a child-caring agency under section  
16 6, chapter 106, Oregon Laws 2016, that is not subject to ORS 418.625 to 418.645.

17 (9) "Provider of care or services for children" means a person, entity or organization that pro-  
18 vides care or services to children, regardless of whether the child is in the custody of the Depart-  
19 ment of Human Services, and that does not otherwise meet the definition of, or requirements for, a  
20 child-caring agency. "Provider of care or services for children" includes a proctor foster home  
21 certified by a child-caring agency under section 6, chapter 106, Oregon Laws 2016.

22 (10) "Shelter-care home" has the meaning given that term in ORS 418.470.

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