

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 710**

1 On page 1 of the printed bill, delete lines 5 through 28 and delete pages
2 2 through 14 and insert:

3 **“SECTION 1. Definitions. As used in sections 1 to 7 of this 2021 Act:**

4 **“(1) ‘Chemical restraint’ means a drug or medication that is ad-**
5 **ministered to a child in care to control behavior or restrict freedom**
6 **of movement.**

7 **“(2) ‘Children’s emergency safety intervention specialist’ means a**
8 **qualified mental health professional licensed to order, monitor and**
9 **evaluate the use of seclusion and restraint in accredited and certified**
10 **facilities that provide intensive mental health treatment services to**
11 **individuals under 21 years of age.**

12 **“(3) ‘Mechanical restraint’ means a device used to restrict the**
13 **movement of a child in care or the movement or normal function of**
14 **a portion of the body of a child in care.**

15 **“(4) ‘Program’ means:**

16 **“(a) A child-caring agency or proctor foster home subject to ORS**
17 **418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970; or**

18 **“(b) A residential training home or facility licensed under ORS**
19 **443.415 to serve children under 18 years of age.**

20 **“(5) ‘Prone restraint’ means a restraint in which a child in care is**
21 **held face down on the floor.**

1 **“(6) ‘Reportable injury’ means any type of injury to a child in care,**
2 **including but not limited to rug burns, fractures, sprains, bruising,**
3 **pain, soft tissue injury, punctures, scratches, concussions, abrasions,**
4 **dizziness, loss of consciousness, loss of vision, visual disturbance or**
5 **death.**

6 **“(7) ‘Restraint’ means the physical restriction of a child in care’s**
7 **actions or movements by holding the child in care or using pressure**
8 **or other means.**

9 **“(8) ‘Secure adolescent inpatient treatment program’ means an in-**
10 **tensive treatment services program, as described by the Oregon Health**
11 **Authority by rule, that provides inpatient psychiatric stabilization and**
12 **treatment services to individuals under 21 years of age who require a**
13 **secure intensive treatment setting.**

14 **“(9) ‘Secure children’s inpatient treatment program’ means an in-**
15 **tensive treatment services program, as described by the authority by**
16 **rule, that provides inpatient psychiatric stabilization and treatment**
17 **services to children under 14 years of age who require a secure inten-**
18 **sive treatment setting.**

19 **“(10) ‘Serious bodily injury’ means any significant impairment of**
20 **the physical condition of an individual, as determined by qualified**
21 **medical personnel, whether self-inflicted or inflicted by someone else.**

22 **“(11) ‘Supine restraint’ means a restraint in which a child in care**
23 **is held face up on the floor.**

24 **“SECTION 2. Prohibitions on restraint or involuntary seclusion. (1)**
25 **Restraint or involuntary seclusion may not be administered to a child**
26 **in care for discipline, punishment or retaliation or for the convenience**
27 **of personnel, contractors or volunteers of a program.**

28 **“(2) Except as provided in section 3 (3) of this 2021 Act, the use of**
29 **the following types of restraint of a child in care are prohibited:**

30 **“(a) Chemical restraint.**

1 **“(b) Mechanical restraint.**

2 **“(c) Prone restraint.**

3 **“(d) Supine restraint.**

4 **“(e) Any restraint that includes the nonincidental use of a solid**
5 **object, including the ground, a wall or the floor, to impede a child in**
6 **care’s movement.**

7 **“(f) Any restraint that places, or creates a risk of placing, pressure**
8 **on a child in care’s neck or throat.**

9 **“(g) Any restraint that places, or creates a risk of placing, pressure**
10 **on a child in care’s mouth.**

11 **“(h) Any restraint that impedes, or creates a risk of impeding, a**
12 **child in care’s breathing.**

13 **“(i) Any restraint that involves the intentional placement of hands,**
14 **feet, elbows, knees or any object on a child in care’s neck, throat,**
15 **genitals or other intimate parts.**

16 **“(j) Any restraint that causes pressure to be placed, or creates a**
17 **risk of causing pressure to be placed, on a child in care’s stomach,**
18 **chest, joints, throat or back by a knee, foot or elbow.**

19 **“(k) Any other restraint, the primary purpose of which is to inflict**
20 **pain.**

21 **“SECTION 3. Permissible use of restraint or involuntary seclusion.**

22 **(1) Restraint or involuntary seclusion may be used on a child in care**
23 **only if the child in care’s behavior poses a reasonable risk of imminent**
24 **serious bodily injury to the child in care or others and less restrictive**
25 **interventions would not effectively reduce that risk.**

26 **“(2) Notwithstanding subsection (1) of this section, the following**
27 **types of restraint may be used on a child in care:**

28 **“(a) Holding a child in care’s hand or arm to escort the child in care**
29 **safely and without the use of force from one area to another;**

30 **“(b) Assisting a child in care to complete a task if the child in care**

1 **does not resist the physical contact; or**

2 **“(c) Administering the minimal exertion of force necessary if the**
3 **intervention does not include a restraint described in section 2 (2) of**
4 **this 2021 Act and the intervention is necessary to break up a physical**
5 **fight or effectively protect oneself or another from an assault, serious**
6 **bodily injury or sexual contact with the minimum physical contact**
7 **necessary for protection.**

8 **“(3) Notwithstanding section 2 (2) of this 2021 Act:**

9 **“(a) The restraint described in section 2 (2)(e) of this 2021 Act may**
10 **be used if the restraint is necessary to gain control of a weapon.**

11 **“(b) The restraint described in section 2 (2)(g) of this 2021 Act may**
12 **be used if the restraint is necessary for the purpose of extracting a**
13 **body part from a bite.**

14 **“(c) The restraints described in section 2 (2)(d) and (e) of this 2021**
15 **Act may be used by a secure children’s inpatient treatment program**
16 **or secure adolescent inpatient treatment program only if the following**
17 **requirements are met:**

18 **“(A) The child in care is currently admitted to the secure children’s**
19 **inpatient treatment program or secure adolescent inpatient treatment**
20 **program;**

21 **“(B) The restraint is administered under the current written order**
22 **of a licensed medical practitioner or a licensed children’s emergency**
23 **safety intervention specialist;**

24 **“(C) The order is written specifically for the current situation;**

25 **“(D) The restraint is used only as long as needed to prevent serious**
26 **physical injury, as defined in ORS 161.015, and while no other inter-**
27 **vention or form of restraint is possible;**

28 **“(E) A licensed medical practitioner, children’s emergency safety**
29 **intervention specialist, or qualified mental health professional, who is**
30 **certified in the administration of the type of restraint used, contin-**

1 uously monitors the use of the restraint and the physical and psycho-
2 logical well-being of the child in care at all times while the restraint
3 is being used;

4 “(F) Each individual administering the restraint is trained, as re-
5 quired by the Department of Human Services by rule, to administer
6 the type of restraint used and the individual’s certification is current;

7 “(G) One or more individuals with current cardiopulmonary resus-
8 citation training are present at all times while the restraint is being
9 administered;

10 “(H) The program has written policies that require a licensed
11 children’s emergency safety intervention specialist or other licensed
12 practitioner to evaluate and document the physical, psychological and
13 emotional well-being of the child in care immediately following the use
14 of the restraint; and

15 “(I) The program is in compliance with any other requirements
16 under sections 1 to 7 of this 2021 Act, any applicable contract require-
17 ments and any other state or federal law related to the use of re-
18 straints.

