

A-Engrossed
House Bill 2505

Ordered by the House March 19
Including House Amendments dated March 19

Sponsored by Representatives SANCHEZ, STARK, WILLIAMS; Representatives ALONSO LEON, CAMPOS, DEXTER, GRAYBER, HELM, KROPF, LEIF, NERON, NOBLE, POWER, SCHOUTEN, WILDE, Senator GELSER (Presession filed.)

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 Governor's Child Foster Care Advisory Commission to establish Child Welfare Equity Advisory Committee to advise commission and Department of Human Services regarding equitable provision of child welfare services. Requires commission to report recommendations of committee and steps taken by commission and department to implement committee's recommendations to interim committees of Legislative Assembly on or before September 1 of each even-numbered year.

Directs Department of Human Services to provide staff support, including full-time equivalent policy analyst, for Governor's Child Foster Care Advisory Commission. Increases number of members on commission from 11 to 13. Modifies commission membership requirements. Directs Chief Justice of Supreme Court to appoint any member of commission who is representative of Judicial Department. Appropriates moneys to commission for purposes of Act.

A BILL FOR AN ACT

1
2 Relating to Governor's Child Foster Care Advisory Commission; creating new provisions; and
3 amending ORS 418.041, 418.043 and 418.044.

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

5 **SECTION 1. (1) The Governor's Child Foster Care Advisory Commission may establish**
6 **any advisory or technical committees the commission considers necessary to aid and advise**
7 **the commission in the performance of its functions. The committees may be continuing or**
8 **temporary committees. Persons who are not commission members may be appointed as**
9 **members to serve on the committees with the approval of the commission.**

10 **(2) Except as otherwise specifically provided, members of a committee created under this**
11 **section are not entitled to compensation but, in the discretion of the commission, may be**
12 **reimbursed from funds available to the commission for actual and necessary travel and other**
13 **expenses incurred by the members in the performance of official duties in the manner and**
14 **amount provided in ORS 292.495.**

15 **(3)(a) The commission shall establish a Child Welfare Equity Advisory Committee com-**
16 **posed of members of the commission, employees of the Department of Human Services who**
17 **make decisions regarding the removal of children from their homes, current or former foster**
18 **parents or foster children and other child welfare stakeholders. The commission shall ap-**
19 **point members of the committee in such a manner as to ensure representation from all**
20 **segments of the child foster care system that are affected by the work of the committee,**
21 **taking into consideration the geographic, racial, ethnic and gender diversity of the popu-**
22 **lations receiving child welfare services. A majority of the members of the committee must**

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 represent populations disproportionately overrepresented in the child welfare system.

2 (b) A member of the committee is entitled to compensation and expenses in the manner
3 and amounts provided for in ORS 292.495. Claims for compensation and expenses incurred
4 in performing the functions of the committee shall be paid out of funds appropriated to the
5 commission for that purpose.

6 (c) A member of the committee shall serve a one-year term, but a member serves at the
7 pleasure of the commission. A member is eligible for reappointment.

8 (d) The committee shall advise the commission on culturally appropriate child welfare
9 services, including best practices for keeping families intact, ongoing child welfare support
10 services and the equitable provision of child welfare services across populations being served
11 by state agencies, including the department, the Oregon Health Authority and the Oregon
12 Youth Authority.

13 (e) The committee shall meet at least once every two months, at times and places fixed
14 by a majority of members of the committee. The department shall provide office space and
15 personnel to assist the committee as requested by the commission.

16 (f) The committee shall periodically report to the commission. The reports must include
17 recommendations on ways the commission, the department, the Oregon Health Authority
18 and the Oregon Youth Authority may execute their duties to ensure equitable treatment of
19 populations receiving child welfare services. The reports may include recommendations for
20 changes to policies, procedures, administrative rules or legislation to ensure that the com-
21 mission and the department are effectively serving:

22 (A) Racial and ethnic minorities;

23 (B) People with disabilities;

24 (C) Lesbian, gay, bisexual, transgender, queer and other minority gender identity com-
25 munities; and

26 (D) Other historically disproportionately overrepresented communities in the child wel-
27 fare system.

