



2023 Presentation to the House Interim
Committee on Early Childhood and Human
Services

Oregon Department of Human Services Temporary Lodging

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Agenda

- I. Overview: CASA (Court Appointed Special Advocates) v. ODHS and special master
- II. Defining temporary lodging
- III. Who is in temporary lodging
- IV. Contributing factors
- V. Case scenario
- VI. Recommended services and supports

Overview

Some foster children are experiencing temporary lodging when safe, appropriate placements are not available. ODHS is taking all reasonably possible steps within its control to avoid temporary lodging.

ODHS is committed to transforming our Child Welfare system into one focused on prevention, safety and improving safety and outcomes for children and families.

Oregon has significant capacity issues within the continuum to serve children with high levels of need.

With fewer options to support children with complex needs, barriers exist in finding appropriate placements to meet some children's needs.

Child Welfare is making progress. Prevention efforts keep 75 percent of all children considered at-risk out of temporary lodging.

Court Appointed Special Advocates (CASA) v. ODHS

- In September 2016, a lawsuit was filed against ODHS by two foster children who had experienced temporary lodging and CASA for Children, Inc. (CASA). The lawsuit sought to end temporary lodging.
- The parties entered into a Settlement Agreement in February 2018. This settlement imposed various numeric limits on use of temporary lodging.
- ODHS was initially able to comply with those limits but began being unable to comply due to a variety of unforeseen factors, including the pandemic and workforce and provider shortages.
- In July 2023, the federal court overseeing the Settlement Agreement granted CASA's motion to enforce the numeric limits and ordered ODHS to contract with Dr. Marty Beyer as a special master.
- The federal court rejected CASA's assertion that ODHS had underreported instances of temporary lodging and rejected requests for monetary sanctions.

Special master role

- Special masters are often assigned to complex cases to help a judge oversee a case because of limited judicial resources and time.
- The role of the special master in this case is to make recommendations to the judge regarding additional actions that will bring ODHS back into substantial compliance.

Status of special master's work

September 2023 status:

- Judge McShane's most recent arbitration order found the agency was in compliance with all tracking and reporting requirements, and that the tracking and reporting is accurate. No additional metrics or reporting requirements were added.
- Dr. Byer has begun her work with the ODHS Child Welfare team, and the other family-serving system partners.
- Her first report to Judge McShane will be provided in late 2023.

Defining temporary lodging

- Temporary lodging is approved for children/young adults who have no access to placement at a given point in time.
- Temporary lodging may be the only option for a child/young adult if:
 - There are capacity issues in a recommended level of care or program
 - A program denies placement due to factors such as severe behavioral, physical health or mental health issues
 - A young person refuses to enter a program due to program requirements
- ODHS staff and contracted staff stay with a child/young adult in temporary lodging until a placement is found.

Who is in temporary lodging

- **83% of young people experiencing temporary lodging** have complex needs based on high-risk behaviors such as self-harm, physical or verbal aggression, substance use or problematic sexual behavior.
- **80% of those who have experienced temporary lodging are 13 or older.**
- By comparison, **70% of children presently in foster care are 12 or younger.**

Contributing factors

Denials by the potential placement or program

- Child's needs exceed the provider/caregiver or program's ability, skills or resources to safely care for the child.
- Concern for the safety of the caregiver and other children in the home.
- Liability concerns due to regulatory oversight requirements.
- High-risk behaviors: 50 percent of the children/young adults who enter temporary lodging are denied due to high-risk behaviors.

Lack of capacity

- Not having the recommended inpatient treatment or level of service required to meet the child and family's needs.

Youth refusals

- Many programs and providers require that the child/young adult being served is willing to enter a program.

Case scenario

Foster care

- Early entry into foster care
- Chronic health needs
- Severe mental health needs

Multiple disrupted adoptions

- Multiple hospital stays and disruptive behaviors
- Adoptive parents believe child compromises safety of other family members
- Adoptive parents cannot cope and need extensive support

Temporary lodging

- After 6 weeks in behavioral health program, no placement in Developmental Disability program or Group Home available
- Discharged from residential treatment due to aggression
- Denied placements due to medical needs and aggression
- Temporary lodging is the last available option for complex, high-needs young person

Service array opportunities

- **Adequate and timely access to residential treatment capacity** in all areas of the child-serving system. Key residential treatment elements should include:
 - Discharge incorporating child and family supports and post-treatment services.
 - Proximity to a child's community.
- **Timely access to flexible and robust outpatient supports and trauma-based services** for children and families within the various systems most appropriate to meet their needs.
- **Flexible statutory requirements related to residential settings** who serve children and young adults with physically aggressive behaviors or suicidal ideation.

Service array opportunities (cont.)

- **Coordinated Care that includes housing for transition-age youth with complex needs.**
 - Flexible and adaptable housing for transitional-aged youth.
- **Funding for safe and appropriate child-care for resource parents.**
- **Housing is an additional barrier for families caring for children with complex needs.**
 - Safe and affordable housing options that can support families caring for children with complex needs without risk of eviction due to child's behavior and frequent visits by emergency personnel.
- **Well-supported and resilient caregivers** who understand the needs of children and trauma and how to access supports.



Questions?

Thank you

