

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 171**

1 On page 2 of the printed A-engrossed bill, delete lines 3 through 45 and  
2 delete pages 3 through 6.

3 On page 7, delete lines 1 through 9 and insert:

4 **“SECTION 3. Placement of child or ward in child-caring agency. (1)**  
5 **As used in this section, ‘congregate care residential setting’ means any**  
6 **setting that cares for more than one child or ward and is not a setting**  
7 **described in ORS 418.205 (2)(b)(A), (D) or (E) or (9).**

8 **“(2) The Department of Human Services may place a child or ward**  
9 **in a congregate care residential setting in this state only if the setting**  
10 **is a child-caring agency, as defined in ORS 418.205, a hospital, as de-**  
11 **defined in ORS 442.015, or a rural hospital, as defined in ORS 442.470.**

12 **“SECTION 3a.** Section 3 of this 2019 Act is amended to read:

13 **“Sec. 3. (1)** As used in this section[,]:

14 **“(a) ‘Congregate care residential setting’ means any setting that cares for**  
15 **more than one child or ward and is not a setting described in ORS 418.205**  
16 **(2)(b)(A), (D) or (E) or (9).**

17 **“(b) ‘Sex trafficking’ means the recruitment, harboring, transpor-**  
18 **tation, provision, obtaining, patronizing or soliciting of a person under**  
19 **18 years of age for the purpose of a commercial sex act, as defined in**  
20 **ORS 163.266, or the recruitment, harboring, transportation, provision**  
21 **or obtaining of a person over 18 years of age using force, fraud or**

1 **coercion for the purpose of a commercial sex act, as defined in ORS**  
2 **163.266.**

3 “(2) The Department of Human Services may place a child or ward in a  
4 congregate care residential setting in this state only if the setting is:

5 “(a) A child-caring agency, as defined in ORS 418.205, a hospital, as de-  
6 fined in ORS 442.015, or a rural hospital, as defined in ORS 442.470[.]; and

7 “(b) A qualified residential treatment program described in section  
8 5 of this 2019 Act.

9 “(3) Notwithstanding subsection (2) of this section, the department  
10 may place a child or ward in a child-caring agency that is not a qual-  
11 ified residential treatment program if:

12 “(a) The child-caring agency is providing prenatal, postpartum or  
13 parenting supports to the child or ward.

14 “(b) The child or ward is placed in an independent residence facility  
15 described in ORS 418.475 that is licensed by the department as a  
16 child-caring agency.

17 “(c) The child or ward is, or is at risk of becoming, a victim of sex  
18 trafficking and the child-caring agency is providing high-quality resi-  
19 dential care and supportive services to the child or ward.

20 “(d) The child-caring agency is a residential care facility that is also  
21 licensed by the Oregon Health Authority and accredited by a national  
22 organization to provide psychiatric treatment to children.

23 “(e) The child-caring agency is an adolescent residential drug and  
24 alcohol treatment program licensed or certified by the State of Oregon  
25 to provide residential care.

26 “(f) The placement with the child-caring agency is for the purpose  
27 of placing the child or ward in a proctor foster home.

28 “(g) The child-caring agency is a residential care facility licensed  
29 by the department that provides short-term assessment and stabiliza-  
30 tion services.

1       **“(h) The child-caring agency is a shelter-care home, as defined in**  
2 **ORS 418.470, that provides short-term assessment and stabilization**  
3 **services.**

4       **“(i) The child-caring agency is a homeless, runaway or transitional**  
5 **living shelter licensed by the department that provides short-term as-**  
6 **essment and stabilization services.**

7       **“(4) The department may not place a child or ward in a residential**  
8 **care facility or shelter-care home described in subsection (3)(g) or (h)**  
9 **of this section:**

10       **“(a) For more than 60 consecutive days or 90 cumulative days in a**  
11 **12-month period; or**

12       **“(b) If the residential care facility or shelter-care home also serves**  
13 **youth or youth offenders served by the county juvenile department or**  
14 **youth offenders committed to the custody of the Oregon Youth Au-**  
15 **thority by the court.**

16       **“(5) The department may not place a child or ward in a homeless,**  
17 **runaway or transitional living shelter described in subsection (3)(i) of**  
18 **this section for more than 60 consecutive or 90 cumulative days in any**  
19 **12-month period.**

