

## HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 93

By COMMITTEE ON EARLY CHILDHOOD AND HUMAN SERVICES

May 18

1 On page 1 of the printed A-engrossed bill, line 2, delete “amending ORS” and insert “creating  
2 new provisions; amending ORS 418.259, 418.519, 418.521, 418.528, 419B.005, 419B.035,”.

3 After line 4, insert:

4 “**SECTION 1.** ORS 418.259 is amended to read:

5 “418.259. (1) The investigation conducted by the Department of Human Services under ORS  
6 418.258 must result in one of the following findings:

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

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

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

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

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

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

29 “(A) Conduct the interviews described in paragraph (a) of this subsection;

30 “(B) Review all relevant incident reports related to the child in care and other reports related  
31 to the restraint or involuntary seclusion of the child in care;

32 “(C) Review any audio, video or photographic recordings of the restraint or involuntary seclu-  
33 sion, including the circumstances immediately before and following the incident;

34 “(D) During an interview with the child in care who is the subject of the suspected abuse, ask  
35 the child about whether they experienced any reportable injury or pain as a result of the restraint

1 or involuntary seclusion;

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

4 “(F) Make all reasonable efforts to conduct trauma-informed interviews of each child witness,  
5 including the child in care who is the subject of suspected abuse unless the investigator makes a  
6 specific determination that the interview may significantly traumatize the child and is not in the  
7 best interests of the child.

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

9 “(a) The Director of Human Services.

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

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

14 “(d) With respect to the child in care who is the subject of the abuse report and investigation,  
15 the case managers for the child, the attorney for the child, the child’s court appointed special ad-  
16 vocate, the parents or guardians of the child, any attorney representing a parent or guardian of the  
17 child and any governmental agency that has a contract with the child-caring agency to provide care  
18 or services to the child.

19 “(e) The parents or guardians of the child in care who is the subject of the abuse report and  
20 investigation if the child in care has not been committed to the custody of the department or the  
21 youth authority. Notification under this paragraph may not include any details or information other  
22 than that a report of abuse has been substantiated.

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

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

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

32 “(a) The name of any child-caring agency, including an out-of-state child-caring agency, proctor  
33 foster home or developmental disabilities residential facility, or, provided there are five or more  
34 certified foster homes in the county, the name of the county where a certified foster home is located,  
35 where the department conducted an investigation pursuant to ORS 418.258 that resulted in a finding  
36 that the report of abuse was substantiated during that quarter;

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

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

39 “[*(d) Whether physical injury, sexual abuse or death resulted from the abuse;*]

40 “**(d) Whether the abuse resulted in a reportable injury, sexual abuse or death;**

41 “(e) Corrective actions taken or ordered by the department and the outcome of the corrective  
42 actions; and

43 “(f) Information the department received in that quarter regarding any substantiated allegations  
44 of child abuse made by any other state involving a congregate care residential setting, as defined  
45 in ORS 418.322, in which the department has placed Oregon children.

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

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

4 “(b) The total number of programs that reported the use of restraints of children in care that  
5 quarter;

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

8 “(d) The number of reportable injuries to children in care that resulted from those restraints;

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

11 “(f) The number of incidents that were reported for potential inappropriate use of restraint.

12 “(7) In compiling records, reports and other information during an investigation under ORS  
13 418.258 (1) and in issuing findings, letters of concern or reprimands, the Director of Human Services  
14 or the director’s designee and the department may not refer to the employee, person or entity that  
15 is the subject of the investigation as an ‘alleged perpetrator’ but must refer to the employee, person  
16 or entity as the ‘respondent.’

17 “(8) As used in this section, ‘program,’ ‘reportable injury’ and ‘restraint’ have the meanings  
18 given those terms in ORS 418.519.

19 “**SECTION 2.** ORS 418.519 is amended to read:

20 “418.519. As used in ORS 418.519 to 418.532:

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

22 “(2) ‘Chemical restraint’ means a drug or medication that is administered to a child in care to  
23 control behavior or restrict freedom of movement.

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

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

26 “(5) ‘Children’s emergency safety intervention specialist’ means a qualified mental health pro-  
27 fessional licensed to order, monitor and evaluate the use of seclusion and restraint in accredited and  
28 certified facilities that provide intensive mental health treatment services to individuals under 21  
29 years of age.

