

## HB 2664 A STAFF MEASURE SUMMARY

### House Committee On Early Childhood and Human Services

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**Action Date:** 03/15/23

**Action:** Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

**Vote:** 9-0-1-0

**Yeas:** 9 - Andersen, Cramer, Elmer, Hartman, Hieb, Nelson, Neron, Nguyen H, Reynolds

**Exc:** 1 - Scharf

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Matthew Perreault, LPRO Analyst

**Meeting Dates:** 2/1, 3/15

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#### WHAT THE MEASURE DOES:

Requires Department of Human Services (DHS), by rule, to provide culturally and linguistically affirmative child welfare services to individuals who are deaf or hard of hearing through the following provisions:

- ensure provision of services by conducting appropriate language assessments by qualified staff; contracting with entities to provide appropriate continuum of services; collecting data on individuals who are receiving services; monitoring programs for sufficient service level; and ensuring adequate funding to the extent possible;
- develop and implement strategies to ensure access to services through remote technologies;
- prohibits DHS from denying access to child welfare services to individuals who are deaf or hard of hearing based on residual hearing ability or prior communication methods;
- establish procedures to ensure access to services, including guidelines for service provider qualifications and procedures for providing interpretation;
- ensure that diagnostic testing is performed by qualified professionals and are assisted with interpretation;
- provide centralized coordination of available resources and services to individuals;
- ensure appropriate consultation, training, and technical assistance to service providers;
- serve as a liaison with other public bodies to maximize joint planning and use of state resources;
- develop, coordinate, train, and oversee the statewide delivery of services;
- establish statewide standards of foster care for individuals receiving services;
- establish and administer a grant program to service providers to improve service delivery to individuals; and
- collect and evaluate data on outcomes from service providers.

Modifies Oregon Foster Children's Bill of Rights to include the right to:

- be free from abuse and inhumane treatment, including lack of appropriate communication access;
- have rights described in a preferred language;
- enjoy individual dignity, liberty, pursuit of happiness, and the protection of civil and legal rights;
- privacy, including access to appropriate digital communications unless otherwise ordered by a court or the department;
- a clean and safe living environment and free access thereto;
- be placed away from other children who may pose a threat;
- be placed in a home with a caregiver who knows and understands a child's communication of language needs and risk factors;
- a plan to address behavior and communication or language needs that may present risks; and
- have the child's position represented to the court at all review hearings.

#### ISSUES DISCUSSED:

- Number of children in child welfare system who are deaf or hard of hearing

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- Options for expanding number of resource families who can care for children who are deaf or hard of hearing
- Current services offered to children and families who are deaf and hard of hearing
- Bullying of children who are deaf or hard of hearing
- Findings and recommendations from community-based needs assessment
- Knowledge and experience of caseworkers when working with individuals who are deaf or hard of hearing
- Current rights enumerated in Oregon Foster Children's Bill of Rights

### **EFFECT OF AMENDMENT:**

Modifies preamble. Removes requirement for Department of Human Services (DHS) to maintain resources and staff who are trained in providing child welfare services to individuals who are deaf and hard of hearing. Directs DHS to contract with appropriate organizations to ensure provision of specified services. Removes requirement for DHS to ensure adequate funding for services. Directs DHS to develop strategies to provide access, rather than requiring access, to child welfare services through remote technologies. Removes requirement for DHS to authorize professionals who are licensed in other states to provide services. Removes requirement for DHS to provide qualified social worker to each family with hearing needs. Removes requirement for DHS to hire statewide services coordinator. Transfers responsibilities of coordinator to DHS. Removes clause relating to the right to secure transportation of belongings and access to uncensored communications. Replaces with clause that establishes the right to appropriate digital communications unless otherwise ordered by a court or the Department of Human Services.

### **BACKGROUND:**

The Department of Human Services (DHS) is empowered by Oregon law to administer the state's child welfare system, which includes provision and placement of children and wards in foster care. Children involved in the child welfare system may require accommodations for hearing assistance and language interpretation at all stages of their time in the system, including during judicial hearings and placements with resource families.

The Oregon Foster Children's Bill of Rights was established by the legislature in 2013 to emphasize the fundamental rights of foster children to appropriate care, services, and basic needs. Oregon law requires DHS to enforce these rights through administrative rulemaking, which may be reviewed periodically. Although the list of rights is not exhaustive, the rules do not currently provide for explicit needs relating to language and communication needs for individuals who are deaf or hard of hearing.

House Bill 2664 A requires DHS to provide access to culturally and linguistically affirmative child welfare services to individuals who are deaf or hard of hearing and adds provisions to the Oregon Foster Children's Bill of Rights.