

**SB 85 B STAFF MEASURE SUMMARY****Carrier:** Rep. Williams**House Committee On Human Services****Action Date:** 05/19/21**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 5-0-2-0**Yeas:** 5 - Leif, Owens, Ruiz, Schouten, Williams**Exc:** 2 - Noble, Sanchez**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Iva Sokolovska, LPRO Analyst**Meeting Dates:** 5/12, 5/19**WHAT THE MEASURE DOES:**

Adjusts provisions of previous legislation with respect to children placed in out-of-state child-caring facilities. Relieves Department of Human Services (DHS) personnel from obligation to accompany a child being moved via secure transport in an emergency, if travel delay would pose any risk to the child, and in that event, requires personnel to leave immediately to meet the child. Provides for out-of-state facilities to meet requirements for qualified residential treatment programs (QRTPs) if staff are licensed in good standing by relevant authorities in compliance with laws in the state where the facility is located. Adds to the list of alternative criteria that allow DHS to place children in congregate residential settings that are child-caring agencies but not QRTP (as would otherwise be required): when a ward is 18 years old or older and the child-caring agency is authorized by DHS or the Oregon Health Authority (OHA) as a residential treatment facility or residential home. Refines Juvenile Code provisions governing placements in certain residential settings, adjusting criteria applicable to the placement of juvenile offenders in out-of-state child-caring agencies, and eliminating an exception allowing placement of children at the same agencies who are *not* juvenile offenders. Requires report from DHS to the legislature by November 1 of 2021 and 2022, concerning children required to leave a placement solely due to expiration of applicable time limits. Sunsets reporting requirements January 1, 2023. Enunciates state policies prohibiting retaliation against any youth for communicating about their experience receiving child welfare services and prohibiting disqualification of persons from being child welfare service providers because they have experienced the child welfare system.

**ISSUES DISCUSSED:**

- Defining living full time in a home for parents

**EFFECT OF AMENDMENT:**

Enunciates state policies prohibiting retaliation against any youth for communicating about their experience receiving child welfare services and prohibiting disqualification of persons from being child welfare service providers because they have experienced the child welfare system.

**BACKGROUND:**

Senate Bill 85 B adjusts provisions enacted via Senate Bill 171 in 2019, and via Senate Bill 1605 during the first special session of 2020. Senate Bill 171 aligned the state child welfare system's use of qualified residential treatment programs (QRTPs) with the federal Family First Prevention Services Act. It included limits on the duration of child placements in certain residential care and shelter care, and care placements for adjudicated youth (juvenile offenders). Senate Bill 1605 was an omnibus measure enacted to address several issues relating to children, including out-of-state placements, and delaying the operation of Senate Bill 171 following federal and state declarations of emergency due to the COVID-19 pandemic. Among its other provisions, Senate Bill 1605

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required Department of Human Services' (DHS') personnel to accompany youth transported to child-caring agencies out-of-state, and prohibited placement in congregate residential settings unless the setting was both a child-caring agency and a qualified residential treatment program, unless specific alternative criteria were met.

The Legislative Assembly's express intent with respect to foster children's rights to participate in decision making and to express themselves about care includes a right to complain without fear of retaliation; a right to current contact information for designated individuals who facilitate complaints; and a right to access a hotline 24/7 to assert grievances. The Department of Human Services (DHS) is required to maintain the Oregon Foster Children's Bill of Rights in conformity with the Assembly's express intent, pursuant to Senate Bill 123 (2013). There is currently no specific policy statement condemning retaliation against youth who share their experiences about receiving child welfare services. Both federal and state law prohibit discrimination in employment based on race, color, national origin, religion, sex, family status, and physical and mental disability. Oregon further prohibits discrimination based on a number of other circumstances, including marital status, sexual orientation, and the source of a person's income. There is currently no express policy statement with respect to potential employment discrimination against persons with direct experience in the child welfare system who seek employment in a child welfare profession.

Senate Bill 85 B makes a number of technical adjustments to provisions governing out-of-state placement of children and declares policies prohibiting retaliation against youth who communicate about their experiences receiving child welfare services and against the disqualification of persons from being child welfare service providers because they have experience receiving child welfare services. It relieves DHS personnel from accompanying a child being moved via secure transport in an emergency if the travel delay would pose any risk to the child, and requires immediate travel to the child instead. It adds to the list of alternative criteria that allow placements in congregate residential settings that are child-caring agencies but *not* qualified residential treatment programs, for individuals 18 years or older if the child-caring agency is authorized as a residential treatment facility or residential home by DHS or the Oregon Health Authority (OHA). It also provides for out-of-state facilities to meet requirements for QRTPs, if staff are licensed in good standing by the relevant authorities, and otherwise compliant with laws in the state where the facility is located. Finally, the measure retools criteria applicable to the placement of juvenile offenders in out-of-state child-caring agencies, eliminating an exception so that placement of children at the same facility who are *not* juvenile offenders is prohibited.