

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3835**

On page 1 of the printed A-engrossed bill, delete lines 3 through 8 and insert “418.016, 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 declaring an emergency.”.

On page 2, delete lines 5 through 45 and delete pages 3 through 63 and insert:

“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 reduce an imminent safety risk by managing the child’s behavior and temporarily restricting 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

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

2 **“(c) ‘Child-caring agency’ has the meaning given that term in ORS**
3 **418.205.**

4 **“(d)(A) ‘Corporal punishment’ means the willful infliction of, or**
5 **willfully causing the infliction of, physical pain on a child.**

6 **“(B) ‘Corporal punishment’ does not include:**

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

9 **“(ii) Physical pain or discomfort resulting from or caused by par-**
10 **ticipation in athletic competition or other such recreational activity,**
11 **voluntarily engaged in by a child.**

12 **“(e) ‘Developmental disabilities residential facility’ means a resi-**
13 **dential facility or foster home for children who are under 18 years of**
14 **age and receiving developmental disability services that are subject to**
15 **ORS 443.400 to 443.455, 433.830 and 443.835.**

16 **“(f) ‘Foster parent’ means a person operating:**

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

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

21 **“(C) A foster home certified by a child-caring agency under ORS**
22 **418.248 that is not subject to ORS 418.625 to 418.645.**

23 **“(g) ‘Involuntary seclusion’ means the confinement of a child alone**
24 **in a room or an enclosed space from which the child is prevented from**
25 **leaving by any means.**

26 **“(h) ‘Responsible individual’ means an individual who is at least 18**
27 **years old and who may have contact with a child as a result of the**
28 **individual’s position as:**

29 **“(A) A foster parent; or**

30 **“(B) An employee, a contractor or a volunteer of a foster parent,**

1 a child-caring agency or a developmental disabilities residential facil-
2 ity.

3 “(i) ‘Restraint’ means the physical restriction of a child’s actions
4 or movements by holding the child or using pressure or other means.

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

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

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

13 “(b) The responsible individual administers or directs to be admin-
14 istered a chemical restraint to the child; or

15 “(c) The responsible individual restrains or directs the restraint of
16 the freedom of movement of the child through the excessive or reck-
17 less use of force that results in, or is likely to result in, serious phys-
18 ical harm to the child.

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

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

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 Depart-
26 ment of Human Services and subject to ORS 418.625 to 418.645.

27 “(b) ‘Child-caring agency’ has the meaning given that term under ORS
28 418.205.

29 “(c) ‘Developmental disabilities residential facility’ means a residential
30 facility or foster home for children who are *[17 years of age or younger]*

1 **under 18 years of age** and receiving developmental disability services that
2 is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

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

7 “[*(e)*] ‘Secure nonemergency medical transportation provider’ means a private
8 organization or person that provides nonemergency medical secure transporta-
9 tion services subject to rules adopted by the Oregon Health Authority.]

10 “[*(f)*] (e) ‘Secure transportation’ means the **nonmedical** transport of a
11 child in a vehicle specifically equipped to prevent a passenger from exiting,
12 eloping or interfering with the operator of the vehicle, *[and]* as **may be**
13 further defined by the department by rule.

14 “[*(g)*] (f) ‘Secure transportation services’ means the secure transportation
15 or secure escort of *[children.]* **a child, as further described by the de-**
16 **partment by rule.**

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

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

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

30 “[*(B)*] (A) A child-caring agency that is licensed, certified or otherwise

1 authorized by the department to provide or engage in the provision of care
2 or services to children if:

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

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

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

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

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

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

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

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

19 “(b) The licensing exemptions under paragraph [*(a)(B) and (D)*] **(a)(A)**
20 **and (B)** of this subsection do not apply if the child-caring agency or devel-
21 opmental disabilities residential facility is transporting the child for the
22 purposes of placing the child in a facility that is not licensed by the de-
23 partment or in a hospital that is not licensed by the authority.

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

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

1 “(B) The provider holds itself out as being an Oregon provider of secure
2 transportation services, including by registering in this state the vehicles it
3 uses in the provision of its secure transportation services or representing or
4 otherwise indicating in advertisements or promotional materials that the
5 provider is based in this state, maintains a mailing address in this state or
6 is licensed, certified or otherwise authorized by the department or the au-
7 thority to provide secure transportation services or similar services in this
8 state.

9 “(b) The disclosure under paragraph (a) of this subsection must also in-
10 dicate that the **provider of** secure transportation services [*provider*] is not
11 licensed by the department under ORS 418.215 or 418.240 to provide secure
12 transportation services and, if applicable, the reason for the provider’s li-
13 censing exemption under subsection (3) of this section.

14 “(c) If a provider that is required to make a disclosure under this sub-
15 section is authorized by the authority to provide secure transportation ser-
16 vices, the provider’s disclosure under this subsection may, consistent with
17 rules adopted by the authority, also include a statement that the provider is
18 authorized by the authority to provide secure transportation services.

19 “(5) The department and the authority may adopt rules for the provision
20 of secure transportation services consistent with this section and ORS
21 418.205 to 418.327, 418.359 and 418.519 to 418.532.

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

24 **“SECTION 10. (1) A child-caring agency, developmental disabilities**
25 **residential facility, proctor foster home or certified foster home en-**
26 **gages in abuse of a child in care if the child-caring agency, develop-**
27 **mental disabilities residential facility, proctor foster home, certified**
28 **foster home, caretaker or other person fails to make a reasonable ef-**
29 **fort to protect the child in care from abuse as described in this section**
30 **or ORS 419B.005.**

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

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

10 **“(b) Neglects the child in care by:**

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

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

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

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

19 **“(e) Commits an act involving the child in care that constitutes a**
20 **crime under ORS 163.263, 163.264, 163.266, 163.375, 163.405, 163.411,**
21 **163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.**

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

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

26 **“(B) Harassment, coercion, humiliation, mental cruelty or inap-**
27 **propriate sexual comments; or**

28 **“(C) Intimidation, including by compelling or deterring conduct by**
29 **threat.**

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

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

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

7 “(C) Misappropriating, misusing or transferring without authori-
8 zation any moneys from any account held jointly or singly by a child
9 in care; or

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

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

14 “(A) Sexual harassment of the child in care;

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

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

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

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

23 “(B) Engaging in other conduct that allows, employs, authorizes,
24 permits, induces or encourages a child in care to engage in performing
25 for people to observe or the photographing, filming, tape recording or
26 other exhibition that, in whole or in part, depicts sexual conduct or
27 sexual contact, as those terms are defined in ORS 167.002, or sexually
28 explicit conduct as described in ORS 163.665 and 163.670, or sexual
29 abuse involving the child in care or rape of the child in care, other
30 than conduct that is part of any investigation conducted pursuant to

1 **ORS 418.258, 418.259 or 419B.020, or that is designed to serve educa-**
2 **tional or other legitimate purposes; or**

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

8 **“(3) As used in this section:**

9 **“(a) ‘Financial exploitation’ does not include age-appropriate disci-**
10 **pline that may involve the threat to withhold, or the withholding of,**
11 **privileges.**

12 **“(b) ‘Intimidation’ does not include age-appropriate discipline that**
13 **may involve the threat to withhold privileges.**

14 **“SECTION 11. ORS 418.257 is amended to read:**

15 **“418.257. As used in ORS 418.257 to 418.259:**

16 **“[(1) ‘Abuse’ means one or more of the following:]**

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

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

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

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

26 **“[(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,**
27 **163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.]**

28 **“[(f) Verbal abuse.]**

29 **“[(g) Financial exploitation.]**

30 **“[(h) Sexual abuse.]**

1 “(i) *The use of restraint or involuntary seclusion of a child in care in vi-*
2 *olation of ORS 418.521 or 418.523.*]

3 “(1) **‘Abuse’ has the meaning described in section 10 of this 2025 Act.**

4 “(2) **‘Adjudicated youth foster home’ means a foster home certified**
5 **by the Oregon Youth Authority under ORS 420.888 to 420.892.**

6 “[(2)] (3) ‘Certified foster home’ means a foster home certified by the De-
7 partment of Human Services and subject to ORS 418.625 to 418.645.

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

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

12 “(B) A certified foster home; [or]

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

14 **“(D) An adjudicated youth foster home.**

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

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

22 “[(5)(a)] *‘Financial exploitation’ means:*

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

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

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

30 “[(D) *Failing to use the income or assets of a child in care effectively for*

1 *the support and maintenance of the child in care.]*

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

4 *“[(6) ‘Intimidation’ means compelling or deterring conduct by threat. ‘In-*
5 *timidation’ does not include age-appropriate discipline that may involve the*
6 *threat to withhold privileges.]*

7 *“[(7) ‘Involuntary seclusion’ has the meaning given that term in ORS*
8 *418.519.]*

9 *“[(8)] (6) ‘Law enforcement agency’ means:*

10 *“(a) Any city or municipal police department.*

11 *“(b) Any county sheriff’s office.*

12 *“(c) The Oregon State Police.*

13 *“(d) Any district attorney.*

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

16 *“[(9) ‘Neglect’ means:]*

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

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

22 *“[(10) ‘Restraint’ has the meaning given that term in ORS 418.519.]*

23 *“[(11)] (7) ‘Services’ includes but is not limited to the provision of food,*
24 *clothing, medicine, housing, medical services, assistance with bathing or*
25 *personal hygiene or any other service essential to the well-being of a child*
26 *in care.*

27 *“[(12) ‘Sexual abuse’ means:]*

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

30 *“[(b) Any sexual contact between a child in care and an employee of a*

1 *child-caring agency, proctor foster home, certified foster home, developmental*
2 *disabilities residential facility, caretaker or other person responsible for the*
3 *provision of care or services to a child in care;]*

4 “[*(c) Any sexual contact between a person and a child in care that is un-*
5 *lawful under ORS chapter 163 and not subject to a defense under that chapter;*
6 *or]*

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

9 “[*(13) ‘Sexual contact’ has the meaning given that term in ORS 163.305.*]

10 “[*(14) ‘Sexual exploitation’ means sexual exploitation as described in ORS*
11 *419B.005 (1)(a)(E).*]

12 “[*(15) ‘Verbal abuse’ means to threaten significant physical or emotional*
13 *harm to a child in care through the use of:]*

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

16 “[*(b) Harassment, coercion, threats, intimidation, humiliation, mental cru-*
17 *elty or inappropriate sexual comments.*]

18 **“SECTION 12.** ORS 418.519 is amended to read:

19 “418.519. As used in ORS 418.519 to 418.532:

20 “**(1) ‘Adjudicated youth foster home’ means a foster home certified**
21 **by the Oregon Youth Authority under ORS 420.888 to 420.892.**

22 “[*(1)*] **(2) ‘Certified foster home’ means a foster home subject to ORS**
23 **418.625 to 418.645.**

24 “[*(2)*] **(3) ‘Chemical restraint’ [means a drug or medication that is admin-**
25 **istered to a child in care to control behavior or restrict freedom of**
26 **movement.] has the meaning given that term in section 1 of this 2025**
27 **Act.**

28 “[*(3)*] **(4) ‘Child-caring agency’ has the meaning given that term in ORS**
29 **418.205.**

30 “[*(4)*] **(5) ‘Child in care’ has the meaning given that term in ORS 418.257.**

1 “[5] (6) ‘Children’s emergency safety intervention specialist’ means a
2 qualified mental health professional licensed to order, monitor and evaluate
3 the use of **involuntary** seclusion and restraint in accredited and certified
4 facilities that provide intensive mental health treatment services to individ-
5 uals under 21 years of age.

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

8 “[7](a) *‘Involuntary seclusion’ means the confinement of a child in care*
9 *alone in a room or an enclosed space from which the child in care is prevented*
10 *from leaving by any means.]*

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

14 **“(8) ‘Involuntary seclusion’ has the meaning given that term in**
15 **section 1 of this 2025 Act.**

16 “[8] (9)(a) ‘Mechanical restraint’ means a device used to restrict the
17 movement of a child in care or the movement or normal function of a portion
18 of the body of a child in care.

19 **“(b) ‘Mechanical restraint’ does not include:**

20 **“(A) A protective or stabilizing device ordered by a licensed physi-**
21 **cian; or**

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

24 “[9] (10) ‘Proctor foster home’ means a foster home certified by a child-
25 caring agency under ORS 418.248.

26 “[10] (11) ‘Program’ means:

27 “(a) A child-caring agency;

28 “(b) A proctor foster home; or

29 “(c) A developmental disabilities residential facility that is a residential
30 training home or facility licensed under ORS 443.415 to serve children under

1 18 years of age.

2 “[(11)] (12) ‘Prone restraint’ means a restraint in which a child in care
3 is held face down on the floor.

4 “[(12)] (13) ‘Reportable injury’ means any type of injury to a child in care,
5 including but not limited to rug burns, fractures, sprains, bruising, pain, soft
6 tissue injury, punctures, scratches, concussions, abrasions, dizziness, loss of
7 consciousness, loss of vision, visual disturbance or death.

8 “[(13)] (14) ‘Restraint’ [*means the physical restriction of a child in care’s*
9 *actions or movements by holding the child in care or using pressure or other*
10 *means.*] **has the meaning given that term in section 1 of this 2025 Act.**

11 “[(14)] (15) ‘Secure adolescent inpatient treatment program’ means a
12 child-caring agency that is an intensive treatment services program, as de-
13 scribed by the Oregon Health Authority by rule, that provides inpatient
14 psychiatric stabilization and treatment services to individuals under 21 years
15 of age who require a secure intensive treatment setting.

16 “[(15)] (16) ‘Secure children’s inpatient treatment program’ means a
17 child-caring agency that is an intensive treatment services program, as de-
18 scribed by the authority by rule, that provides inpatient psychiatric stabili-
19 zation and treatment services to children under 14 years of age who require
20 a secure intensive treatment setting.

