

■ Section 1: Bills That Will Impact the Work of Juvenile Court Judges ■

HB 2052B (Or Laws 2011, ch 141)

PAYMENTS TO ADOPTIVE PARENTS – “CHILD” DEFINITION, CHILD WITH SPECIAL NEEDS

HB 2052 authorizes DHS to make adoption assistance payments to adoptive parents when the adopted child is a person: (a) under 18 years of age; (b) under 21 years of age who has a mental or physical disability that warrants continued assistance; or (c) who has attained 18 years of age, but is not yet 21, and on whose behalf adoption assistance payments began following a teen’s 16th birthday but before his or her 18th birthday and who is completing a secondary educational program, is enrolled in a program providing post-secondary or vocational education, is participating in a program designed to promote or move barriers to the person’s employment, is employed for at least 80 hours per month, or is incapable of engaging in any of the foregoing activities due to a medical condition.

Effective Date: Declares emergency, effective on passage - 05/27/11; becomes operative October 1, 2011.

OJD Issues/Actions: The prospect of continuing to receive adoption assistance payments after a child attains the age of 18 likely will mean that more families will be able and willing to adopt teens who are 16 or 17 years of age and who are in the legal custody of DHS and within the jurisdiction of the juvenile court.

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/hb2000.dir/hb2052.en.pdf>

HB 2652A (Or Laws 2011, ch 194)

WHO CAN SERVE IN REPRESENTATIVE CAPACITY FOR ANOTHER

HB 2652 amends ORS 125.205, 127.520, 127.635, 127.727, 343.155, 419B.220, and 419C.220 to disqualify a person’s parent or former guardian from serving as the person’s fiduciary, health care representative, attorney-in-fact, or educational surrogate, if, at any time while the person was in the care and control of the parent or former guardian, a court ordered the person taken into protective custody under ORS 419B.150, or committed the person to the legal custody of DHS, and entered a subsequent order that either terminated the parent’s rights, or provided that the person “be permanently removed from the [parent’s or former guardian’s home], or continued in substitute care, because it was not safe to be returned to the person’s home,” and, before wardship of the person was terminated under ORS 419B.328, the court did not enter an order permitting the person’s return to the home of the parent or former guardian. HB 2652 also provides that, when no longer incapable or incapacitated, the person may petition the court to remove the disqualification of the parent or former guardian.

Effective Date: Declares emergency, effective on passage: 06/01/11

OJD Issues/Actions: Courts called upon to decide whether a person is qualified to serve as a fiduciary under ORS chapter 125, an educational surrogate under either ORS 419B.220 or ORS 419C.220, a health care representative under ORS 127.520 or ORS 127.635, an attorney-in-fact under ORS 127.727, or an educational surrogate under ORS 343.155, should make an initial inquiry whether the person is the protected person’s parent or former guardian, and, if so, further inquire whether the person is disqualified to serve as a consequence of previous juvenile court involvement, as described in the bill summary above. A court should not rely on the parties to a particular proceeding to bring these issues to the court’s attention.

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/hb2600.dir/hb2652.en.pdf>

HB 2689 (Or Laws 2011, ch 116)

DEPENDENCY PROCEEDINGS – RIGHT TO APPEAL INFORMATION (OLC)

HB 2689 amends ORS 419B.818 to require that a summons for a juvenile proceeding to establish dependency jurisdiction include information explaining a parent's/guardian's rights to appeal from judgments of jurisdiction and disposition and to be represented by counsel on appeal.

Effective Date: 01/01/12

OJD Issues/Actions: Before the effective date of the bill, courts in each county should review the summons form used in juvenile court dependency proceedings in the county to ensure conformity with the requirements of ORS 419B.818, as amended by the bill.

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/hb2600.dir/hb2689.en.pdf>

HB 2707 (Or Laws 2011, ch 122)

JUVENILE DETENTION – WHEN MAY DETAIN WITH ADULTS

HB 2707 amends ORS 137.705 to provide that a person who is 16 or 17 years old and "charged" with a Measure 11 crime "shall be detained in custody in a [juvenile] detention facility, unless" the county juvenile department director and the sheriff agree to detain the person in the county jail or other adult detention facility and amends ORS 419C.130 to provide that a person who is 16 or 17 years old and "waived" by the juvenile court to adult court on non-Measure 11 criminal charges "may be detained in a jail or other place where adults are detained," if the county juvenile department director and the sheriff agree to detain the person in the county jail or other adult detention facility.