19 “(4) If restraint or involuntary seclusion is used other than as pro-
20 vided in subsection (2) of this section, the restraint or involuntary
21 seclusion must be:

22 “(a) Used only for as long as the child in care’s behavior poses a
23 reasonable risk of imminent serious bodily injury;

24 “(b) Administered by personnel of the program who are trained, as
25 required by the department by rule, to use that type of restraint or
26 involuntary seclusion;

27 “(c) Continuously monitored by personnel of the program at all
28 times while the restraint or involuntary seclusion is being used; and

29 “(d) Performed in a manner that is safe, proportionate and appro-
30 priate to the child in care’s chronological and developmental age, size,

1 **gender identity, physical, medical and psychiatric condition and any**
2 **personal history, including history of physical or sexual abuse.**

3 **“(5) In addition to the requirements described in subsection (4) of**
4 **this section, if a restraint or involuntary seclusion continues for more**
5 **than 10 minutes:**

6 **“(a) The child in care must be provided with adequate access to the**
7 **bathroom and water at least every 30 minutes; and**

8 **“(b)(A) Every five minutes after the first 10 minutes of the restraint**
9 **or involuntary seclusion, a supervisor for the program who is trained,**
10 **as required by the department by rule, to administer that type of re-**
11 **straint or involuntary seclusion must provide written authorization for**
12 **the continuation of the restraint or involuntary seclusion.**

13 **“(B) If the supervisor is not on-site at the time the restraint is**
14 **used, the written authorization may be issued electronically.**

15 **“(C) The written authorization must document why the restraint**
16 **or involuntary seclusion continues to be the least restrictive inter-**
17 **vention to reduce the risk of imminent serious bodily injury in the**
18 **given circumstances.**

19 **“SECTION 3a. Section 3 of this 2021 Act is amended to read:**

20 **“Sec. 3. (1) Restraint or involuntary seclusion may be used on a child in**
21 **care only if the child in care’s behavior poses a reasonable risk of imminent**
22 **serious bodily injury to the child in care or others and less restrictive**
23 **interventions would not effectively reduce that risk.**

24 **“(2) Notwithstanding subsection (1) of this section, the following types**
25 **of restraint may be used on a child in care:**

26 **“(a) Holding a child in care’s hand or arm to escort the child in care**
27 **safely and without the use of force from one area to another;**

28 **“(b) Assisting a child in care to complete a task if the child in care does**
29 **not resist the physical contact; or**

30 **“(c) Administering the minimal exertion of force necessary if the inter-**

1 vention does not include a restraint described in section 2 (2) of this 2021
2 Act and the intervention is necessary to break up a physical fight or effec-
3 tively protect oneself or another from an assault, serious bodily injury or
4 sexual contact with the minimum physical contact necessary for protection.

5 “(3) Notwithstanding section 2 (2) of this 2021 Act:

6 “(a) The restraint described in section 2 (2)(e) of this 2021 Act may be
7 used if the restraint is necessary to gain control of a weapon.

8 “(b) The restraint described in section 2 (2)(g) of this 2021 Act may be
9 used if the restraint is necessary for the purpose of extracting a body part
10 from a bite.

11 “(c) The restraints described in section 2 (2)(d) and (e) of this 2021 Act
12 may be used by a secure children’s inpatient treatment program or secure
13 adolescent inpatient treatment program only if the following requirements
14 are met:

15 “(A) The child in care is currently admitted to the secure children’s in-
16 patient treatment program or secure adolescent inpatient treatment program;

17 “(B) The restraint is administered under the current written order of a
18 licensed medical practitioner or a licensed children’s emergency safety
19 intervention specialist;

20 “(C) The order is written specifically for the current situation;

21 “(D) The restraint is used only as long as needed to prevent serious
22 physical injury, as defined in ORS 161.015, and while no other intervention
23 or form of restraint is possible;

24 “(E) A licensed medical practitioner, children’s emergency safety inter-
25 vention specialist, or qualified mental health professional, who is certified
26 in the administration of the type of restraint used, continuously monitors the
27 use of the restraint and the physical and psychological well-being of the
28 child in care at all times while the restraint is being used;

29 “(F) Each individual administering the restraint is [*trained, as required*
30 *by the Department of Human Services by rule,*] **certified as described in**

1 **section 6 of this 2021 Act** to administer the type of restraint used and the
2 individual's certification is current;

3 “(G) One or more individuals with current cardiopulmonary resuscitation
4 training are present at all times while the restraint is being administered;

5 “(H) The program has written policies that require a licensed children's
6 emergency safety intervention specialist or other licensed practitioner to
7 evaluate and document the physical, psychological and emotional well-being
8 of the child in care immediately following the use of the restraint; and

9 “(I) The program is in compliance with any other requirements under
10 sections 1 to 7 of this 2021 Act, any applicable contract requirements and
11 any other state or federal law related to the use of restraints.

12 “(4) If restraint or involuntary seclusion is used other than as provided
13 in subsection (2) of this section, the restraint or involuntary seclusion must
14 be:

15 “(a) Used only for as long as the child in care's behavior poses a rea-
16 sonable risk of imminent serious bodily injury;

17 “(b) Administered by personnel of the program who are [*trained, as re-*
18 *quired by the Department of Human Services by rule,*] **currently certified**
19 **as described in section 6 of this 2021 Act** to use that type of restraint or
20 involuntary seclusion;

21 “(c) Continuously monitored by personnel of the program at all times
22 while the restraint or involuntary seclusion is being used; and

23 “(d) Performed in a manner that is safe, proportionate and appropriate to
24 the child in care's chronological and developmental age, size, gender identity,
25 physical, medical and psychiatric condition and any personal history, in-
26 cluding history of physical or sexual abuse.

27 “(5) In addition to the requirements described in subsection (4) of this
28 section, if a restraint or involuntary seclusion continues for more than 10
29 minutes:

30 “(a) The child in care must be provided with adequate access to the

1 bathroom and water at least every 30 minutes; and

2 “(b)(A) Every five minutes after the first 10 minutes of the restraint or
3 involuntary seclusion, a supervisor for the program who is [*trained, as re-*
4 *quired by the department by rule,*] **currently certified as described in sec-**
5 **tion 6 of this 2021 Act** to administer that type of restraint or involuntary
6 seclusion must provide written authorization for the continuation of the re-
7 straint or involuntary seclusion.

