LC 3799
2025 Regular Session
1/21/25 (LAS/ps)

D R A F T

SUMMARY

Digest: The Act removes a requirement that an older foster child must pay rent if living alone. The Act allows DHS to exempt certain older foster children from having to have a criminal background check. (Flesch Readability Score: 60.1).

Modifies independent living requirements for older foster children.

Authorizes the Department of Human Services to exempt an individual placed in a household by the department before the individual turned 18 from applicable background check requirements after the individual attains 18 years of age.

1 **A BILL FOR AN ACT**

2 Relating to older foster children; amending ORS 418.016 and 418.475.

3 **Be It Enacted by the People of the State of Oregon:**

4 <u>SECTION 1.</u> ORS 418.475 is amended to read:

5 418.475. (1) Within the limit of moneys appropriated therefor, the De-

6 partment of Human Services may establish, license, certify or authorize in-

7 dependent residence facilities for unmarried persons who:

8 (a)(A) Are at least 16 years of age and not older than 20 years of age;

9 (B) Have been placed in at least one substitute care resource;

10 (C) Have been determined by the department to possess the skills and

11 level of responsibility required for the transition to adulthood;

12 (D) Have received permission from the appropriate juvenile court, if they

13 are wards of the court; and

14 (E) Have been determined by the department to be suitable for an inde-

15 pendent living program; or

16 (b)(A) Are at least 16 years of age and not older than 24 years of age;

1   (B) At any time after attaining 14 years of age experienced homelessness

2 for an aggregate of six months;

3   (C) While experiencing homelessness as described in subparagraph (B) of

4 this paragraph, received services from an organization contracted by the de-

5 partment to provide services to homeless persons or from a host home, as

6 defined by the department by rule; and

7   (D) Last received the services described in subparagraph (C) of this par-

8 agraph after attaining 16 years of age.

9   (2) Independent residence facilities shall provide independent housing ar-

10 rangements with counseling services and minimal supervision available from

11 at least one counselor.

12   (3) Each resident shall be required to maintain a department approved

13 independent living plan consisting of education, employment or volunteer

14 activities, or a combination thereof[, *and shall be required to pay a portion*

15 *or all of the resident's housing expenses and other support costs. The depart-*

16 *ment may approve an exception to the requirements of this subsection for rea-*

17 *sons of temporary loss of employment or of other financial support*].

18   (4) The department may make payment grants directly to persons enrolled

19 in an independent living program who, at a minimum, meet the requirements

20 described in subsection (1)(a)(A) to (C) or (b) of this section for food, shelter,

21 clothing, transportation and incidental expenses. The payment grants shall

22 be subject to an agreement between the person and the department that es-

23 tablishes a budget of expenses.

24   (5) The department may establish cooperative financial management

25 agreements with a person enrolled in an independent living program and for

26 that purpose may enter into joint bank accounts requiring two signatures for

27 withdrawals. The management agreements or joint accounts may not subject

28 the department or any counselor involved to any liability for debts or other

29 responsibilities of the person.

30   (6) The department shall make periodic reports to the juvenile court as

31 required by the court regarding any ward of the court who is enrolled in an

1 independent living program.

2 (7) The enrollment of a person in an independent living program in ac-

3 cordance with the provisions of subsection (1) of this section or making

4 payment grants under subsection (4) of this section does not remove or limit

5 in any way the obligation of the parent of the person to pay support as or-

6 dered by a court under the provisions of ORS 419B.400.

7 **SECTION 2.** ORS 418.016 is amended to read:

8 418.016. (1) To protect the health and safety of children who are in the

9 custody of the Department of Human Services and who may be placed in a

10 foster home or adoptive home or with a relative caregiver, the department

11 shall adopt rules pursuant to ORS 181A.195 and ORS chapter 418 to require

12 that criminal records checks be conducted under ORS 181A.195 on:

13 (a) All persons who seek to be foster parents, adoptive parents or relative

14 caregivers; and

15 (b) **Any** other individuals over 18 years of age who will be in the house-

16 hold of the foster parent, adoptive parent or relative caregiver.

17 (2) Rules adopted under subsection (1) of this section shall include:

18 (a) A requirement that persons who have been convicted of crimes listed

19 in the rules adopted by the Oregon Department of Administrative Services

20 under ORS 181A.215 are disqualified from becoming a foster parent, adoptive

21 parent or relative caregiver; and

22 (b) A provision that the Department of Human Services may approve a

23 person who has been convicted of certain crimes listed in the rules if the

24 person demonstrates to the department that:

25 (A) The person possesses the qualifications to be a foster parent or

26 adoptive parent regardless of having been convicted of a listed crime; or

27 (B) The disqualification would create emotional harm to the child for

28 whom the person is seeking to become a foster parent, adoptive parent or

29 relative caregiver and placement of the child with the person would be a safe

30 placement that is in the best interests of the child.

31 **(3) The Department of Human Services by rule may exempt an in-**

1 **dividual from the criminal records check requirement under sub-**

2 **section (1)(b) of this section if the individual was placed in the**

3 **household by the department before the individual attained 18 years**

4 **of age.**

5 _____