

**SB 85 A STAFF MEASURE SUMMARY****Carrier:** Sen. Gelser**Senate Committee On Human Services, Mental Health and Recovery****Action Date:** 04/08/21**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Anderson, Gelser, Lieber, Robinson, Taylor**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** C. Ross, Counsel**Meeting Dates:** 2/18, 4/8**WHAT THE MEASURE DOES:**

Adjusts provisions of previous legislation with respect to children placed in out-of-state child-caring facilities. Relieves Department of Human Services (DHS) personnel from obligation to accompany a child being moved via secure transport in an emergency, if travel delay would pose any risk to the child, and in that event, requires personnel to leave immediately to meet the child. Provides for out-of-state facilities to meet requirements for qualified residential treatment programs (QRTPs) if staff are licensed in good standing by relevant authorities in compliance with laws in the state where the facility is located. Adds to the list of alternative criteria that allow DHS to place children in congregate residential settings that are child-caring agencies but not QRTP (as would otherwise be required): when a ward is 18 years old or older and the child-caring agency is authorized by DHS or the Oregon Health Authority (OHA) as a residential treatment facility or residential home. Refines Juvenile Code provisions governing placements in certain residential settings, adjusting criteria applicable to the placement of juvenile offenders in out-of-state child-caring agencies, and eliminating an exception allowing placement of children at the same agencies who are *not* juvenile offenders. Requires report from DHS to the legislature by November 1 of 2021 and 2022, concerning children required to leave a placement solely due to expiration of applicable time limits. Sunsets reporting requirements January 1, 2023.

**ISSUES DISCUSSED:**

- Technical nature of adjustments and underlying intent
- Previous legislation, including Senate Bill 171 (2019) and Senate Bill 1605 (2020, first special session)
- Continuing implementation of QRTP requirements
- DHS' goal to avoid use of out-of-state resources, but have access in place if needed, pursuant to QRTP requirements
- Extent of potential amendment; need for collaboration between DHS and OHA

**EFFECT OF AMENDMENT:**

Allows emergency transport of child unaccompanied by the Department of Human Services (DHS) personnel if waiting poses any risk to child, and in that event, requires DHS personnel to travel immediately to the child. Provides for out-of-state facilities to meet qualified residential treatment program (QRTP) requirements if staff are licensed in good standing by relevant authorities in compliance with laws in the state where the facility is located. Restores original time limits on placement of child in specified residential care or shelter-care, to up to 60 consecutive or 90 cumulative days in any 12-month period. Requires report from DHS to the legislature by November 1 of 2021 and 2022, on children required to leave a placement solely due to expiration of time limit and specifies content of report. Repeals reporting requirement January 1, 2023. Makes technical refinements.

**BACKGROUND:**

Senate Bill 85 A adjusts provisions enacted via Senate Bill 171 in 2019, and via Senate Bill 1605 during the first special session of 2020. Senate Bill 171 aligned the state child welfare system's use of qualified residential

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treatment programs (QRTPs) with the federal Family First Prevention Services Act. It included limits on the duration of child placements in certain residential care and shelter care, and care placements for adjudicated youth (juvenile offenders). Senate Bill 1605 was an omnibus measure enacted to address several issues relating to children, including out-of-state placements, and delaying the operation of Senate Bill 171 following federal and state declarations of emergency due to the COVID-19 pandemic. Among its other provisions, Senate Bill 1605 required Department of Human Services' (DHS') personnel to accompany youth transported to child-caring agencies out-of-state, and prohibited placement in congregate residential settings unless the setting was both a child-caring agency and a qualified residential treatment program, unless specific alternative criteria were met.

Senate Bill 85 A makes a number of technical adjustments to provisions governing out-of-state placement of children. It relieves DHS personnel from accompanying a child being moved via secure transport in an emergency if the travel delay would pose any risk to the child, and requires immediate travel to the child instead. It adds to the list of alternative criteria that allow placements in congregate residential settings that are child-caring agencies but *not* qualified residential treatment programs, for individuals 18 years or older if the child-caring agency is authorized as a residential treatment facility or residential home by DHS or the Oregon Health Authority (OHA). It also provides for out-of-state facilities to meet requirements for QRTPs, if staff are licensed in good standing by the relevant authorities, and otherwise compliant with laws in the state where the facility is located. Finally, the measure retools criteria applicable to the placement of juvenile offenders in out-of-state child-caring agencies, eliminating an exception so that placement of children at the same facility who are *not* juvenile offenders is prohibited.