30 “(6) ‘Developmental disabilities residential facility’ has the meaning given that term in ORS  
31 418.257.

32 “(7)(a) ‘Involuntary seclusion’ means the confinement of a child in care alone in a room **or an**  
33 **enclosed space** from which the child in care is prevented from leaving by any means.

34 “(b) ‘Involuntary seclusion’ does not include age-appropriate discipline, including, but not limited  
35 to, time-out if the time-out is in a setting from which the child in care is not prevented from leaving  
36 **by any means.**

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

39 “(9) ‘Proctor foster home’ means a foster home certified by a child-caring agency under ORS  
40 418.248.

41 “(10) ‘Program’ means:

42 “(a) A child-caring agency;

43 “(b) A proctor foster home; or

44 “(c) A developmental disabilities residential facility that is a residential training home or facility  
45 licensed under ORS 443.415 to serve children under 18 years of age.

1 “(11) ‘Prone restraint’ means a restraint in which a child in care is held face down on the floor.  
2 “(12) ‘Reportable injury’ means any type of injury to a child in care, including but not limited  
3 to rug burns, fractures, sprains, bruising, pain, soft tissue injury, punctures, scratches, concussions,  
4 abrasions, dizziness, loss of consciousness, loss of vision, visual disturbance or death.  
5 “(13) ‘Restraint’ means the physical restriction of a child in care’s actions or movements by  
6 holding the child in care or using pressure or other means.  
7 “(14) ‘Secure adolescent inpatient treatment program’ means a child-caring agency that is an  
8 intensive treatment services program, as described by the Oregon Health Authority by rule, that  
9 provides inpatient psychiatric stabilization and treatment services to individuals under 21 years of  
10 age who require a secure intensive treatment setting.  
11 “(15) ‘Secure children’s inpatient treatment program’ means a child-caring agency that is an in-  
12 tensive treatment services program, as described by the authority by rule, that provides inpatient  
13 psychiatric stabilization and treatment services to children under 14 years of age who require a  
14 secure intensive treatment setting.  
15 “(16) ‘Serious bodily injury’ means any significant impairment of the physical condition of an  
16 individual, as determined by qualified medical personnel, whether self-inflicted or inflicted by some-  
17 one else.  
18 “(17) ‘Supine restraint’ means a restraint in which a child in care is held face up on the floor.  
19 “**SECTION 3.** ORS 418.521 is amended to read:  
20 “418.521. (1) A child-caring agency, proctor foster home, certified foster home or developmental  
21 disabilities residential facility may not place a child in care in a restraint or involuntary seclusion  
22 as a form of discipline, punishment or retaliation or for the convenience of staff, contractors or  
23 volunteers of the child-caring agency, proctor foster home, certified foster home or developmental  
24 disabilities residential facility.  
25 “(2) Except as provided in ORS 418.523 (4), the use of the following types of restraint of a child  
26 in care are prohibited:  
27 “(a) Chemical restraint.  
28 “(b) Mechanical restraint.  
29 “(c) Prone restraint.  
30 “(d) Supine restraint.  
31 “(e) Any restraint that includes the **intentional and** nonincidental use of a solid object, in-  
32 cluding the ground, a wall or the floor, to impede a child in care’s movement.  
33 “(f) Any restraint that places, or creates a risk of placing, pressure on a child in care’s neck  
34 or throat.  
35 “(g) Any restraint that places, or creates a risk of placing, pressure on a child in care’s mouth.  
36 “(h) Any restraint that impedes, or creates a risk of impeding, a child in care’s breathing.  
37 “(i) Any restraint that involves the intentional placement of [*hands, feet, elbows, knees or*] any  
38 object **or a hand, knee, foot or elbow** on a child in care’s neck, throat, genitals or other intimate  
39 parts.  
40 “(j) Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be  
41 placed, on a child in care’s stomach, chest, joints, throat or back by a knee, foot or elbow.  
42 “(k) Any other [*restraint*] **action**, the primary purpose of which is to inflict pain.  
43 “**SECTION 4.** ORS 418.528 is amended to read:  
44 “418.528. (1) A program must prepare and submit to the Department of Human Services a quar-  
45 terly report detailing the program’s use of restraint and involuntary seclusion for the preceding

1 three-month period, including, at a minimum:

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

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

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

5 “(d) The total number of rooms available for use by the program for involuntary seclusion and  
6 a description of the dimensions and design of the rooms.

