

HB 3835-A11
(LC 4714)
5/20/25 (LAS/ps)

Requested by Senator GELSER BLOUIN

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

On page 1 of the printed A-engrossed bill, delete lines 3 through 20 and insert “418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248, 418.255, 418.257, 418.258, 418.259, 418.260, 418.321, 418.322, 418.327, 418.330, 418.359, 418.500, 418.519, 418.521, 418.523, 418.526, 418.529, 418.625, 418.992, 418.994, 418.995, 419B.005, 419B.335, 419B.351, 419C.620 and 704.023; and declaring an emergency.”.

On page 2, delete lines 1 through 3.

Delete lines 5 through 45 and delete pages 3 through 63 and insert:

“CHILD ABUSE

“(Use of Restraint and Seclusion on Children)”

“NOTE: Sections 1 through 7 were deleted by amendment. Subsequent sections were not renumbered.

“SECTION 8. ORS 418.241 is amended to read:

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

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

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

“[(c)] (b) ‘Developmental disabilities residential facility’ means a residen-

1 tial facility or foster home for children who are *[17 years of age or younger]*
2 **under 18 years of age** and receiving developmental disability services that
3 is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

4 “[*(d)*] **(c)** ‘Secure escort’ means escort services for a child who poses a
5 risk of elopement or where *[restraint or seclusion may be utilized if the child*
6 *poses a risk of injury to self or others, and as further defined by the depart-*
7 *ment by rule.]* **a restraint, as defined in ORS 418.519, may be utilized if**
8 **the child’s actions create a reasonable risk of imminent serious phys-**
9 **ical harm to the child or others during transport to a congregate care**
10 **residential program, foster home or developmental disabilities resi-**
11 **dential facility that is not a hospital or health care facility certified**
12 **by the Oregon Health Authority.**

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

17 “**(e)** ‘Secure nonmedical transportation services’ means the secure
18 transportation or secure escort of children by a provider that is not
19 subject to rules adopted by the Oregon Health Authority while trans-
20 porting a child to a congregate care residential program, foster home
21 or developmental disabilities residential facility that is not a hospital
22 or health care facility certified by the authority.

23 “**(f)** ‘Secure transportation’ means the transport of a child in a vehicle
24 specifically equipped to prevent a passenger from exiting, eloping or inter-
25 fering with the operator of the vehicle, *[and]* as **may be** further defined by
26 the department **or authority** by rule.

27 “**(g)** ‘Secure transportation services’ means the secure transportation or
28 secure escort of children.

29 “**(2)** The department shall adopt rules consistent with this section for the
30 issuance, under ORS 418.215 and 418.240, of licenses to provide secure **non-**

1 **medical** transportation services to providers that are child-caring agencies
2 solely as the result of providing secure **nonmedical** transportation services
3 as described in ORS [418.205 (2)(a)(B)] **418.215 (1)(b)** and for the issuance of
4 supplemental licenses to child-caring agencies described in ORS [418.205
5 (2)(a)(A)] **418.215 (1)(a)** that also provide secure **nonmedical** transportation
6 services as described in ORS [418.205 (2)(a)(B)] **418.215 (1)(b)**.

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

11 “(A) A secure nonemergency medical transportation provider **unless the**
12 **provider also provides secure nonmedical transportation services.**

13 “(B) A child-caring agency that is licensed, certified or otherwise au-
14 thorized by the department to provide or engage in the provision of care or
15 services to children if:

16 “(i) The agency is not primarily engaged in the provision of secure **non-**
17 **medical** transportation services;

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

20 “(iii) The transportation or escort is provided consistent with the rules
21 adopted by the department under this section.

22 “(C) An ambulance service, as defined in ORS 682.025, that is transporting
23 a child in an ambulance for the purpose of obtaining medical care for the
24 child.

25 “(D) A developmental disabilities residential facility if:

26 “(i) The facility is not primarily engaged in the provision of secure **non-**
27 **medical** transportation services;

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

30 “(iii) The transportation or escort is provided consistent with the rules

1 adopted by the department under this section.

2 “(b) The licensing exemptions under paragraph (a)(B) and (D) of this
3 subsection do not apply if the child-caring agency or developmental disabili-
4 ties residential facility is transporting the child for the purposes of placing
5 the child in a facility that is not licensed by the department or in a hospital
6 that is not licensed by the authority.

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

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

14 “(B) The provider holds itself out as being an Oregon provider of secure
15 transportation services, including by registering in this state the vehicles it
16 uses in the provision of its secure transportation services or representing or
17 otherwise indicating in advertisements or promotional materials that the
18 provider is based in this state, maintains a mailing address in this state or
19 is licensed, certified or otherwise authorized by the department or the au-
20 thority to provide secure transportation services or similar services in this
21 state.

22 “(b) The disclosure under paragraph (a) of this subsection must also in-
23 dicate that the **provider of** secure transportation services [*provider*] is not
24 licensed by the department under ORS 418.215 or 418.240 to provide secure
25 **nonmedical** transportation services and, if applicable, the reason for the
26 provider’s licensing exemption under subsection (3) of this section.

27 “(c) If a provider that is required to make a disclosure under this sub-
28 section is authorized by the authority to provide secure transportation ser-
29 vices, the provider’s disclosure under this subsection may, consistent with
30 rules adopted by the authority, also include a statement that the provider is

1 authorized by the authority to provide secure **medical** transportation ser-
2 vices.

3 **“(5) Secure nonmedical transportation services may not be used to**
4 **transport a child in care, as defined in ORS 418.257, to a hospital,**
5 **health care or treatment facility that is certified by or contracted with**
6 **the authority or to an equivalent hospital or facility in another state.**

7 **“[(5)] (6) The department and the authority may adopt rules for the pro-**
8 **vision of secure transportation services consistent with this section and ORS**
9 **418.205 to 418.327, 418.359 and 418.519 to 418.532.**

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

12 **“SECTION 10. (1) A child-caring agency, developmental disabilities**
13 **residential facility, proctor foster home, certified foster home, care-**
14 **taker or other person abuses a child in care if the child-caring agency,**
15 **developmental disabilities residential facility, proctor foster home,**
16 **certified foster home, caretaker or other person fails to make a rea-**
17 **sonable effort to protect the child in care from abuse as described in**
18 **this section or ORS 419B.005.**

19 **“(2) An individual or organization abuses a child in care for pur-**
20 **poses of ORS 418.257 to 418.259 if the individual or organization neg-**
21 **lects the child in care by failing to provide care, supervision or**
22 **services necessary to maintain the physical and mental health of the**
23 **child in care when the individual or organization has a duty to provide**
24 **such care.**

25 **“(3) An individual abuses a child in care if the individual is an em-**
26 **ployee, operator, contractor, agent or volunteer of a child-caring**
27 **agency, developmental disabilities residential facility, proctor foster**
28 **home, certified foster home or adjudicated youth foster home or is any**
29 **other person who is responsible for the provision of care or services**
30 **to a child in care, and the individual:**

1 “(a) Neglects the child in care by:

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

4 “(B) Failing to make a reasonable effort to protect the child in care
5 from abuse as described in this section or ORS 419B.005.