20       **“(6) Calculations of the number of days a child or ward is placed in**  
21 **a shelter-care home under subsection (3)(h) of this section or a**  
22 **homeless, runaway or transitional living shelter under subsection (3)(i)**  
23 **of this section exclude the days the child or ward is in the shelter-care**  
24 **home or shelter if the child or ward:**

25       **“(a) Accessed the shelter-care home or shelter without the support**  
26 **or direction of the department; and**

27       **“(b) Is homeless or a runaway, as defined by the department by**  
28 **rule.**

29       **“(7)(a) Nothing in this section prohibits the Oregon Youth Author-**  
30 **ity from placing a youth offender committed to its custody in a**

1 placement that is not a qualified residential treatment program.

2 “(b) Nothing in this section prohibits the Oregon Youth Authority  
3 or a county juvenile department from placing a youth offender or a  
4 youth served by the Oregon Youth Authority or the county juvenile  
5 department in shelter care or detention under ORS chapter 419C.

6 **“SECTION 4.** The Department of Human Services shall provide the  
7 following information regarding out-of-state placements of children  
8 and wards on a website maintained by the department and updated  
9 monthly:

10 “(1) The name of each out-of-state facility in which children or  
11 wards placed by the department are currently receiving services;

12 “(2) The city and state in which each facility is located;

13 “(3) The name of any parent organization for each facility;

14 “(4) The name of each facility’s accreditation agency;

15 “(5) The number of children or wards placed by the department  
16 currently receiving services from each facility;

17 “(6) The total number of children or wards currently receiving ser-  
18 vices from each facility;

19 “(7) The daily rate charged by each facility for each child or ward;

20 “(8) The name of the face-to-face contracting agency, including the  
21 city and state in which it is located;

22 “(9) Whether each facility provides services to youth offenders or  
23 the resident state’s equivalent of youth offenders;

24 “(10) Demographic information about all children or wards the de-  
25 partment currently has placed in out-of-state facilities, including but  
26 not limited to age, gender or gender identity, race, ethnicity, tribal  
27 status and, if known, sexual orientation;

28 “(11) The number of children or wards the department currently has  
29 placed in out-of-state facilities who have autism, intellectual disabili-  
30 ties or developmental disabilities; and

1       **“(12) Aggregate travel costs for the department to support out-of-**  
2 **state placements during the previous month.”.**

3       In line 18, delete “agency’s”.

4       In line 38, after “program” insert “described in section 5 of this 2019  
5 Act”.

6       On page 8, line 19, after “child’s” insert “or ward’s”.

7       On page 9, line 5, after “children” insert “or wards”.

8       Delete lines 7 through 42 and insert:

9       **“SECTION 7. Court approval of placement. (1) The Department of**  
10 **Human Services shall move the court for approval of a placement no**  
11 **later than 30 days following the date the department placed, or will**  
12 **place, a child or ward in a qualified residential treatment program**  
13 **described in section 5 of this 2019 Act.**

14       **“(2)(a) The motion for approval of the placement must include, at**  
15 **a minimum:**

16       **“(A) The date of the placement;**

17       **“(B) To the extent practicable, the parties’ placement preferences;**  
18 **and**

19       **“(C) A copy of the child’s or ward’s independent assessment de-**  
20 **scribed in section 6 of this 2019 Act.**

21       **“(b) Notwithstanding paragraph (a)(C) of this subsection, if the in-**  
22 **dependent assessment is not completed at the time the department**  
23 **files the motion under subsection (1) of this section, the department**  
24 **may file the motion under this section without the assessment and**  
25 **shall supplement the motion with a copy of the completed assessment**  
26 **immediately following the department’s receipt of the completed as-**  
27 **essment.**

28       **“(3) The department shall provide an exact copy of the motion to**  
29 **each of the parties listed in ORS 419B.875.**

30       **“(4) Upon receipt of a motion under this section, the court shall**

1 schedule a hearing to occur no later than 60 days following the date  
2 the child or ward is placed in the qualified residential treatment pro-  
3 gram.