8 “(B) If the supervisor is not on-site at the time the restraint is used, the
9 written authorization may be issued electronically.

10 “(C) The written authorization must document why the restraint or in-
11 voluntary seclusion continues to be the least restrictive intervention to re-
12 duce the risk of imminent serious bodily injury in the given circumstances.

13 **“SECTION 4. Notices and reports required following use of restraint**
14 **or involuntary seclusion.** (1) **A program must establish procedures for**
15 **the program to follow relating to the administration of restraint or**
16 **involuntary seclusion consistent with the provisions of sections 2 and**
17 **3 of this 2021 Act and relating to the notices and reports required un-**
18 **der this section following the use of restraint or involuntary seclusion**
19 **of a child in care.**

20 **“(2) A program must maintain a record of each incident in which**
21 **a reportable injury arises from the use of a restraint or involuntary**
22 **seclusion. The record under this subsection must include any audio**
23 **or video recording immediately preceding, during and following the**
24 **incident.**

25 **“(3) A program that administers a restraint or involuntary seclu-**
26 **sion of a child in care other than as provided in section 3 (2)(a) or (b)**
27 **of this 2021 Act must:**

28 **“(a) Provide the following to the child in care’s case managers, at-**
29 **torney, court appointed special advocate and parents or guardians:**

30 **“(A) As soon as practicable but in no event later than the end of**

1 the next business day, verbal or electronic notification that the re-
2 straint or involuntary seclusion occurred; and

3 “(B) As soon as practicable but in no event later than the end of
4 the next business day, written notification that includes:

5 “(i) A description of the restraint or involuntary seclusion, the date
6 of the restraint or involuntary seclusion, the times when the restraint
7 or involuntary seclusion began and ended and the location of the re-
8 straint or involuntary seclusion.

9 “(ii) A description of the child in care’s activity that prompted the
10 use of restraint or involuntary seclusion.

11 “(iii) The efforts used to de-escalate the situation and the alterna-
12 tives to restraint or involuntary seclusion that were attempted.

13 “(iv) The names of each of individual who administered, monitored
14 or approved the restraint or involuntary seclusion.

15 “(v) For each individual who administered, monitored or approved
16 the restraint or involuntary seclusion, whether the individual was
17 trained, as required by the Department of Human Services by rule, to
18 administer the type of restraint used or involuntary seclusion and, if
19 so, the date of the most recent training and a description of the types
20 of restraint the individual is trained to administer or, if the individual
21 was not trained, the information required under paragraph (b) of this
22 subsection.

23 “(b) If an individual who administered, monitored or approved the
24 restraint or involuntary seclusion was not currently certified in the
25 administration of the type of restraint used or involuntary seclusion,
26 written notice to the department and the child in care’s attorney,
27 court appointed special advocate and parents or guardians describing
28 the certification deficiency and the reason the restraint or involuntary
29 seclusion was administered, monitored or approved by an individual
30 without the proper certification.

1 “(c) Hold a debriefing meeting with each individual who was in-
2 volved in the incident and any other appropriate program personnel
3 no later than two business days following the date of the restraint or
4 involuntary seclusion, take written notes of the debriefing meeting
5 and provide copies of the written notes to the child in care’s case
6 managers, attorney, court appointed special advocate and parents or
7 guardians.

8 “(d) If the child in care suffers a reportable injury arising from the
9 restraint or involuntary seclusion, immediately provide written no-
10 tification of the incident to the department and release all records
11 related to the restraint or involuntary seclusion, including any pho-
12 tographs and audio or video recordings, to the department and the
13 child in care’s attorney, court appointed special advocate and parents
14 or guardians.

15 “(e) If serious bodily injury or the death of program personnel oc-
16 curs in relation to the use of the restraint or involuntary seclusion,
17 provide the department with written notification of the incident no
18 later than 24 hours following the incident.

19 “(4)(a) If restraint or involuntary seclusion is used on a child in
20 care who is receiving services from a program more than two times
21 in a seven-day period, the program shall immediately assemble a team
22 to review the child in care’s treatment plan.

23 “(b) The team must include an administrator of the program, a
24 representative of the department who is familiar with the child in
25 care’s case, a representative of the program’s licensing agency, the
26 child in care’s attorney and court appointed special advocate and, if
27 the child in care is 10 years of age or older and wants to participate,
28 the child in care.

29 “(c) The team shall prepare a written report identifying each of the
30 team members and documenting the team’s conclusions regarding the

1 **following:**

2 **“(A) The suitability of the program for the child in care;**

3 **“(B) Any necessary modifications to the child in care’s treatment**
4 **plan;**

5 **“(C) What, if any, staff training regarding alternative therapeutic**
6 **behavior management techniques are appropriate; and**

7 **“(D) The impact of the restraint or involuntary seclusion on the**
8 **child in care’s physical, mental and emotional well-being.**

9 **“(d) The program and any agency that was involved in placing the**
10 **child in care in the program shall immediately implement any neces-**
11 **sary corrective actions identified in the report.**

12 **“SECTION 4a.** Section 4 of this 2021 Act is amended to read:

13 **“Sec. 4.** (1) A program must establish procedures for the program to fol-
14 low relating to the administration of restraint or involuntary seclusion con-
15 sistent with the provisions of sections 2 and 3 of this 2021 Act and relating
16 to the notices and reports required under this section following the use of
17 restraint or involuntary seclusion of a child in care.

18 **“(2)** A program must maintain a record of each incident in which a re-
19 reportable injury arises from the use of a restraint or involuntary seclusion.
20 The record under this subsection must include any audio or video recording
21 immediately preceding, during and following the incident.

22 **“(3)** A program that administers a restraint or involuntary seclusion of
23 a child in care other than as provided in section 3 (2)(a) or (b) of this 2021
24 Act must:

25 **“(a)** Provide the following to the child in care’s case managers, attorney,
26 court appointed special advocate and parents or guardians:

27 **“(A)** As soon as practicable but in no event later than the end of the next
28 business day, verbal or electronic notification that the restraint or involun-
29 tary seclusion occurred; and

30 **“(B)** As soon as practicable but in no event later than the end of the next

1 business day, written notification that includes:

2 “(i) A description of the restraint or involuntary seclusion, the date of the
3 restraint or involuntary seclusion, the times when the restraint or involun-
4 tary seclusion began and ended and the location of the restraint or invol-
5 untary seclusion.

6 “(ii) A description of the child in care’s activity that prompted the use
7 of restraint or involuntary seclusion.

8 “(iii) The efforts used to de-escalate the situation and the alternatives to
9 restraint or involuntary seclusion that were attempted.

10 “(iv) The names of each of individual who administered, monitored or
11 approved the restraint or involuntary seclusion.