6 “(b) Abandons the child in care, including by deserting or willfully
7 forsaking the child in care or by withdrawing or neglecting duties and
8 obligations owed to the child in care by the individual.

9 “(4) An individual abuses a child in care if:

10 “(a) The individual is at least 18 years of age, is not a child in care
11 and:

12 “(A) Is an employee, volunteer or contractor of a child-caring
13 agency, a developmental disabilities residential facility, a proctor foster
14 home, a certified foster home or an adjudicated youth foster home;

15 “(B) Is an operator of a child-caring agency, a developmental disa-
16 bilities residential facility, a proctor foster home, a certified foster
17 home or an adjudicated youth foster home;

18 “(C) Resides in the same child-caring agency, developmental disa-
19 bilities residential facility, proctor foster home, certified foster home
20 or adjudicated youth foster home as the child in care; or

21 “(D) Has access to the child in care due to the individual’s re-
22 lationship with a person described in subparagraphs (A) to (C) of this
23 paragraph; and

24 “(b) The individual:

25 “(A) Assaults the child in care.

26 “(B) Commits an act that causes physical injury to the child in care
27 and the act is nonaccidental or the injury appears at variance with the
28 individual’s explanation of the act causing the injury.

29 “(C) Imposes a restraint or involuntary seclusion on the child in
30 care in violation of ORS 418.521 or 418.523 or section 15 of this 2025 Act.

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

2 **“(E) Commits an act involving the child in care that constitutes a**
3 **crime under ORS 163.263, 163.264, 163.266, 163.413, 163.465, 163.467,**
4 **163.535, 163.537, 163.547, 163.575, 163.670, 163.700 or 163.701.**

5 **“(F) Verbally abuses the child in care by threatening significant**
6 **physical or emotional harm to the child in care, including through:**

7 **“(i) The use of derogatory or inappropriate names, insults, verbal**
8 **assaults, profanity or ridicule;**

9 **“(ii) Harassment, coercion, humiliation, mental cruelty or inappro-**
10 **priate sexual comments; or**

11 **“(iii) Intimidation, including by compelling or deterring conduct by**
12 **threat.**

13 **“(G) Engages in financial exploitation of the child in care by:**

14 **“(i) Wrongfully taking the assets, funds or property belonging to**
15 **or intended for the use of the child in care;**

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

20 **“(iii) Misappropriating, misusing or transferring without authori-**
21 **zation any moneys from any account held jointly or singly by a child**
22 **in care; or**

23 **“(iv) Failing to use the income or assets of a child in care effec-**
24 **tively for the support and maintenance of the child in care.**

25 **“(H) Engages in sexual abuse of the child in care by committing an**
26 **act that constitutes:**

27 **“(i) Sexual harassment of the child in care;**

28 **“(ii) Inappropriate exposure of the child in care to sexually explicit**
29 **material or language; or**

30 **“(iii) Sexual contact, as defined in ORS 163.305, with the child in**

1 care, regardless of whether the sexual contact constitutes a crime
2 under ORS chapter 163.

3 “(I) Sexually exploits the child in care, including by:

4 “(i) Contributing to the sexual delinquency of the child in care, as
5 described in ORS 163.435;

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

16 “(iii) Allowing, permitting, encouraging or hiring the child in care
17 to engage in prostitution as described in ORS 167.007 or a commercial
18 sex act as defined in ORS 163.266, to purchase sex with a minor as
19 described in ORS 163.413 or to engage in commercial sexual solicitation
20 as described in ORS 167.008; or

21 “(iv) Directing or encouraging another person to engage in sexual
22 contact, as defined in ORS 163.305, with the child in care.

23 “(5) As used in this section:

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

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

29 “SECTION 11. ORS 418.257 is amended to read:

30 “418.257. As used in ORS 418.257 to 418.259:

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

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

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

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

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

11 “[*(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,*
12 *163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.*]

13 “[*(f) Verbal abuse.*]

14 “[*(g) Financial exploitation.*]

15 “[*(h) Sexual abuse.*]

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

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

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

21 “[*(2) ‘Certified foster home’ means a foster home certified by the Department*
22 *of Human Services and subject to ORS 418.625 to 418.645.*]

23 **“(3)(a) ‘Child in care’ means a person under 21 years of age who is in the**
24 **physical or legal custody of the department or** is residing in or receiving
25 care or services from:

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

28 **“(B) A certified foster home; [or]**

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

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

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

4 “[*(4) ‘Developmental disabilities residential facility’ means a residential*
5 *facility or foster home for children who are 17 years of age or younger and*
6 *receiving developmental disability services that is subject to ORS 443.400 to*
7 *443.455, 443.830 and 443.835.*]

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

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

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

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

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

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

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

23 “[*(7) ‘Involuntary seclusion’ has the meaning given that term in ORS*
24 *418.519.*]

25 “[*(8)*] **(4)** ‘Law enforcement agency’ means:

26 “(a) Any city or municipal police department.

27 “(b) Any county sheriff’s office.

28 “(c) The Oregon State Police.

29 “(d) Any district attorney.

30 “(e) A police department established by a university under ORS 352.121

1 or 353.125.

2 “[*(9) ‘Neglect’ means:*]

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

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

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

9 “[*(11)*] (**5**) ‘*Services*’ includes but is not limited to the provision of food,
10 clothing, medicine, housing, medical services, **supervision**, assistance with
11 bathing or personal hygiene or any other service essential to the well-being
12 of a child in care.

13 “[*(12) ‘Sexual abuse’ means:*]

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

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

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

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

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

26 “[*(14) ‘Sexual exploitation’ means sexual exploitation as described in ORS*
27 *419B.005 (1)(a)(E).]*

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

30 “[*(a) Derogatory or inappropriate names, insults, verbal assaults, profanity*

1 *or ridicule; or]*

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

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

5 “418.519. As used in ORS 418.519 to 418.532:

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

8 “[*(1)*] **(2) ‘Certified foster home’ means a foster home subject to ORS**
9 **418.625 to 418.645.**

10 “[*(2)*] **(3) ‘Chemical restraint’ means a drug or medication that is admin-**
11 **istered by any means to a child in care to control behavior or restrict**
12 **freedom of movement[.] and that is not:**

13 **“(a) Prescribed by a licensed physician or other qualified health**
14 **professional acting within the professional’s scope of practice for**
15 **standard treatment of the child in care’s medical or psychiatric con-**
16 **dition; and**

17 **“(b) Administered as prescribed by a licensed physician or other**
18 **qualified health professional acting within the professional’s scope of**
19 **practice.**

20 “[*(3)*] **(4) ‘Child-caring agency’ has the meaning given that term in ORS**
21 **418.205.**

22 “[*(4)*] **(5) ‘Child in care’ has the meaning given that term in ORS 418.257.**

23 “[*(5)*] **(6) ‘Children’s emergency safety intervention specialist’ means a**
24 **qualified mental health professional licensed to order, monitor and evaluate**
25 **the use of involuntary seclusion and restraint in accredited and certified**
26 **facilities that provide intensive mental health treatment services to individ-**
27 **uals under 21 years of age.**

28 “[*(6)*] **(7) ‘Developmental disabilities residential facility’ has the meaning**
29 **given that term in [ORS 418.257] ORS 418.205.**

30 “[*(7)(a)*] **(8)(a) ‘Involuntary seclusion’ means the confinement of a child**

1 in care alone in a room or an enclosed space from which the child in care
2 is prevented from leaving by any means.

