

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO  
SENATE BILL 710**

1 On page 1 of the printed bill, line 2, after “418.257” delete the rest of the  
2 line and delete line 3 and insert “and 418.259; and declaring an  
3 emergency.”.

4 Delete lines 5 through 28 and delete pages 2 through 14 and insert:  
5

6 **“RESTRAINT AND INVOLUNTARY SECLUSION**  
7

8 **“SECTION 1. Definitions. As used in sections 1 to 11 of this 2021**  
9 **Act:**

10 **“(1) ‘Certified foster home’ means a foster home subject to ORS**  
11 **418.625 to 418.645.**

12 **“(2) ‘Chemical restraint’ means a drug or medication that is ad-**  
13 **ministered to a child in care to control behavior or restrict freedom**  
14 **of movement.**

15 **“(3) ‘Child-caring agency’ has the meaning given that term in ORS**  
16 **418.205.**

17 **“(4) ‘Child in care’ has the meaning given that term in ORS 418.257.**

18 **“(5) ‘Children’s emergency safety intervention specialist’ means a**  
19 **qualified mental health professional licensed to order, monitor and**  
20 **evaluate the use of seclusion and restraint in accredited and certified**  
21 **facilities that provide intensive mental health treatment services to**

1 **individuals under 21 years of age.**

2 **“(6) ‘Developmental disabilities residential facility’ has the meaning**  
3 **given that term in ORS 418.257.**

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

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

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

13 **“(9) ‘Proctor foster home’ means a foster home certified by a**  
14 **child-caring agency under ORS 418.248.**

15 **“(10) ‘Program’ means:**

16 **“(a) A child-caring agency;**

17 **“(b) A proctor foster home; or**

18 **“(c) A developmental disabilities residential facility that is a resi-**  
19 **dential training home or facility licensed under ORS 443.415 to serve**  
20 **children under 18 years of age.**

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

23 **“(12) ‘Reportable injury’ means any type of injury to a child in care,**  
24 **including but not limited to rug burns, fractures, sprains, bruising,**  
25 **pain, soft tissue injury, punctures, scratches, concussions, abrasions,**  
26 **dizziness, loss of consciousness, loss of vision, visual disturbance or**  
27 **death.**

28 **“(13) ‘Restraint’ means the physical restriction of a child in care’s**  
29 **actions or movements by holding the child in care or using pressure**  
30 **or other means.**

1       “(14) ‘Secure adolescent inpatient treatment program’ means a  
2 child-caring agency that is an intensive treatment services program,  
3 as described by the Oregon Health Authority by rule, that provides  
4 inpatient psychiatric stabilization and treatment services to individ-  
5 uals under 21 years of age who require a secure intensive treatment  
6 setting.

7       “(15) ‘Secure children’s inpatient treatment program’ means a  
8 child-caring agency that is an intensive treatment services program,  
9 as described by the authority by rule, that provides inpatient psychi-  
10 atric stabilization and treatment services to children under 14 years  
11 of age who require a secure intensive treatment setting.

12       “(16) ‘Serious bodily injury’ means any significant impairment of  
13 the physical condition of an individual, as determined by qualified  
14 medical personnel, whether self-inflicted or inflicted by someone else.

15       “(17) ‘Supine restraint’ means a restraint in which a child in care  
16 is held face up on the floor.

17       “SECTION 2. Prohibitions on restraint or involuntary seclusion. (1)  
18 A child-caring agency, proctor foster home, certified foster home or  
19 developmental disabilities residential facility may not place a child in  
20 care in a restraint or involuntary seclusion as a form of discipline,  
21 punishment or retaliation or for the convenience of staff, contractors  
22 or volunteers of the child-caring agency, proctor foster home, certified  
23 foster home or developmental disabilities residential facility.

24       “(2) Except as provided in section 3 (4) of this 2021 Act, the use of  
25 the following types of restraint of a child in care are prohibited:

26       “(a) Chemical restraint.

27       “(b) Mechanical restraint.

28       “(c) Prone restraint.

29       “(d) Supine restraint.

30       “(e) Any restraint that includes the nonincidental use of a solid

1 **object, including the ground, a wall or the floor, to impede a child in**  
2 **care’s movement.**

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

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

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

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

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

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

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

18 **(1) Except as otherwise provided in this section, a child-caring agency,**  
19 **proctor foster home or developmental disabilities residential facility**  
20 **may only place a child in care in a restraint or involuntary seclusion**  
21 **if the child in care’s behavior poses a reasonable risk of imminent se-**  
22 **rious bodily injury to the child in care or others and less restrictive**  
23 **interventions would not effectively reduce that risk.**

24 **“(2) A certified foster home may not place a child in care in a re-**  
25 **straint or involuntary seclusion.**

26 **“(3) Notwithstanding subsection (1) or (2) of this section, a child-**  
27 **caring agency, proctor foster home, certified foster home or develop-**  
28 **mental disabilities residential facility may use the following types of**  
29 **restraints on a child in care:**

