

A-Engrossed House Bill 3835

Ordered by the House April 9
Including House Amendments dated April 9

Sponsored by Representatives NOSSE, DIEHL; Representative JAVADI (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.

[Prescribes procedures for parental admission of a minor child for inpatient behavioral health treatment. Modifies provisions regarding when minors may consent or withhold consent to treatment.]

[Establishes the Oregon Institute for Youth Health Systems.]

Directs the System of Care Advisory Council to submit reports to the interim committees of the Legislative Assembly related to 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, 339.285, 339.287, 339.288, 339.291, 339.294, 339.297, 339.300, 339.303, 339.308, 343.154, 418.016, 418.190, 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, 418.475, 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, 419C.620, 430.735 and 704.023 and section 13, chapter 581, Oregon Laws 2023; repealing ORS 339.296 and sections 8, 12 and 14, chapter 581, Oregon Laws 2023; 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; and

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.

Whereas aligning definitions of child abuse in treatment settings and schools will ensure workers and providers are supported in upholding the highest safety and care standards in the nation, while improving retention and access to care; now, therefore,

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

CHILD ABUSE

(Use of Restraint and Seclusion on Children)

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

(a) **“Chemical restraint” means a medication that is:**

(A) **Administered to a child to control the child’s behavior and restrict the child’s freedom of movement; and**

(B) **Not a standard treatment for the child’s medical or psychiatric condition.**

(b) **“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.**

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

(d)(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.**

(e) **“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.**

(f) **“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.**

(g) **“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.**

(h) **“Public education program” has the meaning given that term in ORS 339.285.**

(i) **“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;**

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

(C) **An employee of a public education program or of a school district.**

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

(B) "Restraint" does not include the temporary restriction of the child's movement as described in subsection (3)(b) of this section.

(2)(a) A responsible individual places a child in wrongful seclusion if, except as provided in paragraph (b) of this subsection, the individual places the child in involuntary seclusion for discipline, punishment, retaliation or the convenience of one or more responsible individuals described in subsection (1)(i) of this section.

(b) Involuntary seclusion of a child is not wrongful seclusion under this subsection if the involuntary seclusion is an age-appropriate form of discipline, including but not limited to a time-out or reasonable action, as defined by the department by rule, that aligns with the developmental stage and individualized needs of the child.

(3) A responsible individual places a child in a wrongful 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 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.

SECTION 2. ORS 339.285 is amended to read:

339.285. As used in ORS 339.285 to 339.303:

(1) "Involuntary seclusion" has the meaning given that term in section 1 of this 2025 Act.

[(1)] (2) "Public education program" means a program in this state that:

(a) Is for students in early childhood education, elementary school or secondary school;

(b) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and

(c) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.

[(2)(a)] *"Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.]*

[(b)] *"Restraint" does not include:]*

[(A)] *Holding a student's hand or arm to escort the student safely and without the use of force from one area to another;]*

[(B)] *Assisting a student to complete a task if the student does not resist the physical contact; or]*

[(C)] *Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under ORS 339.288 and the intervention is necessary to:]*

[(i)] *Break up a physical fight;]*

[(ii)] *Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or]*

[(iii)] *Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.]*

[(3)(a)] *"Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.]*

[(b)] *"Seclusion" does not include the removal of a student for a short period of time to provide the*

student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving.]

[(4) "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.]

(3) "Restraint" has the meaning given that term in section 1 of this 2025 Act.

SECTION 3. ORS 339.288 is amended to read:

339.288. (1) The use of the following types of restraint on a student in a public education program is prohibited:

(a) Chemical restraint.

(b) Mechanical restraint.

(c) Prone restraint.

(d) Supine restraint.

(e) Any restraint that involves the intentional and nonincidental use of a solid object, including **the ground**, a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.

(f) Any restraint that places, or creates a risk of placing, pressure on a student's neck or throat.

(g) Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.

(h) Any restraint that impedes, or creates a risk of impeding, breathing.

(i) Any restraint that involves the intentional placement of *[the hands, feet, elbow, knee or any object]* **any object or a hand, knee, foot or elbow** on a student's neck, throat, genitals or other intimate parts.

(j) Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on *[the]* **a student's** stomach, **chest, joints, throat** or back by a knee, foot or elbow *[bone]*.

(k) Any action designed for the primary purpose of inflicting pain.

(L) A wrongful restraint of a student, as described in section 1 of this 2025 Act.

(2) As used in this section:

(a) "Chemical restraint" *[means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:]*

[(A) Prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition; and]

[(B) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.] **has the meaning given that term in section 1 of this 2025 Act.**

(b)(A) "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

(B) "Mechanical restraint" does not include:

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

(ii) A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

(c) "Prone restraint" means a restraint in which a student is held face down on the floor.

(d) "Supine restraint" means a restraint in which a student is held face up on the floor.

SECTION 4. ORS 339.291 is amended to read:

339.291. (1) Restraint or **involuntary** seclusion may not be used for discipline, punishment, retaliation or convenience of personnel, contractors or volunteers of a public education program **or school district**.

[(2)(a) *Restraint may be used on a student in a public education program only under the following circumstances:*]

[(A) *The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and*]

[(B) *Less restrictive interventions would not be effective.*]

[(b) *Seclusion may be used on a student in a public education program only under the following circumstances:*]

[(A) *The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and*]

[(B) *Less restrictive interventions would not be effective.*]

(2)(a) Restraint may be used on a student in a public education program only if the restraint is imposed by personnel of the public education program or school district and if:

(A) The student's behavior poses a reasonable risk of imminent serious physical harm to the student or others, including animals;

(B) A less restrictive intervention will not effectively reduce that risk;

(C) The least amount of physical force or contact necessary to mitigate that risk is used;

(D) The restraint used is not prohibited under ORS 339.288; and

(E) The restraint used is not wrongful restraint, as described in section 1 of this 2025 Act.

(b) A student in a public education program may be placed in involuntary seclusion only if:

(A) The student's behavior poses a reasonable risk of imminent serious physical harm to the student or others, including animals;

(B) A less restrictive intervention will not effectively reduce that risk; and

(C) The involuntary seclusion used is not wrongful seclusion, as described in section 1 of this 2025 Act.

(3) Notwithstanding subsections (1) and (2) of this section, personnel of a public school program or school district may physically intervene, without immobilizing a student, if the intervention is necessary to break up a physical fight or to effectively protect a person from an assault, other serious physical harm or sexual contact.

[(3)] **(4) If restraint or involuntary seclusion is used on a student as permitted in subsection (2) of this section, the restraint or involuntary seclusion [must be]:**

(a) May be used only for as long as the student's behavior poses a reasonable risk as described in subsection (2) of this section;

(b) May be imposed only by personnel of the public education program or school district who are:

(A) Trained to use restraint or involuntary seclusion through programs described in ORS 339.300; or

(B) Otherwise available [in the case of an emergency circumstance when] if, due to the unforeseeable nature of the emergency circumstance, personnel described in subparagraph (A) of this paragraph are not immediately available [due to the unforeseeable nature of the emergency circumstance]; and

(c) **Must be** continuously monitored by personnel of the public education program **or school district** for the duration of the restraint or **involuntary** seclusion.

[(4) In addition to the requirements described in subsection (3) of this section, if restraint or seclusion continues for more than 30 minutes:]

[(a) The student must be provided with adequate access to the bathroom and water every 30 minutes;]

(5) In addition to the requirements described in subsection (4) of this section, if restraint or involuntary seclusion continues for more than 10 minutes:

(a) The student must be provided with adequate access to the bathroom and water at least as often as prescribed by the Department of Education by rule;

(b) Personnel of the public education program **or school district** must immediately attempt to verbally or electronically notify a parent or guardian of the student; and

(c) *[Every 15 minutes after the first 30 minutes of the restraint or seclusion,]* **Every five minutes after the first 10 minutes of the restraint or involuntary seclusion,** an administrator for the public education program must provide written authorization for the continuation of the restraint or **involuntary** seclusion, including providing documentation for the reason the restraint or **involuntary** seclusion must be continued.

SECTION 5. ORS 339.294 is amended to read:

339.294. (1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or **involuntary** seclusion.

(2) Following an incident involving the use of restraint or **involuntary** seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.

(b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or **involuntary** seclusion, including:

(i) The date of the restraint or **involuntary** seclusion;

(ii) The times when the restraint or **involuntary** seclusion began and ended; and

(iii) The location of the restraint or **involuntary** seclusion.

(B) A description of the student's activity that prompted the use of restraint or **involuntary** seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or **involuntary** seclusion that were attempted.

(D) The names of the personnel of the public education program **or school district** who administered the restraint or **involuntary** seclusion.

(E) A description of the training status of the personnel of the public education program **or school district** who administered the restraint or **involuntary** seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this section.

(c) Timely notification of a debriefing meeting to be held as provided by subsection (4) of this section and the parent's or guardian's right to attend the meeting.

(d) Immediate, written notification of the existence of a record described in subsection (9) of this section.

(3) If the personnel *[of the public education program]* who administered the restraint or **involuntary** seclusion had not received training as provided by ORS 339.300, the administrator of the

public education program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:

(a) The lack of training; and

(b) The reason the restraint or **involuntary** seclusion was administered by a person without training.

(4)(a) A debriefing meeting related to the use of restraint or **involuntary** seclusion must be held within two school days of the incident and must include all personnel of the public education program **or school district** who were involved in the incident and any other appropriate personnel.

(b) Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

(5) If a student is involved in five incidents in a school year involving restraint or **involuntary** seclusion, a team consisting of personnel of the public education program **or school district** and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If [*serious bodily injury*] **serious physical injury, as defined in ORS 161.015**, or death of a student occurs in relation to the use of restraint or **involuntary** seclusion:

(a) Oral notification of the incident must be provided immediately to a parent or guardian of the student and to the Department of Human Services; and

(b) Written notification of the incident must be provided within 24 hours of the incident to the department.

(7) [*If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion,*] **If, in connection with the use of a restraint or involuntary seclusion, personnel of the public education program or school district die, the public education program or school district shall provide** written notification of the incident [*must be provided*] within 24 hours of the incident to the district superintendent, to the Superintendent of Public Instruction and, if applicable, to the union representative for the affected party.

