

# B-Engrossed House Bill 3835

Ordered by the House June 16  
Including House Amendments dated April 9 and June 16

Sponsored by Representatives NOSSE, DIEHL; Representatives ANDERSEN, HARBICK, JAVADI, LEVY B, PHAM H (at the request of System of Care Advisory Council, Department of Human Services)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to laws involving the welfare of young people. (Flesch Readability Score: 74.8).

Modifies provisions regarding the use of restraint and involuntary seclusion on certain young people.

Modifies provisions regarding investigations of abuse of certain young people.

Modifies provisions regarding licensing of child-caring agencies.

Modifies provisions regarding out-of-state placements of children in care.

*[Modifies provisions regarding older children in care.]*

Directs the System of Care Advisory Council to submit reports to the interim committees of the Legislative Assembly related to **health care and** human services regarding implementation of provisions in this Act.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

Relating to the welfare of young people; creating new provisions; amending ORS 329A.030, 329A.275, 418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248, 418.255, 418.256, 418.257, 418.258, 418.259, 418.260, 418.321, 418.322, 418.327, 418.330, 418.500, 418.519, 418.521, 418.523, 418.526, 418.529, 418.532, 418.625, 418.992, 418.995, 419A.245, 419B.005, 419B.335, 419B.351, 419C.620 and 704.023; and declaring an emergency.

Whereas Oregon ranks 49th in the nation for access to youth behavioral health care; and

Whereas Oregon has the second highest rate of juvenile justice commitment in the country; and

Whereas all youth deserve easy access to safe treatment and care in their communities; and

Whereas access to high quality care depends on a committed, well-trained and diverse workforce; and

Whereas retention of behavioral health workers in Oregon is challenging in part due to confusing and misapplied regulatory requirements; and

Whereas youth, youth in foster care and the families of youth and youth in foster care deserve clear, consistent definitions of child abuse by treatment and service providers and trainers; and

Whereas restraint and seclusion are known to cause long-term trauma and must be strictly avoided except in cases where absolutely necessary and all other alternatives have been exhausted; now, therefore,

**Be It Enacted by the People of the State of Oregon:**

## CHILD ABUSE

### (Use of Restraint and Seclusion on Children)

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

**SECTION 1. (1) As used in this section:**

(a) “Child” means an unmarried person who:

(A) Is under 18 years of age; or

(B) Is a child in care, as defined in ORS 418.257.

(b) “Child-caring agency” has the meaning given that term in ORS 418.205.

(c)(A) “Corporal punishment” means the willful infliction of, or willfully causing the infliction of, physical pain on a child.

(B) “Corporal punishment” does not include:

(i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

(ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a child.

(d) “Developmental disabilities residential facility” means a residential facility or foster home for children who are under 18 years of age and receiving developmental disability services that are subject to ORS 443.400 to 443.455, 433.830 and 443.835.

(e) “Foster parent” means a person operating:

(A) An adjudicated youth foster home certified by the Oregon Youth Authority under ORS 420.888 to 420.892;

(B) A foster home certified by the Department of Human Services and subject to ORS 418.625 to 418.645; or

(C) A foster home certified by a child-caring agency under ORS 418.248 that is not subject to ORS 418.625 to 418.645.

(f) “Involuntary seclusion” means the confinement of a child alone in a room or an enclosed space from which the child is prevented from leaving by any means.

(g) “Responsible individual” means an individual who is at least 18 years old and who may have contact with a child as a result of the individual’s position as:

(A) A foster parent; or

(B) An employee, a contractor or a volunteer of a foster parent, a child-caring agency or a developmental disabilities residential facility.

(h) “Restraint” means the physical restriction of a child’s actions or movements by holding the child or using pressure or other means.

(2) A responsible individual places a child in abusive seclusion if the individual places the child in involuntary seclusion for discipline, punishment, retaliation or the convenience of one or more responsible individuals.

(3) A responsible individual places a child in a abusive restraint if:

(a) The responsible individual places or directs the placement of the child in a restraint and the restraint is used for discipline, punishment, retaliation or convenience;

(b) The responsible individual administers or directs to be administered a chemical restraint, as defined in ORS 418.519, to the child; or

(c) The responsible individual restrains or directs the restraint of the freedom of movement of the child through the excessive or reckless use of force that results in, or is likely to result in, serious physical harm to the child.

(4) A responsible individual may not inflict corporal punishment on a child.

**NOTE:** Sections 2 through 7 were deleted by amendment. Subsequent sections were not renumbered.

1       **SECTION 8.** ORS 418.241 is amended to read:

2       418.241. (1) As used in this section:

3       (a) “Certified foster home” means a foster home certified by the Department of Human Services  
4 and subject to ORS 418.625 to 418.645.

5       (b) “Child-caring agency” has the meaning given that term under ORS 418.205.

6       (c) “Developmental disabilities residential facility” means a residential facility or foster home  
7 for children who are [*17 years of age or younger*] **under 18 years of age** and receiving develop-  
8 mental disability services that is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

9       (d) “Secure escort” means **nonmedical** escort services for a child who poses a risk of elopement  
10 or where restraint or seclusion may be utilized if the child poses a risk of injury to self or others,  
11 [*and*] as **may be** further defined by the department by rule.

12       [*(e) “Secure nonemergency medical transportation provider” means a private organization or person  
13 that provides nonemergency medical secure transportation services subject to rules adopted by the  
14 Oregon Health Authority.*]

15       [*(f)*] (e) “Secure transportation” means the **nonmedical** transport of a child in a vehicle specif-  
16 ically equipped to prevent a passenger from exiting, eloping or interfering with the operator of the  
17 vehicle, [*and*] as **may be** further defined by the department by rule.

18       [*(g)*] (f) “Secure transportation services” means the secure transportation or secure escort of  
19 [*children.*] **a child, as further described by the department by rule.**

20       (2) The department shall adopt rules consistent with this section for the issuance, under ORS  
21 418.215 and 418.240, of licenses to provide secure transportation services to providers that are  
22 child-caring agencies solely as the result of providing secure transportation services as described in  
23 ORS [*418.205 (2)(a)(B)*] **418.215 (1)(b)** and for the issuance of supplemental licenses to child-caring  
24 agencies described in ORS [*418.205 (2)(a)(A)*] **418.215 (1)(a)** that also provide secure transportation  
25 services as described in ORS [*418.205 (2)(a)(B)*] **418.215 (1)(b)**.

26       (3)(a) The following **providers of** secure transportation services [*providers*] are exempt from the  
27 requirements under ORS 418.215 and 418.240 to obtain from the department a license or a supple-  
28 mental license to provide secure transportation services:

29       [*(A) A secure nonemergency medical transportation provider.*]

30       [*(B)*] (A) A child-caring agency that is licensed, certified or otherwise authorized by the de-  
31 partment to provide or engage in the provision of care or services to children if:

32       (i) The agency is not primarily engaged in the provision of secure transportation services;

33       (ii) The child being transported or escorted resides in or is otherwise receiving services from  
34 the agency; and

35       (iii) The transportation or escort is provided consistent with the rules adopted by the depart-  
36 ment under this section.

37       [*(C) An ambulance service, as defined in ORS 682.025, that is transporting a child in an ambulance  
38 for the purpose of obtaining medical care for the child.*]

39       [*(D)*] (B) A developmental disabilities residential facility if:

40       (i) The facility is not primarily engaged in the provision of secure transportation services;

41       (ii) The child being transported or escorted resides in or is otherwise receiving services from  
42 the facility; and

43       (iii) The transportation or escort is provided consistent with the rules adopted by the depart-  
44 ment under this section.

45       (b) The licensing exemptions under paragraph [*(a)(B) and (D)*] **(a)(A) and (B)** of this subsection

1 do not apply if the child-caring agency or developmental disabilities residential facility is trans-  
2 porting the child for the purposes of placing the child in a facility that is not licensed by the de-  
3 partment or in a hospital that is not licensed by the authority.

4 (4)(a) A **provider of** secure transportation services [*provider*], including a provider that is de-  
5 scribed in subsection (3) of this section, must display the disclosure described in ORS 418.359 (2) in  
6 a conspicuous location in any advertisements or promotional materials for its secure transportation  
7 services and in each vehicle it uses to provide its secure transportation services if:

8 (A) The provider is not licensed by the department under ORS 418.215 or 418.240 to provide  
9 secure transportation services; and

10 (B) The provider holds itself out as being an Oregon provider of secure transportation services,  
11 including by registering in this state the vehicles it uses in the provision of its secure transportation  
12 services or representing or otherwise indicating in advertisements or promotional materials that the  
13 provider is based in this state, maintains a mailing address in this state or is licensed, certified or  
14 otherwise authorized by the department or the authority to provide secure transportation services  
15 or similar services in this state.

16 (b) The disclosure under paragraph (a) of this subsection must also indicate that the **provider**  
17 **of** secure transportation services [*provider*] is not licensed by the department under ORS 418.215 or  
18 418.240 to provide secure transportation services and, if applicable, the reason for the provider's li-  
19 censing exemption under subsection (3) of this section.

20 (c) If a provider that is required to make a disclosure under this subsection is authorized by the  
21 authority to provide secure transportation services, the provider's disclosure under this subsection  
22 may, consistent with rules adopted by the authority, also include a statement that the provider is  
23 authorized by the authority to provide secure transportation services.

24 (5) The department and the authority may adopt rules for the provision of secure transportation  
25 services consistent with this section and ORS 418.205 to 418.327, 418.359 and 418.519 to 418.532.

26 **SECTION 9. Section 10 of this 2025 Act is added to and made a part of ORS 418.257 to**  
27 **418.259.**

28 **SECTION 10. (1) A child-caring agency, developmental disabilities residential facility,**  
29 **proctor foster home or certified foster home engages in abuse of a child in care if the**  
30 **child-caring agency, developmental disabilities residential facility, proctor foster home, cer-**  
31 **tified foster home, caretaker or other person fails to make a reasonable effort to protect the**  
32 **child in care from abuse as described in this section or ORS 419B.005.**

33 **(2) An individual engages in the abuse of a child in care if the individual is an employee,**  
34 **operator, contractor, agent or volunteer of a child-caring agency, developmental disabilities**  
35 **residential facility, proctor foster home, certified foster home or adjudicated youth foster**  
36 **home or is any other person who is responsible for the provision of care or services to a child**  
37 **in care, and the individual:**

38 **(a) Commits an act that causes physical injury to the child in care if the act is nonacci-**  
39 **dental or if the injury appears to be at variance with the individual's explanation of the act**  
40 **causing the injury.**

41 **(b) Neglects the child in care by:**

42 **(A) Failing to provide the care, supervision or services necessary to maintain the phys-**  
43 **ical and mental health of the child in care; or**

44 **(B) Failing to make reasonable efforts to protect the child in care from abuse as de-**  
45 **scribed in this section or ORS 419B.005.**

1 (c) Abandons the child in care, including by deserting or willfully forsaking the child in  
2 care or by withdrawing or neglecting duties and obligations owed to the child in care by the  
3 individual.

4 (d) Willfully inflicts physical pain or injury upon a child in care.

5 (e) Commits an act involving the child in care that constitutes a crime under ORS  
6 163.263, 163.264, 163.266, 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465, 163.467 or  
7 163.525.

8 (f) Verbally abuses the child in care by threatening significant physical or emotional  
9 harm to the child in care, including through:

10 (A) The use of derogatory or inappropriate names, insults, verbal assaults, profanity or  
11 ridicule;

12 (B) Harassment, coercion, humiliation, mental cruelty or inappropriate sexual comments;  
13 or

14 (C) Intimidation, including by compelling or deterring conduct by threat.

15 (g) Engages in financial exploitation of the child in care by:

16 (A) Wrongfully taking the assets, funds or property belonging to or intended for the use  
17 of the child in care;

18 (B) Alarming the child in care by conveying a threat to wrongfully take or appropriate  
19 moneys or property of the child in care if the child in care would reasonably believe that the  
20 threat conveyed would be carried out;

21 (C) Misappropriating, misusing or transferring without authorization any moneys from  
22 any account held jointly or singly by a child in care; or

23 (D) Failing to use the income or assets of a child in care effectively for the support and  
24 maintenance of the child in care.

25 (h) Engages in sexual abuse of the child in care by committing an act that constitutes:

26 (A) Sexual harassment of the child in care;

27 (B) Inappropriate exposure of the child in care to sexually explicit material or language;  
28 or

29 (C) Sexual contact, as defined in ORS 163.305, with the child in care, regardless of  
30 whether the sexual contact is unlawful under ORS chapter 163 or is achieved through force,  
31 trickery, threat or coercion.

32 (i) Sexually exploits the child in care, including by:

33 (A) Contributing to the sexual delinquency of the child in care, as described in ORS  
34 163.435;

35 (B) Engaging in other conduct that allows, employs, authorizes, permits, induces or en-  
36 courages a child in care to engage in performing for people to observe or the photographing,  
37 filming, tape recording or other exhibition that, in whole or in part, depicts sexual conduct  
38 or sexual contact, as those terms are defined in ORS 167.002, or sexually explicit conduct as  
39 described in ORS 163.665 and 163.670, or sexual abuse involving the child in care or rape of  
40 the child in care, other than conduct that is part of any investigation conducted pursuant  
41 to ORS 418.258, 418.259 or 419B.020, or that is designed to serve educational or other legiti-  
42 mate purposes; or

43 (C) Allowing, permitting, encouraging or hiring the child in care to engage in prostitution  
44 as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase  
45 sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation

1 as described in ORS 167.008.

2 (3) As used in this section:

3 (a) “Financial exploitation” does not include age-appropriate discipline that may involve  
4 the threat to withhold, or the withholding of, privileges.

5 (b) “Intimidation” does not include age-appropriate discipline that may involve the threat  
6 to withhold privileges.

7 **SECTION 11.** ORS 418.257 is amended to read:

8 418.257. As used in ORS 418.257 to 418.259:

9 [(1) “Abuse” means one or more of the following:]

10 [(a) Any physical injury to a child in care caused by other than accidental means, or that appears  
11 to be at variance with the explanation given of the injury.]

12 [(b) Neglect of a child in care.]

13 [(c) Abandonment, including desertion or willful forsaking of a child in care or the withdrawal or  
14 neglect of duties and obligations owed a child in care by a child-caring agency, caretaker, certified  
15 foster home, developmental disabilities residential facility or other person.]

16 [(d) Willful infliction of physical pain or injury upon a child in care.]

17 [(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,  
18 163.465, 163.467 or 163.525.]

19 [(f) Verbal abuse.]

20 [(g) Financial exploitation.]

21 [(h) Sexual abuse.]

22 [(i) The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521 or  
23 418.523.]

24 (1) “Abuse” has the meaning described in section 10 of this 2025 Act.

25 (2) “Adjudicated youth foster home” means a foster home certified by the Oregon Youth  
26 Authority under ORS 420.888 to 420.892.

27 [(2)] (3) “Certified foster home” means a foster home certified by the Department of Human  
28 Services and subject to ORS 418.625 to 418.645.

29 [(3)(a)] (4)(a) “Child in care” means a person under 21 years of age who is residing in or re-  
30 ceiving care or services from:

31 (A) A child-caring agency or proctor foster home subject to ORS 418.205 to 418.327, **418.241**,  
32 418.470, 418.475 or 418.950 to 418.970;

33 (B) A certified foster home; [or]

34 (C) A developmental disabilities residential facility[.]; or

35 **(D) An adjudicated youth foster home.**

36 (b) “Child in care” does not include a person under 21 years of age who is residing in any of  
37 the entities listed in paragraph (a) of this subsection when the care provided is in the home of the  
38 child by the child’s parent.

39 [(4)] (5) “Developmental disabilities residential facility” means a residential facility or foster  
40 home for children who are [17 years of age or younger] **under 18 years of age** and receiving de-  
41 velopmental disability services that is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

42 [(5)(a) “Financial exploitation” means:]

43 [(A) Wrongfully taking the assets, funds or property belonging to or intended for the use of a child  
44 in care.]

45 [(B) Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys or

1 *property of the child in care if the child would reasonably believe that the threat conveyed would be*  
2 *carried out.]*

3 [(C) *Misappropriating, misusing or transferring without authorization any moneys from any ac-*  
4 *count held jointly or singly by a child in care.]*

5 [(D) *Failing to use the income or assets of a child in care effectively for the support and mainte-*  
6 *nance of the child in care.]*

7 [(b) *“Financial exploitation” does not include age-appropriate discipline that may involve the threat*  
8 *to withhold, or the withholding of, privileges.]*

9 [(6) *“Intimidation” means compelling or deterring conduct by threat. “Intimidation” does not in-*  
10 *clude age-appropriate discipline that may involve the threat to withhold privileges.]*

11 [(7) *“Involuntary seclusion” has the meaning given that term in ORS 418.519.]*

12 [(8)] (6) *“Law enforcement agency” means:*

13 (a) *Any city or municipal police department.*

14 (b) *Any county sheriff’s office.*

15 (c) *The Oregon State Police.*

16 (d) *Any district attorney.*

17 (e) *A police department established by a university under ORS 352.121 or 353.125.*

18 [(9) *“Neglect” means:*]

19 [(a) *Failure to provide the care, supervision or services necessary to maintain the physical and*  
20 *mental health of a child in care; or]*

21 [(b) *The failure of a child-caring agency, proctor foster home, certified foster home, developmental*  
22 *disabilities residential facility, caretaker or other person to make a reasonable effort to protect a child*  
23 *in care from abuse.]*

24 [(10) *“Restraint” has the meaning given that term in ORS 418.519.]*

25 [(11)] (7) *“Services” includes but is not limited to the provision of food, clothing, medicine,*  
26 *housing, medical services, assistance with bathing or personal hygiene or any other service essential*  
27 *to the well-being of a child in care.*

28 [(12) *“Sexual abuse” means:*]

29 [(a) *Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material*  
30 *or language;]*

31 [(b) *Any sexual contact between a child in care and an employee of a child-caring agency, proctor*  
32 *foster home, certified foster home, developmental disabilities residential facility, caretaker or other*  
33 *person responsible for the provision of care or services to a child in care;]*

34 [(c) *Any sexual contact between a person and a child in care that is unlawful under ORS chapter*  
35 *163 and not subject to a defense under that chapter; or]*

36 [(d) *Any sexual contact that is achieved through force, trickery, threat or coercion.]*

37 [(13) *“Sexual contact” has the meaning given that term in ORS 163.305.]*

38 [(14) *“Sexual exploitation” means sexual exploitation as described in ORS 419B.005 (1)(a)(E).]*

39 [(15) *“Verbal abuse” means to threaten significant physical or emotional harm to a child in care*  
40 *through the use of:]*

41 [(a) *Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or]*

42 [(b) *Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual*  
43 *comments.]*

44 **SECTION 12.** *ORS 418.519 is amended to read:*

45 *418.519. As used in ORS 418.519 to 418.532:*

1       **(1) “Adjudicated youth foster home” means a foster home certified by the Oregon Youth**  
2 **Authority under ORS 420.888 to 420.892.**

3       [(1)] **(2)** “Certified foster home” means a foster home subject to ORS 418.625 to 418.645.

