SB 89   STAFF MEASURE SUMMARY

Carrier: Sen. Lieber

Senate Committee On Human Services, Mental Health and Recovery

Action Date:	02/09/21
Action:	Do pass.
Vote:	5-0-0-0
Yeas:	5 - Anderson, Gelser, Lieber, Robinson, Taylor
Fiscal:	No fiscal impact
Revenue:	No revenue impact
Prepared By:	C. Ross, Counsel
Meeting Dates:	2/4, 2/9

WHAT THE MEASURE DOES:

Modifies definition of "developmental disabilities residential facility" as those that serve children up to 17 years old for purposes of statutes governing the reporting and investigation of suspected abuse.

ISSUES DISCUSSED:
- Correcting technical error in an earlier bill, Senate Bill 243 (2017)
- Need to eliminate confusion concerning entity responsible for investigation of suspected abuse
- No alteration of services

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2017, the Legislative Assembly enacted Senate Bill 243 to expand protections against abuse for children in certain facilities. The measure included certified foster homes and developmental disabilities residential facilities among the entities that provide services to children in care, for purposes of abuse investigations.

The course of abuse investigations, and the entity responsible for conducting the investigation, rests largely on whether the persons involved are children or adults, and whether the alleged conduct, if proven, constitutes a civil violation, or rises to the level of a criminal act. The current definition of "developmental disabilities residential facility" includes individuals up to 18 years old. Senate Bill 243 inadvertently caused confusion about which entity was responsible for investigating suspected abuse with respect to such facilities.

Senate Bill 89 modifies the definition of developmental disabilities residential facility for purposes of investigating suspected abuse, by lowering the age of the child in care, from 18 to 17, to eliminate confusion about which entity is responsible for investigating.