12 “(v) For each individual who administered, monitored or approved the
13 restraint or involuntary seclusion, whether the individual was [*trained, as*
14 *required by the Department of Human Services by rule,*] **currently certified**
15 **as described in section 6 of this 2021 Act** to administer the type of re-
16 straint used or involuntary seclusion and, if so, the date of the most recent
17 [*training*] **certification** and a description of the types of restraint the indi-
18 vidual is [*trained*] **certified** to administer or, if the individual was not
19 [*trained*] **currently certified**, the information required under paragraph (b)
20 of this subsection.

21 “(b) If an individual who administered, monitored or approved the re-
22 straint or involuntary seclusion was not currently certified in the adminis-
23 tration of the type of restraint used or involuntary seclusion, written notice
24 to the department and the child in care’s attorney, court appointed special
25 advocate and parents or guardians describing the certification deficiency and
26 the reason the restraint or involuntary seclusion was administered, moni-
27 tored or approved by an individual without the proper certification.

28 “(c) Hold a debriefing meeting with each individual who was involved in
29 the incident and any other appropriate program personnel no later than two
30 business days following the date of the restraint or involuntary seclusion,

1 take written notes of the debriefing meeting and provide copies of the writ-
2 ten notes to the child in care's case managers, attorney, court appointed
3 special advocate and parents or guardians.

4 “(d) If the child in care suffers a reportable injury arising from the re-
5 straint or involuntary seclusion, immediately provide written notification of
6 the incident to the department and release all records related to the restraint
7 or involuntary seclusion, including any photographs and audio or video re-
8 cordings, to the department and the child in care's attorney, court appointed
9 special advocate and parents or guardians.

10 “(e) If serious bodily injury or the death of program personnel occurs in
11 relation to the use of the restraint or involuntary seclusion, provide the de-
12 partment with written notification of the incident no later than 24 hours
13 following the incident.

14 “(4)(a) If a restraint or involuntary seclusion is used on a child in care
15 who is receiving services from a program more than two times in a seven-day
16 period, the program shall immediately assemble a team to review the child
17 in care's treatment plan.

18 “(b) The team must include an administrator of the program, a represen-
19 tative of the department who is familiar with the child in care's case, a
20 representative of the program's licensing agency, the child in care's attorney
21 and court appointed special advocate and, if the child in care is 10 years of
22 age or older and wants to participate, the child in care.

23 “(c) The team shall prepare a written report identifying each of the team
24 members and documenting the team's conclusions regarding the following:

25 “(A) The suitability of the program for the child in care;

26 “(B) Any necessary modifications to the child in care's treatment plan;

27 “(C) What, if any, staff training regarding alternative therapeutic behav-
28 ior management techniques are appropriate; and

29 “(D) The impact of the restraint or involuntary seclusion on the child in
30 care's physical, mental and emotional well-being.

1 “(d) The program and any agency that was involved in placing the child
2 in care in the program shall immediately implement any necessary corrective
3 actions identified in the report.

4 **“SECTION 5. Reporting requirements. (1) A program must prepare**
5 **and submit to the Department of Human Services a quarterly report**
6 **detailing the use of restraint and involuntary seclusion for the pre-**
7 **ceding three-month period, including, at a minimum:**

8 **“(a) The total number of incidents involving restraint.**

9 **“(b) The total number of incidents involving involuntary seclusion.**

10 **“(c) The total number of involuntary seclusions in a locked room.**

11 **“(d) The total number of rooms available for use by the program**
12 **for involuntary seclusion and a description of the dimensions and de-**
13 **sign of the rooms.**

14 **“(e) The total number of children in care placed in restraint.**

15 **“(f) The total number of children in care placed in involuntary se-**
16 **clusion.**

17 **“(g) The total number of incidents under paragraph (a) or (b) of this**
18 **subsection that resulted in reportable injuries.**

19 **“(h) The number of children in care who were placed in restraint**
20 **or involuntary seclusion more than three times during the preceding**
21 **three-month period and a description of the steps the program has**
22 **taken to decrease the use of restraint and involuntary seclusion.**

23 **“(i) The number of incidents in which individuals who administered**
24 **restraint or involuntary seclusion were not trained, as required by the**
25 **department by rule, to administer the type of restraint used or invol-**
26 **untary seclusion.**

27 **“(j) The demographic characteristics of all children in care to whom**
28 **restraint or involuntary seclusion was administered, including race,**
29 **ethnicity, gender, disability status, migrant status, English proficiency**
30 **and status as economically disadvantaged, unless the demographic in-**

1 **formation would reveal personally identifiable information about an**
2 **individual child in care.**

3 **“(2)(a) If a program provides services in more than one location, the**
4 **reports under subsection (1) of this section must separate the data for**
5 **each location that serves five or more children in care.**

6 **“(b) If the site-specific data for a given location is not provided**
7 **under paragraph (a) of this subsection because the program serves**
8 **fewer than five children in care at that location, the program’s report**
9 **must include a notation indicating the aggregate number of children**
10 **in care served by the program across all of the program’s locations**
11 **and the reporting requirements under paragraph (a) of this subsection**
12 **continue to apply to any of the program’s other locations serving five**
13 **or more children in care.**

14 **“(3)(a) The department shall make each quarterly report it receives**
15 **under this section available to the public on the department’s website.**

16 **“(b) Each program that submits a report under this section shall**
17 **make its quarterly report available to the public upon request at the**
18 **program’s main office and on the program’s website if the program**
19 **maintains a website.**

20 **“(c) Each program shall provide notice regarding how to access the**
21 **quarterly reports to the parents or guardians of children in care in the**
22 **program. The program shall provide the notice upon the child in care’s**
23 **admission and at least two times each year thereafter.**

24 **“SECTION 5a. Section 5 of this 2021 Act is amended to read:**

25 **“Sec. 5. (1) A program must prepare and submit to the Department of**
26 **Human Services a quarterly report detailing the use of restraint and invol-**
27 **untary seclusion for the preceding three-month period, including, at a mini-**
28 **mum:**

29 **“(a) The total number of incidents involving restraint.**

30 **“(b) The total number of incidents involving involuntary seclusion.**

1 “(c) The total number of involuntary seclusions in a locked room.

2 “(d) The total number of rooms available for use by the program for in-
3 voluntary seclusion and a description of the dimensions and design of the
4 rooms.

5 “(e) The total number of children in care placed in restraint.

6 “(f) The total number of children in care placed in involuntary seclusion.

7 “(g) The total number of incidents under paragraph (a) or (b) of this
8 subsection that resulted in reportable injuries.

9 “(h) The number of children in care who were placed in restraint or in-
10 voluntary seclusion more than three times during the preceding three-month
11 period and a description of the steps the program has taken to decrease the
12 use of restraint and involuntary seclusion.

