

## **SB 944 STAFF MEASURE SUMMARY**

### **Senate Committee On Human Services**

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**Meeting Dates:** 2/20, 3/20

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#### **WHAT THE MEASURE DOES:**

The measure removes a requirement that youth residing in independent living facilities must pay for their housing expenses. The measure authorizes the Department of Human Services to exempt an individual who was placed in a home before turning 18 from a criminal records check conducted prior to a subsequent foster care placement in that home.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

#### **ISSUES DISCUSSED:**

- Provisions of the measure
- Federal requirements for conducting background checks

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

The Oregon Department of Human Services (ODHS) is authorized under Oregon law to operate, oversee, and regulate providers of independent residence facilities for youth between the ages of 16 and 20 who are in foster care or are experiencing homelessness ([ORS 418.475](#)). These homes were integrated with youth homelessness services as part of [House Bill 4013 \(2022\)](#). Independent residence facilities are part of a larger network of [Independent Living Program \(ILP\)](#) services available to foster youth between age 14 and 21 that are intended to facilitate successful youth transitions to adulthood. Under current law, residents are required to maintain an independent living plan and must pay for some or all of their housing expenses and other support costs, with financial hardship exceptions allowed at the department's discretion.

When ODHS is preparing to place a child in a foster home, adoptive home, or with a relative caregiver, the department is required by state and federal law to conduct criminal records checks on all adults in the home, including prospective caregivers and other individuals over 18 who reside in the home ([ORS 418.016](#); [42 U.S.C. 6755106a\(b\)\(2\)\(B\)\(xxii\)](#)). As outlined in [OAR 413-120-0400 et seq.](#), when conducting a criminal records check on prospective homes, the department will submit requests through the Department of State Police and the Federal Bureau of Investigation in order to make a fitness determination and a decision on whether to deny the application on the basis of an individual's criminal history. The department's administrative rules currently exempt young adults who are in the care or custody of the department from being subjected to a criminal records check in these cases ([OAR 413-120-0440\(1\)\(c\)\(B\)](#)). Additionally, individuals in the household who turn 18 after a household is already certified are not required to undergo a criminal records check until the home's certification is renewed or the adoption home study is amended or updated ([OAR 413-120-0440\(1\)\(c\)\(C\)-\(D\)](#)). The rules also exempt juvenile records and adult criminal records that have been expunged or set aside ([OAR 413-120-0440\(7\)-\(8\)](#)).