

PRESENTATION

Department of Human Services

HR 4980: Preventing Sex Trafficking and Strengthening Families Act

Office of Child Welfare Programs
August 2015



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Major Provisions of HR 4980:

- ✓ Improving Another Planned Permanent Living Arrangement (APPLA)
- ✓ Placement with a Fit and Willing Relative
- ✓ Supporting Normalcy: Reasonable and Prudent Parent Standard
- ✓ Empowering Foster Youth
- ✓ Preserving Guardianship Assistance & Successor Guardian
- ✓ Encouraging Placement of Children in Foster Care with Siblings
- ✓ Protecting Children and Youth at Risk of Sex Trafficking



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HR 4980 APPLA Improvements – Effective Oct. 1, 2015

- ✓ Eliminates APPLA for children under the age of 16
 - All children under the age of 16 must be on a plan other than APPLA at their next regularly scheduled permanency hearing
- ✓ Establishes new case review requirements for a child on APPLA
 - At each permanency hearing, **the court** must:
 - Ask the child about the desired permanency outcome
 - Make a judicial determination APPLA is the best permanency plan
 - Find a compelling reason other permanency plan options are not in child's best interest
 - Make a judicial determination on Department efforts to ensure child has ongoing opportunities to engage in appropriate extracurricular activities

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HR 4980 Fit and Willing Relative Placement – Effective Oct. 1, 2015

- ✓ To address APPLA changes (the need to place children under 16 in a new permanency plan), Oregon will now implement a placement option known as the “fit and willing relative” placement
 - Placement may only be used when more preferred placements are not in the best interest of the child or young adult
 - Child remains in the custody of the Department and a Ward of the court
- ✓ To be eligible for consideration as a fit and willing relative, an individual must
 - Be a relative of the child or a person with a caregiver relationship
 - Be approved by the department as a long-term resource
 - Have a current certificate of approval

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HR 4980 Reasonable and Prudent Parent Standard – Effective Oct. 1, 2015

- ✓ Establishes the “reasonable and prudent parent standard” (RPP standard)
- ✓ Defines the RPP standard (next slide)
- ✓ Defines age-appropriate and developmentally-appropriate activities (next slide)
- ✓ Requires that foster parents receive training on use of the RPP standard
- ✓ Requires child care institutions under contract with state to designate and train on-site staff responsible to apply the RPP standard

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HR 4980 Reasonable and Prudent Parent Standard cont...

Definitions

- **“Reasonable and prudent parent standard”** means the standard, characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child or ward while encouraging the emotional and developmental growth of the child or ward, that a substitute care provider shall use when determining whether to allow a child or ward in substitute care to participate in extracurricular, enrichment, cultural and social activities
- **“Age-appropriate and developmentally-appropriate activities”** means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group;
- In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child

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HR 4980 Foster Youth Empowerment – Effective Oct. 1, 2015

- ✓ Establishes new case plan and transition planning requirements
 - Any case plan developed for a child 14 and older must be developed in consultation with the child and, at the option of the child, up to two members of the case planning team who are chosen by the child
 - Plan must include:
 - A document that describes the rights of the child with respect to education, health, visitation, and court participation, and
 - A signed acknowledgement by the child that he or she has been provided a copy of the document and that the rights contained therein have been explained to the child in an age-appropriate way
- ✓ Requires planning for youth transition to adulthood to begin by age 14 for all youth in foster care
- ✓ Requires DHS to provide foster youth leaving system a social security card, driver license or ID, birth certificate, health insurance information, and a copy of his or her medical records

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HR 4980 Preservation of Guardian Assistance – Effective Immediately

- ✓ Allows kinship guardianship assistance payments to continue in the event of death or incapacity of the relative guardian provided a “successor guardian” is named in the guardianship assistance agreement
- ✓ Defines “successor guardian”
 - “an individual who has been named in the guardianship assistance agreement, including any amendments to the agreement as a replacement legal guardian in the event of the death or incapacity of the guardian
- ✓ Defines “incapacity”
 - “a physical or mental illness, or impairment that reduces substantially or eliminates the individual’s ability to support, care for, or meet the needs of the child and is expected to be permanent

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HR 4980**Placement with Siblings – Effective Immediately**

- ✓ Requires DHS to contact the parent(s) of a sibling(s), if such parent has custody of a sibling, when notifying relatives that a child has entered substitute care
- ✓ Redefines “sibling”
 - An individual who is a sibling of the child under state law, or would be a sibling of the child under state law but for a termination or other disruption of parental rights

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HR 4980**Locating and Responding to Missing Children and Youth**

Effective October 1, 2015, DHS must

- ✓ Locate any child or young adult missing on an open case
- ✓ Determine the primary factors contributing to the child running or otherwise being missing
- ✓ Determine the child’s experiences while missing from home or care, including screening to determine if the child is a possible victim of sex trafficking

By October 1, 2016, DHS must

- ✓ Report the missing child or young adult to LEA and the National Center for Missing and Exploited Children. Oregon proposes to begin Oct. 1, 2015

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HR 4980 Identifying, Documenting and Determining Appropriate Services for Victims of Sex Trafficking

By October 1, 2015, DHS must

- ✓ Develop policies, procedures, and training to identify victims, and determine and document appropriate services for children or youth believed to be victims, or at risk of becoming victims, of sex trafficking

By October 1, 2016, DHS must

- ✓ Implement policies and procedures to identify victims, and determine and document appropriate services for youth who are, or may be, victims sex trafficking
- ✓ Report to law enforcement within 24 hours of receiving information on a child or young adult identified as a victim of sex trafficking
- ✓ "Sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

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Oregon Administrative Rule Revisions

Provision	Affected Rule Sets
APPLA	413-070-0520 to 0565
Fit and Willing Relative	413-070-xxxx to xxxx
Reasonable and Prudent Parent Standard	413-020-0060 to 0090 413-040-0000 to 0032 413-070-0600 to 0645 413-200-0207 to 0396 413-215-0301 to 0396 413-215-0501 to 0586
Youth Empowerment	413-030-0400 to 0460 413-040-0000 to 0032
Successor Guardian/ Guardianship Assistance	413-070-0900 to 0974
Placement with Siblings	413-070-0060 to 0087 New "relative" and "sibling" definitions throughout
Missing Children and Youth	413-015-0400 to 0485 413-080-0040 to 0067
Victims of Sex Trafficking	413-015-0100 to 0225 413-015-9000 to 9040 413-015-1000

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