28 (g) The commission shall take the committee's recommendations into consideration at
29 the next commission meeting or, if the agenda for the next commission meeting has already
30 been posted at the time the commission receives the committee's recommendations, at the
31 following commission meeting.

32 (h) No later than September 1 of each even-numbered year, the commission shall submit
33 a report, in the manner provided by ORS 192.245, to the interim committees of the Legisla-
34 tive Assembly related to human services. The commission, in its discretion, may submit in-
35 terim reports. The reports submitted under this paragraph must include information on the
36 activities and recommendations of the committee and information on any actions taken by
37 the commission or the department to implement recommendations of the committee.

38 **SECTION 2.** ORS 418.041 is amended to read:

39 418.041. (1) The Governor's Child Foster Care Advisory Commission is established[, *consisting*
40 *of 11 members appointed by the Governor*].

41 (2)(a) The commission consists of 13 members appointed by the Governor.

42 (b) Notwithstanding paragraph (a) of this subsection, if a member of the commission is
43 a representative of the Judicial Department, the Chief Justice of the Supreme Court shall
44 appoint the member.

45 [(2)] (3) The term of office of each member of the commission is four years, but a member serves

1 at the pleasure of the Governor **or, if the member is a representative of the Judicial Depart-**
 2 **ment, at the pleasure of the Chief Justice of the Supreme Court.** Before the expiration of the
 3 term of a member, the Governor **or the Chief Justice** shall appoint a successor whose term begins
 4 on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause,
 5 the Governor **or the Chief Justice** shall make an appointment to become immediately effective for
 6 the unexpired term.

7 [(3)] (4) The appointment of each member of the commission **appointed by the Governor** is
 8 subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

9 [(4)] (5) A member of the commission is entitled to compensation and expenses [*as provided in*
 10 *ORS 292.495.*] **in the manner and amounts provided for in ORS 292.495. Claims for compen-**
 11 **sation and expenses incurred in performing the functions of the commission shall be paid out**
 12 **of funds appropriated to the commission for that purpose.**

13 **SECTION 3.** ORS 418.043 is amended to read:

14 418.043. (1) The members of the Governor's Child Foster Care Advisory Commission must be
 15 residents of this state with experience and expertise in the foster care system in this state, including
 16 but not limited to:

17 (a) **Current or former** foster [*and biological*] parents and **current or former foster** children
 18 [*involved in the foster care system in this state*];

19 **(b) Family members of individuals described in paragraph (a) of this subsection;**

20 **(c) Biological parents involved in the foster care system in this state;**

21 [(b)] **(d)** Representatives of advocacy organizations that advocate regarding issues pertaining to
 22 the foster care system in this state;

23 [(c)] **(e)** Representatives of public, private, profit and nonprofit agencies, organizations and other
 24 entities with experience in, interest in and responsibility for the provision of care to children in the
 25 foster care system in this state;

26 [(d)] **(f)** Members of the Oregon State Bar with expertise in family and juvenile dependency law;

27 [(e)] **(g)** Representatives of law enforcement agencies and district attorneys;

28 [(f)] **(h)** Former employees of the Department of Human Services, Oregon Health Authority and
 29 Department of Justice who were responsible for the administration and oversight of the child wel-
 30 fare and foster care systems in this state, including but not limited to former caseworkers and for-
 31 mer court appointed special advocates;

32 [(g)] **(i)** Representatives of the Judicial Department [*in consultation with the Chief Justice of the*
 33 *Supreme Court*]; and

34 [(h)] **(j)** Representatives of federally recognized Indian tribes in Oregon and organizations serv-
 35 ing Native Americans.

36 (2) The members of the commission shall select one of the commission's members to serve as
 37 chairperson and another to serve as vice chairperson, for terms and with duties and powers neces-
 38 sary for the performance of the functions of the offices as the commission determines.

39 (3) A majority of the members of the commission constitutes a quorum for the transaction of
 40 business.

41 (4) The commission shall meet at least once every three months at a time and place determined
 42 by the chairperson of the commission. The commission also may meet at other times and places
 43 specified by the call of the chairperson or of a majority of the members of the commission.

