

HB 3835-3
(LC 4714)
4/4/25 (LAS/ps)

Requested by HOUSE COMMITTEE ON EARLY CHILDHOOD AND HUMAN SERVICES (at the request of Representative Annessa Hartman)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3835**

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

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

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

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

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

8 “(B) Not a standard treatment for the child’s medical or psychiatric con-
9 dition.”.

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

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

12 “(a) The responsible individual places or directs the placement of the
13 child in a restraint and the restraint is used for discipline, punishment, re-
14 taliation or convenience;

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

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

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

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

2 After line 32, insert:

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

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

9 In line 35, restore the bracketed material.

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

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

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

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

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

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

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

22 In line 22, delete “Clearly limit the subjects” and insert “Make the sub-
23 ject” and delete “to”.

24 In line 28, restore the bracketed material.

25 In lines 29 and 30, delete the boldfaced material.

26 On page 11, line 3, after “(1)” insert “A child-caring agency, develop-
27 mental disabilities residential facility, proctor foster home or certified foster
28 home engages in abuse of a child in care if the child-caring agency, devel-
29 opmental disabilities residential facility, proctor foster home, certified foster
30 home, caretaker or other person fails to make a reasonable effort to protect

1 the child in care from abuse as described in this section or ORS 419B.005.

2 “(2)”.

3 In line 5, after “proctor” insert “foster”.

4 In line 14, after “abuse” insert “as described in this section or ORS
5 419B.005”.

6 On page 12, line 16, delete “(2)” and insert “(3)”.

7 On page 16, line 3, delete “or wrongful seclusion”.

8 In line 8, before “risk” insert “reasonable”.

9 Delete lines 11 through 13 and insert:

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

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

14 “(d) If the child is placed in involuntary seclusion, it is not wrongful se-
15 clusion as described in section 1 of this 2025 Act.”.

16 Delete lines 42 through 44 and insert:

17 “(b) The restraint is authorized by a licensed medical practitioner or a
18 licensed children’s emergency safety intervention specialist and the restraint
19 is not authorized as a standing order or on an as-needed basis;”.

20 On page 17, line 5, delete “well-being” and insert “status”.

21 In line 13, delete “well-being of” and insert “impact of the restraint on”.

22 In line 21, before “risk” insert “reasonable”.

23 In line 25, after “department” insert “of Human Services”.

24 Delete line 35 and insert “at least as often as prescribed by the depart-
25 ment by rule; and”.

26 On page 19, line 40, after “Prioritize” insert “, by means of explicit
27 policy,”.

28 On page 30, line 33, after “Services” insert “under ORS 418.240”.

29 On page 34, line 45, delete “Intentional”.

30 On page 35, line 8, delete “Intentional”.

1 On page 38, line 2, delete “a” and insert “the”.

2 On page 39, after line 30, insert:

3 “(5)(a) Any person, including but not limited to an employee of a child-
4 caring agency, proctor foster home, adjudicated youth foster home, certified
5 foster home or developmental disabilities residential facility, may make a
6 report to the Governor, the Department of Justice, the Director of Human
7 Services, the director’s designee or the Department of Human Services of
8 acts or omissions occurring at a child-caring agency, proctor foster home,
9 adjudicated youth foster home, certified foster home or developmental disa-
10 bilities residential facility that constitute violations of licensing or certi-
11 fication requirements, criminal activity or violations of state or federal laws
12 or of any other practice that threatens the health or safety of a child in care.

13 “(b) A person who makes a report described in paragraph (a) of this sub-
14 section in good faith and who has reasonable grounds for making the report
15 shall have immunity:

16 “(A) From any liability, civil or criminal, that might otherwise be in-
17 curred or imposed with respect to the making or content of such report;

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

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

21 “(c) A person making a report under this subsection may disclose other-
22 wise confidential information for the sole purpose of making the report, and
23 the person to whom the report is made must protect the confidential infor-
24 mation from further disclosure for any purpose not related to the making of
25 the report.”.

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

27 On page 47, delete lines 41 through 45.

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

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

1 “(c) The out-of-state placement is subject to court approval under ORS
2 419B.351.

3 “(d) The department may not place a child in an out-of-state placement
4 under this subsection unless the department has verified that the placement
5 is in good standing with the licensing authority in the state in which the
6 placement will provide services or treatment to the child.

7 “(e) The department may not place a child in an out-of-state placement
8 under this subsection unless the department has conducted an in-person in-
9 spection and has verified that the placement is safe and in significant
10 alignment with the licensure requirements that would apply if the out-of-
11 state placement was located in this state. The inspection under this para-
12 graph must be conducted by department staff who perform licensing
13 functions under ORS 418.262.

14 “(f) All approvals of the exceptions in this subsection must be made by
15 the director of the division of the department that administers the state child
16 welfare program or the director’s designee. In addition, the exceptions under
17 paragraph (a)(A), (C) and (E) of this subsection must also be approved by the
18 director of the division of the authority that administers the state medical
19 assistance program or the director’s designee.

