

# Senate Bill 707

Sponsored by Senator GELSER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Human Services to provide certain notices to children and wards whom department placed in out-of-state residential facilities between January 1, 2016, and June 30, 2020, and to provide representatives of children and wards with certain documentation and information.

Sunsets January 2, 2022.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to notices to children placed in out-of-state residential facilities; and declaring an emer-  
3 gency.

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

5 **SECTION 1. (1) The Department of Human Services shall provide notice to each child and**  
6 **ward whom the department placed in an out-of-state residential facility for any duration of**  
7 **time between January 1, 2016, and June 30, 2020, of the right of the child or ward to seek civil**  
8 **remedy if the child or ward believes that they received negligent treatment while placed in**  
9 **the out-of-state residential facility.**

10 (2) The department must provide a copy of the notice required under subsection (1) of  
11 this section to the child's or ward's representatives.

12 (3) The department must provide the child's or ward's representatives with all of the  
13 information in the department's possession or control relating to incident reports, injuries  
14 and abuse allegations regarding the child or ward relating to incidents that occurred during  
15 the period of time that the child or ward was placed in the out-of-state residential facility.

16 (4) If the child or ward was injured while placed in the out-of-state residential facility,  
17 the department must provide the child's or ward's representatives with copies of all of the  
18 documents and information in the department's possession or control regarding the injury.

19 (5) If an emergency intervention, including a restraint, was used on the child or ward  
20 while placed in the out-of-state residential facility, the department shall make reasonable  
21 efforts to obtain records relating to the use of the emergency intervention from the out-of-  
22 state residential facility, including written, video, audio and visual records of any abuse  
23 allegation or investigation, injury record, incident report or seclusion report.

24 (6) As used in this section, "child's or ward's representatives" means the child's or  
25 ward's attorney, court appointed special advocate, legal guardian and each of the child's or  
26 ward's parents whose parental rights have not been legally terminated.

27 (7) The department shall provide the notices and information described in subsections (1)  
28 to (5) of this section no later than January 1, 2022.

29 **SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2022.**

30 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
2 **on its passage.**

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