30 **“(a) Holding the child in care’s hand or arm to escort the child in**

1 **care safely and without the use of force from one area to another;**

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

4 **“(c) Using a physical intervention if:**

5 **“(A) The intervention is necessary to break up a physical fight or**  
6 **to effectively protect a person from an assault, serious bodily injury**  
7 **or sexual contact;**

8 **“(B) The intervention uses the least amount of physical force and**  
9 **contact possible; and**

10 **“(C) The intervention is not a prohibited restraint described in**  
11 **section 2 (2) of this 2021 Act.**

12 **“(4) Notwithstanding section 2 (2) of this 2021 Act:**

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

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

18 **“(c) If a program is a secure children’s inpatient treatment program**  
19 **or secure adolescent inpatient treatment program, the program may**  
20 **place a child in care in a restraint described in section 2 (2)(d) or (e)**  
21 **of this 2021 Act only if:**

22 **“(A) The child in care is currently admitted to the program;**

23 **“(B) The restraint is authorized by an order written at the time of**  
24 **and specifically for the current situation by a licensed medical practi-**  
25 **tioner or a licensed children’s emergency safety intervention special-**  
26 **ist;**

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

30 **“(D) A licensed medical practitioner, children’s emergency safety**

1 **intervention specialist or qualified mental health professional, who is**  
2 **certified in the use of the type of restraint used, continuously moni-**  
3 **tors the use of the restraint and the physical and psychological well-**  
4 **being of the child in care at all times while the restraint is being used;**

5 **“(E) Each individual placing the child in care in the restraint is**  
6 **trained, as required by the Department of Human Services by rule, in**  
7 **the use of the type of restraint used and the individual’s training is**  
8 **current;**

9 **“(F) One or more individuals with current cardiopulmonary resus-**  
10 **citation training are present for the duration of the restraint;**

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

16 **“(H) The program is in compliance with any other requirements**  
17 **under sections 1 to 11 of this 2021 Act, and the use of the restraint does**  
18 **not otherwise violate any applicable contract requirements or any**  
19 **state or federal law related to the use of restraints.**

20 **“(5) In addition to the restraints described in subsection (3) of this**  
21 **section, a program may place a child in care in a restraint or invol-**  
22 **untary seclusion if:**

23 **“(a) The restraint or involuntary seclusion is used only for as long**  
24 **as the child in care’s behavior poses a reasonable risk of imminent**  
25 **serious bodily injury;**

26 **“(b) The individuals placing the child in care in the restraint are**  
27 **trained, as required by the department by rule, in the use of the type**  
28 **of restraint or involuntary seclusion used;**

29 **“(c) The program staff continuously monitor the child in care for**  
30 **the duration of the restraint or involuntary seclusion; and**

1       “(d) The restraint or involuntary seclusion is performed in a man-  
2 ner that is safe, proportionate and appropriate, taking into consider-  
3 ation the child in care’s chronological and developmental age, size,  
4 gender identity, physical, medical and psychiatric condition and per-  
5 sonal history, including any history of physical or sexual abuse.

6       “(6) In addition to the requirements described in subsection (5) of  
7 this section, if a program places a child in care in a restraint or in-  
8 voluntary seclusion for more than 10 minutes:

9       “(a) The program must provide the child in care with adequate ac-  
10 cess to the bathroom and water at least every 30 minutes; and

11       “(b)(A) Every five minutes after the first 10 minutes of the restraint  
12 or involuntary seclusion, a program supervisor who is trained, as re-  
13 quired by the department by rule, in the use of the type of restraint  
14 or involuntary seclusion being used must provide written authori-  
15 zation for the continuation of the restraint or involuntary seclusion.

16       “(B) If the supervisor is not on-site at the time the restraint is  
17 used, the supervisor may provide the written authorization electron-  
18 ically.

19       “(C) The written authorization must document why the restraint  
20 or involuntary seclusion continues to be the least restrictive inter-  
21 vention to reduce the risk of imminent serious bodily injury in the  
22 given circumstances.

23       “SECTION 4. Section 3 of this 2021 Act is amended to read:

24       “**Sec. 3.** (1) Except as otherwise provided in this section, a child-caring  
25 agency, proctor foster home or developmental disabilities residential facility  
26 may only place a child in care in a restraint or involuntary seclusion if the  
27 child in care’s behavior poses a reasonable risk of imminent serious bodily  
28 injury to the child in care or others and less restrictive interventions would  
29 not effectively reduce that risk.

30       “(2) A certified foster home may not place a child in care in a restraint

1 or involuntary seclusion.

2 “(3) Notwithstanding subsection (1) or (2) of this section, a child-caring  
3 agency, proctor foster home, certified foster home or developmental disabili-  
4 ties residential facility may use the following types of restraints on a child  
5 in care:

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

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

10 “(c) Using a physical intervention if:

11 “(A) The intervention is necessary to break up a physical fight or to ef-  
12 fectively protect a person from an assault, serious bodily injury or sexual  
13 contact;

14 “(B) The intervention uses the least amount of physical force and contact  
15 possible; and

16 “(C) The intervention is not a prohibited restraint described in section 2  
17 (2) of this 2021 Act.

