

SB 93 A STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 5/8, 5/10

WHAT THE MEASURE DOES:

Names the Department of Human Services (DHS) as party to juvenile court proceedings if DHS has taken child or ward into protective custody. Modifies definitions for "services and support" provided by community-based structured housing facilities ("facilities"). Requires operators of facilities that serve persons over age 65 or who have disabilities to register with DHS if facility is not licensed or registered with any other public entity. Allows DHS and Oregon Health Authority (OHA) to determine responsibility for registering facilities while avoiding duplication when jurisdiction overlaps. Grants DHS authority to enter facilities to investigate complaints of abuse and ascertain compliance with laws and regulations, and to apply for search warrant. Declares emergency, affective on passage.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

SENATE VOTE: Ayes, 22; Nays, 6; Excused, 2

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law recognizes the following as parties to proceedings in juvenile court: the child or ward; their parents or guardian; a putative father; the state; the juvenile department; a court appointed special advocate; and a tribal representative and custodian if the child is determined to be covered by the Indian Child Welfare Act (ORS 419B.875). The Department of Human Services (DHS) or a child-caring agency may only be a party to juvenile court proceedings if they have temporary custody of a child or ward but does not name the department as a party to proceedings to establish further custody such as protective custody.

Community-based structured housing facilities are a type of congregate housing that provide housing and meals to individuals with emotional, mental, behavioral, or substance use disorders, but do not provide residential care or treatment. Oregon law requires any person that owns or operates a community-based structured housing facility offered to the general public to register with the Oregon Health Authority (OHA) (ORS 443.485). OHA is responsible for investigating complaints of abuse in all registered facilities and imposing civil penalties and suspending or revoking registrations (ORS 443.500). The Legislative Assembly passed House Bill 3230 in 2015 to establish regulatory authority of community-based structured housing jointly with OHA and DHS. House Bill 2953 (2021) reclassified community-based structured housing facilities and removed the ability of DHS to regulate the facilities, leaving OHA as the sole regulator.

Senate Bill 93 A allows DHS and child-caring agencies to be parties to juvenile court proceedings if the department has taken a child or ward into protective custody as well as temporary custody; the measure also requires operators of community-based structured housing facilities to register with DHS rather than OHA if the facility provides services and support to people who are elderly or have disabilities and grants enforcement powers to DHS that are equivalent to those of OHA.

This summary has not been adopted or officially endorsed by action of the committee.