4       [(2)] **(3)** “Chemical restraint” means a drug or medication that is administered to a child in care  
5 to control behavior or restrict freedom of movement.

6       [(3)] **(4)** “Child-caring agency” has the meaning given that term in ORS 418.205.

7       [(4)] **(5)** “Child in care” has the meaning given that term in ORS 418.257.

8       [(5)] **(6)** “Children’s emergency safety intervention specialist” means a qualified mental health  
9 professional licensed to order, monitor and evaluate the use of **involuntary** seclusion and restraint  
10 in accredited and certified facilities that provide intensive mental health treatment services to in-  
11 dividuals under 21 years of age.

12       [(6)] **(7)** “Developmental disabilities residential facility” has the meaning given that term in ORS  
13 418.257.

14       [(7)(a)] *“Involuntary seclusion” means the confinement of a child in care alone in a room or an*  
15 *enclosed space from which the child in care is prevented from leaving by any means.]*

16       [(b)] *“Involuntary seclusion” does not include age-appropriate discipline, including, but not limited*  
17 *to, time-out if the time-out is in a setting from which the child in care is not prevented from leaving*  
18 *by any means.]*

19       **(8) “Involuntary seclusion” has the meaning given that term in section 1 of this 2025 Act.**

20       [(8)] **(9)(a)** “Mechanical restraint” means a device used to restrict the movement of a child in  
21 care or the movement or normal function of a portion of the body of a child in care.

22       **(b) “Mechanical restraint” does not include:**

23       **(A) A protective or stabilizing device ordered by a licensed physician; or**

24       **(B) A vehicle safety restraint when used as intended during the transport of a child in**  
25 **care in a moving vehicle.**

26       [(9)] **(10)** “Proctor foster home” means a foster home certified by a child-caring agency under  
27 ORS 418.248.

28       [(10)] **(11)** “Program” means:

29       (a) A child-caring agency;

30       (b) A proctor foster home; or

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

33       [(11)] **(12)** “Prone restraint” means a restraint in which a child in care is held face down on the  
34 floor.

35       [(12)] **(13)** “Reportable injury” means any type of injury to a child in care, including but not  
36 limited to rug burns, fractures, sprains, bruising, pain, soft tissue injury, punctures, scratches,  
37 concussions, abrasions, dizziness, loss of consciousness, loss of vision, visual disturbance or death.

38       [(13)] **(14)** “Restraint” [*means the physical restriction of a child in care’s actions or movements by*  
39 *holding the child in care or using pressure or other means.]* **has the meaning given that term in**  
40 **section 1 of this 2025 Act.**

41       [(14)] **(15)** “Secure adolescent inpatient treatment program” means a child-caring agency that is  
42 an intensive treatment services program, as described by the Oregon Health Authority by rule, that  
43 provides inpatient psychiatric stabilization and treatment services to individuals under 21 years of  
44 age who require a secure intensive treatment setting.

45       [(15)] **(16)** “Secure children’s inpatient treatment program” means a child-caring agency that is

1 an intensive treatment services program, as described by the authority by rule, that provides inpa-  
2 tient psychiatric stabilization and treatment services to children under 14 years of age who require  
3 a secure intensive treatment setting.

4 [(16) “*Serious bodily injury*” means any significant impairment of the physical condition of an in-  
5 dividual, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone  
6 else.]

7 (17) “Supine restraint” means a restraint in which a child in care is held face up on the floor.

8 **SECTION 13.** ORS 418.521 is amended to read:

9 418.521. (1) A child-caring agency, proctor foster home, certified foster home, **adjudicated youth**  
10 **foster home** or developmental disabilities residential facility may not place a child in care in a  
11 restraint or involuntary seclusion as a form of discipline, punishment or retaliation or for the con-  
12 venience of staff, contractors or volunteers of the child-caring agency, proctor foster home, certified  
13 foster home, **adjudicated youth foster home** or developmental disabilities residential facility.

14 (2) Except as provided in ORS 418.523 (4), the use of the following types of restraint of a child  
15 in care are prohibited:

16 (a) Chemical restraint.

17 (b) Mechanical restraint.

18 (c) Prone restraint.

19 (d) Supine restraint.

20 [(e) Any restraint that includes the intentional and nonincidental use of a solid object, including  
21 the ground, a wall or the floor, to impede a child in care’s movement.]

22 (e) **Unless the restraint is necessary to prevent an imminent life-threatening injury or**  
23 **to gain control of a weapon, a restraint that:**

24 (A) **Is intended to impede the child in care’s movement;**

25 (B) **Includes the intentional and nonincidental use of a solid object, including the ground,**  
26 **a wall or the floor; and**

27 (C) **Causes the child in care’s body to be pressed between the person imposing the re-**  
28 **straint and the object or to be pressed between an object or objects.**

29 (f) Any restraint that places, or creates a risk of placing, pressure on a child in care’s neck or  
30 throat.

31 (g) Any restraint that places, or creates a risk of placing, pressure on a child in care’s mouth,  
32 **unless the restraint is necessary for the purpose of extracting a body part from a bite.**

33 (h) Any restraint that impedes, or creates a risk of impeding, a child in care’s breathing.

34 (i) Any restraint that involves the intentional placement of any object or a hand, knee, foot or  
35 elbow on a child in care’s neck, throat, genitals or other intimate parts.

36 (j) Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be  
37 placed, on a child in care’s stomach, chest, joints, throat or back by a knee, foot or elbow.

38 (k) Any other action, the primary purpose of which is to inflict pain.

39 (L) **An abusive restraint as described in section 1 of this 2025 Act.**

40 **SECTION 14.** ORS 418.523 is amended to read:

41 418.523. (1) Except as otherwise provided in this section, a child-caring agency, proctor foster  
42 home or developmental disabilities residential facility may [only] place a child in care in a restraint  
43 or involuntary seclusion **only** if the child in care’s behavior poses a [reasonable risk of imminent  
44 serious bodily injury] **reasonable risk of imminent serious physical harm** to the child in care or  
45 others, **including animals, as defined in ORS 167.310, and:**

1 (a) Less restrictive interventions would not effectively reduce that risk[.];

2 (b) **The least amount of physical force and contact necessary is used to prevent a rea-**  
3 **sonable risk of serious physical harm;**

4 (c) **If the child in care is placed in a restraint, it is not prohibited under ORS 418.521; and**

5 (d) **If the child is placed in involuntary seclusion, it is not abusive seclusion as described**  
6 **in section 1 of this 2025 Act.**

7 *[(2) A certified foster home may not place a child in care in a restraint or involuntary seclusion.]*

8 (2)(a) **An adjudicated youth foster home or a certified foster home may not place a child**  
9 **in care in a restraint or involuntary seclusion.**

10 (b)(A) **Notwithstanding subsection (1) of this section or paragraph (a) of this subsection,**  
11 **a certified foster home or a proctor foster home may, consistent with the reasonable and**  
12 **prudent parent standard:**

13 (i) **Temporarily restrict a child in care’s freedom of movement, including by physically**  
14 **consoling the child in care; or**

15 (ii) **Place a child in care in involuntary seclusion as a form of age-appropriate discipline,**  
16 **as defined by the Department of Human Services by rule, including placing the child in care**  
17 **in a time-out.**

18 (B) **As used in this paragraph, “reasonable and prudent parent standard” means the**  
19 **standard characterized by careful and sensible parental decisions that maintain the health,**  
20 **safety and best interests of a child in care while encouraging the emotional and develop-**  
21 **mental growth of the child in care.**

22 (C) **Actions taken by a certified foster home or proctor foster home consistent with this**  
23 **paragraph are not subject to the incident reporting requirements under ORS 418.526.**

24 *[(3) Notwithstanding subsection (1) or (2) of this section, a child-caring agency, proctor foster home,*  
25 *certified foster home or developmental disabilities residential facility may use the following types of*  
26 *restraints on a child in care:]*

27 *[(a) Holding the child in care’s hand or arm to escort the child in care safely and without the use*  
28 *of force from one area to another;]*

29 *[(b) Assisting the child in care to complete a task if the child in care does not resist the physical*  
30 *contact; or]*

31 *[(c) Using a physical intervention if:]*

32 *[(A) The intervention is necessary to break up a physical fight or to effectively protect a person*  
33 *from an assault, serious bodily injury or sexual contact;]*

34 *[(B) The intervention uses the least amount of physical force and contact possible; and]*

35 *[(C) The intervention is not a prohibited restraint described in ORS 418.521 (2).]*

36 *[(4) Notwithstanding ORS 418.521 (2):]*

37 *[(a) The restraint described in ORS 418.521 (2)(e) may be used if the restraint is necessary to gain*  
38 *control of a weapon.]*

39 *[(b) The restraint described in ORS 418.521 (2)(g) may be used if the restraint is necessary for the*  
40 *purpose of extracting a body part from a bite.]*

41 (3) **Notwithstanding subsection (1) or (2) of this section, a child-caring agency, proctor**  
42 **foster home, certified foster home, adjudicated youth foster home or developmental disabili-**  
43 **ties residential facility may physically intervene, without immobilizing the child in care, if**  
44 **the intervention is necessary to break up a physical fight or to effectively protect a person**  
45 **from an assault, other serious physical harm or sexual contact.**

1        [(c)] **(4) Notwithstanding subsection (1) of this section**, if a program is a secure children's  
2 inpatient treatment program or secure adolescent inpatient treatment program, the program may  
3 place a child in care in a restraint described in ORS 418.521 (2)(d) or (e) only if:

4        [(A)] **(a)** The child in care is currently admitted to the program;

5        [(B)] *The restraint is authorized by an order written at the time of and specifically for the current*  
6 *situation by a licensed medical practitioner or a licensed children's emergency safety intervention spe-*  
7 *cialist;*

8        **(b) The restraint is authorized by a licensed medical practitioner or a licensed children's**  
9 **emergency safety intervention specialist and the restraint is not authorized as a standing**  
10 **order or on an as-needed basis;**

11        [(C)] **(c)** The restraint is used only as long as needed to prevent [*serious physical injury, as de-*  
12 *defined in ORS 161.015,*] **serious physical harm** and while no other intervention or form of restraint  
13 is possible;

14        [(D)] **(d)** A licensed medical practitioner, children's emergency safety intervention specialist or  
15 qualified mental health professional, who is certified in the use of the type of restraint used, con-  
16 tinuously monitors the use of the restraint and the physical and psychological [*well-being*] **status**  
17 of the child in care at all times while the restraint is being used;

18        [(E)] **(e)** Each individual placing the child in care in the restraint is certified as described in  
19 ORS 418.529 in the use of the type of restraint used and the individual's training is current;

20        [(F)] **(f)** One or more individuals with current cardiopulmonary resuscitation training are pres-  
21 ent for the duration of the restraint;

22        [(G)] **(g)** The program has written policies that require a licensed children's emergency safety  
23 intervention specialist or other licensed practitioner to evaluate and document the physical, psy-  
24 chological and emotional [*well-being of*] **impact of the restraint on** the child in care immediately  
25 following the use of the restraint; and

26        [(H)] **(h)** The program is in compliance with any other requirements under ORS 418.519 to  
27 418.532, and the use of the restraint does not otherwise violate any applicable contract requirements  
28 or any state or federal law related to the use of restraints.

29        (5) [*In addition to the restraints described in subsection (3) of this section,*] A program may place  
30 a child in care in a restraint or involuntary seclusion if:

31        (a) The restraint or involuntary seclusion is used only for as long as the child in care's behavior  
32 poses a [*reasonable risk of imminent serious bodily injury*] **reasonable risk of imminent serious**  
33 **physical harm;**

34        (b) The individuals placing the child in care in the restraint or involuntary seclusion are certi-  
35 fied as described in ORS 418.529 in the use of the type of restraint used or are trained, as required  
36 by the Department **of Human Services** by rule, in the use of the involuntary seclusion used;

37        (c) The program staff continuously monitor the child in care for the duration of the restraint  
38 or involuntary seclusion; and

39        (d) The restraint or involuntary seclusion is performed in a manner that is safe, proportionate  
40 and appropriate, taking into consideration the child in care's chronological and developmental age,  
41 size, gender identity, physical, medical and psychiatric condition and personal history, including any  
42 history of physical or sexual abuse.

43        (6) In addition to the requirements described in subsection (5) of this section, if a program places  
44 a child in care in a restraint or involuntary seclusion for more than 10 minutes:

45        (a) The program must provide the child in care with adequate access to the bathroom and water

1 [at least every 30 minutes] **at least as often as prescribed by the department by rule;** and

2 (b)(A) Every five minutes after the first 10 minutes of the restraint or involuntary seclusion, a  
3 program supervisor who is certified as described in ORS 418.529 in the use of the type of restraint  
4 being used or trained, as required by the department by rule, in the use of the involuntary seclusion  
5 being used must provide written authorization for the continuation of the restraint or involuntary  
6 seclusion.

7 (B) If the supervisor is not on-site at the time the restraint is used, the supervisor may provide  
8 the written authorization electronically.

9 (C) The written authorization must document why the restraint or involuntary seclusion con-  
10 tinues to be the least restrictive intervention to reduce the risk of imminent [*serious bodily injury*]  
11 **serious physical harm** in the given circumstances.

12 **SECTION 15.** ORS 418.526 is amended to read:

13 418.526. (1) A program shall establish procedures for the program to follow when a child in care  
14 is placed in a restraint or involuntary seclusion. The procedures must be consistent with the pro-  
15 visions of this section and ORS 418.521 and 418.523.

16 (2)(a) A program shall maintain a record of each incident in which a reportable injury arises  
17 from the use of a restraint or involuntary seclusion. The record under this subsection must include  
18 any photographs, audio recordings or video recordings immediately preceding, during and following  
19 the incident. The record may not be destroyed, edited, concealed or altered in any way.

20 (b) The program shall immediately provide the Department of Human Services with written no-  
21 tification of the incident and true copies of any record maintained under this subsection.

22 (c) Upon the request of the attorney, court appointed special advocate, parents or guardians of  
23 a child in care on whom the restraint or involuntary seclusion was used, the department shall pro-  
24 vide the child in care's attorney, court appointed special advocate, parents or guardians with [*copies*  
25 *of*] **an opportunity to review** the records described in this subsection **if:**

26 **(A) The child in care is under 18 years of age and the parent or guardian consents to the**  
27 **disclosure;**

28 **(B) The child in care is at least 18 years of age and consents to the disclosure; or**

29 **(C) The department is otherwise required by law to disclose the records.**

30 (3)(a) If a program places a child in care in a restraint [*except as provided in ORS 418.523 (3)(a)*  
31 *or (b),*] or involuntary seclusion, the program shall provide the child in care's case manager, attor-  
32 ney, court appointed special advocate and parents or guardians with:

33 (A) Verbal or electronic notice that the restraint or involuntary seclusion was used as soon as  
34 practicable following the incident but not later than the end of the next business day; and

35 (B) Written notice that the restraint or involuntary seclusion was used as soon as practicable  
36 following the incident but not later than the end of the next business day.

37 (b) The written notice must include:

38 (A) A description of the restraint or involuntary seclusion, the date of the restraint or involun-  
39 tary seclusion, the times when the restraint or involuntary seclusion began and ended and the lo-  
40 cation of the restraint or involuntary seclusion.

41 (B) A description of the child in care's activity that necessitated the use of restraint or invol-  
42 untary seclusion.

43 (C) The efforts the program used to de-escalate the situation and the alternatives to restraint  
44 or involuntary seclusion the program attempted before placing the child in care in the restraint or  
45 involuntary seclusion.

1 (D)(i) The names of each individual who placed the child in care in the restraint or involuntary  
2 seclusion or who monitored or approved the placement of the child in care in the restraint or in-  
3 voluntary seclusion.

4 (ii) For each individual identified in this subparagraph, whether the individual was certified as  
5 described in ORS 418.529 in the use of the type of restraint used or trained, as required by the De-  
6 partment of Human Services by rule, in the use of the involuntary seclusion used, the date of the  
7 individual's most recent certification or training and a description of the types of restraint the in-  
8 dividual is certified to use, if any.

9 (iii) If an individual identified in this subparagraph was not certified or trained in the type of  
10 restraint or involuntary seclusion used, or if the individual's certification or training was not cur-  
11 rent, a description of the individual's certification or training deficiency and the reason an individ-  
12 ual without the proper certification or training was involved in the restraint or involuntary  
13 seclusion.

14 (E) If the child in care suffered a reportable injury arising from the incident, a description of  
15 any photographs, audio recordings or video recordings related to the incident that are maintained  
16 by the program under subsection (2) of this section.

17 (4) If an incident requires notice under subsection (3) of this section, not later than two business  
18 days following the date of the restraint or involuntary seclusion, the program shall hold a debriefing  
19 meeting with each individual who was involved in the incident and with any other appropriate pro-  
20 gram staff, shall take written notes of the debriefing meeting and shall provide copies of the written  
21 notes to the child in care's case manager, attorney, court appointed special advocate and parents  
22 or guardians.

23 (5) *[If serious bodily injury or the death of staff personnel occurs in connection to the use of the*  
24 *restraint or involuntary seclusion,]* **If, in connection with the use of a restraint or involuntary**  
25 **seclusion, program personnel die or suffer serious physical injury, as defined in ORS 161.015,**  
26 the program shall provide the department with written notification of the incident not later than  
27 24 hours following the incident.

28 (6) The department shall adopt rules regarding the installation and use of video recording  
29 equipment in a program.

30 **SECTION 16.** ORS 418.529 is amended to read:

31 418.529. (1)(a) The Department of Human Services shall adopt by rule training standards and  
32 certification requirements regarding the placement of a child in care in a restraint or involuntary  
33 seclusion, consistent with this section.