3 “(b) ‘Involuntary seclusion’ does not include age-appropriate discipline,
4 including, but not limited to, time-out if the time-out is in a setting from
5 which the child in care is not prevented from leaving by any means.

6 “[8] (9)(a) ‘Mechanical restraint’ means a device used to restrict the
7 movement of a child in care or the movement or normal function of a portion
8 of the body of a child in care.

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

10 “(A) A protective or stabilizing device ordered by a licensed physi-
11 cian for standard treatment of a child’s medical condition; or

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

14 “[9] (10) ‘Proctor foster home’ means a foster home certified by a child-
15 caring agency under ORS 418.248.

16 “[10] (11) ‘Program’ means:

17 “(a) A child-caring agency;

18 “(b) A proctor foster home; or

19 “(c) A developmental disabilities residential facility that is a residential
20 training home or facility licensed under ORS 443.415 to serve children under
21 18 years of age.

22 “[11] (12) ‘Prone restraint’ means a restraint in which a child in care
23 is held face down on the floor.

24 “[12] (13) ‘Reportable injury’ means any type of injury to a child in care,
25 including but not limited to rug burns, fractures, sprains, bruising, pain, soft
26 tissue injury, punctures, scratches, concussions, abrasions, dizziness, loss of
27 consciousness, loss of vision, visual disturbance or death.

28 “[13] (14)(a) ‘Restraint’ means the physical restriction of a child in
29 care’s actions [*or movements by holding the child in care or using pressure*
30 *or other means.*] **by using physical force to hold the child in care or by**

1 using pressure or other means to restrict the ability of the child in
2 care to voluntarily move the child in care's head, limbs, torso, neck,
3 hands or feet.

4 “(b) ‘Restraint’ does not include:

5 “(A) Brief physical contact to promote the safety of a child in care
6 that does not involve a use of force;

7 “(B) Providing physical guidance to, cuing or prompting a child in
8 care with a light touch when teaching a skill, engaging in play, redi-
9 recting attention or providing comfort if those actions do not include
10 the use of force and the child in care does not resist the contact;

11 “(C) Physically escorting the child in care by temporarily touching
12 the child in care's hand, wrist, arm, shoulder or back or temporarily
13 holding the child in care's hand, arm or shoulder for the purpose of
14 inducing the child in care to walk to a safe location if these actions
15 occur without the use of force or taking control of the child in care's
16 movement;

17 “(D) Briefly lifting or stopping a child in care with the least amount
18 of force necessary to remove the child from immediate danger such
19 as, but not limited to, running into a street or body of water, touching
20 an object that may cause burns, scalds or other injuries or climbing
21 on an unsafe structure;

22 “(E) Physically assisting a child in care to complete a task if the
23 child in care does not resist the physical contact; or

24 “(F) Reasonable and developmentally appropriate physical contact
25 without the use of force involved in the typical care of an infant or
26 young child, including but not limited to diapering, toileting, hygiene
27 and comforting.

28 “[~~(14)~~] (15) ‘Secure adolescent inpatient treatment program’ means a
29 child-caring agency that is an intensive treatment services program, as de-
30 scribed by the Oregon Health Authority by rule, that provides inpatient

1 psychiatric stabilization and treatment services to individuals under 21 years
2 of age who require a secure intensive treatment setting.

3 “[(15)] **(16)** ‘Secure children’s inpatient treatment program’ means a
4 child-caring agency that is an intensive treatment services program, as de-
5 scribed by the authority by rule, that provides inpatient psychiatric stabili-
6 zation and treatment services to children under 14 years of age who require
7 a secure intensive treatment setting.

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

11 “**(17)** ‘**Serious physical harm**’ means a serious impairment of the
12 physical condition, such as burns, bone fractures, substantial
13 hematoma, injuries to internal organs, loss of consciousness,
14 concussion, protracted loss or impairment of function of any bodily
15 member or organ, a wound requiring extensive suturing, serious and
16 protracted disfigurement, extreme pain or any physical injury that
17 creates a significant risk of death.

18 “[**(17)**] **(18)** ‘Supine restraint’ means a restraint in which a child in care
19 is held face up on the floor.

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

21 “418.521. [(1) A child-caring agency, proctor foster home, certified foster
22 home or developmental disabilities residential facility may not place a child
23 in care in a restraint or involuntary seclusion as a form of discipline, pun-
24 ishment or retaliation or for the convenience of staff, contractors or volunteers
25 of the child-caring agency, proctor foster home, certified foster home or devel-
26 opmental disabilities residential facility.]

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

29 “[*(a)*] **(1)** Chemical restraint.

30 “[*(b)*] **(2)** Mechanical restraint.

1 “[(c)] (3) Prone restraint.

2 “[(d)] (4) **Except as provided in section 15 of this 2025 Act**, supine re-
3 straint.

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

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

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

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

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

15 “[(f)] (6) Any restraint that places, or creates a risk of placing, pressure
16 on a child in care’s neck or throat.

17 “[(g)] (7) Any restraint that places, or creates a risk of placing, pressure
18 on a child in care’s mouth, **unless the restraint is necessary for the**
19 **purpose of extracting a body part from a bite.**

20 “[(h)] (8) Any restraint that impedes, or creates a risk of impeding, a child
21 in care’s breathing.

22 “[(i)] (9) Any restraint that involves the intentional placement of any
23 object or a hand, knee, foot or elbow on a child in care’s neck, throat,
24 genitals or other intimate parts.

25 “[(j)] (10) Any restraint that causes pressure to be placed, or creates a
26 risk of causing pressure to be placed, on a child in care’s stomach, chest,
27 joints, throat or back by a knee, foot or elbow.

28 “[(k)] (11) Any other action, the primary purpose of which is to inflict
29 pain.

