



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: April 2, 2019
RE: Senate Bill 825 -2 Summary

Senate Bill 825 -2 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: Placement in child-caring agency (Sec 3), out-of-state placements (Sec 4), QRTPs (Sec 5), independent assessments (Sec 6), and court approval of placements (Sec 7) to be included in Juvenile Code, dependency statutes.

SECTION 3/ 23: Authorizes DHS to place a child/ward in a chare care institution or other congregate care residential setting only if the setting is a child-caring agency and a QRTP. Allows DHS to place a child/ward in a child-caring agency that is not a QRTP if:

- the child-caring agency is providing **prenatal, postpartum or parenting supports** to the child/ward;
- the child/ward is placed in an **independent residence facility** licensed by DHS as a child-caring agency;
- the child/ward is, or is at risk of becoming, a **victim of sex trafficking** and the child-caring agency is providing high-quality residential care and supportive services to the child/ward
- the child-caring agency is a residential care facility that is also licensed by the Oregon Health Authority and accredited by a national organization to provide **psychiatric treatment** to children;
- the placement with the child-caring agency is for the purpose of placing the child/ward in **proctor foster care**;

- the child-caring agency provides **short-term assessment and stabilization services** and is a: **residential care facility** licensed by DHS; **shelter-care home** licensed by DHS; or **homeless, runaway or transitional living shelter** licensed by DHS.
- the child-caring agency is a **residential drug and alcohol treatment program**.

Prohibits placement of child/ward in residential care agency or shelter care home that is not a QRTP for more than 60 consecutive days or 90 cumulative days in a 12-month period, or if such placement also serves adjudicated youth or youth served by Oregon Youth Authority (OYA) or the county juvenile department. Prohibits placement of child/ward in a homeless, runaway or transitional living shelter that is not part of a QRTP for more than 90 consecutive or 120 cumulative days in any 12-month period unless child/ward is homeless or a runaway and accessed placement without support or direction of DHS.

Defines 'child care institution' as a public or private child care institution accommodating no more than 25 children/wards and is licensed by the state or has been approved by agency responsible for child care institutions. Defines 'congregate care residential setting' as any setting that care for more than one child/ward and is not a residential facility or foster home certified or licensed by DHS or a proctor foster home certified by a child-caring agency. 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 4/ 23: Authorizes DHS to place child/ward in another state if: contract between DHS and placement meets specified requirements; placement is approved by the court; placement is not an intermediate care facility or other institution for children with intellectual or developmental disabilities; and the placement is:

- a QRTP that is licensed and in good standing in the state of its location;
- an adolescent residential alcohol and drug treatment program; or
- licensed to provide residential care to children and is designed specifically to meet needs of children with sexual harming behaviors (described by DHS by rule).

Requires DHS review each contract with out-of-state program prior to placements in facility; review required to include assessment of statutes and state or local administrative rules governing agency regarding mandatory reports of abuse, process for investigation of allegations of abuse, and licensing of residential programs for children/wards.

Allows DHS to enter into contracts with out-of-state programs if state's licensing and safety standards are similar to or exceed Oregon's, the state's child abuse definitions are similar to or exceed Oregon's, the contract requires the facility to notify DHS no later than three days after learning of any investigation or founded allegation of abuse of any child in placement, and the licensing agency of the state has not placed restrictions on placements of children or removed children or issued a letter of intent to revoke, suspend, or restrict a license.

Requires DHS to develop plan to move child/ward to a safe and appropriate placement if licensing agency initiates licensing action or removal of children; review all substantiated allegations of abuse of

any child in out-of-state facility in which child/ward from Oregon has been placed; review records and reports of abuse of Oregon child/ward that was investigated but not substantiated in an out-of-state placement; include any substantiated allegations of abuse suffered by a child/ward in out-of-state placement in quarterly report to Legislative Assembly of substantiated allegations of abuse of children in substitute care; and include children/wards placed out-of-state in calculations of foster children in this state in an institutional placement in any reports about placement of children/wards in child welfare.