34 (b) The department shall designate *[two or three]* nationally recognized providers of crisis  
35 intervention training that:

36 **(A) Use trauma-informed practices;**

37 **(B) Prioritize the reduction or elimination of the use of restraint and involuntary seclu-**  
38 **sion;**

39 **(C) Teach techniques for de-escalation that do not require any form of restraint or in-**  
40 **voluntary seclusion; and**

41 **(D) Meet the department's training standards and whose certifications issued upon completion**  
42 **of the training programs the department will recognize as satisfying the department's certification**  
43 **requirements.**

44 **(c) The department shall coordinate with the System of Care Advisory Council to convene**  
45 **an advisory committee consisting of individuals who, as children, gained lived experience in**

1 **the use of restraint or involuntary seclusion, and the families of those individuals. The ad-**  
2 **visory committee shall provide the department with recommendations regarding the se-**  
3 **lection of providers of crisis intervention training under this subsection.**

4 (2) The department's rules under this section must:

5 (a) Ensure consistency of training and professional development across all programs;

6 (b) Require the teaching of techniques for nonviolent crisis intervention that do not require re-  
7 straint;

8 (c) Focus on de-escalation and trauma-informed behavioral support as the core of a training  
9 program;

10 (d) Offer options for certification in skills that do not include the use of restraint to improve  
11 agency-wide safety, culture and trauma-informed practices;

12 (e) Prioritize, **by means of explicit policy**, the reduction or elimination of the use of restraint  
13 and involuntary seclusion;

14 (f) Ensure that any physical intervention skills taught are trauma-informed, age-appropriate and  
15 developmentally appropriate for children in care, reduce the risk of physical or emotional harm and  
16 are consistent with all state and federal laws;

17 (g) Include training to identify the physical, psychological and emotional risks for children and  
18 program staff related to the use of restraint and involuntary seclusion;

19 (h) Ensure fidelity of training through the publication of consistent training materials and re-  
20 sources for certified instructors and certified program staff;

21 (i) Include requirements for instructor training and certification; and

22 (j) Require regular, ongoing support to certified instructors, including quality control, monitor-  
23 ing of outcomes and provision of information regarding networks for professional collaboration and  
24 support.

25 (3) The department's rules must require that training instructors:

26 (a) Be certified to conduct the type of training the instructor is providing;

27 (b) Complete a minimum of 26 hours of initial education with a focus on de-escalation, nonviolent  
28 intervention and methods consistent with the department's rules for the use of [*physical*  
29 *intervention*] **restraint**;

30 (c) Complete a minimum of 12 hours of continuing education every two years;

31 (d) Be recertified at least once every two years; and

32 (e) Demonstrate written and physical competency before receiving certification or recertif-  
33 ication.

34 (4) The department's rules must provide that an individual who places a child in care in a pro-  
35 gram in a restraint must be certified in the use of the specific type of restraint used. The  
36 department's rules must describe the minimum certification requirements, including:

37 (a) Completion of a minimum of 12 hours of initial training in person from an instructor certified  
38 as provided in subsection (3) of this section, including at least six hours of training in positive be-  
39 havior support, nonviolent crisis intervention and other methods of nonphysical intervention to  
40 support children in care in crisis;

41 (b) Annual continuing education with a certified instructor; and

42 (c) Demonstration of a mastery of the training program material both in writing and by physical  
43 competency before receiving certification.

44 (5) A certification issued under this section:

45 (a) Must be personal to the individual certified by the training provider;

- 1 (b) May be valid for no more than two years without recertification;
- 2 (c) Must require annual continuing education to maintain;
- 3 (d) Must require additional training to renew the certification;
- 4 (e) Must be portable between employers; and
- 5 (f) Must include:
  - 6 (A) The dates during which the certification is current;
  - 7 (B) The types of restraint in which the individual is certified, if any;
  - 8 (C) The types of training the individual is certified to conduct, if any;
  - 9 (D) Any special endorsements earned by the individual;
  - 10 (E) The level of training; and
  - 11 (F) The name of the certified instructor who conducted the training and administered the as-
  - 12 sessment of proficiency.

13 (6) An individual whose certification is consistent with the department's rules under this section  
14 shall maintain the documentation of the certification and make that documentation available to the  
15 department upon request.

16 **SECTION 17.** ORS 418.532 is amended to read:

17 418.532. (1) Each child in care receiving services from a child-caring agency must be provided  
18 with information that:

19 (a) Explains the **restraint and involuntary seclusion** provisions [of] **under** ORS 418.519 to  
20 418.532 **and section 1 of this 2025 Act, and the abuse provisions under ORS 418.257 to 418.259**  
21 **and 419B.005;**

22 (b) Provides instruction regarding how a child in care may report suspected [*inappropriate use*  
23 *of restraint or involuntary seclusion*] **use of abusive restraint or abusive seclusion, as described**  
24 **in section 1 of this 2025 Act;**

25 [*(c) Assures the child in care that the child will not experience retaliation for reporting suspected*  
26 *inappropriate uses of restraint or involuntary seclusion; and*]

27 **(c) Assures the child in care that the child will not experience retaliation for making an**  
28 **abuse report or complaint regarding the use of involuntary seclusion or restraint, including**  
29 **the use of abusive restraint or abusive seclusion as described in section 1 of this 2025 Act;**  
30 **and**

31 (d) Includes the telephone number for the toll-free child abuse hotline described in ORS 417.805,  
32 information regarding the centralized child abuse reporting system described in ORS 418.190 and the  
33 telephone numbers and electronic mail addresses for the program's licensing or certification agency,  
34 the child in care's caseworker and attorney, the child in care's court appointed special advocate and  
35 Disability Rights Oregon.

36 (2) The information described in subsection (1) of this section must be provided by:

37 (a) The Department of Human Services if the department placed the child in care in the child-  
38 caring agency;

39 (b) The Oregon Youth Authority if the child in care has been committed to the custody of the  
40 authority; or

41 (c) The child-caring agency, as required by the department by rule, for all other children in care.

42 **SECTION 18.** ORS 419A.245 is amended to read:

43 419A.245. [*(1) During the transportation of a youth, adjudicated youth, young person, ward or child*  
44 *by the Department of Human Services, the Oregon Health Authority or an agent of the department or*  
45 *authority;*]

1       **(1) The Oregon Health Authority or an agent of the authority may use restraints during**  
2 **the transportation or escort of a youth, adjudicated youth or young person as provided in**  
3 **this section.**

4       **(2) Prior to using restraints during the transportation of a youth, adjudicated youth or**  
5 **young person, the authority shall create a transportation safety plan, including documenta-**  
6 **tion of the need for restraints. The transportation safety plan must address intervention**  
7 **strategies designed to modify behavior without the use of restraints and recommend the**  
8 **least restrictive effective alternative.**

9       [(a)] **(3) Instruments of physical restraint, such as handcuffs, chains, irons, straitjackets, cloth**  
10 **restraints, leather restraints, plastic restraints and other similar items, may not be used during**  
11 **transportation of a youth, adjudicated youth or young person unless:**

12       [(A)] **(a) The transportation is secure transportation to a detention facility, youth correction**  
13 **facility, as defined in ORS 420.005, secure hospital, secure intensive community inpatient facility or**  
14 **other secure facility; or**

15       [(B)] **(b) The restraints are necessary due to an immediate and serious risk of dangerous or**  
16 **disruptive behavior and there are no less restrictive alternatives that will alleviate the immediate**  
17 **and serious risk of dangerous or disruptive behavior.**

18       [(b) *Prior to the use of restraints during transportation, a transportation safety plan, including*  
19 *documentation of the need for restraints, must be created. The transportation safety plan must address*  
20 *intervention strategies designed to modify behavior without the use of restraints and recommend the*  
21 *least restrictive effective alternative.*]

22       [(c)] **(4) Only staff who have been adequately trained in restraint device usage may use and ap-**  
23 **ply restraints during transportation of a youth, adjudicated youth or young person.**

24       [(d)] **(5) Restraints during transportation of a youth, adjudicated youth or young person may**  
25 **not be used as punishment, for convenience or as a substitute for staff supervision.**

26       [(2) *This section applies to all circumstances of transportation of a ward or child by the Depart-*  
27 *ment of Human Services, the Oregon Health Authority or an agent of the department or authority, in-*  
28 *cluding but not limited to transportation between placements with child-caring agencies, foster homes,*  
29 *shelter care facilities, treatment and residential facilities or any other type of placement destination for*  
30 *a ward or child in the custody of the Department of Human Services.*]

31       **SECTION 19.** ORS 418.992 is amended to read:

32       418.992. (1) In addition to any other liability or penalty provided by law, the Director of Human  
33 Services may impose a **corrective action or** civil penalty:

34       (a) On a child-caring agency that is subject to ORS 418.205 to 418.327, **418.519 to 418.532,**  
35 **418.470, 418.475 or 418.950 to 418.970** for any of the following:

36       (A) Violation of any of the terms or conditions of a license, certificate or other authorization  
37 issued under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970.

38       (B) Violation of any rule adopted by, or general order of, the Department of Human Services  
39 that pertains to a child-caring agency.

40       (C) Violation of any final order of the director that pertains specifically to the child-caring  
41 agency.

42       (D) Violation of the requirement to have a license, certificate or other authorization under ORS  
43 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970.

44       (b) On a **provider of** secure transportation services [*provider*], as defined in ORS 418.241, that  
45 violates the disclosure requirement described in ORS 418.241.

1 (2) The director shall impose a civil penalty not to exceed \$500, unless otherwise required by  
2 law, on any child-caring agency for falsifying records, reports, documents or financial statements or  
3 for causing another person to do so.

4 (3) The director shall impose a civil penalty of not less than \$250 nor more than \$500, unless  
5 otherwise required by law, on a child-caring facility that assumes care or custody of, or provides  
6 care or services to, a child knowing that the child's care needs exceed the license, certificate or  
7 authorization classification of the child-caring agency if the assumption of care or custody, or pro-  
8 vision of care or services, places that child's health, safety or welfare at risk.

9 (4) Unless the health, safety or welfare of a child is at risk, the director in every case shall  
10 prescribe a reasonable time for elimination of a violation:

11 (a) Not to exceed 45 days after first notice of a violation; or

12 (b) In cases where the violation requires more than 45 days to correct, such time as is specified  
13 in a plan of correction found acceptable by the director.

14 (5) A civil penalty imposed under this section may be remitted or reduced upon such terms and  
15 conditions as the director considers proper and consistent with the public health and safety.

16 (6) The department shall adopt rules establishing objective criteria for the imposition and  
17 amount of civil penalties under ORS 418.992 to 418.998.

18  
19 **(Abuse Reports and Investigations)**

20  
21 **NOTE:** Section 20 was deleted by amendment. Subsequent sections were not renumbered.

22 **SECTION 21.** ORS 419B.005, as amended by section 64, chapter 73, Oregon Laws 2024, is  
23 amended to read:

24 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

25 (1)(a) "Abuse" means:

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

29 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or  
30 statements made, or threatened to be made, to a child if the acts, statements or threats result in  
31 severe harm to the child's psychological, cognitive, emotional or social well-being [*and*] **or** func-  
32 tioning.

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

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

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

37 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
38 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in  
39 the performing for people to observe or the photographing, filming, tape recording or other exhibi-  
40 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-  
41 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not  
42 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that  
43 is designed to serve educational or other legitimate purposes; and

44 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in  
45 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as

1 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

2 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to  
3 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
4 welfare of the child.

5 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
6 to the child's health or welfare.

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

8 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where  
9 methamphetamines are being manufactured.

10 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful  
11 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-  
12 stantial risk of harm to the child's health or safety.

13 (K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303  
14 or 339.308.

15 (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9) **or section**  
16 **1 of this 2025 Act.**

17 **(M) Abusive restraint or abusive seclusion, as described in section 1 of this 2025 Act, of**  
18 **a child by a responsible individual, as defined in section 1 of this 2025 Act.**

19 **(N) Subjecting a child to involuntary servitude or trafficking as described in ORS 163.263,**  
20 **163.264 or 163.266.**

21 (b) "Abuse" does not include **the** reasonable discipline **of a child** unless the discipline results  
22 in one of the conditions described in paragraph (a) of this subsection.

23 (2) "Child" means an unmarried person who:

- 24 (a) Is under 18 years of age; or  
25 (b) Is a child in care, as defined in ORS 418.257.

26 (3) "Higher education institution" means:

- 27 (a) A community college as defined in ORS 341.005;  
28 (b) A public university listed in ORS 352.002;  
29 (c) The Oregon Health and Science University; and  
30 (d) A private institution of higher education located in Oregon.

31 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged  
32 to have experienced abuse.

33 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

34 (5) "Law enforcement agency" means:

- 35 (a) A city or municipal police department.  
36 (b) A county sheriff's office.  
37 (c) The Oregon State Police.  
38 (d) A police department established by a university under ORS 352.121 or 353.125.  
39 (e) A county juvenile department.

40 (6) "Public or private official" means:

41 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,  
42 including any intern or resident.

43 (b) Dentist.

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

45 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide

1 or employee of an in-home health service.

2 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of  
3 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth  
4 Authority, a local health department, a community mental health program, a community develop-  
5 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-  
6 fined in ORS 418.205 or an alcohol and drug treatment program.

7 (f) Peace officer.

8 (g) Psychologist.

9 (h) Member of the clergy.

10 (i) Regulated social worker.

11 (j) Optometrist.

12 (k) Chiropractor.

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

14 (m) Attorney.

15 (n) Licensed professional counselor.

16 (o) Licensed marriage and family therapist.

17 (p) Firefighter or emergency medical services provider.

18 (q) Court appointed special advocate, as defined in ORS 419A.004.

19 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.

20 (s) Elected official of a branch of government of this state or a state agency, board, commission  
21 or department of a branch of government of this state or of a city, county or other political subdi-  
22 vision in this state.

23 (t) Physical, speech or occupational therapist.

24 (u) Audiologist.

25 (v) Speech-language pathologist.

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

28 (x) Pharmacist.

29 (y) Operator of a preschool recorded program under ORS 329A.255.

30 (z) Operator of a school-age recorded program under ORS 329A.255.

31 (aa) Employee of a private agency or organization facilitating the provision of respite services,  
32 as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power of at-  
33 torney under ORS 109.056.

34 (bb) Employee of a public or private organization providing child-related services or activities:

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

36 (i) Youth group or center;

37 (ii) Scout group or camp;

38 (iii) Summer or day camp;

39 (iv) Survival camp; or

40 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-  
41 ligious, public or private educational system or a community service organization; and

42 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that  
43 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-  
44 man trafficking.

45 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,

1 if compensated and if the athlete is a child.

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

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

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

5 (gg) Member of a school district board, an education service district board or a public charter  
6 school governing body.

7 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-  
8 vice identified in an individualized service plan of a child with a developmental disability.

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

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

11 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior  
12 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

13 **SECTION 22.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, and  
14 section 65 and chapter 73, Oregon Laws 2024, is amended to read:

15 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

16 (1)(a) "Abuse" means:

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

20 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or  
21 statements made, or threatened to be made, to a child if the acts, statements or threats result in  
22 severe harm to the child's psychological, cognitive, emotional or social well-being [and] or func-  
23 tioning.

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

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

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

28 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
29 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in  
30 the performing for people to observe or the photographing, filming, tape recording or other exhibi-  
31 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-  
32 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not  
33 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that  
34 is designed to serve educational or other legitimate purposes; and

35 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in  
36 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as  
37 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

38 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to  
39 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
40 welfare of the child.

41 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
42 to the child's health or welfare.

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

44 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where  
45 methamphetamines are being manufactured.

1 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful  
2 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-  
3 stantial risk of harm to the child's health or safety.

4 (K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9) **or section**  
5 **1 of this 2025 Act.**

6 (L) **Abusive restraint or abusive seclusion, as described in section 1 of this 2025 Act, of**  
7 **a child by a responsible individual, as defined in section 1 of this 2025 Act.**

8 (M) **Subjecting a child to involuntary servitude or trafficking as described in ORS 163.263,**  
9 **163.264 or 163.266.**

10 (b) "Abuse" does not include **the** reasonable discipline **of a child** unless the discipline results  
11 in one of the conditions described in paragraph (a) of this subsection.

12 (2) "Child" means an unmarried person who:

13 (a) Is under 18 years of age; or

14 (b) Is a child in care, as defined in ORS 418.257.

15 (3) "Higher education institution" means:

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

17 (b) A public university listed in ORS 352.002;

18 (c) The Oregon Health and Science University; and

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

20 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged  
21 to have experienced abuse.

22 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

23 (5) "Law enforcement agency" means:

24 (a) A city or municipal police department.

25 (b) A county sheriff's office.

26 (c) The Oregon State Police.

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

28 (e) A county juvenile department.

29 (6) "Public or private official" means:

30 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,  
31 including any intern or resident.

32 (b) Dentist.

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

34 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide  
35 or employee of an in-home health service.

36 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of  
37 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth  
38 Authority, a local health department, a community mental health program, a community develop-  
39 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-  
40 fined in ORS 418.205 or an alcohol and drug treatment program.

41 (f) Peace officer.

42 (g) Psychologist.

43 (h) Member of the clergy.

44 (i) Regulated social worker.

45 (j) Optometrist.

- 1 (k) Chiropractor.
- 2 (L) Certified provider of foster care, or an employee thereof.
- 3 (m) Attorney.
- 4 (n) Licensed professional counselor.
- 5 (o) Licensed marriage and family therapist.
- 6 (p) Firefighter or emergency medical services provider.
- 7 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 8 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 9 (s) Elected official of a branch of government of this state or a state agency, board, commission  
10 or department of a branch of government of this state or of a city, county or other political subdi-  
11 vision in this state.
- 12 (t) Physical, speech or occupational therapist.
- 13 (u) Audiologist.
- 14 (v) Speech-language pathologist.
- 15 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-  
16 gations or discipline by the commission.
- 17 (x) Pharmacist.
- 18 (y) Operator of a preschool recorded program under ORS 329A.255.
- 19 (z) Operator of a school-age recorded program under ORS 329A.255.
- 20 (aa) Employee of a private agency or organization facilitating the provision of respite services,  
21 as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power of at-  
22 torney under ORS 109.056.
- 23 (bb) Employee of a public or private organization providing child-related services or activities:  
24 (A) Including but not limited to an employee of a:  
25 (i) Youth group or center;  
26 (ii) Scout group or camp;  
27 (iii) Summer or day camp;  
28 (iv) Survival camp; or  
29 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-  
30 ligious, public or private educational system or a community service organization; and  
31 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that  
32 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-  
33 man trafficking.
- 34 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,  
35 if compensated and if the athlete is a child.
- 36 (dd) Personal support worker, as defined in ORS 410.600.
- 37 (ee) Home care worker, as defined in ORS 410.600.
- 38 (ff) Animal control officer, as defined in ORS 609.500.
- 39 (gg) Member of a school district board, an education service district board or a public charter  
40 school governing body.
- 41 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-  
42 vice identified in an individualized service plan of a child with a developmental disability.
- 43 (ii) Referral agent, as defined in ORS 418.351.
- 44 (jj) Parole and probation officer, as defined in ORS 181A.355.
- 45 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior

1 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

2 **NOTE:** Section 23 was deleted by amendment. Subsequent sections were not renumbered.