21 “[(16)] (17) ‘*Serious bodily injury*’ means any significant impairment of the
22 *physical condition of an individual, as determined by qualified medical per-*
23 *sonnel, whether self-inflicted or inflicted by someone else.]*

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

26 **“SECTION 13.** ORS 418.521 is amended to read:

27 “418.521. (1) A child-caring agency, proctor foster home, certified foster
28 home, **adjudicated youth foster home** or developmental disabilities resi-
29 dential facility may not place a child in care in a restraint or involuntary
30 seclusion as a form of discipline, punishment or retaliation or for the con-

1 venience of staff, contractors or volunteers of the child-caring agency,
2 proctor foster home, certified foster home, **adjudicated youth foster home**
3 or developmental disabilities residential facility.

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

6 “(a) Chemical restraint.

7 “(b) Mechanical restraint.

8 “(c) Prone restraint.

9 “(d) Supine restraint.

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

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

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

16 **“(B) Includes the intentional and nonincidental use of a solid ob-**
17 **ject, including the ground, a wall or the floor; and**

18 **“(C) Causes the child in care’s body to be pressed between the per-**
19 **son imposing the restraint and the object or to be pressed between an**
20 **object or objects.**

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

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

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

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

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

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

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

6 “**SECTION 14.** ORS 418.523 is amended to read:

7 “418.523. (1) Except as otherwise provided in this section, a child-caring
8 agency, proctor foster home or developmental disabilities residential facility
9 may [*only*] place a child in care in a restraint or involuntary seclusion **only**
10 if the child in care’s behavior poses a [*reasonable risk of imminent serious*
11 *bodily injury*] **reasonable risk of imminent serious physical harm** to the
12 child in care or others, **including animals, as defined in ORS 167.310,**
13 and:

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

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

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

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

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

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

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

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

1 “(ii) Implement age-appropriate discipline, as defined by the De-
2 partment of Human Services by rule, including placing the child in
3 care in a time-out.

4 “(B) As used in this paragraph, ‘reasonable and prudent parent
5 standard’ means the standard characterized by careful and sensible
6 parental decisions that maintain the health, safety and best interests
7 of a child in care while encouraging the emotional and developmental
8 growth of the child in care.

9 “(C) Actions taken by a certified foster home or proctor foster home
10 consistent with this paragraph are not subject to the incident report-
11 ing requirements under ORS 418.526.

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

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

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

20 “[(c) Using a physical intervention if:]

21 “[(A) The intervention is necessary to break up a physical fight or to ef-
22 fectively protect a person from an assault, serious bodily injury or sexual
23 contact;]

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

26 “[(C) The intervention is not a prohibited restraint described in ORS
27 418.521 (2).]

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

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

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

3 “**(3) Notwithstanding subsection (1) or (2) of this section, a child-**
4 **caring agency, proctor foster home, certified foster home, adjudicated**
5 **youth foster home or developmental disabilities residential facility**
6 **may physically intervene, without immobilizing the child in care, if**
7 **the intervention is necessary to break up a physical fight or to effec-**
8 **tively protect a person from an assault, other serious physical harm**
9 **or sexual contact.**

10 “[*(c)*] **(4) Notwithstanding subsection (1) of this section,** if a program
11 is a secure children’s inpatient treatment program or secure adolescent in-
12 patient treatment program, the program may place a child in care in a re-
13 straint described in ORS 418.521 (2)(d) or (e) only if:

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

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

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

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

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

30 “[*(E)*] **(e)** Each individual placing the child in care in the restraint is

1 certified as described in ORS 418.529 in the use of the type of restraint used
2 and the individual's training is current;

3 “[(F)] (f) One or more individuals with current cardiopulmonary resusci-
4 tation training are present for the duration of the restraint;

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

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

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

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

20 “(b) The individuals placing the child in care in the restraint or invol-
21 untary seclusion are certified as described in ORS 418.529 in the use of the
22 type of restraint used or are trained, as required by the Department **of Hu-**
23 **man Services** by rule, in the use of the involuntary seclusion used;

24 “(c) The program staff continuously monitor the child in care for the du-
25 ration of the restraint or involuntary seclusion; and

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

1 “(6) In addition to the requirements described in subsection (5) of this
2 section, if a program places a child in care in a restraint or involuntary se-
3 clusion for more than 10 minutes:

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

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

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

15 “(C) The written authorization must document why the restraint or in-
16 voluntary seclusion continues to be the least restrictive intervention to re-
17 duce the risk of imminent [*serious bodily injury*] **serious physical harm** in
18 the given circumstances.

19 “(7) **Federal requirements regarding the use of restraint or invol-**
20 **untary seclusion that are more restrictive than this section supersede**
21 **any inconsistent provision of this section to the extent of the incon-**
22 **sistency.**

23 “**SECTION 15.** ORS 418.526 is amended to read:

24 “418.526. (1) A program shall establish procedures for the program to fol-
25 low when a child in care is placed in a restraint or involuntary seclusion.
26 The procedures must be consistent with the provisions of this section and
27 ORS 418.521 and 418.523.

28 “(2)(a) A program shall maintain a record of each incident in which a
29 reportable injury arises from the use of a restraint or involuntary seclusion.
30 The record under this subsection must include any photographs, audio re-

1 cordings or video recordings immediately preceding, during and following the
2 incident. The record may not be destroyed, edited, concealed or altered in
3 any way.

4 “(b) The program shall immediately provide the Department of Human
5 Services with written notification of the incident and true copies of any re-
6 cord maintained under this subsection.

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

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

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

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

18 “(3)(a) If a program places a child in care in a restraint [*except as pro-*
19 *vided in ORS 418.523 (3)(a) or (b),*] or involuntary seclusion, the program
20 shall provide the child in care’s case manager, attorney, court appointed
21 special advocate and parents or guardians with:

22 “(A) Verbal or electronic notice that the restraint or involuntary seclu-
23 sion was used as soon as practicable following the incident but not later
24 than the end of the next business day; and

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

28 “(b) The written notice must include:

29 “(A) A description of the restraint or involuntary seclusion, the date of
30 the restraint or involuntary seclusion, the times when the restraint or in-

1 voluntary seclusion began and ended and the location of the restraint or
2 involuntary seclusion.

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

5 “(C) The efforts the program used to de-escalate the situation and the
6 alternatives to restraint or involuntary seclusion the program attempted be-
7 fore placing the child in care in the restraint or involuntary seclusion.

8 “(D)(i) The names of each individual who placed the child in care in the
9 restraint or involuntary seclusion or who monitored or approved the place-
10 ment of the child in care in the restraint or involuntary seclusion.

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

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

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

27 “(4) If an incident requires notice under subsection (3) of this section, not
28 later than two business days following the date of the restraint or involun-
29 tary seclusion, the program shall hold a debriefing meeting with each indi-
30 vidual who was involved in the incident and with any other appropriate

1 program staff, shall take written notes of the debriefing meeting and shall
2 provide copies of the written notes to the child in care's case manager, at-
3 torney, court appointed special advocate and parents or guardians.

4 “(5) *[If serious bodily injury or the death of staff personnel occurs in con-*
5 *nection to the use of the restraint or involuntary seclusion,]* **If, in connection**
6 **with the use of a restraint or involuntary seclusion, program person-**
7 **nel die or suffer serious physical injury, as defined in ORS 161.015,** the
8 program shall provide the department with written notification of the inci-
9 dent not later than 24 hours following the incident.

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

12 **“SECTION 16.** ORS 418.529 is amended to read:

13 “418.529. (1)(a) The Department of Human Services shall adopt by rule
14 training standards and certification requirements regarding the placement
15 of a child in care in a restraint or involuntary seclusion, consistent with this
16 section.

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

19 **“(A) Use trauma-informed practices;**

20 **“(B) Prioritize the reduction or elimination of the use of restraint**
21 **and involuntary seclusion;**

22 **“(C) Teach techniques for de-escalation that do not require any**
23 **form of restraint or involuntary seclusion; and**

24 **“(D) Meet the department's training standards and whose certifications**
25 **issued upon completion of the training programs the department will recog-**
26 **nize as satisfying the department's certification requirements.**

27 **“(c) The department shall coordinate with the System of Care Ad-**
28 **visory Council to convene an advisory committee consisting of indi-**
29 **viduals who, as children, gained lived experience in the use of restraint**
30 **or involuntary seclusion, and the families of those individuals. The**

1 **advisory committee shall provide the department with recommen-**
2 **dations regarding the selection of providers of crisis intervention**
3 **training under this subsection.**

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

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

7 “(b) Require the teaching of techniques for nonviolent crisis intervention
8 that do not require restraint;

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

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

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

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

20 “(g) Include training to identify the physical, psychological and emotional
21 risks for children and program staff related to the use of restraint and in-
22 voluntary seclusion;

23 “(h) Ensure fidelity of training through the publication of consistent
24 training materials and resources for certified instructors and certified pro-
25 gram staff;

26 “(i) Include requirements for instructor training and certification; and

27 “(j) Require regular, ongoing support to certified instructors, including
28 quality control, monitoring of outcomes and provision of information re-
29 garding networks for professional collaboration and support.

30 “(3) The department’s rules must require that training instructors:

1 “(a) Be certified to conduct the type of training the instructor is provid-
2 ing;

3 “(b) Complete a minimum of 26 hours of initial education with a focus
4 on de-escalation, nonviolent intervention and methods consistent with the
5 department’s rules for the use of [*physical intervention*] **restraint**;

6 “(c) Complete a minimum of 12 hours of continuing education every two
7 years;

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

9 “(e) Demonstrate written and physical competency before receiving certi-
10 fication or recertification.

11 “(4) The department’s rules must provide that an individual who places
12 a child in care in a program in a restraint must be certified in the use of the
13 specific type of restraint used. The department’s rules must describe the
14 minimum certification requirements, including:

15 “(a) Completion of a minimum of 12 hours of initial training in person
16 from an instructor certified as provided in subsection (3) of this section, in-
17 cluding at least six hours of training in positive behavior support, nonviolent
18 crisis intervention and other methods of nonphysical intervention to support
19 children in care in crisis;

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

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

23 “(5) A certification issued under this section:

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

25 “(b) May be valid for no more than two years without recertification;

26 “(c) Must require annual continuing education to maintain;

27 “(d) Must require additional training to renew the certification;

28 “(e) Must be portable between employers; and

29 “(f) Must include:

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

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

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

3 “(D) Any special endorsements earned by the individual;

4 “(E) The level of training; and

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

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

10 **“SECTION 17.** ORS 418.532 is amended to read:

11 “418.532. (1) Each child in care receiving services from a child-caring
12 agency must be provided with information that:

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

16 “(b) Provides instruction regarding how a child in care may report sus-
17 pected [*inappropriate use of restraint or involuntary seclusion*] **use of abusive**
18 **restraint or abusive seclusion, as described in section 1 of this 2025**
19 **Act;**

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

23 **“(c) Assures the child in care that the child will not experience re-**
24 **taliation for making an abuse report or complaint regarding the use**
25 **of involuntary seclusion or restraint, including the use of abusive re-**
26 **straint or abusive seclusion as described in section 1 of this 2025 Act;**
27 **and**

28 “(d) Includes the telephone number for the toll-free child abuse hotline
29 described in ORS 417.805, information regarding the centralized child abuse
30 reporting system described in ORS 418.190 and the telephone numbers and

1 electronic mail addresses for the program's licensing or certification agency,
2 the child in care's caseworker and attorney, the child in care's court ap-
3 pointed special advocate and Disability Rights Oregon.

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

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

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

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

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

13 *“419A.245. [(1) During the transportation of a youth, adjudicated youth,*
14 *young person, ward or child by the Department of Human Services, the Oregon*
15 *Health Authority or an agent of the department or authority:]*

16 **“(1) The Oregon Health Authority or an agent of the authority may**
17 **use restraints during the transportation or escort of a youth, adjudi-**
18 **cated youth or young person as provided in this section.**

19 **“(2) Prior to using restraints during the transportation of a youth,**
20 **adjudicated youth or young person, the authority shall create a**
21 **transportation safety plan, including documentation of the need for**
22 **restraints. The transportation safety plan must address intervention**
23 **strategies designed to modify behavior without the use of restraints**
24 **and recommend the least restrictive effective alternative.**

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

29 **“[(A)] (a) The transportation is secure transportation to a detention fa-**
30 **cility, youth correction facility, as defined in ORS 420.005, secure hospital,**

1 secure intensive community inpatient facility or other secure facility; or

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

6 “[*(b)* *Prior to the use of restraints during transportation, a transportation*
7 *safety plan, including documentation of the need for restraints, must be cre-*
8 *ated. The transportation safety plan must address intervention strategies de-*
9 *signed to modify behavior without the use of restraints and recommend the*
10 *least restrictive effective alternative.*]

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

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

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

24 **“SECTION 19.** ORS 418.992 is amended to read:

25 “418.992. (1) In addition to any other liability or penalty provided by law,
26 the Director of Human Services may impose a **corrective action or** civil
27 penalty:

28 “(a) On a child-caring agency that is subject to ORS 418.205 to 418.327,
29 **418.519 to 418.532**, 418.470, 418.475 or 418.950 to 418.970 for any of the fol-
30 lowing:

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

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

6 “(C) Violation of any final order of the director that pertains specifically
7 to the child-caring agency.

8 “(D) Violation of the requirement to have a license, certificate or other
9 authorization under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to
10 418.970.

11 “(b) On a **provider of** secure transportation services [*provider*], as defined
12 in ORS 418.241, that violates the disclosure requirement described in ORS
13 418.241.

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

18 “(3) The director shall impose a civil penalty of not less than \$250 nor
19 more than \$500, unless otherwise required by law, on a child-caring facility
20 that assumes care or custody of, or provides care or services to, a child
21 knowing that the child’s care needs exceed the license, certificate or au-
22 thorization classification of the child-caring agency if the assumption of care
23 or custody, or provision of care or services, places that child’s health, safety
24 or welfare at risk.

