

SB 1521-6  
(LC 78)  
2/7/24 (LAS/ps)

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO  
SENATE BILL 1521**

1 On page 1 of the printed bill, line 2, after “individuals;” insert “creating  
2 new provisions;” and delete “418.257” and insert “418.205, 418.210, 418.322”.

3 Delete pages 3 and 4 and insert:

4 **“SECTION 2. Section 3 of this 2024 Act is added to and made a part  
5 of ORS 418.205 to 418.327.**

6 **“SECTION 3. (1) For purposes of this section:**

7 **“(a) ‘Placement safety, stability or crisis services’ means services  
8 that are provided for the purpose of:**

9 **“(A) Maintaining a child’s stability in an out-of-home placement;**

10 **“(B) Ensuring the safety of a child and others in the child’s out-  
11 of-home placement;**

12 **“(C) Preventing the disruption of a child’s out-of-home placement;  
13 or**

14 **“(D) Providing care, supervision or services to a child when an ap-  
15 propriate placement in a licensed child-caring agency, developmental  
16 disabilities residential program or certified foster home has not been  
17 identified or is unavailable for the child.**

18 **“(b) ‘Placement safety, stability or crisis services’ includes daytime  
19 or overnight care, supervision or support for a child who has been re-  
20 moved from or is no longer in the care of the child’s parent, including  
21 respite care, temporary care following an out-of-home placement dis-**

1 ruption, temporary care during implementation of a safety plan or  
2 temporary care in an emergency situation where an out-of-home  
3 placement has not been identified or is unavailable for the child.

4 “(2) Notwithstanding ORS 418.015 and 418.495, the Department of  
5 Human Services may enter into a contract with a child-caring agency  
6 for placement safety, stability or crisis services to be provided directly  
7 to a child who has been removed from or is no longer in the care of  
8 the child’s parent and who is in the protective, temporary or legal  
9 custody of the department under ORS chapter 419B or 419C only if the  
10 child-caring agency is licensed as required under ORS 418.215.

11 “SECTION 4. ORS 418.205 is amended to read:

12 “418.205. As used in ORS 418.205 to 418.327, 418.330, 418.470, 418.475,  
13 418.950 to 418.970 and 418.992 to 418.998, unless the context requires other-  
14 wise:

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

17 “(2)(a) ‘Child-caring agency’ means:

18 “(A) Any private school, private agency, private organization or county  
19 program providing:

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

21 “(ii) Adoption placement services;

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

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

27 “(v) Outdoor youth programs; [or]

28 “(vi) **Placement safety, stability or crisis services, as described in**  
29 **section 3 (1) of this 2024 Act, under a contract with the Department**  
30 **of Human Services, directly to a child who has been removed from or**

1 **is no longer in the care of the child’s parent and who is in the pro-**  
2 **TECTIVE, temporary or legal custody of the department under ORS**  
3 **chapter 419B or 419C; or**

4 “[*vi*)] (vii) Other similar care or services for children.

5 “(B) Any private organization or person that provides secure transporta-  
6 tion services as defined in ORS 418.241 during any segment of a child’s trip  
7 to or from a child-caring agency, certified foster home as defined in ORS  
8 418.241 or developmental disabilities residential facility as defined in ORS  
9 418.241, if the route of the child’s trip begins or ends in this state.

10 “(b) ‘Child-caring agency’ includes the following:

11 “(A) A shelter-care home that is not a foster home subject to ORS 418.625  
12 to 418.645;

13 “(B) An independent residence facility as described in ORS 418.475 that  
14 meets the standards established by the Department of Human Services by  
15 rule to be considered a child-caring agency;

16 “(C) A private residential boarding school;

17 “(D) A child-caring facility as defined in ORS 418.950; and

18 “(E) A secure nonemergency medical transportation provider, as defined  
19 in ORS 418.241.