(8) A public education program shall maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or **involuntary** seclusion.

(9)(a) A public education program shall preserve, and may not destroy, any records related to an incident of restraint or **involuntary** seclusion, including an audio or video recording. The records must be preserved in the original format and without any alteration.

(b) The public education program shall review any audio or video recording preserved under this subsection at the debriefing meeting described in subsection (4) of this section.

(10)(a) At the request of a student's parent or guardian, a public education program shall disclose records preserved under this section to the parent or guardian. To the extent practicable without altering the meaning of the record, the public education program shall segregate or redact from a record disclosed under this paragraph any personally identifiable information of other students. If the public education program is unable to segregate or redact personally identifiable information of other students without altering the meaning of the record, the public education program shall disclose the record to the student's parent or guardian in its original format and without any alteration.

(b) If the department is investigating the incident of restraint or **involuntary** seclusion as suspected child abuse, at the request of the department, the public education program shall disclose to the department or the department's designee any records preserved under this section that are relevant to the department's investigation. The public education program shall disclose any record

under this paragraph in its original format and without any alteration.

SECTION 6. ORS 339.303 is amended to read:

339.303. The State Board of Education shall adopt by rule:

(1) A process for an organization or an individual to submit to the Superintendent of Public Instruction a written, signed complaint alleging that a public education program **or school district** is violating or has violated a provision of ORS 339.285 to 339.303 **or 339.308**. *[The complaint must indicate that, prior to submitting the complaint to the superintendent, the organization or individual attempted to seek a remedy for the complaint from the board or governing body overseeing the entity that has jurisdiction over the public education program against which the complaint is being submitted.]*

(2) A process for investigating a complaint submitted under subsection (1) of this section. **The rules must:**

(a) **Require that the Department of Education investigate the complaints;**

(b) **Direct that public education programs and school districts must cooperate with the investigation;**

(c) **Require that the investigation be completed and notification of the final determination must be made to the education provider within 90 calendar days following the date on which the complaint was filed with the superintendent;**

(d) **Permit the timeline described in paragraph (c) of this subsection to be extended if the department determines that, for good cause, a longer period of time is necessary;**

(e) **Require the department, upon completion of an investigation, to notify:**

(A) **The public education program or school district accused of violating ORS 339.285 to 339.303 or 339.308;**

(B) **The student, the student's parents or legal guardian; and**

(C) **The person who made the complaint, if known by the department; and**

(f) **Make the subject of the investigation the public education program or school district and not specific personnel who may have placed a student in a restraint, involuntary seclusion or a room described in subsection (3) of this section.**

(3) The minimum standards for any rooms used by a public education program for **involuntary** seclusion of a student. The standards must:

(a) Take into account the health and safety of students and personnel of the public education program and the respect and dignity of students; and

(b) Include consideration of the size, safety features, lighting and ventilation of the rooms.

SECTION 7. ORS 343.154 is amended to read:

343.154. (1) As used in this section:

(a) "Behavior intervention plan" means an individualized plan, including positive interventions, designed to:

(A) Assist a student to decrease inappropriate behavior; and

(B) Increase or teach an alternative appropriate behavior.

(b) "504 Plan" means an education plan developed for a student in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

(c) "Functional behavioral assessment" means an individualized assessment of a student that results in a hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan.

[(d) "Serious bodily injury" has the meaning given that term in ORS 339.285.]

1 [(e)] (d) "Service provider" includes school personnel who:

2 (A) Are or will be providing services related to the implementation of an individualized educa-
3 tion program or a 504 Plan to the student; and

4 (B) Do not hold a teaching license or an administrative license.

5 (2) A school district must conduct a functional behavioral assessment and develop, review or
6 revise a behavior intervention plan within 45 school days of receiving parental consent to conduct
7 the assessment for every student who has:

8 (a) An individualized education program or a 504 Plan; and

9 (b) Placed the student, other students or staff at imminent risk of *[serious bodily injury]* **serious**
10 **physical harm** as a result of the student's behavior.

11 (3) When a behavior intervention plan is developed, reviewed or revised as provided by sub-
12 section (2) of this section, the school district must:

13 (a) Ensure that the behavior intervention plan is based on a functional behavioral assessment
14 that was conducted by a qualified person;

15 (b) Ensure that the behavior intervention plan appropriately addresses the student's needs;

16 (c) Allow service providers involved in the incident when the student, other students or staff
17 were at imminent risk of *[serious bodily injury]* **serious physical harm** to provide meaningful input
18 into the development, review or revision;

19 (d) Inform the service providers about any portions of the behavior intervention plan that are
20 relevant to the service providers and about any training opportunities for the service providers; and

21 (e) Ensure that the behavior intervention plan was correctly implemented before making any
22 revisions.

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

24 418.241. (1) As used in this section:

25 (a) "Certified foster home" means a foster home certified by the Department of Human Services
26 and subject to ORS 418.625 to 418.645.

27 (b) "Child-caring agency" has the meaning given that term under ORS 418.205.

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

31 [(d)] *"Secure escort" means escort services for a child who poses a risk of elopement or where re-*
32 *straint or seclusion may be utilized if the child poses a risk of injury to self or others, and as further*
33 *defined by the department by rule.]*

34 [(e)] *"Secure nonemergency medical transportation provider" means a private organization or person*
35 *that provides nonemergency medical secure transportation services subject to rules adopted by the*
36 *Oregon Health Authority.]*

37 [(f)] *"Secure transportation" means the transport of a child in a vehicle specifically equipped to*
38 *prevent a passenger from exiting, eloping or interfering with the operator of the vehicle, and as further*
39 *defined by the department by rule.]*

40 [(g)] (d) "Secure transportation services" means the *[secure transportation or secure escort of*
41 *children.]* **nonmedical transport of a child in either a specifically equipped vehicle or standard**
42 **vehicle and as further described by the department by rule.**

43 (2) The department shall adopt rules consistent with this section for the issuance, under ORS
44 418.215 and 418.240, of licenses to provide secure transportation services to providers that are
45 child-caring agencies solely as the result of providing secure transportation services as described in

ORS [418.205 (2)(a)(B)] **418.215 (1)(b)** and for the issuance of supplemental licenses to child-caring agencies described in ORS [418.205 (2)(a)(A)] **418.215 (1)(a)** that also provide secure transportation services as described in ORS [418.205 (2)(a)(B)] **418.215 (1)(b)**.

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

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

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

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

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

(iii) The transportation [*or escort*] is provided consistent with the rules adopted by the department under this section.

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

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

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

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

(iii) The transportation [*or escort*] is provided consistent with the rules adopted by the department under this section.

(b) The licensing exemptions under paragraph [(a)(B) and (D)] **(a)(A) and (B)** of this subsection do not apply if the child-caring agency or developmental disabilities residential facility is transporting the child for the purposes of placing the child in a facility that is not licensed by the department or in a hospital that is not licensed by the authority.

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

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

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

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

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

authorized by the authority to provide secure transportation services.

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

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

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

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

(a) Commits an act that causes physical injury to the child in care if the act is nonaccidental or if the injury appears to be at variance with the individual's explanation of the act causing the injury.

(b) Neglects the child in care by:

(A) Failing to provide the care, supervision or services necessary to maintain the physical and mental health of the child in care; or

(B) Failing to make reasonable efforts to protect the child in care from abuse as described in this section or ORS 419B.005.

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Sexual harassment of the child in care;

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

(C) Sexual contact, as defined in ORS 163.305, with the child in care that is unlawful under ORS chapter 163; or

(D) Sexual contact, as defined in ORS 163.305, with the child in care that is achieved through force, trickery, threat or coercion.

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

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

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

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

(3) As used in this section:

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

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

SECTION 11. ORS 418.257 is amended to read:

418.257. As used in ORS 418.257 to 418.259:

[(1) "Abuse" means one or more of the following:]

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

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

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

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

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

[(f) Verbal abuse.]

[(g) Financial exploitation.]

[(h) Sexual abuse.]

[(i) The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521 or

418.523.]

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

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

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

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

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

(B) A certified foster home; [or]

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

(D) An adjudicated youth foster home.

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

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

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

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

[(B)] *Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys or property of the child in care if the child would reasonably believe that the threat conveyed would be carried out.*]

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

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

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

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

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

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

(a) Any city or municipal police department.

(b) Any county sheriff’s office.

(c) The Oregon State Police.

(d) Any district attorney.

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

[(9)] “Neglect” means:]

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

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

in care from abuse.]

[(10) "Restraint" has the meaning given that term in ORS 418.519.]

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

[(12) "Sexual abuse" means:]

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

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

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

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

[(13) "Sexual contact" has the meaning given that term in ORS 163.305.]

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

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

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

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

SECTION 12. ORS 418.519 is amended to read:

418.519. As used in ORS 418.519 to 418.532:

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

(2) "Certified foster home" means a foster home subject to ORS 418.625 to 418.645.

[(2)] (3) "Chemical restraint" [means a drug or medication that is administered to a child in care to control behavior or restrict freedom of movement.] has the meaning given that term in section 1 of this 2025 Act.

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

[(4)] (5) "Child in care" has the meaning given that term in ORS 418.257.

[(5)] (6) "Children's emergency safety intervention specialist" means a qualified mental health professional licensed to order, monitor and evaluate the use of involuntary seclusion and restraint in accredited and certified facilities that provide intensive mental health treatment services to individuals under 21 years of age.

[(6)] (7) "Developmental disabilities residential facility" has the meaning given that term in ORS 418.257.

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

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

(8) "Involuntary seclusion" has the meaning given that term in section 1 of this 2025 Act.

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

(b) “Mechanical restraint” does not include:

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

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

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

[(10)] (11) “Program” means:

(a) A child-caring agency;

(b) A proctor foster home; or

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

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

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

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

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

[(15)] (16) “Secure children’s inpatient treatment program” means a child-caring agency that is an intensive treatment services program, as described by the authority by rule, that provides inpatient psychiatric stabilization and treatment services to children under 14 years of age who require a secure intensive treatment setting.

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

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

SECTION 13. ORS 418.521 is amended to read:

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

(2) Except as provided in ORS 418.523 [(4)] (5), the use of the following types of restraint of a child in care are prohibited:

(a) Chemical restraint.