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

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

28 “(b) In cases where the violation requires more than 45 days to correct,
29 such time as is specified in a plan of correction found acceptable by the di-
30 rector.

1 “(5) A civil penalty imposed under this section may be remitted or reduced
2 upon such terms and conditions as the director considers proper and con-
3 sistent with the public health and safety.

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

6
7 **“(Abuse Reports and Investigations)”**
8

9 **“NOTE:** Section 20 was deleted by amendment. Subsequent sections were
10 not renumbered.

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

13 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
14 quires otherwise:

15 “(1)(a) ‘Abuse’ means:

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

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

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

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

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

29 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
30 chapter 163, and any other conduct that allows, employs, authorizes, permits,

1 induces or encourages a child to engage in the performing for people to ob-
2 serve or the photographing, filming, tape recording or other exhibition that,
3 in whole or in part, depicts sexual conduct or contact, as defined in ORS
4 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
5 child or rape of a child, but not including any conduct that is part of any
6 investigation conducted pursuant to ORS 419B.020 or that is designed to
7 serve educational or other legitimate purposes; and

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

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

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

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

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

21 “(J) Unlawful exposure to a controlled substance, as defined in ORS
22 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
23 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
24 the child’s health or safety.

25 “(K) The restraint or seclusion of a child in violation of ORS 339.285,
26 339.288, 339.291, 339.303 or 339.308.

27 “(L) The infliction of corporal punishment on a child in violation of ORS
28 339.250 (9) **or section 1 of this 2025 Act.**

29 “(M) **Abusive restraint or abusive seclusion, as described in section**
30 **1 of this 2025 Act, of a child by a responsible individual, as defined in**

1 **section 1 of this 2025 Act.**

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

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

7 “(2) ‘Child’ means an unmarried person who:

8 “(a) Is under 18 years of age; or

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

10 “(3) ‘Higher education institution’ means:

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

12 “(b) A public university listed in ORS 352.002;

13 “(c) The Oregon Health and Science University; and

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

15 “(4)(a) ‘Investigation’ means a detailed inquiry into or assessment of the
16 safety of a child alleged to have experienced abuse.

17 “(b) ‘Investigation’ does not include screening activities conducted upon
18 the receipt of a report.

19 “(5) ‘Law enforcement agency’ means:

20 “(a) A city or municipal police department.

21 “(b) A county sheriff’s office.

22 “(c) The Oregon State Police.

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

25 “(e) A county juvenile department.

26 “(6) ‘Public or private official’ means:

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

29 “(b) Dentist.

30 “(c) School employee, including an employee of a higher education insti-

1 tution.

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

4 “(e) Employee of the Department of Human Services, Oregon Health Au-
5 thority, Department of Early Learning and Care, Department of Education,
6 Youth Development Division, the Oregon Youth Authority, a local health
7 department, a community mental health program, a community develop-
8 mental disabilities program, a county juvenile department, a child-caring
9 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
10 ment program.

11 “(f) Peace officer.

12 “(g) Psychologist.

13 “(h) Member of the clergy.

14 “(i) Regulated social worker.

15 “(j) Optometrist.

16 “(k) Chiropractor.

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

18 “(m) Attorney.

19 “(n) Licensed professional counselor.

20 “(o) Licensed marriage and family therapist.

21 “(p) Firefighter or emergency medical services provider.

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

23 “(r) Child care provider registered or certified under ORS 329A.250 to
24 329A.450.

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

28 “(t) Physical, speech or occupational therapist.

29 “(u) Audiologist.

30 “(v) Speech-language pathologist.

1 “(w) Employee of the Teacher Standards and Practices Commission di-
2 rectly involved in investigations or discipline by the commission.

3 “(x) Pharmacist.

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

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

6 “(aa) Employee of a private agency or organization facilitating the pro-
7 vision of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for par-
8 ents pursuant to a properly executed power of attorney under ORS 109.056.

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

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

12 “(i) Youth group or center;

13 “(ii) Scout group or camp;

14 “(iii) Summer or day camp;

15 “(iv) Survival camp; or

16 “(v) Group, center or camp that is operated under the guidance, super-
17 vision or auspices of a religious, public or private educational system or a
18 community service organization; and

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

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

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

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

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

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

29 “(hh) Individual who is paid by a public body, in accordance with ORS
30 430.215, to provide a service identified in an individualized service plan of a

1 child with a developmental disability.

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

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

4 “(kk) Behavior analyst or assistant behavior analyst licensed under ORS
5 676.810 or behavior analysis interventionist registered by the Health Licens-
6 ing Office under ORS 676.815.

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

10 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
11 quires otherwise:

12 “(1)(a) ‘Abuse’ means:

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

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

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

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

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

26 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
27 chapter 163, and any other conduct that allows, employs, authorizes, permits,
28 induces or encourages a child to engage in the performing for people to ob-
29 serve or the photographing, filming, tape recording or other exhibition that,
30 in whole or in part, depicts sexual conduct or contact, as defined in ORS

1 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
2 child or rape of a child, but not including any conduct that is part of any
3 investigation conducted pursuant to ORS 419B.020 or that is designed to
4 serve educational or other legitimate purposes; and

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

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

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

14 “(H) Buying or selling a person under 18 years of age as described in ORS
15 163.537.

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

18 “(J) Unlawful exposure to a controlled substance, as defined in ORS
19 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
20 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
21 the child’s health or safety.

22 “(K) The infliction of corporal punishment on a child in violation of ORS
23 339.250 (9) **or section 1 of this 2025 Act.**

24 “(L) **Abusive restraint or abusive seclusion, as described in section**
25 **1 of this 2025 Act, of a child by a responsible individual, as defined in**
26 **section 1 of this 2025 Act.**

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

29 “(b) ‘Abuse’ does not include **the** reasonable discipline **of a child** unless
30 the discipline results in one of the conditions described in paragraph (a) of

1 this subsection.

2 “(2) ‘Child’ means an unmarried person who:

3 “(a) Is under 18 years of age; or

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

5 “(3) ‘Higher education institution’ means:

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

7 “(b) A public university listed in ORS 352.002;

8 “(c) The Oregon Health and Science University; and

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

10 “(4)(a) ‘Investigation’ means a detailed inquiry into or assessment of the
11 safety of a child alleged to have experienced abuse.

12 “(b) ‘Investigation’ does not include screening activities conducted upon
13 the receipt of a report.

14 “(5) ‘Law enforcement agency’ means:

15 “(a) A city or municipal police department.

16 “(b) A county sheriff’s office.

17 “(c) The Oregon State Police.

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

20 “(e) A county juvenile department.

21 “(6) ‘Public or private official’ means:

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

24 “(b) Dentist.

25 “(c) School employee, including an employee of a higher education insti-
26 tution.

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

29 “(e) Employee of the Department of Human Services, Oregon Health Au-
30 thority, Department of Early Learning and Care, Department of Education,

1 Youth Development Division, the Oregon Youth Authority, a local health
2 department, a community mental health program, a community develop-
3 mental disabilities program, a county juvenile department, a child-caring
4 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
5 ment program.

6 “(f) Peace officer.

7 “(g) Psychologist.

8 “(h) Member of the clergy.

9 “(i) Regulated social worker.

10 “(j) Optometrist.

11 “(k) Chiropractor.

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

13 “(m) Attorney.

14 “(n) Licensed professional counselor.

15 “(o) Licensed marriage and family therapist.

16 “(p) Firefighter or emergency medical services provider.

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

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

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

23 “(t) Physical, speech or occupational therapist.

24 “(u) Audiologist.

25 “(v) Speech-language pathologist.

26 “(w) Employee of the Teacher Standards and Practices Commission di-
27 rectly involved in investigations or discipline by the commission.

28 “(x) Pharmacist.

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

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

1 “(aa) Employee of a private agency or organization facilitating the pro-
2 vision of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for par-
3 ents pursuant to a properly executed power of attorney under ORS 109.056.

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

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

7 “(i) Youth group or center;

8 “(ii) Scout group or camp;

9 “(iii) Summer or day camp;

10 “(iv) Survival camp; or

11 “(v) Group, center or camp that is operated under the guidance, super-
12 vision or auspices of a religious, public or private educational system or a
13 community service organization; and

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

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

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

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

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

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

24 “(hh) Individual who is paid by a public body, in accordance with ORS
25 430.215, to provide a service identified in an individualized service plan of a
26 child with a developmental disability.

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

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

29 “(kk) Behavior analyst or assistant behavior analyst licensed under ORS
30 676.810 or behavior analysis interventionist registered by the Health Licens-

ing 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*

1 *in violation of ORS 339.288, 339.291 or 339.308.]*

2 *“[(m) The infliction of corporal punishment on an adult with a develop-*
3 *mental disability in violation of ORS 339.250 (9).]*

4 “(2) ‘Adult’ means a person 18 years of age or older:

5 “(a) With a developmental disability who is currently receiving services
6 from a community program or facility or who was previously determined el-
7 igible for services as an adult by a community program or facility;

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

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

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

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

21 “(5) ‘Community program’ includes:

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

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

26 “(6) ‘Facility’ means a residential treatment home or facility, residential
27 care facility, adult foster home, residential training home or facility or crisis
28 respite facility.

29 “(7) ‘Financial exploitation’ means:

30 “(a) Wrongfully taking the assets, funds or property belonging to or in-

1 tended for the use of an adult.

2 “(b) Alarming an adult by conveying a threat to wrongfully take or ap-
3 propriate money or property of the adult if the adult would reasonably be-
4 lieve that the threat conveyed would be carried out.

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

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

9 “(8) ‘Intimidation’ means compelling or deterring conduct by threat.

10 “(9) ‘Law enforcement agency’ means:

11 “(a) Any city or municipal police department;

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

14 “(c) Any county sheriff’s office;

15 “(d) The Oregon State Police; or

16 “(e) Any district attorney.

17 “(10) ‘Neglect’ means:

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

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

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

25 “(11) ‘Public or private official’ means:

26 “(a) Physician licensed under ORS chapter 677, physician associate li-
27 censed under ORS 677.505 to 677.525, naturopathic physician, psychologist
28 or chiropractor, including any intern or resident;

29 “(b) Licensed practical nurse, registered nurse, nurse’s aide, home health
30 aide or employee of an in-home health service;

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

5 “(d) Peace officer;

6 “(e) Member of the clergy;

7 “(f) Regulated social worker;

8 “(g) Physical, speech or occupational therapist;

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

10 “(i) Attorney;

11 “(j) Licensed professional counselor or licensed marriage and family
12 therapist;

13 “(k) Any public official;

14 “(L) Firefighter or emergency medical services provider;

15 “(m) Elected official of a branch of government of this state or a state
16 agency, board, commission or department of a branch of government of this
17 state or of a city, county or other political subdivision in this state;

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

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

20 “(p) Individual paid by the Department of Human Services to provide a
21 service identified in an individualized service plan of an adult with a devel-
22 opmental disability.

23 “(12) ‘Services’ includes but is not limited to the provision of food,
24 clothing, medicine, housing, medical services, assistance with bathing or
25 personal hygiene or any other service essential to the well-being of an adult.

26 “(13)(a) ‘Sexual abuse’ means:

27 “(A) Sexual contact with a nonconsenting adult or with an adult consid-
28 ered incapable of consenting to a sexual act under ORS 163.315;

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

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

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

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

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

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

12 “(14) ‘Sexual contact’ has the meaning given that term in ORS 163.305.

13 “(15) ‘Verbal abuse’ means to threaten significant physical or emotional
14 harm to an adult through the use of:

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

17 “(b) Harassment, coercion, threats, intimidation, humiliation, mental cru-
18 elty or inappropriate sexual comments.

19 20 “CHILD-CARING AGENCY REGULATION

21
22 “**SECTION 24.** ORS 418.205 is amended to read:

23 “418.205. As used in ORS 418.205 to 418.327, [418.330,] 418.470, 418.475,
24 418.950 to 418.970 and 418.992 to 418.998, unless the context requires other-
25 wise:

26 “(1) ‘**Certified foster home**’ means a foster home subject to ORS
27 **418.625 to 418.645.**

28 “[1] (2) ‘Child’ means an unmarried person under 21 years of age [*who*
29 *resides in or receives care or services from a child-caring agency*].

30 “[2](a) (3) ‘Child-caring agency’ means **a children’s care or services**

1 **provider that is required under ORS 418.215 to be licensed, certified or**
2 **otherwise authorized by the Department of Human Services under**
3 **ORS 418.240.[.]**

4 *“(A) Any private school, private agency, private organization or county*
5 *program providing:]*

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

7 *“[(ii) Adoption placement services;]*

8 *“[(iii) Residential care, including but not limited to foster care or residen-*
9 *tial treatment for children;]*

10 *“[(iv) Residential care in combination with academic education and*
11 *therapeutic care, including but not limited to treatment for emotional, behav-*
12 *ioral or mental health disturbances;]*

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

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

15 *“[(B) Any private organization or person that provides secure transporta-*
16 *tion services as defined in ORS 418.241 during any segment of a child’s trip*
17 *to or from a child-caring agency, certified foster home as defined in ORS*
18 *418.241 or developmental disabilities residential facility as defined in ORS*
19 *418.241, if the route of the child’s trip begins or ends in this state.]*

20 *“[(b) ‘Child-caring agency’ includes the following:]*

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

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

26 *“[(C) A private residential boarding school;]*

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

28 *“[(E) A secure nonemergency medical transportation provider, as defined*
29 *in ORS 418.241.]*

30 *“[(c) ‘Child-caring agency’ does not include:]*

1 “[A] Residential facilities or foster care homes certified or licensed by the
2 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
3 443.835 for children receiving developmental disability services;]

4 “[B] Any private agency or organization facilitating the provision of re-
5 spite services for parents pursuant to a properly executed power of attorney
6 under ORS 109.056. For purposes of this subparagraph, ‘respite services’ means
7 the voluntary assumption of short-term care and control of a minor child
8 without compensation or reimbursement of expenses for the purpose of provid-
9 ing a parent in crisis with relief from the demands of ongoing care of the
10 parent’s child;]

11 “[C] A youth job development organization as defined in ORS 344.415;]

12 “[D] A shelter-care home that is a foster home subject to ORS 418.625 to
13 418.645;]

14 “[E] A foster home subject to ORS 418.625 to 418.645;]

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

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

20 “[3] ‘Child-caring facility’ has the meaning given that term in ORS
21 418.950.]