20 “(g) The department and the Oregon Health Authority shall collaborate
21 to establish rules for the approval process under paragraph (f) of this sub-
22 section.

23 “(h) The authority shall establish, under contract with coordinated care
24 entities, basic standards for quality assurance and oversight prior to and
25 during the child’s medically necessary and appropriate treatments and ser-
26 vices for out-of-state providers under this section.

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

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

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

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

5 “(a) Establish what constitutes significant alignment with licensure re-
6 quirements for child-caring agencies under ORS 418.215 and 418.240;

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

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

11 “(d) Ensure the child understands the child’s rights as a child in the care
12 or custody of the department, including under the Oregon Foster Children’s
13 Bill of Rights, and ensure that the child knows how to report violations of
14 those rights to the State of Oregon.”.

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

16 After line 19, insert:

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

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

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

24 **“(a) File with the juvenile court the report required under ORS
25 419B.440 (1)(a); and**

26 **“(b) Provide written notice of the placement to the office of the
27 Governor, the foster care ombudsman and the System of Care Advi-
28 sory Council prior to or as soon as practicable after the date of
29 placement.**

30 **“(3) The department and the Oregon Health Authority shall submit**

1 quarterly narrative reports to the System of Care Advisory Council
2 describing the circumstances justifying placements in the previous
3 quarter of any children or wards in child-caring agencies that are not
4 qualified residential treatment programs as permitted under ORS
5 418.322 (3)(k) and any placement extensions authorized under ORS
6 418.322 (5)(b).

7 “(4)(a) Not later than six months after receiving a quarterly report
8 under subsection (3) of this section, the System of Care Advisory
9 Council shall submit a report to the interim committees of the Legis-
10 lative Assembly related to human services and behavioral health in the
11 manner provided under ORS 192.245. The report must include the
12 System of Care Advisory Council’s analysis of the appropriateness of
13 the placement exceptions and of the trends reflected in the quarterly
14 report.

15 “(b) In addition, not later than September 15 each year, the System
16 of Care Advisory Council shall submit a report to the interim com-
17 mittees of the Legislative Assembly related to human services and
18 behavioral health in the manner provided under ORS 192.245 summa-
19 rizing the quarterly reports received from the department and the
20 authority in the previous four quarters. The summary must include
21 the System of Care Advisory Council’s analysis of the appropriateness
22 of the placement exceptions and of the trends reflected in the quar-
23 terly reports in the previous four quarters.

24 “(5)(a) Records received by the System of Care Advisory Council
25 under this section are not subject to public inspection and, to the ex-
26 tent permitted under ORS 192.610 to 192.705, the System of Care Advi-
27 sory Council shall hold an executive session for the consideration of
28 information and records it receives under this section.

29 “(b) The System of Care Advisory Council may not include infor-
30 mation in its reports under this section that contain the name of or

1 **any identifying information about a child.”.**

2 On page 50, delete lines 9 through 14.

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

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

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

6 **“NOTE:** Sections 42 through 46 were deleted by amendment. Subsequent
7 sections were not renumbered.”.

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

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

10 In line 21, delete “, 44, 45”.

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

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

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

15 “418.625. As used in ORS 418.625 to 418.645:

16 “(1) ‘Certificate’ means a written approval to operate a foster home issued
17 by the Department of Human Services on a form prescribed by the depart-
18 ment that states the name of the foster parent, the address of the premises
19 to which the certificate applies and the maximum number of children to be
20 maintained or boarded in the foster home at any one time.

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

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

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

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

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

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

3 “[d] (D) Any home under the direct supervision of a custodial parent for
4 the purpose of providing respite care as defined by rule;

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

7 “[f] (F) Any home of a provider of respite services, as defined in ORS
8 [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power
9 of attorney under ORS 109.056.”.

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

11 Delete lines 31 through 42 and insert:

12 **“SECTION 62. The State Board of Education shall adopt the rules
13 described in ORS 339.303 for investigations of violations of ORS 339.285
14 to 339.303 or 339.308, not later than the beginning of the 2026-2027 aca-
15 demic year.**

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

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

21 **“(2) The State Board of Education and the Department of Education
22 may adopt rules and take any other action before the operative date
23 specified in subsection (1) of this section that is necessary to enable
24 the board and the department to undertake and exercise, on and after
25 the operative date specified in subsection (1) of this section, all of the
26 duties, functions and powers conferred on the board and on the de-
27 partment by the amendments to ORS 339.303 by section 6 of this 2025
28 Act.**

29 **“SECTION 65. The unit captions used in this 2025 Act are provided
30 only for the convenience of the reader and do not become part of the**

1 **statutory law of this state or express any legislative intent in the**
2 **enactment of this 2025 Act.**

3 **“SECTION 66. This 2025 Act being necessary for the immediate**
4 **preservation of the public peace, health and safety, an emergency is**
5 **declared to exist, and this 2025 Act takes effect on its passage.”.**

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