



Oregon

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Department of Human Services

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February 9, 2024

Senate Committee on Human Services

Oregon State Capitol
900 Court St. NE
Salem, OR 97301

RE: SB 1521 (-6), Expanding the Definition of a Child-Caring Agency (CCA)

Chair Gelser Blouin, Vice Chair Robinson, and Members of the Committee,

Actions

We hear and have acted upon the concerns that have been expressed about specific providers that were contracted to provide supports and services to stabilize children experiencing placement in a hotel with a Child Welfare caseworker, or specific providers contracted to support and stabilize children in foster care placements. The safety and stability of children is the top priority of ODHS, which is why ODHS leadership is continuing to address immediate issues as they arise, making internal changes, and convened an incident management team.

- ODHS ended the contract with Dynamic Life on January 10, 2024.
- On February 2, 2024, ODHS sent a 30-day termination notice to LC Beach House.
- The three remaining contracted providers, used to support caseworkers with children in temporary lodging, all have an ODHS Office of Developmental Disabilities Services certificate and have an endorsement for similar services.
- ODHS centralized oversight of the three remaining contracted providers, utilized to support children experiencing temporary lodging, from local district offices.

- Child Welfare contracts with hundreds of service providers to support the stabilization of children across the state. Child Welfare is actively exploring proposed amendments to Oregon Administrative Rule to include additional requirements for providers that Child Welfare contracts with. These requirements aim to improve consistency on standard contract language including, but not limited to, background and certification history checks, training requirements, and incident reporting.
- ODHS leadership initiated an after-action review team to assess the ODHS contracting process related to Child Welfare contracted service providers. Its purpose is to make specific recommendations to strengthen our processes for holding contracted service providers accountable. The incident management team will be creating a report that ODHS will make available to this committee upon completion in mid-March.
- Child Welfare has ensured that the [Foster Children’s Bill of Rights](#) and [Foster Children’s Sibling Bill of Rights](#) is applied to every child in the custody of Child Welfare regardless if they are experiencing temporary lodging. This means children in temporary lodging have the same rights as other children in substitute care to access attorneys and CASAs.

Need for supports and prevention services for children in, or at risk of temporary lodging

Court Appointed Special Master, Dr. Marty Beyer, spoke to this committee on January 11th and stated, “The most important way to end reliance on Temporary Lodging is to aggressively ensure that children have placement stability early in their time in foster care.”

In alignment with the Special Master Dr. Marty Beyer’s report on temporary lodging, ODHS will continue to rely on service providers to:

- Enhance placement stability and prevent placement disruptions;
- Support primary caregivers to increase safety of the child and others; and
- Offer respite care and other supports to help primary caregivers manage the unique needs of the child.

These service providers are critical to the prevention efforts, which have kept approximately 75 percent of all children considered at-risk out of temporary lodging.

Clarification

These service providers are not providing a placement for children. They are contracted to be a support to a primary guardian, namely a caseworker or resource parent. The safety of the children experiencing temporary lodging is constantly assessed and ensured by the fact that ODHS staff are spending parts of each workday, all evenings and overnight with them, regardless of the additional supports from contracted service providers. The caseworker is acting as the primary guardian, which is why these providers are not considered a placement and therefore not required to be licensed under existing statute.

ODHS Supports Accountability and Oversight

ODHS fully agrees that accountability and oversight of these service providers is necessary and should be an expectation of the legislature. ODHS agrees improvements need to be made within contract administration of these service providers. ODHS supports regulations that ensure service providers have been fully vetted, have required training, and are in compliance with standards to ensure the safety and rights of children are upheld.

ODHS's proposed solution differs from that of SB 1521 -6 and -8 amendments. ODHS is proposing broader reforms to the regulatory system with a tiered system, similar to that within ODDS. This could expand credentialing all providers who serve children rather than the patchwork regulation in current statute. In a tiered system service providers may be endorsed, certified, and/or licensed depending on the specific services they provide. This type of system enables regulation standards that are responsive to different levels and types of services provided instead of a one-size fits all approach. There are opportunities to improve the whole regulatory system to improve the accountability and oversight of service providers.

Scope of Impacted Providers

The expansion of the definition of a Child-Caring Agency (CCA) will require between 35 and 70 of types of service providers to be licensed as a CCA if they ever directly support a child in their foster home, temporary lodging or in an existing CCA.