13 “(i) The number of incidents in which individuals who administered re-
14 straint or involuntary seclusion were not [*trained, as required by the de-*
15 *partment by rule,*] **certified as described in section 6 of this 2021 Act** to
16 administer the type of restraint used or involuntary seclusion.

17 “(j) The demographic characteristics of all children in care to whom re-
18 straint or involuntary seclusion was administered, including race, ethnicity,
19 gender, disability status, migrant status, English proficiency and status as
20 economically disadvantaged, unless the demographic information would re-
21 veal personally identifiable information about an individual child in care.

22 “(2)(a) If a program provides services in more than one location, the re-
23 ports under subsection (1) of this section must separate the data for each
24 location that serves five or more children in care.

25 “(b) If the site-specific data for a given location is not provided under
26 paragraph (a) of this subsection because the program serves fewer than five
27 children in care at that location, the program’s report must include a nota-
28 tion indicating the aggregate number of children in care served by the pro-
29 gram across all of the program’s locations and the reporting requirements
30 under paragraph (a) of this subsection continue to apply to any of the

1 program's other locations serving five or more children in care.

2 “(3)(a) The department shall make each quarterly report it receives under
3 this section available to the public on the department's website.

4 “(b) Each program that submits a report under this section shall make its
5 quarterly report available to the public upon request at the program's main
6 office and on the program's website if the program maintains a website.

7 “(c) Each program shall provide notice regarding how to access the
8 quarterly reports to the parents or guardians of children in care in the pro-
9 gram. The program shall provide the notice upon the child in care's admis-
10 sion and at least two times each year thereafter.

11 **“SECTION 6. Training in use of restraint or involuntary seclusion.**
12 **A person who administers the restraint or involuntary seclusion of a**
13 **child in care in a program must be trained, as required by the De-**
14 **partment of Human Services by rule in effect on the effective date of**
15 **this 2021 Act, to administer the type of restraint used.**

16 **“SECTION 6a.** Section 6 of this 2021 Act is amended to read:

17 **“Sec. 6.** *[A person who administers the restraint or involuntary seclusion*
18 *of a child in care in a program must be trained, as required by the Department*
19 *of Human Services by rule in effect on the effective date of this 2021 Act, to*
20 *administer the type of restraint used.]*

21 **“(1)(a) The Department of Human Services shall adopt by rule**
22 **training standards and certification requirements regarding the ad-**
23 **ministration of restraint and involuntary seclusion to children in care,**
24 **consistent with this section.**

25 **“(b) The department shall designate two to three nationally recog-**
26 **nized crisis intervention training programs that meet the department's**
27 **training standards and whose certifications issued upon completion of**
28 **the training programs the department will recognize as satisfying the**
29 **department's certification requirements.**

30 **“(2) The department's rules under this section must:**

1 “(a) Ensure consistency of training and professional development
2 across all programs;

3 “(b) Require the teaching of techniques for nonviolent crisis inter-
4 vention that do not require restraint;

5 “(c) Focus on de-escalation and trauma-informed behavioral sup-
6 port as the core of a training program;

7 “(d) Offer options for certification in skills that do not include the
8 use of restraint to improve agency-wide safety, culture and trauma-
9 informed practices;

10 “(e) Prioritize the reduction or elimination of the use of restraint
11 and involuntary seclusion;

12 “(f) Ensure that any physical intervention skills taught are
13 trauma-informed, age-appropriate and developmentally appropriate for
14 children in care, reduce the risk of physical or emotional harm and
15 are consistent with all state and federal laws;

16 “(g) Include training to identify the physical, psychological and
17 emotional risks for children and program staff related to the use of
18 restraint and involuntary seclusion;

19 “(h) Ensure fidelity of training through the publication of consist-
20 ent training materials and resources for certified instructors and cer-
21 tified program staff;

22 “(i) Include requirements for instructor training and certification;
23 and

24 “(j) Require regular, ongoing support to certified instructors, in-
25 cluding quality control, monitoring of outcomes and provision of in-
26 formation regarding networks for professional collaboration and
27 support.

28 “(3) The department’s rules must require that training program
29 instructors:

30 “(a) Be certified to conduct the type of training the instructor is

1 **providing;**

2 **“(b) Complete a minimum of 26 hours of initial education with a**
3 **focus on de-escalation, nonviolent intervention and methods consist-**
4 **ent with the department’s rules for the use of physical intervention;**

5 **“(c) Complete a minimum of 12 hours of continuing education every**
6 **two years;**

7 **“(d) Be recertified at least once every two years; and**

8 **“(e) Demonstrate written and physical competency before receiving**
9 **certification or recertification.**

10 **“(4) The department’s rules must require that program staff who**
11 **administer restraint or involuntary seclusion to children in care must**
12 **be certified in the administration of specific types of permissible re-**
13 **straint or involuntary seclusion. The department’s rules must describe**
14 **the minimum certification requirements, including:**

15 **“(a) Completion of a minimum of 12 hours of initial training in**
16 **person from an instructor certified as provided in subsection (3) of this**
17 **section, including at least six hours of training in positive behavior**
18 **support, nonviolent crisis intervention and other methods of non-**
19 **physical intervention to support children in care in crisis;**

20 **“(b) Annual continuing education with a certified instructor; and**

21 **“(c) Demonstration of a mastery of the training program material**
22 **both in writing and by physical competency before receiving certifica-**
23 **tion.**

24 **“(5) A certification issued under this section:**

25 **“(a) Must be personal to the individual certified by the training**
26 **program;**

27 **“(b) May be valid for no more than two years without recertif-**
28 **ication;**

29 **“(c) Must require annual continuing education to maintain;**

30 **“(d) Must require additional training to renew the certification;**

1 “(e) Must be portable between employers; and
2 “(f) Must include:
3 “(A) The dates during which the certification is current;
4 “(B) The types of restraint and involuntary seclusion that the in-
5 dividual is certified to administer, if any;
6 “(C) The types of training the individual is certified to conduct, if
7 any;
8 “(D) Any special endorsements earned by the individual;
9 “(E) The level of training; and
10 “(F) The name of the certified instructor who conducted the train-
11 ing and administered the assessment of proficiency.
12 “(6) An individual whose certification is consistent with the
13 department’s rules under this section shall maintain the documenta-
14 tion of the certification and make that documentation available to the
15 department upon request.
16 “SECTION 7. Information provided to children in care. (1) Each
17 child in care receiving services from a child-caring agency must be
18 provided with information that:
19 “(a) Explains the provisions of sections 1 to 7 of this 2021 Act;
20 “(b) Provides instruction regarding how a child in care may report
21 suspected inappropriate use of restraint or involuntary seclusion;
22 “(c) Assures the child in care that the child will not experience re-
23 taliation for reporting suspected inappropriate uses of restraint or in-
24 voluntary seclusion; and
25 “(d) Includes the telephone number for the toll-free child abuse
26 hotline described in ORS 417.805 and the telephone numbers and elec-
27 tronic mail addresses for the program’s licensing or certification
28 agency, the child in care’s caseworker and attorney, the child in care’s
29 court appointed special advocate and Disability Rights Oregon.
30 “(2) The information described in subsection (1) of this section must

1 be provided by:

2 “(a) The Department of Human Services if the department placed
3 the child in care in the child-caring agency;

4 “(b) The Oregon Youth Authority if the child in care has been
5 committed to the custody of the authority; or

6 “(c) The child-caring agency, as required by the department by rule,
7 for all other children in care.

