

## **SB 707 STAFF MEASURE SUMMARY**

### **Senate Committee On Human Services, Mental Health and Recovery**

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**Prepared By:** C. Ross, Counsel

**Meeting Dates:** 3/9, 4/6

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#### **WHAT THE MEASURE DOES:**

Directs the Department of Human Services (DHS) to inform children placed in out-of-state residential facilities from January 1, 2016, to June 30, 2020, and their representatives, by January 1, 2022, of their right to seek redress if they believe they have a claim, and to provide all related information. Requires DHS to make reasonable efforts to obtain records from out-of-state entities concerning emergency interventions. Sunsets January 2, 2022. Declares emergency, effective on passage.

#### **ISSUES DISCUSSED:**

- Exposing unsafe conditions to help ensure compliance
- Potential civil liability that also helps ensure compliance

#### **EFFECT OF AMENDMENT:**

*[-1 amendment dated 4/5/21]* Replaces the measure with substantially similar effect. Changes deadline for DHS to notify children from January 1, 2022, to October 1, 2021, with a copy to specified representatives. Specifies content of notice. Requires DHS to ask CASAs and attorneys for contact information for their successors. Requires DHS to provide information and records in its possession upon receipt of a written request. Requires DHS to request records from all relevant out-of-state facilities on effective date of measure and to vigorously pursue same, including enforcing all contract provisions available to compel records. Specifies minimum records to be requested. Requires DHS to retain information for 20 years. Requires report to legislature by January 1, 2022. Specifies content of report. Defines child's representatives to distinguish between youth age 18 and older, and those under 18. Sunsets January 2, 2043. Declares emergency, effective on passage.

#### **BACKGROUND:**

Placement of some of Oregon's most vulnerable children in out-of-state residential facilities, increased steadily and notably between 2011 and 2018, as they were sent away to more than a dozen other states. Out-of-state facilities were not all held to the same standards as in-state facilities; tracking the current location of children, contact with the children, and monitoring their care from a distance was difficult, diminished, and wholly inadequate. As allegations of sustained mistreatment and abuse continued to surface, the Legislative Assembly exercised its oversight authority to shine a light on the threat to children with complicated, specialized needs, and by November of 2019, a majority of youth sent out-of-state were returned.

Senate Bill 707 requires the Department of Human Services (DHS) to inform children who were placed in out-of-state residential facilities from January 1, 2016, to June 30, 2020, and their representatives, by January 1, 2022, of their right to inquire about potential civil claims, and to provide all related information about the particular placement. The measure also requires DHS to make reasonable efforts to obtain records from out-of-state facilities concerning emergency interventions.