- List of Identified Impacted Providers of -6 Amendment [See Addendum 1]
- List of Identified Impacted Providers of -8 Amendment [See Addendum 2]

Potential Consequences

- Exception of application to service providers of recreational activities and mentoring unless it “does not include the provision of direct care, respite care” (Section 3 (1)(c)(D)). It is unclear what this means for significant people in children’s lives. Example: A mentor or CASA that takes a child experiencing temporary lodging out for a meal, to a movie or a park without ODHS staff may be considered “direct care” as they are the responsible for that child during that timeframe.
- Section 7 (3) “An unlicensed child-caring agency that is providing services as authorized in this section is subject to all other laws applicable to child-caring agencies in this state.” (See Addendum 3 for description and citations of these laws)
 - With the accompanying emergency clause in both the proposed -6 and -8 amendments, upon passage would make these service providers immediately subject to statutes applicable to licensed CCAs.
 - Given the liability of providing services without a comprehensive understanding of how to immediately be in compliance with these complex statutes and based on conversations ODHS has had when informing service providers of this bill, ODHS anticipates most service providers will immediately discontinue supporting caseworkers who are staying in temporary lodging with children who have high-acuity needs. It is not known how many service providers will seek to become a licensed CCA.

- If any service providers are able and willing to become a licensed CCA, the process takes on average 6 months to complete. In the meantime, children, Child Welfare staff and resource parents can expect to be immediately left without these supports proven to increase stability and safety of children and their primary guardians for an unforeseeable amount of time.
 - Without service providers, the stability and immediate safety of the child may be impacted as they experience additional disruptions of continuity in care, relationships, and routines.
 - Additional strain and physical safety concerns are anticipated on the Child Welfare workforce who are staffing temporary lodging 24/7.
- There is lack of clarity of the scope of who will be impacted by the -6 and -8 amendments and who are not explicitly exempt. These programs ensure child stability, prevent disruption, and provide service to a child when an appropriate placement has not been identified but do not often provide “direct care.”
 - There are also service providers who are currently licensed CCAs who will need expanded licenses for services not currently required to be regulated as a CCA. Those providers are not listed in either Addendum 1 or 2.

Recommendation

Oregon needs statutes and policies that incentivize exceptional providers willing to work with children in Oregon, specifically those in substitute care and temporary lodging while delicately balancing the necessary accountability, transparency, and safety regulations.

ODHS continues to recommend that, rather than passing this specific legislation, these efforts pivot to a time-limited workgroup to allow for robust discussion and recommendations, with a broad group of interested parties. This thoughtful approach will ensure there is adequate time to inform critical policy decisions with data and mitigate unintended consequences that may place the safety and stability of children at risk.

ODHS Director, Fariborz Pakseresht
 ODHS Child Welfare Director, Aprille Flint-Gerner

Addendum 1

Scope of Impact of -6 Amendment

Note: This list is preliminary and not all-inclusive. Given ODHS would be responsible for implementing this proposed amendment, our intent is to identify providers that ODHS, and our legal counsel would be impacted by the written text of this amendment.

Provider	Agency Type (Private agency, private organization or county program)	Types of Services Provided	How it relates to proposed CCA definition language
DePaul Community Resources,	Private agency (non-profit)	ILP, housing day care outreach services	Maintaining stability and preventing disruption of out of home placement
Tillamook County Family YMCA,	Private agency (non-profit)	ILP	Maintaining stability and preventing disruption of out of home placement
Options Counseling and Family Services (19 contracts total)	Private agency	ILP, counseling	Maintaining stability and preventing disruption of out

			of home placement
Alternative Youth Activities	Private agency	ILP	Maintaining stability and preventing disruption of out of home placement
Youth Villages, Inc. (2 contracts)	Private agency (non-profit)	ILP	Maintaining stability and preventing disruption of out of home placement
Parenting with Intent (9 contracts)	Private agency (non-profit)	Child-Specific Caregiver Supports, mentoring, skills training, counseling	Maintaining stability and preventing disruption of out of home placement
Thompson Consulting and Coaching	Private agency	Culturally-specific mentoring and skills training	Maintaining stability and preventing disruption of out of home placement
NAYA (8 contracts)	Private agency (non-profit)	ILP	Maintaining stability and preventing