8 “**SECTION 8.** ORS 418.205, as amended by sections 15a and 15b, chapter
9 19, Oregon Laws 2020 (first special session), is amended to read:

10 “418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to
11 418.970 and 418.992 to 418.998, unless the context requires otherwise:

12 “(1) ‘Child’ means an unmarried person under 21 years of age who resides
13 in or receives care or services from a child-caring agency.

14 “(2)(a) ‘Child-caring agency’:

15 “(A) Means any private school, private agency, private organization or
16 county program providing:

17 “(i) Day treatment for children with emotional disturbances;

18 “(ii) Adoption placement services;

19 “(iii) Residential care, including but not limited to foster care or resi-
20 dential treatment for children;

21 “(iv) Residential care in combination with academic education and
22 therapeutic care, including but not limited to treatment for emotional, be-
23 havioral or mental health disturbances;

24 “(v) Outdoor youth programs; or

25 “(vi) Other similar care or services for children.

26 “(B) Includes the following:

27 “(i) A shelter-care home that is not a foster home subject to ORS 418.625
28 to 418.645;

29 “(ii) An independent residence facility as described in ORS 418.475;

30 “(iii) A private residential boarding school; *[and]*

1 “(iv) A child-caring facility as defined in ORS 418.950[.]; and

2 “(v) A private secure transportation services company that trans-
3 ports or provides escort services for children on the highways of this
4 state along a route that begins or ends in this state, to or from a
5 school, agency, organization or program described in this paragraph
6 or to or from any other treatment program, and which transportation
7 or escort service is not incidental to the transportation or escort ser-
8 vices the company offers to the general public.

9 “(b) ‘Child-caring agency’ does not include:

10 “(A) Residential facilities or foster care homes certified or licensed by the
11 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
12 443.835 for children receiving developmental disability services;

13 “(B) Any private agency or organization facilitating the provision of re-
14 spite services for parents pursuant to a properly executed power of attorney
15 under ORS 109.056. For purposes of this subparagraph, ‘respite services’
16 means the voluntary assumption of short-term care and control of a minor
17 child without compensation or reimbursement of expenses for the purpose
18 of providing a parent in crisis with relief from the demands of ongoing care
19 of the parent’s child;

20 “(C) A youth job development organization as defined in ORS 344.415;

21 “(D) A shelter-care home that is a foster home subject to ORS 418.625 to
22 418.645;

23 “(E) A foster home subject to ORS 418.625 to 418.645;

24 “(F) A facility that exclusively serves individuals 18 years of age and
25 older; or

26 “(G) A facility that primarily serves both adults and children but requires
27 that any child must be accompanied at all times by at least one custodial
28 parent or guardian.

29 “(3) ‘Child-caring facility’ has the meaning given that term in ORS
30 418.950.

1 “(4)(a) ‘County program’ means any county operated program that pro-
2 vides care or services to children:

3 “(A) In the custody of the Department of Human Services or the Oregon
4 Youth Authority[.]; **or**

5 “(B) **Under a contract with the Oregon Health Authority.**

6 “(b) ‘County program’ does not include any local juvenile detention fa-
7 cility that receives state services provided and coordinated by the Depart-
8 ment of Corrections under ORS 169.070.

9 “(5) ‘Governmental agency’ means an executive, legislative or judicial
10 agency, department, board, commission, authority, institution or
11 instrumentality of this state or of a county, municipality or other political
12 subdivision of this state.

13 “(6) ‘Independent residence facility’ means a facility established or certi-
14 fied under ORS 418.475.

15 “(7)(a) ‘Outdoor youth program’ means a program that provides, in an
16 outdoor living setting, services to children who have behavioral problems,
17 mental health problems or problems with abuse of alcohol or drugs.

18 “(b) ‘Outdoor youth program’ does not include any program, facility or
19 activity:

20 “(A) Operated by a governmental entity;

21 “(B) Operated or affiliated with the Oregon Youth Corps;

22 “(C) Licensed by the Department of Human Services under other author-
23 ity of the department; or

24 “(D) Operated by a youth job development organization as defined in ORS
25 344.415.

26 “(8) ‘Private’ means not owned, operated or administered by any govern-
27 mental agency or unit.

28 “(9) ‘Private residential boarding school’ means either of the following
29 as the context requires:

30 “(a) A child-caring agency that is a private school that provides residen-

1 tial care in combination with academic education and therapeutic care, in-
2 cluding but not limited to treatment for emotional, behavioral or mental
3 health disturbances; or

4 “(b) A private school providing residential care that is primarily engaged
5 in educational work under ORS 418.327.

6 “(10) ‘Proctor foster home’ means a foster home certified by a child-caring
7 agency under ORS 418.248 that is not subject to ORS 418.625 to 418.645.

8 “(11) ‘Provider of care or services for children’ means a person, entity or
9 organization that provides care or services to children, regardless of whether
10 the child is in the custody of the Department of Human Services, and that
11 does not otherwise meet the definition of, or requirements for, a child-caring
12 agency. ‘Provider of care or services for children’ includes a proctor foster
13 home certified by a child-caring agency under ORS 418.248.

14 “(12) ‘Qualified residential treatment program’ means a program described
15 in section 12b, chapter 19, Oregon Laws 2020 (first special session).

16 “(13) ‘Shelter-care home’ has the meaning given that term in ORS 418.470.

17 **“SECTION 9.** ORS 418.257 is amended to read:

18 “418.257. As used in ORS 418.257 to 418.259 **and sections 1 to 7 of this**
19 **2021 Act:**

20 “(1) ‘Abuse’ means one or more of the following:

21 “(a) Any physical injury to a child in care caused by other than acci-
22 dental means, or that appears to be at variance with the explanation given
23 of the injury.

24 “(b) Neglect of a child in care.

25 “(c) Abandonment, including desertion or willful forsaking of a child in
26 care or the withdrawal or neglect of duties and obligations owed a child in
27 care by a child-caring agency, caretaker, certified foster home, developmental
28 disabilities residential facility or other person.

29 “(d) Willful infliction of physical pain or injury upon a child in care.

30 “(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,

1 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.

2 “(f) Verbal abuse.

3 “(g) Financial exploitation.

4 “(h) Sexual abuse.

5 “(i) Involuntary seclusion of a child in care for the convenience of a
6 child-caring agency, caretaker, certified foster home or developmental disa-
7 bilities residential facility or to discipline the child in care.

