

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 171

By JOINT COMMITTEE ON WAYS AND MEANS

June 24

1 On page 2 of the printed A-engrossed bill, delete lines 3 through 45 and delete pages 3 through
2 6.

3 On page 7, delete lines 1 through 9 and insert:

4 **“SECTION 3. Placement of child or ward in child-caring agency. (1) As used in this sec-**
5 **tion, ‘congregate care residential setting’ means any setting that cares for more than one**
6 **child or ward and is not a setting described in ORS 418.205 (2)(b)(A), (D) or (E) or (9).**

7 **“(2) The Department of Human Services may place a child or ward in a congregate care**
8 **residential setting in this state only if the setting is a child-caring agency, as defined in ORS**
9 **418.205, a hospital, as defined in ORS 442.015, or a rural hospital, as defined in ORS 442.470.**

10 **“SECTION 3a.** Section 3 of this 2019 Act is amended to read:

11 **“Sec. 3. (1) As used in this section[,]:**

12 **“(a) ‘Congregate care residential setting’ means any setting that cares for more than one child**
13 **or ward and is not a setting described in ORS 418.205 (2)(b)(A), (D) or (E) or (9).**

14 **“(b) ‘Sex trafficking’ means the recruitment, harboring, transportation, provision, ob-**
15 **taining, patronizing or soliciting of a person under 18 years of age for the purpose of a**
16 **commercial sex act, as defined in ORS 163.266, or the recruitment, harboring, transportation,**
17 **provision or obtaining of a person over 18 years of age using force, fraud or coercion for the**
18 **purpose of a commercial sex act, as defined in ORS 163.266.**

19 **“(2) The Department of Human Services may place a child or ward in a congregate care resi-**
20 **dential setting in this state only if the setting is:**

21 **“(a) A child-caring agency, as defined in ORS 418.205, a hospital, as defined in ORS 442.015, or**
22 **a rural hospital, as defined in ORS 442.470[.]; and**

23 **“(b) A qualified residential treatment program described in section 5 of this 2019 Act.**

24 **“(3) Notwithstanding subsection (2) of this section, the department may place a child or**
25 **ward in a child-caring agency that is not a qualified residential treatment program if:**

26 **“(a) The child-caring agency is providing prenatal, postpartum or parenting supports to**
27 **the child or ward.**

28 **“(b) The child or ward is placed in an independent residence facility described in ORS**
29 **418.475 that is licensed by the department as a child-caring agency.**

30 **“(c) The child or ward is, or is at risk of becoming, a victim of sex trafficking and the**
31 **child-caring agency is providing high-quality residential care and supportive services to the**
32 **child or ward.**

33 **“(d) The child-caring agency is a residential care facility that is also licensed by the**
34 **Oregon Health Authority and accredited by a national organization to provide psychiatric**
35 **treatment to children.**

1 “(e) The child-caring agency is an adolescent residential drug and alcohol treatment
2 program licensed or certified by the State of Oregon to provide residential care.

3 “(f) The placement with the child-caring agency is for the purpose of placing the child
4 or ward in a proctor foster home.

5 “(g) The child-caring agency is a residential care facility licensed by the department that
6 provides short-term assessment and stabilization services.

7 “(h) The child-caring agency is a shelter-care home, as defined in ORS 418.470, that pro-
8 vides short-term assessment and stabilization services.

9 “(i) The child-caring agency is a homeless, runaway or transitional living shelter licensed
10 by the department that provides short-term assessment and stabilization services.

11 “(4) The department may not place a child or ward in a residential care facility or
12 shelter-care home described in subsection (3)(g) or (h) of this section:

13 “(a) For more than 60 consecutive days or 90 cumulative days in a 12-month period; or

14 “(b) If the residential care facility or shelter-care home also serves youth or youth
15 offenders served by the county juvenile department or youth offenders committed to the
16 custody of the Oregon Youth Authority by the court.

