

DRAFT

SUMMARY

Directs Judicial Department to establish Family Treatment Court Program in certain counties to improve outcomes in child welfare cases resulting from parent's or caregiver's alleged substance use disorder.

Directs Public Defense Services Commission to develop and maintain Parent-Child Representation Program for delivery of legal services to certain persons participating in Family Treatment Court Program.

Appropriates moneys to Judicial Department and Department of Human Services for purposes related to Family Treatment Court Program.

Appropriates moneys to Public Defense Services Commission to for purposes related to Parent-Child Representation Program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to family treatment courts; and declaring an emergency.

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

SECTION 1. (1) The Judicial Department shall establish a Family Treatment Court Program in Coos County, Clackamas County, Douglas County, Jackson County and Marion County.

(2) The purpose of the program is to improve outcomes in child welfare cases that result from a parent's or caregiver's alleged substance use disorder by minimizing or eliminating the amount of time a child requires protective custody and by protecting children from abuse and neglect by addressing the comprehensive needs of children, parents and family members through an integrated, court-based collaboration of court, child welfare, treatment and social service providers who work as a team to achieve timely decisions, coordinated treatment and ancillary services, judicial oversight and safe and per-

1 manent placements.

2 (3)(a) A person is eligible for the program if:

3 (A) The juvenile court in one of the counties identified in sub-
4 section (1) of this section has jurisdiction over the person's child under
5 ORS 419B.100; and

6 (B) The basis of the juvenile court's jurisdiction arises from the
7 person's alleged substance use disorder.

8 (b) A person may not be denied eligibility to participate in a pro-
9 gram under this section solely for the reason that the person is taking,
10 or intends to take, medication prescribed by a licensed health care
11 practitioner for the treatment of drug use or dependency.

12 (4) The court shall give priority for participation in the program to
13 persons who have received treatment support from the pilot project
14 described in section 9, chapter 583, Oregon Laws 2019.

15 (5) The presiding judge for the court shall ensure that each program
16 includes the following components:

17 (a) One judge dedicated to the program who oversees the program's
18 court proceedings and convenes staffing meetings at least one time
19 each week and program review meetings at least one time each month;

20 (b) Prioritized docket time for Family Treatment Court Program
21 cases;

22 (c) Program adherence to the following key components and treat-
23 ment court best practice standards:

24 (A) Integration of alcohol and other drug treatment services with
25 the justice system case processing;

26 (B) Use of a nonadversarial approach;

27 (C) Prosecution and defense counsel promotion of public safety
28 while protecting participants' due process rights; and

29 (D) Early identification of eligible participants and prompt place-
30 ment of participants in the program;

31 (d) Participant access to a continuum of alcohol and other drug

1 treatment and rehabilitation services that include an array of cul-
2 turally responsive support services, including but not limited to case
3 management, child care, parenting education, recovery housing, em-
4 ployment, transportation, mental health, peer support and doula ser-
5 vices;

6 (e) Prioritized access to residential treatment programs that allow
7 infants and toddlers to reside with parents;

8 (f) Ongoing monitoring of participant drug and alcohol abstinence;

9 (g) A coordinated strategy to govern drug court responses to
10 participants' compliance;

11 (h) Continuing interdisciplinary education to promote effective drug
12 court planning, implementation and operations;

13 (i) Ongoing judicial interaction with each participant;

14 (j) Ongoing monitoring and evaluation of program effectiveness;
15 and

16 (k) Leveraging partnerships among drug courts, public agencies and
17 community-based organizations to generate local support and enhance
18 program effectiveness.

19 (6) The State Court Administrator shall:

20 (a) Provide regular training programs, peer-to-peer learning oppor-
21 tunities and periodic conventions for judges and other stakeholder
22 groups who participate in the program;

23 (b) Develop state standards and practices for the program;

24 (c) Provide technical assistance and support to the program;

25 (d) Coordinate the development and dissemination of performance
26 measures and statistical reports on the program; and

27 (e) Contract with an external evaluator to conduct process and
28 outcome evaluations.

29 (7) The administrator shall submit biennial reports to the interim
30 committees of the Legislative Assembly related to child welfare no
31 later than September 15 of each even-numbered year regarding the

1 status and efficacy of the programs established under this section. The
2 reports must include the following information:

- 3 (a) The number of families served by each program;
 - 4 (b) Key child welfare outcome data for program participants; and
 - 5 (c) The number of participants who successfully completed a treat-
6 ment program.
- 7 (8) The administrator may adopt rules to implement the provisions
8 of this section.

9 **SECTION 2.** The Public Defense Services Commission established
10 under ORS 151.213 shall develop and maintain a Parent-Child Repre-
11 sentation Program for the delivery of legal services in the Family
12 Treatment Court Program described in section 1 of this 2020 Act to
13 persons who are entitled to and financially eligible for court-appointed
14 counsel at state expense.

15 **SECTION 3.** (1) In addition to and not in lieu of any other appro-
16 priation, there is appropriated to the Judicial Department, for the
17 biennium ending June 30, 2021, out of the General Fund, the amount
18 of \$_____ for the purpose of carrying out the provisions of section
19 1 of this 2020 Act.

20 (2) In addition to and not in lieu of any other appropriation, there
21 is appropriated to the Department of Human Services, for the
22 biennium ending June 30, 2021, out of the General Fund, the amount
23 of \$_____ for the purpose of carrying out the provisions of section
24 1 of this 2020 Act.

25 (3) In addition to and not in lieu of any other appropriation, there
26 is appropriated to the Public Defense Services Commission, for the
27 biennium ending June 30, 2021, out of the General Fund, the amount
28 of \$_____ for the purpose of carrying out the provisions of section
29 2 of this 2020 Act.

30 **SECTION 4.** The report described in section 1 (7) of this 2020 Act is
31 first due September 15, 2022.

1 **SECTION 5.** Sections 1 and 2 of this 2020 Act are repealed on Jan-
2 uary 2, 2027.

3 **SECTION 6.** (1) Sections 1 and 2 of this 2020 Act become operative
4 on January 1, 2021.

5 **(2)** The State Court Administrator and the Public Defense Services
6 Commission may take any action before the operative date specified
7 in subsection (1) of this section that is necessary for the administrator
8 or the commission to exercise, on and after the operative date speci-
9 fied in subsection (1) of this section, all of the duties, functions and
10 powers conferred on the administrator or the commission by sections
11 1 and 2 of this 2020 Act.

12 **SECTION 7.** This 2020 Act being necessary for the immediate pres-
13 ervation of the public peace, health and safety, an emergency is de-
14 clared to exist, and this 2020 Act takes effect on its passage.