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

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

9 “(g) **The total number of children who experienced both restraint and involuntary seclusion.**

10  
11 “[g] (h) The total number of incidents under paragraph (a) or (b) of this subsection that re-  
12 sulted in reportable injuries.

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

16 “[i] (j) The number of incidents in which an individual who placed a child in care in a restraint  
17 or involuntary seclusion was not certified as described in ORS 418.529 or trained, as required by the  
18 department by rule, in the use of the type of restraint or involuntary seclusion used.

19 “[j] (k) The demographic characteristics of the children in care who the program placed in a  
20 restraint or involuntary seclusion, including race, ethnicity, gender, disability status, migrant status,  
21 English proficiency and status as economically disadvantaged, unless the demographic information  
22 would reveal personally identifiable information about an individual child in care.

23 “(L) **The total number of children in care served by the program during the reporting**  
24 **period, including race, ethnicity, gender, disability status, migrant status, English proficiency**  
25 **and status as economically disadvantaged, unless the demographic information would reveal**  
26 **personally identifiable information about an individual child in care.**

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

29 “(b) If the site-specific data for a given location is not provided under paragraph (a) of this  
30 subsection because the program serves fewer than five children in care at that location, the  
31 program’s report must include a notation indicating the aggregate number of children in care served  
32 by the program across all of the program’s locations and the reporting requirements under para-  
33 graph (a) of this subsection continue to apply to any of the program’s other locations serving five  
34 or more children in care.

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

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

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

43 “**SECTION 5.** ORS 419B.005, as amended by section 8, chapter 90, Oregon Laws 2022, is  
44 amended to read:

45 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

1 “(1)(a) ‘Abuse’ means:

2 “(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child

3 which has been caused by other than accidental means, including any injury which appears to be

4 at variance with the explanation given of the injury.

5 “(B) Any mental injury to a child, which shall include only [*observable and substantial impair-*

6 *ment of the child’s mental or psychological ability to function caused by cruelty to the child, with due*

7 *regard to the culture of the child*] **cruel or unconscionable acts or statements made, or threat-**

8 **ened to be made, to a child if the acts, statements or threats result in severe harm to the**

9 **child’s psychological, cognitive, emotional or social well-being and functioning.**

10 “(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-

11 tration and incest, as those acts are described in ORS chapter 163.

12 “(D) Sexual abuse, as described in ORS chapter 163.

13 “(E) Sexual exploitation, including but not limited to:

14 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any

15 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage

16 in the performing for people to observe or the photographing, filming, tape recording or other ex-

17 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or

18 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-

19 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or

20 which is designed to serve educational or other legitimate purposes; and

21 “(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described

22 in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor

23 as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS

24 167.008.

25 “(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to

26 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or

27 welfare of the child.

28 “(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm

29 to the child’s health or welfare.

30 “(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

31 “(I) Permitting a person under 18 years of age to enter or remain in or upon premises where

32 methamphetamines are being manufactured.

33 “(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful

34 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-

35 stantial risk of harm to the child’s health or safety.

36 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline results in one of the

37 conditions described in paragraph (a) of this subsection.

38 “(2) ‘Child’ means an unmarried person who:

39 “(a) Is under 18 years of age; or

40 “(b) Is [*under 21 years of age and residing in or receiving care or services at a child-caring agency*

41 *as that term is defined in ORS 418.205*] **a child in care, as defined in ORS 418.257.**

42 “(3) ‘Higher education institution’ means:

43 “(a) A community college as defined in ORS 341.005;

44 “(b) A public university listed in ORS 352.002;

45 “(c) The Oregon Health and Science University; and

1 “(d) A private institution of higher education located in Oregon.

2 “(4)(a) ‘Investigation’ means a detailed inquiry into or assessment of the safety of a child alleged  
3 to have experienced abuse.

4 “(b) ‘Investigation’ does not include screening activities conducted upon the receipt of a report.

5 “(5) ‘Law enforcement agency’ means:

6 “(a) A city or municipal police department.

7 “(b) A county sheriff’s office.

8 “(c) The Oregon State Police.

9 “(d) A police department established by a university under ORS 352.121 or 353.125.