Effective Date: Declares emergency, effective on passage: 05/19/11

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/hb2700.dir/hb2707.en.pdf>

HB 3102B (Or Laws 2011, ch ____)

CASA TASK FORCE – CHIEF JUSTICE APPOINTS TWO MEMBERS;

Establishes Court Appointed Special Advocate Task Force to make recommendations on appropriate structure and operation of CASA Volunteer Programs. Requires submission of report to appropriate interim committees of Legislative Assembly no later than January 15, 2012. Sunsets task force on June 30, 2012.

Effective Date: Declares emergency, effective on passage.

OJD Issues/Actions: The bill gives the Chief Justice appointment authority for two members from the Judicial Department with expertise in juvenile dependency cases and two members representing local CASA programs.

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/hb3100.dir/hb3102.en.pdf>

SB 408 (Or Laws 2011, ch 271)

Bill Title/Subject: Juvenile sex offender registration and relief from reporting requirements

SB 408 substantially modifies current law governing juvenile sex offender registration and reporting. For example, under the bill: (a) only youths adjudicated for conduct that would constitute *felony* sex offenses if committed by an adult are required to report, those adjudicated for *misdemeanor* sex offenses are not, and, by January 1, 2013, the Department of State Police is required to remove from LEDS the sex offender registration information “for any person who has reported as a sex offender solely as the result of” having been adjudicated for a *misdemeanor* sex offense; (b) “[t]he court shall ensure” that a youth adjudicated for a felony sex offense completes a “sex offender registration form” and “shall ensure that the form is sent to the Department of State Police” within 3 working days; and (c) a youth required to report based on an adjudication for a Class A or Class B felony sex offense may file a petition for relief from the duty to report no sooner than two years after termination of juvenile court jurisdiction, a youth required to report based on an adjudication for a Class C felony sex offense may file a petition for relief from the duty to report no sooner than 30 days before the termination of juvenile court jurisdiction, and, in every case, “[t]he person filing the petition has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public.” The bill also specifies when and under what circumstances youths are required to report, in which court a petition seeking relief from the duty to report must be filed and under what circumstances the court must appoint counsel for a youth seeking such relief.

Effective Date: 6/7/11, but most of the provisions become operative 1/1/12

OJD Issues/Actions: Courts are required to “ensure” that a youth adjudicated for a felony sex offense completes a “sex offender registration form” and “ensure that the form is sent to the Department of State Police” within 3 working days “after the youth completes it.”

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/sb0400.dir/sb0408.en.pdf>

SB 522B (Or Laws 2011, ch 438)

TPR FOR PARENT CONVICTED OF RAPE; BANS PARENTING TIME / CUSTODY

SB 522 authorizes termination of a parent’s rights in a juvenile court dependency proceeding and prohibits an award of either custody or parenting time in domestic relations proceedings, if the parent has been convicted of rape under either ORS 163.365 or ORS 163.375, and the child involved in the termination-of-parental-rights proceeding or the domestic relations proceeding was conceived as a result of the rape. The bill further provides that neither denial of custody on these grounds in a domestic relations proceeding nor termination of the parent’s rights on these grounds “relieve[s] the parent of any obligation to pay child support.”

Effective Date: 01/01/12

OJD Issues/Actions: The bill does not amend ORS 419B.500; therefore, notwithstanding the provision in the bill stating that “[t]ermination of parental rights under subsection (1) of this section is an independent basis for termination of parental rights,” a petition seeking termination of a parent’s rights on these grounds – like those seeking termination on other grounds -- can be filed only for the purpose of freeing the child for adoption.

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/sb0500.dir/sb0522.en.pdf>

SB 964A (Or Laws 2011, ch 568)

CHILD WELFARE SERVICES - “Strengthening, Preserving and Unifying Families” Act

SB 964 requires that DHS and “county partners” establish “Strengthening, Preserving and Unifying Families” programs throughout the state to provide mental health treatment and/or drug and alcohol treatment to parents and to provide housing so that the children of these parents do not have to be placed in foster care. Directs department to seek federal approval to access federal savings accrued as result of reduction in costs of foster and substitute care to reinvest in programs under Act

Effective Date: Declares emergency, effective on passage: 6/28/11

OJD Issues/Actions: In determining whether DHS has made “reasonable efforts” (or “active efforts” under the ICWA), courts are required to consider “whether placement of a child and referral of a child and the child’s family to a Strengthening, Preserving and Reunifying Families program is or was in the child’s best interests and the action most likely to prevent or eliminate the need for removal of the child from the child’s home or the action most likely to make it possible for the child to safely return home.”