20 “(c) ‘Child-caring agency’ does not include:

21 “(A) Residential facilities or foster care homes certified or licensed by the  
22 Department of Human Services under ORS 443.400 to 443.455, 443.830 and  
23 443.835 for children receiving developmental disability services;

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

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

2 “(D) A shelter-care home that is a foster home subject to ORS 418.625 to  
3 418.645;

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

5 “(F) A facility that exclusively serves individuals 18 years of age and  
6 older; [or]

7 “(G) A facility that primarily serves both adults and children but requires  
8 that any child must be accompanied at all times by at least one custodial  
9 parent or guardian;

10 **“(H) A private agency, private organization or individual that pro-**  
11 **vides home and community-based services as described in ORS 427.007**  
12 **to children with intellectual or developmental disabilities as author-**  
13 **ized by an individualized service plan developed in accordance with**  
14 **ORS 427.154;**

15 **“(I) A nurse licensed under ORS 678.010 to 678.410, or an individual**  
16 **under delegation from a nurse licensed under ORS 678.010 to 678.410,**  
17 **providing services to a medically complex child; or**

18 **“(J) A licensed health care provider solely providing care related to**  
19 **the physical health of a medically complex child, if the provider is**  
20 **practicing within the scope of the provider’s license.**

21 “(3) ‘Child-caring facility’ has the meaning given that term in ORS  
22 418.950.

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

25 “(A) In the custody of the Department of Human Services or the Oregon  
26 Youth Authority; or

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

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

1 “(5) ‘Governmental agency’ means an executive, legislative or judicial  
2 agency, department, board, commission, authority, institution or  
3 instrumentality of this state or of a county, municipality or other political  
4 subdivision of this state.

5 “(6) ‘Independent residence facility’ means a facility as described in ORS  
6 418.475.

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

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

12 “(A) Operated by a governmental entity;

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

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

16 “(D) Operated by a youth job development organization as defined in ORS  
17 344.415.

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

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

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

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

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

30 “(11) ‘Provider of care or services for children’ means a person, entity or

1 organization that provides care or services to children, regardless of whether  
2 the child is in the custody of the Department of Human Services, and that  
3 does not otherwise meet the definition of, or requirements for, a child-caring  
4 agency. ‘Provider of care or services for children’ includes a proctor foster  
5 home certified by a child-caring agency under ORS 418.248.

6 “(12) ‘Qualified residential treatment program’ means a program described  
7 in ORS 418.323.

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

9 **“SECTION 4.** ORS 418.210 is amended to read:

10 “418.210. **Except as otherwise specifically provided by statute,** ORS  
11 418.205 to 418.327 [*shall*] **do** not apply to:

12 “(1) Homes established and maintained by fraternal organizations wherein  
13 only members, their spouses and surviving spouses in marriages and children  
14 are admitted as residents;

15 “(2) Any foster home that is subject to ORS 418.625 to 418.645;

16 “(3) Any child care facility that is subject to ORS 329A.030 and 329A.250  
17 to 329A.450;

18 “(4) Any individual, or home of an individual, providing respite services,  
19 as defined in ORS 418.205, for parents pursuant to a properly executed power  
20 of attorney under ORS 109.056;

21 “(5) Any private agency or organization facilitating the provision of re-  
22 spite services, as defined in ORS 418.205, for parents pursuant to a properly  
23 executed power of attorney under ORS 109.056; or

24 “(6) A shelter-care home that is subject to ORS 418.625 to 418.645.

25 “(7) Any governmental entity, other than a county program, that is a  
26 provider of care or services for children, including but not limited to the  
27 Oregon Youth Authority.

28 **“SECTION 5.** ORS 418.322 is amended to read:

29 “418.322. (1) As used in this section:

30 “(a) ‘Congregate care residential setting’ means any setting that cares for

1 more than one child or ward and is not a setting described in ORS 418.205  
2 (2)(c)(A), (D), (E), [or] (F) **or (H)** or (10).

3 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation,  
4 provision, obtaining, patronizing or soliciting of a person under 18 years of  
5 age for the purpose of a commercial sex act, as defined in ORS 163.266, or  
6 the recruitment, harboring, transportation, provision or obtaining of a person  
7 over 18 years of age using force, fraud or coercion for the purpose of a  
8 commercial sex act, as defined in ORS 163.266.

9 “(2) The Department of Human Services may place a child or ward in a  
10 congregate care residential setting only if the setting is:

11 “(a) A child-caring agency, as defined in ORS 418.205, a hospital, as de-  
12 fined in ORS 442.015, or a rural hospital, as defined in ORS 442.470; and

13 “(b) A qualified residential treatment program described in ORS 418.323.

14 “(3) Notwithstanding subsection (2) of this section, the department may  
15 place a child or ward in a child-caring agency that is not a qualified resi-  
16 dential treatment program if:

17 “(a) The child-caring agency is providing prenatal, postpartum or parent-  
18 ing supports to the child or ward.

19 “(b) The child or ward is placed in an independent residence facility de-  
20 scribed in ORS 418.475 that is licensed by the department as a child-caring  
21 agency.