30 **“(12) Any restraint used for discipline, punishment, retaliation or**

1 **convenience.**

2 **“(13) Any restraint imposed on a child in care when the child’s**
3 **current actions do not pose a reasonable risk of imminent serious**
4 **physical harm.**

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

6 *“418.523. [(1) Except as otherwise provided in this section, a child-caring*
7 *agency, proctor foster home or developmental disabilities residential facility*
8 *may only place a child in care in a restraint or involuntary seclusion if the*
9 *child in care’s behavior poses a reasonable risk of imminent serious bodily*
10 *injury to the child in care or others and less restrictive interventions would*
11 *not effectively reduce that risk.]*

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

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

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

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

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

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

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

28 *“[(C) The intervention is not a prohibited restraint described in ORS*
29 *418.521 (2).]*

30 *“[(4) Notwithstanding ORS 418.521 (2):]*

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

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

5 “(c) If a program is a secure children’s inpatient treatment program or
6 secure adolescent inpatient treatment program, the program may place a child
7 in care in a restraint described in ORS 418.521 (2)(d) or (e) only if:]

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

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

12 “[(C) The restraint is used only as long as needed to prevent serious phys-
13 ical injury, as defined in ORS 161.015, and while no other intervention or form
14 of restraint is possible;]

15 “[(D) A licensed medical practitioner, children’s emergency safety inter-
16 vention specialist or qualified mental health professional, who is certified in
17 the use of the type of restraint used, continuously monitors the use of the re-
18 straint and the physical and psychological well-being of the child in care at
19 all times while the restraint is being used;]

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

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

25 “[(G) The program has written policies that require a licensed children’s
26 emergency safety intervention specialist or other licensed practitioner to eval-
27 uate and document the physical, psychological and emotional well-being of the
28 child in care immediately following the use of the restraint; and]

29 “[(H) The program is in compliance with any other requirements under
30 ORS 418.519 to 418.532, and the use of the restraint does not otherwise violate

1 *any applicable contract requirements or any state or federal law related to the*
2 *use of restraints.]*

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

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

9 *“[(b) The individuals placing the child in care in the restraint or involun-*
10 *tary seclusion are certified as described in ORS 418.529 in the use of the type*
11 *of restraint used or are trained, as required by the department by rule, in the*
12 *use of the involuntary seclusion used;]*

13 *“[(c) The program staff continuously monitor the child in care for the du-*
14 *ration of the restraint or involuntary seclusion; and]*

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

20 **“(1)(a) Restraint may be used on a child in care only if the child in**
21 **care’s current actions pose a reasonable risk of imminent serious**
22 **physical harm to the child in care or others and:**

23 **“(A) A less restrictive intervention would not be effective at pre-**
24 **venting the imminent serious physical harm;**

25 **“(B) The restraint is imposed with the minimum amount of physical**
26 **force and contact necessary to prevent imminent serious physical**
27 **harm;**

28 **“(C) Any use of force is consistent with the size, age, development**
29 **and known trauma history of the child in care;**

30 **“(D) The restraint ends immediately when the risk of imminent**

1 serious physical harm has resolved or a less restrictive intervention
2 becomes practicable; and

3 “(E) Except as specifically provided in section 15 of this 2025 Act,
4 the restraint is not prohibited under ORS 418.521.

5 “(b) A child in care may be placed in involuntary seclusion only if
6 the child in care’s current actions pose a reasonable risk of imminent
7 serious physical harm to the child in care or others and:

8 “(A) All other efforts to address the current actions have been un-
9 successful;

10 “(B) A less restrictive intervention would not be effective at pre-
11 venting the imminent serious physical harm;

12 “(C) The involuntary seclusion ends immediately when the risk of
13 imminent serious physical harm has resolved or a less restrictive
14 intervention becomes practicable; and

15 “(D) The child in care is not receiving services from a develop-
16 mental disabilities residential facility, a certified foster home or an
17 adjudicated youth foster home.

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

20 “(3) When restraint is used on a child in care as permitted in sub-
21 section (1) of this section:

22 “(a) The restraint may be imposed only by staff or contractors of
23 a child-caring agency, proctor foster home or developmental disabili-
24 ties residential facility who have current certification as described in
25 ORS 418.529 in the restraint used;

26 “(b) The child in care must be receiving care or services from the
27 child-caring agency, proctor foster home or developmental disabilities
28 residential facility at the time the restraint is used; and

29 “(c) If the child in care is receiving developmental disability ser-
30 vices, the restraint must also be consistent with all state and federal

1 **requirements for the provision of services to an individual receiving**
2 **developmental disability services.**

3 **“(4) If involuntary seclusion is used on a child in care as permitted**
4 **in subsection (1) of this section:**

5 **“(a) The involuntary seclusion may be imposed only by staff or**
6 **contractors of a child-caring agency or proctor foster home; and**

7 **“(b) The child in care must be receiving care or services from the**
8 **child-caring agency or proctor foster home.**

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

12 *“(a) The program must provide the child in care with adequate access to*
13 *the bathroom and water at least every 30 minutes; and]*

14 **“(5) When a program places a child in care in restraint or involun-**
15 **tary seclusion as permitted under this section:**

16 **“(a) If the restraint or involuntary seclusion continues for more**
17 **than 10 minutes:**

18 *“[(b)](A) Every five minutes after the first 10 minutes of the restraint or*
19 *involuntary seclusion, a program supervisor who is certified as described in*
20 *ORS 418.529 in the use of the type of restraint being used or trained, as re-*
21 *quired by the Department of Human Services by rule, in the use of the*
22 *involuntary seclusion being used must provide written authorization for the*
23 *continuation of the restraint or involuntary seclusion[.];*

24 *“(B) If the supervisor is not on-site at the time the restraint is used, the*
25 *supervisor may provide the written authorization electronically[.]; and*

26 *“(C) The written authorization must document why the restraint or in-*
27 *voluntary seclusion continues to be the least restrictive intervention to re-*
28 *duce the risk of imminent [serious bodily injury] serious physical harm in*
29 *the given circumstances[.]; and*

30 **“(b) The program must provide the child in care with adequate ac-**

1 cess to the bathroom and water at least as often as prescribed by the
2 department by rule.

3 “(6) Nothing in this section or ORS 418.521 prohibits:

4 “(a) Physically intervening to separate individuals engaged in a
5 fight or to effectively protect a person from an assault or sexual con-
6 tact if the physical intervention does not involve the immobilization
7 of a child in care; or

8 “(b) An individual from using physical force upon a child in care in
9 an emergency if:

10 “(A) The individual is a foster parent, employee of the department
11 or any other person not explicitly authorized under this section to
12 impose a restraint upon a child in care;

13 “(B) The individual does not use a restraint prohibited under ORS
14 418.521; and

15 “(C) The individual uses the least amount of force necessary:

16 “(i) To protect the individual or any other person from an imminent
17 unlawful assault as described in ORS chapter 163 or sexual contact as
18 described in ORS 167.002; or

19 “(ii) To interrupt a suicide attempt in progress.

