

SB 93-2  
(LC 2389)  
4/3/23 (LHF/ps)

Requested by SENATE COMMITTEE ON HUMAN SERVICES (at the request of the Department of Human Services)

**PROPOSED AMENDMENTS TO  
SENATE BILL 93**

1 In line 2 of the printed bill, after “Services” insert “; amending ORS  
2 419B.875, 443.480, 443.485, 443.490 and 443.500; and declaring an emergency”.

3 Delete lines 4 through 9 and insert:

4 **“SECTION 1.** ORS 419B.875 is amended to read:

5 “419B.875. (1)(a) Parties to proceedings in the juvenile court under ORS  
6 419B.100 and 419B.500 are:

7 “(A) The child or ward;

8 “(B) The parents or guardian of the child or ward;

9 “(C) A putative father of the child or ward who has demonstrated a direct  
10 and significant commitment to the child or ward by assuming, or attempting  
11 to assume, responsibilities normally associated with parenthood, including  
12 but not limited to:

13 “(i) Residing with the child or ward;

14 “(ii) Contributing to the financial support of the child or ward; or

15 “(iii) Establishing psychological ties with the child or ward;

16 “(D) The state;

17 “(E) The juvenile department;

18 “(F) A court appointed special advocate, if appointed;

19 “(G) The Department of Human Services or other child-caring agency if  
20 the **department has taken the child or ward into protective custody or**  
21 **if the department or** agency has temporary custody of the child or ward;

1 and

2 “(H) If the child or ward is an Indian child:

3 “(i) The Indian child’s tribe; and

4 “(ii) The Indian child’s Indian custodian.

5 “(b) An intervenor who is granted intervention under ORS 419B.116 is a  
6 party to a proceeding under ORS 419B.100. An intervenor under this para-  
7 graph is not a party to a proceeding under ORS 419B.500.

8 “(c) If an Indian child is a member of or is eligible for membership in  
9 more than one tribe, the court may, in its discretion, permit a tribe, in ad-  
10 dition to the Indian child’s tribe, to participate in a proceeding under this  
11 chapter involving the Indian child in an advisory capacity or as a party.

12 “(2) The rights of the parties include, but are not limited to:

13 “(a) The right to notice of the proceeding and copies of the petitions,  
14 answers, motions and other papers;

15 “(b) The right to appear with counsel and, except for intervenors under  
16 subsection (1)(b) of this section, to have counsel appointed as otherwise  
17 provided by law;

18 “(c) The right to call witnesses, cross-examine witnesses and participate  
19 in hearings;

20 “(d) The right of appeal; and

21 “(e) The right to request a hearing.

22 “(3) A putative father who satisfies the criteria set out in subsection  
23 (1)(a)(C) of this section shall be treated as a parent, as that term is used in  
24 this chapter and ORS chapters 419A and 419C, until the court confirms his  
25 parentage or finds that he is not the legal or biological parent of the child  
26 or ward.

27 “(4) If no appeal from the judgment or order is pending, a putative father  
28 whom a court of competent jurisdiction has found not to be the child or  
29 ward’s legal or biological parent or who has filed a petition for filiation that  
30 was dismissed is not a party under subsection (1) of this section.

1       “(5)(a) A person granted rights of limited participation under ORS  
2 419B.116 is not a party to a proceeding under ORS 419B.100 or 419B.500 but  
3 has only those rights specified in the order granting rights of limited par-  
4 ticipation.

5       “(b) Persons moving for or granted rights of limited participation are not  
6 entitled to appointed counsel but may appear with retained counsel.

7       “(6) If a foster parent, preadoptive parent or relative is currently provid-  
8 ing care for a child or ward, the Department of Human Services shall give  
9 the foster parent, preadoptive parent or relative notice of a proceeding con-  
10 cerning the child or ward. A foster parent, preadoptive parent or relative  
11 providing care for a child or ward has the right to be heard at the proceed-  
12 ing. Except when allowed to intervene, the foster parent, preadoptive parent  
13 or relative providing care for the child or ward is not considered a party to  
14 the juvenile court proceeding solely because of notice and the right to be  
15 heard at the proceeding.