(b) Mechanical restraint.

(c) Prone restraint.

(d) Supine restraint.

(e) Any restraint that includes the intentional and nonincidental use of a solid object, including the ground, a wall or the floor, to impede a child in care’s movement **unless the restraint is nec-**

essary to prevent an imminent life-threatening injury or to gain control of a weapon.

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

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

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

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

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

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

(L) A wrongful restraint as described in section 1 of this 2025 Act.

SECTION 14. ORS 418.523 is amended to read:

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

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

(b) **The least amount of physical force and contact necessary is used to prevent a reasonable risk of serious physical harm;**

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

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

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

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

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

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

[(c) Using a physical intervention if:]

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

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

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

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

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

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

(3) Notwithstanding subsection (1) or (2) of this section, a child-caring agency, proctor foster home, certified foster home, adjudicated youth foster home or developmental disabili-

ties residential facility may physically intervene, without immobilizing the child in care, if the intervention is necessary to break up a physical fight or to effectively protect a person from an assault, other serious physical harm or sexual contact.

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

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

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

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

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

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

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

[(F)] (f) One or more individuals with current cardiopulmonary resuscitation training are present for the duration of the restraint;

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

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

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

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

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

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

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

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

(a) The program must provide the child in care with adequate access to the bathroom and water [at least every 30 minutes] **at least as often as prescribed by the department by rule**; and

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

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

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

SECTION 15. ORS 418.526 is amended to read:

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

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

(b) The program shall immediately provide the Department of Human Services with written notification of the incident and true copies of any record maintained under this subsection.

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

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

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

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

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

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

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

(b) The written notice must include:

(A) A description of the restraint or involuntary seclusion, the date of the restraint or involuntary seclusion, the times when the restraint or involuntary seclusion began and ended and the location of the restraint or involuntary seclusion.

(B) A description of the child in care's activity that necessitated the use of restraint or involuntary seclusion.

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

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

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

(iii) If an individual identified in this subparagraph was not certified or trained in the type of restraint or involuntary seclusion used, or if the individual's certification or training was not current, a description of the individual's certification or training deficiency and the reason an individual without the proper certification or training was involved in the restraint or involuntary seclusion.

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

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

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

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

SECTION 16. ORS 418.529 is amended to read:

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

(b) The department shall designate *[two or three]* **at least four** nationally recognized providers of crisis intervention training that meet the department's training standards and whose certifications issued upon completion of the training programs the department will recognize as satisfying the department's certification requirements.

(c) **The department shall appoint an advisory committee to provide the department with recommendations regarding the selection of providers of crisis intervention training under this subsection. The department shall include as members of the advisory committee individuals who, as children, gained lived experience in the use of restraint or involuntary seclusion, and the families of those individuals.**

- 1 (2) The department's rules under this section must:
 - 2 (a) Ensure consistency of training and professional development across all programs;
 - 3 (b) Require the teaching of techniques for nonviolent crisis intervention that do not require re-
4 straint;
 - 5 (c) Focus on de-escalation and trauma-informed behavioral support as the core of a training
6 program;
 - 7 (d) Offer options for certification in skills that do not include the use of restraint to improve
8 agency-wide safety, culture and trauma-informed practices;
 - 9 (e) Prioritize, **by means of explicit policy**, the reduction or elimination of the use of restraint
10 and involuntary seclusion;
 - 11 (f) Ensure that any physical intervention skills taught are trauma-informed, age-appropriate and
12 developmentally appropriate for children in care, reduce the risk of physical or emotional harm and
13 are consistent with all state and federal laws;
 - 14 (g) Include training to identify the physical, psychological and emotional risks for children and
15 program staff related to the use of restraint and involuntary seclusion;
 - 16 (h) Ensure fidelity of training through the publication of consistent training materials and re-
17 sources for certified instructors and certified program staff;
 - 18 (i) Include requirements for instructor training and certification; and
 - 19 (j) Require regular, ongoing support to certified instructors, including quality control, monitor-
20 ing of outcomes and provision of information regarding networks for professional collaboration and
21 support.
- 22 (3) The department's rules must require that training instructors:
 - 23 (a) Be certified to conduct the type of training the instructor is providing;
 - 24 (b) Complete a minimum of 26 hours of initial education with a focus on de-escalation, nonviolent
25 intervention and methods consistent with the department's rules for the use of [*physical*
26 *intervention*] **restraint**;
 - 27 (c) Complete a minimum of 12 hours of continuing education every two years;
 - 28 (d) Be recertified at least once every two years; and
 - 29 (e) Demonstrate written and physical competency before receiving certification or recertif-
30 ication.
- 31 (4) The department's rules must provide that an individual who places a child in care in a pro-
32 gram in a restraint must be certified in the use of the specific type of restraint used. The
33 department's rules must describe the minimum certification requirements, including:
 - 34 (a) Completion of a minimum of 12 hours of initial training in person from an instructor certified
35 as provided in subsection (3) of this section, including at least six hours of training in positive be-
36 havior support, nonviolent crisis intervention and other methods of nonphysical intervention to
37 support children in care in crisis;
 - 38 (b) Annual continuing education with a certified instructor; and
 - 39 (c) Demonstration of a mastery of the training program material both in writing and by physical
40 competency before receiving certification.
- 41 (5) A certification issued under this section:
 - 42 (a) Must be personal to the individual certified by the training provider;
 - 43 (b) May be valid for no more than two years without recertification;
 - 44 (c) Must require annual continuing education to maintain;
 - 45 (d) Must require additional training to renew the certification;

(e) Must be portable between employers; and

(f) Must include:

(A) The dates during which the certification is current;

(B) The types of restraint in which the individual is certified, if any;

(C) The types of training the individual is certified to conduct, if any;

(D) Any special endorsements earned by the individual;

(E) The level of training; and

(F) The name of the certified instructor who conducted the training and administered the assessment of proficiency.

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

SECTION 17. ORS 418.532 is amended to read:

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

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

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

(c) Assures the child in care that the child will not experience retaliation for reporting suspected [*inappropriate uses of restraint or involuntary seclusion*] **use of wrongful restraint or wrongful seclusion, as described in section 1 of this 2025 Act;** and

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

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

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

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

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

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

419A.245. (1) [*During the transportation of a youth, adjudicated youth, young person, ward or child by the Department of Human Services, the Oregon Health Authority or an agent of the department or authority:*] **The Oregon Health Authority or an agent of the authority may use restraints during the transportation of a youth, adjudicated youth or young person as provided in this section.**

(2) **Prior to using restraints during the transportation of a youth, adjudicated youth or young person, the authority shall create a transportation safety plan, including documentation of the need for restraints. The transportation safety plan must address intervention strategies designed to modify behavior without the use of restraints and recommend the**

least restrictive effective alternative.

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

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

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

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

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

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

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

(Abuse Reports and Investigations)

SECTION 19. ORS 418.190 is amended to read:

418.190. (1) As used in this section, “abuse reporting hotline” means a statewide toll-free telephone number operated by the Department of Human Services for reporting suspected abuse.

(2) The department shall develop and maintain a centralized child abuse reporting system. The system must include *[the]* **an** abuse reporting hotline for oral reports of suspected abuse and *[a]* **may include a** website for electronic reports of suspected child abuse.

SECTION 20. ORS 339.296 and sections 8, 12 and 14, chapter 581, Oregon Laws 2023, are repealed.

SECTION 21. Section 13, chapter 581, Oregon Laws 2023, is amended to read:

Sec. 13. (1) Section 2, **chapter 581, Oregon Laws 2023**, *[of this 2023 Act]* and the amendments to ORS 419B.005 by sections 3 and 4, **chapter 581, Oregon Laws 2023**, *[of this 2023 Act]* apply to incidents occurring on or after July 1, 2023.

(2) The amendments to ORS 419B.005 by sections 5 and 6, **chapter 581, Oregon Laws 2023**, *[of this 2023 Act]* apply to incidents occurring on or after *[July 1, 2028]* **the effective date of this 2025 Act.**

[(3) *The quarterly report described in the amendments to ORS 419B.019 by section 7 of this 2023 Act is first due on January 1, 2024.*]

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

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

(1)(a) “Abuse” means:

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

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

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

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

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

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

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

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

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

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

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

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a substantial risk of harm to the child’s health or safety.

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

(L) Wrongful restraint or wrongful seclusion, as described in section 1 of this 2025 Act, of a child by a responsible individual, as defined in section 1 of this 2025 Act.

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

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

(2) “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.

(3) "Higher education institution" means:

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

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

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

(5) "Law enforcement agency" means:

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

(6) "Public or private official" means:

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

(b) Dentist.

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

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

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

(f) Peace officer.

(g) Psychologist.

(h) Member of the clergy.

(i) Regulated social worker.

(j) Optometrist.

(k) Chiropractor.

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

(m) Attorney.

(n) Licensed professional counselor.

(o) Licensed marriage and family therapist.

(p) Firefighter or emergency medical services provider.

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

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

(s) Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.

(t) Physical, speech or occupational therapist.

(u) Audiologist.

(v) Speech-language pathologist.

(w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.

(x) Pharmacist.

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

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

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

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

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

(i) Youth group or center;

(ii) Scout group or camp;

(iii) Summer or day camp;

(iv) Survival camp; or

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

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

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

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

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

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

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

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

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

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

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

SECTION 23. ORS 430.735, as amended by section 73, chapter 73, Oregon Laws 2024, is amended to read:

430.735. As used in ORS 430.735 to 430.765:

(1) "Abuse" means one or more of the following:

(a) Abandonment, including desertion or willful forsaking of an adult or the withdrawal or neglect of duties and obligations owed an adult by a caregiver or other person.

(b) Any physical injury to an adult caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.

(c) Willful infliction of physical pain or injury upon an adult.

(d) Sexual abuse.

(e) Neglect.

(f) Verbal abuse of an adult.

(g) Financial exploitation of an adult.

(h) Involuntary seclusion of an adult for the convenience of the caregiver or to discipline the adult.

(i) A wrongful use of a physical or chemical restraint upon an adult, excluding an act of restraint prescribed by a physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse practitioner licensed under ORS 678.375 to 678.390 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.