20 “SECTION 14a. Section 15 of this 2025 Act is added to and made a
21 part of ORS 418.519 to 418.532.

22 “SECTION 15. When a child-caring agency uses a restraint on a
23 child in care as permitted under ORS 418.523 (1), except as prohibited
24 by federal law the child-caring agency may restrain the child in care
25 using an otherwise prohibited restraint described in ORS 418.521 (4) if,
26 in addition to the requirements in ORS 418.523:

27 “(1) The child-caring agency is a secure children’s inpatient treat-
28 ment program or a secure adolescent inpatient treatment program;

29 “(2) The child in care is currently admitted to the child-caring
30 agency and is receiving inpatient psychiatric services under the direc-

tion of a physician;

“(3) No other intervention or form of restraint will prevent a life-threatening injury or death of the child in care or another person;

“(4) The restraint is authorized by a licensed medical practitioner or a licensed children’s emergency safety intervention specialist;

“(5) The restraint is not authorized as a standing order or on an as-needed basis;

“(6) A physician, licensed children’s emergency safety intervention specialist or other licensed health care professional who is certified in the use of the type of restraint used continuously monitors the use of the restraint and assesses the physical and psychological well-being of the child in care at all times while the restraint is being used;

“(7) At least one individual with current cardiopulmonary resuscitation training is present for the duration of the restraint;

“(8) The program staff continuously monitor the child in care for the duration of the restraint;

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

“(10) A physician, licensed children’s emergency safety intervention specialist or other licensed health care professional evaluates and documents the physical, psychological and emotional well-being of the child in care immediately following the use of the restraint.

“SECTION 16. ORS 418.529 is amended to read:

“418.529. (1)(a) The Department of Human Services shall adopt by rule training standards and certification requirements [*regarding the placement of a child in care in a restraint or involuntary seclusion, consistent with this section.*] **for a person to be qualified and authorized to impose a re-**

1 **straint upon a child in care as permitted under ORS 418.257 to 418.259.**

2 *“(b) The department shall designate two or three nationally recognized*
3 *providers of crisis intervention training that meet the department’s training*
4 *standards and whose certifications issued upon completion of the training*
5 *programs the department will recognize as satisfying the department’s certi-*
6 *fication requirements.]*

7 **“(b)(A) The department shall designate at least two but not more**
8 **than three nationally recognized providers of training programs on the**
9 **safe and limited use of restraints whose certifications of training**
10 **completion are the sole certifications the department will recognize**
11 **as satisfying the certification requirements under this section.**

12 **“(B) At least one of the providers described in this paragraph must**
13 **be approved by the division of the department that oversees develop-**
14 **mental disabilities services. The provider must provide training that**
15 **is specifically designed to meet the unique needs of individuals with**
16 **intellectual and developmental disabilities receiving services in home-**
17 **or community-based settings.**

18 **“(c) The curriculum of the training programs described in this sec-**
19 **tion must:**

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

22 **“(B) Emphasize that imposition of restraint may be used only as the**
23 **last resort in an emergency situation;**

24 **“(C) Meet or exceed all of the department’s standards for training**
25 **and certification;**

26 **“(D) Ensure that any curriculum authorized for use in this state**
27 **will not include training on how to use restraints that are prohibited**
28 **by ORS 418.521; and**

29 **“(E) Issue certifications upon successful completion of the training**
30 **programs that satisfy the department’s requirements for an individual**

1 to be certified to impose restraint in this state.

2 “(d) The department shall appoint an advisory committee to provide
3 the department with recommendations regarding the selection of pro-
4 viders of training under this subsection. The department shall include
5 as members of the advisory committee individuals who, as children
6 or as individuals with intellectual or developmental disabilities, gained
7 lived experience in the use of restraint or involuntary seclusion and
8 the families of those individuals.

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

10 “(a) Ensure **statewide** consistency of training, **philosophy, technique**
11 and professional development [*across all programs*] **related to the use of**
12 **restraint of children receiving care or services from child-caring**
13 **agencies, proctor foster homes and developmental disabilities residen-**
14 **tial facilities in this state that utilize restraint;**

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

17 “(c) Focus on de-escalation and [*trauma-informed behavioral support as the*
18 *core of a training program*] **trauma-responsive, nonviolent support of**
19 **children experiencing crisis as the core of a training program;**

20 “(d) Offer **additional** options for certification in skills that do not include
21 the use of restraint to improve agency-wide safety, culture and [*trauma-*
22 *informed*] **trauma-responsive** practices;

23 “(e) Prioritize the reduction or elimination of the use of restraint [*and*
24 *involuntary seclusion*];

25 “(f) Ensure that any [*physical intervention skills taught are trauma-*
26 *informed,*] **restraint techniques taught by the program are trauma-**
27 **responsive,** age-appropriate and developmentally appropriate for children
28 [*in care*], reduce the risk of physical or emotional harm and are consistent
29 with all state and federal laws;

30 “(g) Include training to identify the physical, psychological and emotional

1 risks for children and [program] staff related to the use of restraint [and
2 involuntary seclusion];

3 “(h) Ensure fidelity of training through the publication of consistent
4 training materials and resources for certified instructors and certified [pro-
5 gram] staff;

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

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

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

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

13 “(b) Complete a minimum of 26 hours of initial **in-person** education with
14 a focus on de-escalation, nonviolent intervention and methods consistent
15 with the department’s rules for the use of physical intervention;

16 “(c) Complete a minimum of 12 hours of **in-person** continuing education
17 every two years;

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

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

21 “(4) The department’s rules must provide that an individual who places
22 a child in care [in a program] in a restraint **as permitted under ORS**
23 **418.257 to 418.259** must be certified in the use of the specific type of restraint
24 used. The department’s rules must describe the minimum certification re-
25 quirements, including:

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

1 “(b) **In-person** annual continuing education with a certified instructor;
2 and

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

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

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

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

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

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

10 “(e) Must be portable between employers;

11 “(f) **Must be included in a registry maintained by the training pro-**
12 **gram; and**

13 “[(f)] (g) Must include:

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

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

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

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

18 “(E) The level of training; and

19 “(F) The name of the certified instructor who conducted the training
20 [and], administered the assessment of proficiency **and attested to the**
21 **individual’s competency to be certified.**

22 “(6) An individual whose certification is consistent with the department’s
23 rules under this section shall maintain the documentation of the certification
24 **or recertification** and make that documentation available to the department
25 upon request.

26 “(7) **Nothing in this section is intended to restrict a child-caring**
27 **agency, proctor foster home or developmental disabilities residential**
28 **facility from utilizing additional training on the prevention of crisis**
29 **situations and alternative responses to crisis situations that do not**
30 **involve the use of physical force.**

1 “**NOTE:** Sections 17 through 18 were deleted by amendment. Subsequent
2 sections were not renumbered.