22 “[4](a) ‘County program’ means any county operated program that provides
23 care or services to children:]

24 “[A] In the custody of the Department of Human Services or the Oregon
25 Youth Authority; or]

26 “[B] Under a contract with the Oregon Health Authority.]

27 “[b] ‘County program’ does not include any local juvenile detention facility
28 that receives state services provided and coordinated by the Department of
29 Corrections under ORS 169.070.]

30 “[5] (4) ‘Governmental agency’ means an executive, legislative or judi-

1 cial agency, department, board, commission, authority, institution or
2 instrumentality of this state or of a county, municipality or other political
3 subdivision of this state.

4 “[~~(6)~~ *‘Independent residence facility’ means a facility as described in ORS*
5 *418.475.*]

6 “**(5) ‘Managers’ means the individuals at the highest levels of an**
7 **organization’s leadership who have significant responsibility for the**
8 **operations, finances and overall governance of the organization.**

9 “[~~(7)(a)~~ *‘Outdoor youth program’ means a program that provides, in an*
10 *outdoor living setting, services to children who have behavioral problems,*
11 *mental health problems or problems with abuse of alcohol or drugs.*]

12 “[~~(b)~~ *‘Outdoor youth program’ does not include any program, facility or*
13 *activity:*]

14 “[~~(A)~~ *Operated by a governmental entity;*]

15 “[~~(B)~~ *Operated or affiliated with the Oregon Youth Corps;*]

16 “[~~(C)~~ *Licensed by the Department of Human Services under other authority*
17 *of the department; or*]

18 “[~~(D)~~ *Operated by a youth job development organization as defined in ORS*
19 *344.415.*]

20 “**(6) ‘Out-of-state child-caring agency’ has the meaning given that**
21 **term in ORS 418.321.**

22 “[~~(8)~~] **(7) ‘Private’ means not owned, operated or administered by any**
23 **governmental agency or unit.**

24 “[~~(9)~~ *‘Private residential boarding school’ means either of the following as*
25 *the context requires:*]

26 “[~~(a)~~ *A child-caring agency that is a private school that provides residential*
27 *care in combination with academic education and therapeutic care, including*
28 *but not limited to treatment for emotional, behavioral or mental health dis-*
29 *turbances; or*]

30 “[~~(b)~~ *A private school providing residential care that is primarily engaged*]

1 *in educational work under ORS 418.327.]*

2 “[~~(10)~~] **(8)** ‘Proctor foster home’ means a foster home certified by a child-
3 caring agency under ORS 418.248 that is not [*subject to ORS 418.625 to*
4 *418.645*] **a certified foster home.**

5 “[~~(11)~~] ‘Provider of care or services for children’ means a person, entity or
6 organization that provides care or services to children, regardless of whether
7 the child is in the custody of the Department of Human Services, and that does
8 not otherwise meet the definition of, or requirements for, a child-caring agency.
9 ‘Provider of care or services for children’ includes a proctor foster home certi-
10 fied by a child-caring agency under ORS 418.248.]

11 “[~~(12)~~] **(9)** ‘Qualified residential treatment program’ means a program de-
12 scribed in ORS 418.323.

13 “[~~(13)~~] ‘Shelter-care home’ has the meaning given that term in ORS
14 418.470.]

15 **“SECTION 25.** ORS 418.210 is amended to read:

16 “418.210. ORS 418.205 to 418.327 [*shall*] **do** not apply to:

17 “(1) [*Homes*] **A home** established and maintained by **a** fraternal [*organ-*
18 *izations*] **organization** wherein only members, [*their*] **members’** spouses and
19 surviving spouses in marriages and children are admitted as residents;

20 “(2) [*Any*] **A certified** foster home [*that is subject to ORS 418.625 to*
21 *418.645*];

22 “(3) [*Any*] **A** child care facility that is subject to ORS 329A.030 and
23 329A.250 to 329A.450;

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

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

30 “(6) **A shelter-care home, as defined in ORS 418.470,** that is [*subject to*

1 *ORS 418.625 to 418.645] a certified foster home.*

2 *“[(7) Any governmental entity, other than a county program, that is a pro-*
3 *vider of care or services for children, including but not limited to the Oregon*
4 *Youth Authority.]*

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

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

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

11 **“SECTION 26. ORS 418.215 is amended to read:**

12 *“418.215. [(1) A child-caring agency may not provide or engage in any care*
13 *or services described in ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to*
14 *418.970 unless the agency is licensed, certified or otherwise authorized to pro-*
15 *vide or engage in the provision of care or services to a child by the Department*
16 *of Human Services under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950*
17 *to 418.970.]*

18 *“[(2) A child-caring agency that provides care or services to a child may*
19 *not be licensed, certified or authorized under ORS 418.205 to 418.327, 418.470,*
20 *418.475 or 418.950 to 418.970 unless the agency:]*

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

22 *“[(b) Is a county program.]*

23 **“(1) The following children’s care or services providers must be li-**
24 **censed, certified or otherwise authorized by the Department of Human**
25 **Services under ORS 418.240 to provide or engage in the provision of**
26 **care or services described in ORS 418.205 to 418.327, 418.241, 418.470,**
27 **418.475 or 418.950 to 418.970:**

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

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

1 **“(B) A provider of adoption placement services;**

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

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

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

8 **“(F) A provider of other similar care or services for children;**

9 **“(b) Any private organization or person that provides secure trans-**
10 **portation services as defined in ORS 418.241 during any segment of a**
11 **child’s trip to or from a child-caring agency, certified foster home or**
12 **developmental disabilities residential facility as defined in ORS 418.241,**
13 **if the route of the child’s trip begins or ends in this state;**

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

16 **“(d) An independent residence facility as described in ORS 418.475**
17 **that meets the standards established by the department by rule to be**
18 **considered a child-caring agency;**

19 **“(e) A private residential boarding school, as defined in ORS 418.327;**
20 **and**

21 **“(f) A child-caring facility as defined in ORS 418.950.**

22 **“(2) The following providers of care or services to children are not**
23 **required to be licensed, certified or otherwise authorized by the de-**
24 **partment under ORS 418.240:**

25 **“(a) Residential facilities or foster care homes certified or licensed**
26 **by the department under ORS 443.400 to 443.455, 443.705 to 443.825,**
27 **443.830 and 443.835 for children or adults receiving developmental dis-**
28 **ability services;**

29 **“(b) Any private agency or organization facilitating the provision**
30 **of respite services for parents pursuant to a properly executed power**

1 of attorney under ORS 109.056. For purposes of this paragraph, ‘respite
2 services’ means the voluntary assumption of short-term care and
3 control of a minor child without compensation or reimbursement of
4 expenses for the purpose of providing a parent in crisis with relief
5 from the demands of ongoing care of the parent’s child;

6 “(c) A youth job development organization as defined in ORS
7 344.415;

8 “(d) A shelter-care home, as defined in ORS 418.470, that is a certi-
9 fied foster home;

10 “(e) A certified foster home;

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

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

16 “(h) A private organization or person that provides nonemergency
17 medical secure transportation services or nonemergency medical
18 transportation services subject to rules adopted by the Oregon Health
19 Authority;

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

21 “(j) A host home described in ORS 417.803.

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

24 “(a) In the custody of the department or the Oregon Youth Au-
25 thority; or

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

27 “SECTION 27. ORS 418.240 is amended to read:

28 “418.240. (1) *[All child-caring agencies shall obtain from the Department*
29 *of Human Services a license, certificate or other authorization to provide]* **The**
30 **Department of Human Services shall adopt rules, consistent with this**

1 **section and ORS 418.215, for the licensing, certification or authori-**
2 **zation of child-caring agencies to provide or engage in the provision**
3 **of care or services to children under ORS 418.205 to 418.327, 418.241, 418.470,**
4 **418.475 or 418.950 to 418.970. The rules must set forth the** criteria for is-
5 suance, renewal, suspension or revocation of, or for placing conditions on,
6 a license, certificate or authorization under this section must:

7 *“(a) Be set forth in rules adopted by the department;”*

8 **“(a) Require that the agency be:**

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

10 **“(B) A domestic limited liability company or a foreign limited li-**
11 **ability company, as those terms are defined in ORS 60.001, and meet**
12 **additional standards established by the department by rule; or**

13 **“(C) A county program;**

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

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

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

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

20 **“(C) Sufficient financial backing to ensure effective operations.**

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

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

24 **“(F) That the child-caring agency is or will be in compliance with the**
25 **standards of care and treatment established in rules adopted by the depart-**
26 **ment.**

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

30 **“(A) The agency ensures child and family rights.**

1 “(B) The agency complies with abuse reporting and investigation re-
2 quirements.

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

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

7 “(E) The agency provides appropriate food services.

8 “(F) The agency ensures the safety of children.

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

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

13 “(I) The agency fully and timely corrects violations and maintains stan-
14 dards in accordance with any plan of correction imposed by the department.

15 “(J) The agency provides access as required under ORS 418.305 to a child
16 or the agency’s premises to the department or the department’s employees,
17 investigators, court appointed special advocates, attorneys for a child or
18 other authorized persons or entities.

19 “(K) The agency provides the department with true copies of records re-
20 lating to incidents involving the restraint or involuntary seclusion of chil-
21 dren in care as required under ORS 418.526 (2).

22 “(L) **The agency complies with ORS 418.519 to 418.532 regarding the**
23 **use of restraint and involuntary seclusion on children in care and in-**
24 **cident reporting requirements.**

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

29 “(c) The department must take immediate steps to **place conditions on,**
30 suspend or revoke the license, certificate or other authorization of a child-

1 caring agency, if any of the following are found to exist:

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

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

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

13 “(D) The [*agency*] **agency’s managers** failed to provide financial state-
14 ments as required under ORS 418.255.

15 “(d) If any of the circumstances described in paragraph (c) of this sub-
16 section exists, the department may immediately place conditions on the li-
17 cense, certificate or authorization of the child-caring agency prior to a
18 hearing if, consistent with ORS 183.430, the department finds there is a se-
19 rious danger to the public health or safety and sets forth specific reasons for
20 such findings.

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

26 “(3)(a) If the Director of Human Services has taken action under sub-
27 section (2)(c) of this section to suspend or revoke a license, certificate or
28 other authorization, the notice of intent to suspend or revoke may be
29 rescinded if the director determines that the concerns regarding the health
30 and safety of the children in the child-caring agency’s care or custody have

1 been ameliorated and any conditions placed on the license, certificate or
2 other authorization of the child-caring agency have been resolved.

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

8 “(A) The circumstances that led to the notice of intent to suspend or re-
9 voke;

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

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

16 “(D) A complete description of changes that were made at the child-caring
17 agency and the reasons for the determination that the concerns regarding the
18 health and safety of children in the child-caring agency’s care or custody
19 have been ameliorated or that any conditions placed on the license, certif-
20 icate or other authorization of the child-caring agency have been resolved.

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

26 “(d) For three years after a notice of intent to suspend or revoke is
27 rescinded under this subsection, the child-caring agency must apply for a
28 renewal of the child-caring agency’s license, certificate or other authori-
29 zation on an annual basis.

30 “(e) The department must provide the following with copies of a notice

1 of intent to rescind within five business days of issuing the notice:

2 “(A) The Governor; and

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

4 “(4) The department may immediately place conditions on any license,
5 certificate or authorization issued under this section, including but not lim-
6 ited to placing full or partial restrictions on admission of children, tempo-
7 rary suspension, limitation of operations subject to an intent to revoke and
8 limitation of operations subject to correction of violations as specified in a
9 plan of correction imposed by the department. The department shall imme-
10 diately notify any state or governmental agency or unit that has a contract
11 with the child-caring agency to provide care or services to a child, and the
12 governing board, trustees, owners, managers, operators or other appropriate
13 authorities responsible for the child-caring agency, of conditions placed by
14 the department on the child-caring agency’s license, certificate or authori-
15 zation under this section.

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

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

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

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

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

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

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

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

14 “(9) If the director, the director’s designee or the department becomes
15 aware through any means that a child-caring agency, or an owner, operator
16 or employee of a child-caring agency, is the subject of an investigation by
17 another state agency, law enforcement agency or federal agency, the director
18 or director’s designee shall *[take immediate steps to cause an investigation to*
19 *take place into the circumstances surrounding the investigation and whether*
20 *there is a threat to a child, or whether a child is at risk, at the child-caring*
21 *agency. Upon determination of the level of threat or risk to children at the*
22 *agency, the director shall take appropriate steps to protect and ensure the*
23 *health, safety and welfare of children as necessary under the circumstances.*
24 *Failure to comply with the requirements of this subsection constitutes grounds*
25 *for a charge of official misconduct in the second degree under ORS 162.405.]*

26 **take immediate steps to assess the circumstances surrounding the in-**
27 **vestigation. If the director or the director’s designee determines that**
28 **a condition exists that seriously endangers the health, safety or wel-**
29 **fare of a child who is receiving care or services at a child-caring**
30 **agency, the director or the director’s designee shall take appropriate**

1 **steps to protect and ensure the health, safety and welfare of children**
2 **as necessary under the circumstances. Violation of the requirements**
3 **of this subsection constitutes official misconduct in the second degree**
4 **under ORS 162.405.**

5 “(10) If the Department of Justice or Bureau of Labor and Industries
6 commences an investigation of a child-caring agency or an owner, operator
7 or employee of a child-caring agency, the Department of Justice or Bureau
8 of Labor and Industries shall notify, inform and regularly update the direc-
9 tor, the director’s designee or such other personnel in the Department of
10 Human Services designated to receive such information regarding the inves-
11 tigation. The director and the department shall immediately undertake the
12 responsive action required by subsection (9) of this section upon receiving
13 such notification. Interference with, discouragement of or impediment to the
14 receipt of the notification, information and updates required under this sub-
15 section constitutes official misconduct in the second degree under ORS
16 162.405.