(j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465 or 163.467.

(k) Any death of an adult caused by other than accidental or natural means.

[(L) The restraint or seclusion of an adult with a developmental disability in violation of ORS 339.288, 339.291 or 339.308.]

[(m) The infliction of corporal punishment on an adult with a developmental disability in violation of ORS 339.250 (9).]

(2) "Adult" means a person 18 years of age or older:

(a) With a developmental disability who is currently receiving services from a community program or facility or who was previously determined eligible for services as an adult by a community program or facility;

(b) With a severe and persistent mental illness who is receiving mental health treatment from a community program; or

(c) Who is receiving services for a substance use disorder or a mental illness in a facility or a state hospital.

(3) "Adult protective services" means the necessary actions taken to prevent abuse or exploitation of an adult, to prevent self-destructive acts and to safeguard the adult's person, property and funds, including petitioning for a protective order as defined in ORS 125.005. Any actions taken to protect an adult shall be undertaken in a manner that is least intrusive to the adult and provides for the greatest degree of independence.

(4) "Caregiver" means an individual, whether paid or unpaid, or a facility that has assumed responsibility for all or a portion of the care of an adult as a result of a contract or agreement.

(5) "Community program" includes:

(a) A community mental health program or a community developmental disabilities program as established in ORS 430.610 to 430.695; or

(b) A provider that is paid directly or indirectly by the Oregon Health Authority to provide mental health treatment in the community.

(6) "Facility" means a residential treatment home or facility, residential care facility, adult foster home, residential training home or facility or crisis respite facility.

(7) "Financial exploitation" means:

(a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an adult.

(b) Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out.

(c) Misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by an adult.

(d) Failing to use the income or assets of an adult effectively for the support and maintenance

1 of the adult.

2 (8) "Intimidation" means compelling or deterring conduct by threat.

3 (9) "Law enforcement agency" means:

4 (a) Any city or municipal police department;

5 (b) A police department established by a university under ORS 352.121 or 353.125;

6 (c) Any county sheriff's office;

7 (d) The Oregon State Police; or

8 (e) Any district attorney.

9 (10) "Neglect" means:

10 (a) Failure to provide the care, supervision or services necessary to maintain the physical and
11 mental health of an adult that may result in physical harm or significant emotional harm to the
12 adult;

13 (b) Failure of a caregiver to make a reasonable effort to protect an adult from abuse; or

14 (c) Withholding of services necessary to maintain the health and well-being of an adult that
15 leads to physical harm of the adult.

16 (11) "Public or private official" means:

17 (a) Physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505
18 to 677.525, naturopathic physician, psychologist or chiropractor, including any intern or resident;

19 (b) Licensed practical nurse, registered nurse, nurse's aide, home health aide or employee of an
20 in-home health service;

21 (c) Employee of the Department of Human Services or Oregon Health Authority, local health
22 department, community mental health program or community developmental disabilities program or
23 private agency contracting with a public body to provide any community mental health service;

24 (d) Peace officer;

25 (e) Member of the clergy;

26 (f) Regulated social worker;

27 (g) Physical, speech or occupational therapist;

28 (h) Information and referral, outreach or crisis worker;

29 (i) Attorney;

30 (j) Licensed professional counselor or licensed marriage and family therapist;

31 (k) Any public official;

32 (L) Firefighter or emergency medical services provider;

33 (m) Elected official of a branch of government of this state or a state agency, board, commission
34 or department of a branch of government of this state or of a city, county or other political subdi-
35 vision in this state;

36 (n) Personal support worker, as defined in ORS 410.600;

37 (o) Home care worker, as defined in ORS 410.600; or

38 (p) Individual paid by the Department of Human Services to provide a service identified in an
39 individualized service plan of an adult with a developmental disability.

40 (12) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
41 medical services, assistance with bathing or personal hygiene or any other service essential to the
42 well-being of an adult.

43 (13)(a) "Sexual abuse" means:

44 (A) Sexual contact with a nonconsenting adult or with an adult considered incapable of con-
45 senting to a sexual act under ORS 163.315;

(B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material or language;

(C) Any sexual contact between an employee of a facility or paid caregiver and an adult served by the facility or caregiver;

(D) Any sexual contact between an adult and a relative of the adult other than a spouse;

(E) Any sexual contact that is achieved through force, trickery, threat or coercion; or

(F) Any sexual contact between an individual receiving mental health or substance abuse treatment and the individual providing the mental health or substance abuse treatment.

(b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid caregiver who is the spouse of the adult.

(14) "Sexual contact" has the meaning given that term in ORS 163.305.

(15) "Verbal abuse" means to threaten significant physical or emotional harm to an adult through the use of:

(a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

(b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.

CHILD-CARING AGENCY REGULATION

SECTION 24. ORS 418.205 is amended to read:

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

(1) "Certified foster home" means a foster home subject to ORS 418.625 to 418.645.

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

[(2)(a)] **(3) "Child-caring agency" means a children's care or services provider that is required under ORS 418.215 to be licensed, certified or otherwise authorized by the Department of Human Services under ORS 418.240.[.]**

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

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

[(ii) Adoption placement services;]

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

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

[(v) Outdoor youth programs; or]

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

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

[(b) "Child-caring agency" includes the following:]

[(A) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;]

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

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

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

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

4 [(c) "Child-caring agency" does not include:]

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

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

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

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

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

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

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

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

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

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

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

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

26 [(5)] (4) "Governmental agency" means an executive, legislative or judicial agency, department,
27 board, commission, authority, institution or instrumentality of this state or of a county, municipality
28 or other political subdivision of this state.

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

30 (5) "Managers" means the individuals at the highest levels of an organization's leadership
31 who have significant responsibility for the operations, finances and overall governance of the
32 organization.

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

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

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

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

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

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

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

42 [(8)] (7) "Private" means not owned, operated or administered by any governmental agency or
43 unit.

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

45 [(a) A child-caring agency that is a private school that provides residential care in combination

with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances; or]

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

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

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

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

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

SECTION 25. ORS 418.210 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

SECTION 26. ORS 418.215 is amended to read:

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

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

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

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

2 (1) The following children's care or services providers must be licensed, certified or oth-
 3 erwise authorized by the Department of Human Services under ORS 418.240 to provide or
 4 engage in the provision of care or services described in ORS 418.205 to 418.327, 418.241,
 5 418.470, 418.475 or 418.950 to 418.970:

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

7 (A) A provider of psychiatric day treatment for children;

8 (B) A provider of adoption placement services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (e) A certified foster home;

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

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

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

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

(j) A host home described in ORS 417.803.

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

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

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

SECTION 27. ORS 418.240 is amended to read:

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

(a) *[Be set forth in rules adopted by the department;]* **Require that the agency be:**

(A) Duly incorporated under the corporation laws of any state;

(B) A domestic limited liability company or a foreign limited liability company, as those terms are defined in ORS 60.001; or

(C) A county program;

(b) Include the full compliance requirements set forth in subsection (2) of this section; and

(c) Include, but *[are]* not **be** limited to, the following:

(A) The fitness of the child-caring agency.

(B) The employment of capable, trained or experienced staff that meet minimum staffing requirements.

(C) Sufficient financial backing to ensure effective operations.

(D) The probability of permanence in the child-caring agency.

(E) The care and services provided to the children served will be in their best interests and that of society.

(F) That the child-caring agency is or will be in compliance with the standards of care and treatment established in rules adopted by the department.

(2)(a) The department may not issue or renew a license, certificate or other authorization to a child-caring agency unless the department finds the agency is or will be in full compliance with all of the following:

(A) The agency ensures child and family rights.

(B) The agency complies with abuse reporting and investigation requirements.

(C) The agency engages in and applies appropriate behavior management techniques.

(D) The agency provides adequate furnishings and personal items for children.

(E) The agency provides appropriate food services.

(F) The agency ensures the safety of children.

(G) The agency utilizes approved procedures and protocols for use of medications for children receiving care or services from the agency.

(H) The agency or the agency’s employees or agents have not engaged in financial mismanagement.

(I) The agency fully and timely corrects violations and maintains standards in accordance with any plan of correction imposed by the department.

(J) The agency provides access as required under ORS 418.305 to a child or the agency’s prem-

ises to the department or the department's employees, investigators, court appointed special advocates, attorneys for a child or other authorized persons or entities.

(K) The agency provides the department with true copies of records relating to incidents involving the restraint or involuntary seclusion of children in care as required under ORS 418.526 (2).

(b) The department may suspend, revoke or place conditions on a license, certificate or authorization of a child-caring agency if the department finds the agency is not in full compliance with any one or more of the full compliance requirements listed in paragraph (a) of this subsection.

(c) The department must take immediate steps to **place conditions on**, suspend or revoke the license, certificate or other authorization of a child-caring agency, if any of the following are found to exist:

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

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

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

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

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

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

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

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

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

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

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

(D) A complete description of changes that were made at the child-caring agency and the rea-

sons for the determination that the concerns regarding the health and safety of children in the child-caring agency's care or custody have been ameliorated or that any conditions placed on the license, certificate or other authorization of the child-caring agency have been resolved.

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

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

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

(A) The Governor; and

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

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

(5) If applicable, an applicant shall submit written proof of compliance with the notification requirements in ORS 336.575.

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

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

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

(a) The director shall issue an interim emergency order without notice, or with reasonable notice under the circumstances, requiring the agency to correct the conditions and ensure the safety of children in the care of the agency. The interim emergency order shall remain in force until a final order, after a hearing, has been entered in accordance with ORS chapter 183.