10 “(e) A county juvenile department.

11 “(6) ‘Public or private official’ means:

12 “(a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,  
13 including any intern or resident.

14 “(b) Dentist.

15 “(c) School employee, including an employee of a higher education institution.

16 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health  
17 aide or employee of an in-home health service.

18 “(e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning  
19 Division, Department of Education, Youth Development Division, Office of Child Care, the Oregon  
20 Youth Authority, a local health department, a community mental health program, a community de-  
21 velopmental disabilities program, a county juvenile department, a child-caring agency as that term  
22 is defined in ORS 418.205 or an alcohol and drug treatment program.

23 “(f) Peace officer.

24 “(g) Psychologist.

25 “(h) Member of the clergy.

26 “(i) Regulated social worker.

27 “(j) Optometrist.

28 “(k) Chiropractor.

29 “(L) Certified provider of foster care, or an employee thereof.

30 “(m) Attorney.

31 “(n) Licensed professional counselor.

32 “(o) Licensed marriage and family therapist.

33 “(p) Firefighter or emergency medical services provider.

34 “(q) A court appointed special advocate, as defined in ORS 419A.004.

35 “(r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.

36 “(s) An elected official of a branch of government of this state or a state agency, board, com-  
37 mission or department of a branch of government of this state or of a city, county or other political  
38 subdivision in this state.

39 “(t) Physical, speech or occupational therapist.

40 “(u) Audiologist.

41 “(v) Speech-language pathologist.

42 “(w) Employee of the Teacher Standards and Practices Commission directly involved in investi-  
43 gations or discipline by the commission.

44 “(x) Pharmacist.

45 “(y) An operator of a preschool recorded program under ORS 329A.255.

1 “(z) An operator of a school-age recorded program under ORS 329A.255.

2 “(aa) Employee of a private agency or organization facilitating the provision of respite services,  
3 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS  
4 109.056.

5 “(bb) An employee of a public or private organization providing child-related services or activ-  
6 ities:

7 “(A) Including but not limited to an employee of a:

8 “(i) Youth group or center;

9 “(ii) Scout group or camp;

10 “(iii) Summer or day camp;

11 “(iv) Survival camp; or

12 “(v) Group, center or camp that is operated under the guidance, supervision or auspices of a  
13 religious, public or private educational system or a community service organization; and

14 “(B) Excluding an employee of a qualified victim services program as defined in ORS 147.600  
15 that provides confidential, direct services to victims of domestic violence, sexual assault, stalking  
16 or human trafficking.

17 “(cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,  
18 if compensated and if the athlete is a child.

19 “(dd) Personal support worker, as defined in ORS 410.600.

20 “(ee) Home care worker, as defined in ORS 410.600.

21 “(ff) Animal control officer, as defined in ORS 609.500.

22 “(gg) Member of a school district board, an education service district board or a public charter  
23 school governing body.

24 “(hh) An individual who is paid by a public body, in accordance with ORS 430.215, to provide  
25 a service identified in an individualized written service plan of a child with a developmental disa-  
26 bility.

27 “(ii) Referral agent, as defined in ORS 418.351.

28 “(jj) **Parole and probation officer, as defined in ORS 181A.355.**

29 “(kk) **Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or be-**  
30 **havior analysis interventionist registered under ORS 676.815.**

31 “**SECTION 6.** ORS 419B.005, as amended by section 58, chapter 631, Oregon Laws 2021, section  
32 16, chapter 27, Oregon Laws 2022, and section 7, chapter 90, Oregon Laws 2022, is amended to read:  
33 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

34 “(1)(a) ‘Abuse’ means:

35 “(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child  
36 which has been caused by other than accidental means, including any injury which appears to be  
37 at variance with the explanation given of the injury.

38 “(B) Any mental injury to a child, which shall include only [*observable and substantial impair-*  
39 *ment of the child’s mental or psychological ability to function caused by cruelty to the child, with due*  
40 *regard to the culture of the child*] **cruel or unconscionable acts or statements made, or threat-**  
41 **ened to be made, to a child if the acts, statements or threats result in severe harm to the**  
42 **child’s psychological, cognitive, emotional or social well-being and functioning.**

43 “(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-  
44 tration and incest, as those acts are described in ORS chapter 163.

