

SB 707 A STAFF MEASURE SUMMARY

Senate Committee On Human Services, Mental Health and Recovery

Action Date: 04/08/21

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 5-0-0-0

Yeas: 5 - Anderson, Gelser, Lieber, Robinson, Taylor

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: C. Ross, Counsel

Meeting Dates: 3/9, 4/8

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, of their right to seek redress if they believe they have a claim. Requires such notifications by October 1, 2021, with a copy to the child's representatives as specified. Directs DHS to ask Court Appointed Special Advocates (CASAs) and attorneys for contact information for their successors. Directs DHS to provide information and records in its possession upon receipt of a written request and to seek specified minimum records from all relevant out-of-state facilities on the effective date of the measure. Directs DHS to vigorously pursue such records, including enforcing all contract provisions available to compel disclosure. Requires DHS to retain information for 20 years. Requires report to legislature by January 1, 2022. Sunsets January 2, 2043. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Exposing unsafe conditions to help ensure compliance
- Potential civil liability that also helps ensure compliance
- Requiring notices earlier, to capture youth transitioning out of the system

EFFECT OF AMENDMENT:

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. Directs 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

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 2019, a majority of youth sent out-of-state were returned.

SB 707 A STAFF MEASURE SUMMARY

Senate Bill 707 A 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, of their right to inquire about potential civil claims. DHS must make this notification by October 1, 2021; must provide information in its possession upon receipt of a written request; must actively pursue information from relevant out-of-state facilities; and must report to the legislature.