

## **LC 51 (6/18/20) STAFF MEASURE SUMMARY**

### **Joint Interim Committee on the First Special Session of 2020**

---

**Prepared By:** Jamie Hinsz, LPRO Analyst

---

#### **WHAT THE MEASURE DOES:**

Extends eligibility for the Oregon Promise program to certain Oregon foster children who attain their highest level of education while in out-of-state placements. Permits Department of Human Services (DHS) temporarily close at screening reports of third party child abuse in specified circumstances and directs DHS to submit report to Legislative Assembly regarding child abuse reports closed at screening no later than November 15, 2020. Sunsets March 31, 2021. Directs DHS to adopt rules allowing up to two family-based programs to provide services to certain children, and to submit report to Legislative Assembly regarding such programs no later than September 1, 2022. Sunsets January 2, 2024. Prohibits DHS from placing Oregon children in out-of-state child-caring agencies unless child-caring agency is licensed by Oregon, complies with Oregon requirements, if DHS has a contract with the child-caring agency, and if such contract meets specified requirements. Directs DHS to review out-of-state child-caring agency placements of children or youths who have or may have an intellectual or developmental disability and specifies criteria for such process. Requires DHS to accompany children and youth when placed in or moved to an out-of-state child-caring agency. Prohibits placing children or youth in care of state in out-of-state child-caring agencies providing care primarily to juvenile offenders except in specified circumstances. Requires DHS to notify the placement authorities of any other state retaining jurisdiction of children in specified settings in Oregon upon awareness of a report of suspected child abuse, and to commence an investigation of a report of suspected abuse if the reported abuse occurred in Oregon or in an out-of-state child-caring agency with Oregon children. Authorizes DHS to place child in a child care institution or other residential congregate care setting only if it is a child-caring agency and qualified residential treatment program (QRTP), except as specified. Clarifies accreditation requirements for QRTPs. Establishes criteria for court determinations of placement of children in specified out-of-state child-caring agencies. Delays operation of laws regarding placement of children in qualified residential treatment programs to December 1, 2020. Requires qualified residential treatment programs and psychiatric residential treatment programs to maintain site-specific accreditation from nationally recognized organization. Declares emergency, effective on passage.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

#### **BACKGROUND:**

LC 0051 is an omnibus bill relating to children. It addresses the Oregon Promise program, school district residency for children and youth in congregate care placements, screening requirements for reports of child abuse, foster care program placements, out-of-state child-caring agencies, and the implementation of Senate Bill 171 (2019).

The Oregon Promise program is a state grant that covers tuition costs at Oregon community colleges for recent high school graduates or General Education Development (GED) graduates. It is administered by the Office of Student Access and Completion under the Higher Education Coordinating Commission. In order to enroll, students must be Oregon residents for at least 12 months and have completed their high school diploma or GED in Oregon. According

to the Department of Human Services (DHS), 16 children and youth in Oregon's foster care system were in placements outside of Oregon as of January 2020 (compared to 88 in March 2019). LC 0051 extends the eligibility requirements for the Oregon Promise program to students in Oregon's foster care system who complete their high school diploma or GED while in a foster care placement in another state.

DHS is responsible for responding to child abuse reports in Oregon and screening for information to determine if a need for an assessment. If no assessment is needed, the report is closed at screening. According to DHS, 47 percent of child abuse reports were closed at screening between January and September 2019. LC 51 temporarily permits DHS to close child abuse reports at screening if DHS determines there is no imminent risk of harm to the child, the alleged abuse does not involve a child care provider, and if the alleged abuse did not occur in a school or related to a school-sponsored activity. The measure directs DHS to submit a report to the Legislative Assembly regarding child abuse reports closed at screening no later than November 15, 2020.

DHS administers Oregon's foster care program, and placements in foster care range from family home settings to congregate care settings. Family home settings are placements with families that are certified to provide foster care. Congregate care settings include child-caring agencies and qualified residential treatment programs (QRTPs). LC 51 directs DHS to identify up to two programs providing services in a family home setting serving no more than 15 children with sexually maladaptive behaviors, histories of eloping from care, or histories of failed placements. Such programs are not required to be child-caring agencies or QRTPs. The measure directs DHS to submit a report to the Legislative Assembly regarding such programs, including recommendations for continuing or expanding such programs, no later than September 1, 2022.

Currently, DHS may make placements of children or youths in congregate care residential settings if the setting is a licensed, certified, or authorized child-caring agency or a Q RTP. LC 51 permits DHS to make placements of children or youths in child-caring agencies outside of Oregon if the placement complies with Oregon requirements, if DHS has a contract with the child-caring agency, and if such contract meets specified requirements. The measure directs DHS to review any such placement of children or youths who have or may have an intellectual or developmental disability and ensure all in-state resources have been exhausted prior to the placement. The measure also requires DHS to accompany children and youth when they are placed in or moved to a child-caring agency outside of Oregon. Furthermore, LC 51 requires DHS to notify the placement authorities of any other state retaining jurisdiction of children in child-caring agencies in Oregon upon awareness of a report of suspected child abuse, and to commence an investigation of a report of suspected abuse if the reported abuse occurred in Oregon or in an out-of-state child-caring agency with Oregon children. It also includes out-of-state child-caring agencies in requirements of investigations of child abuse conducted by DHS.

LC 51 permits DHS to place children or youth in child-caring agencies that are not QRTPs if the agencies are licensed by the Oregon Health Authority, have an active provider agreement with the Oregon Medicaid program, and if the court approves of the placement. The measure permits such placements if the child-caring agency is a licensed or certified adolescent residential drug and alcohol treatment program, if the child-caring agency is operated by DHS or a health care organization, and if the court approves of the placement. LC 51 also prohibits placing children or youth in the care of the state in child-caring agencies providing care primarily to children or youth committed to the care of the Oregon Youth Authority, or the equivalent authority in the state in which the placement is located.

Senate Bill 171 (2019) aligned the child welfare system's use of QRTPs consistent with the federal Family First Prevention Services Act. The measure included time restrictions for the placement of children in: residential care agencies or shelter care homes that are not QRTPs; homeless, runaway, or transitional living shelters that are not part of a Q RTP; and placements serving adjudicated youth or youth served by the Oregon Youth Authority or county juvenile departments. LC 51 delays the operation of SB 171 (2019) to December 1, 2020.