3  
4 **CHILD-CARING AGENCY REGULATION**

5  
6 **SECTION 24.** ORS 418.205 is amended to read:

7 418.205. As used in ORS 418.205 to 418.327, [418.330,] 418.470, 418.475, 418.950 to 418.970 and  
8 418.992 to 418.998, unless the context requires otherwise:

9 **(1) “Certified foster home” means a foster home subject to ORS 418.625 to 418.645.**

10 [(1)] **(2) “Child” means an unmarried person under 21 years of age [who resides in or receives**  
11 **care or services from a child-caring agency].**

12 [(2)(a)] **(3) “Child-caring agency” means a children’s care or services provider that is re-**  
13 **quired under ORS 418.215 to be licensed, certified or otherwise authorized by the Department**  
14 **of Human Services under ORS 418.240.[.]**

15 [(A) Any private school, private agency, private organization or county program providing:]

16 [(i) Day treatment for children with emotional disturbances;]

17 [(ii) Adoption placement services;]

18 [(iii) Residential care, including but not limited to foster care or residential treatment for  
19 children;]

20 [(iv) Residential care in combination with academic education and therapeutic care, including but  
21 not limited to treatment for emotional, behavioral or mental health disturbances;]

22 [(v) Outdoor youth programs; or]

23 [(vi) Other similar care or services for children.]

24 [(B) Any private organization or person that provides secure transportation services as defined in  
25 ORS 418.241 during any segment of a child’s trip to or from a child-caring agency, certified foster home  
26 as defined in ORS 418.241 or developmental disabilities residential facility as defined in ORS 418.241,  
27 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 to 418.645;]

30 [(B) An independent residence facility as described in ORS 418.475 that meets the standards es-  
31 tablished by the Department of Human Services by rule to be considered a child-caring agency;]

32 [(C) A private residential boarding school;]

33 [(D) A child-caring facility as defined in ORS 418.950; and]

34 [(E) A secure nonemergency medical transportation provider, as defined in ORS 418.241.]

35 [(c) “Child-caring agency” does not include:]

36 [(A) Residential facilities or foster care homes certified or licensed by the Department of Human  
37 Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental dis-  
38 ability services;]

39 [(B) Any private agency or organization facilitating the provision of respite services for parents  
40 pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subpara-  
41 graph, “respite services” means the voluntary assumption of short-term care and control of a minor  
42 child without compensation or reimbursement of expenses for the purpose of providing a parent in crisis  
43 with relief from the demands of ongoing care of the parent’s child;]

44 [(C) A youth job development organization as defined in ORS 344.415;]

45 [(D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645;]

1 [(E) A foster home subject to ORS 418.625 to 418.645;]

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

3 [(G) A facility that primarily serves both adults and children but requires that any child must be  
4 accompanied at all times by at least one custodial parent or guardian.]

5 [(3) "Child-caring facility" has the meaning given that term in ORS 418.950.]

6 [(4)(a) "County program" means any county operated program that provides care or services to  
7 children:]

8 [(A) In the custody of the Department of Human Services or the Oregon Youth Authority; or]

9 [(B) Under a contract with the Oregon Health Authority.]

10 [(b) "County program" does not include any local juvenile detention facility that receives state ser-  
11 vices provided and coordinated by the Department of Corrections under ORS 169.070.]

12 [(5)] (4) "Governmental agency" means an executive, legislative or judicial agency, department,  
13 board, commission, authority, institution or instrumentality of this state or of a county, municipality  
14 or other political subdivision of this state.

15 [(6) "Independent residence facility" means a facility as described in ORS 418.475.]

16 (5) "Managers" means the individuals at the highest levels of an organization's leadership  
17 who have significant responsibility for the operations, finances or overall governance of the  
18 organization.

19 [(7)(a) "Outdoor youth program" means a program that provides, in an outdoor living setting, ser-  
20 vices to children who have behavioral problems, mental health problems or problems with abuse of al-  
21cohol or drugs.]

22 [(b) "Outdoor youth program" does not include any program, facility or activity:]

23 [(A) Operated by a governmental entity;]

24 [(B) Operated or affiliated with the Oregon Youth Corps;]

25 [(C) Licensed by the Department of Human Services under other authority of the department; or]

26 [(D) Operated by a youth job development organization as defined in ORS 344.415.]

27 (6) "Out-of-state child-caring agency" has the meaning given that term in ORS 418.321.

28 [(8)] (7) "Private" means not owned, operated or administered by any governmental agency or  
29 unit.

30 [(9) "Private residential boarding school" means either of the following as the context requires:]

31 [(a) A child-caring agency that is a private school that provides residential care in combination  
32 with academic education and therapeutic care, including but not limited to treatment for emotional,  
33 behavioral or mental health disturbances; or]

34 [(b) A private school providing residential care that is primarily engaged in educational work un-  
35 der ORS 418.327.]

36 [(10)] (8) "Proctor foster home" means a foster home certified by a child-caring agency under  
37 ORS 418.248 that is not [subject to ORS 418.625 to 418.645] a certified foster home.

38 [(11) "Provider of care or services for children" means a person, entity or organization that pro-  
39 vides care or services to children, regardless of whether the child is in the custody of the Department  
40 of Human Services, and that does not otherwise meet the definition of, or requirements for, a child-  
41 caring agency. "Provider of care or services for children" includes a proctor foster home certified by  
42 a child-caring agency under ORS 418.248.]

43 [(12)] (9) "Qualified residential treatment program" means a program described in ORS 418.323.

44 [(13) "Shelter-care home" has the meaning given that term in ORS 418.470.]

45 **SECTION 25.** ORS 418.210 is amended to read:

1 418.210. ORS 418.205 to 418.327 *[shall]* **do** not apply to:

2 (1) *[Homes]* **A home** established and maintained by **a fraternal** *[organizations]* **organization**  
3 wherein only members, *[their]* **members'** spouses and surviving spouses in marriages and children  
4 are admitted as residents;

5 (2) *[Any]* **A certified** foster home *[that is subject to ORS 418.625 to 418.645];*

6 (3) *[Any]* **A child care facility** that is subject to ORS 329A.030 and 329A.250 to 329A.450;

7 (4) *[Any]* **An individual**, or home of an individual, providing respite services, as defined in ORS  
8 *[418.205]* **418.215 (2)(b)**, for parents pursuant to a properly executed power of attorney under ORS  
9 109.056;

10 (5) *[Any]* **A private agency or organization** facilitating the provision of respite services, as de-  
11 fined in ORS *[418.205]* **418.215 (2)(b)**, for parents pursuant to a properly executed power of attorney  
12 under ORS 109.056; or

13 (6) **A shelter-care home, as defined in ORS 418.470**, that is *[subject to ORS 418.625 to 418.645]*  
14 **a certified foster home.**

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

17 **(7) A governmental entity, including the Oregon Youth Authority, that provides care or**  
18 **services to children, regardless of whether the children are in the custody of the Department**  
19 **of Human Services, if:**

20 **(a) The governmental entity is not a child-caring agency; and**

21 **(b) The governmental entity is not a county program, as defined in ORS 418.215.**

22 **SECTION 26.** ORS 418.215 is amended to read:

23 418.215. *[(1) A child-caring agency may not provide or engage in any care or services described in*  
24 *ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 unless the agency is licensed, certified*  
25 *or otherwise authorized to provide or engage in the provision of care or services to a child by the*  
26 *Department of Human Services under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to*  
27 *418.970.]*

28 *[(2) A child-caring agency that provides care or services to a child may not be licensed, certified*  
29 *or authorized under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 unless the*  
30 *agency:]*

31 *[(a) Is duly incorporated under the corporation laws of any state; or]*

32 *[(b) Is a county program.]*

33 **(1) The following children's care or services providers must be licensed, certified or oth-**  
34 **erwise authorized by the Department of Human Services under ORS 418.240 to provide or**  
35 **engage in the provision of care or services described in ORS 418.205 to 418.327, 418.241,**  
36 **418.470, 418.475 or 418.950 to 418.970:**

37 **(a) A private school, private agency, private organization or county program that is:**

38 **(A) A provider of psychiatric day treatment for children;**

39 **(B) A provider of adoption placement services;**

40 **(C) A provider of residential care, including but not limited to foster care or residential**  
41 **treatment for children;**

42 **(D) A provider of residential care in combination with academic education and**  
43 **therapeutic care, including but not limited to treatment for emotional, behavioral or mental**  
44 **health disturbances;**

45 **(E) An outdoor youth program, as defined in ORS 418.246; or**

1 (F) A provider of other similar care or services for children;

2 (b) Any private organization or person that provides secure transportation services as  
3 defined in ORS 418.241 during any segment of a child's trip to or from a child-caring agency,  
4 certified foster home or developmental disabilities residential facility as defined in ORS  
5 418.241, if the route of the child's trip begins or ends in this state;

6 (c) A shelter-care home, as defined in ORS 418.470, that is not a certified foster home;

7 (d) An independent residence facility as described in ORS 418.475 that meets the stan-  
8 dards established by the department by rule to be considered a child-caring agency;

9 (e) A private residential boarding school, as defined in ORS 418.327; and

10 (f) A child-caring facility as defined in ORS 418.950.

11 (2) The following providers of care or services to children are not required to be licensed,  
12 certified or otherwise authorized by the department under ORS 418.240:

13 (a) Residential facilities or foster care homes certified or licensed by the department  
14 under ORS 443.400 to 443.455, 443.705 to 443.825, 443.830 and 443.835 for children or adults re-  
15 ceiving developmental disability services;

16 (b) Any private agency or organization facilitating the provision of respite services for  
17 parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes  
18 of this paragraph, "respite services" means the voluntary assumption of short-term care and  
19 control of a minor child without compensation or reimbursement of expenses for the purpose  
20 of providing a parent in crisis with relief from the demands of ongoing care of the parent's  
21 child;

22 (c) A youth job development organization as defined in ORS 344.415;

23 (d) A shelter-care home, as defined in ORS 418.470, that is a certified foster home;

24 (e) A certified foster home;

25 (f) A facility that exclusively serves individuals 18 years of age and older;

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

28 (h) A private organization or person that provides nonemergency medical secure trans-  
29 portation services or nonemergency medical transportation services subject to rules adopted  
30 by the Oregon Health Authority;

31 (i) An ambulance service as defined in ORS 682.025; or

32 (j) A host home described in ORS 417.803.

33 (3) As used in this section, "county program" means any county operated program that  
34 provides care or services to children:

35 (a) In the custody of the department or the Oregon Youth Authority; or

36 (b) Under a contract with the Oregon Health Authority.

37 **SECTION 27.** ORS 418.240 is amended to read:

38 418.240. (1) *[All child-caring agencies shall obtain from the Department of Human Services a li-*  
39 *cence, certificate or other authorization to provide]* **The Department of Human Services shall adopt**  
40 **rules, consistent with this section and ORS 418.215, for the licensing, certification or au-**  
41 **thorization of child-caring agencies to provide or engage in the provision of care or services**  
42 **to children under ORS 418.205 to 418.327, 418.241, 418.470, 418.475 or 418.950 to 418.970. The rules**  
43 **must set forth the** criteria for issuance, renewal, suspension or revocation of, or for placing con-  
44 ditions on, a license, certificate or authorization under this section must:

45 *[(a) Be set forth in rules adopted by the department;]*

- 1       **(a) Require that the agency be:**
- 2           **(A) Duly incorporated under the corporation laws of any state;**
- 3           **(B) A domestic limited liability company or a foreign limited liability company, as those**
- 4 **terms are defined in ORS 60.001, and meet additional standards established by the depart-**
- 5 **ment by rule; or**
- 6           **(C) A county program;**
- 7           (b) Include the full compliance requirements set forth in subsection (2) of this section; and
- 8           (c) Include, but *[are]* not **be** limited to, the following:
- 9            (A) The fitness of the child-caring agency.
- 10           (B) The employment of capable, trained or experienced staff that meet minimum staffing re-
- 11 **quirements.**
- 12           (C) Sufficient financial backing to ensure effective operations.
- 13           (D) The probability of permanence in the child-caring agency.
- 14           (E) The care and services provided to the children served will be in their best interests and that
- 15 **of society.**
- 16           (F) That the child-caring agency is or will be in compliance with the standards of care and
- 17 **treatment established in rules adopted by the department.**
- 18       (2)(a) The department may not issue or renew a license, certificate or other authorization to a
- 19 **child-caring agency unless the department finds the agency is or will be in full compliance with all**
- 20 **of the following:**
- 21           (A) The agency ensures child and family rights.
- 22           (B) The agency complies with abuse reporting and investigation requirements.
- 23           (C) The agency engages in and applies appropriate behavior management techniques.
- 24           (D) The agency provides adequate furnishings and personal items for children.
- 25           (E) The agency provides appropriate food services.
- 26           (F) The agency ensures the safety of children.
- 27           (G) The agency utilizes approved procedures and protocols for use of medications for children
- 28 **receiving care or services from the agency.**
- 29           (H) The agency or the agency's employees or agents have not engaged in financial mismanage-
- 30 **ment.**
- 31           (I) The agency fully and timely corrects violations and maintains standards in accordance with
- 32 **any plan of correction imposed by the department.**
- 33           (J) The agency provides access as required under ORS 418.305 to a child or the agency's prem-
- 34 **ises to the department or the department's employees, investigators, court appointed special advo-**
- 35 **cates, attorneys for a child or other authorized persons or entities.**
- 36           (K) The agency provides the department with true copies of records relating to incidents in-
- 37 **volving the restraint or involuntary seclusion of children in care as required under ORS 418.526 (2).**
- 38           **(L) The agency complies with ORS 418.519 to 418.532 regarding the use of restraint and**
- 39 **involuntary seclusion on children in care and incident reporting requirements.**
- 40           (b) The department may suspend, revoke or place conditions on a license, certificate or author-
- 41 **ization of a child-caring agency if the department finds the agency is not in full compliance with any**
- 42 **one or more of the full compliance requirements listed in paragraph (a) of this subsection.**
- 43           (c) The department must take immediate steps to **place conditions on**, suspend or revoke the
- 44 **license, certificate or other authorization of a child-caring agency, if any of the following are found**
- 45 **to exist:**

1 (A) There has been the death of a child as a result of abuse or neglect on the part of the agency  
2 or any of the agency's employees or agents.

3 (B) There has been sexual or physical abuse or neglect of a child in the agency's care or custody  
4 that was known to the *[agency and the agency did not take immediate steps to report the abuse or*  
5 *neglect and to ensure the child's safety]* **agency's managers and the agency's managers failed to**  
6 **take immediate steps to ensure the child's safety and to ensure that a report of child abuse**  
7 **was made.**

8 (C) The *[agency]* **agency's managers** failed to cooperate fully with any local, state or federal  
9 regulatory entity's investigation of the agency or the agency's operations or employees.

10 (D) The *[agency]* **agency's managers** failed to provide financial statements as required under  
11 ORS 418.255.

12 (d) If any of the circumstances described in paragraph (c) of this subsection exists, the depart-  
13 ment may immediately place conditions on the license, certificate or authorization of the child-caring  
14 agency prior to a hearing if, consistent with ORS 183.430, the department finds there is a serious  
15 danger to the public health or safety and sets forth specific reasons for such findings.

16 (e) It is grounds to deny issuance or renewal, suspend, revoke or place conditions on a license,  
17 certificate or other authorization if the department becomes aware that a child-caring agency, or the  
18 owner or operator of the agency, has been found by other state or federal entities to have engaged  
19 in financial, civil or criminal misconduct.

20 (3)(a) If the Director of Human Services has taken action under subsection (2)(c) of this section  
21 to suspend or revoke a license, certificate or other authorization, the notice of intent to suspend or  
22 revoke may be rescinded if the director determines that the concerns regarding the health and  
23 safety of the children in the child-caring agency's care or custody have been ameliorated and any  
24 conditions placed on the license, certificate or other authorization of the child-caring agency have  
25 been resolved.

26 (b) Fourteen days before rescinding a notice of intent to suspend or revoke, the Director of  
27 Human Services must provide written notice regarding the intent to rescind to the Governor. The  
28 notice of intent to rescind is a public record and open for inspection by any person without order  
29 of a court. The notice of intent to rescind must include the following information:

30 (A) The circumstances that led to the notice of intent to suspend or revoke;

31 (B) The actions taken by the child-caring agency, the Department of Human Services, the At-  
32 torney General, the Oregon Youth Authority and the Oregon Health Authority in response to the  
33 circumstances leading to the notice of intent to suspend or revoke;

34 (C) Any penalties, fees or charges made or levied against the child-caring agency; and

35 (D) A complete description of changes that were made at the child-caring agency and the rea-  
36 sons for the determination that the concerns regarding the health and safety of children in the  
37 child-caring agency's care or custody have been ameliorated or that any conditions placed on the  
38 license, certificate or other authorization of the child-caring agency have been resolved.

39 (c) In making a decision to rescind a notice of intent to suspend or revoke under this subsection,  
40 the decision must be based solely on the health and safety of the children served by the child-caring  
41 agency. Systemwide capacity of the child welfare system may not be considered as an element of the  
42 decision.

43 (d) For three years after a notice of intent to suspend or revoke is rescinded under this sub-  
44 section, the child-caring agency must apply for a renewal of the child-caring agency's license, cer-  
45 tificate or other authorization on an annual basis.

1 (e) The department must provide the following with copies of a notice of intent to rescind within  
2 five business days of issuing the notice:

3 (A) The Governor; and

4 (B) The committees of the Legislative Assembly relating to child welfare.

5 (4) The department may immediately place conditions on any license, certificate or authorization  
6 issued under this section, including but not limited to placing full or partial restrictions on admis-  
7 sion of children, temporary suspension, limitation of operations subject to an intent to revoke and  
8 limitation of operations subject to correction of violations as specified in a plan of correction im-  
9 posed by the department. The department shall immediately notify any state or governmental agency  
10 or unit that has a contract with the child-caring agency to provide care or services to a child, and  
11 the governing board, trustees, owners, managers, operators or other appropriate authorities respon-  
12 sible for the child-caring agency, of conditions placed by the department on the child-caring agency's  
13 license, certificate or authorization under this section.

14 (5) If applicable, an applicant shall submit written proof of compliance with the notification re-  
15 quirements in ORS 336.575.

16 (6) The department may not charge a fee for inspections leading to decisions regarding, and is-  
17 suance of, licenses, certifications or authorizations under this section, but may impose fees to cover  
18 costs of related inspections done for the department by other governmental agencies.

19 (7) Except as provided in subsection (3) of this section, a license, certificate or authorization  
20 issued by the department under this section shall be valid for a period of two years, unless sus-  
21 pended or revoked sooner by the department. However, the department at any time may require  
22 amendments to an existing license, certificate or authorization to accommodate changes in the fac-  
23 tors upon which the issuance was based.

24 (8) When a condition exists that seriously endangers [*or places at risk*] the health, safety or  
25 welfare of a child who is receiving care or services at a child-caring agency:

26 (a) The director shall issue an interim emergency order without notice, or with reasonable no-  
27 tice under the circumstances, requiring the agency to correct the conditions and ensure the safety  
28 of children in the care of the agency. The interim emergency order shall remain in force until a final  
29 order, after a hearing, has been entered in accordance with ORS chapter 183.