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/sb0900.dir/sb0964.en.pdf>

■ Section 2: Bills of Interest to Juvenile Court Judges ■

HB 2272A (Or Laws 2011, ch 190)

CASA MAY CONSULT ON CHILD / WARD RECORDS WITHOUT CHILD’S / WARD’S / PARENT’S

HB 2272 amends ORS 419A.170(7) to provide that any person or entity required by that subsection to permit a court appointed special advocate acting on behalf of a child in a juvenile court dependency proceeding to inspect and copy records relating to the child “**may consult with the court** appointed special advocate regarding” such records.

Effective Date: 01/01/12

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/hb2200.dir/hb2272.en.pdf>

HB 3260B (Or Laws 2011, ch ____)

TRANSFERS TO DHS ALL SCCF SUPPORT SERVICES FOR RUNAWAYS AND HOMELESS YOUTH

Transfers all duties, functions and powers of State Commission on Children and Families relating to coordination and delivery of services to runaway and homeless youth and their families to Department of Human Services. Eliminates certain duties.

Effective Date: Declares emergency, effective on passage.

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/hb3200.dir/hb3260.en.pdf>

HB 3471A (Or Laws 2011, ch 642)

HIGHER EDUCATION – TUITION WAIVER FOR FOSTER KIDS

Requires state institution of higher education, community college or Oregon Health and Science University to waive tuition and fees for current or former foster child under 25 years of age. Conditions receipt of waiver. Expands college scholarship program to include current foster children. Directs Oregon Student Assistance Commission to adopt rules to prioritize awarding of Oregon Opportunity Grants to current foster children and former foster children when grant funds are not sufficient to serve all eligible students.

Effective Date: 01/01/12

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/hb3400.dir/hb3471.en.pdf>

HB 3584A (Or Laws 2011, ch ____)

APPROPRIATE ETHNIC AESTHETIC CARE FOR FOSTER KIDS

Directs Department of Human Services, in consultation with Oregon Health Authority, to provide training to foster parents regarding appropriate ethnic hair and skin care for children of African-American, Hispanic, Native American, Asian-American or multiracial descent.

Effective Date:

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/hb3500.dir/hb3584.en.pdf>

SB 0170B (Or Laws 2011, ch ____)

DEPT. OF EDUCATION TO PAY FOR EDUCATION OF STUDENTS IN RESIDENTIAL TREATMENT AND IN DAY TREATMENT (SEE HB 2281, HB 3599)

Requires Department of Education to be responsible for payment of costs of education of students in eligible day treatment program or eligible residential treatment program by contracting with school district in which program is located. Directs school district in which program is located to ensure education is provided to student in program. First applies to 2011-2012 school year.

Effective Date: Declares emergency, effective July 1, 2011.

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/sb0100.dir/sb0170.en.pdf>

SB 0746A (Or Laws 2011, ch 430)

SENSITIVE REVIEW COMMITTEE MUST APPROVE FINDINGS AND CONCLUSIONS

SB 746 amends ORS 409.194 to provide that: (a) when the director of DHS has convened the sensitive review committee and the committee's review is complete, the committee "shall develop findings and conclusions and make recommendations to the director regarding policies and practices"; (b) the director submit to the President of the Senate and Speaker of the House "a written report containing the findings, conclusions and recommendations of the committee"; and (c) unless exempt from disclosure under ORS chapter 192, the report shall be disclosed upon request to any member of the Legislative Assembly."

Effective date: Declares emergency, effective on passage: 06/17/11

Enrolled Bill: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0746.en.pdf>

Enrolled
Senate Bill 964

Sponsored by Senator BATES, Representatives BUCKLEY, ESQUIVEL, RICHARDSON; Senators DEVLIN, KRUSE, MONNES ANDERSON, MORSE, SHIELDS, VERGER, WINTERS, Representatives FREEMAN, GREENLICK, THATCHER, THOMPSON

CHAPTER

AN ACT

Relating to child welfare services; creating new provisions; amending ORS 418.480, 418.485 and 418.495; appropriating money; and declaring an emergency.

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

SECTION 1. Sections 2 to 8 of this 2011 Act are added to and made a part of ORS chapter 418.

SECTION 2. As used in sections 2 to 8 of this 2011 Act:

(1) “Child” means a child who qualifies for child welfare services provided by the Department of Human Services.