18 “(4) Notwithstanding section 2 (2) of this 2021 Act:

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

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

24 “(c) If a program is a secure children’s inpatient treatment program or  
25 secure adolescent inpatient treatment program, the program may place a  
26 child in care in a restraint described in section 2 (2)(d) or (e) of this 2021  
27 Act only if:

28 “(A) The child in care is currently admitted to the program;

29 “(B) The restraint is authorized by an order written at the time of and  
30 specifically for the current situation by a licensed medical practitioner or a



1 licensed children’s emergency safety intervention specialist;

2 “(C) The restraint is used only as long as needed to prevent serious  
3 physical injury, as defined in ORS 161.015, and while no other intervention  
4 or form of restraint is possible;

5 “(D) A licensed medical practitioner, children’s emergency safety inter-  
6 vention specialist or qualified mental health professional, who is certified in  
7 the use of the type of restraint used, continuously monitors the use of the  
8 restraint and the physical and psychological well-being of the child in care  
9 at all times while the restraint is being used;

10 “(E) Each individual placing the child in care in the restraint is [*trained,*  
11 *as required by the Department of Human Services by rule,*] **certified as de-**  
12 **scribed in section 9 of this 2021 Act** in the use of the type of restraint used  
13 and the individual’s training is current;

14 “(F) One or more individuals with current cardiopulmonary resuscitation  
15 training are present for the duration of the restraint;

16 “(G) The program has written policies that require a licensed children’s  
17 emergency safety intervention specialist or other licensed practitioner to  
18 evaluate and document the physical, psychological and emotional well-being  
19 of the child in care immediately following the use of the restraint; and

20 “(H) The program is in compliance with any other requirements under  
21 sections 1 to 11 of this 2021 Act, and the use of the restraint does not oth-  
22 erwise violate any applicable contract requirements or any state or federal  
23 law related to the use of restraints.

24 “(5) In addition to the restraints described in subsection (3) of this sec-  
25 tion, a program may place a child in care in a restraint or involuntary se-  
26 clusion if:

27 “(a) The restraint or involuntary seclusion is used only for as long as the  
28 child in care’s behavior poses a reasonable risk of imminent serious bodily  
29 injury;

30 “(b) The individuals placing the child in care in the restraint **or invol-**

1 **untary seclusion are certified as described in section 9 of this 2021 Act**  
2 **in the use of the type of restraint used or** are trained, as required by the  
3 department by rule, in the use of the [*type of restraint or*] involuntary se-  
4 clusion used;

5 “(c) The program staff continuously monitor the child in care for the du-  
6 ration of the restraint or involuntary seclusion; and

7 “(d) The restraint or involuntary seclusion is performed in a manner that  
8 is safe, proportionate and appropriate, taking into consideration the child in  
9 care’s chronological and developmental age, size, gender identity, physical,  
10 medical and psychiatric condition and personal history, including any history  
11 of physical or sexual abuse.

12 “(6) In addition to the requirements described in subsection (5) of this  
13 section, if a program places a child in care in a restraint or involuntary se-  
14 clusion for more than 10 minutes:

15 “(a) The program must provide the child in care with adequate access to  
16 the bathroom and water at least every 30 minutes; and

17 “(b)(A) Every five minutes after the first 10 minutes of the restraint or  
18 involuntary seclusion, a program supervisor who is **certified as described**  
19 **in section 9 of this 2021 Act in the use of the type of restraint being**  
20 **used or** trained, as required by the department by rule, in the use of the  
21 [*type of restraint or*] involuntary seclusion being used must provide written  
22 authorization for the continuation of the restraint or involuntary seclusion.

23 “(B) If the supervisor is not on-site at the time the restraint is used, the  
24 supervisor may provide the written authorization electronically.

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

28 **“SECTION 5. Procedures, notices and reports. (1) A program shall**  
29 **establish procedures for the program to follow when a child in care is**  
30 **placed in a restraint or involuntary seclusion. The procedures must**

1 be consistent with the provisions of this section and sections 2 and 3  
2 of this 2021 Act.

3 “(2) A program shall maintain a record of each incident in which  
4 a reportable injury arises from the use of a restraint or involuntary  
5 seclusion. The record under this subsection must include any audio  
6 or video recording immediately preceding, during and following the  
7 incident.

8 “(3)(a) If a program places a child in care in a restraint except as  
9 provided in section 3 (3)(a) or (b) of this 2021 Act, or involuntary se-  
10 clusion, the program shall provide the child in care’s case manager,  
11 attorney, court appointed special advocate and parents or guardians  
12 with:

13 “(A) Verbal or electronic notice that the restraint or involuntary  
14 seclusion was used as soon as practicable following the incident but  
15 not later than the end of the next business day; and

16 “(B) Written notice that the restraint or involuntary seclusion was  
17 used as soon as practicable following the incident but not later than  
18 the end of the next business day.

