

HOUSE AMENDMENTS TO HOUSE BILL 3835

By COMMITTEE ON EARLY CHILDHOOD AND HUMAN SERVICES

April 9

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line.

2 In line 10, delete “51st” and insert “49th”.

3 On page 2, delete lines 9 through 11 and insert:

4 “(a) ‘Chemical restraint’ means a medication that is:

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

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

8 On page 3, delete lines 9 through 21 and insert:

9 “(3) A responsible individual places a child in a wrongful restraint if:

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

12 “(b) The responsible individual administers or directs to be administered a chemical restraint
13 to the child; or

14 “(c) The responsible individual restrains or directs the restraint of the freedom of movement of
15 the child through the excessive or reckless use of force that results in, or is likely to result in, se-
16 rious physical harm to the child.”.

17 On page 5, line 19, before “risk” insert “reasonable”.

18 In line 28, before “risk” insert “reasonable”.

19 After line 32, insert:

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

24 In line 33, delete “(3)” and insert “(4)”.

25 In line 35, restore the bracketed material.

26 On page 6, delete lines 2 through 5 and insert:

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

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

31 On page 7, line 18, after “die” delete the rest of the line and delete line 19 and insert “, the
32 public education program or school”.

33 On page 8, line 14, delete “board” and insert “superintendent”.

34 In line 16, delete “board” and insert “department”.

35 In line 21, delete “board” and insert “department”.

1 In line 22, delete “Clearly limit the subjects” and insert “Make the subject” and delete “to”.
2 In line 28, restore the bracketed material.
3 In lines 29 and 30, delete the boldfaced material.
4 On page 11, line 3, after “(1)” insert “A child-caring agency, developmental disabilities residen-
5 tial facility, proctor foster home or certified foster home engages in abuse of a child in care if the
6 child-caring agency, developmental disabilities residential facility, proctor foster home, certified
7 foster home, caretaker or other person fails to make a reasonable effort to protect the child in care
8 from abuse as described in this section or ORS 419B.005.
9 “(2)”.
10 In line 5, after “proctor” insert “foster”.
11 In line 14, after “abuse” insert “as described in this section or ORS 419B.005”.
12 On page 12, line 16, delete “(2)” and insert “(3)”.
13 On page 16, line 3, delete “or wrongful seclusion”.
14 In line 8, before “risk” insert “reasonable”.
15 Delete lines 11 through 13 and insert:
16 “(b) The least amount of physical force and contact necessary is used to prevent a reasonable
17 risk of serious physical harm;
18 “(c) If the child in care is placed in a restraint, it is not prohibited under ORS 418.521; and
19 “(d) If the child is placed in involuntary seclusion, it is not wrongful seclusion as described in
20 section 1 of this 2025 Act.”.
21 Delete lines 42 through 44 and insert:
22 “(b) The restraint is authorized by a licensed medical practitioner or a licensed children’s
23 emergency safety intervention specialist and the restraint is not authorized as a standing order or
24 on an as-needed basis;”.
25 On page 17, line 5, delete “well-being” and insert “status”.
26 In line 13, delete “well-being of” and insert “impact of the restraint on”.
27 In line 21, before “risk” insert “reasonable”.
28 In line 25, after “department” insert “of Human Services”.
29 In line 35, delete “at least every 30 minutes” and insert “at least as often as prescribed by the
30 department by rule”.
31 On page 19, line 40, after “Prioritize” insert “, by means of explicit policy,”.
32 On page 30, line 33, after “Services” insert “under ORS 418.240”.
33 On page 34, line 45, delete “Intentional”.
34 On page 35, line 8, delete “Intentional”.
35 On page 38, line 2, delete “a” and insert “the”.
36 On page 39, after line 30, insert:
37 “(5)(a) Any person, including but not limited to an employee of a child-caring agency, proctor
38 foster home, adjudicated youth foster home, certified foster home or developmental disabilities resi-
39 dential facility, may make a report to the Governor, the Department of Justice, the Director of
40 Human Services, the director’s designee or the Department of Human Services of acts or omissions
41 occurring at a child-caring agency, proctor foster home, adjudicated youth foster home, certified
42 foster home or developmental disabilities residential facility that constitute violations of licensing
43 or certification requirements, criminal activity or violations of state or federal laws or of any other
44 practice that threatens the health or safety of a child in care.
45 “(b) A person who makes a report described in paragraph (a) of this subsection in good faith