17 “(5) The department may not place a child or ward in a homeless, runaway or transitional
18 living shelter described in subsection (3)(i) of this section for more than 60 consecutive or
19 90 cumulative days in any 12-month period.

20 “(6) Calculations of the number of days a child or ward is placed in a shelter-care home
21 under subsection (3)(h) of this section or a homeless, runaway or transitional living shelter
22 under subsection (3)(i) of this section exclude the days the child or ward is in the shelter-
23 care home or shelter if the child or ward:

24 “(a) Accessed the shelter-care home or shelter without the support or direction of the
25 department; and

26 “(b) Is homeless or a runaway, as defined by the department by rule.

27 “(7)(a) Nothing in this section prohibits the Oregon Youth Authority from placing a youth
28 offender committed to its custody in a placement that is not a qualified residential treatment
29 program.

30 “(b) Nothing in this section prohibits the Oregon Youth Authority or a county juvenile
31 department from placing a youth offender or a youth served by the Oregon Youth Authority
32 or the county juvenile department in shelter care or detention under ORS chapter 419C.

33 “SECTION 4. The Department of Human Services shall provide the following information
34 regarding out-of-state placements of children and wards on a website maintained by the de-
35 partment and updated monthly:

36 “(1) The name of each out-of-state facility in which children or wards placed by the de-
37 partment are currently receiving services;

38 “(2) The city and state in which each facility is located;

39 “(3) The name of any parent organization for each facility;

40 “(4) The name of each facility’s accreditation agency;

41 “(5) The number of children or wards placed by the department currently receiving ser-
42 vices from each facility;

43 “(6) The total number of children or wards currently receiving services from each facil-
44 ity;

45 “(7) The daily rate charged by each facility for each child or ward;

1 “(8) The name of the face-to-face contracting agency, including the city and state in
2 which it is located;

3 “(9) Whether each facility provides services to youth offenders or the resident state’s
4 equivalent of youth offenders;

5 “(10) Demographic information about all children or wards the department currently has
6 placed in out-of-state facilities, including but not limited to age, gender or gender identity,
7 race, ethnicity, tribal status and, if known, sexual orientation;

8 “(11) The number of children or wards the department currently has placed in out-of-
9 state facilities who have autism, intellectual disabilities or developmental disabilities; and

10 “(12) Aggregate travel costs for the department to support out-of-state placements dur-
11 ing the previous month.”.

12 In line 18, delete “agency’s”.

13 In line 38, after “program” insert “described in section 5 of this 2019 Act”.

14 On page 8, line 19, after “child’s” insert “or ward’s”.

15 On page 9, line 5, after “children” insert “or wards”.

16 Delete lines 7 through 42 and insert:

17 “**SECTION 7. Court approval of placement.** (1) The Department of Human Services shall
18 move the court for approval of a placement no later than 30 days following the date the de-
19 partment placed, or will place, a child or ward in a qualified residential treatment program
20 described in section 5 of this 2019 Act.

21 “(2)(a) The motion for approval of the placement must include, at a minimum:

22 “(A) The date of the placement;

23 “(B) To the extent practicable, the parties’ placement preferences; and

24 “(C) A copy of the child’s or ward’s independent assessment described in section 6 of this
25 2019 Act.

26 “(b) Notwithstanding paragraph (a)(C) of this subsection, if the independent assessment
27 is not completed at the time the department files the motion under subsection (1) of this
28 section, the department may file the motion under this section without the assessment and
29 shall supplement the motion with a copy of the completed assessment immediately following
30 the department’s receipt of the completed assessment.

31 “(3) The department shall provide an exact copy of the motion to each of the parties
32 listed in ORS 419B.875.

33 “(4) Upon receipt of a motion under this section, the court shall schedule a hearing to
34 occur no later than 60 days following the date the child or ward is placed in the qualified
35 residential treatment program.