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

4 “418.992. (1) In addition to any other liability or penalty provided by law,
5 the Director of Human Services may impose a **corrective action or** civil
6 penalty **or both**:

7 “(a) On a child-caring agency that is subject to ORS 418.205 to 418.327,
8 **418.241, 418.519 to 418.532,** 418.470, 418.475 or 418.950 to 418.970 for any of
9 the following:

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

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

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

17 “(D) Violation of the requirement to have a license, certificate or other
18 authorization under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to
19 418.970.

20 “(b) On a **provider of** secure transportation services [*provider*], as defined
21 in ORS 418.241, that violates the disclosure requirement described in ORS
22 418.241.

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

27 “(3) The director shall impose a civil penalty of not less than \$250 nor
28 more than \$500, unless otherwise required by law, on a child-caring facility
29 that assumes care or custody of, or provides care or services to, a child
30 knowing that the child’s care needs exceed the license, certificate or au-

1 thorization classification of the child-caring agency if the assumption of care
2 or custody, or provision of care or services, places that child's health,
3 safety, **rights** or welfare at risk.

4 **"(4) The director shall impose a civil penalty of not less than \$500**
5 **for the second or third incident in a 12-month period during which a**
6 **person who is not certified as required under ORS 418.523 imposes a**
7 **restraint on a child in care within the regulated entity, and a civil**
8 **penalty of not less than \$1,000 for the fourth or subsequent such inci-**
9 **dent within a 12-month period.**

10 ~~"[(4)]~~ **(5)** Unless the health, safety or welfare of a child is at risk, the
11 director in every case shall prescribe a reasonable time for elimination of a
12 violation:

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

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

17 ~~"[(5)]~~ **(6)** A civil penalty imposed under this section may be remitted or
18 reduced upon such terms and conditions as the director considers proper and
19 consistent with the public health and safety.

20 ~~"[(6)]~~ **(7)** The department shall adopt rules establishing objective criteria
21 for the imposition and amount of civil penalties under ORS 418.992 to 418.998
22 **consistent with this section.**

23 **"SECTION 20.** ORS 418.994 is amended to read:

24 "418.994. After public hearing, the Director of Human Services by rule
25 shall adopt a schedule establishing the civil penalty that may be imposed
26 under ORS 418.992. However, the civil penalty shall not exceed [~~\$500~~] **\$1,500**
27 for each violation.

28
29 **"(Abuse Reports and Investigations)**
30

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

3 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
4 quires otherwise:

5 “(1)(a) ‘Abuse’ means:

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

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

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

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

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

19 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
20 chapter 163, and any other conduct that allows, employs, authorizes, permits,
21 induces or encourages a child to engage in the performing for people to ob-
22 serve or the photographing, filming, tape recording or other exhibition that,
23 in whole or in part, depicts sexual conduct or contact, as defined in ORS
24 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
25 child or rape of a child, but not including any conduct that is part of any
26 investigation conducted pursuant to ORS 419B.020 or that is designed to
27 serve educational or other legitimate purposes; and

28 “(ii) Allowing, permitting, encouraging or hiring a child to engage in
29 prostitution as described in ORS 167.007 or a commercial sex act as defined
30 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413

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

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

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

7 “(H) Buying or selling a person under 18 years of age as described in ORS
8 163.537.

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

11 “(J) Unlawful exposure to a controlled substance, as defined in ORS
12 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
13 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
14 the child’s health or safety.

15 “(K) The restraint or seclusion of a child in violation of ORS 339.285,
16 339.288, 339.291, 339.303 or 339.308.

17 “(L) The infliction of corporal punishment on a child in violation of ORS
18 339.250 (9).

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

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

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

25 “(a) Is under 18 years of age; or

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

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

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

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

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

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

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

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

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

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

8 “(b) A county sheriff’s office.

9 “(c) The Oregon State Police.

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

12 “(e) A county juvenile department.

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

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

16 “(b) Dentist.

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

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

21 “(e) Employee of the Department of Human Services, Oregon Health Au-
22 thority, Department of Early Learning and Care, Department of Education,
23 Youth Development Division, the Oregon Youth Authority, a local health
24 department, a community mental health program, a community develop-
25 mental disabilities program, a county juvenile department, a child-caring
26 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
27 ment program.

28 “(f) Peace officer.

29 “(g) Psychologist.

30 “(h) Member of the clergy.

1 “(i) Regulated social worker.

2 “(j) Optometrist.

3 “(k) Chiropractor.

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

5 “(m) Attorney.

6 “(n) Licensed professional counselor.

7 “(o) Licensed marriage and family therapist.

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

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

10 “(r) Child care provider registered or certified under ORS 329A.250 to
11 329A.450.

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

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

16 “(u) Audiologist.

17 “(v) Speech-language pathologist.

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

20 “(x) Pharmacist.

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

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

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

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

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

29 “(i) Youth group or center;

30 “(ii) Scout group or camp;

1 “(iii) Summer or day camp;

2 “(iv) Survival camp; or

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

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

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

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

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

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

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

16 “(hh) Individual who is paid by a public body, in accordance with ORS
17 430.215, to provide a service identified in an individualized service plan of a
18 child with a developmental disability.

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

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

21 “(kk) Behavior analyst or assistant behavior analyst licensed under ORS
22 676.810 or behavior analysis interventionist registered by the Health Licens-
23 ing Office under ORS 676.815.

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

27 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
28 quires otherwise:

29 “(1)(a) ‘Abuse’ means:

30 “(A) Any assault, as defined in ORS chapter 163, of a child and any

1 physical injury to a child that has been caused by other than accidental
2 means, including any injury that appears to be at variance with the expla-
3 nation given of the injury.

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

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

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

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

13 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
14 chapter 163, and any other conduct that allows, employs, authorizes, permits,
15 induces or encourages a child to engage in the performing for people to ob-
16 serve or the photographing, filming, tape recording or other exhibition that,
17 in whole or in part, depicts sexual conduct or contact, as defined in ORS
18 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
19 child or rape of a child, but not including any conduct that is part of any
20 investigation conducted pursuant to ORS 419B.020 or that is designed to
21 serve educational or other legitimate purposes; and

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

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

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

1 “(H) Buying or selling a person under 18 years of age as described in ORS
2 163.537.

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

5 “(J) Unlawful exposure to a controlled substance, as defined in ORS
6 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
7 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
8 the child’s health or safety.

9 “(K) The infliction of corporal punishment on a child in violation of ORS
10 339.250 (9).

11 **“(L) Subjecting a child to involuntary servitude or trafficking as**
12 **described in ORS 163.263, 163.264 or 163.266.**

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

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

17 “(a) Is under 18 years of age; or

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

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

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

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

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

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

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

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

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

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

30 “(b) A county sheriff’s office.

1 “(c) The Oregon State Police.

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

4 “(e) A county juvenile department.