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

19 **“SECTION 28.** ORS 418.248 is amended to read:

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

1 “(2)(a) Prior to certification as a proctor foster home, an applicant shall
2 provide the department or the youth authority, as applicable, and the child-
3 caring agency with a release of information or other authorization sufficient
4 to enable the department or the youth authority to release to the child-caring
5 agency information about whether there is an ongoing investigation involv-
6 ing the applicant, or a finding of substantiated allegations of abuse or neg-
7 lect by the applicant, related to a vulnerable person, including but not
8 limited to a child, elderly person, person with a disability or person residing
9 in a long term care facility as defined in ORS 442.015, a residential facility
10 as defined in ORS 443.400, including but not limited to an assisted living
11 facility, or an adult foster home as defined in ORS 443.705. Within 30 days
12 of receipt of a release or authorization under this paragraph, the department
13 or the youth authority shall provide the child-caring agency with informa-
14 tion regarding ongoing investigations involving, or substantiated allegations
15 of abuse or neglect against, the applicant.

16 “(b) In addition to the requirements of paragraph (a) of this subsection,
17 an applicant must disclose in writing to the department or the youth au-
18 thority, as applicable, and the child-caring agency any criminal conviction,
19 imposition of a restraining or protective order against the applicant or abuse
20 or neglect investigation of the applicant related to a vulnerable person as
21 described in paragraph (a) of this subsection.

22 “(3) If a decision is made not to certify a proctor foster home under this
23 section for reasons related to an ongoing investigation involving the appli-
24 cant, or findings of substantiated allegations of abuse or neglect by an ap-
25 plicant, the child-caring agency shall disclose to the applicant the reasons
26 for the denial of certification.

27 “(4) The department and the youth authority shall adopt rules to imple-
28 ment the provisions of this section.

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

30 “418.255. (1) The Department of Human Services shall inspect and super-

1 vise all child-caring agencies subject to ORS 418.205 to 418.327, 418.470,
2 418.475 or 418.950 to 418.970 as provided in this section.

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

9 “(3)(a) Except as provided in paragraph (c) of this subsection, a child-
10 caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950
11 to 418.970 that has annual revenues in excess of \$1 million shall provide the
12 Department of Human Services, at such times as the department specifies by
13 rule, with annual financial statements that have been audited by an inde-
14 pendent certified public accountant and a tax compliance certificate issued
15 by the Department of Revenue.

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

23 “(c) A child-caring agency subject to ORS 418.205 to 418.327, 418.470,
24 418.475 or 418.950 to 418.970 that provides [*adoption placement*] services but
25 does not provide care to a child and does not receive public funds shall
26 provide the Department of Human Services, upon request or at such times
27 as the department specifies by rule, with a tax compliance certificate issued
28 by the Department of Revenue.

29 “(d) Information in financial statements and tax compliance certificates
30 submitted to the Department of Human Services under this subsection is a

1 public record and open for inspection by any person without order of a court.

2 “(e) The Department of Revenue shall adopt rules to implement the pro-
3 visions of this subsection pertaining to tax compliance certificates.

4 “(4) The Department of Human Services may conduct an audit, including
5 a forensic audit, of any child-caring agency subject to ORS 418.205 to 418.327,
6 418.470, 418.475 or 418.950 to 418.970 to determine compliance with ORS
7 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970. The department may,
8 upon request at any time, inspect and audit the books and records, including
9 but not limited to financial records, of the agency. An audit or inspection
10 under this subsection shall be at the expense of the department.

11 “(5) Failure to permit an inspection, whether of the premises or of the
12 books and records of the child-caring agency, or failure to provide the fi-
13 nancial statements, as required by this section is grounds for the immediate
14 suspension or revocation of a license, certificate or authorization under ORS
15 418.240 and for the denial of issuance of a license, certificate or other au-
16 thorization by the Department of Human Services.

17 “(6) The Department of Human Services may advise the operators, owners
18 and employees of child-caring agencies subject to ORS 418.205 to 418.327,
19 418.470, 418.475 or 418.950 to 418.970 in regard to approved methods of child
20 care, recommended housing and equipment and appropriate methods to
21 maintain adequate records of operations.

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

26 “(a) Child-caring agencies;

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

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

30 “(8) The Department of Human Services shall adopt rules to implement

1 the provisions of this section.

2 **“SECTION 30.** ORS 418.256 is amended to read:

3 “418.256. (1) A child-caring [*agency*] **agency’s managers** may not [*inter-*
4 *fere with*] **attempt to prevent** the good faith disclosure of information by
5 an employee or volunteer concerning the abuse [*or mistreatment*] of a child
6 in the care of the child-caring agency, violations of licensing or certification
7 requirements, criminal activity at the child-caring agency, violations of state
8 or federal laws or any practice that threatens the health and safety of a child
9 in the care of the child-caring agency to:

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

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

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

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

21 “(b) Training [*an*] **the** employee or volunteer not to disclose the infor-
22 mation; [*or*]

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

25 **“(d) Taking any other action with the intent to dissuade the em-**
26 **ployee or volunteer from making a good faith disclosure of the infor-**
27 **mation.**

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

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

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

4 “(a) Protected health information, as defined in ORS 192.556, other than
5 as is permitted by the federal Health Insurance Portability and Account-
6 ability Act privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to
7 192.581 or by other state or federal laws limiting the disclosure of health
8 information; or

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

10 **“SECTION 31.** ORS 418.258 is amended to read:

11 “418.258. (1) When the Department of Human Services [*becomes aware of*
12 *a report of suspected child abuse of a child in care, whether in the form of an*
13 *allegation, complaint or formal report made under this section, and whether*
14 *made directly to the Director of Human Services, the department or an em-*
15 *ployee of the department, to the centralized child abuse reporting system de-*
16 *scribed in ORS 418.190, through the mandatory abuse reporting process set*
17 *forth in ORS 419B.005 to 419B.050 or otherwise]* **receives, through the**
18 **centralized child abuse reporting system described in ORS 418.190, a**
19 **report of abuse of a child in care by an employee, operator, contractor,**
20 **agent or volunteer of a child-caring agency, developmental disabilities**
21 **residential facility, adjudicated youth foster home, certified foster**
22 **home or proctor foster home or any other person responsible for the**
23 **provision of care or services to the child in care,** the department shall
24 immediately:

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

30 “(b) Notify any governmental agency that has a contract with the child-

1 caring agency, **adjudicated youth foster home**, certified foster home or
2 developmental disabilities residential facility to provide care or services to
3 the child in care.

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

8 “(d) Commence an investigation to determine whether the report of sus-
9 pected abuse is substantiated, unsubstantiated or inconclusive under ORS
10 418.259 if:

11 “(A) The reported abuse occurred in this state;

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

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

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

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

1 “(A) Require employees of the child-caring agency, a proctor foster home
2 certified by the child-caring agency, **the adjudicated youth foster home,**
3 the certified foster home or the developmental disabilities residential facility
4 to immediately report suspected abuse of a child in care to the [*director, the*
5 *director’s designee or personnel within the department who have been specif-*
6 *ically designated to receive reports of abuse of children in care*] **centralized**
7 **child abuse reporting system described in ORS 418.190;**

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

17 “(C) Inform employees of child-caring agencies, proctor foster homes, **ad-**
18 **judicated youth foster homes,** certified foster homes and developmental
19 disabilities residential facilities that the duty to report abuse of a child in
20 care is personal to the employee and that the duty is not fulfilled by re-
21 porting the abuse to the owner, operator or any other employee of the
22 child-caring agency, proctor foster home, **adjudicated youth foster home,**
23 certified foster home or developmental disabilities residential facility even
24 if the owner, operator or other employee reports the abuse of a child in care
25 to the director, the director’s designee or the department.

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

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

9 “(4)(a) Anyone, including but not limited to an employee of a child-caring
10 agency, proctor foster home, **adjudicated youth foster home**, certified fos-
11 ter home or developmental disabilities residential facility, who makes a re-
12 port of suspected abuse of a child in care [*to the Governor, the Department*
13 *of Justice, the Director of Human Services, the director’s designee or the de-*
14 *partment*] under this section **to the centralized child abuse reporting**
15 **system described in ORS 418.190** in good faith and who has reasonable
16 grounds for the making of the report shall have immunity:

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

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

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

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

27 “(5)(a) **Any person, including but not limited to an employee of a**
28 **child-caring agency, proctor foster home, adjudicated youth foster**
29 **home, certified foster home or developmental disabilities residential**
30 **facility, may make a report to the Governor, the Department of Jus-**

1 tice, the Director of Human Services, the director's designee or the
2 Department of Human Services of acts or omissions occurring at a
3 child-caring agency, proctor foster home, adjudicated youth foster
4 home, certified foster home or developmental disabilities residential
5 facility that constitute violations of licensing or certification require-
6 ments, criminal activity or violations of state or federal laws or of any
7 other practice that threatens the health or safety of a child in care.

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

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

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

15 “(C) With respect to participating in any judicial proceeding re-
16 sulting from or involving the report.

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

22 “**SECTION 32.** ORS 418.259 is amended to read:

23 “418.259. (1) The investigation conducted by the Department of Human
24 Services under ORS 418.258 must result in one of the following findings:

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

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

29 “(c) That the report is inconclusive. A report is inconclusive when there
30 is some indication that the abuse occurred but there is insufficient evidence

1 to conclude that there is reasonable cause to believe that the abuse occurred.

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

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

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

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

24 “(B) Review all relevant incident reports related to the child in care and
25 other reports related to the restraint or involuntary seclusion of the child
26 in care;

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

30 “(D) During an interview with the child in care who is the subject of the

1 suspected abuse, ask the child about whether they experienced any reportable
2 injury or pain as a result of the restraint or involuntary seclusion;

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

5 “(F) Make all reasonable efforts to conduct trauma-informed interviews
6 of each child witness, including the child in care who is the subject of sus-
7 pected abuse unless the investigator makes a specific determination that the
8 interview may significantly traumatize the child and is not in the best in-
9 terests of the child.

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

12 “(a) The Director of Human Services.

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

15 “(c) The department’s lead personnel in that part of the department that
16 is responsible for child welfare generally.

17 “(d) With respect to the child in care who is the subject of the abuse re-
18 port and investigation, the case managers for the child, the attorney for the
19 child, the child’s court appointed special advocate, the parents or guardians
20 of the child, any attorney representing a parent or guardian of the child and
21 any governmental agency that has a contract with the child-caring agency
22 to provide care or services to the child.

23 “(e) The parents or guardians of the child in care who is the subject of
24 the abuse report and investigation if the child in care has not been commit-
25 ted to the custody of the department or the youth authority. Notification
26 under this paragraph may not include any details or information other than
27 that a report of abuse has been substantiated.

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

30 “(g) The local citizen review board established by the Judicial Department

1 under ORS 419A.090.

2 “(5) The department shall report on a quarterly basis to the interim leg-
3 islative committees on child welfare for the purposes of public review and
4 oversight of the quality and safety of child-caring agencies, **adjudicated**
5 **youth foster homes**, certified foster homes and developmental disabilities
6 residential facilities that are licensed, certified or authorized by the depart-
7 ment in this state and of proctor foster homes that are certified by the
8 child-caring agencies. Information provided in reports under this subsection
9 may not contain the name or any identifying information of a child in care
10 but must contain all of the following:

11 “(a) [*The name of any child-caring agency, including an out-of-state child-*
12 *caring agency, proctor foster home or developmental disabilities residential*
13 *facility, or, provided there are five or more certified foster homes in the county,*
14 *the name of the county where a certified foster home is located, where the]* **If**
15 **the** department conducted an investigation pursuant to ORS 418.258 that
16 resulted in a finding **during that quarter** that the report of abuse was
17 substantiated [*during that quarter;*] **or an investigation under ORS**
18 **419B.019 that resulted in a finding during that quarter that the report**
19 **of abusive restraint or abusive seclusion, as those terms are described**
20 **in section 1 of this 2025 Act, was founded:**

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

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

27 “(C) **The name of the county in which an adjudicated youth foster**
28 **home is located if the investigation involved the adjudicated youth**
29 **foster home and there are five or more adjudicated youth foster homes**
30 **in the county;**

1 “(b) The approximate date that the abuse occurred;

2 “(c) The nature of the abuse and a brief narrative description of the abuse

3 that occurred;

4 “[(d) *Whether the abuse resulted in a reportable injury, sexual abuse or*

5 *death;*]

6 **“(d) Whether the abuse resulted in the death of a child in care, as**

7 **described in ORS 418.240 (2)(c);**

8 **“(e) Whether sexual or physical abuse or neglect was known to the**

9 **agency’s managers and the agency’s managers failed to make a rea-**

10 **sonable effort to protect the child in care from abuse;**

11 “[(e)] (f) Corrective actions taken or ordered by the department and the

12 outcome of the corrective actions; and

13 “[(f)] (g) Information the department received in that quarter regarding

14 any substantiated allegations of child abuse made by any other state in-

15 volving a congregate care residential setting, as defined in ORS 418.322, in

16 which the department has placed Oregon children.

