

HB 2438 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 1/30

WHAT THE MEASURE DOES:

Requires Department of Human Services (DHS) to notify court when making decisions regarding a child or ward in its care or custody that contradict recommendations made by mental health care provider engaged by department. Requires DHS to consider recommendations made by mental health care provider when making decisions on behalf of child or ward. Requires DHS to explain and provide documentation to court on its reasoning for the decision. Defines mental health care provider as physician, physician assistant, nurse practitioner, clinical social worker, professional counselor, marriage and family therapist, naturopathic physician, or community mental health program approved by the Oregon Health Authority. Applies to decisions made by DHS on or after effective date.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law delegates decision-making regarding children or wards in the child welfare system to the Department of Human Services (DHS), pursuant to orders made by a juvenile court. These decisions may include placement of the child or ward in a foster home, residential care facility, shelter-care home, or with a relative or guardian. The children or wards who are the subjects of these decisions may face significant trauma or mental health conditions that require consultation with a mental health care professional.

House Bill 2438 requires DHS to inform and explain to a court when it makes decisions regarding a child or ward in its care or custody that contradict recommendations made by a mental health care provider.