

House Bill 4080

Sponsored by Representative STARK, Senator GELSER; Representatives DOHERTY, ESQUIVEL, EVANS, GILLIAM, GOMBERG, GORSEK, GREENLICK, HOLVEY, HOYLE, HUFFMAN, JOHNSON, KENY-GUYER, KRIEGER, LIVELY, MCKEOWN, NOSSE, PARRISH, PILUSO, SPRENGER, WHISNANT, WILSON, Senators HANSELL, ROBLAN, SHIELDS (Presession filed.)

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**.

Establishes Governor's Foster Care Advisory Commission to advise Governor and Director of Human Services regarding foster care system in this state. Directs Governor to appoint 11 commission members. Specifies duties and powers of commission.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to child welfare; and declaring an emergency.

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

4 **SECTION 1. (1) The Governor's Foster Care Advisory Commission is established, con-**
5 **sisting of 11 members appointed by the Governor.**

6 **(2) The term of office of each member of the commission is four years, but a member**
7 **serves at the pleasure of the Governor. Before the expiration of the term of a member, the**
8 **Governor shall appoint a successor whose term begins on July 1 next following. A member**
9 **is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make**
10 **an appointment to become immediately effective for the unexpired term.**

11 **(3) The appointment of each member of the commission is subject to confirmation by the**
12 **Senate in the manner prescribed in ORS 171.562 and 171.565.**

13 **(4) A member of the commission is entitled to compensation and expenses as provided in**
14 **ORS 292.495.**

15 **SECTION 2. Notwithstanding the term of office specified by section 1 of this 2016 Act,**
16 **of the members first appointed to the Governor's Foster Care Advisory Commission:**

17 **(1) Three shall serve for a term ending June 30, 2017.**

18 **(2) Three shall serve for a term ending June 30, 2018.**

19 **(3) Three shall serve for a term ending June 30, 2019.**

20 **(4) Two shall serve for a term ending June 30, 2020.**

21 **SECTION 3. (1) The members of the Governor's Foster Care Advisory Commission must**
22 **be residents of this state with experience and expertise in the foster care system in this**
23 **state, including but not limited to:**

24 **(a) Parents and children involved in the foster care system in this state;**

25 **(b) Representatives of advocacy organizations that advocate regarding issues pertaining**
26 **to the foster care system in this state;**

27 **(c) Representatives of public, private, profit and nonprofit agencies, organizations and**
28 **other entities with experience in, interest in and responsibility for the provision of care to**

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 children in the foster care system in this state;

2 (d) Members of the Oregon State Bar with expertise in family and juvenile law;

3 (e) Representatives of law enforcement agencies and district attorneys; and

4 (f) Former employees of the Department of Human Services, Oregon Health Authority
5 and Department of Justice who were responsible for the administration and oversight of the
6 child welfare and foster care systems in this state, including but not limited to former
7 caseworkers and former court appointed special advocates.

8 (2) The members of the commission shall select one of the commission's members to
9 serve as chairperson and another to serve as vice chairperson, for terms and with duties and
10 powers necessary for the performance of the functions of the offices as the commission de-
11 termines.

12 (3) A majority of the members of the commission constitutes a quorum for the trans-
13 action of business.

14 (4) The commission shall meet at least once every three months at a time and place de-
15 termined by the chairperson of the commission. The commission also may meet at other
16 times and places specified by the call of the chairperson or of a majority of the members of
17 the commission.

18 (5) All agencies of state government, as defined in ORS 174.111, are directed to assist the
19 commission in the performance of the commission's duties, powers and obligations and, to
20 the extent permitted by laws relating to confidentiality, to furnish information that the
21 members of the commission consider necessary in order to further the work of the com-
22 mission. The assistance under this subsection may constitute the provision of staffing re-
23 sources to the commission.

24 **SECTION 4.** (1) The Governor's Foster Care Advisory Commission shall advise the Gov-
25 ernor and the Director of Human Services, and make recommendations for legislation, re-
26 garding the foster care system in this state. In addition, the commission shall study and
27 report to the Governor and the director with respect to the following:

28 (a) Legal and policy issues pertaining to the foster care system in this state;

29 (b) Necessary and recommended improvements to the internal operations of the Depart-
30 ment of Human Services, including but not limited to the following:

31 (A) Monitoring, licensing and supervision of foster care providers;

32 (B) Caseload management;

33 (C) Procedures for investigation of abuses and deficiencies;

34 (D) Recruitment, training and retention of employees;

35 (E) Quality assurance; and

36 (F) Accountability;

37 (c) Supervision and monitoring of providers of foster care to children in this state,
38 whether or not the children are in the custody of the department;

39 (d) Recommendations to improve and expand the availability of foster care and, where
40 applicable, to provide alternatives to foster care for children who are in need of care and
41 services;

42 (e) Promotion of responsible statewide advocacy for children in foster care; and

43 (f) Ongoing review of foster care providers in this state and the identification of barriers
44 to the provision of quality care and services to children in the foster care system.

45 (2) The commission may administer oaths, take depositions and issue subpoenas to com-

1 pel the attendance of witnesses and the production of documents or other written informa-
2 tion necessary to carry out the provisions of sections 1 to 4 of this 2016 Act. If any person
3 fails to comply with a subpoena issued under this section or refuses to testify on matters
4 on which the person lawfully may be interrogated, the procedure set out in ORS 183.440 shall
5 be followed to compel obedience.

6 (3) The commission may establish any advisory or technical committees the commission
7 considers necessary to aid and advise the commission in the performance of its functions.
8 The committees may be continuing or temporary committees. The commission shall deter-
9 mine the representation, membership, terms and organization of the committees and shall
10 appoint the members of the committees. Members of the committees are not entitled to
11 compensation but, in the discretion of the commission, may be reimbursed from funds
12 available to the commission for actual and necessary travel and other expenses incurred by
13 the members in the performance of official duties in the manner and amount provided in
14 ORS 292.495.

15 (4) The commission may adopt rules to carry out the provisions of this section.

16 SECTION 5. This 2016 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect
18 on its passage.