

Senator Sara Gelser  
Senate District 8



## Oregon State Senate

June 22, 2020

RE: SB 1605, Family First Implementation Delay and Out of State Placements

Dear President Courtney, Speaker Kotek and Members of the Committee:

Thank you for taking time to consider SB 1605. This concept in its simplest form is SB 1566A from the 2020 session and a five month delay for the implementation of SB 171 (2019) due to COVID related implementation barriers. There is no new policy in this concept as everything is replicated from these two measures. When session adjourned, SB 1566A was awaiting 3<sup>rd</sup> reading having passed unanimously through its policy committee, the Human Services Subcommittee and the full Ways and Means Committee. There was no known opposition to the measure.

Because it has been awhile since we voted on these measures, I am providing a summary of each provision in the bill for transparency and clarity. I've also arranged to have SB 171 and SB 1566A uploaded into OLIS for easy reference.

Please note that the delaying the July 1 start of SB 171 required the drafter to repeal all of the language effective July 1, and then reinstate it as of December 1. This accounts for the length of the measure.

### **Section by Section Summary**

Section 1 (from SB 1566A, 2019): Allows youth who completed high school while placed in residential facilities out of state by child welfare to access Oregon Promise funds to attend college.

Section 2 and 3 (from SB 1566A, 2019): This section delays implementation of certain investigations required by SB 155 (2019).

- The delay in SB 1566A was needed because after passage of SB 155 we recognized a category of 3<sup>rd</sup> party abuse unrelated to schools and child care. The Department

determined these investigations were best suited to OTIS, but time was needed to understand the scope of the reports and create appropriate training and protocols so that the investigations could be complete and ensure child safety.

- The delay still requires that DHS report to law enforcement when an allegation may constitute a crime. It also required that all third party abuse in schools and child cares be investigated. Finally, even with the delay, DHS is still mandated to investigate allegations of third party abuse outside of schools/child care settings if the alleged perpetrator has continued access to children or there is an ongoing threat of further abuse that places any child in jeopardy
- The bill requires a report back to the Legislature this fall about the number, scope and type of reports that fall under this category. That was intended to help identify the resources needed to safely do this work
- Due to the pandemic, all reports of child abuse are significantly reduced. It will be important when DHS submits this report in the fall to allow them to draw on data from prior quarters as current calls are not representative of the volume when we are not in a pandemic
- It is possible that the Department may identify the need for additional resources to complete these investigations in the final three months of the 19-21 biennium if reports to the hotline increase and community activities return to pre-COVID levels.
- These investigations will begin April 1, 2021

Section 4 (from SB 1566A, 2020): This creates the Family Based Group Home Pilot project

- Implementation of SB 171 and Family First prohibits placement in congregate care programs that are not QRTPs. This program is consistent with the principles of family first
- This language protects an essential, high quality program serving 15 kids
- Without passage of this measure, beginning July 1 DHS will no longer be able to place youth in this high successful program that is equipped to serve some of Oregon's most complex kids because of the implications of SB 171 and the federal Family First Act
- In SB 1566A, the pilot program began on July 1. In LC 52, it is adjusted to begin on December 1 to align with SB 171 implementation

Sections 7-10: Out of State Placements

- Requires any Out of State Facility serving Oregon youth to meet the same standards as an Oregon based program for youth in foster care
- Authorizes and requires DHS to license and monitor out of state placements, and requires DHS to investigate allegations of abuse of Oregon children in out of state placements
- Adds substantiated allegations of abuse in an out of state placement to the quarterly publication of substantiated allegations of abuse of children in substitute care
- Aligns Out of State Placement assessments, court reviews and placements with QRTP requirements on December 1, 2020

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Sections 11-19: Delay of Implementation of QRTP Provisions of SB 171 (2019)

Each of these sections first repeals language that is effective July 1, 2020. Then it reinstates the language effective December 1, 2020. There is no policy change from SB 171 (2019). It simply delays implementation to December 1.

It is worth noting again, for the record, that the changes in SB 171 related to QRTPs only impact placements made on or after the effective date of the measure. This means that the QRTP changes will impact only placements made on or after December 1, 2020.

Out of State placement requirements are effective immediately.

Section 20: Applicability

This section identifies when each piece of the bill becomes applicable. In sum:

- Out of State Placement provisions, including Oregon Promise eligibility, go into effect immediately
- Delayed implementation of third party abuse investigations for non-school/non-child care situations goes into effect immediately, with investigations beginning April 1, 2021
- Repeal of SB 171 language related to QRTPs goes into effect immediately
- SB 171 QRTP requirements are reinstated on December 1, 2020
- Family Based Group Home Pilot goes into effect December 1, 2020

Although there are many needs within Human Services, this bill is essential to pass in this Special Session because we are facing a cliff on July 1. COVID made July 1 implementation of Family First impossible and without the provisions of SB 1566A we will lose essential capacity in our foster care system. DHS needs the authority to manage out of state placements and recent issues related to safety in these placements has made that even more critical. Finally, there are kids who may need access to Oregon Promise to decide to enroll in college this fall.

There is no opposition to this bill and I am grateful to DHS for their ongoing partnership in drafting this legislation and serving Oregon's kids.

Thank you again for your consideration of SB 1605. Please contact me with any questions.

Sincerely,  
Sara Gelser  
Chair, Senate Human Services Committee