			disruption of out of home placement
Oregon Student Assistance Commission	Agency	ILP	Maintaining stability and preventing disruption of out of home placement
Training and Employment Consortium (2 contracts)	Agency	ILP	Maintaining stability and preventing disruption of out of home placement
Community Action Program of East Central Oregon	Private agency (non-profit)	ILP, housing	Maintaining stability and preventing disruption of out of home placement
Foster Club, Inc.	Private agency (non-profit)	Mental health services to support youth	Maintaining stability and preventing disruption of out of home placement
Cynthia Tillman (mentor)	Private agency	Youth mentoring	Maintaining stability and

			preventing disruption of out of home placement
OSLC Developments, Inc.	Private agency (non-profit)	Support to Resource Parents through KEEP	Maintaining stability and preventing disruption of out of home placement
Friends of the Children of the Klamath Basin, Inc.	Private agency (non-profit)	Mentoring to children	Maintaining stability and preventing disruption of out of home placement
Rise Services, Inc.	Private agency	Behavior support management	Maintaining stability and preventing disruption of out of home placement
Oyen LLC	Private agency	Placement stability	Maintaining stability and preventing disruption of out of home placement

Self Enhancement, Inc.	Private agency (non-profit)	Mentoring, support, parent training for RPs	Maintaining stability and preventing disruption of out of home placement
ShelterCare	Private agency (non-profit)	Housing (available to RPs)	Maintaining stability and preventing disruption of out of home placement
Wolf Pack Consulting and Therapeutic Services, LLC	Private agency	Mentoring, support, parent training for RPs	Maintaining stability and preventing disruption of out of home placement
Upward Spiral Counseling LLC	Private agency	Equine Therapy	Maintaining stability and preventing disruption of out of home placement
Bright Horizons Therapeutic Riding Center	Private agency (non-profit)	Equine Therapy	Maintaining stability and preventing disruption of out

			of home placement
Big Star Ranch, Inc.	Private agency (non-profit)	Equine Therapy	Maintaining stability and preventing disruption of out of home placement
Intensive Family Services, Inc.	Private agency	Parent coaching/support	Maintaining stability and preventing disruption of out of home placement
Young Roots Oregon	Private agency (non-profit)	Teen mentoring	Maintaining stability and preventing disruption of out of home placement
Phoenix Counseling Center, Inc.	Private agency	Counseling	Maintaining stability and preventing disruption of out of home placement
Options for Southern Oregon	Private agency (non-profit)	Mental health services	Maintaining stability and preventing

			disruption of out of home placement
Carol J. Law	Private agency	Mental health services for teens	Maintaining stability and preventing disruption of out of home placement
Family Nurturing Center	Private agency (non-profit)	Parent coaching, enhanced supervision to prevent placement disruption	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement Providing care, supervision when an appropriate placement is not available
Greater New Hope (5 contracts)	Private agency	Parenting coaching, enhanced supervision to prevent placement	Maintaining stability and preventing disruption of out

		disruption, Temporary Lodging, TLP	of home placement Ensuring safety of a child in out of home placement Providing care, supervision when an appropriate placement is not available
HDE Home Care LLC	Private agency	Parent coaching, enhanced supervision to prevent placement disruption	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement Providing care, supervision when an appropriate placement is not available
Kids NW	Private agency	Parent coaching, enhanced supervision to	Maintaining stability and preventing

		prevent placement disruption	disruption of out of home placement Ensuring safety of a child in out of home placement Providing care, supervision when an appropriate placement is not available
Amanda Hunter	Private agency	Training/support to resource parents of children with complex medical needs	Maintaining stability and preventing disruption of out of home placement
Family SkillBuilders Services (8 contracts)	Private agency (non-profit)	Counseling, therapeutic services, parent training	Maintaining stability and preventing disruption of out of home placement
St. Vincent de Paul	Private agency	Housing services	Maintaining stability and preventing disruption of out

			of home placement
Community Outreach, Inc.	Private agency (non-profit)	Housing services	Maintaining stability and preventing disruption of out of home placement
Community & Family Services Foundation	Private agency	Placement supervision	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement
Central Oregon Psychology Center	Private agency	Trauma therapy	Maintaining stability and preventing disruption of out of home placement
Nspire Counseling Services	Private agency	Counseling	Maintaining stability and preventing disruption of out

			of home placement
Tamie Alvarez	Private agency	Counseling	Maintaining stability and preventing disruption of out of home placement
The Barker Adoption Foundation, Inc.	Private agency	Supervision of adoptive placements prior to finalization	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement
Renaissance Management Group of Texas, LLC	Private agency	Supervision of adoptive placements prior to finalization	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement

<p>National Youth Advocate Program, Inc.</p>	<p>Private agency (non-profit)</p>	<p>Supervision of adoptive placements prior to finalization</p>	<p>Maintaining stability and preventing disruption of out of home placement</p> <p>Ensuring safety of a child in out of home placement</p>
<p>Bridge Meadows</p>	<p>Private agency (non-profit)</p>	<p>Supportive intergenerational housing (sometimes prior to guardianship or adoption finalization)</p>	<p>Maintaining stability and preventing disruption of out of home placement</p> <p>Ensuring safety of a child in out of home placement</p>
<p>Bethany Christian Services of Maryland, Inc.</p>	<p>Private agency</p>	<p>Supervision of adoptive placements prior to finalization</p>	<p>Maintaining stability and preventing disruption of out of home placement</p> <p>Ensuring safety of a child in out of home placement</p>

<p>Alternative Family Services, Inc.</p>	<p>Private agency (non-profit)</p>	<p>Supervision of adoptive placements prior to finalization</p>	<p>Maintaining stability and preventing disruption of out of home placement</p> <p>Ensuring safety of a child in out of home placement</p>
<p>Adoptions Together, Inc.</p>	<p>Private agency</p>	<p>Supervision of adoptive placements prior to finalization</p>	<p>Maintaining stability and preventing disruption of out of home placement</p> <p>Ensuring safety of a child in out of home placement</p>
<p>Adoption Home Studies Services, Inc.</p>	<p>Private agency</p>	<p>Supervision of adoptive placements prior to finalization</p>	<p>Maintaining stability and preventing disruption of out of home placement</p> <p>Ensuring safety of a child in out of home placement</p>

<p>A New Beginning Adoption Agency, Inc.</p>	<p>Private agency</p>	<p>Supervision of adoptive placements prior to finalization</p>	<p>Maintaining stability and preventing disruption of out of home placement</p> <p>Ensuring safety of a child in out of home placement</p>
<p>Curry Child Abuse Intervention Center d.b.a Wally's House</p>	<p>Private agency (non-profit)</p>	<p>Counseling</p>	<p>Maintaining stability and preventing disruption of out of home placement</p>
<p>Kairos Northwest</p>	<p>Private agency (non-profit)</p>	<p>Housing</p>	<p>Maintaining stability and preventing disruption of out of home placement</p>
<p>The Contingent</p>	<p>Private agency (non-profit)</p>	<p>Resource parent supports</p>	<p>Maintaining stability and preventing disruption of out</p>

			of home placement
New Avenues for Youth (NAFY)	Private agency (non-profit)	Youth mentoring, resource parent supports, ILP, transitional housing	Maintaining stability and preventing disruption of out of home placement
DePaul Industries	Private agency (non-profit)	Housing	Maintaining stability and preventing disruption of out of home placement
Lutheran Community Services Northwest	Private agency (non-profit)	Parent training, coaching	Maintaining stability and preventing disruption of out of home placement

Addendum 2

Scope of Impact of -8 Amendment

Note: Given the very short turnaround for analysis on the -8 amendment, this list is preliminary and not all-inclusive. Given ODHS would be responsible for implementing this proposed amendment, our intent is to identify providers that ODHS and our legal counsel would be impacted by the written text of this amendment.

Parenting with Intent (9 contracts)	Private agency (non-profit)	Child-Specific Caregiver Supports, mentoring, skills training, counseling	Maintaining stability and preventing disruption of out of home placement
Thompson Consulting and Coaching	Private agency	Culturally-specific mentoring and skills training	Maintaining stability and preventing disruption of out of home placement
Community Action Program of East Central Oregon	Private agency (non-profit)	ILP, housing	Maintaining stability and preventing disruption of out of home placement
Cynthia Tillman (mentor)	Private agency	Youth mentoring	Maintaining stability and preventing disruption of out

			of home placement
OSLC Developments, Inc.	Private agency (non-profit)	Support to Resource Parents through KEEP	Maintaining stability and preventing disruption of out of home placement
Rise Services, Inc.	Private agency	Behavior support management	Maintaining stability and preventing disruption of out of home placement
Oyen LLC	Private agency	Placement stability	Maintaining stability and preventing disruption of out of home placement
Self Enhancement, Inc.	Private agency (non-profit)	Mentoring, support, parent training for RPs	Maintaining stability and preventing disruption of out of home placement
ShelterCare	Private agency (non-profit)	Housing (available to RPs)	Maintaining stability and preventing