19 “(b) The written notice must include:

20 “(A) A description of the restraint or involuntary seclusion, the  
21 date of the restraint or involuntary seclusion, the times when the re-  
22 straint or involuntary seclusion began and ended and the location of  
23 the restraint or involuntary seclusion.

24 “(B) A description of the child in care’s activity that necessitated  
25 the use of restraint or involuntary seclusion.

26 “(C) The efforts the program used to de-escalate the situation and  
27 the alternatives to restraint or involuntary seclusion the program at-  
28 tempted before placing the child in care in the restraint or involuntary  
29 seclusion.

30 “(D)(i) The names of each of individual who placed the child in care

1 in the restraint or involuntary seclusion or who monitored or approved  
2 the placement of the child in care in the restraint or involuntary se-  
3 clusion.

4 “(ii) For each individual identified in this subparagraph, whether  
5 the individual was trained, as required by the Department of Human  
6 Services by rule, in the use of the type of restraint or involuntary se-  
7 clusion used, the date of the individual’s most recent training and a  
8 description of the types of restraint the individual is trained to use,  
9 if any.

10 “(iii) If an individual identified in this subparagraph was not trained  
11 in the type of restraint or involuntary seclusion used, or if the  
12 individual’s training was not current, a description of the individual’s  
13 training deficiency and the reason an individual without the proper  
14 training was involved in the restraint or involuntary seclusion.

15 “(4) If an incident requires notice under subsection (3) of this sec-  
16 tion, not later than two business days following the date of the re-  
17 straint or involuntary seclusion, the program shall hold a debriefing  
18 meeting with each individual who was involved in the incident and  
19 with any other appropriate program staff, shall take written notes of  
20 the debriefing meeting and shall provide copies of the written notes  
21 to the child in care’s case manager, attorney, court appointed special  
22 advocate and parents or guardians.

23 “(5)(a) If a program places a child in care in a restraint or invol-  
24 untary seclusion and the child in care suffers a reportable injury  
25 arising from the restraint or involuntary seclusion, the program shall  
26 immediately provide the department and the child in care’s attorney,  
27 court appointed special advocate and parents or guardians with writ-  
28 ten notification of the incident and access to and, upon request, copies  
29 of all records related to the restraint or involuntary seclusion, in-  
30 cluding any photographs and audio or video recordings.

1       **“(b) If serious bodily injury or the death of staff personnel occurs**  
2 **in connection to the use of the restraint or involuntary seclusion, the**  
3 **program shall provide the department with written notification of the**  
4 **incident not later than 24 hours following the incident.**

5       **“SECTION 6.** Section 5 of this 2021 Act is amended to read:

6       **“Sec. 5.** (1) A program shall establish procedures for the program to fol-  
7 low when a child in care is placed in a restraint or involuntary seclusion.  
8 The procedures must be consistent with the provisions of this section and  
9 sections 2 and 3 of this 2021 Act.

10       “(2) A program shall maintain a record of each incident in which a re-  
11 portable injury arises from the use of a restraint or involuntary seclusion.  
12 The record under this subsection must include any audio or video recording  
13 immediately preceding, during and following the incident.

14       “(3)(a) If a program places a child in care in a restraint except as pro-  
15 vided in section 3 (3)(a) or (b) of this 2021 Act, or involuntary seclusion, the  
16 program shall provide the child in care’s case manager, attorney, court ap-  
17 pointed special advocate and parents or guardians with:

18       “(A) Verbal or electronic notice that the restraint or involuntary seclu-  
19 sion was used as soon as practicable following the incident but not later  
20 than the end of the next business day; and

21       “(B) Written notice that the restraint or involuntary seclusion was used  
22 as soon as practicable following the incident but not later than the end of  
23 the next business day.

24       “(b) The written notice must include:

25       “(A) A description of the restraint or involuntary seclusion, the date of  
26 the restraint or involuntary seclusion, the times when the restraint or in-  
27 voluntary seclusion began and ended and the location of the restraint or  
28 involuntary seclusion.

29       “(B) A description of the child in care’s activity that necessitated the use  
30 of restraint or involuntary seclusion.

1 “(C) The efforts the program used to de-escalate the situation and the  
2 alternatives to restraint or involuntary seclusion the program attempted be-  
3 fore placing the child in care in the restraint or involuntary seclusion.

4 “(D)(i) The names of each of individual who placed the child in care in  
5 the restraint or involuntary seclusion or who monitored or approved the  
6 placement of the child in care in the restraint or involuntary seclusion.

7 “(ii) For each individual identified in this subparagraph, whether the in-  
8 dividual was **certified as described in section 9 of this 2021 Act in the**  
9 **use of the type of restraint used or** trained, as required by the Department  
10 of Human Services by rule, in the use of the [*type of restraint or*] involuntary  
11 seclusion used, the date of the individual’s most recent **certification or**  
12 training and a description of the types of restraint the individual is  
13 [*trained*] **certified** to use, if any.

14 “(iii) If an individual identified in this subparagraph was not **certified**  
15 **or** trained in the type of restraint or involuntary seclusion used, or if the  
16 individual’s **certification or** training was not current, a description of the  
17 individual’s **certification or** training deficiency and the reason an individual  
18 without the proper **certification or** training was involved in the restraint  
19 or involuntary seclusion.