16       “(7)(a) The Department of Human Services shall make diligent efforts to  
17 identify and obtain contact information for the grandparents of a child or  
18 ward committed to the department’s custody. Except as provided in para-  
19 graph (b) of this subsection, when the department knows the identity of and  
20 has contact information for a grandparent, the department shall give the  
21 grandparent notice of a hearing concerning the child or ward. Upon a  
22 showing of good cause, the court may relieve the department of its respon-  
23 sibility to provide notice under this paragraph.

24       “(b) If a grandparent of a child or ward is present at a hearing concerning  
25 the child or ward, and the court informs the grandparent of the date and  
26 time of a future hearing, the department is not required to give notice of the  
27 future hearing to the grandparent.

28       “(c) If a grandparent is present at a hearing concerning a child or ward,  
29 the court shall give the grandparent an opportunity to be heard.

30       “(d) The court’s orders or judgments entered in proceedings under ORS

1 419B.185, 419B.310, 419B.325, 419B.449, 419B.476 and 419B.500 must include  
2 findings of the court as to whether the grandparent had notice of the hear-  
3 ing, attended the hearing and had an opportunity to be heard.

4 “(e) Notwithstanding the provisions of this subsection, a grandparent is  
5 not a party to the juvenile court proceeding unless the grandparent has been  
6 granted rights of intervention under ORS 419B.116.

7 “(f) As used in this subsection, ‘grandparent’ means the legal parent of  
8 the child’s or ward’s legal parent, regardless of whether the parental rights  
9 of the child’s or ward’s legal parent have been terminated under ORS  
10 419B.500 to 419B.524.

11 “(8) Interpreters for parties and persons granted rights of limited partic-  
12 ipation shall be appointed in the manner specified by ORS 45.275 and 45.285.

13 **“SECTION 2.** ORS 443.480 is amended to read:

14 “443.480. As used in ORS 443.480 to 443.500:

15 **“(1) ‘Activities of daily living’ means:**

16 **“(a) Bathing and personal hygiene;**

17 **“(b) Dressing and grooming;**

18 **“(c) Eating;**

19 **“(d) Mobility;**

20 **“(e) Bowel and bladder management; and**

21 **“(f) Cognition.**

22 “[1)(a)] **(2)(a)** ‘Community-based structured housing’ means congregate  
23 housing where services and support are provided by the owner or operator  
24 of the facility or staff of the facility to assist residents who have mental,  
25 emotional, behavioral or substance use disorders.

26 “(b) ‘Community-based structured housing’ does not include:

27 “(A) Residential care as defined in ORS 443.400; or

28 “(B) Publicly supported housing as defined in ORS 456.250.

29 “[2)] **(3)** ‘Congregate housing’ means housing in which each adult resi-  
30 dent has a private or shared bedroom or living quarters and shares with

1 other adult residents a dining room, recreational room and other common  
2 areas.

3 “(4) ‘Disability’ means a physical or mental impairment that con-  
4 stitutes or results in a functional limitation on one or more activities  
5 of daily living.

6 “(5) ‘Elderly’ means an individual who is 65 years of age or older.

7 “[3] (6) ‘Services and support’ means living accommodations and ser-  
8 vices, [*other than treatment*,] such as housekeeping, laundry, medication  
9 monitoring, transportation or recreational opportunities, **excluding treat-**  
10 **ment and assistance with activities of daily living.**

11 “[4] (7) ‘Treatment’ has the meaning given that term in ORS 443.400.

12 “**SECTION 3.** ORS 443.485 is amended to read:

13 “443.485. (1) Subject to ORS 443.490, a person that owns or operates a  
14 community-based structured housing facility offered to the general public  
15 **that is not licensed or registered under any other law of this state or**  
16 **under a city or county ordinance or regulation** shall register [*with the*  
17 *Oregon Health Authority*] the name and address of the owner or operator if  
18 the facility **with:**

19 “(a) **The Oregon Health Authority if the facility** provides services and  
20 support to two or more adult residents, not related to the person by blood  
21 or marriage, who have mental, emotional, behavioral or substance use dis-  
22 orders; [*and*] **or**

23 “(b) [*Is not licensed or registered under any other law of this state or city*  
24 *or county ordinance or regulation*] **The Department of Human Services if**  
25 **the facility provides services and support to two or more adult resi-**  
26 **dents, not related to the resident by blood or marriage, who are elderly**  
27 **or who have disabilities.**

28 “(2) The registration fee is \$20 annually.