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

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

8 “(b) Dentist.

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

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

13 “(e) Employee of the Department of Human Services, Oregon Health Au-
14 thority, Department of Early Learning and Care, Department of Education,
15 Youth Development Division, the Oregon Youth Authority, a local health
16 department, a community mental health program, a community develop-
17 mental disabilities program, a county juvenile department, a child-caring
18 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
19 ment program.

20 “(f) Peace officer.

21 “(g) Psychologist.

22 “(h) Member of the clergy.

23 “(i) Regulated social worker.

24 “(j) Optometrist.

25 “(k) Chiropractor.

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

27 “(m) Attorney.

28 “(n) Licensed professional counselor.

29 “(o) Licensed marriage and family therapist.

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

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

2 “(r) Child care provider registered or certified under ORS 329A.250 to
3 329A.450.

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

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

8 “(u) Audiologist.

9 “(v) Speech-language pathologist.

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

12 “(x) Pharmacist.

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

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

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

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

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

21 “(i) Youth group or center;

22 “(ii) Scout group or camp;

23 “(iii) Summer or day camp;

24 “(iv) Survival camp; or

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

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

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

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

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

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

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

8 “(hh) Individual who is paid by a public body, in accordance with ORS
9 430.215, to provide a service identified in an individualized service plan of a
10 child with a developmental disability.

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

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

13 “(kk) Behavior analyst or assistant behavior analyst licensed under ORS
14 676.810 or behavior analysis interventionist registered by the Health Licens-
15 ing Office under ORS 676.815.

16 “**NOTE:** Section 23 was deleted by amendment. Subsequent sections were
17 not renumbered.

18 “CHILD-CARING AGENCY REGULATION

19
20
21 “**SECTION 24.** ORS 418.205 is amended to read:

22 “418.205. As used in ORS 418.205 to 418.327, [418.330,] 418.470, 418.475,
23 418.950 to 418.970 and 418.992 to 418.998, unless the context requires other-
24 wise:

25 “(1) ‘**Certified foster home**’ means a foster home certified by the
26 **Department of Human Services and subject to ORS 418.625 to 418.645.**

27 “[*(1)*] (2) ‘Child’ means an unmarried person under 21 years of age [*who*
28 *resides in or receives care or services from a child-caring agency*].

29 “[*(2)(a)*] (3) ‘Child-caring agency’ means a **children’s care or services**
30 **provider that is required under ORS 418.215 to be licensed, certified or**

1 **otherwise authorized by the Department of Human Services under**
2 **ORS 418.240.[:]**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 *“[(A) Residential facilities or foster care homes certified or licensed by the*

1 *Department of Human Services under ORS 443.400 to 443.455, 443.830 and*
2 *443.835 for children receiving developmental disability services;]*

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

10 *“(C) A youth job development organization as defined in ORS 344.415;]*

11 *“(D) A shelter-care home that is a foster home subject to ORS 418.625 to*
12 *418.645;]*

13 *“(E) A foster home subject to ORS 418.625 to 418.645;]*

14 *“(F) A facility that exclusively serves individuals 18 years of age and*
15 *older; or]*

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

19 *“(3) ‘Child-caring facility’ has the meaning given that term in ORS*
20 *418.950.]*

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

23 *“(A) In the custody of the Department of Human Services or the Oregon*
24 *Youth Authority; or]*

25 *“(B) Under a contract with the Oregon Health Authority.]*

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

29 **“(4) ‘Developmental disabilities residential facility’ means a resi-**
30 **dential facility or foster home that is subject to ORS 443.400 to 443.455**

1 **or 443.830 and 443.835 for children who are under 18 years of age and**
2 **receiving developmental disability services.**

3 “(5) ‘Governmental agency’ means an executive, legislative or judicial
4 agency, department, board, commission, authority, institution or
5 instrumentality of this state or of a county, municipality or other political
6 subdivision of this state.

7 “[6] ‘Independent residence facility’ means a facility as described in ORS
8 418.475.]

9 “(6) ‘Managers’ means the individuals at the highest levels of an
10 organization’s leadership who have significant responsibility for the
11 operations, finances or overall governance of the organization.

12 “[7](a) ‘Outdoor youth program’ means a program that provides, in an
13 outdoor living setting, services to children who have behavioral problems,
14 mental health problems or problems with abuse of alcohol or drugs.]

15 “[(b) ‘Outdoor youth program’ does not include any program, facility or
16 activity:]

17 “[A] Operated by a governmental entity;]

18 “[B] Operated or affiliated with the Oregon Youth Corps;]

19 “[C] Licensed by the Department of Human Services under other authority
20 of the department; or]

21 “[D] Operated by a youth job development organization as defined in ORS
22 344.415.]

23 “(7) ‘Out-of-state child-caring agency’ has the meaning given that
24 term in ORS 418.321.

25 “(8) ‘Private’ means not owned, operated or administered by any govern-
26 mental agency or unit.

27 “[9] ‘Private residential boarding school’ means either of the following as
28 the context requires:]

29 “[a] A child-caring agency that is a private school that provides residential
30 care in combination with academic education and therapeutic care, including

1 *but not limited to treatment for emotional, behavioral or mental health dis-*
2 *turbances; or]*

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

5 *“[(10)] (9) ‘Proctor foster home’ means a foster home certified by a child-*
6 *caring agency under ORS 418.248 that is not [subject to ORS 418.625 to*
7 *418.645] a certified foster home.*

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

14 *“[(12)] (10) ‘Qualified residential treatment program’ means a program*
15 *described in ORS 418.323.*

16 *“[(13) ‘Shelter-care home’ has the meaning given that term in ORS*
17 *418.470.]*

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

19 *“418.210. ORS 418.205 to 418.327 [shall] and 418.241 do not apply to:*

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

23 *“(2) [Any] Except as specifically provided in ORS 418.257 to 418.259,*
24 *a certified foster home [that is subject to ORS 418.625 to 418.645];*

25 *“(3) [Any] A child care facility that is subject to ORS 329A.030 and*
26 *329A.250 to 329A.450;*

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

30 *“(5) [Any] A private agency or organization facilitating the provision of*

1 respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pur-
2 suant to a properly executed power of attorney under ORS 109.056; or

3 *“[(6) A shelter-care home that is subject to ORS 418.625 to 418.645.]*

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

7 **“(6) Except as specifically provided in ORS 418.257 to 418.259, a gov-
8 ernmental entity, including the Oregon Youth Authority, that provides
9 care or services to children, regardless of whether the children are in
10 the custody of the Department of Human Services, if:**

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

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

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

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

21 *“[(2) A child-caring agency that provides care or services to a child may
22 not be licensed, certified or authorized under ORS 418.205 to 418.327, 418.470,
23 418.475 or 418.950 to 418.970 unless the agency:]*