20 “(4) If an incident requires notice under subsection (3) of this section, not  
21 later than two business days following the date of the restraint or involun-  
22 tary seclusion, the program shall hold a debriefing meeting with each indi-  
23 vidual who was involved in the incident and with any other appropriate  
24 program staff, shall take written notes of the debriefing meeting and shall  
25 provide copies of the written notes to the child in care’s case manager, at-  
26 torney, court appointed special advocate and parents or guardians.

27 “(5)(a) If a program places a child in care in a restraint or involuntary  
28 seclusion and the child in care suffers a reportable injury arising from the  
29 restraint or involuntary seclusion, the program shall immediately provide the  
30 department and the child in care’s attorney, court appointed special advocate

1 and parents or guardians with written notification of the incident and access  
2 to and, upon request, copies of all records related to the restraint or invol-  
3 untary seclusion, including any photographs and audio or video recordings.

4 “(b) If serious bodily injury or the death of staff personnel occurs in  
5 connection to the use of the restraint or involuntary seclusion, the program  
6 shall provide the department with written notification of the incident not  
7 later than 24 hours following the incident.

8 **“SECTION 7. Reporting requirements. (1) A program must prepare**  
9 **and submit to the Department of Human Services a quarterly report**  
10 **detailing the program’s use of restraint and involuntary seclusion for**  
11 **the preceding three-month period, including, at a minimum:**

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

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

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

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

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

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

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

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

27 **“(i) The number of incidents in which an individual who placed a**  
28 **child in care in a restraint or involuntary seclusion was not trained,**  
29 **as required by the department by rule, in the use of the type of re-**  
30 **straint or involuntary seclusion used.**

1       “(j) The demographic characteristics of the children in care who the  
2 program placed in a restraint or involuntary seclusion, including race,  
3 ethnicity, gender, disability status, migrant status, English proficiency  
4 and status as economically disadvantaged, unless the demographic in-  
5 formation would reveal personally identifiable information about an  
6 individual child in care.

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

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

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

20       “(b) Each program that submits a report under this section shall  
21 make its quarterly report available to the public upon request at the  
22 program’s main office and on the program’s website if the program  
23 maintains a website.

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

28       “SECTION 8. Section 7 of this 2021 Act is amended to read:

29       “**Sec. 7.** (1) A program must prepare and submit to the Department of  
30 Human Services a quarterly report detailing the program’s use of restraint



1 and involuntary seclusion for the preceding three-month period, including,  
2 at a minimum:

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

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

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

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

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

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

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

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

17 “(i) The number of incidents in which an individual who placed a child  
18 in care in a restraint or involuntary seclusion was not **certified as de-**  
19 **scribed in section 9 of this 2021 Act or** trained, as required by the de-  
20 partment by rule, in the use of the type of restraint or involuntary seclusion  
21 used.

22 “(j) The demographic characteristics of the children in care who the pro-  
23 gram placed in a restraint or involuntary seclusion, including race, ethnicity,  
24 gender, disability status, migrant status, English proficiency and status as  
25 economically disadvantaged, unless the demographic information would re-  
26 veal personally identifiable information about an individual child in care.

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

30 “(b) If the site-specific data for a given location is not provided under

1 paragraph (a) of this subsection because the program serves fewer than five  
2 children in care at that location, the program’s report must include a nota-  
3 tion indicating the aggregate number of children in care served by the pro-  
4 gram across all of the program’s locations and the reporting requirements  
5 under paragraph (a) of this subsection continue to apply to any of the  
6 program’s other locations serving five or more children in care.

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

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

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

16 **“SECTION 9. Training. If a program places a child in care in a re-**  
17 **straint or involuntary seclusion, the individuals using the restraint or**  
18 **involuntary seclusion must be trained, as required by the Department**  
19 **of Human Services by rule in effect on the effective date of this 2021**  
20 **Act, to administer the type of restraint or involuntary seclusion used.**

21 **“SECTION 10.** Section 9 of this 2021 Act is amended to read:

22 **“Sec. 9.** *[If a program places a child in care in a restraint or involuntary*  
23 *seclusion, the individuals using the restraint or involuntary seclusion must be*  
24 *trained, as required by the Department of Human Services by rule in effect on*  
25 *the effective date of this 2021 Act, to administer the type of restraint or invol-*  
26 *untary seclusion used.]*

27 **“(1)(a) The Department of Human Services shall adopt by rule**  
28 **training standards and certification requirements regarding the**  
29 **placement of a child in care in a restraint or involuntary seclusion,**  
30 **consistent with this section.**

1       **“(b) The department shall designate two or three nationally recog-**  
2 **nized providers of crisis intervention training that meet the**  
3 **department’s training standards and whose certifications issued upon**  
4 **completion of the training programs the department will recognize as**  
5 **satisfying the department’s certification requirements.**

6       **“(2) The department’s rules under this section must:**

7       **“(a) Ensure consistency of training and professional development**  
8 **across all programs;**