45 “(D) Sexual abuse, as described in ORS chapter 163.



1 “(E) Sexual exploitation, including but not limited to:  
2 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
3 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage  
4 in the performing for people to observe or the photographing, filming, tape recording or other ex-  
5 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or  
6 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-  
7 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or  
8 which is designed to serve educational or other legitimate purposes; and  
9 “(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described  
10 in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor  
11 as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS  
12 167.008.  
13 “(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to  
14 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
15 welfare of the child.  
16 “(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
17 to the child’s health or welfare.  
18 “(H) Buying or selling a person under 18 years of age as described in ORS 163.537.  
19 “(I) Permitting a person under 18 years of age to enter or remain in or upon premises where  
20 methamphetamines are being manufactured.  
21 “(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful  
22 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-  
23 stantial risk of harm to the child’s health or safety.  
24 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline results in one of the  
25 conditions described in paragraph (a) of this subsection.  
26 “(2) ‘Child’ means an unmarried person who:  
27 “(a) Is under 18 years of age; or  
28 “(b) Is [*under 21 years of age and residing in or receiving care or services at a child-caring agency*  
29 *as that term is defined in ORS 418.205*] **a child in care, as defined in ORS 418.257.**  
30 “(3) ‘Higher education institution’ means:  
31 “(a) A community college as defined in ORS 341.005;  
32 “(b) A public university listed in ORS 352.002;  
33 “(c) The Oregon Health and Science University; and  
34 “(d) A private institution of higher education located in Oregon.  
35 “(4)(a) ‘Investigation’ means a detailed inquiry into or assessment of the safety of a child alleged  
36 to have experienced abuse.  
37 “(b) ‘Investigation’ does not include screening activities conducted upon the receipt of a report.  
38 “(5) ‘Law enforcement agency’ means:  
39 “(a) A city or municipal police department.  
40 “(b) A county sheriff’s office.  
41 “(c) The Oregon State Police.  
42 “(d) A police department established by a university under ORS 352.121 or 353.125.  
43 “(e) A county juvenile department.  
44 “(6) ‘Public or private official’ means:  
45 “(a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,

1 including any intern or resident.

2 “(b) Dentist.

3 “(c) School employee, including an employee of a higher education institution.

4 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health  
5 aide or employee of an in-home health service.

6 “(e) Employee of the Department of Human Services, Oregon Health Authority, Department of  
7 Early Learning and Care, Department of Education, Youth Development Division, Office of Child  
8 Care, the Oregon Youth Authority, a local health department, a community mental health program,  
9 a community developmental disabilities program, a county juvenile department, a child-caring  
10 agency as that term is defined in ORS 418.205 or an alcohol and drug treatment program.

11 “(f) Peace officer.

12 “(g) Psychologist.

13 “(h) Member of the clergy.

14 “(i) Regulated social worker.

15 “(j) Optometrist.

16 “(k) Chiropractor.

17 “(L) Certified provider of foster care, or an employee thereof.

18 “(m) Attorney.

19 “(n) Licensed professional counselor.

20 “(o) Licensed marriage and family therapist.

21 “(p) Firefighter or emergency medical services provider.

22 “(q) A court appointed special advocate, as defined in ORS 419A.004.

23 “(r) A child care provider registered or certified under ORS 329A.250 to 329A.450.

24 “(s) An elected official of a branch of government of this state or a state agency, board, com-  
25 mission or department of a branch of government of this state or of a city, county or other political  
26 subdivision in this state.

27 “(t) Physical, speech or occupational therapist.

28 “(u) Audiologist.

29 “(v) Speech-language pathologist.

30 “(w) Employee of the Teacher Standards and Practices Commission directly involved in investi-  
31 gations or discipline by the commission.

32 “(x) Pharmacist.

33 “(y) An operator of a preschool recorded program under ORS 329A.255.

34 “(z) An operator of a school-age recorded program under ORS 329A.255.

35 “(aa) Employee of a private agency or organization facilitating the provision of respite services,  
36 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS  
37 109.056.

