

## FISCAL IMPACT OF PROPOSED LEGISLATION

80th Oregon Legislative Assembly – 2019 Regular Session  
Legislative Fiscal Office

Measure: HB 2849 - B

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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### **Measure Description:**

Modifies provisions of state law regarding custody of children or youth who have run away from home or placement to apply to all runaways.

### **Government Unit(s) Affected:**

Oregon Judicial Department (OJD), Oregon State Police (OSP), Department of Human Services (DHS), Department of Justice (DOJ)

### **Summary of Fiscal Impact:**

Costs related to the measure are indeterminate at this time - See explanatory analysis.

### **Analysis:**

Under current law, a child may be removed from their home without a court order when the child's condition or surroundings reasonably appear to be such as to jeopardize the child's welfare. A shelter hearing, if appropriate, is held after the fact. This bill restricts the circumstances in which a child may be placed into protective custody by a peace officer, counselor, employee of the Department of Human Services (DHS) or any other person authorized by the juvenile court, without a protective custody order from the court.

#### Department of Human Services

According to DHS, this bill codifies existing rules with regard to removing a child from their home; rules which are applied inconsistently statewide. DHS asserts that the provisions of this bill will result in a statewide application of the tighter standard for removal, but should not result in a significant increase in requests for protective custody orders. DHS will use its existing trainings for new and current staff to educate caseworkers and managers on the standards for removal, the process for obtaining protective custody orders and the new mechanisms for providing affidavits to the court.

Assuming consistent application by DHS, the standards established by this bill may result in fewer removals and thus fewer dependency cases. If caseworkers remove fewer children, fewer resources will be spent on securing immediate shelter and longer-term placements.

DHS will monitor the impact of this bill on the child welfare division and collect data on protective custody order requests. DHS may incur a fiscal impact if there are additional requests for AAG assistance, but also may see cost savings with fewer removals. The fiscal impact to DHS is indeterminate.

#### Department of Justice

The Department of Justice (DOJ) serves as counsel to DHS caseworkers in child dependency cases. Currently, a DOJ Attorney first appears on a juvenile dependency case representing DHS at a shelter hearing. Should this bill pass, caseworkers and managers may request assistance from DOJ Attorneys for questions about the standards for removal, for court appearances to obtain protective custody orders, and to assist with draft affidavits. DHS asserts that any increase in such assistance pursuant to this bill will be limited.

The fiscal impact of this bill to DOJ will be determined by the number of requests it receives from DHS for additional work. There may also be cost savings if this bill results in fewer dependency cases requiring representation by DOJ. Therefore, the fiscal impact to is indeterminate, but likely minimal under current law. Of note, DOJ juvenile dependency representation is in the process of a statewide roll-out and funding for this significant expansion, including a large increase in DOJ staffing, is under consideration by the Legislature in SB 5515.

#### Oregon Judicial Department

This bill requires the Oregon Judicial Department to adjust its processes to accommodate requests for protective custody orders as outlined in the bill, accept affidavits over the phone and ensure consistency across judicial districts.

While DHS does not anticipate requesting a significant amount of additional hearings, or making requests for protective orders outside of regular business hours, this bill could result in additional workload for judges and staff if the number hearings requested by DHS increases. Cost savings to the courts are also possible if DHS reduces the number of removals going forward, thus reducing the number shelter hearings and dependency cases.

The fiscal impact to the Oregon Judicial Department is indeterminate but likely absorbable with current resources.

#### Oregon State Police

The fiscal impact on the Oregon State Police is anticipated to be minimal.