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

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

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

16       **“(e) Prioritize the reduction or elimination of the use of restraint**  
17 **and involuntary seclusion;**

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

22       **“(g) Include training to identify the physical, psychological and**  
23 **emotional risks for children and program staff related to the use of**  
24 **restraint and involuntary seclusion;**

25       **“(h) Ensure fidelity of training through the publication of consist-**  
26 **ent training materials and resources for certified instructors and cer-**  
27 **tified program staff;**

28       **“(i) Include requirements for instructor training and certification;**  
29 **and**

30       **“(j) Require regular, ongoing support to certified instructors, in-**

1 **cluding quality control, monitoring of outcomes and provision of in-**  
2 **formation regarding networks for professional collaboration and**  
3 **support.**

4 **“(3) The department’s rules must require that training instructors:**

5 **“(a) Be certified to conduct the type of training the instructor is**  
6 **providing;**

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

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

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

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

15 **“(4) The department’s rules must provide that an individual who**  
16 **places a child in care in a program in a restraint must be certified in**  
17 **the use of the specific type of restraint used. The department’s rules**  
18 **must describe the minimum certification requirements, including:**

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

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

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

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

29 **“(a) Must be personal to the individual certified by the training**  
30 **provider;**

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

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

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

5       **“(e) Must be portable between employers; and**

6       **“(f) Must include:**

7       **“(A) The dates during which the certification is current;**

8       **“(B) The types of restraint in which the individual is certified, if**  
9 **any;**

10       **“(C) The types of training the individual is certified to conduct, if**  
11 **any;**

12       **“(D) Any special endorsements earned by the individual;**

13       **“(E) The level of training; and**

14       **“(F) The name of the certified instructor who conducted the train-**  
15 **ing and administered the assessment of proficiency.**

16       **“(6) An individual whose certification is consistent with the**  
17 **department’s rules under this section shall maintain the documenta-**  
18 **tion of the certification and make that documentation available to the**  
19 **department upon request.**

20       **“SECTION 11. Information provided to children in care. (1) Each**  
21 **child in care receiving services from a child-caring agency must be**  
22 **provided with information that:**

23       **“(a) Explains the provisions of sections 1 to 11 of this 2021 Act;**

24       **“(b) Provides instruction regarding how a child in care may report**  
25 **suspected inappropriate use of restraint or involuntary seclusion;**

26       **“(c) Assures the child in care that the child will not experience re-**  
27 **taliation for reporting suspected inappropriate uses of restraint or in-**  
28 **voluntary seclusion; and**

29       **“(d) Includes the telephone number for the toll-free child abuse**  
30 **hotline described in ORS 417.805 and the telephone numbers and elec-**

1 **tronic mail addresses for the program’s licensing or certification**  
2 **agency, the child in care’s caseworker and attorney, the child in care’s**  
3 **court appointed special advocate and Disability Rights Oregon.**

4 **“(2) The information described in subsection (1) of this section must**  
5 **be provided by:**

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

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

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

12 **“SECTION 12.** ORS 418.257 is amended to read:

13 **“418.257. As used in ORS 418.257 to 418.259:**

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

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

18 **“(b) Neglect of a child in care.**

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

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

24 **“(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,**  
25 **163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.**

26 **“(f) Verbal abuse.**

27 **“(g) Financial exploitation.**

28 **“(h) Sexual abuse.**

29 **“[(i) *Involuntary seclusion of a child in care for the convenience of a***  
30 ***child-caring agency, caretaker, certified foster home or developmental disabili-***

1 *ties residential facility or to discipline the child in care.]*

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

6 **“(i) The use of restraint or involuntary seclusion of a child in care**  
7 **in violation of section 2 or 3 of this 2021 Act.**

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

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

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

14 *“(B) A certified foster home; or*

15 *“(C) A developmental disabilities residential facility.*

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

19 *“(4) ‘Child-caring agency’ has the meaning given that term in ORS*  
20 *418.205.]*

21 *“[(5)] (4) ‘Developmental disabilities residential facility’ means a residen-*  
22 *tial facility or foster home for children who are [18] 17 years of age or*  
23 *younger and receiving developmental disability services that is subject to*  
24 *ORS 443.400 to 443.455, 443.830 and 443.835.*

25 *“(6) ‘Involuntary seclusion’ means the confinement of a child in care alone*  
26 *in a room from which the child in care is physically prevented from leaving.*  
27 *‘Involuntary seclusion’ does not include age-appropriate discipline, including*  
28 *but not limited to a time-out.]*

29 *“(7) ‘Proctor foster home’ has the meaning given that term in ORS*  
30 *418.205.]*

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

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

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

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

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

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

13       “[9)] (6) ‘Intimidation’ means compelling or deterring conduct by threat.  
14       ‘Intimidation’ does not include age-appropriate discipline that may involve  
15       the threat to withhold privileges.

16       **“(7) ‘Involuntary seclusion’ has the meaning given that term in  
17       section 1 of this 2021 Act.**

18       “[10)] (8) ‘Law enforcement agency’ means:

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

20       “(b) Any county sheriff’s office.

