

# D R A F T

## SUMMARY

Establishes Governor's Foster Care Advisory Commission to advise Governor and Director of Human Services regarding foster care system in this state. Directs Governor to appoint 11 commission members. Specifies duties and powers of commission.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to child welfare; and declaring an emergency.

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

**SECTION 1. (1) The Governor's Foster Care Advisory Commission is established, consisting of 11 members appointed by the Governor.**

**(2) The term of office of each member of the commission is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.**

**(3) The appointment of each member of the commission is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.**

**(4) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495.**

**SECTION 2. Notwithstanding the term of office specified by section 1 of this 2016 Act, of the members first appointed to the Governor's**

1 **Foster Care Advisory Commission:**

2 (1) **Three shall serve for a term ending June 30, 2017.**

3 (2) **Three shall serve for a term ending June 30, 2018.**

4 (3) **Three shall serve for a term ending June 30, 2019.**

5 (4) **Two shall serve for a term ending June 30, 2020.**

6 **SECTION 3. (1) The members of the Governor's Foster Care Advi-**  
7 **sory Commission must be residents of this state with experience and**  
8 **expertise in the foster care system in this state, including but not**  
9 **limited to:**

10 (a) **Parents and children involved in the foster care system in this**  
11 **state;**

12 (b) **Representatives of advocacy organizations that advocate re-**  
13 **garding issues pertaining to the foster care system in this state;**

14 (c) **Representatives of public, private, profit and nonprofit agencies,**  
15 **organizations and other entities with experience in, interest in and**  
16 **responsibility for the provision of care to children in the foster care**  
17 **system in this state;**

18 (d) **Members of the Oregon State Bar with expertise in family and**  
19 **juvenile law;**

20 (e) **Representatives of law enforcement agencies and district attor-**  
21 **neys; and**

22 (f) **Former employees of the Department of Human Services,**  
23 **Oregon Health Authority and Department of Justice who were re-**  
24 **sponsible for the administration and oversight of the child welfare and**  
25 **foster care systems in this state, including but not limited to former**  
26 **caseworkers and former court appointed special advocates.**

27 (2) **The members of the commission shall select one of the**  
28 **commission's members to serve as chairperson and another to serve**  
29 **as vice chairperson, for terms and with duties and powers necessary**  
30 **for the performance of the functions of the offices as the commission**  
31 **determines.**

1       **(3) A majority of the members of the commission constitutes a**  
2 **quorum for the transaction of business.**

3       **(4) The commission shall meet at least once every three months at**  
4 **a time and place determined by the chairperson of the commission.**  
5 **The commission also may meet at other times and places specified by**  
6 **the call of the chairperson or of a majority of the members of the**  
7 **commission.**

8       **(5) All agencies of state government, as defined in ORS 174.111, are**  
9 **directed to assist the commission in the performance of the**  
10 **commission's duties, powers and obligations and, to the extent per-**  
11 **mitted by laws relating to confidentiality, to furnish information that**  
12 **the members of the commission consider necessary in order to further**  
13 **the work of the commission. The assistance under this subsection may**  
14 **constitute the provision of staffing resources to the commission.**

15       **SECTION 4.** **(1) The Governor's Foster Care Advisory Commission**  
16 **shall advise the Governor and the Director of Human Services, and**  
17 **make recommendations for legislation, regarding the foster care sys-**  
18 **tem in this state. In addition, the commission shall study and report**  
19 **to the Governor and the director with respect to the following:**

20       **(a) Legal and policy issues pertaining to the foster care system in**  
21 **this state;**

22       **(b) Necessary and recommended improvements to the internal op-**  
23 **erations of the Department of Human Services, including but not**  
24 **limited to the following:**

25       **(A) Monitoring, licensing and supervision of foster care providers;**

26       **(B) Caseload management;**

27       **(C) Procedures for investigation of abuses and deficiencies;**

28       **(D) Recruitment, training and retention of employees;**

29       **(E) Quality assurance; and**

30       **(F) Accountability;**

31       **(c) Supervision and monitoring of providers of foster care to chil-**

1 **dren in this state, whether or not the children are in the custody of**  
2 **the department;**

3 **(d) Recommendations to improve and expand the availability of**  
4 **foster care and, where applicable, to provide alternatives to foster care**  
5 **for children who are in need of care and services;**

6 **(e) Promotion of responsible statewide advocacy for children in**  
7 **foster care; and**

8 **(f) Ongoing review of foster care providers in this state and the**  
9 **identification of barriers to the provision of quality care and services**  
10 **to children in the foster care system.**

11 **(2) The commission may administer oaths, take depositions and is-**  
12 **sue subpoenas to compel the attendance of witnesses and the pro-**  
13 **duction of documents or other written information necessary to carry**  
14 **out the provisions of sections 1 to 4 of this 2016 Act. If any person fails**  
15 **to comply with a subpoena issued under this section or refuses to**  
16 **testify on matters on which the person lawfully may be interrogated,**  
17 **the procedure set out in ORS 183.440 shall be followed to compel obe-**  
18 **dience.**

19 **(3) The commission may establish any advisory or technical com-**  
20 **mittees the commission considers necessary to aid and advise the**  
21 **commission in the performance of its functions. The committees may**  
22 **be continuing or temporary committees. The commission shall deter-**  
23 **mine the representation, membership, terms and organization of the**  
24 **committees and shall appoint the members of the committees. Mem-**  
25 **bers of the committees are not entitled to compensation but, in the**  
26 **discretion of the commission, may be reimbursed from funds available**  
27 **to the commission for actual and necessary travel and other expenses**  
28 **incurred by the members in the performance of official duties in the**  
29 **manner and amount provided in ORS 292.495.**

30 **(4) The commission may adopt rules to carry out the provisions of**  
31 **this section.**

1     **SECTION 5. This 2016 Act being necessary for the immediate pres-**  
2 **ervation of the public peace, health and safety, an emergency is de-**  
3 **clared to exist, and this 2016 Act takes effect on its passage.**

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