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

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

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

(9) If the director, the director's designee or the department becomes aware through any means that a child-caring agency, or an owner, operator or employee of a child-caring agency, is the subject of an investigation by another state agency, law enforcement agency or federal agency, the director or director's designee shall *[take immediate steps to cause an investigation to take place into the circumstances surrounding the investigation and whether there is a threat to a child, or whether a child is at risk, at the child-caring agency. Upon determination of the level of threat or risk to children at the agency, the director shall take appropriate steps to protect and ensure the health, safety and welfare of children as necessary under the circumstances. Failure to comply with the requirements of this subsection constitutes grounds for a charge of official misconduct in the second degree under ORS 162.405.]* **take immediate steps to assess the circumstances surrounding the investigation. If the director or the director's designee determines that a condition exists that seriously endangers the health, safety or welfare of a child who is receiving care or services at a child-caring agency, the director or the director's designee shall take appropriate steps to protect and ensure the health, safety and welfare of children as necessary under the circumstances. Violation of the requirements of this subsection constitutes official misconduct in the second degree under ORS 162.405.**

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

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

SECTION 28. ORS 418.248 is amended to read:

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

(2)(a) Prior to certification as a proctor foster home, an applicant shall provide the department or the youth authority, as applicable, and the child-caring agency with a release of information or other authorization sufficient to enable the department or the youth authority to release to the child-caring agency information about whether there is an ongoing investigation involving the applicant, or a finding of substantiated allegations of abuse or neglect by the applicant, related to a vulnerable person, including but not limited to a child, elderly person, person with a disability or person residing in a long term care facility as defined in ORS 442.015, a residential facility as defined in ORS 443.400, including but not limited to an assisted living facility, or an adult foster home

1 as defined in ORS 443.705. Within 30 days of receipt of a release or authorization under this para-
2 graph, the department or the youth authority shall provide the child-caring agency with information
3 regarding ongoing investigations involving, or substantiated allegations of abuse or neglect against,
4 the applicant.

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

10 (3) If a decision is made not to certify a proctor foster home under this section for reasons re-
11 lated to an ongoing investigation involving the applicant, or findings of substantiated allegations of
12 abuse or neglect by an applicant, the child-caring agency shall disclose to the applicant the reasons
13 for the denial of certification.

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

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

17 418.255. (1) The Department of Human Services shall inspect and supervise all child-caring
18 agencies subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 as provided in this
19 section.

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

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

30 (b) Except as provided in paragraph (c) of this subsection, a child-caring agency subject to ORS
31 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 that has annual revenues of \$1 million or
32 less shall provide the Department of Human Services, upon request or at such times as the depart-
33 ment specifies by rule, with financial statements that have been reviewed by an independent certi-
34 fied public accountant and a tax compliance certificate issued by the Department of Revenue.

35 (c) A child-caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to
36 418.970 that provides [*adoption placement*] services but does not provide care to a child and does not
37 receive public funds shall provide the Department of Human Services, upon request or at such times
38 as the department specifies by rule, with a tax compliance certificate issued by the Department of
39 Revenue.

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

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

45 (4) The Department of Human Services may conduct an audit, including a forensic audit, of any

child-caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 to determine compliance with ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970. The department may, upon request at any time, inspect and audit the books and records, including but not limited to financial records, of the agency. An audit or inspection under this subsection shall be at the expense of the department.

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

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

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

(a) Child-caring agencies;

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

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

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

SECTION 30. ORS 418.256 is amended to read:

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

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

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

(2) A child-caring [agency interferes with] **agency's managers attempt to prevent** the disclosure of the information described in subsection (1) of this section by:

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

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

(c) Taking actions or communicating to the employee or volunteer that the employee or volunteer may not disclose the information; **or**

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

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

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

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

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

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

SECTION 31. ORS 418.258 is amended to read:

418.258. (1) When the Department of Human Services [*becomes aware of a report of suspected child abuse of a child in care, whether in the form of an allegation, complaint or formal report made under this section, and whether made directly to the Director of Human Services, the department or an employee of the department, to the centralized child abuse reporting system described in ORS 418.190, through the mandatory abuse reporting process set forth in ORS 419B.005 to 419B.050 or otherwise*] **receives, through the centralized child abuse reporting system described in ORS 418.190, a report of abuse of a child in care by an employee, operator, contractor, agent or volunteer of a child-caring agency, developmental disabilities residential facility, adjudicated youth foster home, certified foster home or proctor foster home or any other person responsible for the provision of care or services to the child in care,** the department shall immediately:

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

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

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

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

(A) The reported abuse occurred in this state;

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

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

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

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

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

(B) Mandate that the child-caring agency, **adjudicated youth foster home**, certified foster home or developmental disabilities residential facility provide an annual training and written materials that include information about the centralized child abuse reporting system described in ORS 418.190, and that the agency, home or facility advise and educate employees of the child-caring agency and any proctor foster home certified by the child-caring agency, of the certified foster home or of the developmental disabilities residential facility of the duty under this section and ORS 419B.005 to 419B.050 to report abuse of a child in care; and

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

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

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

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

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

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

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

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

(5)(a) Any person, including but not limited to an employee of a child-caring agency, proctor foster home, adjudicated youth foster home, certified foster home or developmental disabilities residential facility, may make a report to the Governor, the Department of Justice, the Director of Human Services, the director's designee or the Department of Human Services of acts or omissions occurring at a child-caring agency, proctor foster home, adjudicated youth foster home, certified foster home or developmental disabilities residential facility that constitute violations of licensing or certification requirements, criminal activity or violations of state or federal laws or of any other practice that threatens the health or safety of a child in care.

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

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

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

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

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

SECTION 32. ORS 418.259 is amended to read:

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

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

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

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

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

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

(b) When investigating an allegation of *[inappropriate use of restraint or involuntary seclusion]*

1 **wrongful restraint or wrongful seclusion, as those terms are described in section 1 of this**
 2 **2025 Act**, the department shall:

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

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

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

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

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

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

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

18 (a) The Director of Human Services.

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

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

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

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

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

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

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

42 (a) *[The name of any child-caring agency, including an out-of-state child-caring agency, proctor*
 43 *foster home or developmental disabilities residential facility, or, provided there are five or more certi-*
 44 *fied foster homes in the county, the name of the county where a certified foster home is located, where*
 45 *the]* **If the** department conducted an investigation pursuant to ORS 418.258 that resulted in a finding

1 **during that quarter** that the report of abuse was substantiated [*during that quarter*] **or an inves-**
 2 **tigation under ORS 419B.019 that resulted in a finding during that quarter that the report**
 3 **of wrongful restraint or wrongful seclusion was founded:**

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

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

10 (C) **The name of the county in which an adjudicated youth foster home is located if the**
 11 **investigation involved the adjudicated youth foster home and there are five or more adjudi-**
 12 **cated youth foster homes in the county;**

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

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

15 (d) [*Whether the abuse resulted in a reportable injury, sexual abuse or death*] **Whether the abuse**
 16 **resulted in the death of a child in care, as described in ORS 418.240 (2)(c);**

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

20 [(e)] (f) Corrective actions taken or ordered by the department and the outcome of the corrective
 21 actions; and

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

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

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

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

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

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

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

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

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

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

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

44 418.260. (1) If the Department of Human Services receives a report or otherwise becomes aware
 45 that any suspected or founded abuses, deficiencies, violations or failures to comply with the full

1 compliance requirements described in ORS 418.240 are occurring in a child-caring agency, whether
 2 as a part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the department shall
 3 immediately notify appropriate personnel within the department, including but not limited to em-
 4 ployees responsible for licensing, certifying or authorizing child-caring agencies, who shall [*investi-*
 5 *gate and*] **assess the circumstances and** take appropriate action without undue delay, with primary
 6 concern given to the health, safety and welfare of the children for whom the child-caring agency is
 7 responsible. The department may notify law enforcement agencies as necessary to coordinate and
 8 assist in the [*investigation*] **assessment** and enforcement of corrective actions undertaken by the
 9 department. If the child-caring agency is known or found to serve children also served by the
 10 Oregon Youth Authority, county juvenile departments or developmental disabilities services within
 11 the department, the department shall notify those entities of the report or suspected or founded
 12 abuses, deficiencies, violations or failures.

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

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

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

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

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

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

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

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

SECTION 34. ORS 418.327 is amended to read:

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

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

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

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

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

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

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

(8) Nothing in this section applies to public or private institutions of higher education, community colleges, common or union high school districts that provide board and room in lieu of transportation or any other child-caring program already subject to state licensing procedures by any agency of this state.

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

(a) A private school providing residential care in combination with academic therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances; or

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

SECTION 35. ORS 418.995 is amended to read:

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

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

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

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

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

OUT-OF-STATE PLACEMENTS OF CHILDREN

SECTION 36. ORS 418.321 is amended to read:

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

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

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

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

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

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

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

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

(A) At the time the contract is executed, the child-caring agency must provide the department with a current list of every entity for which the child-caring agency is providing placement services.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (M) Genetic testing, including testing for psychopharmacological purposes, must be approved by
2 a court and may not be included as a standing order for a child in care.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (D) Prior to the hearing to approve the placement, the court and all parties to the dependency
43 case have been informed of the nature of the services offered by the program and of the population
44 served by the program, and the court, having considered the nature of the services and composition
45 of the facility population and the report of the qualified individual, has found that placement in the

1 facility is the least restrictive setting available to appropriately meet the child's treatment needs.

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

6 **(A)(i) The child requires specialized services and treatment and no suitable child-caring**
 7 **agency placements are available in this state; and**

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

10 **(B) The out-of-state placement is requested by the child's tribe or is a youth regional**
 11 **treatment center funded by the Indian Health Service;**

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

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

16 **(iii) The child-caring agency provides the types of inpatient treatment, medical care or**
 17 **services that the child requires, consistent with rules adopted by the Oregon Health Au-**
 18 **thority for the administration of the authority's program providing benefits for children and**
 19 **young adults with special health needs;**

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

24 **(E)(i) The nearest medically necessary and appropriate services or treatment to the**
 25 **child's community is in a neighboring state;**

26 **(ii) Accessing services or treatment out of state maintains the child's connection to the**
 27 **child's community; and**

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

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

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

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

38 **(e) The department may not place a child in an out-of-state placement under this sub-**
 39 **section unless the department has conducted an in-person inspection and has verified that**
 40 **the placement is safe and in significant alignment with the licensure requirements that**
 41 **would apply if the out-of-state placement was located in this state. The inspection under this**
 42 **paragraph must be conducted by department staff who perform licensing functions under**
 43 **ORS 418.262.**

44 **(f) All approvals of the exceptions in this subsection must be made by the director of the**
 45 **division of the department that administers the state child welfare program or the director's**

1 designee. In addition, the exceptions under paragraph (a)(A), (C) and (E) of this subsection
 2 must also be approved by the director of the division of the authority that administers the
 3 state medical assistance program or the director's designee.