30 (b) The director may commence an action to enjoin operation of a child-caring agency:

31 (A) If the agency is being operated without a valid license, certificate or other authorization  
32 issued under this section; or

33 (B) If the agency fails to comply with a plan of correction imposed by the department or to  
34 correct conditions not in conformity with standards as set out in an order issued under paragraph  
35 (a) of this subsection, within the time specified in the order.

36 (9) If the director, the director's designee or the department becomes aware through any means  
37 that a child-caring agency, or an owner, operator or employee of a child-caring agency, is the sub-  
38 ject of an investigation by another state agency, law enforcement agency or federal agency, the di-  
39 rector or director's designee shall [*take immediate steps to cause an investigation to take place into*  
40 *the circumstances surrounding the investigation and whether there is a threat to a child, or whether*  
41 *a child is at risk, at the child-caring agency. Upon determination of the level of threat or risk to chil-*  
42 *dren at the agency, the director shall take appropriate steps to protect and ensure the health, safety and*  
43 *welfare of children as necessary under the circumstances. Failure to comply with the requirements of*  
44 *this subsection constitutes grounds for a charge of official misconduct in the second degree under ORS*  
45 *162.405.*] **take immediate steps to assess the circumstances surrounding the investigation. If**

1 **the director or the director's designee determines that a condition exists that seriously en-**  
2 **dangers the health, safety or welfare of a child who is receiving care or services at a child-**  
3 **aring agency, the director or the director's designee shall take appropriate steps to protect**  
4 **and ensure the health, safety and welfare of children as necessary under the circumstances.**  
5 **Violation of the requirements of this subsection constitutes official misconduct in the second**  
6 **degree under ORS 162.405.**

7 (10) If the Department of Justice or Bureau of Labor and Industries commences an investigation  
8 of a child-caring agency or an owner, operator or employee of a child-caring agency, the Department  
9 of Justice or Bureau of Labor and Industries shall notify, inform and regularly update the director,  
10 the director's designee or such other personnel in the Department of Human Services designated to  
11 receive such information regarding the investigation. The director and the department shall imme-  
12 diately undertake the responsive action required by subsection (9) of this section upon receiving  
13 such notification. Interference with, discouragement of or impediment to the receipt of the notifica-  
14 tion, information and updates required under this subsection constitutes official misconduct in the  
15 second degree under ORS 162.405.

16 (11) The Department of Human Services shall adopt rules to implement the provisions of this  
17 section.

18 **SECTION 28.** ORS 418.248 is amended to read:

19 418.248. (1) A child-caring agency may certify a proctor foster home as a provider of care or  
20 services for children, **regardless of whether the children are in the custody of the Department**  
21 **of Human Services, provided the proctor foster home is not required to be licensed by the**  
22 **department under ORS 418.215.** The child-caring agency may not certify a proctor foster home  
23 under this section unless the child-caring agency determines that the proctor foster home meets  
24 minimum standards as established by rules adopted by the Department of Human Services or the  
25 Oregon Youth Authority, as applicable. The determination that a proctor foster home meets mini-  
26 mum standards and the certification by the child-caring agency must take place before placement  
27 of a child in the proctor foster home.

28 (2)(a) Prior to certification as a proctor foster home, an applicant shall provide the department  
29 or the youth authority, as applicable, and the child-caring agency with a release of information or  
30 other authorization sufficient to enable the department or the youth authority to release to the  
31 child-caring agency information about whether there is an ongoing investigation involving the ap-  
32 plicant, or a finding of substantiated allegations of abuse or neglect by the applicant, related to a  
33 vulnerable person, including but not limited to a child, elderly person, person with a disability or  
34 person residing in a long term care facility as defined in ORS 442.015, a residential facility as de-  
35 fined in ORS 443.400, including but not limited to an assisted living facility, or an adult foster home  
36 as defined in ORS 443.705. Within 30 days of receipt of a release or authorization under this para-  
37 graph, the department or the youth authority shall provide the child-caring agency with information  
38 regarding ongoing investigations involving, or substantiated allegations of abuse or neglect against,  
39 the applicant.

40 (b) In addition to the requirements of paragraph (a) of this subsection, an applicant must disclose  
41 in writing to the department or the youth authority, as applicable, and the child-caring agency any  
42 criminal conviction, imposition of a restraining or protective order against the applicant or abuse  
43 or neglect investigation of the applicant related to a vulnerable person as described in paragraph  
44 (a) of this subsection.

45 (3) If a decision is made not to certify a proctor foster home under this section for reasons re-

1 lated to an ongoing investigation involving the applicant, or findings of substantiated allegations of  
2 abuse or neglect by an applicant, the child-caring agency shall disclose to the applicant the reasons  
3 for the denial of certification.

4 (4) The department and the youth authority shall adopt rules to implement the provisions of this  
5 section.

6 **SECTION 29.** ORS 418.255 is amended to read:

7 418.255. (1) The Department of Human Services shall inspect and supervise all child-caring  
8 agencies subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 as provided in this  
9 section.

10 (2) Inspections of the premises of a child-caring agency shall occur no less frequently than once  
11 per year and shall be made at unexpected times, with irregular intervals between inspections and  
12 without previous notice to the agency. Inspections under this subsection shall be limited to premises  
13 where children reside and receive care or services from employees or staff who do not reside on the  
14 premises.

15 (3)(a) Except as provided in paragraph (c) of this subsection, a child-caring agency subject to  
16 ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 that has annual revenues in excess  
17 of \$1 million shall provide the Department of Human Services, at such times as the department  
18 specifies by rule, with annual financial statements that have been audited by an independent certi-  
19 fied public accountant and a tax compliance certificate issued by the Department of Revenue.

20 (b) Except as provided in paragraph (c) of this subsection, a child-caring agency subject to ORS  
21 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 that has annual revenues of \$1 million or  
22 less shall provide the Department of Human Services, upon request or at such times as the depart-  
23 ment specifies by rule, with financial statements that have been reviewed by an independent certi-  
24 fied public accountant and a tax compliance certificate issued by the Department of Revenue.

25 (c) A child-caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to  
26 418.970 that provides [*adoption placement*] services but does not provide care to a child and does not  
27 receive public funds shall provide the Department of Human Services, upon request or at such times  
28 as the department specifies by rule, with a tax compliance certificate issued by the Department of  
29 Revenue.

30 (d) Information in financial statements and tax compliance certificates submitted to the Depart-  
31 ment of Human Services under this subsection is a public record and open for inspection by any  
32 person without order of a court.

33 (e) The Department of Revenue shall adopt rules to implement the provisions of this subsection  
34 pertaining to tax compliance certificates.

35 (4) The Department of Human Services may conduct an audit, including a forensic audit, of any  
36 child-caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 to de-  
37 termine compliance with ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970. The depart-  
38 ment may, upon request at any time, inspect and audit the books and records, including but not  
39 limited to financial records, of the agency. An audit or inspection under this subsection shall be at  
40 the expense of the department.

41 (5) Failure to permit an inspection, whether of the premises or of the books and records of the  
42 child-caring agency, or failure to provide the financial statements, as required by this section is  
43 grounds for the immediate suspension or revocation of a license, certificate or authorization under  
44 ORS 418.240 and for the denial of issuance of a license, certificate or other authorization by the  
45 Department of Human Services.

1 (6) The Department of Human Services may advise the operators, owners and employees of  
2 child-caring agencies subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 in  
3 regard to approved methods of child care, recommended housing and equipment and appropriate  
4 methods to maintain adequate records of operations.

5 (7) In addition to advice provided under subsection (6) of this section, the Department of Human  
6 Services shall provide training regarding appropriate ethnic hair and skin care for children of  
7 African-American, Hispanic, Native American, Asian-American or multiracial descent to:

8 (a) Child-caring agencies;

9 (b) Persons providing treatment, care or services under the supervision of a child-caring agency;  
10 and

11 (c) Prospective adoptive parents of a child in foster care.

12 (8) The Department of Human Services shall adopt rules to implement the provisions of this  
13 section.

14 **SECTION 30.** ORS 418.256 is amended to read:

15 418.256. (1) A child-caring agency may not [*interfere with*] **attempt to prevent** the good faith  
16 disclosure of information by an employee or volunteer concerning the abuse [*or mistreatment*] of a  
17 child in the care of the child-caring agency, violations of licensing or certification requirements,  
18 criminal activity at the child-caring agency, violations of state or federal laws or any practice that  
19 threatens the health and safety of a child in the care of the child-caring agency to:

20 (a) The Department of Human Services, a law enforcement agency or other entity with legal or  
21 regulatory authority over the child-caring agency; or

22 (b) A family member, guardian or other person who is acting on behalf of the child.

23 (2) A child-caring agency [*interferes with*] **attempts to prevent** the disclosure of the information  
24 described in subsection (1) of this section by:

25 (a) Asking or requiring the employee or volunteer to sign a nondisclosure or similar agreement  
26 prohibiting the employee or volunteer from disclosing the information;

27 (b) Training [*an*] **the** employee or volunteer not to disclose the information; [*or*]

28 (c) Taking actions or communicating to the employee or volunteer that the employee or volun-  
29 teer may not disclose the information; **or**

30 **(d) Taking any other action with the intent to dissuade the employee or volunteer from**  
31 **making a good faith disclosure of the information.**

32 (3) The department may revoke or suspend the license, certification or authorization of a child-  
33 caring agency that is found to have violated subsection (1) of this section.

34 (4) The department shall adopt rules to carry out the provisions of this section.

35 (5) This section does not authorize the disclosure of:

36 (a) Protected health information, as defined in ORS 192.556, other than as is permitted by the  
37 federal Health Insurance Portability and Accountability Act privacy regulations, 45 C.F.R. parts  
38 160 and 164, ORS 192.553 to 192.581 or by other state or federal laws limiting the disclosure of  
39 health information; or

40 (b) Information protected under ORS 419A.255 and 419A.257.

41 **SECTION 31.** ORS 418.258 is amended to read:

42 418.258. (1) When the Department of Human Services [*becomes aware of a report of suspected*  
43 *child abuse of a child in care, whether in the form of an allegation, complaint or formal report made*  
44 *under this section, and whether made directly to the Director of Human Services, the department or*  
45 *an employee of the department, to the centralized child abuse reporting system described in ORS*

1 418.190, through the mandatory abuse reporting process set forth in ORS 419B.005 to 419B.050 or  
2 otherwise] receives, through the centralized child abuse reporting system described in ORS  
3 418.190, a report of abuse of a child in care by an employee, operator, contractor, agent or  
4 volunteer of a child-caring agency, developmental disabilities residential facility, adjudicated  
5 youth foster home, certified foster home or proctor foster home or any other person re-  
6 sponsible for the provision of care or services to the child in care, the department shall imme-  
7 diately:

8 (a) Notify appropriate personnel within the department or the Oregon Youth Authority, in-  
9 cluding but not limited to employees responsible for licensing, certifying or authorizing child-caring  
10 agencies, **adjudicated youth foster homes**, certified foster homes and developmental disabilities  
11 residential facilities.

12 (b) Notify any governmental agency that has a contract with the child-caring agency, **adjudi-**  
13 **cated youth foster home**, certified foster home or developmental disabilities residential facility to  
14 provide care or services to the child in care.

15 (c) Notify the placement authorities of any other state that retains jurisdiction over a child in  
16 care receiving care or services from the child-caring agency, **adjudicated youth foster home**, cer-  
17 tified foster home or developmental disabilities residential facility.

18 (d) Commence an investigation to determine whether the report of suspected abuse is substan-  
19 tiated, unsubstantiated or inconclusive under ORS 418.259 if:

20 (A) The reported abuse occurred in this state;

21 (B) The reported abuse occurred in any other state and involves a child in care placed by the  
22 department in an out-of-state child-caring agency; or

23 (C) The reported abuse occurred in any other state and the department reasonably believes that  
24 the reported abuse poses a danger to the health, safety or wellness of a child in care placed by the  
25 department in an out-of-state child-caring agency.

26 (e) Report to a law enforcement agency any crime that the department has reason to believe  
27 has occurred with respect to a child in care or at a child-caring agency, proctor foster home, **ad-**  
28 **judicated youth foster home**, certified foster home or developmental disabilities residential facility  
29 even if the suspected crime is not related to a report of abuse made under this section.

30 (2)(a) As a condition for issuance or renewal of a license, certificate or authorization to a  
31 child-caring agency, **adjudicated youth foster home**, certified foster home or developmental disa-  
32 bilities residential facility, the department or the Oregon Youth Authority shall require and verify  
33 that the child-caring agency, **adjudicated youth foster home**, certified foster home or develop-  
34 mental disabilities residential facility has procedures and protocols that:

35 (A) Require employees of the child-caring agency, a proctor foster home certified by the child-  
36 caring agency, **the adjudicated youth foster home**, the certified foster home or the developmental  
37 disabilities residential facility to immediately report suspected abuse of a child in care to the [*di-*  
38 *rector, the director's designee or personnel within the department who have been specifically designated*  
39 *to receive reports of abuse of children in care*] **centralized child abuse reporting system described**  
40 **in ORS 418.190;**

41 (B) Mandate that the child-caring agency, **adjudicated youth foster home**, certified foster  
42 home or developmental disabilities residential facility provide an annual training and written mate-  
43 rials that include information about the centralized child abuse reporting system described in ORS  
44 418.190, and that the agency, home or facility advise and educate employees of the child-caring  
45 agency and any proctor foster home certified by the child-caring agency, of the certified foster home

1 or of the developmental disabilities residential facility of the duty under this section and ORS  
2 419B.005 to 419B.050 to report abuse of a child in care; and

3 (C) Inform employees of child-caring agencies, proctor foster homes, **adjudicated youth foster**  
4 **homes**, certified foster homes and developmental disabilities residential facilities that the duty to  
5 report abuse of a child in care is personal to the employee and that the duty is not fulfilled by re-  
6 porting the abuse to the owner, operator or any other employee of the child-caring agency, proctor  
7 foster home, **adjudicated youth foster home**, certified foster home or developmental disabilities  
8 residential facility even if the owner, operator or other employee reports the abuse of a child in care  
9 to the director, the director's designee or the department.

10 (b) A child-caring agency, **adjudicated youth foster home**, certified foster home or develop-  
11 mental disabilities residential facility need not develop and maintain procedures and protocols or  
12 provide an annual training and written materials under paragraph (a) of this subsection if the  
13 agency, home or facility does not have any employees, staff or volunteers.

14 (3) Interference or hindering an investigation of abuse of a child in care, including but not lim-  
15 ited to the intimidation of witnesses, falsification of records or denial or limitation of interviews  
16 with the child in care who is the subject of the investigation or with witnesses, may constitute  
17 grounds for the revocation, suspension or placing of conditions on the license, certificate or other  
18 authorization of a child-caring agency, proctor foster home, **adjudicated youth foster home**, certi-  
19 fied foster home or developmental disabilities residential facility.

20 (4)(a) Anyone, including but not limited to an employee of a child-caring agency, proctor foster  
21 home, **adjudicated youth foster home**, certified foster home or developmental disabilities residen-  
22 tial facility, who makes a report of suspected abuse of a child in care [*to the Governor, the Depart-*  
23 *ment of Justice, the Director of Human Services, the director's designee or the department*] under this  
24 section **to the centralized child abuse reporting system described in ORS 418.190** in good faith  
25 and who has reasonable grounds for the making of the report shall have immunity:

26 (A) From any liability, civil or criminal, that might otherwise be incurred or imposed with re-  
27 spect to the making or content of such report;

28 (B) From disciplinary action taken by the person's employer; and

29 (C) With respect to participating in any judicial proceeding resulting from or involving the re-  
30 port.

31 (b) A person making a report under this section may include references to otherwise confidential  
32 information for the sole purpose of making the report, and any such disclosure must be protected  
33 from further disclosure to other persons or entities for any other purpose not related to the making  
34 of the report.

35 (5)(a) **Any person, including but not limited to an employee of a child-caring agency,**  
36 **proctor foster home, adjudicated youth foster home, certified foster home or developmental**  
37 **disabilities residential facility, may make a report to the Governor, the Department of Jus-**  
38 **tice, the Director of Human Services, the director's designee or the Department of Human**  
39 **Services of acts or omissions occurring at a child-caring agency, proctor foster home, adju-**  
40 **dicated youth foster home, certified foster home or developmental disabilities residential fa-**  
41 **ility that constitute violations of licensing or certification requirements, criminal activity**  
42 **or violations of state or federal laws or of any other practice that threatens the health or**  
43 **safety of a child in care.**

44 (b) **A person who makes a report described in paragraph (a) of this subsection in good**  
45 **faith and who has reasonable grounds for making the report shall have immunity:**

1 (A) From any liability, civil or criminal, that might otherwise be incurred or imposed  
2 with respect to the making or content of such report;

3 (B) From disciplinary action taken by the person's employer; and

4 (C) With respect to participating in any judicial proceeding resulting from or involving  
5 the report.

6 (c) A person making a report under this subsection may disclose otherwise confidential  
7 information for the sole purpose of making the report, and the person to whom the report  
8 is made must protect the confidential information from further disclosure for any purpose  
9 not related to the making of the report.

10 **SECTION 32.** ORS 418.259 is amended to read:

11 418.259. (1) The investigation conducted by the Department of Human Services under ORS  
12 418.258 must result in one of the following findings:

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

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

17 (c) That the report is inconclusive. A report is inconclusive when there is some indication that  
18 the abuse occurred but there is insufficient evidence to conclude that there is reasonable cause to  
19 believe that the abuse occurred.

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

26 (3)(a) The department may interview the child in care who is the subject of suspected abuse and  
27 any witnesses, including other children, without the presence of employees of the child-caring  
28 agency, proctor foster home or developmental disabilities residential facility, the provider of services  
29 at a certified foster home **or adjudicated youth foster home** or department personnel. The de-  
30 partment shall inform the child in care that the child may have the child's parent or guardian, if the  
31 child has not been committed to the custody of the department or the Oregon Youth Authority, or  
32 attorney present when participating in an interview conducted in the course of an abuse investi-  
33 gation.

34 (b) When investigating an allegation of [*inappropriate use of restraint or involuntary seclusion*]  
35 **abusive restraint or abusive seclusion, as those terms are described in section 1 of this 2025**  
36 **Act**, the department shall:

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

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

40 (C) Review any audio, video or photographic recordings of the restraint or involuntary seclusion,  
41 including the circumstances immediately before and following the incident;

42 (D) During an interview with the child in care who is the subject of the suspected abuse, ask  
43 the child about whether they experienced any reportable injury or pain as a result of the restraint  
44 or involuntary seclusion;

45 (E) Review the training records related to all of the individuals who were involved in the use

1 of restraint or involuntary seclusion; and

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

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

7 (a) The Director of Human Services.

