

A-Engrossed
House Bill 2258

Ordered by the House April 19
Including House Amendments dated April 19

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

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.

[Directs Office of Governor to conduct study of family treatment courts and to report results to interim committees of Legislative Assembly related to human services on or before September 15, 2020.]

Directs Judicial Department to establish Family Dependency Treatment Court Pilot Program in certain counties to minimize or eliminate amount of time children require protective custody as result of parent's alleged substance abuse.

Appropriates moneys to Judicial Department and Department of Human Services for purposes related to Family Dependency Treatment Court Pilot Program.

A BILL FOR AN ACT

Relating to family treatment courts; and declaring an emergency.

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

SECTION 1. (1) The Judicial Department shall establish a Family Dependency Treatment Court Pilot Program in Coos County, Douglas County, Deschutes County and Marion County.

(2) The purpose of the pilot program is to minimize or eliminate the amount of time children require protective custody as a result of the child's parent's alleged substance abuse.

(3)(a) A person is eligible for the pilot program if:

(A) The juvenile court in one of the counties identified in subsection (1) of this section has jurisdiction over the person's child under ORS 419B.100; and

(B) The basis of the juvenile court's jurisdiction is the person's alleged substance abuse.

(b) A person may not be denied eligibility to participate in a pilot program under this section solely for the reason that the person is taking, or intends to take, medication prescribed by a licensed health care practitioner for the treatment of drug abuse or dependency.

(4) The presiding judge for the court shall ensure that each pilot program includes the following components:

(a) One judge dedicated to the pilot program who oversees the pilot program court proceedings and convenes staffing meetings at least one time each week and program review meetings at least one time each month;

(b) Prioritized docket time for Family Dependency Treatment Court cases;

(c) Program adherence to the following key components and treatment court best practice standards:

(A) Integration of alcohol and other drug treatment services with the justice system case

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.

1 processing;

2 (B) Use of a nonadversarial approach;

3 (C) Prosecution and defense counsel promotion of public safety while protecting
4 participants' due process rights; and

5 (D) Early identification of eligible participants and prompt placement of participants in
6 the pilot program;

7 (d) Participant access to a continuum of alcohol and other drug treatment and rehabili-
8 tation services;

9 (e) Frequent monitoring of participant drug and alcohol abstinence;

10 (f) A coordinated strategy to govern drug court responses to participants' compliance;

11 (g) Continuing interdisciplinary education to promote effective drug court planning, im-
12 plementation and operations;

13 (h) Ongoing judicial interaction with each participant;

14 (i) Ongoing monitoring and evaluation of program effectiveness; and

15 (j) Leveraging partnerships among drug courts, public agencies and community-based
16 organizations to generate local support and enhance pilot program effectiveness.

17 (5) The State Court Administrator shall:

18 (a) Provide regular training programs, peer-to-peer learning opportunities and periodic
19 conventions for judges and other stakeholder groups who participate in the pilot program;

20 (b) Develop state standards and practices for the pilot program;

21 (c) Provide technical assistance and support to the pilot program;

22 (d) Coordinate the development and dissemination of performance measures and statis-
23 tical reports on the pilot program; and

24 (e) Contract with an external evaluator to conduct process and outcome evaluations.

25 (6) The administrator shall submit biennial reports to the interim committees of the
26 Legislative Assembly related to child welfare no later than September 15 of each even-
27 numbered year regarding the status and efficacy of the pilot programs established under this
28 section. The reports must include the following information:

29 (a) The number of families served by each pilot program;

30 (b) Key child welfare outcome data for pilot program participants; and

31 (c) The number of participants who successfully completed a treatment program.

32 (7) The administrator may adopt rules to implement the provisions of this section.

33 **SECTION 2.** Section 1 of this 2019 Act is repealed on January 2, 2026.

34 **SECTION 3.** (1) Section 1 of this 2019 Act becomes operative on January 1, 2020.

35 (2) The State Court Administrator may take any action before the operative date speci-
36 fied in subsection (1) of this section that is necessary for the administrator to exercise, on
37 and after the operative date specified in subsection (1) of this section, all of the duties,
38 functions and powers conferred on the administrator by section 1 of this 2019 Act.

39 **SECTION 4.** (1) In addition to and not in lieu of any other appropriation, there is appro-
40 priated to the Judicial Department, for the biennium beginning July 1, 2019, out of the Gen-
41 eral Fund, the amount of \$2,964,619 for the purpose of carrying out the provisions of section
42 1 of this 2019 Act.

43 (2) In addition to and not in lieu of any other appropriation, there is appropriated to the
44 Department of Human Services, for the biennium beginning July 1, 2019, out of the General
45 Fund, the amount of \$_____ for the purpose of carrying out the provisions of section 1

1 of this 2019 Act.

2 (3) In addition to and not in lieu of any other appropriation, there is appropriated to the
3 Public Defense Services Commission, for the biennium beginning July 1, 2019, out of the
4 General Fund, the amount of \$5,385,703 to implement the Parent Child Representation Pro-
5 gram in counties where Family Dependency Treatment Court Pilot Programs will be estab-
6 lished under section 1 of this 2019 Act if those counties do not already have Parent Child
7 Representation Programs.

8 (4) In addition to and not in lieu of any other appropriation, there is appropriated to the
9 Oregon Department of Administrative Services, for the biennium beginning July 1, 2019, out
10 of the General Fund, the amount of \$160,000 for additional CASA Volunteer Program super-
11 vision personnel required for the implementation of section 1 of this 2019 Act.

12 SECTION 5. This 2019 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
14 on July 1, 2019.