

Senate Bill 105

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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**.

Requires independent residence facilities for minors to be licensed, certified or authorized by Department of Human Services under laws regulating child-caring agencies.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to independent residence facilities; amending ORS 418.200, 418.475 and 443.405; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 443.405 is amended to read:

6 443.405. For purposes of ORS 443.400 to 443.455 and 443.991, "residential facility" does not in-
7 clude:

8 (1) A residential school;

9 (2) A state or local correctional facility;

10 (3) A youth correction facility as defined in ORS 420.005;

11 (4) A youth care center operated by a county juvenile department under administrative control
12 of a juvenile court pursuant to ORS 420.855 to 420.885;

13 (5) A juvenile detention facility as defined in ORS 419A.004;

14 (6) A nursing home;

15 (7) A hospital;

16 (8) A place primarily engaged in recreational activities;

17 (9) A foster home;

18 (10) A place providing care and treatment on less than a 24-hour basis; [*or*]

19 (11) A residential facility registered under ORS 443.485; **or**

20 **(12) A child-caring agency as defined in ORS 418.205.**

21 **SECTION 2.** ORS 418.475, as amended by section 25, chapter 106, Oregon Laws 2016, is
22 amended to read:

23 418.475. (1) Within the limit of moneys appropriated therefor, the Department of Human Services
24 may establish or [*certify*] **license, certify or authorize** independent residence facilities for minors
25 who:

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

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

28 (c) Have been determined by the department to be unsuitable for placement in a substitute care
29 resource;

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

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

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

3 (2) Independent residence facilities shall provide independent housing arrangements with coun-
4 seling services and minimal supervision available from at least one counselor. All independent resi-
5 dence facilities having six or more residents shall be licensed, **certified or authorized** by the
6 department under ORS [443.400 to 443.455] **418.205 to 418.327**.

7 (3) Each resident shall be required to maintain a program of education or employment, or a
8 combination thereof, amounting to full-time activity and shall be required to pay a portion or all of
9 the resident's housing expenses and other support costs.

10 (4) The department may make payment grants directly to minors enrolled in an independent
11 living program for food, shelter, clothing and incidental expenses. The payment grants shall be
12 subject to an agreement between the minor and the department that establishes a budget of ex-
13 penses.

14 (5) The department may establish cooperative financial management agreements with a minor
15 and for that purpose may enter into joint bank accounts requiring two signatures for withdrawals.
16 The management agreements or joint accounts may not subject the department or any counselor
17 involved to any liability for debts or other responsibilities of the minor.

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

20 (7) The enrollment of a minor in an independent living program in accordance with the pro-
21 visions of subsection (1) of this section does not remove or limit in any way the obligation of the
22 parent of the minor to pay support as ordered by a court under the provisions of ORS 419B.400 or
23 419C.590.

24 **SECTION 3.** ORS 418.200 is amended to read:

25 418.200. As used in ORS 418.200 to 418.202, "foster child" means a child who is in the legal
26 custody of the Department of Human Services pursuant to the provisions of ORS chapter 418, 419B
27 or 419C and who is or was placed in substitute care with a foster parent, a child-caring agency as
28 defined in ORS 418.205 or an independent residence facility established or **licensed, certified or**
29 **authorized by the department** under ORS 418.475.

30 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**
31 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
32 **on its passage.**

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