17 “(6) The department’s quarterly report under subsection (5) of this section

18 must also contain all of the following:

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

20 “(b) The total number of programs that reported the use of restraints of

21 children in care that quarter;

22 “(c) The total number of individual children in care who were placed in

23 restraints by programs that quarter;

24 “(d) The number of reportable injuries to children in care that resulted

25 from those restraints;

26 “(e) The number of incidents in which an individual who was not appro-

27 priately trained in the use of the restraint used on a child in care in a pro-

28 gram; [and]

29 “[(f) *The number of incidents that were reported for potential inappropriate*

30 *use of restraint.*]

1 “(f) The number of incidents that were reported as suspected abu-
2 sive restraint, as described in section 1 of this 2025 Act;

3 “(g) The number of incidents in which a restraint prohibited under
4 ORS 418.521 was used;

5 “(h) The number of complaints received involving alleged violations
6 of procedural, reporting, training and notification requirements under
7 ORS 418.526, 418.528, 418.529 and 418.532; and

8 “(i) The number of complaints under paragraph (h) of this sub-
9 section that involved allegations later confirmed to be violations.

10 “(7) In compiling records, reports and other information during an inves-
11 tigation under ORS 418.258 (1) and in issuing findings, letters of concern or
12 reprimands, the Director of Human Services or the director’s designee and
13 the department may not refer to the employee, person or entity that is the
14 subject of the investigation as an ‘alleged perpetrator’ but must refer to the
15 employee, person or entity as the ‘respondent.’

16 “(8) As used in this section, ‘program,’ ‘reportable injury’ and ‘restraint’
17 have the meanings given those terms in ORS 418.519.

18 **“SECTION 33.** ORS 418.260 is amended to read:

19 “418.260. (1) If the Department of Human Services receives a report or
20 otherwise becomes aware that any suspected or founded abuses, deficiencies,
21 violations or failures to comply with the full compliance requirements de-
22 scribed in ORS 418.240 are occurring in a child-caring agency, whether as a
23 part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the
24 department shall immediately notify appropriate personnel within the de-
25 partment, including but not limited to employees responsible for licensing,
26 certifying or authorizing child-caring agencies, who shall [*investigate and*]
27 **assess the circumstances and** take appropriate action without undue de-
28 lay, with primary concern given to the health, safety and welfare of the
29 children for whom the child-caring agency is responsible. The department
30 may notify law enforcement agencies as necessary to coordinate and assist

1 in the *[investigation]* **assessment** and enforcement of corrective actions
2 undertaken by the department. If the child-caring agency is known or found
3 to serve children also served by the Oregon Youth Authority, county juvenile
4 departments or developmental disabilities services within the department, the
5 department shall notify those entities of the report or suspected or founded
6 abuses, deficiencies, violations or failures.

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

24 “(3) If the department determines at any time [*during or after an investi-*
25 *gation that the abuses, deficiencies, violations or failures to comply are or*
26 *threaten a serious danger to any child or to the public, or place a child at risk*
27 *with respect to the child’s health, safety or welfare,*] **that the abuses, defi-**
28 **ciencies, violations or failures to comply seriously endanger the**
29 **health, safety or welfare of any child or the public, or threaten to do**
30 **so**, the department may immediately suspend or revoke the child-caring

1 agency's license, certificate or authorization, subject to the provisions of
2 ORS chapter 183. The department shall immediately notify any governmental
3 agency that has a contract with the child-caring agency to provide care or
4 services to a child of any suspension or revocation of the license, certificate
5 or other authorization of the child-caring agency under this subsection and
6 of any conditions placed on the child-caring agency's license, certificate or
7 authorization pursuant to ORS 418.240. The department shall immediately
8 report the alleged deficiencies or violations to the governmental agency and
9 the governing board responsible for the oversight of the child-caring agency.

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

16 “(a) The Legislative Assembly or the interim committees of the Legisla-
17 tive Assembly relating to child welfare.

18 “(b) Members of the governing board responsible for the child-caring
19 agency.

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

22 “(5)(a) Any employee of the department that has reasonable cause to be-
23 lieve that a child-caring agency has [*committed an abuse or*] incurred a defi-
24 ciency or violation, or that grounds for immediate suspension or revocation
25 of a license, certificate or authorization exist under ORS 418.240, and that
26 such [*abuse,*] deficiency, violation or grounds is or threatens a danger to any
27 child at the child-caring agency or to the public, or places a child at risk
28 with respect to the child's health, safety or welfare, is required to imme-
29 diately inform the [*Director of Human Services, the director's designee or such*
30 *other personnel in the department designated to receive such information*] **de-**

1 **partment employees who are responsible for licensing, certifying or**
2 **authorizing child-caring agencies.** Upon receipt of an employee report
3 under this subsection, the director and department personnel shall imme-
4 diately [*commence an investigation and*] take all reasonably prudent and
5 necessary actions to ensure the health, safety and welfare of children at the
6 child-caring agency. [*Failure to commence an investigation and take actions*
7 *as required by this subsection constitutes official misconduct in the second*
8 *degree under ORS 162.405.*] **Violation of the requirements of this sub-**
9 **section constitutes official misconduct in the second degree under ORS**
10 **162.405.**

11 **“(b) An employee’s duty to report under this subsection is in addi-**
12 **tion to, and not in lieu of, the employee’s duty to report suspected**
13 **abuse under ORS 419B.010.**

14 **“SECTION 34.** ORS 418.327 is amended to read:

15 “418.327. (1) Upon finding that the facilities and operation of a private
16 residential boarding school meet the standards of the Department **of Human**
17 **Services** for the physical health, care and safety of the children, the de-
18 partment shall issue a license to operate the school. The license shall be
19 valid for a period of two years, unless sooner suspended or revoked by the
20 department pursuant to the provisions of ORS 418.240. However, the depart-
21 ment at any time may require amendments to an existing license to accom-
22 modate changes in the factors upon which the issuance was based.

23 “(2) The department may not charge a fee for inspections leading to de-
24 cisions regarding, and issuance of, licenses under this section, but may
25 charge fees to cover costs of inspections done by other governmental agen-
26 cies for the department.

27 “(3) The department may place conditions on any license issued under this
28 section in accordance with the provisions of ORS 418.240, including but not
29 limited to placing full or partial restrictions on admission of children, tem-
30 porary suspension, limitation of operations subject to an intent to revoke and

1 limitation of operations subject to correction of violations as specified in a
2 plan of correction imposed by the department.

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

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

12 “(6) The department shall immediately investigate complaints made under
13 subsection (5) of this section in the manner provided under ORS 418.205 to
14 418.327.

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

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

24 **“(9) As used in this section, ‘private residential boarding school’**
25 **means:**

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

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

1 **“SECTION 35.** ORS 418.995 is amended to read:

2 “418.995. In imposing a penalty pursuant to ORS 418.992, the Director of
3 Human Services shall consider the following factors:

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

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

9 “(3) The economic and financial conditions of the child-caring agency in-
10 ccurring the penalty.

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

15
16 **“OUT-OF-STATE PLACEMENTS OF CHILDREN**
17

18 **“SECTION 36.** ORS 418.321 is amended to read:

19 “418.321. (1) **Except as provided in subsection (7) of this section and**
20 subject to ORS 418.322, the Department of Human Services may place a child
21 in an out-of-state child-caring agency only if:

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

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

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

30 “(2)(a) The department shall license an out-of-state child-caring agency

1 pursuant to the same licensure requirements the department would impose
2 if the out-of-state child-caring agency was located in this state.

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

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

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

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

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

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

29 “(D) The child-caring agency must allow the department full access to the
30 child-caring agency’s facilities, residents, records and personnel as necessary

1 for the department to conduct child abuse investigations and licensing ac-
2 tivities or investigations.

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

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

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

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

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

23 “(H) Except with respect to protected information described in ORS
24 418.256 (5), the child-caring agency may not ask or require an employee or
25 volunteer to sign a nondisclosure or other agreement prohibiting the em-
26 ployee or volunteer from the good faith disclosure of information concerning
27 the abuse or mistreatment of a child who is in the care of the child-caring
28 agency, violations of licensing or certification requirements, criminal activ-
29 ity at the child-caring agency, violations of state or federal laws or any
30 practice that threatens the health and safety of a child in the care of the

1 child-caring agency.

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

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

9 “(K) The child-caring agency may not practice conversion therapy, as de-
10 fined in ORS 675.850.

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

14 “(M) Genetic testing, including testing for psychopharmacological pur-
15 poses, must be approved by a court and may not be included as a standing
16 order for a child in care.

17 “(N) Neither the child-caring agency nor its contractors or volunteers
18 may use chemical or mechanical restraints on a child, including during se-
19 cure transport.

20 “(O) The child-caring agency must ensure that the use of any psychotropic
21 medications for a child placed with the child-caring agency by the depart-
22 ment is in compliance with ORS 418.517 and any rules regarding psychotropic
23 medications adopted by the department.

24 “(4) The department shall develop rules outlining a process for review of
25 the out-of-state placement of a child who is identified as a child with an in-
26 tellectual or developmental disability or who is suspected of having an in-
27 tellectual or developmental disability. At a minimum, the rules must:

28 “(a) Identify a process for expediting review of the child’s eligibility for
29 developmental disability services.

30 “(b) Require that a multidisciplinary review team, including administra-

1 tors in the developmental disability services program, review the placement
2 before the child is placed out-of-state.

3 “(c) Require that a multidisciplinary team, including administrators in
4 the developmental disability services program, monitor the progress of the
5 child in the out-of-state placement.

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

9 “(5)(a) A department child welfare services employee must accompany a
10 child who is placed in an out-of-state child-caring agency any time the child
11 is transported to an initial out-of-state placement, any time the child is
12 moved to a new placement and any time the child is moved by secure trans-
13 port.

14 “(b) Notwithstanding paragraph (a) of this subsection, if a child placed
15 in an out-of-state child-caring agency requires secure transport from the
16 out-of-state placement due to an emergency, a department child welfare ser-
17 vices employee is not required to accompany the child if the time it would
18 take for the employee to travel to the child’s out-of-state location would pose
19 a risk to the health, safety or welfare of the child. If a department child
20 welfare services employee does not accompany a child transported to an al-
21 ternate out-of-state placement, as provided in this paragraph, the child wel-
22 fare services employee must immediately travel to meet the child at the new
23 out-of-state facility.

24 “(6)(a) As used in this subsection, ‘juvenile offender’ means a person un-
25 der 18 years of age who has or is alleged to have committed an act that is
26 a violation, or, if done by an adult, would constitute a violation, of a law
27 or ordinance of the United States or a county or city in this state.

28 “(b) Except as provided in paragraph (c) of this subsection, the depart-
29 ment may not place a child in an out-of-state child-caring agency if the
30 child-caring agency provides care to juvenile offenders.

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

3 “(A) The child-caring agency is a qualified residential treatment program
4 licensed by the department;

5 “(B) The child-caring agency maintains site-specific accreditation from a
6 nationally recognized organization;

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

8 “(D) Prior to the hearing to approve the placement, the court and all
9 parties to the dependency case have been informed of the nature of the ser-
10 vices offered by the program and of the population served by the program,
11 and the court, having considered the nature of the services and composition
12 of the facility population and the report of the qualified individual, has
13 found that placement in the facility is the least restrictive setting available
14 to appropriately meet the child’s treatment needs.

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

20 **“(A)(i) No child-caring agency placements are available in this state**
21 **that are suitable for the child and that provide the services and**
22 **treatments that are medically necessary and medically appropriate for**
23 **the child; and**

24 **“(ii) The services and treatments are approved by the responsible**
25 **Medicaid entity for coverage by Medicaid;**

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

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

30 **“(iii)(I) The out-of-state placement is a youth regional treatment**

center operated or funded by the Indian Health Service and serves the needs of Indian children or youth; or

“(II) The Indian child’s tribe has affirmatively requested that the child be placed in the out-of-state placement;

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

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

“(iii) The child-caring agency provides the types of treatment or services that are medically necessary and medically appropriate for the child, consistent with rules adopted by the Oregon Health Authority for the administration of the authority’s program providing benefits for children and young adults with special health needs;

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

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

“(ii) Accessing services or treatment in the neighboring state maintains the child’s connection to the child’s community; and

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

“(b) The out-of-state placement of a child under this subsection is

1 not subject to subsection (4), (5) or (6) of this section.

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

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

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

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

23 “(g) The department and the Oregon Health Authority shall collab-
24 orate to establish rules for the approval process under paragraph (f)
25 of this subsection.

26 “(h) The authority shall establish, under contract with coordinated
27 care entities, basic standards for quality assurance and oversight prior
28 to and during the child’s medically necessary and appropriate treat-
29 ments and services for out-of-state providers under this section.

30 “(8) The department may not place a child in an out-of-state

1 placement under this section if:

2 “(a) The child has an intellectual disability or a developmental dis-
3 ability; and

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

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

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

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

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

14 “(d) Ensure the child understands the child’s rights as a child in the
15 care or custody of the department, including under the Oregon Foster
16 Children’s Bill of Rights, and ensure that the child knows how to re-
17 port violations of those rights to the State of Oregon.

18 “(10) As used in this section, ‘out-of-state child-caring agency’
19 means a provider of children’s care or services in a state other than
20 Oregon that would be required under ORS 418.215 to be licensed, cer-
21 tified or otherwise authorized by the Department of Human Services
22 under ORS 418.240 if the provider provided the care or services in this
23 state.

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

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

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

1 “(a) File with the juvenile court the report required under ORS
2 419B.440 (1)(a); and

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

7 “(3) The department shall submit quarterly narrative reports to the
8 System of Care Advisory Council describing the circumstances justi-
9 fying, in the previous quarter:

10 “(a) Placement exceptions based on the approval of a responsible
11 Medicaid entity as permitted under ORS 418.322 (3)(k); and

12 “(b) Any placement extensions authorized under ORS 418.322 (5)(b).

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

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

30 “(5)(a) Records received by the System of Care Advisory Council

1 under this section are not subject to public inspection and, to the ex-
2 tent permitted under ORS 192.610 to 192.705, the System of Care Advi-
3 sory Council shall hold an executive session for the consideration of
4 information and records it receives under this section.

5 “(b) The System of Care Advisory Council may not include infor-
6 mation in its reports under this section that contain the name of or
7 any identifying information about a child.

