

A-Engrossed
House Bill 4058

Ordered by the House February 16
Including House Amendments dated February 16

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Early Childhood and Human Services for Representative Annessa Hartman)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act lets DHS place certain children in out of state placements if certain criteria are met. (Flesch Readability Score: 65.1).

[Digest: The Act lets DHS place Indian children in another state if certain standards are met. (Flesch Readability Score: 67.5).]

[Permits the Department of Human Services to place an Indian child in an out-of-state placement without requiring the placement to be licensed by or under contract with the department or to be a qualified residential treatment facility if certain standards are met.]

Permits the Department of Human Services to make certain out of state placements of children in specified circumstances.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to human services; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) Notwithstanding ORS 418.321 or 418.322, if there is reason to know, as**
5 **described in ORS 419B.636, that a child is an Indian child, the Department of Human Services**
6 **may place the child in an out-of-state institution meeting the criteria described in ORS**
7 **419B.654 (1)(d)(B)(iv) without requiring the institution to be licensed by or under contract**
8 **with the department or to be a qualified residential treatment program if:**

9 (a) **The placement complies with the placement preferences under ORS 419B.654; and**

10 (b) **The department provides at least 10 days' notice to the court and the parties of the**
11 **proposed placement or, if the delay caused by providing this notice would likely result in**
12 **serious physical or emotional harm to the child, endanger the child's life or cause loss of**
13 **placement availability, the department shall provide the notice to the court and the parties**
14 **as soon as practicable and in no event later than one business day after the child leaves this**
15 **state.**

16 (2) **ORS 418.321 (1) to (4) or (6) does not apply to the department's placement of a child**
17 **in an out-of-state child-caring agency if:**

18 (a) **The placement is for the purpose of placing the child or ward in a relative foster home**
19 **or preadoptive family placement that has been selected and approved by the department;**

20 (b) **The department retains the sole authority to approve the foster care or preadoptive**
21 **placement of the child;**

22 (c) **The child is not placed in a congregate care residential setting, as defined in ORS**
23 **418.322; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