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

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

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

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

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

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

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

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

20 (c) Require in-person contact with the child in the out-of-state placement at least once
 21 every 15 days; and

22 (d) Ensure the child understands the child's rights as a child in the care or custody of
 23 the department, including under the Oregon Foster Children's Bill of Rights, and ensure that
 24 the child knows how to report violations of those rights to the State of Oregon.

25 (10) As used in this section, "out-of-state child-caring agency" means a provider of
 26 children's care or services in a state other than Oregon that would be required under ORS
 27 418.215 to be licensed, certified or otherwise authorized by the Department of Human Ser-
 28 vices under ORS 418.240 if the provider provided the care or services in this state.

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

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

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

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

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

39 (3) The department and the Oregon Health Authority shall submit quarterly narrative
 40 reports to the System of Care Advisory Council describing the circumstances justifying
 41 placements in the previous quarter of any children or wards in child-caring agencies that are
 42 not qualified residential treatment programs as permitted under ORS 418.322 (3)(k) and any
 43 placement extensions authorized under ORS 418.322 (5)(b).

44 (4)(a) Not later than six months after receiving a quarterly report under subsection (3)
 45 of this section, the System of Care Advisory Council shall submit a report to the interim

committees of the Legislative Assembly related to human services and behavioral health in the manner provided under ORS 192.245. The report must include the System of Care Advisory Council's analysis of the appropriateness of the placement exceptions and of the trends reflected in the quarterly report.

(b) In addition, not later than September 15 each year, the System of Care Advisory Council shall submit a report to the interim committees of the Legislative Assembly related to human services and behavioral health in the manner provided under ORS 192.245 summarizing the quarterly reports received from the department and the authority in the previous four quarters. The summary must include the System of Care Advisory Council's analysis of the appropriateness of the placement exceptions and of the trends reflected in the quarterly reports in the previous four quarters.

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

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

SECTION 37. ORS 418.322 is amended to read:

418.322. (1) As used in this section:

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

(b) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act, as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex act, as defined in ORS 163.266.

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

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

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

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

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

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

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

(d) The Oregon Health Authority has approved the placement as medically necessary and the child-caring agency:

(A) Is a residential care facility;

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

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

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

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

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

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

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

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

(k) The responsible Medicaid entity has approved the placement as medically necessary.

(4) Notwithstanding subsection (2) or (3) of this section, the department may place a child or ward in a congregate care residential setting that is not a child-caring agency or qualified residential treatment program if the responsible Medicaid entity has determined that treatment in an adult setting licensed by the department or authority is medically necessary and appropriate.

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

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

[(b)] **(B)** If the residential care facility or shelter-care home also serves youths or adjudicated youths served by the county juvenile department or adjudicated youths committed to the custody of the Oregon Youth Authority by the court.

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

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

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

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

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

(a) Accessed the shelter-care home or shelter without the support or direction of the department; and

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

1 [(7)(a)] **(8)(a)** Nothing in this section prohibits the Oregon Youth Authority from placing an ad-
 2 judicated youth committed to its custody in a placement that is not a qualified residential treatment
 3 program.

4 (b) Nothing in this section prohibits the Oregon Youth Authority or a county juvenile depart-
 5 ment from placing an adjudicated youth or a youth served by the Oregon Youth Authority or the
 6 county juvenile department in shelter care or detention under ORS chapter 419C.

7 **(9)(a) All approvals of the exceptions described in subsections (3)(k) and (5)(b) of this**
 8 **section must be made by the director of the division of the department that administers the**
 9 **state child welfare program or the director's designee. In addition, the exceptions under**
 10 **subsection (3)(k) of this section must also be approved by the director of the division of the**
 11 **authority that administers the state medical assistance program or the director's designee.**

12 **(b) The department and the authority shall collaborate to establish rules for the approval**
 13 **process under this subsection.**

14 **SECTION 38.** ORS 418.500 is amended to read:

15 418.500. Subject to ORS 418.322, if the Department of Human Services determines that need ex-
 16 ists for care and treatment of a child who is eligible for such care and treatment that is not avail-
 17 able through any public or private agency or facility in this state, it may enter into an agreement
 18 with a public or private agency outside this state for the purchase of care for the child. **Except**
 19 **as provided in ORS 418.322,** such agreements shall contain the matter described in ORS 418.321
 20 and 418.495 and shall apply to children described therein.

21 **SECTION 39.** ORS 419B.335 is amended to read:

22 419B.335. **(1) The Department of Human Services shall provide the following information [re-**
 23 **garding out-of-state placements of children and wards on a website maintained by the department and**
 24 **updated monthly] on a quarterly basis to the System of Care Advisory Council regarding**
 25 **placements of children or wards in out-of-state facilities:**

26 [(1) *The name of each out-of-state facility in which children or wards placed by the department are*
 27 *currently receiving services;*]

28 [(2)] **(a)** The [city and] state in which each facility is located;

29 [(3)] **(b)** The name of any parent organization for each facility;

30 [(4)] **(c)** The name of each facility's accreditation agency;

31 [(5)] **(d)** The **total** number of children or wards placed by the department [*currently receiving*
 32 *services from]* **in** each facility;

33 [(6) *The total number of children or wards currently receiving services from each facility;*]

34 [(7)] **(e)** The daily rate charged by each facility for each child or ward; **and**

35 [(8) *The name of the face-to-face contracting agency, including the city and state in which it is lo-*
 36 *cated;*]

37 [(9) *Whether each facility provides services to adjudicated youths or the resident state's equivalent*
 38 *of adjudicated youths;*]

39 [(10) *Demographic information about all children or wards the department currently has placed in*
 40 *out-of-state facilities, including but not limited to age, gender or gender identity, race, ethnicity, tribal*
 41 *status and, if disclosed by the child or ward, sexual orientation;*]

42 [(11) *The number of children or wards the department currently has placed in out-of-state facilities*
 43 *who have autism, intellectual disabilities or developmental disabilities; and]*

44 [(12) *Aggregate travel costs for the department to support out-of-state placements during the previ-*
 45 *ous month.*]

(f) A brief narrative description of the circumstances in which an out-of-state placement was determined to be in the best interests of a child or ward.

(2) Information provided in reports under this section may not contain any identifying information of a child or ward, including the name of the child or ward.

OLDER CHILDREN IN CARE

SECTION 40. ORS 418.475 is amended to read:

418.475. (1) Within the limit of moneys appropriated therefor, the Department of Human Services may establish, license, certify or authorize independent residence facilities for unmarried persons who:

(a)(A) Are at least 16 years of age and not older than 20 years of age;

(B) Have been placed in at least one substitute care resource;

(C) Have been determined by the department to possess the skills and level of responsibility required for the transition to adulthood;

(D) Have received permission from the appropriate juvenile court, if they are wards of the court; and

(E) Have been determined by the department to be suitable for an independent living program; or

(b)(A) Are at least 16 years of age and not older than 24 years of age;

(B) At any time after attaining 14 years of age experienced homelessness for an aggregate of six months;

(C) While experiencing homelessness as described in subparagraph (B) of this paragraph, received services from an organization contracted by the department to provide services to homeless persons or from a host home, as defined by the department by rule; and

(D) Last received the services described in subparagraph (C) of this paragraph after attaining 16 years of age.

(2) Independent residence facilities shall provide independent housing arrangements with counseling services and minimal supervision available from at least one counselor.

(3) **The department shall require** each resident [*shall be required*] to maintain a department approved independent living plan consisting of education, employment or volunteer activities, or a combination thereof, *and shall be required to pay a portion or all of the resident's housing expenses and other support costs. The department may approve an exception to the requirements of this subsection for reasons of temporary loss of employment or of other financial support*].

(4) The department may make payment grants directly to persons enrolled in an independent living program who, at a minimum, meet the requirements described in subsection (1)(a)(A) to (C) or (b) of this section for food, shelter, clothing, transportation and incidental expenses. The payment grants shall be subject to an agreement between the person and the department that establishes a budget of expenses.

(5) The department may establish cooperative financial management agreements with a person enrolled in an independent living program and for that purpose may enter into joint bank accounts requiring two signatures for withdrawals. The management agreements or joint accounts may not subject the department or any counselor involved to any liability for debts or other responsibilities of the person.

(6) The department shall make periodic reports to the juvenile court as required by the court

1 regarding any ward of the court who is enrolled in an independent living program.

2 (7) The enrollment of a person in an independent living program in accordance with the pro-
3 visions of subsection (1) of this section or making payment grants under subsection (4) of this section
4 does not remove or limit in any way the obligation of the parent of the person to pay support as
5 ordered by a court under the provisions of ORS 419B.400.

6 **SECTION 41.** ORS 418.016 is amended to read:

7 418.016. (1) To protect the health and safety of children who are in the custody of the Depart-
8 ment of Human Services and who may be placed in a foster home or adoptive home or with a rela-
9 tive caregiver, the department shall adopt rules pursuant to ORS 181A.195 and ORS chapter 418 to
10 require that criminal records checks be conducted under ORS 181A.195 on:

11 (a) All persons who seek to be foster parents, adoptive parents or relative caregivers; and

12 (b) **Any** other individuals over 18 years of age who will be in the household of the foster parent,
13 adoptive parent or relative caregiver.

14 (2) Rules adopted under subsection (1) of this section shall include:

15 (a) A requirement that persons who have been convicted of crimes listed in the rules adopted
16 by the Oregon Department of Administrative Services under ORS 181A.215 are disqualified from
17 becoming a foster parent, adoptive parent or relative caregiver; and

18 (b) A provision that the Department of Human Services may approve a person who has been
19 convicted of certain crimes listed in the rules if the person demonstrates to the department that:

20 (A) The person possesses the qualifications to be a foster parent or adoptive parent regardless
21 of having been convicted of a listed crime; or

22 (B) The disqualification would create emotional harm to the child for whom the person is seek-
23 ing to become a foster parent, adoptive parent or relative caregiver and placement of the child with
24 the person would be a safe placement that is in the best interests of the child.

