

A-Engrossed
House Bill 4040

Ordered by the House March 3
Including House Amendments dated March 3

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Human Services and Housing for Representative Alissa Keny-Guyer)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Judicial Department to establish Family Treatment Court Program in certain counties to improve outcomes in child welfare cases resulting from parent's or caregiver's alleged substance use disorder.

Directs Public Defense Services Commission to develop and maintain Parent-Child Representation Program for delivery of legal services to certain persons participating in Family Treatment Court Program.

Appropriates moneys to Judicial Department and Department of Human Services for purposes related to Family Treatment Court Program.

Appropriates moneys to Public Defense Services Commission for purposes related to Parent-Child Representation Program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to family treatment courts; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Judicial Department shall establish a Family Treatment Court Program in Clackamas County and Douglas County.**

5
6 **(2) The purpose of the program is to improve outcomes in child welfare cases that result**
7 **from a parent's or caregiver's alleged substance use disorder by minimizing or eliminating**
8 **the amount of time a child requires protective custody and by protecting children from abuse**
9 **and neglect by addressing the comprehensive needs of children, parents and family members**
10 **through an integrated, court-based collaboration of court, child welfare, treatment and social**
11 **service providers who work as a team to achieve timely decisions, coordinated treatment and**
12 **ancillary services, judicial oversight and safe and permanent placements.**

13 **(3)(a) A person is eligible for the program if:**

14 **(A) The juvenile court in one of the counties identified in subsection (1) of this section**
15 **has jurisdiction over the person's child under ORS 419B.100; and**

16 **(B) The basis of the juvenile court's jurisdiction arises from the person's alleged sub-**
17 **stance use disorder.**

18 **(b) A person may not be denied eligibility to participate in a program under this section**
19 **solely for the reason that the person is taking, or intends to take, medication prescribed by**
20 **a licensed health care practitioner for the treatment of drug use or dependency.**

21 **(4) The court shall give priority for participation in the program to persons who have**
22 **received treatment support from the pilot project described in section 9, chapter 583, Oregon**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **Laws 2019.**

2 (5) **The presiding judge for the court shall ensure that each program includes the fol-**
3 **lowing components:**

4 (a) **One judge dedicated to the program who oversees the program's court proceedings**
5 **and convenes staffing meetings at least one time each week and program review meetings**
6 **at least one time each month;**

7 (b) **Prioritized docket time for Family Treatment Court Program cases;**

8 (c) **Program adherence to the following key components and treatment court best prac-**
9 **tice standards:**

10 (A) **Integration of alcohol and other drug treatment services with the justice system case**
11 **processing;**

12 (B) **Use of a nonadversarial approach;**

13 (C) **Prosecution and defense counsel promotion of public safety while protecting**
14 **participants' due process rights; and**

15 (D) **Early identification of eligible participants and prompt placement of participants in**
16 **the program;**

17 (d) **Participant access to a continuum of alcohol and other drug treatment and rehabili-**
18 **tation services that include an array of culturally responsive support services, including but**
19 **not limited to case management, child care, parenting education, recovery housing, employ-**
20 **ment, transportation, mental health, peer support and doula services;**

21 (e) **Prioritized access to residential treatment programs that allow infants and toddlers**
22 **to reside with parents;**

23 (f) **Ongoing monitoring of participant drug and alcohol abstinence;**

24 (g) **A coordinated strategy to govern drug court responses to participants' compliance;**

25 (h) **Continuing interdisciplinary education to promote effective drug court planning, im-**
26 **plementation and operations;**

27 (i) **Ongoing judicial interaction with each participant;**

28 (j) **Ongoing monitoring and evaluation of program effectiveness; and**

29 (k) **Leveraging partnerships among drug courts, public agencies and community-based**
30 **organizations to generate local support and enhance program effectiveness.**

31 (6) **The State Court Administrator shall:**

32 (a) **Provide regular training programs, peer-to-peer learning opportunities and periodic**
33 **conventions for judges and other stakeholder groups who participate in the program;**