			disruption of out of home placement
Wolf Pack Consulting and Therapeutic Services, LLC	Private agency	Mentoring, support, parent training for RPs	Maintaining stability and preventing disruption of out of home placement
Intensive Family Services, Inc.	Private agency	Parent coaching/support	Maintaining stability and preventing disruption of out of home placement
Family Nurturing Center	Private agency (non-profit)	Parent coaching, enhanced supervision to prevent placement disruption	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement Providing care, supervision when an appropriate

			placement is not available
Greater New Hope (5 contracts)	Private agency	Parenting coaching, enhanced supervision to prevent placement disruption, Temporary Lodging, TLP	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement Providing care, supervision when an appropriate placement is not available
HDE Home Care LLC	Private agency	Parent coaching, enhanced supervision to prevent placement disruption	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement Providing care, supervision when an

			appropriate placement is not available
Kids NW	Private agency	Parent coaching, enhanced supervision to prevent placement disruption	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement Providing care, supervision when an appropriate placement is not available
Amanda Hunter	Private agency	Training/support to resource parents of children with complex medical needs	Maintaining stability and preventing disruption of out of home placement
Family SkillBuilders Services (8 contracts)	Private agency (non-profit)	Counseling, therapeutic services, parent training	Maintaining stability and preventing disruption of out

			of home placement
St. Vincent de Paul	Private agency	Housing services	Maintaining stability and preventing disruption of out of home placement
Community Outreach, Inc.	Private agency (non-profit)	Housing services	Maintaining stability and preventing disruption of out of home placement
Community & Family Services Foundation	Private agency	Placement supervision	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement
The Barker Adoption Foundation, Inc.	Private agency	Supervision of adoptive placements prior to finalization	Maintaining stability and preventing disruption of out

			of home placement Ensuring safety of a child in out of home placement
Renaissance Management Group of Texas, LLC	Private agency	Supervision of adoptive placements prior to finalization	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement
National Youth Advocate Program, Inc.	Private agency (non-profit)	Supervision of adoptive placements prior to finalization	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement
Bridge Meadows	Private agency (non-profit)	Supportive intergenerational housing (sometimes prior	Maintaining stability and preventing disruption of out

		to guardianship or adoption finalization)	of home placement Ensuring safety of a child in out of home placement
Bethany Christian Services of Maryland, Inc.	Private agency	Supervision of adoptive placements prior to finalization	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement
Alternative Family Services, Inc.	Private agency (non-profit)	Supervision of adoptive placements prior to finalization	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement
Adoptions Together, Inc.	Private agency	Supervision of adoptive	Maintaining stability and preventing disruption of out

		placements prior to finalization	of home placement Ensuring safety of a child in out of home placement
Adoption Home Studies Services, Inc.	Private agency	Supervision of adoptive placements prior to finalization	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement
A New Beginning Adoption Agency, Inc.	Private agency	Supervision of adoptive placements prior to finalization	Maintaining stability and preventing disruption of out of home placement Ensuring safety of a child in out of home placement
Kairos Northwest	Private agency (non-profit)	Housing	Maintaining stability and preventing disruption of out

			of home placement
The Contingent	Private agency (non-profit)	Resource parent supports	Maintaining stability and preventing disruption of out of home placement
New Avenues for Youth (NAFY)	Private agency (non-profit)	Youth mentoring, resource parent supports, ILP, transitional housing	Maintaining stability and preventing disruption of out of home placement
DePaul Industries	Private agency (non-profit)	Housing	Maintaining stability and preventing disruption of out of home placement
Lutheran Community	Private agency (non-profit)	Parent training, coaching	Maintaining stability and preventing disruption of out

Services Northwest			of home placement
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Addendum 3

Summary of applicable laws to child-caring agencies

ORS Chapter 418

ORS 418.240 Licensing, certification and authorization criteria; duration; fees; rules

ORS 418.250 Supervision of child-caring agencies

ORS 418.255 Inspection and supervision; training; rules

ORS 418.256 Interference with disclosure of information; rules

ORS 418.257 Definitions for ORS 418.257 to 418.259

ORS 418.258 Report of suspected abuse; notifications; investigation

ORS 418.259 Investigation of suspected abuse; findings; notifications; reports

ORS 418.260 Investigation of abuses, deficiencies, violations or failures to comply, in child-caring agencies

ORS 418.305 Access to child receiving care or services

ORS 418.306 Denial of visitation by child-caring agency as disciplinary measure prohibited