21       “(c) The Oregon State Police.

22       “(d) Any district attorney.

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

25       “[11)] (9) ‘Neglect’ means:

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

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



1       “(10) ‘Restraint’ has the meaning given that term in section 1 of  
2 this 2021 Act.

3       “[(12)] (11) ‘Services’ includes but is not limited to the provision of food,  
4 clothing, medicine, housing, medical services, assistance with bathing or  
5 personal hygiene or any other service essential to the well-being of a child  
6 in care.

7       “[(13)] (12) ‘Sexual abuse’ means:

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

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

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

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

19       “[(14)] (13) ‘Sexual contact’ has the meaning given that term in ORS  
20 163.305.

21       “[(15)] (14) ‘Sexual exploitation’ means sexual exploitation as described  
22 in ORS 419B.005 (1)(a)(E).

23       “[(16)] (15) ‘Verbal abuse’ means to threaten significant physical or emo-  
24 tional harm to a child in care through the use of:

25       “(a) Derogatory or inappropriate names, insults, verbal assaults, profanity  
26 or ridicule; or

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

29       “**SECTION 13.** ORS 418.259, as amended by section 9, chapter 19, Oregon  
30 Laws 2020 (first special session), is amended to read:

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

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

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

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

10 “(2) When a report is received under ORS 418.258 alleging that a child in  
11 care may have been subjected to abuse, the department shall notify the case  
12 managers for the child, the attorney for the child, the child’s court appointed  
13 special advocate, the parents or guardians of the child, any attorney repre-  
14 senting a parent or guardian of the child and any governmental agency that  
15 has a contract with the child-caring agency or developmental disabilities  
16 residential facility to provide care or services to the child that a report has  
17 been received.

18 “(3)(a) The department may interview the child in care who is the subject  
19 of suspected abuse and **any** witnesses, **including other children**, without  
20 the presence of employees of the child-caring agency, proctor foster home or  
21 developmental disabilities residential facility, the provider of services at a  
22 certified foster home or department personnel. The department shall inform  
23 the child in care that the child may have the child’s parent or guardian, if  
24 the child has not been committed to the custody of the department or the  
25 Oregon Youth Authority, or attorney present when participating in an  
26 interview conducted in the course of an abuse investigation.

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

29 “(A) **Conduct the interviews described in paragraph (a) of this sub-**  
30 **section;**

1       **“(B) Review all incident reports related to the child in care and**  
2 **other reports related to the restraint or involuntary seclusion of the**  
3 **child in care;**

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

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

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

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

18       “(4) The department shall notify the following when a report of abuse is  
19 substantiated:

20       “(a) The Director of Human Services.

21       “(b) Personnel in the department responsible for the licensing, certificate  
22 or authorization of child-caring agencies.

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

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

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

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

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

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

18       “(a) The name of any child-caring agency, including an out-of-state  
19 child-caring agency, proctor foster home or developmental disabilities resi-  
20 dential facility, or, provided there are five or more certified foster homes in  
21 the county, the name of the county where a certified foster home is located,  
22 where the department conducted an investigation pursuant to ORS 418.258  
23 that resulted in a finding that the report of abuse was substantiated during  
24 that quarter;

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

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

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

30       “(e) Corrective actions taken or ordered by the department and the out-

1 come of the corrective actions; and

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

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

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

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

11 **“(c) The total number of individual children in care who were  
12 placed in restraints by programs that quarter;**

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

15 **“(e) The number of incidents in which an individual who was not  
16 appropriately trained in the use of the restraint used on a child in care  
17 in a program; and**

18 **“(f) The number of incidents that were reported for potential inap-  
19 propriate use of restraint.**

20 “[6] (7) In compiling records, reports and other information during an  
21 investigation under ORS 418.258 (1) and in issuing findings, letters of con-  
22 cern or reprimands, the Director of Human Services or the director’s  
23 designee and the department may not refer to the employee, person or entity  
24 that is the subject of the investigation as an ‘alleged perpetrator’ but must  
25 refer to the employee, person or entity as the ‘respondent.’

26 **“(8) As used in this section, ‘program,’ ‘reportable injury’ and ‘re-  
27 straint’ have the meanings given those terms in section 1 of this 2021  
28 Act.**

29

30 **“SECURE TRANSPORTATION SERVICES PROVIDERS**

1 **“SECTION 14. Referrals to secure transportation services providers.**

2 **(1) A person or organization that makes a referral or recommendation**  
3 **related to the use of a secure transportation services provider to**  
4 **transport a child to a school, agency, organization or program de-**  
5 **scribed in ORS 418.205 (2)(a)(A) must provide the written referral dis-**  
6 **closure described in subsection (2) of this section if the child to be**  
7 **transferred is a resident of this state or if the school, agency, organ-**  
8 **ization or program to which the secure transportation services pro-**  
9 **vider will deliver the child is located in this state.**

