

SB 707 A STAFF MEASURE SUMMARY**Carrier:** Sen. Gelser**Joint Committee On Ways and Means****Action Date:** 06/11/21**Action:** Do pass the A-Eng bill.**Senate Vote****Yeas:** 12 - Anderson, Frederick, Girod, Golden, Gorsek, Hansell, Johnson, Knopp, Lieber, Steiner, Hayward, Taylor, Thomsen**House Vote****Yeas:** 11 - Bynum, Drazan, Gomberg, Leif, McLain, Nosse, Rayfield, Sanchez, Smith G, Sollman, Stark**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Gregory Jolivette, Budget Analyst**Meeting Dates:** 6/8, 6/11**WHAT THE MEASURE DOES:**

The measure requires the Oregon Department of Human Services (DHS) to provide each child and ward placed by the agency in an out-of-state residential facility, between January 1, 2006 and June 30, 2021, a notice of their right to seek civil remedy if there is a belief they were treated negligently. DHS is required, upon written request by the child and the child's or ward's representative, to provide all of the information in the department's possession or control, including incident reports, injuries, and abuse allegations, regarding the child or ward and arising from incidents that occurred during the period of time the child was placed in the out-of-state residential facility. DHS is required to report to the Legislative Assembly by January 1, 2022 on the number of children who have requested release of their records, the agency's progress obtaining the required records, and information on any facility's refusal to release the requested information.

ISSUES DISCUSSED:

- History of out-of-state placements
- Closure of many out-of-state facilities
- Records potentially serve dual purpose of civil remedy and trauma response

EFFECT OF AMENDMENT:

No amendment.

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.