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

10 (c) The department's lead personnel in that part of the department that is responsible for child  
11 welfare generally.

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

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

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

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

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

31 (a) *[The name of any child-caring agency, including an out-of-state child-caring agency, proctor*  
32 *foster home or developmental disabilities residential facility, or, provided there are five or more certi-*  
33 *fied foster homes in the county, the name of the county where a certified foster home is located, where*  
34 *the]* **If the** department conducted an investigation pursuant to ORS 418.258 that resulted in a finding  
35 **during that quarter** that the report of abuse was substantiated *[during that quarter;]* **or an in-**  
36 **vestigation under ORS 419B.019 that resulted in a finding during that quarter that the report**  
37 **of abusive restraint or abusive seclusion, as those terms are described in section 1 of this**  
38 **2025 Act, was founded:**

39 **(A) The name of any child-caring agency, including an out-of-state child-caring agency,**  
40 **proctor foster home or developmental disabilities residential facility where the investigation**  
41 **was conducted;**

42 **(B) The name of the county in which a certified foster home is located if the investigation**  
43 **involved the certified foster home and there are five or more certified foster homes in the**  
44 **county; or**

45 **(C) The name of the county in which an adjudicated youth foster home is located if the**

1 **investigation involved the adjudicated youth foster home and there are five or more adjudi-**  
2 **cated youth foster homes in the county;**

3 (b) The approximate date that the abuse occurred;

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

5 *[(d) Whether the abuse resulted in a reportable injury, sexual abuse or death;]*

6 **(d) Whether the abuse resulted in the death of a child in care, as described in ORS 418.240**  
7 **(2)(c);**

8 **(e) Whether sexual or physical abuse or neglect was known to the agency's managers and**  
9 **the agency's managers failed to make a reasonable effort to protect the child in care from**  
10 **abuse;**

11 *[(e)]* **(f)** Corrective actions taken or ordered by the department and the outcome of the corrective  
12 actions; and

13 *[(f)]* **(g)** Information the department received in that quarter regarding any substantiated  
14 allegations of child abuse made by any other state involving a congregate care residential setting,  
15 as defined in ORS 418.322, in which the department has placed Oregon children.

16 (6) The department's quarterly report under subsection (5) of this section must also contain all  
17 of the following:

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

19 (b) The total number of programs that reported the use of restraints of children in care that  
20 quarter;

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

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

24 (e) The number of incidents in which an individual who was not appropriately trained in the use  
25 of the restraint used on a child in care in a program; *[and]*

26 *[(f) The number of incidents that were reported for potential inappropriate use of restraint.]*

27 **(f) The number of incidents that were reported as suspected abusive restraint, as de-**  
28 **scribed in section 1 of this 2025 Act;**

29 **(g) The number of incidents in which a restraint prohibited under ORS 418.521 was used;**

30 **(h) The number of complaints received involving alleged violations of procedural, report-**  
31 **ing, training and notification requirements under ORS 418.526, 418.528, 418.529 and 418.532;**  
32 **and**

33 **(i) The number of complaints under paragraph (h) of this subsection that involved**  
34 **allegations later confirmed to be violations.**

35 (7) In compiling records, reports and other information during an investigation under ORS  
36 418.258 (1) and in issuing findings, letters of concern or reprimands, the Director of Human Services  
37 or the director's designee and the department may not refer to the employee, person or entity that  
38 is the subject of the investigation as an "alleged perpetrator" but must refer to the employee, person  
39 or entity as the "respondent."

40 (8) As used in this section, "program," "reportable injury" and "restraint" have the meanings  
41 given those terms in ORS 418.519.

42 **SECTION 33.** ORS 418.260 is amended to read:

43 418.260. (1) If the Department of Human Services receives a report or otherwise becomes aware  
44 that any suspected or founded abuses, deficiencies, violations or failures to comply with the full  
45 compliance requirements described in ORS 418.240 are occurring in a child-caring agency, whether

1 as a part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the department shall  
 2 immediately notify appropriate personnel within the department, including but not limited to em-  
 3 ployees responsible for licensing, certifying or authorizing child-caring agencies, who shall [*investi-*  
 4 *gate and*] **assess the circumstances and** take appropriate action without undue delay, with primary  
 5 concern given to the health, safety and welfare of the children for whom the child-caring agency is  
 6 responsible. The department may notify law enforcement agencies as necessary to coordinate and  
 7 assist in the [*investigation*] **assessment** and enforcement of corrective actions undertaken by the  
 8 department. If the child-caring agency is known or found to serve children also served by the  
 9 Oregon Youth Authority, county juvenile departments or developmental disabilities services within  
 10 the department, the department shall notify those entities of the report or suspected or founded  
 11 abuses, deficiencies, violations or failures.

12 (2) If the department finds[, *after investigation by the department or law enforcement agencies,*]  
 13 that the abuses, deficiencies, violations or failures to comply [*are founded*] **occurred**, the department  
 14 may suspend, revoke or place conditions on the license, certificate or other authorization of the  
 15 child-caring agency. The conditions placed on a license, certificate or authorization may include, but  
 16 are not limited to, placing full or partial restrictions on admission of children, temporary suspension,  
 17 limitation of operations subject to an intent to revoke or limitation of operations subject to cor-  
 18 rection of violations as specified in a plan of correction. If the department imposes a plan of cor-  
 19 rection, and the corrections are not made within 45 days from the effective date of the plan of  
 20 correction, the department may immediately suspend or revoke the license, certificate or authori-  
 21 zation of the child-caring agency. The department shall immediately notify any governmental agency  
 22 that has a contract with the child-caring agency to provide care or services to a child of any sus-  
 23 pension or revocation of, or conditions placed on, the license, certificate or other authorization of  
 24 the child-caring agency.

25 (3) If the department determines at any time [*during or after an investigation that the abuses,*  
 26 *deficiencies, violations or failures to comply are or threaten a serious danger to any child or to the*  
 27 *public, or place a child at risk with respect to the child's health, safety or welfare,*] **that the abuses,**  
 28 **deficiencies, violations or failures to comply seriously endanger the health, safety or welfare**  
 29 **of any child or the public, or threaten to do so**, the department may immediately suspend or re-  
 30 voke the child-caring agency's license, certificate or authorization, subject to the provisions of ORS  
 31 chapter 183. The department shall immediately notify any governmental agency that has a contract  
 32 with the child-caring agency to provide care or services to a child of any suspension or revocation  
 33 of the license, certificate or other authorization of the child-caring agency under this subsection and  
 34 of any conditions placed on the child-caring agency's license, certificate or authorization pursuant  
 35 to ORS 418.240. The department shall immediately report the alleged deficiencies or violations to the  
 36 governmental agency and the governing board responsible for the oversight of the child-caring  
 37 agency.

38 (4) If the department determines that the abuses, deficiencies, violations or failures to comply  
 39 [*are founded*] **occurred** and the department imposes a plan of correction that the child-caring agency  
 40 does not comply with in the time allotted for correction, the department shall immediately notify the  
 41 following of the failure of the child-caring agency to comply with the plan of correction:

42 (a) The Legislative Assembly or the interim committees of the Legislative Assembly relating to  
 43 child welfare.

44 (b) Members of the governing board responsible for the child-caring agency.

45 (c) Any governmental agency that has a contract with the child-caring agency to provide care

1 or services to a child.

2 (5)(a) Any employee of the department that has reasonable cause to believe that a child-caring  
3 agency has [*committed an abuse or*] incurred a deficiency or violation, or that grounds for immediate  
4 suspension or revocation of a license, certificate or authorization exist under ORS 418.240, and that  
5 such [*abuse,*] deficiency, violation or grounds is or threatens a danger to any child at the child-  
6 caring agency or to the public, or places a child at risk with respect to the child's health, safety  
7 or welfare, is required to immediately inform the [*Director of Human Services, the director's designee*  
8 *or such other personnel in the department designated to receive such information*] **department em-**  
9 **ployees who are responsible for licensing, certifying or authorizing child-caring agencies.**  
10 Upon receipt of an employee report under this subsection, the director and department personnel  
11 shall immediately [*commence an investigation and*] take all reasonably prudent and necessary actions  
12 to ensure the health, safety and welfare of children at the child-caring agency. [*Failure to commence*  
13 *an investigation and take actions as required by this subsection constitutes official misconduct in the*  
14 *second degree under ORS 162.405.*] **Violation of the requirements of this subsection constitutes**  
15 **official misconduct in the second degree under ORS 162.405.**

16 (b) **An employee's duty to report under this subsection is in addition to, and not in lieu**  
17 **of, the employee's duty to report suspected abuse under ORS 419B.010.**

18 **SECTION 34.** ORS 418.327 is amended to read:

19 418.327. (1) Upon finding that the facilities and operation of a private residential boarding school  
20 meet the standards of the Department of **Human Services** for the physical health, care and safety  
21 of the children, the department shall issue a license to operate the school. The license shall be valid  
22 for a period of two years, unless sooner suspended or revoked by the department pursuant to the  
23 provisions of ORS 418.240. However, the department at any time may require amendments to an  
24 existing license to accommodate changes in the factors upon which the issuance was based.

25 (2) The department may not charge a fee for inspections leading to decisions regarding, and is-  
26 suance of, licenses under this section, but may charge fees to cover costs of inspections done by  
27 other governmental agencies for the department.

28 (3) The department may place conditions on any license issued under this section in accordance  
29 with the provisions of ORS 418.240, including but not limited to placing full or partial restrictions  
30 on admission of children, temporary suspension, limitation of operations subject to an intent to re-  
31 voke and limitation of operations subject to correction of violations as specified in a plan of cor-  
32 rection imposed by the department.

33 (4) No person or organization shall operate a private residential boarding school without having  
34 a current, valid license issued by the department.

35 (5) Any person, including the Director of Human Services, may file a complaint with the de-  
36 partment alleging that children attending a private residential boarding school, or that children  
37 within the control of any other organization that provides boarding or residential programs, are not  
38 receiving shelter, food, guidance, training or education necessary to the health, safety, welfare or  
39 social growth of the children or necessary to serve the best interests of society.

40 (6) The department shall immediately investigate complaints made under subsection (5) of this  
41 section in the manner provided under ORS 418.205 to 418.327.

42 (7) The Superintendent of Public Instruction shall cooperate with the department upon request  
43 by advising the department as to whether or not the educational program conducted at the private  
44 residential boarding school meets minimum standards required of public educational institutions.

45 (8) Nothing in this section applies to public or private institutions of higher education, commu-

1 nity colleges, common or union high school districts that provide board and room in lieu of trans-  
2 portation or any other child-caring program already subject to state licensing procedures by any  
3 agency of this state.

4 **(9) As used in this section, “private residential boarding school” means:**

5 **(a) A private school providing residential care in combination with academic therapeutic**  
6 **care, including but not limited to treatment for emotional, behavioral or mental health dis-**  
7 **turbances; or**

8 **(b) A private school providing residential care that is primarily engaged in educational**  
9 **work.**

10 **SECTION 35.** ORS 418.995 is amended to read:

11 418.995. In imposing a penalty pursuant to ORS 418.992, the Director of Human Services shall  
12 consider the following factors:

13 (1) The past history of the child-caring agency incurring a penalty in taking all feasible steps  
14 or procedures necessary or appropriate to correct any violation.

15 (2) Any prior violations of statutes or rules pertaining to child-caring agencies.

16 (3) The economic and financial conditions of the child-caring agency incurring the penalty.

17 (4) The immediacy and extent to which the violation [*threatens or places at risk the health, safety*  
18 *and well-being of the children*] **seriously endangers the health, safety or welfare of a child or**  
19 **the public, or threatens to do so.**

20  
21 **OUT-OF-STATE PLACEMENTS OF CHILDREN**

22  
23 **SECTION 36.** ORS 418.321 is amended to read:

24 418.321. (1) **Except as provided in subsection (7) of this section and** subject to ORS 418.322,  
25 the Department of Human Services may place a child in an out-of-state child-caring agency only if:

26 (a) The out-of-state child-caring agency is licensed **by the department under ORS 418.240** to  
27 provide or engage in the provision of care or services [*by the department*] under ORS 418.205 to  
28 418.327 and complies with the licensing requirements under ORS 418.215 **and 418.240;**

29 (b) The department has a current contract with the child-caring agency; and

30 (c) The department’s contract with the child-caring agency meets the criteria under subsection  
31 (3) of this section.

32 (2)(a) The department shall license an out-of-state child-caring agency pursuant to the same  
33 licensure requirements the department would impose if the out-of-state child-caring agency was lo-  
34 cated in this state.

35 (b) Notwithstanding paragraph (b) of Article V of the Interstate Compact on the Placement of  
36 Children and ORS 417.230, the department may not delegate the department’s licensing, visitation,  
37 inspection, investigation or supervision of an out-of-state child-caring agency licensed by the de-  
38 partment to provide care or services to an Oregon child **unless the out-of-state child-caring**  
39 **agency is an adoption agency or foster care agency, or a provider of similar services, utilized**  
40 **for the purpose of placements in compliance with paragraph (b) of Article V of the Interstate**  
41 **Compact on the Placement of Children and ORS 417.230.**

42 (3)(a) The department shall review the department’s contract with an out-of-state child-caring  
43 agency prior to placing a child with the child-caring agency.

44 (b) The contract must, at a minimum, meet the following criteria:

45 (A) At the time the contract is executed, the child-caring agency must provide the department

1 with a current list of every entity for which the child-caring agency is providing placement services.

2 (B) No later than 15 days after accepting placement of a child from a new entity, the child-  
3 caring agency must notify the department in writing of the child-caring agency's association with  
4 the new entity. The notice must include the name and contact information of the new entity and the  
5 name and contact information of an individual associated with the new entity.

6 (C) The child-caring agency must make mandatory reports of child abuse, as defined in ORS  
7 418.257 and 419B.005, involving Oregon children both to the centralized child abuse reporting system  
8 described in ORS 418.190 and as required under the laws of the state in which the child-caring  
9 agency is located.

10 (D) The child-caring agency must allow the department full access to the child-caring agency's  
11 facilities, residents, records and personnel as necessary for the department to conduct child abuse  
12 investigations and licensing activities or investigations.

13 (E) The child-caring agency must notify the department in writing no later than three business  
14 days after any state determines that an allegation of child abuse or a license violation involving the  
15 child-caring agency is founded, regardless of whether the child abuse or violation involves an  
16 Oregon child.

17 (F) The child-caring agency must notify the department in writing no later than three business  
18 days after the child-caring agency receives notice from any other state imposing a restriction on  
19 placement of children with the child-caring agency, suspending or revoking the child-caring agency's  
20 license with that state or indicating the state's intent to suspend or revoke the child-caring agency's  
21 license with that state.

22 (G) The child-caring agency must notify the department immediately, verbally and in writing:

23 (i) Any time a child from any state who is in the care of the child-caring agency dies, is sexually  
24 assaulted or suffers serious physical injury, **as defined in ORS 161.015**; or

25 (ii) When the child-caring agency becomes aware of any criminal investigation, arrest or crimi-  
26 nal charges involving an agency staff member if the alleged offense involved a child or could have  
27 reasonably posed a risk to the health, safety or welfare of a child.

28 (H) Except with respect to protected information described in ORS 418.256 (5), the child-caring  
29 agency may not ask or require an employee or volunteer to sign a nondisclosure or other agreement  
30 prohibiting the employee or volunteer from the good faith disclosure of information concerning the  
31 abuse or mistreatment of a child who is in the care of the child-caring agency, violations of licensing  
32 or certification requirements, criminal activity at the child-caring agency, violations of state or  
33 federal laws or any practice that threatens the health and safety of a child in the care of the  
34 child-caring agency.

35 (I) The child-caring agency must ensure staffing ratio and staff training and education require-  
36 ments that meet, at a minimum, the standards set by the department by rule for intensive behavioral  
37 support services.

38 (J) The child-caring agency must meet all of the program, discipline, behavior support, super-  
39 vision and child rights requirements adopted by the department by rule for behavioral rehabilitation  
40 services provided in this state.

41 (K) The child-caring agency may not practice conversion therapy, as defined in ORS 675.850.

42 (L) The child-caring agency must identify a child by the child's preferred name and pronouns  
43 and may not implement a dress code that prohibits or requires clothing on the basis of biological  
44 sex.

45 (M) Genetic testing, including testing for psychopharmacological purposes, must be approved by

1 a court and may not be included as a standing order for a child in care.

2 (N) Neither the child-caring agency nor its contractors or volunteers may use chemical or me-  
3 chanical restraints on a child, including during secure transport.

4 (O) The child-caring agency must ensure that the use of any psychotropic medications for a child  
5 placed with the child-caring agency by the department is in compliance with ORS 418.517 and any  
6 rules regarding psychotropic medications adopted by the department.

7 (4) The department shall develop rules outlining a process for review of the out-of-state place-  
8 ment of a child who is identified as a child with an intellectual or developmental disability or who  
9 is suspected of having an intellectual or developmental disability. At a minimum, the rules must:

10 (a) Identify a process for expediting review of the child's eligibility for developmental disability  
11 services.

12 (b) Require that a multidisciplinary review team, including administrators in the developmental  
13 disability services program, review the placement before the child is placed out-of-state.

14 (c) Require that a multidisciplinary team, including administrators in the developmental disa-  
15 bility services program, monitor the progress of the child in the out-of-state placement.

16 (d) Require that contracts for placement of the child ensure that the child has the same rights  
17 and protections that the child would have if the child was placed in this state.

18 (5)(a) A department child welfare services employee must accompany a child who is placed in  
19 an out-of-state child-caring agency any time the child is transported to an initial out-of-state place-  
20 ment, any time the child is moved to a new placement and any time the child is moved by secure  
21 transport.

22 (b) Notwithstanding paragraph (a) of this subsection, if a child placed in an out-of-state child-  
23 caring agency requires secure transport from the out-of-state placement due to an emergency, a de-  
24 partment child welfare services employee is not required to accompany the child if the time it would  
25 take for the employee to travel to the child's out-of-state location would pose a risk to the health,  
26 safety or welfare of the child. If a department child welfare services employee does not accompany  
27 a child transported to an alternate out-of-state placement, as provided in this paragraph, the child  
28 welfare services employee must immediately travel to meet the child at the new out-of-state facility.

29 (6)(a) As used in this subsection, "juvenile offender" means a person under 18 years of age who  
30 has or is alleged to have committed an act that is a violation, or, if done by an adult, would con-  
31 stitute a violation, of a law or ordinance of the United States or a county or city in this state.

32 (b) Except as provided in paragraph (c) of this subsection, the department may not place a child  
33 in an out-of-state child-caring agency if the child-caring agency provides care to juvenile offenders.