8 “**SECTION 37.** ORS 418.322 is amended to read:

9 “418.322. (1) As used in this section:

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

14 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation,
15 provision, obtaining, patronizing or soliciting of a person under 18 years of
16 age for the purpose of a commercial sex act, as defined in ORS 163.266, or
17 the recruitment, harboring, transportation, provision or obtaining of a person
18 over 18 years of age using force, fraud or coercion for the purpose of a
19 commercial sex act, as defined in ORS 163.266.

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

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

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

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

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

30 “(b) The child or ward is placed in an independent residence facility de-

scribed 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*] **services or treatment** 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.

1 “(k) The responsible Medicaid entity has approved the services or
2 treatment.

3 “(4) Notwithstanding subsection (2) or (3) of this section, the de-
4 partment may place a child or ward in a congregate care residential
5 setting that is not a child-caring agency or a qualified residential
6 treatment program if the congregate care residential setting is an
7 adult setting licensed by the department or authority and it provides
8 services or treatment that are medically necessary and medically ap-
9 propriate for the child or ward.

10 “[(4)] (5)(a) The department may not place a child or ward in a residential
11 care facility or shelter-care home described in subsection (3)(g) or (h) of this
12 section:

13 “[(a)] (A) For more than 60 consecutive days or 90 cumulative days in a
14 12-month period, **unless the limits for the duration of the placement are**
15 **extended as provided in paragraph (b) of this subsection; or**

16 “[(b)] (B) If the residential care facility or shelter-care home also serves
17 youths or adjudicated youths served by the county juvenile department or
18 adjudicated youths committed to the custody of the Oregon Youth Authority
19 by the court.

20 “(b) The department, by rule, may extend the limits for the dura-
21 tion of placement of a child or ward under paragraph (a) of this sub-
22 section:

23 “(A) As requested by the child or ward; or

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

27 “[(5)] (6) The department may not place a child or ward in a homeless,
28 runaway or transitional living shelter described in subsection (3)(i) of this
29 section for more than 60 consecutive or 90 cumulative days in any 12-month
30 period.

1 “[6] (7) Calculations of the number of days a child or ward is placed in
2 a shelter-care home under subsection (3)(h) of this section or a homeless,
3 runaway or transitional living shelter under subsection (3)(i) of this section
4 exclude the days the child or ward is in the shelter-care home or shelter if
5 the child or ward:

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

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

9 “[7)(a)] (8)(a) Nothing in this section prohibits the Oregon Youth Au-
10 thority from placing an adjudicated youth committed to its custody in a
11 placement that is not a qualified residential treatment program.

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

16 **“(9)(a) All approvals of the exceptions described in subsections (3)(k)**
17 **and (5)(b) of this section must be made by the director of the division**
18 **of the department that administers the state child welfare program**
19 **or the director’s designee. In addition, the exceptions under subsection**
20 **(3)(k) of this section must also be approved by the director of the di-**
21 **vision of the authority that administers the state medical assistance**
22 **program or the director’s designee.**

23 **“(b) The department and the authority shall collaborate to establish**
24 **rules for the approval process under this subsection.**

25 **“SECTION 38.** ORS 418.500 is amended to read:

26 “418.500. Subject to ORS 418.322, if the Department of Human Services
27 determines that need exists for care and treatment of a child who is eligible
28 for such care and treatment that is not available through any public or pri-
29 vate agency or facility in this state, it may enter into an agreement with a
30 public or private agency outside this state for the purchase of care for the

1 child. **Except as provided in ORS 418.322**, such agreements shall contain
2 the matter described in ORS 418.321 and 418.495 and shall apply to children
3 described therein.

4 **“SECTION 39.** ORS 419B.335 is amended to read:

5 “419B.335. (1) The Department of Human Services shall provide the fol-
6 lowing information regarding out-of-state placements of children and wards
7 on a website maintained by the department and updated monthly:

8 “[1] (a) The name of each out-of-state facility in which [*children or*
9 *wards*] **a child or ward** placed by the department [*are*] **is** currently receiving
10 services;

11 “[2] (b) The [*city and*] state in which each facility is located;

12 “[3] (c) The name of any parent organization for each facility;

13 “[4] (d) The name of each facility’s accreditation agency;

14 “[5] (e) The **total** number of children or wards placed by the department
15 [*currently receiving services from*] **in** each facility;

16 “[6] (f) The total number of children or wards currently receiving ser-
17 vices from each facility;

18 “[7] (g) The daily rate charged by each facility for each child or ward;

19 “[8] (h) The name of the face-to-face contracting agency, including the
20 city and state in which it is located;

21 “[9] (i) Whether each facility provides services to adjudicated youths or
22 the resident state’s equivalent of adjudicated youths; **and**

23 “[10] *Demographic information about all children or wards the department*
24 *currently has placed in out-of-state facilities, including but not limited to age,*
25 *gender or gender identity, race, ethnicity, tribal status and, if disclosed by the*
26 *child or ward, sexual orientation;*]

27 “[11] *The number of children or wards the department currently has placed*
28 *in out-of-state facilities who have autism, intellectual disabilities or develop-*
29 *mental disabilities; and*]

30 “[12] (j) Aggregate travel costs for the department to support out-of-state

1 placements during the previous month.

2 “(2) The department shall provide on a quarterly basis to the Sys-
3 tem of Care Advisory Council a brief narrative description of the cir-
4 cumstances in which an out-of-state placement was determined to be
5 in the best interests of a child or ward.

6 “(3) Information provided in reports under this section may not
7 contain any identifying information of a child or ward, including the
8 name of the child or ward.

9
10 “OLDER CHILDREN IN CARE

11
12 “**SECTION 40.** ORS 418.475 is amended to read:

13 “418.475. (1) Within the limit of moneys appropriated therefor, the De-
14 partment of Human Services may establish, license, certify or authorize in-
15 dependent residence facilities for unmarried persons who:

16 “(a)(A) Are at least 16 years of age and not older than 20 years of age;

17 “(B) Have been placed in at least one substitute care resource;

18 “(C) Have been determined by the department to possess the skills and
19 level of responsibility required for the transition to adulthood;

20 “(D) Have received permission from the appropriate juvenile court, if they
21 are wards of the court; and

22 “(E) Have been determined by the department to be suitable for an inde-
23 pendent living program; or

24 “(b)(A) Are at least 16 years of age and not older than 24 years of age;

25 “(B) At any time after attaining 14 years of age experienced homelessness
26 for an aggregate of six months;

27 “(C) While experiencing homelessness as described in subparagraph (B)
28 of this paragraph, received services from an organization contracted by the
29 department to provide services to homeless persons or from a host home, as
30 defined by the department by rule; and

1 “(D) Last received the services described in subparagraph (C) of this
2 paragraph after attaining 16 years of age.

3 “(2) Independent residence facilities shall provide independent housing
4 arrangements with counseling services and minimal supervision available
5 from at least one counselor.

6 “(3) **The department shall require** each resident [*shall be required*] to
7 maintain a department approved independent living plan consisting of edu-
8 cation, employment or volunteer activities, or a combination thereof, *and*
9 *shall be required to pay a portion or all of the resident’s housing expenses and*
10 *other support costs. The department may approve an exception to the require-*
11 *ments of this subsection for reasons of temporary loss of employment or of other*
12 *financial support*].

13 “(4) The department may make payment grants directly to persons en-
14 rolled in an independent living program who, at a minimum, meet the re-
15 quirements described in subsection (1)(a)(A) to (C) or (b) of this section for
16 food, shelter, clothing, transportation and incidental expenses. The payment
17 grants shall be subject to an agreement between the person and the depart-
18 ment that establishes a budget of expenses.

19 “(5) The department may establish cooperative financial management
20 agreements with a person enrolled in an independent living program and for
21 that purpose may enter into joint bank accounts requiring two signatures for
22 withdrawals. The management agreements or joint accounts may not subject
23 the department or any counselor involved to any liability for debts or other
24 responsibilities of the person.

25 “(6) The department shall make periodic reports to the juvenile court as
26 required by the court regarding any ward of the court who is enrolled in an
27 independent living program.

28 “(7) The enrollment of a person in an independent living program in ac-
29 cordance with the provisions of subsection (1) of this section or making
30 payment grants under subsection (4) of this section does not remove or limit

1 in any way the obligation of the parent of the person to pay support as or-
2 dered by a court under the provisions of ORS 419B.400.

3 **“SECTION 41.** ORS 418.016 is amended to read:

4 “418.016. (1) To protect the health and safety of children who are in the
5 custody of the Department of Human Services and who may be placed in a
6 foster home or adoptive home or with a relative caregiver, the department
7 shall adopt rules pursuant to ORS 181A.195 and ORS chapter 418 to require
8 that criminal records checks be conducted under ORS 181A.195 on:

9 “(a) All persons who seek to be foster parents, adoptive parents or rela-
10 tive caregivers; and

11 “(b) **Any** other individuals over 18 years of age who will be in the
12 household of the foster parent, adoptive parent or relative caregiver.

13 “(2) Rules adopted under subsection (1) of this section shall include:

14 “(a) A requirement that persons who have been convicted of crimes listed
15 in the rules adopted by the Oregon Department of Administrative Services
16 under ORS 181A.215 are disqualified from becoming a foster parent, adoptive
17 parent or relative caregiver; and

18 “(b) A provision that the Department of Human Services may approve a
19 person who has been convicted of certain crimes listed in the rules if the
20 person demonstrates to the department that:

21 “(A) The person possesses the qualifications to be a foster parent or
22 adoptive parent regardless of having been convicted of a listed crime; or

23 “(B) The disqualification would create emotional harm to the child for
24 whom the person is seeking to become a foster parent, adoptive parent or
25 relative caregiver and placement of the child with the person would be a safe
26 placement that is in the best interests of the child.

27 **“(3) The department by rule may exempt an individual from the**
28 **criminal records check requirement under subsection (1)(b) of this**
29 **section if the individual was placed in the household by the depart-**
30 **ment.**

1 **“NOTE:** Sections 42 through 46 were deleted by amendment. Subsequent
2 sections were not renumbered.

3
4 **“REPORTS**

5
6 **“SECTION 47.** The System of Care Advisory Council shall study the
7 implementation by the Department of Human Services and the Oregon
8 Health Authority of sections 1 and 10 of this 2025 Act and the amend-
9 ments to ORS 329A.030, 329A.275, 418.016, 418.205, 418.210, 418.215,
10 418.240, 418.241, 418.246, 418.248, 418.255, 418.256, 418.257, 418.258, 418.259,
11 418.260, 418.321, 418.322, 418.327, 418.330, 418.475, 418.500, 418.519, 418.521,
12 418.523, 418.526, 418.529, 418.532, 418.625, 418.992, 418.995, 419A.245,
13 419B.005, 419B.335, 419C.620, 430.735 and 704.023 by sections 8, 11 to 19,
14 21 to 41, 50, 51 and 56 to 61 of this 2025 Act and analyze the effects of
15 that implementation. The council shall submit two reports in the
16 manner provided by ORS 192.245, and may include recommendations
17 for legislation, to the interim committees of the Legislative Assembly
18 related to health care and human services. The first report is due no
19 later than September 15, 2026, and the second report is due no later
20 than September 15, 2027.

21 **“SECTION 48.** (1) The quarterly reports described in section 36b (3)
22 of this 2025 Act are first due on April 1, 2026.

23 **“(2)** The quarterly reports described in ORS 419B.335 are first due
24 on April 1, 2026.

25 **“SECTION 49.** Section 47 of this 2025 Act is repealed on January 2,
26 2028.

27
28 **“CONFORMING AMENDMENTS**

29
30 **“SECTION 50.** ORS 329A.030 is amended to read:

1 “329A.030. (1) The Department of Early Learning and Care shall establish
2 a Central Background Registry and may maintain information in the registry
3 through electronic records systems.

4 “(2)(a) A subject individual described in subsection (11)(a), (c) or (d) of
5 this section shall apply to and must be enrolled in the Central Background
6 Registry prior to the provision of care.

7 “(b) An individual who has been the subject of a founded or substantiated
8 report of child abuse shall apply to and must be enrolled in the Central
9 Background Registry prior to providing any of the types of care identified
10 in ORS 329A.250 (4)(b)(A), (E) or (F) if:

11 “(A) The child abuse occurred on or after January 1, 2017, and involved
12 a child who died or suffered serious physical injury, as defined in ORS
13 161.015; or

14 “(B) The child abuse occurred on or after September 1, 2019, and involved
15 any child for whom the individual was providing child care, as defined in
16 ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), (E), (F)
17 or (G).

18 “(c) Notwithstanding paragraph (a) of this subsection, an individual de-
19 scribed in paragraph (b)(B) of this subsection is not required to enroll in the
20 Central Background Registry if more than seven years has elapsed since the
21 date of the child abuse determination.

22 “(3)(a) Upon receiving an application for enrollment in the Central
23 Background Registry, the department shall complete:

24 “(A) A criminal records check under ORS 181A.195;

25 “(B) A criminal records check of other registries or databases in accord-
26 ance with rules adopted by the Early Learning Council;

27 “(C) A child abuse and neglect records check in accordance with rules
28 adopted by the council; and

29 “(D) A foster care certification check and an adult protective services
30 check in accordance with rules adopted by the council.

1 “(b) In addition to the information that the department is required to
2 check under paragraph (a) of this subsection, the department may consider
3 any other information obtained by the department that the department, based
4 on rules adopted by the Early Learning Council, determines is relevant to
5 enrollment in the Central Background Registry.

6 “(4) The department shall enroll the individual in the Central Background
7 Registry if the individual:

8 “(a) Is determined to have no criminal, child abuse and neglect, negative
9 adult protective services or negative foster home certification history, or to
10 have dealt with the issues and provided adequate evidence of suitability for
11 the registry;

12 “(b) Has paid the applicable fee established pursuant to ORS 329A.275;
13 and

14 “(c) Has complied with the rules of the Early Learning Council adopted
15 pursuant to this section.