34 (b) **Develop state standards and practices for the program;**

35 (c) **Provide technical assistance and support to the program;**

36 (d) **Coordinate the development and dissemination of performance measures and statis-**
37 **tical reports on the program; and**

38 (e) **Contract with an external evaluator to conduct process and outcome evaluations.**

39 (7) **The administrator shall submit biennial reports to the interim committees of the**
40 **Legislative Assembly related to child welfare no later than September 15 of each even-**
41 **numbered year regarding the status and efficacy of the programs established under this**
42 **section. The reports must include the following information:**

43 (a) **The number of families served by each program;**

44 (b) **Key child welfare outcome data for program participants; and**

45 (c) **The number of participants who successfully completed a treatment program.**

1 (8) The administrator may adopt rules to implement the provisions of this section.

2 **SECTION 2.** The Public Defense Services Commission established under ORS 151.213 shall
3 develop and maintain a Parent-Child Representation Program for the delivery of legal ser-
4 vices in the Family Treatment Court Program described in section 1 of this 2020 Act to
5 persons who are entitled to and financially eligible for court-appointed counsel at state ex-
6 pense.

7 **SECTION 3.** (1) Notwithstanding any other provision of law, the General Fund appropri-
8 ation made to the Judicial Department by section 1 (2), chapter 691, Oregon Laws 2019, for
9 the biennium ending June 30, 2021, for operations, is increased by \$497,536 for the purpose
10 of carrying out the provisions of section 1 of this 2020 Act.

11 (2)(a) Notwithstanding any other provision of law, the General Fund appropriation made
12 to the Department of Human Services by section 1 (3), chapter 668, Oregon Laws 2019, for
13 the biennium ending June 30, 2021, for child welfare, is increased by \$1,037,328 for the purpose
14 of carrying out the provisions of section 1 of this 2020 Act.

15 (b) Notwithstanding any other law limiting expenditures, the limitation on expenditures
16 established by section 3 (3), chapter 668, Oregon Laws 2019, for the biennium ending June 30,
17 2021, as the maximum limit for payment of expenses from federal funds, excluding federal
18 funds described in section 2, chapter 668, Oregon Laws 2019, collected or received by the
19 Department of Human Services, for child welfare, is increased by \$139,014 for the purpose
20 of carrying out the provisions of section 1 of this 2020 Act.

21 (3)(a) Notwithstanding any other provision of law, the General Fund appropriation made
22 to the Public Defense Services Commission by section 1 (2), chapter 303, Oregon Laws 2019,
23 for the biennium ending June 30, 2021, for professional services, is increased by \$1,322,748 for
24 the purpose of carrying out the provisions of section 2 of this 2020 Act.

25 (b) Notwithstanding any other provision of law, the General Fund appropriation made to
26 the Public Defense Services Commission by section 1 (3), chapter 303, Oregon Laws 2019, for
27 the biennium ending June 30, 2021, for the Contract and Business Services Division, is in-
28 creased by \$123,339 for the purpose of carrying out the provisions of section 2 of this 2020
29 Act.

30 **SECTION 4.** The report described in section 1 (7) of this 2020 Act is first due September
31 15, 2022.

32 **SECTION 5.** Sections 1 and 2 of this 2020 Act are repealed on January 2, 2027.

33 **SECTION 6.** (1) Sections 1 and 2 of this 2020 Act become operative on January 1, 2021.

34 (2) The State Court Administrator and the Public Defense Services Commission may take
35 any action before the operative date specified in subsection (1) of this section that is neces-
36 sary for the administrator or the commission to exercise, on and after the operative date
37 specified in subsection (1) of this section, all of the duties, functions and powers conferred
38 on the administrator or the commission by sections 1 and 2 of this 2020 Act.

39 **SECTION 7.** This 2020 Act being necessary for the immediate preservation of the public
40 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
41 on its passage.