

# Senate Bill 944

Sponsored by COMMITTEE ON HUMAN SERVICES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

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.

## A BILL FOR AN ACT

1  
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 **SECTION 1.** ORS 418.475 is amended to read:

5 418.475. (1) Within the limit of moneys appropriated therefor, the Department of Human Services  
6 may establish, license, certify or authorize independent residence facilities for unmarried persons  
7 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 level of responsibility  
11 required for the transition to adulthood;

12 (D) Have received permission from the appropriate juvenile court, if they are wards of the court;

13 and

14 (E) Have been determined by the department to be suitable for an independent living program;

15 or

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

17 (B) At any time after attaining 14 years of age experienced homelessness for an aggregate of  
18 six months;

19 (C) While experiencing homelessness as described in subparagraph (B) of this paragraph, re-  
20 ceived services from an organization contracted by the department to provide services to homeless  
21 persons or from a host home, as defined by the department by rule; and

22 (D) Last received the services described in subparagraph (C) of this paragraph after attaining  
23 16 years of age.

24 (2) Independent residence facilities shall provide independent housing arrangements with coun-  
25 seling services and minimal supervision available from at least one counselor.

26 (3) Each resident shall be required to maintain a department approved independent living plan  
27 consisting of education, employment or volunteer activities, or a combination thereof, *and shall be*  
28 *required to pay a portion or all of the resident's housing expenses and other support costs. The de-*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 *partment may approve an exception to the requirements of this subsection for reasons of temporary loss*  
 2 *of employment or of other financial support].*

3 (4) The department may make payment grants directly to persons enrolled in an independent  
 4 living program who, at a minimum, meet the requirements described in subsection (1)(a)(A) to (C)  
 5 or (b) of this section for food, shelter, clothing, transportation and incidental expenses. The payment  
 6 grants shall be subject to an agreement between the person and the department that establishes a  
 7 budget of expenses.

8 (5) The department may establish cooperative financial management agreements with a person  
 9 enrolled in an independent living program and for that purpose may enter into joint bank accounts  
 10 requiring two signatures for withdrawals. The management agreements or joint accounts may not  
 11 subject the department or any counselor involved to any liability for debts or other responsibilities  
 12 of the person.

13 (6) The department shall make periodic reports to the juvenile court as required by the court  
 14 regarding any ward of the court who is enrolled in an independent living program.

15 (7) The enrollment of a person in an independent living program in accordance with the pro-  
 16 visions of subsection (1) of this section or making payment grants under subsection (4) of this section  
 17 does not remove or limit in any way the obligation of the parent of the person to pay support as  
 18 ordered by a court under the provisions of ORS 419B.400.

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

20 418.016. (1) To protect the health and safety of children who are in the custody of the Depart-  
 21 ment of Human Services and who may be placed in a foster home or adoptive home or with a rela-  
 22 tive caregiver, the department shall adopt rules pursuant to ORS 181A.195 and ORS chapter 418 to  
 23 require that criminal records checks be conducted under ORS 181A.195 on:

24 (a) All persons who seek to be foster parents, adoptive parents or relative caregivers; and

25 (b) **Any** other individuals over 18 years of age who will be in the household of the foster parent,  
 26 adoptive parent or relative caregiver.

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

28 (a) A requirement that persons who have been convicted of crimes listed in the rules adopted  
 29 by the Oregon Department of Administrative Services under ORS 181A.215 are disqualified from  
 30 becoming a foster parent, adoptive parent or relative caregiver; and

31 (b) A provision that the Department of Human Services may approve a person who has been  
 32 convicted of certain crimes listed in the rules if the person demonstrates to the department that:

33 (A) The person possesses the qualifications to be a foster parent or adoptive parent regardless  
 34 of having been convicted of a listed crime; or

35 (B) The disqualification would create emotional harm to the child for whom the person is seek-  
 36 ing to become a foster parent, adoptive parent or relative caregiver and placement of the child with  
 37 the person would be a safe placement that is in the best interests of the child.

38 **(3) The Department of Human Services by rule may exempt an individual from the**  
 39 **criminal records check requirement under subsection (1)(b) of this section if the individual**  
 40 **was placed in the household by the department before the individual attained 18 years of age.**