

SB 944 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 4/24, 5/20

WHAT THE MEASURE DOES:

The measure removes a requirement that youth residing in independent living facilities pay a portion of or all of their housing expenses and other supported costs. The measure authorizes the Department of Human Services to exempt an individual who was placed in a foster or adoptive home before turning 18 from a criminal records check conducted prior to a subsequent placement in the home.

REVENUE: No revenue impact.

FISCAL: Has minimal fiscal impact.

SENATE VOTE: Ayes, 26; Nays, 0; Excused, 4.

ISSUES DISCUSSED:

- Current background check requirements for youth in care over 18 years of age

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Independent Residence Facilities

[ORS 418.475](#) authorizes the Department of Human Services (DHS) to establish, license, certify, or authorize independent residence facilities for youth between the ages of 16 and 20 who are in foster care or experiencing homelessness. In 2022, [House Bill 4013](#) expanded eligibility to independent residence facilities to youth experiencing homelessness. Under current law, youth living in independent residence facilities must maintain a department approved independent living plan and pay for some or all of their housing expenses and other support costs. DHS may make an exception to this requirement based on financial hardship. Independent residence facilities are part of a larger network of [Independent Living Program \(ILP\)](#) services that are available to eligible youth who are in foster care or have experienced foster care. These services include skill building programs, financial assistance, and housing.

Criminal Records Checks Requirements

When DHS 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. 67 §5106a\(b\)\(2\)\(B\)\(xxii\)](#)). As outlined in [OAR 413-120-0400 et seq.](#), when conducting a criminal records check on prospective homes, DHS submits 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\(7\)-\(8\)](#)).

PRELIMINARY