44 (5) All agencies of state government, as defined in ORS 174.111, are directed to assist the com-
 45 mission in the performance of the commission's duties, powers and obligations and, to the extent

1 permitted by laws relating to confidentiality, to furnish information that the members of the com-
 2 mission consider necessary in order to further the work of the commission. [*The assistance under this*
 3 *subsection may constitute the provision of staffing resources to the commission.*]

4 **(6) The Department of Human Services shall provide the commission, including any ad-**
 5 **visory or technical committees established under section 1 of this 2021 Act, with any neces-**
 6 **sary clerical and administrative staff support, including, at a minimum, one full-time**
 7 **equivalent (FTE) policy analyst.**

8 **SECTION 4.** ORS 418.044 is amended to read:

9 418.044. (1) The Governor's Child Foster Care Advisory Commission shall advise the Governor
 10 [*and the Director of Human Services*], **the Director of Human Services, the Director of the**
 11 **Oregon Health Authority and the Director of the Oregon Youth Authority**, and make recom-
 12 mendations for legislation, regarding the foster care system in this state. In addition, the commission
 13 shall study and report to the Governor and the [*director*] **directors** with respect to the following:

14 (a) Legal and policy issues pertaining to the foster care system in this state;

15 (b) Monitoring accountability in the foster care system by measuring outcomes, including but
 16 not limited to the following:

17 (A) Increasing the number of children committed to the custody of the Department of Human
 18 Services who are placed with family members, relatives or next of kin;

19 (B) Decreasing the number of placements in, and removals from, substitute care for individual
 20 children committed to the custody of the department;

21 (C) Decreasing the length of time children spend in substitute care;

22 (D) Decreasing incidences of abuse, neglect and maltreatment for children in substitute care;

23 (E) Increasing the number of children who receive permanent placements within 24 months of
 24 entering substitute care;

25 (F) Decreasing the number of children who, upon becoming ineligible for substitute care, have
 26 not achieved independent living status;

27 (G) Increasing the number of children who are placed with adoptive parents within 12 months
 28 of termination of the parental rights of a child's biological parents;

29 (H) Reducing demographic disproportionality in substitute care;

30 (I) Increasing the number of families involved in the foster care system receiving services and
 31 assistance to make it possible for children in substitute care to safely return home; and

32 (J) Increasing the number of families involved in the foster care system having access to cul-
 33 turally relevant services;

34 (c) Necessary and recommended improvements to the internal operations of the department, in-
 35 cluding but not limited to the following:

36 (A) Monitoring, licensing and supervision of foster care providers;

37 (B) Caseload management;

38 (C) Procedures for investigation of abuses and deficiencies;

39 (D) Recruitment, training and retention of foster parents; and

40 (E) Quality assurance;

41 (d) Recommendations to improve and expand the availability of foster care and, where applica-
 42 ble, to provide alternatives to foster care for children who are in need of care and services;

43 (e) Promotion of responsible statewide advocacy for children in foster care; and

44 (f) Ongoing review of foster care providers in this state and the identification of barriers to the
 45 provision of quality care and services to children in the foster care system.

1 (2) In undertaking the commission's responsibilities under subsection (1) of this section, the
2 commission shall consider reports, findings and recommendations that have been or will be issued
3 by legislative and agency task forces, work groups and committees that have undertaken study, re-
4 view or oversight of the foster care system in this state.

5 *[(3) The commission may establish any advisory or technical committees the commission considers
6 necessary to aid and advise the commission in the performance of its functions. The committees may
7 be continuing or temporary committees. The commission shall determine the representation, member-
8 ship, terms and organization of the committees and shall appoint the members of the committees.
9 Members of the committees are not entitled to compensation but, in the discretion of the commission,
10 may be reimbursed from funds available to the commission for actual and necessary travel and other
11 expenses incurred by the members in the performance of official duties in the manner and amount
12 provided in ORS 292.495.]*

13 *[(4)]* (3) The commission may adopt rules to carry out the provisions of this section.

14 **SECTION 5. The report described in section 1 of this 2021 Act is first due no later than**
15 **September 1, 2022.**

16 **SECTION 6. There is appropriated to the Governor's Child Foster Care Advisory Com-**
17 **mission, for the biennium beginning July 1, 2021, out of the General Fund, the amount of**
18 **\$_____ for the purpose of carrying out the provisions of ORS 418.041, 418.043 and 418.044**
19 **and section 1 of this 2021 Act.**

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