1 and who has reasonable grounds for making the report shall have immunity:

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

4 “(B) From disciplinary action taken by the person’s employer; and

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

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

11 On page 43, line 25, delete “Intentional”.

12 On page 47, delete lines 41 through 45.

13 On page 48, delete lines 1 through 15 and insert:

14 “(b) The out-of-state placement of a child under this subsection is not subject to subsection (4),
15 (5) or (6) of this section.

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

17 “(d) The department may not place a child in an out-of-state placement under this subsection
18 unless the department has verified that the placement is in good standing with the licensing au-
19 thority in the state in which the placement will provide services or treatment to the child.

20 “(e) The department may not place a child in an out-of-state placement under this subsection
21 unless the department has conducted an in-person inspection and has verified that the placement is
22 safe and in significant alignment with the licensure requirements that would apply if the out-of-state
23 placement was located in this state. The inspection under this paragraph must be conducted by de-
24 partment staff who perform licensing functions under ORS 418.262.

25 “(f) All approvals of the exceptions in this subsection must be made by the director of the divi-
26 sion of the department that administers the state child welfare program or the director’s designee.
27 In addition, the exceptions under paragraph (a)(A), (C) and (E) of this subsection must also be ap-
28 proved by the director of the division of the authority that administers the state medical assistance
29 program or the director’s designee.

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

32 “(h) The authority shall establish, under contract with coordinated care entities, basic standards
33 for quality assurance and oversight prior to and during the child’s medically necessary and appro-
34 priate treatments and services for out-of-state providers under this section.

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

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

37 “(b) The out-of-state placement is an intermediate care facility, as defined by the department by
38 rule.

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

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

43 “(b) Require a multidisciplinary team to monitor the progress of the child in the out-of-state
44 placement;

45 “(c) Require in-person contact with the child in the out-of-state placement at least once every

1 15 days; and

2 “(d) Ensure the child understands the child’s rights as a child in the care or custody of the de-
3 partment, including under the Oregon Foster Children’s Bill of Rights, and ensure that the child
4 knows how to report violations of those rights to the State of Oregon.”.

5 In line 16, delete “(8)” and insert “(10)”.

6 After line 19, insert:

7 **“SECTION 36a. Section 36b of this 2025 Act is added to and made a part of ORS 418.205**
8 **to 418.327.**

9 **“SECTION 36b. (1) As used in this section, ‘foster care ombudsman’ means the individual**
10 **in the Governor’s advocacy office identified as the foster care ombudsman.**

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

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

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

17 **“(3) The department and the Oregon Health Authority shall submit quarterly narrative**
18 **reports to the System of Care Advisory Council describing the circumstances justifying**
19 **placements in the previous quarter of any children or wards in child-caring agencies that are**
20 **not qualified residential treatment programs as permitted under ORS 418.322 (3)(k) and any**
21 **placement extensions authorized under ORS 418.322 (5)(b).**

22 **“(4)(a) Not later than six months after receiving a quarterly report under subsection (3)**
23 **of this section, the System of Care Advisory Council shall submit a report to the interim**
24 **committees of the Legislative Assembly related to human services and behavioral health in**
25 **the manner provided under ORS 192.245. The report must include the System of Care Advi-**
26 **sory Council’s analysis of the appropriateness of the placement exceptions and of the trends**
27 **reflected in the quarterly report.**