34 (c) The department may place a child in an out-of-state child-caring agency that provides care  
35 to juvenile offenders if:

36 (A) The child-caring agency is a qualified residential treatment program licensed by the de-  
37 partment;

38 (B) The child-caring agency maintains site-specific accreditation from a nationally recognized  
39 organization;

40 (C) The child being placed is a juvenile offender; and

41 (D) Prior to the hearing to approve the placement, the court and all parties to the dependency  
42 case have been informed of the nature of the services offered by the program and of the population  
43 served by the program, and the court, having considered the nature of the services and composition  
44 of the facility population and the report of the qualified individual, has found that placement in the  
45 facility is the least restrictive setting available to appropriately meet the child's treatment needs.

1           **(7)(a) Notwithstanding ORS 418.322, the department may place a child in an out-of-state**  
2 **placement without requiring the placement to be licensed or under contract, as described in**  
3 **subsection (1) of this section, or to be a qualified residential treatment program as described**  
4 **in ORS 418.323 if:**

5           **(A)(i) No child-caring agency placements are available in this state that are suitable for**  
6 **the child and that provide the services and treatments that are medically necessary and**  
7 **medically appropriate for the child; and**

8           **(ii) The services and treatments are approved by the responsible Medicaid entity for**  
9 **coverage by Medicaid;**

10           **(B)(i) There is reason to know, as described in ORS 419B.636, that the child is an Indian**  
11 **child, as defined in ORS 419B.603;**

12           **(ii) The placement complies with the placement preferences under ORS 419B.654; and**

13           **(iii)(I) The out-of-state placement is a youth regional treatment center operated or**  
14 **funded by the Indian Health Service and serves the needs of Indian children or youth; or**

15           **(II) The Indian child's tribe has affirmatively requested that the child be placed in the**  
16 **out-of-state placement;**

17           **(C)(i) The out-of-state placement is an out-of-state child-caring agency;**

18           **(ii) The child resides in a placement subject to the Interstate Compact on the Placement**  
19 **of Children that is located in the same state as or a neighboring state to the child-caring**  
20 **agency; and**

21           **(iii) The child-caring agency provides the types of treatment or services that are med-**  
22 **ically necessary and medically appropriate for the child, consistent with rules adopted by the**  
23 **Oregon Health Authority for the administration of the authority's program providing bene-**  
24 **fits for children and young adults with special health needs;**

25           **(D) The out-of-state placement is approved by an adoption agency or foster care agency,**  
26 **or provider of similar services, in the state of placement and the adoption agency or foster**  
27 **care agency provides licensing services in compliance with paragraph (b) of Article V of the**  
28 **Interstate Compact on the Placement of Children and ORS 417.230; or**

29           **(E)(i) The provider that is nearest to the child's community and able to provide the**  
30 **treatment or services that are medically necessary and medically appropriate for the child**  
31 **is located in a neighboring state;**

32           **(ii) Accessing services or treatment in the neighboring state maintains the child's con-**  
33 **nection to the child's community; and**

34           **(iii) The services or treatment are consistent with rules adopted by the Oregon Health**  
35 **Authority for the administration of the authority's program providing benefits for children**  
36 **and young adults with special health needs.**

37           **(b) The out-of-state placement of a child under this subsection is not subject to sub-**  
38 **section (4), (5) or (6) of this section.**

39           **(c) The out-of-state placement is subject to court approval under ORS 419B.351.**

40           **(d) The department may not place a child in an out-of-state placement under this sub-**  
41 **section unless the department has verified that the placement is in good standing with the**  
42 **licensing authority in the state in which the placement will provide services or treatment to**  
43 **the child.**

44           **(e) The department may not place a child in an out-of-state placement under this sub-**  
45 **section unless the department has conducted an in-person inspection and has verified that**

1 the placement is safe and in significant alignment with the licensure requirements that  
2 would apply if the out-of-state placement was located in this state. The inspection under this  
3 paragraph must be conducted by department staff who perform licensing functions under  
4 ORS 418.262.

5 (f) All approvals of the exceptions in this subsection must be made by the director of the  
6 division of the department that administers the state child welfare program or the director's  
7 designee. In addition, the exceptions under paragraph (a)(A), (C) and (E) of this subsection  
8 must also be approved by the director of the division of the authority that administers the  
9 state medical assistance program or the director's designee.

10 (g) The department and the Oregon Health Authority shall collaborate to establish rules  
11 for the approval process under paragraph (f) of this subsection.

12 (h) The authority shall establish, under contract with coordinated care entities, basic  
13 standards for quality assurance and oversight prior to and during the child's medically nec-  
14 essary and appropriate treatments and services for out-of-state providers under this section.

15 (8) The department may not place a child in an out-of-state placement under this section  
16 if:

17 (a) The child has an intellectual disability or a developmental disability; and

18 (b) The out-of-state placement is an intermediate care facility, as defined by the depart-  
19 ment by rule.

20 (9) The department shall adopt rules prescribing the process for review of the out-of-  
21 state placement. At a minimum, the rules must:

22 (a) Establish what constitutes significant alignment with licensure requirements for  
23 child-caring agencies under ORS 418.215 and 418.240;

24 (b) Require a multidisciplinary team to monitor the progress of the child in the out-of-  
25 state placement;

26 (c) Require a member of the multidisciplinary team described in paragraph (b) of this  
27 subsection to accompany the child as the child travels to and from an out-of-state placement;

28 (d) Require that a member of the multidisciplinary team described in paragraph (b) of  
29 this subsection have in-person contact with the child in the out-of-state placement at least  
30 once every 15 days;

31 (e) Ensure the child's rights in the out-of-state placement are in significant alignment  
32 with the rights the child has in this state;

33 (f) Ensure the child understands the child's rights as a child in the care or custody of  
34 the department, including under the Oregon Foster Children's Bill of Rights, and ensure that  
35 the child knows how to report violations of those rights to the State of Oregon; and

36 (g) Establish the multidisciplinary response if a child's rights have been violated or abuse  
37 has been reported in the out-of-state placement.

38 (10) As used in this section, "out-of-state child-caring agency" means a provider of  
39 children's care or services in a state other than Oregon that would be required under ORS  
40 418.215 to be licensed, certified or otherwise authorized by the Department of Human Ser-  
41 vices under ORS 418.240 if the provider provided the care or services in this state.

42 SECTION 36a. Section 36b of this 2025 Act is added to and made a part of ORS 418.205  
43 to 418.327.

44 SECTION 36b. (1) As used in this section, "foster care ombudsman" means the individual  
45 in the Governor's advocacy office identified as the foster care ombudsman.

1       **(2) When the Department of Human Services places a child in an out-of-state placement**  
2 **under ORS 418.321 (7), the department shall:**

3       **(a) File with the juvenile court the report required under ORS 419B.440 (1)(a); and**

4       **(b) Provide written notice of the placement to the office of the Governor, the foster care**  
5 **ombudsman and the System of Care Advisory Council prior to or as soon as practicable after**  
6 **the date of placement.**

7       **(3) The department shall submit quarterly narrative reports to the System of Care Ad-**  
8 **visory Council describing the circumstances justifying, in the previous quarter:**

9       **(a) Placement exceptions based on the approval of a responsible Medicaid entity as per-**  
10 **mitted under ORS 418.322 (3)(k) and (4);**

11       **(b) Placement of children or wards in adult settings as permitted under ORS 418.322 (4);**  
12 **and**

13       **(c) Placement extensions authorized under ORS 418.322 (5)(b).**

14       **(4)(a) The System of Care Advisory Council shall submit quarterly reports to the com-**  
15 **mittees or interim committees of the Legislative Assembly related to human services and**  
16 **behavioral health in the manner provided under ORS 192.245, analyzing the immediately**  
17 **preceding quarter's narrative report described in subsection (3) of this section. The report**  
18 **under this subsection must include an analysis of:**

19       **(A) The appropriateness of the placement exceptions and extensions described in the**  
20 **department's quarterly report; and**

21       **(B) Any trends reflected in the department's quarterly report.**

22       **(b) In addition, not later than September 15 of each year, the System of Care Advisory**  
23 **Council shall submit a report to the interim committees of the Legislative Assembly related**  
24 **to human services and behavioral health in the manner provided under ORS 192.245 sum-**  
25 **marizing the quarterly reports received from the department in the previous four quarters.**  
26 **The summary must include the System of Care Advisory Council's analysis of the appropri-**  
27 **ateness of the placement exceptions and of the trends reflected in the quarterly reports in**  
28 **the previous four quarters.**

29       **(5)(a) Records received by the System of Care Advisory Council under this section are**  
30 **not subject to public inspection and, to the extent permitted under ORS 192.610 to 192.705,**  
31 **the System of Care Advisory Council shall hold an executive session for the consideration**  
32 **of information and records it receives under this section.**

33       **(b) The System of Care Advisory Council may not include information in its reports un-**  
34 **der this section that contain the name of or any identifying information about a child.**

35       **SECTION 37. ORS 418.322 is amended to read:**

36       **418.322. (1) As used in this section:**

37       **(a) "Congregate care residential setting" means any setting that cares for more than one child**  
38 **or ward and is not a setting described in [ORS 418.205 (2)(c)(A), (D), (E) or (F) or (10)] **ORS 418.205****  
39 **(8) or 418.215 (2)(a), (c), (d), (e), (f) or (g).**

40       **(b) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, pa-**  
41 **tronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act,**  
42 **as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of**  
43 **a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex**  
44 **act, as defined in ORS 163.266.**

45       **(2) The Department of Human Services may place a child or ward in a congregate care resi-**

1 dental setting only if the setting is:

2 (a) A child-caring agency, as defined in ORS 418.205, a hospital, as defined in ORS 442.015, or  
3 a rural hospital, as defined in ORS 442.470; and

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

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

7 (a) The child-caring agency is providing prenatal, postpartum or parenting supports to the child  
8 or ward.

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

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

13 (d) The Oregon Health Authority has approved the [*placement as medically necessary*] **services**  
14 **or treatment** and the child-caring agency:

15 (A) Is a residential care facility;

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

18 (C) Has an active provider agreement with the Oregon Medicaid program.

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

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

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

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

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

31 (j) The ward is 18 years of age or older and the child-caring agency is a residential treatment  
32 facility or a residential home licensed or certified by the department or the Oregon Health Author-  
33 ity.

34 **(k) The responsible Medicaid entity has approved the services or treatment.**

35 **(4) Notwithstanding subsection (2) or (3) of this section, the department may place a child**  
36 **or ward in a congregate care residential setting that is not a child-caring agency or a quali-**  
37 **fied residential treatment program if the congregate care residential setting is an adult set-**  
38 **ting licensed by the department or authority and it provides services or treatment that are**  
39 **medically necessary and medically appropriate for the child or ward.**

40 [(4)] (5)(a) The department may not place a child or ward in a residential care facility or  
41 shelter-care home described in subsection (3)(g) or (h) of this section:

42 [(a)] (A) For more than 60 consecutive days or 90 cumulative days in a 12-month period, **unless**  
43 **the limits for the duration of the placement are extended as provided in paragraph (b) of this**  
44 **subsection; or**

45 [(b)] (B) If the residential care facility or shelter-care home also serves youths or adjudicated

1 youths served by the county juvenile department or adjudicated youths committed to the custody  
2 of the Oregon Youth Authority by the court.

3 **(b) The department, by rule, may extend the limits for the duration of placement of a**  
4 **child or ward under paragraph (a) of this subsection:**

5 **(A) As requested by the child or ward; or**

6 **(B) By up to 30 consecutive or 30 cumulative days in a 12-month period if the department**  
7 **determines that the extension is in the best interest of the child or ward.**

8 [(5)] (6) The department may not place a child or ward in a homeless, runaway or transitional  
9 living shelter described in subsection (3)(i) of this section for more than 60 consecutive or 90 cu-  
10 mulative days in any 12-month period.

11 [(6)] (7) Calculations of the number of days a child or ward is placed in a shelter-care home  
12 under subsection (3)(h) of this section or a homeless, runaway or transitional living shelter under  
13 subsection (3)(i) of this section exclude the days the child or ward is in the shelter-care home or  
14 shelter if the child or ward:

15 (a) Accessed the shelter-care home or shelter without the support or direction of the department;  
16 and

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

18 [(7)(a)] (8)(a) Nothing in this section prohibits the Oregon Youth Authority from placing an ad-  
19 judicated youth committed to its custody in a placement that is not a qualified residential treatment  
20 program.

21 (b) Nothing in this section prohibits the Oregon Youth Authority or a county juvenile depart-  
22 ment from placing an adjudicated youth or a youth served by the Oregon Youth Authority or the  
23 county juvenile department in shelter care or detention under ORS chapter 419C.

24 **(9)(a) All approvals of the exceptions described in subsections (3)(k) and (5)(b) of this**  
25 **section must be made by the director of the division of the department that administers the**  
26 **state child welfare program or the director's designee. In addition, the exceptions under**  
27 **subsection (3)(k) of this section must also be approved by the director of the division of the**  
28 **authority that administers the state medical assistance program or the director's designee.**

29 **(b) The department and the authority shall collaborate to establish rules for the approval**  
30 **process under this subsection.**

31 **SECTION 38.** ORS 418.500 is amended to read:

32 418.500. Subject to ORS 418.322, if the Department of Human Services determines that need ex-  
33 ists for care and treatment of a child who is eligible for such care and treatment that is not avail-  
34 able through any public or private agency or facility in this state, it may enter into an agreement  
35 with a public or private agency outside this state for the purchase of care for the child. **Except**  
36 **as provided in ORS 418.322**, such agreements shall contain the matter described in ORS 418.321  
37 and 418.495 and shall apply to children described therein.

38 **SECTION 39.** ORS 419B.335 is amended to read:

39 419B.335. (1) The Department of Human Services shall provide the following information re-  
40 garding out-of-state placements of children and wards on a website maintained by the department  
41 and updated monthly:

42 [(1)] (a) The name of each out-of-state facility in which [*children or wards*] **a child or ward**  
43 placed by the department [*are*] **is** currently receiving services;

44 [(2)] (b) The [*city and*] state in which each facility is located;

45 [(3)] (c) The name of any parent organization for each facility;

1 [(4)] (d) The name of each facility's accreditation agency;

2 [(5)] (e) The **total** number of children or wards placed by the department [*currently receiving*  
3 *services from*] **in** each facility;

4 [(6)] (f) The total number of children or wards currently receiving services from each facility;

5 [(7)] (g) The daily rate charged by each facility for each child or ward;

6 [(8)] (h) The name of the face-to-face contracting agency, including the city and state in which  
7 it is located;

8 [(9)] (i) Whether each facility provides services to adjudicated youths or the resident state's  
9 equivalent of adjudicated youths; **and**

10 [(10)] *Demographic information about all children or wards the department currently has placed in*  
11 *out-of-state facilities, including but not limited to age, gender or gender identity, race, ethnicity, tribal*  
12 *status and, if disclosed by the child or ward, sexual orientation;*]

13 [(11)] *The number of children or wards the department currently has placed in out-of-state facilities*  
14 *who have autism, intellectual disabilities or developmental disabilities; and]*

15 [(12)] (j) Aggregate travel costs for the department to support out-of-state placements during the  
16 previous month.

17 **(2) The department shall provide on a quarterly basis to the System of Care Advisory**  
18 **Council a brief narrative description of the circumstances in which an out-of-state placement**  
19 **was determined to be in the best interests of a child or ward.**

20 **(3) Information provided in reports under this section may not contain any identifying**  
21 **information of a child or ward, including the name of the child or ward.**

22 **SECTION 39a.** ORS 419B.351 is amended to read:

23 419B.351. (1) The Department of Human Services shall move the court for approval of a place-  
24 ment no later than 30 days following the date the department placed, or will place, a child or ward  
25 in a qualified residential treatment program described in ORS 418.323 **or in an out-of-state**  
26 **placement described in ORS 418.321.**

27 (2)(a) The motion for approval of the placement must include, at a minimum:

28 (A) The date of the placement;

29 (B) To the extent practicable, the parties' placement preferences; and

30 (C) **If applicable**, a copy of the child's or ward's independent assessment described in ORS  
31 418.324.

32 (b) Notwithstanding paragraph (a)(C) of this subsection, if **an independent assessment is re-**  
33 **quired under ORS 418.324 and** the independent assessment is not completed at the time the de-  
34 partment files the motion under subsection (1) of this section, the department may file the motion  
35 under this section without the assessment and shall supplement the motion with a copy of the  
36 completed assessment immediately following the department's receipt of the completed assessment.

37 (3) The department shall provide an exact copy of the motion to each of the parties listed in  
38 ORS 419B.875.

39 (4) Upon receipt of a motion under this section, the court shall schedule a hearing to occur no  
40 later than 60 days following the date the child or ward is placed in the qualified residential treat-  
41 ment program **or out-of-state placement.**

42 (5)(a) The court shall enter an order approving or disapproving the placement and make specific  
43 determinations regarding the following:

44 (A) Whether the needs of the child or ward can be met through placement in a foster family  
45 home or in a proctor foster home as defined in ORS 418.205.

1 (B) If the court determines that the needs of the child or ward cannot be met through placement  
2 in a foster family home or proctor foster home, whether placement of the child or ward in *[the]* a  
3 qualified residential treatment program:

4 (i) Provides the least restrictive setting to provide the most effective and appropriate level of  
5 care for the child or ward; and

6 (ii) Is consistent with the child's or ward's case plan.

7 (b) In addition to the determinations under paragraph (a) of this subsection, if the motion is for  
8 approval of the placement of a child or ward in an out-of-state child-caring agency that serves ju-  
9 venile offenders as defined in ORS 418.321 (6), the court may not approve the placement unless the  
10 court finds that the child or ward's placement in the out-of-state child-caring agency is the least  
11 restrictive setting available to meet the child or ward's treatment needs, taking into consideration  
12 all of the following:

13 (A) The nature of the services offered by the child-caring agency;

14 (B) The population served by the child-caring agency;

15 (C) The percentage of the child-caring agency's population that is juvenile offenders; and

16 (D) Whether the child-caring agency is required to file a report under the Prison Rape Elimini-  
17 nation Act of 2003, 34 U.S.C. 30301 et seq.

18 (c) **In addition to the determinations under paragraph (a) of this subsection, if the motion**  
19 **is for approval of the placement of a child or ward in an out-of-state placement under ORS**  
20 **418.321 (7), the court may not approve the placement unless the court finds that placement**  
21 **of the child or ward in the out-of-state placement meets the applicable criteria described in**  
22 **ORS 418.321 (7).**

23 [(c)] (d) The court may receive testimony, reports or other material relating to the child's or  
24 ward's mental, physical and social history and prognosis without regard to the competency or rele-  
25 vancy of the testimony, reports or other material under the rules of evidence.