10 **“(2) The referral disclosure under this section must state:**

11 “  
12 **\_\_\_\_\_**  
13 **ORS 418.215 requires a secure transportation services provider that**  
14 **transports children to or from a school, agency, organization or pro-**  
15 **gram along a route that begins or ends in Oregon to be licensed by the**  
16 **Department of Human Services.**

17 **“(3) As used in this section, ‘child’ and ‘secure transportation ser-**  
18 **vices provider’ have the meanings given those terms in ORS 418.205.**

19 **“SECTION 15. ORS 418.205, as amended by sections 15a and 15b, chapter**  
20 **19, Oregon Laws 2020 (first special session), is amended to read:**

21 **“418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to**  
22 **418.970 and 418.992 to 418.998, unless the context requires otherwise:**

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

25 **“(2)(a) ‘Child-caring agency’:**

26 **“(A) Means any private school, private agency, private organization or**  
27 **county program providing:**

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

29 **“(ii) Adoption placement services;**

30 **“(iii) Residential care, including but not limited to foster care or resi-**

1   dential treatment for children;

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

5       “(v) Outdoor youth programs; or

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

7       “(B) Includes the following:

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

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

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

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

13      **“(v) A secure transportation services provider that transports or**  
14 **provides escort services for children on the highways of this state**  
15 **along a route that begins or ends in this state.**

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

17      “(A) Residential facilities or foster care homes certified or licensed by the  
18   Department of Human Services under ORS 443.400 to 443.455, 443.830 and  
19   443.835 for children receiving developmental disability services;

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

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

28      “(D) A shelter-care home that is a foster home subject to ORS 418.625 to  
29   418.645;

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

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

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

6 “(3) ‘Child-caring facility’ has the meaning given that term in ORS  
7 418.950.

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

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

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

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

16 “(5) ‘Governmental agency’ means an executive, legislative or judicial  
17 agency, department, board, commission, authority, institution or  
18 instrumentality of this state or of a county, municipality or other political  
19 subdivision of this state.

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

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

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

27 “(A) Operated by a governmental entity;

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

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



1 “(D) Operated by a youth job development organization as defined in ORS  
2 344.415.

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

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

7 “(a) A child-caring agency that is a private school that provides residen-  
8 tial care in combination with academic education and therapeutic care, in-  
9 cluding but not limited to treatment for emotional, behavioral or mental  
10 health disturbances; or

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

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

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

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

23 “(13) **‘Secure transportation services provider’ means a private or-  
24 ganization or person that provides secure transportation or secure es-  
25 cort services for children to or from a school, agency, organization or  
26 program described in subsection (2)(a)(A) of this section, if the school,  
27 agency, organization or program is located in this state or in any other  
28 state.**

29 “[~~13~~] (14) ‘Shelter-care home’ has the meaning given that term in ORS  
30 418.470.

1 "MISCELLANEOUS

2  
3 **"SECTION 16. Reports first due. The reports under section 7 of this**  
4 **2021 Act are due on November 1, 2021, and quarterly thereafter. The**  
5 **reports due on November 1, 2021, must include data regarding the**  
6 **program's use of restraint and involuntary seclusion from July 1, 2021,**  
7 **through September 1, 2021.**

8 **"SECTION 17. Operative dates. (1)(a) The amendments to sections**  
9 **3, 5, 7 and 9 of this 2021 Act by sections 4, 6, 8 and 10 of this 2021 Act**  
10 **become operative on July 1, 2022.**

11 **"(b) The Department of Human Services may adopt rules and take**  
12 **any other action before the operative date specified in paragraph (a)**  
13 **of this subsection that is necessary to enable the department, on or**  
14 **after the operative date specified in paragraph (a) of this subsection,**  
15 **to undertake and exercise all of the duties, functions and powers**  
16 **conferred on the department by the amendments to sections 3, 5, 7 and**  
17 **9 of this 2021 Act by sections 4, 6, 8 and 10 of this 2021 Act.**

18 **"(2)(a) Section 14 of this 2021 Act and the amendments to ORS**  
19 **418.205 by section 15 of this 2021 Act become operative on January 2,**  
20 **2022.**

21 **"(b) The department may adopt rules and take any other action**  
22 **before the operative date specified in paragraph (a) of this subsection**  
23 **that is necessary to enable the department, on or after the operative**  
24 **date specified in paragraph (a) of this subsection, to undertake and**  
25 **exercise all of the duties, functions and powers conferred on the de-**  
26 **partment by section 14 of this 2021 Act and the amendments to ORS**  
27 **418.205 by section 15 of this 2021 Act.**

28 **"SECTION 18. Captions. The unit and section captions used in this**  
29 **2021 Act are provided only for the convenience of the reader and do**  
30 **not become part of the statutory law of this state or express any leg-**

1 **islative intent in the enactment of this 2021 Act.**

2 **“SECTION 19. Effective date. This 2021 Act being necessary for the**  
3 **immediate preservation of the public peace, health and safety, an**  
4 **emergency is declared to exist, and this 2021 Act takes effect on its**  
5 **passage.”.**

6 \_\_\_\_\_