(2) “Client-focused functional outcome measures” means objective, observable measures of outcomes for services provided to a child and a child’s family under sections 2 to 8 of this 2011 Act, including but not limited to measures relating to permanency.

(3) “County partners” means employees or representatives of the Department of Human Services, the county, court appointed special advocates under ORS 419A.170, drug and alcohol treatment providers, mental health providers, providers of affordable housing and other persons or entities that provide services to children and families within a county of this state.

(4) “Family” means, at a minimum but not to the exclusion of siblings as defined in ORS 419A.004 or other persons living in the same household with a child, the child and:

- (a) The child’s parent as defined in ORS 419A.004;
- (b) The child’s guardian appointed pursuant to ORS chapter 125; or
- (c) A person who has a caregiver relationship as defined in ORS 419B.116 with the child.

(5) “Intensive in-home services” means services that keep a child and family together in the child’s and family’s home with a goal of 24-hour on-call support while the child and the child’s family engage in family strengthening activities and receive appropriate mental health and addiction treatment and other intensive support interventions.

(6) “Performance-based contract” means a contract entered into under section 4 of this 2011 Act that:

- (a) Requires a program to demonstrate successful child-driven outcomes when compared to alternative placement options and long-term cost savings; and
- (b) Bases termination or renewal of the contract on demonstration of the factors described in paragraph (a) of this subsection.

(7) "Program" means a Strengthening, Preserving and Reunifying Families program described in section 4 of this 2011 Act.

SECTION 3. The Legislative Assembly finds that:

(1) There is growing empirical evidence that severe trauma may result when children are removed from their families, and that this trauma may give rise to negative outcomes that last a lifetime, cause intergenerational patterns of addiction, abuse and neglect, and give rise to disrupted and broken families.

(2) Improving permanency outcomes for children is best accomplished by providing services that allow children to remain with their families and in their homes when appropriate and safe.

(3) Allowing families to remain intact while parents undergo mental health or addiction treatment, take steps to move out of poverty by obtaining employment and housing or receive family strengthening services preserves child-parent bonds with improved outcomes for children and families and positive long-term societal effects.

(4) When placement in foster or substitute care outside the home must occur, this can be less traumatic and of shorter duration with the provision of family-focused treatment and services, and the provision of routine family contact and visitation as frequently as is appropriate. After children are returned to the family, they should receive continuing services to ensure safety and stabilization.

(5) Children should receive continuing services sufficient to achieve stabilization after returning to the community.

(6) A new systemwide model for providing child welfare services should be adopted that provides services and supports that have proved effective in keeping children safely with their parents, that reduces children's risk of future entry into the criminal justice and child welfare systems, that lowers the risk of intergenerational abuse and that decreases the associated human and economic costs.

(7) The efficacy of programs that allow families to remain together or that assist families with reunification has been demonstrated by pilot programs, including one that has operated in Jackson County since 2007 and other national best practice models.

(8) Foster care savings that are reinvested can enhance and expand child welfare services.

(9) Housing is essential to the safe reduction of the number of children in foster care. Partnerships between affordable housing providers and nonprofit service agencies must be formed where possible. Tenancy requirements and exclusion criteria related to criminal, credit and tenant histories, particularly when associated with substance abuse, must be re-evaluated and modified where possible.

SECTION 4. (1) By October 1, 2012, and to the extent practicable using available resources, the Department of Human Services and county partners shall implement Strengthening, Preserving and Reunifying Families programs as described in this section. County partners are encouraged to form collaborations with programs to design, oversee and participate in program development and implementation as appropriate. The department shall be the lead agency in efforts undertaken pursuant to this section, but all officers, boards, commissions and other agencies of the State of Oregon shall cooperate with the department to accomplish the duties imposed on the department by sections 2 to 8 of this 2011 Act and to allocate services provided by programs as described in this section.

(2)(a) The Director of Human Services or the director's designee, the Director of the Oregon Health Authority or the director's designee or the Director of the Housing and Community Services Department or the director's designee shall enter into a contract with, and make reasonable payment for services provided by, a program in accordance with sections 2 to 8 of this 2011 Act, and shall, where necessary, enter into contracts with a lead agency or with county and community entities that have been designated by the county partners to coordinate services provided under this section.

(b) A contract entered into under this subsection shall require only those services that are reasonably available in the county or region where the program is or will be providing services. Services may or may not be located in a given county or region.