28 **“(b) In addition, not later than September 15 each year, the System of Care Advisory**
29 **Council shall submit a report to the interim committees of the Legislative Assembly related**
30 **to human services and behavioral health in the manner provided under ORS 192.245 sum-**
31 **marizing the quarterly reports received from the department and the authority in the pre-**
32 **vious four quarters. The summary must include the System of Care Advisory Council’s**
33 **analysis of the appropriateness of the placement exceptions and of the trends reflected in the**
34 **quarterly reports in the previous four quarters.**

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

39 **“(b) The System of Care Advisory Council may not include information in its reports**
40 **under this section that contain the name of or any identifying information about a child.”.**

41 On page 50, delete lines 9 through 14.

42 In line 15, delete “(10)(a)” and insert “(9)(a)”.

43 On page 52, delete lines 37 through 45 and delete pages 53 through 55.

44 On page 56, delete lines 1 through 9 and insert:

45 **“NOTE:** Sections 42 through 46 were deleted by amendment. Subsequent sections were not re-

1 numbered.”.

2 In line 14, after “1” delete the rest of the line and insert “and 10”.

3 In line 15, delete “46” and delete “109.675, 109.680,”.

4 In line 21, delete “, 44, 45”.

5 In line 27, delete “ORS 418.322 (9)” and insert “section 36b (3) of this 2025 Act”.

6 On page 63, delete lines 3 through 21 and insert:

7 “**SECTION 58.** ORS 418.625 is amended to read:

8 “418.625. As used in ORS 418.625 to 418.645:

9 “(1) ‘Certificate’ means a written approval to operate a foster home issued by the Department
10 of Human Services on a form prescribed by the department that states the name of the foster parent,
11 the address of the premises to which the certificate applies and the maximum number of children
12 to be maintained or boarded in the foster home at any one time.

13 “(2) ‘Department’ means the Department of Human Services.

14 “(3)(a) ‘Foster home’ means any home maintained by a person who has under the care of the
15 person in the home any child under the age of 21 years unattended by the child’s parent or guardian,
16 for the purpose of providing the child with care, food and lodging[, *but does not include*:].

17 “(b) ‘Foster home’ does not include:

18 “[a)] (A) Any boarding school that is essentially and primarily engaged in educational work;

19 “[b)] (B) Any home in which a child is provided board and room by a school board;

20 “[c)] (C) Any foster home under the direct supervision of a child-caring agency or institution
21 certified by the department;

22 “[d)] (D) Any home under the direct supervision of a custodial parent for the purpose of pro-
23 viding respite care as defined by rule;

24 “[e)] (E) Any developmental disability child foster home as defined in ORS 443.830; or

25 “[f)] (F) Any home of a provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**,
26 for parents pursuant to a properly executed power of attorney under ORS 109.056.”.

27 On page 64, line 25, delete “418.215” and insert “418.246”.

28 Delete lines 31 through 42 and insert:

29 “**SECTION 62.** The State Board of Education shall adopt the rules described in ORS
30 **339.303 for investigations of violations of ORS 339.285 to 339.303 or 339.308, not later than the**
31 **beginning of the 2026-2027 academic year.**

32 “**SECTION 63.** The amendments to ORS 339.303 (2) by section 6 of this 2025 Act apply to
33 investigations of complaints received on or after August 30, 2026.

34 “**SECTION 64.** (1) The amendments to ORS 339.303 by section 6 of this 2025 Act become
35 operative on August 30, 2026.

36 “(2) The State Board of Education and the Department of Education may adopt rules and
37 take any other action before the operative date specified in subsection (1) of this section that
38 is necessary to enable the board and the department to undertake and exercise, on and after
39 the operative date specified in subsection (1) of this section, all of the duties, functions and
40 powers conferred on the board and on the department by the amendments to ORS 339.303
41 by section 6 of this 2025 Act.

42 “**SECTION 65.** The unit captions used in this 2025 Act are provided only for the conven-
43 ience of the reader and do not become part of the statutory law of this state or express any
44 legislative intent in the enactment of this 2025 Act.

45 “**SECTION 66.** This 2025 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
2 **on its passage.”.**

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