38 “(bb) An employee of a public or private organization providing child-related services or activ-  
39 ities:

40 “(A) Including but not limited to an employee of a:

41 “(i) Youth group or center;

42 “(ii) Scout group or camp;

43 “(iii) Summer or day camp;

44 “(iv) Survival camp; or

45 “(v) Group, center or camp that is operated under the guidance, supervision or auspices of a

1 religious, public or private educational system or a community service organization; and

2 “(B) Excluding an employee of a qualified victim services program as defined in ORS 147.600  
3 that provides confidential, direct services to victims of domestic violence, sexual assault, stalking  
4 or human trafficking.

5 “(cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,  
6 if compensated and if the athlete is a child.

7 “(dd) Personal support worker, as defined in ORS 410.600.

8 “(ee) Home care worker, as defined in ORS 410.600.

9 “(ff) Animal control officer, as defined in ORS 609.500.

10 “(gg) Member of a school district board, an education service district board or a public charter  
11 school governing body.

12 “(hh) An individual who is paid by a public body, in accordance with ORS 430.215, to provide  
13 a service identified in an individualized written service plan of a child with a developmental disa-  
14 bility.

15 “(ii) Referral agent, as defined in ORS 418.351.

16 “(jj) **Parole and probation officer, as defined in ORS 181A.355.**

17 “(kk) **Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or be-  
18 havior analysis interventionist registered under ORS 676.815.**

19 “**SECTION 7.** ORS 419B.035, as amended by section 10, chapter 27, Oregon Laws 2022, and  
20 section 9, chapter 90, Oregon Laws 2022, is amended to read:

21 “419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and  
22 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records  
23 and public documents, reports and records compiled under the provisions of ORS 419B.010 to  
24 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-  
25 ment of Human Services shall make the records available to:

26 “(a) Any law enforcement agency or a child abuse registry in any other state for the purpose  
27 of subsequent investigation of child abuse;

28 “(b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practi-  
29 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant  
30 or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse  
31 practitioner or coming before the physician, physician assistant or nurse practitioner for examina-  
32 tion, care or treatment;

33 “(c) Attorneys of record for the child or child’s parent or guardian in any juvenile court pro-  
34 ceeding;

35 “(d) Citizen review boards established by the Judicial Department for the purpose of periodically  
36 reviewing the status of children, youths and adjudicated youths under the jurisdiction of the juvenile  
37 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to  
38 participants in case reviews;

39 “(e) A court appointed special advocate in any juvenile court proceeding in which it is alleged  
40 that a child has been subjected to child abuse or neglect;

41 “(f) The Early Learning Division for the purpose of carrying out the functions of the division,  
42 including the certification, registration or regulation of child care facilities and child care providers  
43 and the administration of enrollment in the Central Background Registry;

44 “(g) The Office of Children’s Advocate;

45 “(h) The Teacher Standards and Practices Commission for investigations conducted under ORS

1 339.390 or 342.176 involving any child or any student;

2 “(i) Any person, upon request to the Department of Human Services, if the reports or records  
3 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-  
4 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be  
5 disclosed in accordance with ORS 192.311 to 192.478;

6 “(j) The Office of Child Care for purposes of applications described in ORS 329A.030 (10)(c)(G)  
7 to (J);

8 “(k) With respect to a report of abuse occurring at a school or in an educational setting that  
9 involves a child with a disability, Disability Rights Oregon;

10 “(L) The Department of Education for purposes of investigations conducted under ORS 339.391;  
11 *[and]*

12 “(m) An education provider for the purpose of making determinations under ORS 339.388[.]; **and**

13 “(n) **A national nonprofit organization designated by the Department of Human Services**  
14 **that provides assistance with locating, recovering or providing services to children or youth**  
15 **determined by the department to be missing.**

16 “(2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the  
17 Department of Human Services may exempt from disclosure the names, addresses and other identi-  
18 fying information about other children, witnesses, victims or other persons named in the report or  
19 record if the department determines, in written findings, that the safety or well-being of a person  
20 named in the report or record may be jeopardized by disclosure of the names, addresses or other  
21 identifying information, and if that concern outweighs the public’s interest in the disclosure of that  
22 information.

23 “(b) If the Department of Human Services does not have a report or record of abuse regarding  
24 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS  
25 161.015, the department may disclose that information.