36 “(5)(a) The court shall enter an order approving or disapproving the placement and make
37 specific determinations regarding the following:

38 “(A) Whether the needs of the child or ward can be met through placement in a foster
39 family home or in a proctor foster home as defined in ORS 418.205.

40 “(B) If the court determines that the needs of the child or ward cannot be met through
41 placement in a foster family home or proctor foster home, whether placement of the child
42 or ward in the qualified residential treatment program:

43 “(i) Provides the least restrictive setting to provide the most effective and appropriate
44 level of care for the child or ward; and

45 “(ii) Is consistent with the child’s or ward’s case plan.

1 “(b) The court may receive testimony, reports or other material relating to the child’s
2 or ward’s mental, physical and social history and prognosis without regard to the compe-
3 tency or relevancy of the testimony, reports or other material under the rules of evidence.

4 “(6) The court shall enter an order under subsection (5) of this section no later than 60
5 days following the date the child or ward is placed in the qualified residential treatment
6 program.

7 “(7) If the court enters an order disapproving the child’s or ward’s placement, the de-
8 partment shall move the child or ward to a placement consistent with the court’s order no
9 later than 30 days following the date the court enters the order.”.

10 On page 16, line 27, delete “include”.

11 In line 28, after “(1)” insert “Include”.

12 In line 30, after “(2)” insert “Include”.

13 In line 31, after “(3)” insert “Include”.

14 Delete line 33.

15 In line 34, delete “(5)” and insert “(4)”.

16 In line 35, after “(a)” insert “Include”.

17 In line 37, after the semicolon insert “and”.

18 Delete line 38.

19 In line 39, delete “(c)” and insert “(b) Include”.

20 In line 42, delete “(6)” and insert “(5)”.

21 In line 45, delete “(7)” and insert “(6)” and delete the second “and” and insert “any”.

22 On page 17, line 2, delete “(8)” and insert “(7) Include” and delete “2013” and insert “2014”.

23 In line 10, delete “(9)” and insert “(8) Include”.

24 In line 12, delete “2013” and insert “2014”.

25 In line 13, delete “(10)” and insert “(9) Include”.

26 In line 16, delete the second “and”.

27 In line 19, delete the period and insert “; and

28 “(c) A summary of the potential impact of policy and rate adjustments required to implement the
29 federal qualified residential treatment program model on county juvenile programs and the Oregon
30 Youth Authority.”.

31 Delete lines 24 through 42 and insert:

32 “**SECTION 17.** (1) Section 3 of this 2019 Act applies to placements of children or wards
33 occurring on or after September 1, 2019.

34 “(2) Sections 1, 5, 6 and 7 of this 2019 Act, the amendments to section 3 of this 2019 Act
35 by section 3a of this 2019 Act and the amendments to ORS 418.205, 418.312, 419A.004 and
36 419B.443 by sections 8, 9, 11 and 13 of this 2019 Act apply to placements of children or wards
37 occurring on or after July 1, 2020.

38 “**SECTION 18.** (1) Sections 3 and 4 of this 2019 Act become operative on September 1,
39 2019.

40 “(2) Sections 1, 5, 6 and 7 of this 2019 Act, the amendments to section 3 of this 2019 Act
41 by section 3a of this 2019 Act and the amendments to ORS 418.205, 418.312, 419A.004 and
42 419B.443 by sections 8, 9, 11 and 13 of this 2019 Act become operative on July 1, 2020.

43 “(3) The Department of Human Services and the Oregon Health Authority may take any
44 action before the operative dates specified in subsections (1) and (2) of this section that is
45 necessary for the department or the authority to exercise, on and after the operative dates

1 **specified in subsections (1) and (2) of this section, all of the duties, functions and powers**
2 **conferred on the department or the authority by sections 1 and 3 to 7 of this 2019 Act and**
3 **the amendments to ORS 418.205, 418.312, 419A.004 and 419B.443 by sections 8, 9, 11 and 13 of**
4 **this 2019 Act.”.**

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