



SENATE COMMITTEE ON HUMAN SERVICES

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LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

TO: Family First Implementation & Policy Work Group
FROM: Jamie Hinsz, LPRO
DATE: March 12, 2019
RE: Senate Bill 825 -1 Summary

Senate Bill 825 -1 Summary

Declares emergency; effective on passage.

SECTION 1/ 23: Allows Department of Human Services (DHS) to engage in and make reasonable payments for qualified residential treatment programs (QRTPs) providing residential care for children who require specialized, evidence-based supports and services related to effects of trauma or mental, emotional, or behavioral health needs.

SECTION 2/ 23: QRTP (Sec 3), assessment (Sec 4), and exceptions (Sec 5) to be included in Child Welfare Services statutes.

SECTION 3/ 23: Defines 'QRTPs' as child-caring agencies that: provide residential care and treatment to children requiring specialized services and supports (pursuant to independent assessment); use trauma-informed treatment model; have licensed nurses on site and available 24/7; facilitate involvement with family in treatment plan; facilitate outreach and engagement with family, supportive adults and siblings; provide discharge planning and in-home supports for at least six months following discharge; are licensed and accredited.

SECTION 4/ 23: Directs DHS to ensure independent, qualified individual assesses strengths and needs of each child placed in QRTP. Allows assessment to occur prior to placement in QRTP; requires assessment be completed within 30 days of placement in QRTP. Directs DHS to establish procedures for age-appropriate, evidence-based assessments. Requires procedures to include: recommendations regarding most appropriate placement setting; explanation for why placement in QRTP is consistent with child's needs identified in case plan and why needs cannot be met in family home or foster family placement if recommendation is QRTP placement; recommendation for specific QRTP (including explanation on whether program is least restrictive setting) if recommendation is QRTP placement; and date of placement or expected date of placement. Allows qualified individual to determine at any time that specific QRTP is not appropriate placement. Allows DHS to relocate child to recommended QRTP if available. Requires DHS relocate child to recommended placement within 30 days following date of

assessment if assessment determines current placement is not appropriate. Defines 'qualified individual' as regulated social worker, or trained child welfare professional who is not an employee of DHS and not connected to or affiliated with any placement settings for children placed by DHS.

SECTION 5/ 23: Requirements of placements in QRTPs do not apply to: child-caring agencies providing prenatal, postpartum, or parenting supports; independent residence facilities; placements providing high-quality residential care for victims of or those at risk of becoming victims of sex trafficking; or shelter-care homes. Defines 'sex trafficking' as use of force, intimidation, fraud or coercion to cause a person to engage or attempt to engage in a commercial sex act.

SECTION 6/ 23: Placements of children or wards in QRTPs (Sec 7) to be included in Juvenile Code, dependency statutes.

SECTION 7/ 23: Allows DHS to place children or wards in child-caring agencies that are QRTPs. Requires DHS to petition court for approval of placement in QRTP within 30 days of placement. Directs court to approve or disapprove every placement of child or ward in QRTP. Requires petition for approval of placement to include date of placement and copy of independent assessment. Directs DHS to serve true copy of petition to each party listed in parties to proceedings of juvenile court dependency procedures. Requires court to schedule and hold hearing within 45 days of placement in QRTP unless all parties waive hearing. Requires court to enter order approving or disapproving placement and determine whether child's needs can be met in foster or proctor foster home, or whether QRTP placement provides least restrictive setting and most effective and appropriate level of care, and whether specific QRTP recommended is consistent with child's case plan. Allows court to receive testimony, reports, or other material relating to child's mental, physical, and social history and prognosis without regard to competency or relevancy of testimony, reports, or materials under rules of evidence. Requires DHS to move child to placement consistent with court's order within 30 days of order if court enters order disapproving placement in QRTP.

SECTION 8/ 23: Includes definition of QRTP within child welfare services statute.

SECTION 9/ 23: Requires voluntary placements in QRTP subject to judicial approval. Modifies voluntary placement requirements to require permanency hearings no later than 14 months after placement and no less than once every 12 months for duration of placement for any child remaining in voluntary placement for more than 12 months.

SECTION 10/ 23: Prohibits DHS from placing children in shelter-care home for more than 60 cumulative days in any 12-month period unless child is a homeless or runaway youth and accessed placement without support or direction of DHS.

