

SB 106 A STAFF MEASURE SUMMARY**Carrier:** Sen. Gelser Blouin**Senate Committee On Rules****Action Date:** 04/27/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Hansell, Knopp, Lieber, Manning Jr, Steiner**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Iva Sokolovska**Meeting Dates:** 4/27**WHAT THE MEASURE DOES:**

Exempts employees of youth correction or juvenile detention facilities from certain prohibitions for restraint and seclusion. Requires information on whether abuse resulted in a reportable injury, sexual abuse, or death to be included in quarterly reports by the Department of Human Services (DHS) to Legislative Assembly for purposes of public review and oversight of quality and safety of child-caring agencies, certified foster homes, and developmental disabilities residential facilities. Clarifies definition of “involuntary seclusion.” Clarifies which restraints are prohibited in child-caring agencies, proctor foster homes, certified foster homes, and developmental disabilities residential facilities. Modifies reporting requirements for programs that report quarterly to DHS to include total number of children in care; information on number of children who experienced both restraint and involuntary seclusion; and demographic information unless it reveals personally identifiable information about an individual child in care. Modifies definition of “child” and “mental injury to a child” for the purposes of child abuse. Adds parole and probation officers, behavior analysts, assistant behavior analysts, and behavior analysis interventionists to the definition of “public or private official” for purposes of mandatory child abuse reporting. Permits DHS to make records of child abuse investigations available to national nonprofit organizations designated by DHS to provide assistance with locating, recovering, or providing services to children or youth determined to be missing. Adds the Behavior Analysis Regulatory Board to list of boards to which unprofessional conduct can be reported to. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Provisions of measure

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Oregon law (ORS 339.285) defines “restraint” as the restriction of a student’s actions or movements by holding the student or using pressure or other means. This does not include holding a student’s hand or arm to escort the student safely and without the use of force from one area to another; assisting a student to complete a task if the student does not resist the physical contact; or providing reasonable intervention with the minimal exertion of force necessary. “Seclusion” is defined as the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. This does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving. “Involuntary seclusion” is defined as the confinement of a child in care alone in a room from which the child in care is prevented from leaving by any means (ORS 418.519). This does not include age-appropriate discipline, including, but not limited to, time-out if the time-out is in a setting from which the child in care is not prevented from leaving. Mental injury is currently defined as only

SB 106 A STAFF MEASURE SUMMARY

observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child (ORS 419B.005). Oregon Law specifically prohibits use of certain restraints (ORS 339.288), such as chemical restraint; mechanical restraint; prone restraint; supine restraint; any restraint that involves the intentional and nonincidental use of a solid object, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon; any restraint that places, or creates a risk of placing, pressure on a student's neck or throat; any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite; any restraint that impedes, or creates a risk of impeding, breathing; any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts; any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone; and any action designed for the primary purpose of inflicting pain.

Senate Bill 106 A modifies definitions of terms related to child abuse.