4 “(5)(a) The court shall enter an order approving or disapproving the  
5 placement and make specific determinations regarding the following:

6 “(A) Whether the needs of the child or ward can be met through  
7 placement in a foster family home or in a proctor foster home as de-  
8 fined in ORS 418.205.

9 “(B) If the court determines that the needs of the child or ward  
10 cannot be met through placement in a foster family home or proctor  
11 foster home, whether placement of the child or ward in the qualified  
12 residential treatment program:

13 “(i) Provides the least restrictive setting to provide the most effec-  
14 tive and appropriate level of care for the child or ward; and

15 “(ii) Is consistent with the child’s or ward’s case plan.

16 “(b) The court may receive testimony, reports or other material  
17 relating to the child’s or ward’s mental, physical and social history  
18 and prognosis without regard to the competency or relevancy of the  
19 testimony, reports or other material under the rules of evidence.

20 “(6) The court shall enter an order under subsection (5) of this  
21 section no later than 60 days following the date the child or ward is  
22 placed in the qualified residential treatment program.

23 “(7) If the court enters an order disapproving the child’s or ward’s  
24 placement, the department shall move the child or ward to a place-  
25 ment consistent with the court’s order no later than 30 days following  
26 the date the court enters the order.”.

27 On page 16, line 27, delete “include”.

28 In line 28, after “(1)” insert “Include”.

29 In line 30, after “(2)” insert “Include”.

30 In line 31, after “(3)” insert “Include”.

1 Delete line 33.

2 In line 34, delete “(5)” and insert “(4)”.

3 In line 35, after “(a)” insert “Include”.

4 In line 37, after the semicolon insert “and”.

5 Delete line 38.

6 In line 39, delete “(c)” and insert “(b) Include”.

7 In line 42, delete “(6)” and insert “(5)”.

8 In line 45, delete “(7)” and insert “(6)” and delete the second “and” and  
9 insert “any”.

10 On page 17, line 2, delete “(8)” and insert “(7) Include” and delete  
11 “2013” and insert “2014”.

12 In line 10, delete “(9)” and insert “(8) Include”.

13 In line 12, delete “2013” and insert “2014”.

14 In line 13, delete “(10)” and insert “(9) Include”.

15 In line 16, delete the second “and”.

16 In line 19, delete the period and insert “; and

17 “(c) A summary of the potential impact of policy and rate adjustments  
18 required to implement the federal qualified residential treatment program  
19 model on county juvenile programs and the Oregon Youth Authority.”.

20 Delete lines 24 through 42 and insert:

21 **“SECTION 17. (1) Section 3 of this 2019 Act applies to placements  
22 of children or wards occurring on or after September 1, 2019.**

23 **“(2) Sections 1, 5, 6 and 7 of this 2019 Act, the amendments to sec-  
24 tion 3 of this 2019 Act by section 3a of this 2019 Act and the amend-  
25 ments to ORS 418.205, 418.312, 419A.004 and 419B.443 by sections 8, 9,  
26 11 and 13 of this 2019 Act apply to placements of children or wards  
27 occurring on or after July 1, 2020.**

28 **“SECTION 18. (1) Sections 3 and 4 of this 2019 Act become operative  
29 on September 1, 2019.**

30 **“(2) Sections 1, 5, 6 and 7 of this 2019 Act, the amendments to sec-**

1 **tion 3 of this 2019 Act by section 3a of this 2019 Act and the amend-**  
2 **ments to ORS 418.205, 418.312, 419A.004 and 419B.443 by sections 8, 9,**  
3 **11 and 13 of this 2019 Act become operative on July 1, 2020.**

4 **“(3) The Department of Human Services and the Oregon Health**  
5 **Authority may take any action before the operative dates specified in**  
6 **subsections (1) and (2) of this section that is necessary for the de-**  
7 **partment or the authority to exercise, on and after the operative dates**  
8 **specified in subsections (1) and (2) of this section, all of the duties,**  
9 **functions and powers conferred on the department or the authority**  
10 **by sections 1 and 3 to 7 of this 2019 Act and the amendments to ORS**  
11 **418.205, 418.312, 419A.004 and 419B.443 by sections 8, 9, 11 and 13 of this**  
12 **2019 Act.”.**

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