8 “[*(j) A wrongful use of a physical or chemical restraint of a child in care,*
9 *excluding an act of restraint prescribed by a physician licensed under ORS*
10 *chapter 677 and any treatment activities that are consistent with an approved*
11 *treatment plan or in connection with a court order.*]

12 “**(j) The use of restraint or involuntary seclusion of a child in care**
13 **in violation of section 2 or 3 of this 2021 Act.**

14 “(2) ‘Certified foster home’ means a foster home certified by the Depart-
15 ment of Human Services and subject to ORS 418.625 to 418.645.

16 “(3)(a) ‘Child in care’ means a person under 21 years of age who is re-
17 siding in or receiving care or services from:

18 “(A) A child-caring agency or proctor foster home subject to ORS 418.205
19 to 418.327, 418.470, 418.475 or 418.950 to 418.970;

20 “(B) A certified foster home; or

21 “(C) A developmental disabilities residential facility.

22 “(b) ‘Child in care’ does not include a person under 21 years of age who
23 is residing in any of the entities listed in paragraph (a) of this subsection
24 when the care provided is in the home of the child by the child’s parent.

25 “[*(4) ‘Child-caring agency’ has the meaning given that term in ORS*
26 *418.205.*]

27 “[*(5)*] **(4)** ‘Developmental disabilities residential facility’ means a residen-
28 tial facility or foster home for children who are [*18*] **17** years of age or
29 younger and receiving developmental disability services that is subject to
30 ORS 443.400 to 443.455, 443.830 and 443.835.

1 “[6] *‘Involuntary seclusion’ means the confinement of a child in care alone*
2 *in a room from which the child in care is physically prevented from leaving.*
3 *‘Involuntary seclusion’ does not include age-appropriate discipline, including*
4 *but not limited to a time-out.*]

5 “[7] *‘Proctor foster home’ has the meaning given that term in ORS*
6 *418.205.*]

7 “[8)(a)] **(5)(a)** *‘Financial exploitation’ means:*

8 “(A) Wrongfully taking the assets, funds or property belonging to or in-
9 tended for the use of a child in care.

10 “(B) Alarming a child in care by conveying a threat to wrongfully take
11 or appropriate moneys or property of the child in care if the child would
12 reasonably believe that the threat conveyed would be carried out.

13 “(C) Misappropriating, misusing or transferring without authorization
14 any moneys from any account held jointly or singly by a child in care.

15 “(D) Failing to use the income or assets of a child in care effectively for
16 the support and maintenance of the child in care.

17 “(b) *‘Financial exploitation’ does not include age-appropriate discipline*
18 *that may involve the threat to withhold, or the withholding of, privileges.*

19 “[9)] **(6)** *‘Intimidation’ means compelling or deterring conduct by threat.*
20 *‘Intimidation’ does not include age-appropriate discipline that may involve*
21 *the threat to withhold privileges.*

22 “**(7)(a) ‘Involuntary seclusion’ means the confinement of a child in**
23 **care alone in a room from which the child in care is prevented from**
24 **leaving by any means.**

25 “**(b) ‘Involuntary seclusion’ does not include age-appropriate disci-**
26 **pline, including, but not limited to, a time-out if the time-out is in a**
27 **setting from which the child in care is not prevented from leaving.**

28 “[10)] **(8)** *‘Law enforcement agency’ means:*

29 “(a) Any city or municipal police department.

30 “(b) Any county sheriff’s office.

1 “(c) The Oregon State Police.

2 “(d) Any district attorney.

3 “(e) A police department established by a university under ORS 352.121
4 or 353.125.

5 “[~~(11)~~] **(9)** ‘Neglect’ means:

6 “(a) Failure to provide the care, supervision or services necessary to
7 maintain the physical and mental health of a child in care; or

8 “(b) The failure of a child-caring agency, proctor foster home, certified
9 foster home, developmental disabilities residential facility, caretaker or other
10 person to make a reasonable effort to protect a child in care from abuse.

11 “[~~(12)~~] **(10)** ‘Services’ includes but is not limited to the provision of food,
12 clothing, medicine, housing, medical services, assistance with bathing or
13 personal hygiene or any other service essential to the well-being of a child
14 in care.

15 “[~~(13)~~] **(11)** ‘Sexual abuse’ means:

16 “(a) Sexual harassment, sexual exploitation or inappropriate exposure to
17 sexually explicit material or language;

18 “(b) Any sexual contact between a child in care and an employee of a
19 child-caring agency, proctor foster home, certified foster home, develop-
20 mental disabilities residential facility, caretaker or other person responsible
21 for the provision of care or services to a child in care;

22 “(c) Any sexual contact between a person and a child in care that is un-
23 lawful under ORS chapter 163 and not subject to a defense under that
24 chapter; or

25 “(d) Any sexual contact that is achieved through force, trickery, threat
26 or coercion.

27 “[~~(14)~~] **(12)** ‘Sexual contact’ has the meaning given that term in ORS
28 163.305.

29 “[~~(15)~~] **(13)** ‘Sexual exploitation’ means sexual exploitation as described
30 in ORS 419B.005 (1)(a)(E).

1 “[16] (14) ‘Verbal abuse’ means to threaten significant physical or emo-
2 tional harm to a child in care through the use of:

3 “(a) Derogatory or inappropriate names, insults, verbal assaults, profanity
4 or ridicule; or

5 “(b) Harassment, coercion, threats, intimidation, humiliation, mental cru-
6 elty or inappropriate sexual comments.

7 **“SECTION 10.** ORS 418.259, as amended by section 9, chapter 19, Oregon
8 Laws 2020 (first special session), is amended to read:

9 “418.259. (1) The investigation conducted by the Department of Human
10 Services under ORS 418.258 must result in one of the following findings:

11 “(a) That the report is substantiated. A report is substantiated when there
12 is reasonable cause to believe that the abuse of a child in care occurred.

13 “(b) That the report is unsubstantiated. A report is unsubstantiated when
14 there is no evidence that the abuse of a child in care occurred.

15 “(c) That the report is inconclusive. A report is inconclusive when there
16 is some indication that the abuse occurred but there is insufficient evidence
17 to conclude that there is reasonable cause to believe that the abuse occurred.

18 “(2) When a report is received under ORS 418.258 alleging that a child in
19 care may have been subjected to abuse, the department shall notify the case
20 managers for the child, the attorney for the child, the child’s court appointed
21 special advocate, the parents or guardians of the child, any attorney repre-
22 senting a parent or guardian of the child and any governmental agency that
23 has a contract with the child-caring agency or developmental disabilities
24 residential facility to provide care or services to the child that a report has
25 been received.