25 **(3) The department by rule may exempt an individual from the criminal records check**
26 **requirement under subsection (1)(b) of this section if the individual was placed in the**
27 **household by the department.**

28 **NOTE:** Sections 42 through 46 were deleted by amendment. Subsequent sections were not re-
29 numbered.

30 31 REPORTS

32
33 **SECTION 47.** The System of Care Advisory Council shall study the implementation by the
34 Department of Human Services and the Oregon Health Authority of sections 1 and 10 of this
35 2025 Act, the amendments to ORS 329A.030, 329A.275, 339.285, 339.287, 339.288, 339.291, 339.294,
36 339.297, 339.300, 339.303, 339.308, 343.154, 418.016, 418.190, 418.205, 418.210, 418.215, 418.240,
37 418.241, 418.246, 418.248, 418.255, 418.256, 418.257, 418.258, 418.259, 418.260, 418.321, 418.322,
38 418.327, 418.330, 418.475, 418.500, 418.519, 418.521, 418.523, 418.526, 418.529, 418.532, 418.625,
39 418.992, 418.995, 419A.245, 419B.005, 419B.335, 419C.620, 430.735 and 704.023 and section 13,
40 chapter 581, Oregon Laws 2023, by sections 2 to 8, 11 to 19, 21 to 41 and 50 to 61 of this 2025
41 Act, and the repeal of ORS 339.296 and sections 8, 12 and 14, chapter 581, Oregon Laws 2023,
42 by section 20 of this 2025 Act, and analyze the effects of that implementation. The council
43 shall submit two reports in the manner provided by ORS 192.245, and may include recom-
44 mendations for legislation, to the interim committees of the Legislative Assembly related to
45 health care and human services. The first report is due no later than September 15, 2026,

1 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 April 1, 2026.

4 (2) The quarterly reports described in ORS 419B.335 are first due on April 1, 2026.

5 **SECTION 49.** Section 47 of this 2025 Act is repealed on January 2, 2028.

6
7 **CONFORMING AMENDMENTS**
8

9 **SECTION 50.** ORS 329A.030 is amended to read:

10 329A.030. (1) The Department of Early Learning and Care shall establish a Central Background
11 Registry and may maintain information in the registry through electronic records systems.

12 (2)(a) A subject individual described in subsection (11)(a), (c) or (d) of this section shall apply
13 to and must be enrolled in the Central Background Registry prior to the provision of care.

14 (b) An individual who has been the subject of a founded or substantiated report of child abuse
15 shall apply to and must be enrolled in the Central Background Registry prior to providing any of
16 the types of care identified in ORS 329A.250 (4)(b)(A), (E) or (F) if:

17 (A) The child abuse occurred on or after January 1, 2017, and involved a child who died or
18 suffered serious physical injury, as defined in ORS 161.015; or

19 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom
20 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS
21 329A.250 (4)(b)(A), (C), (E), (F) or (G).

22 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)
23 of this subsection is not required to enroll in the Central Background Registry if more than seven
24 years has elapsed since the date of the child abuse determination.

25 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the de-
26 partment shall complete:

27 (A) A criminal records check under ORS 181A.195;

28 (B) A criminal records check of other registries or databases in accordance with rules adopted
29 by the Early Learning Council;

30 (C) A child abuse and neglect records check in accordance with rules adopted by the council;
31 and

32 (D) A foster care certification check and an adult protective services check in accordance with
33 rules adopted by the council.

34 (b) In addition to the information that the department is required to check under paragraph (a)
35 of this subsection, the department may consider any other information obtained by the department
36 that the department, based on rules adopted by the Early Learning Council, determines is relevant
37 to enrollment in the Central Background Registry.

38 (4) The department shall enroll the individual in the Central Background Registry if the indi-
39 vidual:

40 (a) Is determined to have no criminal, child abuse and neglect, negative adult protective services
41 or negative foster home certification history, or to have dealt with the issues and provided adequate
42 evidence of suitability for the registry;

43 (b) Has paid the applicable fee established pursuant to ORS 329A.275; and

44 (c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

45 (5)(a) Notwithstanding subsections (3) and (4) of this section, the department may not enroll an

individual in the Central Background Registry if:

(A) The individual has a disqualifying condition as defined in rules adopted by the council; or

(B) The individual is an exempt prohibited individual, as provided by ORS 329A.252, unless the individual qualifies for limited enrollment pursuant to rules adopted by the Early Learning Council.

(b) If an individual prohibited from enrolling in the registry as provided by this subsection is enrolled in the registry, the department shall remove the individual from the registry.

(6)(a) The department may conditionally enroll an individual in the Central Background Registry pending the results of a nationwide criminal records check through the Federal Bureau of Investigation if the individual has successfully completed the criminal records check and the child abuse and neglect records check in this state and in the state of the individual's residence, if other than Oregon.

(b) The department may enroll an individual in the registry subject to limitations identified in rules adopted by the council.

(7) The department may grant limited enrollment in the Central Background Registry to a subject individual who is a relative caretaker of a child for whom care is provided in a subsidized care facility, regardless of whether the individual was previously denied enrollment in the Central Background Registry, if the individual otherwise meets the criteria established in rule by the Early Learning Council.

(8) An enrollment in the Central Background Registry may be renewed upon application to the department, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted by the Early Learning Council pursuant to this section. However, an individual who is determined to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed or suspended from the registry by the department.

(9)(a) A child care facility, preschool recorded program or school-age recorded program may not hire or employ an individual if the individual is not enrolled in the Central Background Registry.

(b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded program or school-age recorded program may employ on a probationary basis an individual who is conditionally enrolled in the Central Background Registry.

(10) The Early Learning Council may adopt any rules necessary to carry out the purposes of this section, including but not limited to rules regarding expiration and renewal periods and limitations related to the subject individual's enrollment in the Central Background Registry.

(11) As used in this section, "subject individual" means:

(a) A subject individual as defined by the Early Learning Council by rule;

(b) An individual subject to subsection (2)(b) of this section;

(c) A person who applies to be:

(A) The operator or an employee of a child care or treatment program;

(B) The operator or an employee of a provider under the Oregon Prenatal to Kindergarten Program under ORS 329.172 to 329.200;

(C) The operator or an employee of a federal Head Start program regulated by the United States Department of Health and Human Services;

(D) An individual in a child care facility, preschool recorded program or school-age recorded program who may have unsupervised contact with children, as determined by the council by rule;

(E) A contractor or an employee of the contractor who:

(i) Provides early childhood special education or early intervention services pursuant to ORS 343.455 to 343.534; and

(ii) Is not subject to the criminal records check requirements of ORS 326.603 or 342.223;

(F) A child care provider who is required to be enrolled in the Central Background Registry by any state agency;

(G) A contractor, employee or volunteer of a metropolitan service district organized under ORS chapter 268 who may have unsupervised contact with children and who is required to be enrolled in the Central Background Registry by the metropolitan service district;

(H) A provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with a private agency or organization that facilitates the provision of such respite services;

(I) The operator or an employee of an early learning program as defined in rules adopted by the council; or

(J) The operator or an employee of a preschool recorded program or a school-age recorded program; or

(d)(A) An individual who operates a subsidized care facility;

(B) An individual who has attained 18 years of age and resides in a subsidized care facility; or

(C) An individual in a subsidized care facility who has attained 18 years of age and who may have unsupervised contact with children, as determined by the council by rule.

(12)(a) Information provided to a metropolitan service district organized under ORS chapter 268 about the enrollment status of the persons described in subsection (11)(c)(G) of this section shall be subject to a reciprocal agreement with the metropolitan service district. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the department from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.273.

(b) Information provided to a private agency or organization facilitating the provision of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power of attorney under ORS 109.056 about the enrollment status of the persons described in subsection (11)(c)(H) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the department from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.273.

(c) Information provided to a private agency or organization about the enrollment status of the persons described in subsection (11)(c)(I) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the department from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.273.

SECTION 51. ORS 329A.275 is amended to read:

329A.275. (1) The Early Learning Council shall adopt rules establishing fees for certification, registration and recording under ORS 329A.250 to 329A.450.

(2) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Legislative Assembly prior to adopting the fees and charges, the fees and charges established under ORS 181A.195, 329A.030 and 329A.250 to 329A.450 may not exceed the cost of administering the program of the Department of Early Learning and Care pertaining to the purpose for which the

fee is established, as authorized by the Legislative Assembly within the budget of the Department of Early Learning and Care.

(3) Notwithstanding subsection (2) of this section and any other provision of this chapter, the following fees established by the Early Learning Council under ORS 329A.030 and 329A.250 to 329A.450 may not exceed:

- (a) For Certified Family Child Care Home Initial Certification, \$25;
- (b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;
- (c) For Child Care Center Initial Certification, \$100;
- (d) For Child Care Center Annual Fee Per Certified Space, \$2;
- (e) For Registered Family Child Care Home Registration, \$30;
- (f) For Preschool Recorded Program Recording, \$20;
- (g) For School-Age Recorded Program Recording, \$20;
- (h) For administering a class on child care abuse and neglect issues, \$10; and
- (i) For enrollment in the Central Background Registry, the cost of administering the program, including fees for:

- (A) Duplicate enrollment in the Central Background Registry;
- (B) Law Enforcement Data System criminal records check; and
- (C) Federal Bureau of Investigation fingerprint check.

(4) The Early Learning Council, by rule, shall waive the fees described in subsection (3)(i) of this section for an employee of or volunteer with a private agency or organization that facilitates the provision of respite services, as defined in ORS [418.205 (2)(c)(B)] **418.215 (2)(b)**, for parents pursuant to a properly executed power of attorney under ORS 109.056.

SECTION 52. ORS 339.287 is amended to read:

339.287. An employee of a youth correction facility or a juvenile detention facility established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 who uses restraint or **involuntary** seclusion on a student in connection with a Youth Corrections Education Program or Juvenile Detention Education Program, as those terms are defined in ORS 326.695, is not subject to the prohibitions under ORS 339.285 to 339.303.