16 “(5)(a) Notwithstanding subsections (3) and (4) of this section, the de-
17 partment may not enroll an individual in the Central Background Registry
18 if:

19 “(A) The individual has a disqualifying condition as defined in rules
20 adopted by the council; or

21 “(B) The individual is an exempt prohibited individual, as provided by
22 ORS 329A.252, unless the individual qualifies for limited enrollment pursuant
23 to rules adopted by the Early Learning Council.

24 “(b) If an individual prohibited from enrolling in the registry as provided
25 by this subsection is enrolled in the registry, the department shall remove
26 the individual from the registry.

27 “(6)(a) The department may conditionally enroll an individual in the
28 Central Background Registry pending the results of a nationwide criminal
29 records check through the Federal Bureau of Investigation if the individual
30 has successfully completed the criminal records check and the child abuse

1 and neglect records check in this state and in the state of the individual's
2 residence, if other than Oregon.

3 “(b) The department may enroll an individual in the registry subject to
4 limitations identified in rules adopted by the council.

5 “(7) The department may grant limited enrollment in the Central Back-
6 ground Registry to a subject individual who is a relative caretaker of a child
7 for whom care is provided in a subsidized care facility, regardless of whether
8 the individual was previously denied enrollment in the Central Background
9 Registry, if the individual otherwise meets the criteria established in rule
10 by the Early Learning Council.

11 “(8) An enrollment in the Central Background Registry may be renewed
12 upon application to the department, payment of the fee established pursuant
13 to ORS 329A.275 and compliance with rules adopted by the Early Learning
14 Council pursuant to this section. However, an individual who is determined
15 to be ineligible for enrollment in the registry after the date of initial en-
16 rollment shall be removed or suspended from the registry by the department.

17 “(9)(a) A child care facility, preschool recorded program or school-age
18 recorded program may not hire or employ an individual if the individual is
19 not enrolled in the Central Background Registry.

20 “(b) Notwithstanding paragraph (a) of this subsection, a child care facil-
21 ity, preschool recorded program or school-age recorded program may employ
22 on a probationary basis an individual who is conditionally enrolled in the
23 Central Background Registry.

24 “(10) The Early Learning Council may adopt any rules necessary to carry
25 out the purposes of this section, including but not limited to rules regarding
26 expiration and renewal periods and limitations related to the subject
27 individual's enrollment in the Central Background Registry.

28 “(11) As used in this section, ‘subject individual’ means:

29 “(a) A subject individual as defined by the Early Learning Council by
30 rule;

1 “(b) An individual subject to subsection (2)(b) of this section;
2 “(c) A person who applies to be:
3 “(A) The operator or an employee of a child care or treatment program;
4 “(B) The operator or an employee of a provider under the Oregon Prenatal
5 to Kindergarten Program under ORS 329.172 to 329.200;
6 “(C) The operator or an employee of a federal Head Start program regu-
7 lated by the United States Department of Health and Human Services;
8 “(D) An individual in a child care facility, preschool recorded program
9 or school-age recorded program who may have unsupervised contact with
10 children, as determined by the council by rule;
11 “(E) A contractor or an employee of the contractor who:
12 “(i) Provides early childhood special education or early intervention ser-
13 vices pursuant to ORS 343.455 to 343.534; and
14 “(ii) Is not subject to the criminal records check requirements of ORS
15 326.603 or 342.223;
16 “(F) A child care provider who is required to be enrolled in the Central
17 Background Registry by any state agency;
18 “(G) A contractor, employee or volunteer of a metropolitan service dis-
19 trict organized under ORS chapter 268 who may have unsupervised contact
20 with children and who is required to be enrolled in the Central Background
21 Registry by the metropolitan service district;
22 “(H) A provider of respite services, as defined in ORS [418.205] **418.215**
23 **(2)(b)**, for parents pursuant to a properly executed power of attorney under
24 ORS 109.056 who is providing respite services as a volunteer with a private
25 agency or organization that facilitates the provision of such respite services;
26 “(I) The operator or an employee of an early learning program as defined
27 in rules adopted by the council; or
28 “(J) The operator or an employee of a preschool recorded program or a
29 school-age recorded program; or
30 “(d)(A) An individual who operates a subsidized care facility;

1 “(B) An individual who has attained 18 years of age and resides in a
2 subsidized care facility; or

3 “(C) An individual in a subsidized care facility who has attained 18 years
4 of age and who may have unsupervised contact with children, as determined
5 by the council by rule.

6 “(12)(a) Information provided to a metropolitan service district organized
7 under ORS chapter 268 about the enrollment status of the persons described
8 in subsection (11)(c)(G) of this section shall be subject to a reciprocal
9 agreement with the metropolitan service district. The agreement must pro-
10 vide for the recovery of administrative, including direct and indirect, costs
11 incurred by the department from participation in the agreement. Any mon-
12 eys collected under this paragraph shall be deposited in the Child Care Fund
13 established under ORS 329A.273.

14 “(b) Information provided to a private agency or organization facilitating
15 the provision of respite services, as defined in ORS [418.205] **418.215 (2)(b)**,
16 for parents pursuant to a properly executed power of attorney under ORS
17 109.056 about the enrollment status of the persons described in subsection
18 (11)(c)(H) of this section shall be subject to an agreement with the private
19 agency or organization. The agreement must provide for the recovery of ad-
20 ministrative, including direct and indirect, costs incurred by the department
21 from participation in the agreement. Any moneys collected under this para-
22 graph shall be deposited in the Child Care Fund established under ORS
23 329A.273.

24 “(c) Information provided to a private agency or organization about the
25 enrollment status of the persons described in subsection (11)(c)(I) of this
26 section shall be subject to an agreement with the private agency or organ-
27 ization. The agreement must provide for the recovery of administrative, in-
28 cluding direct and indirect, costs incurred by the department from
29 participation in the agreement. Any moneys collected under this paragraph
30 shall be deposited in the Child Care Fund established under ORS 329A.273.

1 **SECTION 51.** ORS 329A.275 is amended to read:

2 “329A.275. (1) The Early Learning Council shall adopt rules establishing
3 fees for certification, registration and recording under ORS 329A.250 to
4 329A.450.

5 “(2) Subject to prior approval of the Oregon Department of Administrative
6 Services and a report to the Legislative Assembly prior to adopting the fees
7 and charges, the fees and charges established under ORS 181A.195, 329A.030
8 and 329A.250 to 329A.450 may not exceed the cost of administering the pro-
9 gram of the Department of Early Learning and Care pertaining to the pur-
10 pose for which the fee is established, as authorized by the Legislative
11 Assembly within the budget of the Department of Early Learning and Care.

12 “(3) Notwithstanding subsection (2) of this section and any other pro-
13 vision of this chapter, the following fees established by the Early Learning
14 Council under ORS 329A.030 and 329A.250 to 329A.450 may not exceed:

15 “(a) For Certified Family Child Care Home Initial Certification, \$25;

16 “(b) For Certified Family Child Care Home Annual Fee Per Certified
17 Space, \$2;

18 “(c) For Child Care Center Initial Certification, \$100;

19 “(d) For Child Care Center Annual Fee Per Certified Space, \$2;

20 “(e) For Registered Family Child Care Home Registration, \$30;

21 “(f) For Preschool Recorded Program Recording, \$20;

22 “(g) For School-Age Recorded Program Recording, \$20;

23 “(h) For administering a class on child care abuse and neglect issues, \$10;
24 and

25 “(i) For enrollment in the Central Background Registry, the cost of ad-
26 ministering the program, including fees for:

27 “(A) Duplicate enrollment in the Central Background Registry;

28 “(B) Law Enforcement Data System criminal records check; and

29 “(C) Federal Bureau of Investigation fingerprint check.

30 “(4) The Early Learning Council, by rule, shall waive the fees described

1 in subsection (3)(i) of this section for an employee of or volunteer with a
2 private agency or organization that facilitates the provision of respite ser-
3 vices, as defined in ORS [418.205 (2)(c)(B)] **418.215 (2)(b)**, for parents pursu-
4 ant to a properly executed power of attorney under ORS 109.056.

5 **“NOTE:** Sections 52 through 55 were deleted by amendment. Subsequent
6 sections were not renumbered.

7 **“SECTION 56.** ORS 418.246 is amended to read:

8 “418.246. (1) In addition to any requirements for licensure established by
9 the Department of Human Services, each outdoor youth program that is ap-
10 plying for licensure as a child-caring agency shall file with the department
11 a bond in the amount of \$50,000 or 50 percent of the program’s yearly budget,
12 whichever amount is less. The bond shall be issued by a surety company or
13 an insured institution, as defined in ORS 706.008, authorized to do business
14 in this state.

15 “(2) The bond required under subsection (1) of this section shall be con-
16 tinuous until canceled and shall remain in full force and unimpaired at all
17 times to comply with this section. The surety or insured institution shall
18 give the department at least 30 days’ written notice before it cancels or ter-
19 minates its liability under the bond.

20 “(3) An action on the bond may be brought by any person aggrieved by
21 the misconduct of an outdoor youth program required to be licensed under
22 ORS 418.205 to 418.327.

23 **“(4)(a) As used in this section, ‘outdoor youth program’ means a**
24 **program that provides, in an outdoor living setting, services to chil-**
25 **dren who have behavioral problems, mental health problems or prob-**
26 **lems with abuse of alcohol or drugs.**

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

29 **“(A) Operated by a governmental entity;**

30 **“(B) Operated by or affiliated with the Oregon Youth Corps;**

1 “(C) Licensed by the Department of Human Services under the au-
2 thority of the department other than ORS 418.205 to 418.327; or

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

5 “SECTION 57. ORS 418.330 is amended to read:

6 “418.330. (1) As used in this section:

7 “(a) ‘Child’ means:

8 “(A) A person under 18 years of age;

9 “(B) A person under 21 years of age if the Department of Human Services
10 determines that the person has a mental or physical disability that warrants
11 the continuation of assistance; or

12 “(C) A person who has attained 18 years of age and:

13 “(i) On whose behalf payments under this section were received prior to
14 the person attaining 18 years of age, provided the person was at least 16
15 years of age at the time the payments commenced;

16 “(ii) Has not attained 21 years of age; and

17 “(iii)(I) Is completing secondary education or a program leading to an
18 equivalent credential;

19 “(II) Is enrolled in an institution or program that provides post-secondary
20 or vocational education;

21 “(III) Is participating in a program or activity designed to promote, or
22 remove barriers to, employment;

23 “(IV) Is employed for at least 80 hours per month; or

24 “(V) Is incapable of doing any of the activities described in sub-sub-
25 subparagraphs (I) to (IV) of this sub-subparagraph due to a medical condi-
26 tion, which incapability is supported by regularly updated documentation.

27 “(b) ‘Nonrecurring adoption or guardianship expenses’ means reasonable
28 and necessary adoption or guardianship fees, court costs, attorney fees and
29 other expenses that are directly related to the adoption of, or establishment
30 of a guardianship for, a child with special needs and that are not incurred

1 in violation of state or federal law.

2 “(2) The department may make payments to adoptive parents or guardians
3 on behalf of a child placed for adoption or establishment of a guardianship
4 by the department, or placed for adoption by an approved child-caring
5 agency, **as defined in ORS 418.205**, when the department determines:

6 “(a) The child has special needs because of an impediment to adoptive
7 placement or establishment of a guardianship by reason of the child’s phys-
8 ical or mental condition, race, age, or membership in a sibling group; or

9 “(b) The adoptive family or guardian is capable of providing the perma-
10 nent family relationships needed by the child in all respects other than fi-
11 nancial, and the needs of the child are beyond the economic ability and
12 resources of the family.

13 “(3) Payments to subsidize adoptions or guardianships made under sub-
14 section (2) of this section:

15 “(a) Shall include payment of nonrecurring adoption or guardianship ex-
16 penses incurred by or on behalf of adoptive parents or guardians in con-
17 nection with the adoption of, or establishment of a guardianship for, a child
18 with special needs;

19 “(b) May include, but are not limited to, the maintenance costs, medical
20 and surgical expenses, and other costs incidental to the care, training and
21 education of the child;

22 “(c) May not exceed the cost of providing comparable assistance in foster
23 care; and

24 “(d) May not be made:

25 “(A) For a child who has not attained 18 years of age, when the adoptive
26 parents or guardians are no longer legally responsible for the support of the
27 child; or

28 “(B) When the child is no longer receiving any support from the adoptive
29 parents or guardians.

30 “(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.

1 “**NOTE:** Section 59 was deleted by amendment. Subsequent sections were
2 not renumbered.

3 “**SECTION 60.** ORS 419C.620 is amended to read:

4 “419C.620. (1) When required by the court, the Oregon Youth Authority
5 or a private agency having guardianship or legal custody of an adjudicated
6 youth pursuant to court order shall file reports on the adjudicated youth
7 with the juvenile court that entered the original order concerning the adju-
8 dicated youth.

9 “(2) A county juvenile department shall file a report with the juvenile
10 court under this section if an adjudicated youth remains under juvenile de-
11 partment care for six consecutive months from the date of initial placement
12 and:

13 “(a) The county juvenile department is a county program, as defined in
14 ORS [418.205] **418.215**;

15 “(b) The county juvenile department is participating in programs related
16 to Title IV-E of the Social Security Act;

17 “(c) The county juvenile department has responsibility for the care and
18 placement of the adjudicated youth; and

19 “(d) The placement is not a detention facility.

20 “**SECTION 61.** ORS 704.023 is amended to read:

21 “704.023. In addition to meeting the requirements in ORS 704.020, any
22 person who provides outfitting and guiding services for outdoor youth pro-
23 grams, as defined in ORS [418.205] **418.246**, shall furnish proof of a current
24 child-caring agency license for outdoor youth programs from the Department
25 of Human Services prior to being registered as an outfitter and guide.

26
27 **“MISCELLANEOUS**

28
29 “**SECTION 62.** 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 63.** 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.”.

6
