

## Senate Bill 1379: Foster Care Placement Restrictions

Senate Bill 1379 outlines restrictions on foster placements in currently unregulated congregate care settings, including short-term rentals, hotels, and group homes. These restrictions include:

1. **No child under the age of 13 shall be housed in such placements, with exceptions for emergencies, sibling groups, and teenage mothers.**
2. **No child shall be housed in such placements for more than two weeks.**
3. **Any exception must be individually approved by the department director.**



**Support Senate Bill 1379. By establishing guardrails for congregate care, the bill will protect foster kids and help end Idaho's current practice of housing children in Airbnbs and hotels.**

### ▶ Idaho needs to end its troubling practice of placing children in potentially unsafe settings:

During the pandemic, the Department of Health & Welfare opened its first short-term rental home (also referred to as an 'Airbnb') to place foster children. What started as a temporary plan to provide emergency shelter for kids in care quickly spiraled into common practice. In 2024, 175 foster children were placed in short-term rentals and hotels. Children of all ages have been housed in these settings for extended periods of time.

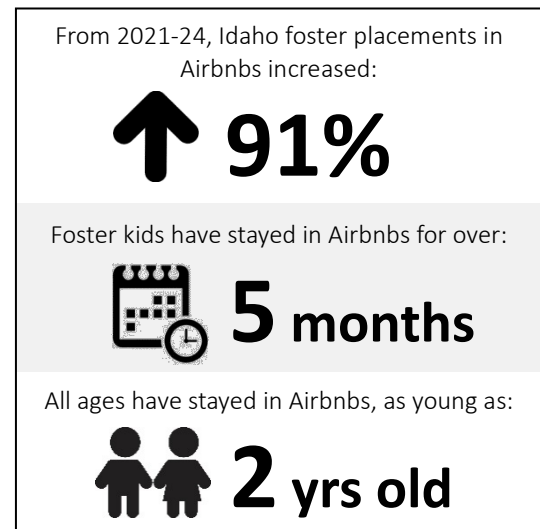
Idaho children are spending months with a rotating cast of caregivers from temporary staffing agencies. Foster children, their advocates, and caregivers are reporting significant concerns surrounding child safety, the absence of trauma-informed care, and a lack of oversight on the proliferation of this practice.

Placing vulnerable foster children in short-term rentals, hotels, and unregulated group homes for any amount of time is widely recognized as inappropriate. These placements can lead to long-term mental health struggles, impacting a child's ability to trust, attach, and love.<sup>1</sup>

### ▶ Family-based settings must be the state's top priority for foster placements:

Family-based settings allow foster children to heal and thrive. To encourage family-based placements, the 2021 Idaho Legislature added safeguards to accredited facilities referred to as Qualified Residential Treatment Programs (QRTPs).<sup>2</sup> However, congregate care settings outside of QRTPs were not included in the statute and remained unregulated.

Senate Bill 1379 corrects this oversight and adds restrictions to all congregate care settings. If passed, Idaho will join 23 other states that have broad congregate care restrictions in statute, including age limits, time limits, and the requirement for director approval on any exceptions.<sup>3</sup> Similar state efforts have reduced congregate care placements and helped increase foster parent recruitment and retention, family finding, and other kin placement initiatives.



<sup>1</sup> American Academy of Pediatricians, "Fostering Health: Standards of Care for Children in Foster Care."

<sup>2</sup> Idaho statute 16-1619A was added to the Child Protective Act in 2021.

<sup>3</sup> American Academy of Pediatricians, "State Congregate Care Age Limits."

## Senate Bill 1380: Child Welfare Ombudsman

Senate Bill 1380 creates an independent and autonomous “Health and Social Services Ombudsman” with oversight specific to child welfare. The ombudsman will have statutory authority to receive, examine, and resolve complaints regarding cases involving:

4. **Children in foster care**
5. **Children residing in Idaho residential treatment facilities**



**Support Senate Bill 1380. The ombudsman established in the bill will function as a child welfare watchdog responsible for protecting the rights of Idaho’s most vulnerable children.**

► **Idaho needs an ombudsman for child welfare:**

Idaho’s child welfare system is fractured and complex. It contains blind spots, with too many children falling through the cracks and experiencing rights violations,<sup>4</sup> including abuse and neglect while in care. Last year in Idaho, 2,600 children were served in foster care and 120 children resided in residential treatment facilities.

Idaho is one of just seven states with no agency identified to fill an ombudsman role for child welfare.<sup>5</sup> With no grievance process to assess and address rights violations and/or maltreatment in care complaints, children are left in high-risk situations without a voice, without an advocate for their safety and well-being, and without a process for redress.

The Appointed Ombudsman Will Be:	
<b>Independent</b>	Free from outside control or influence
<b>Impartial</b>	Review complaints in an objective and fair manner
<b>Confidential</b>	Will not release any complaint information
<b>Credible</b>	Creates a credible review process of complaints
<b>Safe</b>	Protects complainants from retaliatory actions

► **The ombudsman’s duties defined in Senate Bill 1380 include:**

- Inform children and their guardians of their state and federal legal rights;
- Implement a process to receive, examine, and resolve complaints of rights violations;
- Educate the public on the role of the ombudsman; and
- Provide reports on trends, chronic problems, system failures, and policy recommendations to the governor, Idaho Legislature, Department of Health & Welfare, and the courts.

► **Senate Bill 1380 grants the ombudsman the ability to complete all duties autonomously:**

The ombudsman will be granted access to all information and records available to state agencies, pursue subpoenas for additional documents, and hold fact finding hearings to collect relevant testimony. After examining a complaint, the ombudsman will prepare a final report, and if a rights violation or maltreatment is substantiated, the final report will be given to law enforcement. Anyone who interferes with or impedes the ombudsman’s duties or retaliates against someone who files a complaint will be guilty of a misdemeanor.

<sup>4</sup> The “Idaho Youth in Care Bill of Rights” were established in 2020.

<sup>5</sup> Idaho Office of Performance Evaluations, “Child Protection Ombuds: A 50 State Review,” January 2024.