22 “(c) The child or ward is, or is at risk of becoming, a victim of sex traf-  
23 ficking and the child-caring agency is providing high-quality residential care  
24 and supportive services to the child or ward.

25 “(d) The Oregon Health Authority has approved the placement as med-  
26 ically necessary and the child-caring agency:

27 “(A) Is a residential care facility;

28 “(B) Is licensed by the authority and maintains site-specific accreditation  
29 from a nationally recognized organization to provide psychiatric treatment  
30 to children; and

1       “(C) Has an active provider agreement with the Oregon Medicaid pro-  
2 gram.

3       “(e) The child-caring agency is an adolescent residential drug and alcohol  
4 treatment program licensed or certified by the State of Oregon to provide  
5 residential care, and the court has approved, or approval is pending for, the  
6 placement in the child-caring agency of each child or ward over whom the  
7 department retains jurisdiction.

8       “(f) The placement with the child-caring agency is for the purpose of  
9 placing the child or ward in a proctor foster home.

10       “(g) The child-caring agency is a residential care facility licensed by the  
11 department that provides short-term assessment and stabilization services.

12       “(h) The child-caring agency is a shelter-care home, as defined in ORS  
13 418.470, that provides short-term assessment and stabilization services.

14       “(i) The child-caring agency is a homeless, runaway or transitional living  
15 shelter licensed by the department that provides short-term assessment and  
16 stabilization services.

17       “(j) The ward is 18 years of age or older and the child-caring agency is  
18 a residential treatment facility or a residential home licensed or certified by  
19 the department or the Oregon Health Authority.

20       “(4) The department may not place a child or ward in a residential care  
21 facility or shelter-care home described in subsection (3)(g) or (h) of this sec-  
22 tion:

23       “(a) For more than 60 consecutive days or 90 cumulative days in a  
24 12-month period; or

25       “(b) If the residential care facility or shelter-care home also serves youths  
26 or adjudicated youths served by the county juvenile department or adjudi-  
27 cated youths committed to the custody of the Oregon Youth Authority by the  
28 court.

29       “(5) The department may not place a child or ward in a homeless, runa-  
30 way or transitional living shelter described in subsection (3)(i) of this section

1 for more than 60 consecutive or 90 cumulative days in any 12-month period.

2 “(6) Calculations of the number of days a child or ward is placed in a  
3 shelter-care home under subsection (3)(h) of this section or a homeless, run-  
4 away or transitional living shelter under subsection (3)(i) of this section ex-  
5 clude the days the child or ward is in the shelter-care home or shelter if the  
6 child or ward:

7 “(a) Accessed the shelter-care home or shelter without the support or di-  
8 rection of the department; and

9 “(b) Is homeless or a runaway, as defined by the department by rule.

10 “(7)(a) Nothing in this section prohibits the Oregon Youth Authority from  
11 placing an adjudicated youth committed to its custody in a placement that  
12 is not a qualified residential treatment program.

13 “(b) Nothing in this section prohibits the Oregon Youth Authority or a  
14 county juvenile department from placing an adjudicated youth or a youth  
15 served by the Oregon Youth Authority or the county juvenile department in  
16 shelter care or detention under ORS chapter 419C.

17 **“SECTION 6. (1) Notwithstanding ORS 418.215, a private school,**  
18 **private agency, private organization or county program that is a**  
19 **child-caring agency solely because it provides placement safety, sta-**  
20 **bility or crisis services as described in ORS 418.205 (2)(a)(A)(vi), and**  
21 **that is not already a licensed child-caring agency, may continue to**  
22 **provide such placement safety, stability or crisis services without a**  
23 **license through December 31, 2024.**

24 **“(2) Notwithstanding section 3 of this 2024 Act, the Department of**  
25 **Human Services may continue to contract with an unlicensed child-**  
26 **caring agency described in subsection (1) of this section to provide**  
27 **placement safety, stability or crisis services, as described in section 3**  
28 **of this 2024 Act, through December 31, 2024.**

29 **“(3) An unlicensed child-caring agency that is providing services as**  
30 **authorized in this section is subject to all other laws applicable to**

1 **child-caring agencies in this state.**

2 **“SECTION 7. This 2024 Act being necessary for the immediate**  
3 **preservation of the public peace, health and safety, an emergency is**  
4 **declared to exist, and this 2024 Act takes effect on its passage.”.**

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