SECTION 53. ORS 339.297 is amended to read:

339.297. (1) Each entity that has jurisdiction over a public education program must prepare and submit to the Department of Education an annual report detailing the use of restraint and **involuntary** seclusion for the preceding school year, including, at a minimum:

- (a) The total number of incidents involving restraint.
- (b) The total number of incidents involving **involuntary** seclusion.
- (c) The total number of **involuntary** seclusions in a locked room.
- (d) The total number of rooms available for use by the public education program for **involuntary** seclusion of a student and a description of the dimensions and design of the rooms.
- (e) The total number of students placed in restraint.
- (f) The total number of students placed in **involuntary** seclusion.
- (g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of restraint or **involuntary** seclusion.

(h) The number of students who were placed in restraint or **involuntary** seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of restraint and **involuntary** seclusion for each student.

(i) The number of incidents in which the personnel of the public education program administering restraint or **involuntary** seclusion were not trained as provided by ORS 339.300.

(j) The demographic characteristics of all students upon whom restraint or **involuntary** seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2)(a) Each entity that has jurisdiction over a public education program shall make its annual report about restraint and **involuntary** seclusion available to:

(A) The public at the entity's main office and the website of the entity;

(B) The board or governing body overseeing the entity;

(C) If the entity is an education service district, the component school districts of the education service district; and

(D) If the entity is a public charter school, the sponsor of the public charter school.

(b) Parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report.

(3) A public education provider that does not comply with the requirement to submit a report to the Department of Education under subsection (1) of this section or to make the report available as described in subsection (2) of this section is considered nonstandard under ORS 327.103.

SECTION 54. ORS 339.300 is amended to read:

339.300. The Department of Education shall approve training programs in restraint and **involuntary** seclusion that:

(1) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of restraint or **involuntary** seclusion;

(2) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and

(3) Are consistent with the philosophies, practices and techniques for restraint and **involuntary** seclusion that are established by rule or policy of the Department of Human Services.

SECTION 55. ORS 339.308 is amended to read:

339.308. (1) As used in this section:

(a) "Public education program" means a program that:

(A) Is for students in early childhood education, elementary school or secondary school;

(B) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and

(C) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.

(b) "Seclusion cell" means a freestanding, self-contained unit that is used to:

(A) Isolate a student from other students; or

(B) Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

(2) A public education program may not:

(a) Purchase, build or otherwise take possession of a seclusion cell; or

(b) Use a seclusion cell.

(3) Nothing in this section prevents a public education program from using **involuntary** seclusion as allowed under ORS 339.285 to 339.303.

SECTION 56. ORS 418.246 is amended to read:

1 418.246. (1) In addition to any requirements for licensure established by the Department of Hu-
 2 man Services, each outdoor youth program that is applying for licensure as a child-caring agency
 3 shall file with the department a bond in the amount of \$50,000 or 50 percent of the program's yearly
 4 budget, whichever amount is less. The bond shall be issued by a surety company or an insured in-
 5 stitution, as defined in ORS 706.008, authorized to do business in this state.

6 (2) The bond required under subsection (1) of this section shall be continuous until canceled and
 7 shall remain in full force and unimpaired at all times to comply with this section. The surety or
 8 insured institution shall give the department at least 30 days' written notice before it cancels or
 9 terminates its liability under the bond.

10 (3) An action on the bond may be brought by any person aggrieved by the misconduct of an
 11 outdoor youth program required to be licensed under ORS 418.205 to 418.327.

12 **(4)(a) As used in this section, "outdoor youth program" means a program that provides,**
 13 **in an outdoor living setting, services to children who have behavioral problems, mental**
 14 **health problems or problems with abuse of alcohol or drugs.**

15 **(b) "Outdoor youth program" does not include any program, facility or activity:**

16 **(A) Operated by a governmental entity;**

17 **(B) Operated by or affiliated with the Oregon Youth Corps;**

18 **(C) Licensed by the Department of Human Services under the authority of the depart-**
 19 **ment other than ORS 418.205 to 418.327; or**

20 **(D) Operated by a youth job development organization, as defined in ORS 344.415.**

21 **SECTION 57.** ORS 418.330 is amended to read:

22 418.330. (1) As used in this section:

23 (a) "Child" means:

24 (A) A person under 18 years of age;

25 (B) A person under 21 years of age if the Department of Human Services determines that the
 26 person has a mental or physical disability that warrants the continuation of assistance; or

27 (C) A person who has attained 18 years of age and:

28 (i) On whose behalf payments under this section were received prior to the person attaining 18
 29 years of age, provided the person was at least 16 years of age at the time the payments commenced;

30 (ii) Has not attained 21 years of age; and

31 (iii)(I) Is completing secondary education or a program leading to an equivalent credential;

32 (II) Is enrolled in an institution or program that provides post-secondary or vocational educa-
 33 tion;

34 (III) Is participating in a program or activity designed to promote, or remove barriers to, em-
 35 ployment;

36 (IV) Is employed for at least 80 hours per month; or

37 (V) Is incapable of doing any of the activities described in sub-sub-subparagraphs (I) to (IV) of
 38 this sub-subparagraph due to a medical condition, which incapability is supported by regularly up-
 39 dated documentation.

40 (b) "Nonrecurring adoption or guardianship expenses" means reasonable and necessary adoption
 41 or guardianship fees, court costs, attorney fees and other expenses that are directly related to the
 42 adoption of, or establishment of a guardianship for, a child with special needs and that are not in-
 43 curred in violation of state or federal law.

44 (2) The department may make payments to adoptive parents or guardians on behalf of a child
 45 placed for adoption or establishment of a guardianship by the department, or placed for adoption

by an approved child-caring agency, **as defined in ORS 418.205**, when the department determines:

(a) The child has special needs because of an impediment to adoptive placement or establishment of a guardianship by reason of the child's physical or mental condition, race, age, or membership in a sibling group; or

(b) The adoptive family or guardian is capable of providing the permanent family relationships needed by the child in all respects other than financial, and the needs of the child are beyond the economic ability and resources of the family.

(3) Payments to subsidize adoptions or guardianships made under subsection (2) of this section:

(a) Shall include payment of nonrecurring adoption or guardianship expenses incurred by or on behalf of adoptive parents or guardians in connection with the adoption of, or establishment of a guardianship for, a child with special needs;

(b) May include, but are not limited to, the maintenance costs, medical and surgical expenses, and other costs incidental to the care, training and education of the child;

(c) May not exceed the cost of providing comparable assistance in foster care; and

(d) May not be made:

(A) For a child who has not attained 18 years of age, when the adoptive parents or guardians are no longer legally responsible for the support of the child; or

(B) When the child is no longer receiving any support from the adoptive parents or guardians.

(4) Adoptive parents or guardians receiving payments under subsection (2) of this section shall inform the department of circumstances that would make the adoptive parents or guardians:

(a) Ineligible to receive the payments; or

(b) Eligible to receive the payments in a different amount.

SECTION 58. ORS 418.625 is amended to read:

418.625. As used in ORS 418.625 to 418.645:

(1) "Certificate" means a written approval to operate a foster home issued by the Department of Human Services on a form prescribed by the department that states the name of the foster parent, the address of the premises to which the certificate applies and the maximum number of children to be maintained or boarded in the foster home at any one time.

(2) "Department" means the Department of Human Services.

(3)(a) "Foster home" means any home maintained by a person who has under the care of the person in the home any child under the age of 21 years unattended by the child's parent or guardian, for the purpose of providing the child with care, food and lodging[, *but does not include*].

(b) "Foster home" does not include:

[(a)] (A) Any boarding school that is essentially and primarily engaged in educational work;

[(b)] (B) Any home in which a child is provided board and room by a school board;

[(c)] (C) Any foster home under the direct supervision of a child-caring agency or institution certified by the department;

[(d)] (D) Any home under the direct supervision of a custodial parent for the purpose of providing respite care as defined by rule;

[(e)] (E) Any developmental disability child foster home as defined in ORS 443.830; or

[(f)] (F) Any home of a provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power of attorney under ORS 109.056.

SECTION 59. ORS 418.992 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 60. ORS 419C.620 is amended to read:

419C.620. (1) When required by the court, the Oregon Youth Authority or a private agency having guardianship or legal custody of an adjudicated youth pursuant to court order shall file reports on the adjudicated youth with the juvenile court that entered the original order concerning the adjudicated youth.

(2) A county juvenile department shall file a report with the juvenile court under this section if an adjudicated youth remains under juvenile department care for six consecutive months from the date of initial placement and:

(a) The county juvenile department is a county program, as defined in ORS [418.205] **418.215**;

(b) The county juvenile department is participating in programs related to Title IV-E of the Social Security Act;

(c) The county juvenile department has responsibility for the care and placement of the adjudicated youth; and

(d) The placement is not a detention facility.

SECTION 61. ORS 704.023 is amended to read:

704.023. In addition to meeting the requirements in ORS 704.020, any person who provides out-

1 fitting and guiding services for outdoor youth programs, as defined in ORS [418.205] **418.246**, shall
2 furnish proof of a current child-caring agency license for outdoor youth programs from the Depart-
3 ment of Human Services prior to being registered as an outfitter and guide.

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7 **SECTION 62.** The State Board of Education shall adopt the rules described in ORS 339.303
8 for investigations of violations of ORS 339.285 to 339.303 or 339.308, not later than the begin-
9 ning of the 2026-2027 academic year.

10 **SECTION 63.** The amendments to ORS 339.303 (2) by section 6 of this 2025 Act apply to
11 investigations of complaints received on or after August 30, 2026.

12 **SECTION 64.** (1) The amendments to ORS 339.303 by section 6 of this 2025 Act become
13 operative on August 30, 2026.

14 (2) The State Board of Education and the Department of Education may adopt rules and
15 take any other action before the operative date specified in subsection (1) of this section that
16 is necessary to enable the board and the department to undertake and exercise, on and after
17 the operative date specified in subsection (1) of this section, all of the duties, functions and
18 powers conferred on the board and on the department by the amendments to ORS 339.303
19 by section 6 of this 2025 Act.

20 **SECTION 65.** The unit captions used in this 2025 Act are provided only for the conven-
21 ience of the reader and do not become part of the statutory law of this state or express any
22 legislative intent in the enactment of this 2025 Act.

23 **SECTION 66.** This 2025 Act being necessary for the immediate preservation of the public
24 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
25 on its passage.
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