(c) At the election of any director or director's designee, a contract entered into under this subsection may be a performance-based contract.

(3) The programs implemented under this section shall provide an array of services. Depending on resources and availability, the services provided may include but are not limited to the following:

(a) Front end intervention services that include alcohol and drug treatment providers or mental health providers accompanying department caseworkers on initial calls and visits in response to allegations or reports of abuse or neglect. County partners shall participate in assessments to determine the appropriateness and level of program services required for a child and the child's family, the creation of safety plans to enable the provision of in-home services if appropriate and the development of family preservation and reunification plans for presentation to the juvenile court.

(b) Residential treatment whereby a member of a child's family with care, custody or control of the child enters a treatment facility accompanied by the child with 24-hour supervision while the child and the member of the child's family engage in family strengthening activities and receive appropriate mental health and addiction treatment support and services.

(c) Supervised housing whereby a child and the child's family remain together in program housing while they participate in family strengthening activities, receive mental health and addiction support and services and have the appropriate level of supervision to ensure the physical health, care and safety of the child.

(d) Family-centered day and outpatient treatment services, either after completion of residential treatment or in lieu of residential treatment, designed specifically for substance-abusing parents of children involved in the child welfare system.

(e) Intensive in-home services while the child and family engage in family strengthening activities.

(f) Facilitation of regular contact between a child and the child's family, if separation has occurred, to facilitate an easier, quicker and more successful transition of the child back into the family home.

(g) Case managers who provide child and family supervision, assistance identifying and accessing needed services, observation and monitoring of parenting behavior, assistance with life skills development and assistance in removing barriers to system independence.

(h) Immediate access to supervised drug-free emergency and short-term housing.

(i) Access to permanent, drug-free housing with on-site case managers and access to supportive services that increase stability for a child and the child's family.

(j) Family finding services to identify extended family members to provide additional support, resources and alternative placement options if necessary.

(k) Services of a court appointed special advocate appointed pursuant to ORS 419A.170 where available.

(L) Other services and interventions as programs evolve, research develops and funding becomes available.

(4) The services provided by programs must be culturally competent and include evidence-informed or evidence-based practices.

(5) The department shall establish by rule client-focused functional outcome measures for programs implemented under this section.

(6) Client-focused functional outcome measures may be used as a basis for funding programs and entering into or renewing contracts with programs.

(7) Programs shall develop and implement training and continuing education curricula for persons delivering program services and, when adequate funding exists, sponsor the attend-

ance of service providers at state or national training programs, conferences or other similar events.

(8) Programs may seek funds from public and private sources to:

(a) Meet match requirements for state or federal grants to support the provision of program services;

(b) Implement and operate the training and educational requirements of subsection (7) of this section; and

(c) Provide financial resources for the hiring of personnel and the provision of existing or enhanced program services.

(9) The department, in consultation with programs, shall report annually to the Governor and the appropriate interim committees of the Legislative Assembly that address child welfare issues on the progress toward and projected costs of full implementation of sections 2 to 8 of this 2011 Act.

SECTION 5. (1) There is established in the State Treasury, separate and distinct from the General Fund, the Strengthening, Preserving and Reunifying Families Program Fund. Interest earned by the Strengthening, Preserving and Reunifying Families Program Fund shall be credited to the fund. The fund consists of:

(a) Moneys received by the Department of Human Services under section 6 of this 2011 Act;

(b) Amounts donated to the fund;

(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

(d) Investment earnings received on moneys in the fund; and

(e) Other amounts deposited in the fund from any source.

(2) Moneys in the fund are continuously appropriated to the Department of Human Services for the purposes of sections 2 to 8 of this 2011 Act.

(3) Moneys in the fund supplement existing funds used for child welfare services and shall not be used in lieu of these existing funds. Other state agencies and entities shall continue to provide funds and services, including but not limited to housing, alcohol and drug treatment and mental health treatment as required under existing law.

(4) Moneys in the fund may be invested and reinvested as provided in ORS 293.701 to 293.820.

(5) The department may not expend more than 15 percent of moneys available in the fund for administrative costs and expenses of the department incurred in implementing sections 2 to 8 of this 2011 Act.

SECTION 6. (1) The Department of Human Services shall seek federal approval, renewal of an existing waiver of federal requirements or a new waiver of federal requirements as necessary to access federal savings that have accrued to the state as a result of a reduction in the cost of foster and substitute care for children in the legal custody of the department.

