



# H.R. 4980: Preventing Sex Trafficking And Strengthening Families Act

## HB 2908: Oregon's Implementation Bill



House Resolution (H.R.) 4980, the Preventing Sex Trafficking and Strengthening Families Act, was passed by Congress and signed by President Obama on September 29, 2014. The law, in part, amends Title IV-E of the Social Security Act relating to the case planning and case review requirements for children in substitute care. Pursuant to Title IV-E of the Social Security Act, Oregon receives foster care payment reimbursement for eligible children provided the requirements of federal law are maintained. H.R. 4980 contains several mandates that states must adopt; some portions of H.R. 4980 will be enacted through DHS policy and rule changes, but some must be made in statute. Oregon House Bill 2908 brings Oregon statutes into compliance with the federal HR 4980 and ensures that case planning and case reviews remain in compliance with Title IV-E of the Social Security Act.

Effective October 1, 2015, HB 2908 makes the following changes to Oregon statutes:

### Definitions. ORS 419A.004.

- *Reasonable and Prudent Parent Standard.* This standard is defined as the careful and sensible parental decisions that maintain the health, safety, and best interests of a child used by a substitute care provider when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities.
- *Age Appropriate or Developmentally Appropriate Activities.* Activities that are generally accepted as suitable for children of the same chronological age or level of maturity or that are developmentally appropriate for a child.

### DHS Court Reporting Requirements. ORS 419B.443.

- DHS shall include in their regular court reports the steps DHS is taking to ensure the substitute care provider is following the reasonable and prudent parent standard, and ensuring the child has regular, ongoing opportunities to engage in age- appropriate or developmentally appropriate activities.

### DHS Case Planning. ORS 419B.343.

- DHS case planning includes transition planning for children age 14 and up. This includes the requirement that the case plans include a document that described the rights of the child and a signed acknowledgement by the child that he or she has received a copy of the document and that the contents of the document have been explained in an age-appropriate manner.

### Review Requirements. ORS 419A.116 and ORS 419B.449.

- For a child 16 years of age or older with a permanency plan of APPLA, citizen review boards and the court will make a finding as to the steps DHS is taking to ensure that the substitute care provider is following the reasonable and prudent parent standard and that the child has regular, ongoing opportunities to engage in age appropriate/developmentally appropriate activities.

### Permanency Hearings. ORS 419B.476.

- The court will review the comprehensive transition planning for all children age 14 and up.
- The permanency plan of APPLA is only available to children age 16 and up. The court must ask the child about the child's desired permanency outcome.
- "Placement with a fit and willing relative" is a separate permanency plan that the court may designate. The statute change clarifies that this is a legally recognized plan, separate and distinct from guardianship and adoption.

## All Foster Youth

**Child Welfare.** HB 2908 requires DHS to ensure that substitute care providers follow the reasonable and prudent parent standard and that children have regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities.

DHS court reports will include the steps that DHS is taking to ensure that the prudent parent standard is being met and the opportunities the child has to engage in activities.

In order to implement the requirements of H.R. 4980, DHS will need to support foster parents in terms of time, funding and logistical assistance to ensure that children have access to extracurricular activities.

Residential programs that contract with DHS will need to have on-site at least one official designated as caregiver for a particular child who is authorized and trained to apply the reasonable and prudent parent standard to decisions involving the child's participation in age- or developmentally-appropriate activities.

**Courts.** HB 2908 clarifies that "Placement with a fit and willing relative" is a legally recognized plan that the court may designate. If the court determines that the permanency plan should be placement with a fit and willing relative, the court must make a determination of why reunification, adoption, or guardianship is not appropriate.

## Foster Youth Age 14+

**Child Welfare.** Comprehensive transition planning, T1 and T2, is required for all youth age 14 and older.

H.R. 4980 gives foster youth age 14 or older the authority to participate in the development of their own case plan and transition planning for successful adulthood. The youth may select 2 members of the planning team, and may select one member of the planning team to be designated as the youth's advisor and advocate with respect to the application of the reasonable and prudent parent standard.

HB 2908 changes the term "independent living" to "successful adulthood."

HB 2908 requires that a case plan include a document describing the rights of the youth with respect to education, health, visitation, and court participation, e.g. *Oregon Foster Children's Bill of Rights*. The case plan will also include a signed acknowledgement by the youth that the document was provided and that the contents have been explained.

H.R. 4980 requires that DHS run annual credit reports on foster youth age 14 or older.

**Courts.** HB 2908 requires the court to review the comprehensive transition planning for all youth age 14 and older. The court makes findings as to the transition plan's adequacy, whether appropriate services have been offered, and whether DHS has involved the youth in developing the plan.

## Foster Youth Age 16+

**Child Welfare.** DHS must document at each permanency hearing the "intensive, ongoing, unsuccessful efforts" to implement one of the other permanency plans (reunification, adoption, guardianship, or placement with a fit and willing relative), including utilization of search technology to find biological family members.

**Courts.** HB 2908 limits the plan of APPLA to youth age 16 or older.

HB 2908 adds a requirement that the court asks the youth about the youth's desired permanency outcome.

**Courts/Citizen Review Board:** If the youth's permanency plan is APPLA, HB 2908 requires the court and CRB to make a finding as to whether DHS has ensured that the substitute caregiver is following the reasonable and prudent parent standard and whether the youth has opportunities to engage in age- or developmentally-appropriate activities.