26 (6) The court shall enter an order under subsection (5) of this section no later than 60 days  
27 following the date the child or ward is placed in the qualified residential treatment program.

28 (7) If the court enters an order disapproving the child's or ward's placement, the department  
29 shall move the child or ward to a placement that provides care, supervision and services that are  
30 consistent with the court's order no later than 30 days following the date the court enters the order.

31 **NOTE:** Sections 40 through 46 were deleted by amendment. Subsequent sections were not re-  
32 numbered.

33  
34 **REPORTS**

35  
36 **SECTION 47. The System of Care Advisory Council shall study the implementation by the**  
37 **Department of Human Services and the Oregon Health Authority of sections 1 and 10 of this**  
38 **2025 Act and the amendments to ORS 329A.030, 329A.275, 418.205, 418.210, 418.215, 418.240,**  
39 **418.241, 418.246, 418.248, 418.255, 418.256, 418.257, 418.258, 418.259, 418.260, 418.321, 418.322,**  
40 **418.327, 418.330, 418.500, 418.519, 418.521, 418.523, 418.526, 418.529, 418.532, 418.625, 418.992,**  
41 **418.995, 419A.245, 419B.005, 419B.335, 419B.351, 419C.620 and 704.023 by sections 8, 11 to 19, 21,**  
42 **22, 24 to 39a, 50, 51 and 56 to 61 of this 2025 Act and analyze the effects of that implemen-**  
43 **tation. The council shall submit two reports in the manner provided by ORS 192.245, and may**  
44 **include recommendations for legislation, to the interim committees of the Legislative As-**  
45 **sembly related to health care and human services. The first report is due no later than**

1 **September 15, 2026, and the second report is due no later than September 15, 2027.**

2 **SECTION 48. (1) The quarterly reports described in section 36b (3) of this 2025 Act are**  
3 **first due on October 1, 2025.**

4 **(2) The quarterly reports described in section 36b (4) of this 2025 Act are first due on**  
5 **January 1, 2026.**

6 **(3) The quarterly reports described in ORS 419B.335 are first due on October 1, 2025.**

7 **SECTION 49. Section 47 of this 2025 Act is repealed on January 2, 2028.**

8  
9 **CONFORMING AMENDMENTS**

10  
11 **SECTION 50. ORS 329A.030 is amended to read:**

12 329A.030. (1) The Department of Early Learning and Care shall establish a Central Background  
13 Registry and may maintain information in the registry through electronic records systems.

14 (2)(a) A subject individual described in subsection (1)(a), (c) or (d) of this section shall apply  
15 to and must be enrolled in the Central Background Registry prior to the provision of care.

16 (b) An individual who has been the subject of a founded or substantiated report of child abuse  
17 shall apply to and must be enrolled in the Central Background Registry prior to providing any of  
18 the types of care identified in ORS 329A.250 (4)(b)(A), (E) or (F) if:

19 (A) The child abuse occurred on or after January 1, 2017, and involved a child who died or  
20 suffered serious physical injury, as defined in ORS 161.015; or

21 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom  
22 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS  
23 329A.250 (4)(b)(A), (C), (E), (F) or (G).

24 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)  
25 of this subsection is not required to enroll in the Central Background Registry if more than seven  
26 years has elapsed since the date of the child abuse determination.

27 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the de-  
28 partment shall complete:

29 (A) A criminal records check under ORS 181A.195;

30 (B) A criminal records check of other registries or databases in accordance with rules adopted  
31 by the Early Learning Council;

32 (C) A child abuse and neglect records check in accordance with rules adopted by the council;  
33 and

34 (D) A foster care certification check and an adult protective services check in accordance with  
35 rules adopted by the council.

36 (b) In addition to the information that the department is required to check under paragraph (a)  
37 of this subsection, the department may consider any other information obtained by the department  
38 that the department, based on rules adopted by the Early Learning Council, determines is relevant  
39 to enrollment in the Central Background Registry.

40 (4) The department shall enroll the individual in the Central Background Registry if the indi-  
41 vidual:

42 (a) Is determined to have no criminal, child abuse and neglect, negative adult protective services  
43 or negative foster home certification history, or to have dealt with the issues and provided adequate  
44 evidence of suitability for the registry;

45 (b) Has paid the applicable fee established pursuant to ORS 329A.275; and

1 (c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

2 (5)(a) Notwithstanding subsections (3) and (4) of this section, the department may not enroll an  
3 individual in the Central Background Registry if:

4 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

5 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252, unless the  
6 individual qualifies for limited enrollment pursuant to rules adopted by the Early Learning Council.

7 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is  
8 enrolled in the registry, the department shall remove the individual from the registry.

9 (6)(a) The department may conditionally enroll an individual in the Central Background Registry  
10 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-  
11 gation if the individual has successfully completed the criminal records check and the child abuse  
12 and neglect records check in this state and in the state of the individual's residence, if other than  
13 Oregon.

14 (b) The department may enroll an individual in the registry subject to limitations identified in  
15 rules adopted by the council.

16 (7) The department may grant limited enrollment in the Central Background Registry to a sub-  
17 ject individual who is a relative caretaker of a child for whom care is provided in a subsidized care  
18 facility, regardless of whether the individual was previously denied enrollment in the Central  
19 Background Registry, if the individual otherwise meets the criteria established in rule by the Early  
20 Learning Council.

21 (8) An enrollment in the Central Background Registry may be renewed upon application to the  
22 department, payment of the fee established pursuant to ORS 329A.275 and compliance with rules  
23 adopted by the Early Learning Council pursuant to this section. However, an individual who is  
24 determined to be ineligible for enrollment in the registry after the date of initial enrollment shall  
25 be removed or suspended from the registry by the department.

26 (9)(a) A child care facility, preschool recorded program or school-age recorded program may not  
27 hire or employ an individual if the individual is not enrolled in the Central Background Registry.

28 (b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded  
29 program or school-age recorded program may employ on a probationary basis an individual who is  
30 conditionally enrolled in the Central Background Registry.

31 (10) The Early Learning Council may adopt any rules necessary to carry out the purposes of this  
32 section, including but not limited to rules regarding expiration and renewal periods and limitations  
33 related to the subject individual's enrollment in the Central Background Registry.

34 (11) As used in this section, "subject individual" means:

35 (a) A subject individual as defined by the Early Learning Council by rule;

36 (b) An individual subject to subsection (2)(b) of this section;

37 (c) A person who applies to be:

38 (A) The operator or an employee of a child care or treatment program;

39 (B) The operator or an employee of a provider under the Oregon Prenatal to Kindergarten  
40 Program under ORS 329.172 to 329.200;

41 (C) The operator or an employee of a federal Head Start program regulated by the United States  
42 Department of Health and Human Services;

43 (D) An individual in a child care facility, preschool recorded program or school-age recorded  
44 program who may have unsupervised contact with children, as determined by the council by rule;

45 (E) A contractor or an employee of the contractor who:

1 (i) Provides early childhood special education or early intervention services pursuant to ORS  
2 343.455 to 343.534; and

3 (ii) Is not subject to the criminal records check requirements of ORS 326.603 or 342.223;

4 (F) A child care provider who is required to be enrolled in the Central Background Registry by  
5 any state agency;

6 (G) A contractor, employee or volunteer of a metropolitan service district organized under ORS  
7 chapter 268 who may have unsupervised contact with children and who is required to be enrolled  
8 in the Central Background Registry by the metropolitan service district;

9 (H) A provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pur-  
10 suant to a properly executed power of attorney under ORS 109.056 who is providing respite services  
11 as a volunteer with a private agency or organization that facilitates the provision of such respite  
12 services;

13 (I) The operator or an employee of an early learning program as defined in rules adopted by the  
14 council; or

15 (J) The operator or an employee of a preschool recorded program or a school-age recorded  
16 program; or

17 (d)(A) An individual who operates a subsidized care facility;

18 (B) An individual who has attained 18 years of age and resides in a subsidized care facility; or

19 (C) An individual in a subsidized care facility who has attained 18 years of age and who may  
20 have unsupervised contact with children, as determined by the council by rule.

21 (12)(a) Information provided to a metropolitan service district organized under ORS chapter 268  
22 about the enrollment status of the persons described in subsection (11)(c)(G) of this section shall be  
23 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-  
24 vide for the recovery of administrative, including direct and indirect, costs incurred by the depart-  
25 ment from participation in the agreement. Any moneys collected under this paragraph shall be  
26 deposited in the Child Care Fund established under ORS 329A.273.

27 (b) Information provided to a private agency or organization facilitating the provision of respite  
28 services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed  
29 power of attorney under ORS 109.056 about the enrollment status of the persons described in sub-  
30 section (11)(c)(H) of this section shall be subject to an agreement with the private agency or or-  
31 ganization. The agreement must provide for the recovery of administrative, including direct and  
32 indirect, costs incurred by the department from participation in the agreement. Any moneys col-  
33 lected under this paragraph shall be deposited in the Child Care Fund established under ORS  
34 329A.273.

35 (c) Information provided to a private agency or organization about the enrollment status of the  
36 persons described in subsection (11)(c)(I) of this section shall be subject to an agreement with the  
37 private agency or organization. The agreement must provide for the recovery of administrative, in-  
38 cluding direct and indirect, costs incurred by the department from participation in the agreement.  
39 Any moneys collected under this paragraph shall be deposited in the Child Care Fund established  
40 under ORS 329A.273.

41 **SECTION 51.** ORS 329A.275 is amended to read:

42 329A.275. (1) The Early Learning Council shall adopt rules establishing fees for certification,  
43 registration and recording under ORS 329A.250 to 329A.450.

44 (2) Subject to prior approval of the Oregon Department of Administrative Services and a report  
45 to the Legislative Assembly prior to adopting the fees and charges, the fees and charges established

1 under ORS 181A.195, 329A.030 and 329A.250 to 329A.450 may not exceed the cost of administering  
2 the program of the Department of Early Learning and Care pertaining to the purpose for which the  
3 fee is established, as authorized by the Legislative Assembly within the budget of the Department  
4 of Early Learning and Care.

5 (3) Notwithstanding subsection (2) of this section and any other provision of this chapter, the  
6 following fees established by the Early Learning Council under ORS 329A.030 and 329A.250 to  
7 329A.450 may not exceed:

- 8 (a) For Certified Family Child Care Home Initial Certification, \$25;
- 9 (b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;
- 10 (c) For Child Care Center Initial Certification, \$100;
- 11 (d) For Child Care Center Annual Fee Per Certified Space, \$2;
- 12 (e) For Registered Family Child Care Home Registration, \$30;
- 13 (f) For Preschool Recorded Program Recording, \$20;
- 14 (g) For School-Age Recorded Program Recording, \$20;
- 15 (h) For administering a class on child care abuse and neglect issues, \$10; and
- 16 (i) For enrollment in the Central Background Registry, the cost of administering the program,  
17 including fees for:

- 18 (A) Duplicate enrollment in the Central Background Registry;
- 19 (B) Law Enforcement Data System criminal records check; and
- 20 (C) Federal Bureau of Investigation fingerprint check.

21 (4) The Early Learning Council, by rule, shall waive the fees described in subsection (3)(i) of this  
22 section for an employee of or volunteer with a private agency or organization that facilitates the  
23 provision of respite services, as defined in ORS [418.205 (2)(c)(B)] **418.215 (2)(b)**, for parents pursuant  
24 to a properly executed power of attorney under ORS 109.056.

25 **NOTE:** Sections 52 through 55 were deleted by amendment. Subsequent sections were not re-  
26 numbered.

27 **SECTION 56.** ORS 418.246 is amended to read:

28 418.246. (1) In addition to any requirements for licensure established by the Department of Hu-  
29 man Services, each outdoor youth program that is applying for licensure as a child-caring agency  
30 shall file with the department a bond in the amount of \$50,000 or 50 percent of the program's yearly  
31 budget, whichever amount is less. The bond shall be issued by a surety company or an insured in-  
32 stitution, as defined in ORS 706.008, authorized to do business in this state.

33 (2) The bond required under subsection (1) of this section shall be continuous until canceled and  
34 shall remain in full force and unimpaired at all times to comply with this section. The surety or  
35 insured institution shall give the department at least 30 days' written notice before it cancels or  
36 terminates its liability under the bond.

37 (3) An action on the bond may be brought by any person aggrieved by the misconduct of an  
38 outdoor youth program required to be licensed under ORS 418.205 to 418.327.

39 (4)(a) **As used in this section, "outdoor youth program" means a program that provides,**  
40 **in an outdoor living setting, services to children who have behavioral problems, mental**  
41 **health problems or problems with abuse of alcohol or drugs.**

42 (b) **"Outdoor youth program" does not include any program, facility or activity:**

- 43 (A) **Operated by a governmental entity;**
- 44 (B) **Operated by or affiliated with the Oregon Youth Corps;**
- 45 (C) **Licensed by the Department of Human Services under the authority of the depart-**

1 **ment other than ORS 418.205 to 418.327; or**

2 **(D) Operated by a youth job development organization, as defined in ORS 344.415.**

3 **SECTION 57.** ORS 418.330 is amended to read:

4 418.330. (1) As used in this section:

5 (a) "Child" means:

6 (A) A person under 18 years of age;

7 (B) A person under 21 years of age if the Department of Human Services determines that the  
8 person has a mental or physical disability that warrants the continuation of assistance; or

9 (C) A person who has attained 18 years of age and:

10 (i) On whose behalf payments under this section were received prior to the person attaining 18  
11 years of age, provided the person was at least 16 years of age at the time the payments commenced;

12 (ii) Has not attained 21 years of age; and

13 (iii)(I) Is completing secondary education or a program leading to an equivalent credential;

14 (II) Is enrolled in an institution or program that provides post-secondary or vocational educa-  
15 tion;

16 (III) Is participating in a program or activity designed to promote, or remove barriers to, em-  
17 ployment;

18 (IV) Is employed for at least 80 hours per month; or

19 (V) Is incapable of doing any of the activities described in sub-sub-subparagraphs (I) to (IV) of  
20 this sub-subparagraph due to a medical condition, which incapability is supported by regularly up-  
21 dated documentation.

22 (b) "Nonrecurring adoption or guardianship expenses" means reasonable and necessary adoption  
23 or guardianship fees, court costs, attorney fees and other expenses that are directly related to the  
24 adoption of, or establishment of a guardianship for, a child with special needs and that are not in-  
25 curred in violation of state or federal law.

26 (2) The department may make payments to adoptive parents or guardians on behalf of a child  
27 placed for adoption or establishment of a guardianship by the department, or placed for adoption  
28 by an approved child-caring agency, **as defined in ORS 418.205**, when the department determines:

29 (a) The child has special needs because of an impediment to adoptive placement or establishment  
30 of a guardianship by reason of the child's physical or mental condition, race, age, or membership in  
31 a sibling group; or

32 (b) The adoptive family or guardian is capable of providing the permanent family relationships  
33 needed by the child in all respects other than financial, and the needs of the child are beyond the  
34 economic ability and resources of the family.

35 (3) Payments to subsidize adoptions or guardianships made under subsection (2) of this section:

36 (a) Shall include payment of nonrecurring adoption or guardianship expenses incurred by or on  
37 behalf of adoptive parents or guardians in connection with the adoption of, or establishment of a  
38 guardianship for, a child with special needs;

39 (b) May include, but are not limited to, the maintenance costs, medical and surgical expenses,  
40 and other costs incidental to the care, training and education of the child;

41 (c) May not exceed the cost of providing comparable assistance in foster care; and

42 (d) May not be made:

43 (A) For a child who has not attained 18 years of age, when the adoptive parents or guardians  
44 are no longer legally responsible for the support of the child; or

45 (B) When the child is no longer receiving any support from the adoptive parents or guardians.

1 (4) Adoptive parents or guardians receiving payments under subsection (2) of this section shall  
2 inform the department of circumstances that would make the adoptive parents or guardians:

3 (a) Ineligible to receive the payments; or

4 (b) Eligible to receive the payments in a different amount.

5 **SECTION 58.** ORS 418.625 is amended to read:

6 418.625. As used in ORS 418.625 to 418.645:

7 (1) "Certificate" means a written approval to operate a foster home issued by the Department  
8 of Human Services on a form prescribed by the department that states the name of the foster parent,  
9 the address of the premises to which the certificate applies and the maximum number of children  
10 to be maintained or boarded in the foster home at any one time.

11 (2) "Department" means the Department of Human Services.

12 (3)(a) "Foster home" means any home maintained by a person who has under the care of the  
13 person in the home any child under the age of 21 years unattended by the child's parent or guardian,  
14 for the purpose of providing the child with care, food and lodging[, *but does not include*:].

15 **(b) "Foster home" does not include:**

16 [(a)] **(A)** Any boarding school that is essentially and primarily engaged in educational work;

17 [(b)] **(B)** Any home in which a child is provided board and room by a school board;

18 [(c)] **(C)** Any foster home under the direct supervision of a child-caring agency or institution  
19 certified by the department;

20 [(d)] **(D)** Any home under the direct supervision of a custodial parent for the purpose of pro-  
21 viding respite care as defined by rule;

22 [(e)] **(E)** Any developmental disability child foster home as defined in ORS 443.830; or

23 [(f)] **(F)** Any home of a provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**,  
24 for parents pursuant to a properly executed power of attorney under ORS 109.056.

25 **NOTE:** Section 59 was deleted by amendment. Subsequent sections were not renumbered.

26 **SECTION 60.** ORS 419C.620 is amended to read:

27 419C.620. (1) When required by the court, the Oregon Youth Authority or a private agency  
28 having guardianship or legal custody of an adjudicated youth pursuant to court order shall file re-  
29 ports on the adjudicated youth with the juvenile court that entered the original order concerning  
30 the adjudicated youth.

31 (2) A county juvenile department shall file a report with the juvenile court under this section  
32 if an adjudicated youth remains under juvenile department care for six consecutive months from the  
33 date of initial placement and:

34 (a) The county juvenile department is a county program, as defined in ORS [418.205] **418.215**;

35 (b) The county juvenile department is participating in programs related to Title IV-E of the So-  
36 cial Security Act;

37 (c) The county juvenile department has responsibility for the care and placement of the adjudi-  
38 cated youth; and

39 (d) The placement is not a detention facility.

40 **SECTION 61.** ORS 704.023 is amended to read:

41 704.023. In addition to meeting the requirements in ORS 704.020, any person who provides out-  
42 fitting and guiding services for outdoor youth programs, as defined in ORS [418.205] **418.246**, shall  
43 furnish proof of a current child-caring agency license for outdoor youth programs from the Depart-  
44 ment of Human Services prior to being registered as an outfitter and guide.

45

MISCELLANEOUS

1  
2  
3  
4  
5  
6  
7  
8  
9

**SECTION 62.** The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

**SECTION 63.** This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.

---