

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 substitute care, as defined in
10 ORS 419A.004;**

11 **“(B) Ensuring the safety of a child and others in the child’s sub-
12 stitute care placement;**

13 **“(C) Preventing the disruption of a child’s substitute care place-
14 ment; or**

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

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

1 **respite care, temporary care following a substitute care placement**
2 **disruption, temporary care during implementation of a safety plan or**
3 **temporary care in an emergency situation where a substitute care**
4 **placement has not been identified or is unavailable for the child.**

5 **“(c) ‘Placement safety, stability or crisis services’ does not include:**

6 **“(A) Independent living services designed to support a child’s suc-**
7 **cessful transition to adulthood;**

8 **“(B) Recreational activities, including equine therapy, that do not**
9 **include the provision of direct care, respite care, overnight super-**
10 **vision, medication administration, service coordination, behavior**
11 **management or discipline;**

12 **“(C) Services provided directly by a qualified mental health profes-**
13 **sional, a qualified mental health associate or a licensed health care**
14 **professional acting within the scope of the professional’s license; or**

15 **“(D) Mentoring services provided to a child through a structured**
16 **program in which the child is individually matched with a screened**
17 **and trained adult for a voluntary, reliable and lasting relationship in-**
18 **tended to support the social and emotional development of the child**
19 **and that does not include the provision of direct care, respite care,**
20 **overnight supervision, medication administration, service coordi-**
21 **nation, behavior management or discipline.**

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

29 **“SECTION 4. ORS 418.205 is amended to read:**

30 **“418.205. As used in ORS 418.205 to 418.327, 418.330, 418.470, 418.475,**

1 418.950 to 418.970 and 418.992 to 418.998, unless the context requires other-
2 wise:

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

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

6 “(A) Any private school, private agency, private organization or county
7 program providing:

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

9 “(ii) Adoption placement services;

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

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

15 “(v) Outdoor youth programs; *[or]*

16 “(vi) **Placement safety, stability or crisis services, as described in**
17 **section 3 (1) of this 2024 Act, under a contract with the Department**
18 **of Human Services, directly to a child who has been removed from or**
19 **is no longer in the care of the child’s parent and who is in the pro-**
20 **jective, temporary or legal custody of the department under ORS**
21 **chapter 419B or 419C; or**

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

23 “(B) Any private organization or person that provides secure transporta-
24 tion services as defined in ORS 418.241 during any segment of a child’s trip
25 to or from a child-caring agency, certified foster home as defined in ORS
26 418.241 or developmental disabilities residential facility as defined in ORS
27 418.241, if the route of the child’s trip begins or ends in this state.

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

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

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

4 “(C) A private residential boarding school;

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

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

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

9 “(A) Residential facilities or foster care homes certified or licensed by the
10 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
11 443.835 for children receiving developmental disability services;

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

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

20 “(D) A shelter-care home that is a foster home subject to ORS 418.625 to
21 418.645;

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

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

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

28 **“(H) A private agency, private organization or individual that pro-**
29 **vides home and community-based services as described in ORS 427.007**
30 **to children with intellectual or developmental disabilities as author-**

1 **ized by an individualized service plan developed in accordance with**
2 **ORS 427.154;**

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

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

9 “(3) ‘Child-caring facility’ has the meaning given that term in ORS
10 418.950.

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

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

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

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

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

23 “(6) ‘Independent residence facility’ means a facility as described in ORS
24 418.475.

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

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

30 “(A) Operated by a governmental entity;

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

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

4 “(D) Operated by a youth job development organization as defined in ORS
5 344.415.

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

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

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

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

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

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

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

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

27 **“SECTION 5.** ORS 418.210 is amended to read:

28 “418.210. **Except as otherwise specifically provided by statute,** ORS
29 418.205 to 418.327 [*shall*] **do** not apply to:

30 “(1) Homes established and maintained by fraternal organizations wherein

1 only members, their spouses and surviving spouses in marriages and children
2 are admitted as residents;

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

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

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

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

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

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

16 **“SECTION 6.** ORS 418.322 is amended to read:

17 “418.322. (1) As used in this section:

18 “(a) ‘Congregate care residential setting’ means any setting that cares for
19 more than one child or ward and is not a setting described in ORS 418.205
20 (2)(c)(A), (D), (E), [or] (F) **or (H)** or (10).

21 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation,
22 provision, obtaining, patronizing or soliciting of a person under 18 years of
23 age for the purpose of a commercial sex act, as defined in ORS 163.266, or
24 the recruitment, harboring, transportation, provision or obtaining of a person
25 over 18 years of age using force, fraud or coercion for the purpose of a
26 commercial sex act, as defined in ORS 163.266.

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

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

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

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

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

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

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

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

15 “(A) Is a residential care facility;

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

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

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

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

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

30 “(h) The child-caring agency is a shelter-care home, as defined in ORS

1 418.470, that provides short-term assessment and stabilization services.

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

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

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

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

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

17 “(5) The department may not place a child or ward in a homeless, runa-
18 way or transitional living shelter described in subsection (3)(i) of this section
19 for more than 60 consecutive or 90 cumulative days in any 12-month period.

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

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

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

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

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

5 **“SECTION 7. (1) Notwithstanding ORS 418.215, a private school,
6 private agency, private organization or county program that is a
7 child-caring agency solely because it provides placement safety, sta-
8 bility or crisis services as described in ORS 418.205 (2)(a)(A)(vi), and
9 that is not already a licensed child-caring agency, may continue to
10 provide such placement safety, stability or crisis services without a
11 license through December 31, 2024.**

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

17 **“(3) An unlicensed child-caring agency that is providing services as
18 authorized in this section is subject to all other laws applicable to
19 child-caring agencies in this state.**

20 **“SECTION 8. This 2024 Act being necessary for the immediate
21 preservation of the public peace, health and safety, an emergency is
22 declared to exist, and this 2024 Act takes effect on its passage.”.**

23