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Comment on House Bill 4087

In my November 30, 2023 draft report to the Honorable Michael McShane, U.S. District Court, regarding housing children and youth in foster care in Oregon in Temporary Lodging (Report of the Special Master, Case No. 3:16-cv-018195-YY), I focused on the urgency of preventing placement instability. Placement instability is the biggest threat to the well-being of children in foster care. All children in foster care have experienced repeated loss and have delayed development that affect their behavior and all have needs requiring child-specific integration of supports from many child- and family-serving agencies. Multi-agency care is necessary to meet the needs of children in foster care from trauma and delayed development and it cannot be done (a) by any agency alone; (b) with the current configuration of services; (c) without substantially increased Medicaid funding and special education and other developmental services; or (d) without homes with the right array of services surrounding them to ensure placement stability.

In my November 30, 2023 draft report, I recommended that local multi-agency teams arrange intensive services for children and their resource parents and kin caregivers to prevent placement instability early in a child's time in foster care. I recommended the expansion of the current array of services to include therapeutic homes and 1- and 2-child staffed homes to stabilize placement for children and youth whose needs could not be met with intensive services in their caregiver's home as well as small Transition Homes for rare situations when entry into emergency placement could not be prevented.

When a child/youth's needs cannot be met by a caregiver with intensive home-based services and supports, there must be sufficient residential programs that are designed to fit each child/youth in foster care. Oregon must have a coherent array of BRS, DD and DOH beds in group care for children/youth in foster care. Furthermore, the state must implement a developmentally-sound system for matching child/youth needs to a caregiver or placement with a process for intensifying services with supports specifically to meet each child/youth's needs.

In my report I urged right-sizing the residential continuum for children and youth in foster care which would require a new capacity-based contracting approach to ensure that providers are able to hire skilled staff. Capacity-based contracting is also necessary to make it possible for providers to flexibly design services to meet the unique needs of each child/youth.

Children and youth in foster care would benefit from HB 4087's provisions for capacity-based payments to child- and youth-serving providers. Such a reform could contribute to interagency systemic changes with providers contracted to support and coordinate the care for a child/youth across different services with a consistent team, whether they were in group care, therapeutic residences, with a resource family or kin caregiver or reunited with their own family.