29 “(3) The authority **or the department** shall establish by rule reasonable  
30 and appropriate standards for the operation of facilities subject to ORS

1 443.480 to 443.500 **that fall within their respective jurisdictions.** The  
2 standards must be consistent with the residential nature of the facilities and  
3 must address, at a minimum, the:

4 “(a) Physical properties of a facility;

5 “(b) Storage, preparation and serving of food at a facility that provides  
6 prepared meals;

7 “(c) Storage, preparation and dispensing of medications and the assistance  
8 provided by staff to adult residents in taking medications; and

9 “(d) Number, experience and training of the staff of a facility.

10 “(4) The authority **or the department** shall provide evidence of the reg-  
11 istration to the person. The evidence shall be posted in a facility.

12 “(5) The authority **or the department** may impose a civil penalty not to  
13 exceed \$5,000 for:

14 “(a) Operating without registration as required under this section; or

15 “(b) A violation of ORS 443.880 or 443.881.

16 “(6) The authority **or the department** may suspend or revoke registra-  
17 tion or deny the issuance of registration for violation of any statute, rule,  
18 ordinance or regulation relating to the facility.

19 “(7) Rules adopted under subsection (3) of this section must avoid impos-  
20 ing on facilities regulated by federal agencies any reporting requirements or  
21 review processes that duplicate the reporting requirements or review pro-  
22 cesses imposed by the federal agency.

23 “(8) **A facility is not required to register with both the authority**  
24 **and the department under this section. If a facility is subject to reg-**  
25 **istration by both the authority and the department, the Director of the**  
26 **Oregon Health Authority and the Director of Human Services shall**  
27 **jointly determine with which agency the facility must register.**

28 “**SECTION 4.** ORS 443.490 is amended to read:

29 “443.490. If the Oregon Health Authority **or the Department of Human**  
30 **Services** finds that another governmental entity’s standards for the opera-

1 tion of a facility subject to ORS 443.480 to 443.500 are substantially similar  
2 or superior to those under ORS 443.485 (3), the authority **or the department**  
3 may waive the requirements of ORS 443.485.

4 **“SECTION 5.** ORS 443.500 is amended to read:

5 “443.500. (1) The **staff of the** Oregon Health Authority [*staff*] **or the**  
6 **Department of Human Services** shall be permitted access to enter and  
7 investigate complaints of abuse in all facilities registered under ORS 443.480  
8 to 443.500 and to ascertain a facility’s compliance with applicable rules,  
9 statutes, ordinances and regulations. If the authority has reasonable cause  
10 to believe any facility is operating without registration or is in violation of  
11 ORS 443.480 to 443.500, the authority **or the department** may apply to the  
12 circuit court for a search warrant.

13 “(2) Upon complaint of any person:

14 “(a) The state or local fire inspectors shall be permitted access to enter  
15 and inspect facilities registered under ORS 443.480 to 443.500 regarding fire  
16 safety.

17 “(b) The state or local health officers shall be permitted access to enter  
18 and inspect facilities registered under ORS 443.480 to 443.500 regarding  
19 health and sanitation.

20 “(3) The owner or operator of a facility may not retaliate against any  
21 individual who files a complaint or any witness or employee of a facility  
22 interviewed about the complaint, including but not limited to retaliation by  
23 restriction of a resident’s otherwise lawful access to the facility and, with  
24 respect to an employee, retaliation by dismissal or harassment.

25 **“SECTION 6. This 2023 Act being necessary for the immediate**  
26 **preservation of the public peace, health and safety, an emergency is**  
27 **declared to exist, and this 2023 Act takes effect on its passage.”.**

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