26 “(3) The Department of Human Services may make reports and records compiled under the  
27 provisions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer,  
28 court, agency, organization or other entity when the department determines that such disclosure is  
29 necessary to administer its child welfare services and is in the best interests of the affected child,  
30 or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to  
31 protect children from abuse and neglect or for research when the Director of Human Services gives  
32 prior written approval. The Department of Human Services shall adopt rules setting forth the pro-  
33 cedures by which it will make the disclosures authorized under this subsection or subsection (1) or  
34 (2) of this section. The name, address and other identifying information about the person who made  
35 the report may not be disclosed pursuant to this subsection and subsection (1) of this section.

36 “(4) A law enforcement agency may make reports and records compiled under the provisions of  
37 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-  
38 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement  
39 agency determines that disclosure is necessary for the investigation or enforcement of laws relating  
40 to child abuse and neglect or necessary to determine a claim for crime victim compensation under  
41 ORS 147.005 to 147.367.

42 “(5) A law enforcement agency, upon completing an investigation and closing the file in a spe-  
43 cific case relating to child abuse or neglect, shall make reports and records in the case available  
44 upon request to any law enforcement agency or community corrections agency in this state, to the  
45 Department of Corrections, to the Oregon Youth Authority or to the State Board of Parole and

1 Post-Prison Supervision for the purpose of managing and supervising offenders in custody or on  
2 probation, parole, post-prison supervision or other form of conditional or supervised release. A law  
3 enforcement agency may make reports and records compiled under the provisions of ORS 419B.010  
4 to 419B.050 available to the Oregon Youth Authority, law enforcement, community corrections,  
5 corrections or parole agencies in an open case when the law enforcement agency determines that  
6 the disclosure will not interfere with an ongoing investigation in the case. The name, address and  
7 other identifying information about the person who made the report may not be disclosed under this  
8 subsection or subsection (6)(b) of this section.

9 “(6)(a) Any record made available to a law enforcement agency or community corrections  
10 agency in this state, to the Department of Corrections, the Oregon Youth Authority or the State  
11 Board of Parole and Post-Prison Supervision or to a physician, physician assistant or nurse practi-  
12 tioner in this state, as authorized by subsections (1) to (5) of this section, shall be kept confidential  
13 by the agency, department, board, physician, physician assistant or nurse practitioner. Any record  
14 or report disclosed by the Department of Human Services to other persons or entities pursuant to  
15 subsections (1) and (3) of this section shall be kept confidential.

16 “(b) Notwithstanding paragraph (a) of this subsection:

17 “(A) A law enforcement agency, a community corrections agency, the Department of Cor-  
18 rections, the Oregon Youth Authority and the State Board of Parole and Post-Prison Supervision  
19 may disclose records made available to them under subsection (5) of this section to each other, to  
20 law enforcement, community corrections, corrections and parole agencies of other states and to au-  
21 thorized treatment providers for the purpose of managing and supervising offenders in custody or  
22 on probation, parole, post-prison supervision or other form of conditional or supervised release.

23 “(B) The Department of Corrections and the Oregon Youth Authority may disclose records made  
24 available to them under subsection (5) of this section regarding a person in the custody of the De-  
25 partment of Corrections or the Oregon Youth Authority to each other, to the court, to the district  
26 attorney and to the person’s attorney for the purpose of the person’s hearing under ORS 420A.200  
27 to 420A.206.

28 “(C) A person may disclose records made available to the person under subsection (1)(i) of this  
29 section if the records are disclosed for the purpose of advancing the public interest.

30 “(7) Except as provided by ORS 339.389, an officer or employee of the Department of Human  
31 Services or of a law enforcement agency or any person or entity to whom disclosure is made pur-  
32 suant to subsections (1) to (6) of this section may not release any information not authorized by  
33 subsections (1) to (6) of this section.

34 “(8) As used in this section, ‘law enforcement agency’ has the meaning given that term in ORS  
35 181A.010.

36 “(9) A person who violates subsection (6)(a) or (7) of this section commits a Class A  
37 violation.”.

38 In line 5, delete “1” and insert “8”.

39 On page 3, line 13, delete “2” and insert “9”.

40 In line 38, delete “3” and insert “10”.

41 On page 4, line 29, delete “4” and insert “11”.

42 In line 34, delete “5” and insert “12”.

43 On page 5, after line 4, insert:

44 “**SECTION 13. Sections 1 to 7 of this 2023 Act become operative on September 1, 2023.**”.

45 In line 5, delete “6” and insert “14”.