26 “(3)(a) The department may interview the child in care who is the subject
27 of suspected abuse and **any** witnesses, **including other children**, without
28 the presence of employees of the child-caring agency, proctor foster home or
29 developmental disabilities residential facility, the provider of services at a
30 certified foster home or department personnel. The department shall inform

1 the child in care that the child may have the child’s parent or guardian, if
2 the child has not been committed to the custody of the department or the
3 Oregon Youth Authority, or attorney present when participating in an
4 interview conducted in the course of an abuse investigation.

5 **“(b) When investigating an allegation of inappropriate use of re-**
6 **straint or involuntary seclusion, the department shall:**

7 **“(A) Conduct the interviews described in paragraph (a) of this sub-**
8 **section without the presence of employees of the child-caring agency,**
9 **proctor foster home or developmental disabilities residential facility;**

10 **“(B) Review all incident reports related to the child in care and**
11 **other reports related to the restraint or involuntary seclusion of the**
12 **child in care;**

13 **“(C) Review any audio, video or photographic recordings of the re-**
14 **straint or involuntary seclusion, including the circumstances imme-**
15 **diately before and following the incident;**

16 **“(D) During an interview with the child in care who is the subject**
17 **of the suspected abuse, ask the child about whether they experienced**
18 **any reportable injury or pain as a result of the restraint or involuntary**
19 **seclusion;**

20 **“(E) Review the training records related to all of the staff who were**
21 **involved in the use of restraint or involuntary seclusion; and**

22 **“(F) Make all reasonable efforts to conduct trauma-informed inter-**
23 **views of each child witness, including the child in care who is the**
24 **subject of suspected abuse unless the investigator makes a specific**
25 **determination that the interview may significantly traumatize the**
26 **child and is not in the best interests of the child.**

27 **“(4) The department shall notify the following when a report of abuse is**
28 **substantiated:**

29 **“(a) The Director of Human Services.**

30 **“(b) Personnel in the department responsible for the licensing, certificate**

1 or authorization of child-caring agencies.

2 “(c) The department’s lead personnel in that part of the department that
3 is responsible for child welfare generally.

4 “(d) With respect to the child in care who is the subject of the abuse re-
5 port and investigation, the case managers for the child, the attorney for the
6 child, the child’s court appointed special advocate, the parents or guardians
7 of the child, any attorney representing a parent or guardian of the child and
8 any governmental agency that has a contract with the child-caring agency
9 to provide care or services to the child.

10 “(e) The parents or guardians of the child in care who is the subject of
11 the abuse report and investigation if the child in care has not been commit-
12 ted to the custody of the department or the youth authority. Notification
13 under this paragraph may not include any details or information other than
14 that a report of abuse has been substantiated.

15 “(f) Any governmental agency that has a contract with the child-caring
16 agency to provide care or services to a child in care.

17 “(g) The local citizen review board established by the Judicial Department
18 under ORS 419A.090.

19 “(5) The department shall report on a quarterly basis to the interim leg-
20 islative committees on child welfare for the purposes of public review and
21 oversight of the quality and safety of child-caring agencies, certified foster
22 homes and developmental disabilities residential facilities that are licensed,
23 certified or authorized by the department in this state and of proctor foster
24 homes that are certified by the child-caring agencies. Information provided
25 in reports under this subsection may not contain the name or any identifying
26 information of a child in care but must contain all of the following:

27 “(a) The name of any child-caring agency, including an out-of-state
28 child-caring agency, proctor foster home or developmental disabilities resi-
29 dential facility, or, provided there are five or more certified foster homes in
30 the county, the name of the county where a certified foster home is located,

1 where the department conducted an investigation pursuant to ORS 418.258
2 that resulted in a finding that the report of abuse was substantiated during
3 that quarter;

4 “(b) The approximate date that the abuse occurred;

5 “(c) The nature of the abuse and a brief narrative description of the abuse
6 that occurred;

7 “(d) Whether physical injury, sexual abuse or death resulted from the
8 abuse;

9 “(e) Corrective actions taken or ordered by the department and the out-
10 come of the corrective actions; and

11 “(f) Information the department received in that quarter regarding any
12 substantiated allegations of child abuse made by any other state involving
13 a congregate care residential setting, as defined in ORS 419B.354, in which
14 the department has placed Oregon children.

15 **“(6) The department’s quarterly report under subsection (5) of this**
16 **section must also contain all of the following:**

17 **“(a) The total number of restraints used in programs that quarter;**

18 **“(b) The total number of programs that reported the use of re-**
19 **straints of children in care that quarter;**

20 **“(c) The total number of individual children in care who were sub-**
21 **ject to restraints that quarter;**

22 **“(d) The number of reportable injuries to children in care that re-**
23 **sulted from those restraints;**

24 **“(e) The number of restraints applied by program staff who were**
25 **not appropriately trained to implement the restraint; and**

26 **“(f) The number of restraints that were reported for potential in-**
27 **appropriate use of restraint.**

28 “[6] (7) In compiling records, reports and other information during an
29 investigation under ORS 418.258 (1) and in issuing findings, letters of con-
30 cern or reprimands, the Director of Human Services or the director’s

1 designee and the department may not refer to the employee, person or entity
2 that is the subject of the investigation as an ‘alleged perpetrator’ but must
3 refer to the employee, person or entity as the ‘respondent.’

4 **“(8) As used in this section, ‘reportable injury,’ ‘restraint’ and**
5 **‘program’ have the meanings given those terms in section 1 of this**
6 **2021 Act.**

7 **“SECTION 11. Reports first due. The reports under section 5 of this**
8 **2021 Act, are due on November 1, 2021, and quarterly thereafter. The**
9 **reports due on November 1, 2021, must include data regarding the**
10 **program’s use of restraint and involuntary seclusion from July 1, 2021,**
11 **through September 1, 2021.**

12 **“SECTION 12. Operative dates. (1) Sections 3, 4, 5 and 6 as amended**
13 **by sections 3a, 4a, 5a and 6a of this 2021 Act become operative on July**
14 **1, 2022.**

15 **“(2) The Department of Human Services may adopt rules and take**
16 **any other action before the operative date specified in subsection (1)**
17 **of this section that is necessary to enable the department, on or after**
18 **the operative date specified in subsection (1) of this section, to**
19 **undertake and exercise all of the duties, functions and powers con-**
20 **ferred on the department by sections 3, 4, 5 and 6 of this 2021 Act as**
21 **amended by sections 3a, 4a, 5a and 6a of this 2021 Act.**

22 **“SECTION 13. Captions. The section captions used in this 2021 Act**
23 **are provided only for the convenience of the reader and do not become**
24 **part of the statutory law of this state or express any legislative intent**
25 **in the enactment of this 2021 Act.**

26 **“SECTION 14. Effective date. This 2021 Act being necessary for the**
27 **immediate preservation of the public peace, health and safety, an**
28 **emergency is declared to exist, and this 2021 Act takes effect on its**
29 **passage.”.**

30