

## SB 93 A -A3 STAFF MEASURE SUMMARY

### House Committee On Early Childhood and Human Services

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**Prepared By:** Matthew Perreault, LPRO Analyst

**Meeting Dates:** 5/8, 5/15

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#### 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, effective on passage.

**REVENUE:** *No revenue impact*

**FISCAL:** *Has minimal fiscal impact*

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

#### ISSUES DISCUSSED:

- Background of regulation of community-based structured housing facilities
- Ability for DHS staff to attend shelter hearings at juvenile court
- Alignment of statutes relating to investigations of abuse of children in care
- Required reports on restraint and seclusion of children in care
- Definition of involuntary seclusion

#### EFFECT OF AMENDMENT:

-A3 Modifies requirement for Department of Human Services (DHS) to report to legislative committees on instances of suspected abuse in child-caring agencies to include whether abuse resulted in reportable injury, sexual abuse, or death. Modifies definition of "involuntary seclusion." Modifies prohibited actions constituting restraint of child in care. Adds requirement for DHS to report on total number of children in care who experienced both restraint and involuntary seclusion and demographic information of all children in care of each program. Modifies definition of "abuse" to specify actions constituting mental injury to a child. Modifies definition of "child" to include children in care. Modifies definition of "public official" to include parole and probation officer and behavior analyst, assistant behavior analyst, or behavior analysis interventionist. Authorizes DHS to disclose confidential records of abuse investigations to national nonprofit organization designated by department that assists with locating and recovering missing children. Becomes operative September 1, 2023.

**REVENUE:** *No revenue impact*

**FISCAL:** *Has minimal fiscal impact*

#### 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

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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.