

Enrolled
House Bill 2344

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Human Services)

CHAPTER

AN ACT

Relating to independent residence facilities; amending ORS 418.205 and 418.475.

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

SECTION 1. ORS 418.475, as amended by section 25, chapter 106, Oregon Laws 2016, is amended to read:

418.475. (1) Within the limit of moneys appropriated therefor, the Department of Human Services may establish or certify independent residence facilities for *[minors]* **unmarried persons** who:

[(a) Are 16 years of age or older;]

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

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

(c) Have been determined by the department to *[be unsuitable for placement in a substitute care resource]* possess the skills and level of responsibility required for the transition to adulthood;

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

(e) Have been determined by the department to be suitable for an independent living program.

(2) Independent residence facilities shall provide independent housing arrangements with counseling services and minimal supervision available from at least one counselor. All independent residence facilities having six or more residents shall be licensed by the department under ORS 443.400 to 443.455.

(3) Each resident shall be required to maintain a **department approved independent living *[program]* plan consisting** of education, *[or]* employment **or volunteer activities**, or a combination thereof, *[amounting to full-time activity]* and shall be required to pay a portion or all of the resident's housing expenses and other support costs. **The department may approve an exception to the requirements of this subsection for reasons of temporary loss of employment or of other financial support.**

(4) The department may make payment grants directly to *[minors]* **persons** enrolled in an independent living program **who, at a minimum, meet the requirements described in subsection (1)(a) to (c) of this section** for food, shelter, clothing, **transportation** and incidental expenses. The payment grants shall be subject to an agreement between the *[minor]* **person** and the department that establishes a budget of expenses.

(5) The department may establish cooperative financial management agreements with a *[minor]* **person enrolled in an independent living program** and for that purpose may enter into joint bank accounts requiring two signatures for withdrawals. The management agreements or joint accounts

may not subject the department or any counselor involved to any liability for debts or other responsibilities of the minor.

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

(7) The enrollment of a [*minor*] **person** in an independent living program in accordance with the provisions of subsection (1) of this section **or making payment grants under subsection (4) of this section** does not remove or limit in any way the obligation of the parent of the [*minor*] **person** to pay support as ordered by a court under the provisions of ORS 419B.400 or 419C.590.

SECTION 2. ORS 418.205, as amended by section 1, chapter 106, Oregon Laws 2016, is amended to read:

418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to 418.970 and 418.992 to 418.998, unless the context requires otherwise:

(1) "Child" means an unmarried person under 21 years of age.

(2)(a) "Child-caring agency":

(A) Means any private school, private agency or private organization providing:

(i) Day treatment for children with emotional disturbances;

(ii) Adoption placement services;

(iii) Residential care, including but not limited to foster care or residential treatment for children;

(iv) Residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances;

(v) Outdoor youth programs; or

(vi) Other similar care or services for children.

(B) Includes the following:

(i) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;

(ii) An independent residence facility as described in ORS 418.475;

(iii) A private residential boarding school; and

(iv) A child-caring facility as defined in ORS 418.950.

(b) "Child-caring agency" does not include:

(A) Residential facilities or foster care homes certified or licensed by the Department of Human Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental disability services;

(B) Any private agency or organization facilitating the provision of respite services for parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subparagraph, "respite services" means the voluntary assumption of short-term care and control of a minor child without compensation or reimbursement of expenses for the purpose of providing a parent in crisis with relief from the demands of ongoing care of the parent's child;

(C) A youth job development organization as defined in ORS 344.415;

(D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645; or

(E) A foster home subject to ORS 418.625 to 418.645.

(3) "Child-caring facility" has the meaning given that term in ORS 418.950.

(4) "Independent residence facility" [*has the meaning given that term in ORS 418.475*] **means a facility established or certified under ORS 418.475.**

(5)(a) "Outdoor youth program" means a program that provides, in an outdoor living setting, services to children who have behavioral problems, mental health problems or problems with abuse of alcohol or drugs.

(b) "Outdoor youth program" does not include any program, facility or activity:

(A) Operated by a governmental entity;

(B) Operated or affiliated with the Oregon Youth Conservation Corps;

(C) Licensed by the Department of Human Services under other authority of the department; or

(D) Operated by a youth job development organization as defined in ORS 344.415.

(6) "Private" means not owned, operated or administered by any governmental agency or unit.

- (7) "Private residential boarding school" means either of the following as the context requires:
- (a) A child-caring agency that is a private school that provides residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances; or
 - (b) A private school providing residential care that is primarily engaged in educational work under ORS 418.327.
- (8) "Proctor foster home" means a foster home certified by a child-caring agency under section 6, chapter 106, Oregon Laws 2016, that is not subject to ORS 418.625 to 418.645.
- (9) "Provider of care or services for children" means a person, entity or organization that provides care or services to children, regardless of whether the child is in the custody of the Department of Human Services, and that does not otherwise meet the definition of, or requirements for, a child-caring agency. "Provider of care or services for children" includes a proctor foster home certified by a child-caring agency under section 6, chapter 106, Oregon Laws 2016.
- (10) "Shelter-care home" has the meaning given that term in ORS 418.470.

Passed by House February 22, 2017

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 Timothy G. Sekerak, Chief Clerk of House

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 Tina Kotek, Speaker of House

Passed by Senate April 27, 2017

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 Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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 Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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 Dennis Richardson, Secretary of State