SECTION 5/ 23: Defines 'QRTPs' as programs 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. Allows DHS to define by rule 'fictive kin' and 'evidence-based'.

SECTION 6/ 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. Requires assessment: assess strengths and needs of child/ward using an age-appropriate, evidence-based, validated, functional assessment tool; determine whether needs of child/ward can be met with family, with foster family, or which setting would provide most effective and appropriate level of care in least restrictive environment and consistent with short- and long-term goals as specified in permanency plan; and develop a list of individualized, specific short- and long-term mental and behavioral health goals.

Requires qualified individual conducting assessment work in conjunction with family and permanency team of child/ward, including appropriate biological family members, relatives, fictive kin, appropriate professionals who are a resource to the family (including teachers, medical providers, etc), clergy, or individuals selected by the child/ward if the child/ward has attained 14 years of age.

Directs DHS document in case plan of child/ward: reasonable and good faith efforts of DHS to engage all individuals to participate in assessment with qualified individual; contact information for members of the family and permanency team and fictive kin of the child/ward; evidence that meetings with the family and permanency team are held at a time and place convenient for child/ward and family; evidence demonstrating the parent from whom the child/ward was removed provided input on the members of the family and permanency team when reunification is the goal; evidence that the assessment was determined in conjunction with family and permanency team; and reasons why recommendations of family and permanency team are different than setting recommended by qualified individual if different.

Requires qualified individual specify in writing reasons why needs of child/ward cannot be met by family or foster family if qualified individual conducting assessment determines child/ward should not be placed in foster family home; prohibits shortage or lack of foster family home as valid reason for not

placing child in foster family home. Requires qualified individual specify why recommended placement in QRTP is setting that will provide child/ward with most effective and appropriate level of care in least restrictive environment and how placement is consistent with short- and long-term goals for child/ward, as specified in permanency plan.

Defines qualified individual as trained professional or licensed clinician who is not an employee of DHS or OHA and not connected to or affiliated with any placement setting in which children are placed by DHS (unless DHS receives federal waiver).

SECTION 7/ 23: Requires DHS move the court for approval of QRTP placement not later than 30 days following date of placement. Motion must include date of placement, copy of child/ward's independent assessment, and parties' placement preferences. Directs DHS provide exact copy of motion to each party listed in parties to proceedings statute of juvenile dependency code.

Requires court schedule hearing to occur no later than 60 days following date of placement in child-caring agency upon receipt of motion unless all parties waive hearing. Directs court to approve or disapprove placement and determine whether needs of child/ward can be met in foster home, or whether QRTP placement provides least restrictive setting and most effective and appropriate level of care, and whether placement is consistent with child/ward'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 court enter order no later than 60 days following date of placement. Requires DHS move child/ward to placement consistent with court's order no later than 30 days following date of order if order disapproves 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 consecutive days or 90 cumulative days in any 12-month period unless child is a homeless or runaway youth and accessed placement without support or direction of DHS. Prohibits placement of child in shelter-care home that is not a QRTP if program also serves adjudicated youth, youth served by OYA, or youth served by county juvenile department. Clarifies authorization of OYA to place adjudicated youth, youth served by OYA, or youth served by county juvenile department in shelter-care or detention under juvenile delinquency code.

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 or an Indian Tribe and excludes facilities or entities housing or providing services only to youth offenders committed to the custody of OYA by juvenile court or youth offender foster homes.

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/wards placed in QRTPs. Requires reports to include: documentation that strengths and needs of child/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: Deleted.

SECTION 15/ 23: Deleted.

SECTION 16/ 23: Deleted.

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, and 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 and 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 applying to placements occurring or contracts entered into on or after specified dates.

SECTION 21/ 23: Provisions operative on specified dates.

SECTION 22/ 23: Convenience of reader statement.

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