SECTION 11/ 23: Adds definitions for 'proctor foster home' and 'QRTP' to Juvenile Code. Modifies definition of 'substitute care' in Juvenile Code to expand foster family home to be foster home that is certified, licensed or approved by DHS, Oregon Youth Authority (OYA), or an Indian Tribe.

SECTION 12/ 23: Requires Citizen Review Board (CRB) review each QRTP placement pursuant to voluntary placement agreement and make findings regarding efforts to prevent removal of child from home, efforts for reunification or other plan identified in case plan of child, appropriateness of placement, compliance with case plan, progress toward alleviating need for placement, reasonable

date for reunification or adoption, other alternatives as determined by CRB, whether child needs attorney or advocate appointed by court, and Another Planned Permanent Living Arrangement findings if child has attained age 16. Requires findings to be made within six months of placement and every six months during placement.

SECTION 13/ 23: Expands requirements of juvenile court reports required under dependency code to include determination and documentation for children or wards placed in QRTPs. Requires reports to include: documentation that strengths and needs of child or ward cannot be met through foster home placement; the QRTP provides least restrictive setting and most effective and appropriate level of care; the placement is consistent with permanency plan; specific treatment or service needs that will be met in QRTP; length of time expected to meet treatment or service needs; and efforts made to prepare for reunification or other placement that is not a QRTP.

SECTION 14/ 23: Placements of children or wards in QRTPs (Sec 7) to be included in juvenile court dependency procedures regarding issuances of summons for definition of 'true copy'.

SECTION 15/ 23: Placements of youths or youth offenders in QRTPs (Sec 16) to be included in Juvenile Code, delinquency statutes.

SECTION 16/ 23: Directs court to review every placement of youth or youth offender in QRTP. Requires OYA to petition court for approval of placement in QRTP within 30 days of placement. Requires petition to include date of placement and copy of independent assessment. Requires OYA to serve true copy of petition to each party listed in parties to delinquency proceedings of juvenile delinquency code and requires OYA certify that copy is exact and complete copy of original petition. Requires court to schedule and hold hearing within 60 days of placement in QRTP unless all parties waive hearing. Requires court to enter order approving or disapproving placement and determine whether needs of youth or youth offender can be met in foster home, or whether QRTP placement provides least restrictive setting and most effective and appropriate level of care, and whether specific QRTP recommended is consistent with youth's or youth offender's case plan. Allows court to receive testimony, reports, or other material relating to child's mental, physical, and social history and prognosis without regard to competency or relevancy of testimony, reports, or materials under rules of evidence. Requires OYA to move youth or youth offender to placement consistent with court's order within 30 days of order if court enters order disapproving placement in QRTP.

SECTION 17/ 23: Requires county juvenile department to file a report with court if youth offender remains under juvenile department care for six consecutive months in placement other than detention facility if county juvenile department participates in IV-E and has responsibility for placement and care of youth offender.

SECTION 18/ 23: Includes county juvenile department as agency having guardianship or legal custody required to file reports. Expands requirements of content of reports to include: description of efforts for reunification; description of care, treatment and supervision provided for youth offender, including safety; description of whether placement is least restrictive and most appropriate setting available; description of whether placement is in close proximity to youth offender's home and is consistent with best interest and special needs of youth offender; an analysis of effectiveness of care, treatment, and supervision; a description of progress made toward alleviating or mitigating causes necessitating

placement; and proposed timetable for reunification or other permanent placement or justification of why continued substitute care is necessary if continued substitute care is recommended.

SECTION 19/ 23: Adds county juvenile department as entity able to request court for a hearing to review youth offender's condition and circumstances and make determinations regarding jurisdiction, custody, placement, and supervision of youth offender. Requires court's findings include: whether OYA or county juvenile department made reasonable or active efforts toward safe reunification; consider health and safety of youth offender paramount concerns; appropriateness of placement; extent of compliance with youth offender's case plan; and extent of progress toward alleviating or mitigating causes necessitating youth offender's placement in substitute care.

SECTION 20/ 23: Provisions apply to placements occurring on or after effective date (Sec 23).

SECTION 21/ 23: Provisions operative October 1, 2019.

SECTION 22/ 23: Convenience of reader statement.

SECTION 23/ 23: Declares emergency, effective on passage.