(2) The department shall:

(a) Create a plan for reinvesting federal savings into the provision of services through Strengthening, Preserving and Reunifying Families programs under sections 2 to 8 of this 2011 Act; and

(b) Combine state, federal and private resources to support implementation of a state-wide system of programs at the local level as provided under sections 2 to 8 of this 2011 Act.

SECTION 7. (1) In considering what constitutes reasonable or active efforts or whether reasonable or active efforts have been made under ORS 419B.185, 419B.337, 419B.340, 419B.470, 419B.476, 419B.498 and 419C.173, the Department of Human Services and the juvenile court shall consider whether placement of a child and referral of a child and the child's family to a Strengthening, Preserving and Reunifying Families program is or was in the child's best interests and the action most likely to prevent or eliminate the need for removal

of the child from the child's home or the action most likely to make it possible for the child to safely return home.

(2) If the department or juvenile court determines that placement of the child and referral of the child and the child's family to a program would not prevent or eliminate the need for removal of the child from the child's home or be the action most likely to make it possible for the child to safely return home, the department shall, in any description or documentation of its reasonable or active efforts, include a written explanation of the reasons why the department did not believe the placement of the child and referral of the child and the child's family to the program was in the child's best interests and the course most likely to prevent placement or effect the return of the child to the child's family.

SECTION 8. (1) The Department of Human Services shall adopt rules to implement the provisions of sections 2 to 8 of this 2011 Act.

(2) Rules adopted by the department under subsection (1) of this section may not require reporting and compilation of data that exceed the minimum required for the department to comply with sections 2 to 8 of this 2011 Act and federal laws or regulations.

SECTION 9. ORS 418.480 is amended to read:

418.480. As used in ORS 418.480 to 418.500, "purchase of care" includes the purchase of institutional and foster family care and services, adoptive services, **services provided by Strengthening, Preserving and Reunifying Families programs under sections 2 to 8 of this 2011 Act**, services to the unwed mother and her child and such other care and services as the Department of Human Services shall determine to be necessary to carry out the policy stated in ORS 418.485.

SECTION 10. ORS 418.485 is amended to read:

418.485. It is the policy of the State of Oregon to strengthen family life and to [*insure*] **ensure** the protection of all children either in their own homes or in other appropriate care outside their homes. In affording such protection, the Director of Human Services shall, in cooperation with public and private child-caring agencies **and with Strengthening, Preserving and Reunifying Families programs under sections 2 to 8 of this 2011 Act**, develop a set of short-range and long-range priorities for the development of needed child care and services, such priorities to be periodically reviewed and revised as necessary. Such priorities are to be set out in a form enumerating the number of children in each category of need, the type of child care and services needed, the areas of the state where such care and services are needed, and the projected costs. The State of Oregon hereby commits itself to the purchase of care and services for children who need care and to encourage private child-caring agencies **and Strengthening, Preserving and Reunifying Families programs under sections 2 to 8 of this 2011 Act** to develop programs required to meet the needs of the children of this state and money may be appropriated therefor. In developing programs necessary to meet the needs of the children of this state, the Director of Human Services shall make every attempt feasible to develop **local, community and county-based** organizations. [*Such efforts to develop community organizations are to be documented and presented to the next session of the Legislative Assembly.*] **The Department of Human Services shall document and present an annual report to the committees of the Legislative Assembly that address efforts taken under this section.**

SECTION 11. ORS 418.495 is amended to read:

418.495. (1) Within the limits of funds available therefor, the Department of Human Services may enter into agreements **and contracts** with licensed child-caring agencies, **Strengthening, Preserving and Reunifying Families programs under sections 2 to 8 of this 2011 Act** and other appropriate facilities, including youth care centers, for the purchase of care for children who require and are eligible for such care, regardless of whether the children are wards of the state or whether the department is their guardian or has their custody or whether the children are surrendered to a child-caring agency **or to a Strengthening, Preserving and Reunifying Families program under sections 2 to 8 of this 2011 Act** or committed thereto by order of a court under ORS chapter 419B or 419C. The agreement shall prescribe the procedures for payment[,] **and** the rate of payment

and may contain such other conditions as the department and the agency, [or] facility **or program** may agree.

(2) The department shall by rule adopt payment standards for foster care. In establishing standards, the department may take into account the income, resources and maintenance available to and the necessary expenditures of a foster parent who is a relative, as defined by rule, of the child placed in care.

SECTION 12. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by Senate June 14, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 20, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

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Kate Brown, Secretary of State