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

25 *“[(b) Is a county program.]*

26 **“(1) The following children’s care or services providers must be li-
27 censed, certified or otherwise authorized by the Department of Human
28 Services under ORS 418.240 to provide or engage in the provision of
29 care or services described in ORS 418.205 to 418.327, 418.241, 418.470,
30 418.475 or 418.950 to 418.970:**

1 “(a) A private school, private agency, private organization or
2 county program that is:

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

4 “(B) A provider of adoption placement services;

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

7 “(D) A provider of residential care in combination with academic
8 education, therapeutic care and disability-related supports, including
9 but not limited to treatment for emotional, behavioral or mental
10 health disturbances;

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

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

13 “(b) Any private organization or person that provides secure non-
14 medical transportation services as defined in ORS 418.241 during any
15 segment of a child’s trip to or from a child-caring agency, certified
16 foster home or developmental disabilities residential facility, if the
17 route of the child’s trip begins or ends in this state;

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

20 “(d) An independent residence facility as described in ORS 418.475
21 that meets the standards established by the department by rule to be
22 considered a provider described in this section;

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

24 “(f) A child-caring facility as defined in ORS 418.950; and

25 “(g) A secure nonemergency medical transportation provider, as
26 defined in ORS 418.241, if the provider also provides, as described in
27 paragraph (b) of this subsection, secure nonmedical transportation
28 services, as defined in ORS 418.241.

29 “(2) The following providers of care or services to children are not
30 required to be licensed, certified or otherwise authorized by the de-

1 partment under ORS 418.240:

2 “(a) A developmental disabilities residential facility unless the de-
3 velopmental disabilities residential facility also serves children that
4 are not eligible to receive developmental disability services;

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

12 “(c) A youth job development organization as defined in ORS
13 344.415;

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

16 “(e) A certified foster home;

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

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

22 “(h) A private organization or person that provides secure non-
23 emergency medical transportation services or nonemergency medical
24 transportation services subject to rules adopted by the Oregon Health
25 Authority unless the provider also provides secure nonmedical trans-
26 portation services, as described in subsection (1)(b) of this section;

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

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

29 “(3) As used in this section:

30 “(a) ‘County program’ means any county operated program that

1 provides care or services to children:

2 “(A) In the custody of the department or the Oregon Youth Au-
3 thority; or

4 “(B) Under a contract with the Oregon Health Authority.

5 “(b) ‘County program’ does not include any local juvenile detention
6 facility that receives state services provided and coordinated by the
7 Department of Corrections under ORS 169.070.

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

9 “418.240. (1) *[All child-caring agencies shall obtain from the Department*
10 *of Human Services a license, certificate or other authorization to provide]* **The**
11 **Department of Human Services shall adopt rules, consistent with this**
12 **section and ORS 418.215, for the licensing, certification or authori-**
13 **zation of child-caring agencies to provide or engage in the provision**
14 **of care or services to children under ORS 418.205 to 418.327, 418.241, 418.470,**
15 **418.475 or 418.950 to 418.970. The rules must set forth, at a minimum, the**
16 **following** criteria for issuance, renewal, suspension or revocation of, or for
17 placing conditions on, a license, certificate or authorization under this sec-
18 tion *[must]* **and:**

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

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

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

22 “(B) **A county program as defined in ORS 418.215;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(A) There has been the death of a child as a result of abuse [*or*
12 *neglect*], **neglect or regulatory noncompliance** on the part of the agency
13 or any of the agency’s employees or agents.

14 “[(B) *There has been sexual or physical abuse or neglect of a child in the*
15 *agency’s care or custody that was known to the agency and the agency did not*
16 *take immediate steps to report the abuse or neglect and to ensure the child’s*
17 *safety.*]

18 “(B) **The agency failed to take reasonable action to remedy, prevent**
19 **or end the abuse of any child in the agency’s care or custody, despite**
20 **having knowledge that sexual or physical abuse or neglect of a child**
21 **in the agency’s care or custody was occurring.**

22 “(C) The [*agency*] **agency’s managers or other relevant employees of**
23 **the agency** failed to cooperate fully with any local, state or federal regula-
24 tory [*entity’s*] **authority’s investigation or assessment** of the agency or **of**
25 the agency’s operations or employees.

26 “[(D) *The agency failed to provide financial statements as required under*
27 *ORS 418.255.*]

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

1 “(A) The agency’s managers or other relevant employees of the
2 agency failed to provide financial statements as required by ORS
3 418.255; or

4 “(B) The agency failed to provide access to a child in the agency’s
5 care or custody as required by ORS 418.305.

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

12 “[(e)] (f) It is grounds to deny issuance or renewal, suspend, revoke or
13 place conditions on a license, certificate or other authorization if the de-
14 partment becomes aware that a child-caring agency, or the owner [or], oper-
15 ator **or manager** of the agency, has been found by other state or federal
16 entities to have engaged in financial, civil or criminal misconduct.

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

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

30 “(A) The circumstances that led to the notice of intent to suspend or re-

1 voke;

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

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

8 “(D)(i) A complete description of changes that were made at the child-
9 caring agency and the reasons for the determination that the concerns re-
10 garding the health and safety of children in the child-caring agency’s care
11 or custody have been ameliorated or that any conditions placed on the li-
12 cense, certificate or other authorization of the child-caring agency have been
13 resolved; **and**

14 **“(ii) A description of the evidence provided by the child-caring**
15 **agency that clearly demonstrates its ability to maintain regulatory**
16 **compliance.**

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

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

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

28 “(A) The Governor; [*and*]

29 **“(B) The Children’s Advocate; and**

30 **“[(B)] (C) The committees of the Legislative Assembly relating to child**

1 welfare.

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

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

16 “[*(6) The department may not charge a fee for inspections leading to deci-*
17 *sions regarding, and issuance of, licenses, certifications or authorizations un-*
18 *der this section, but may impose fees to cover costs of related inspections done*
19 *for the department by other governmental agencies.*]

20 “[*(7)*] **(6)** Except as provided in subsection (3) of this section, a license,
21 certificate or authorization issued by the department **to a child-caring**
22 **agency** under this section shall be valid for a period of two years, unless
23 suspended or revoked sooner by the department. However, the department
24 at any time may require amendments to an existing license, certificate or
25 authorization to accommodate changes in the factors upon which the issu-
26 ance was based.

27 “[*(8)*] **(7)** When a condition exists that seriously endangers [*or places at*
28 *risk*] the health, safety or welfare of a child who is receiving care or services
29 at a child-caring agency:

30 “(a) The director shall issue an interim emergency order without notice,

1 or with reasonable notice under the circumstances, requiring the agency to
2 correct the conditions and ensure the safety of children in the care of the
3 agency. The interim emergency order shall remain in force until a final or-
4 der, after a hearing, has been entered in accordance with ORS chapter 183.

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

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

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

13 “[9] (8) If the director, the director’s designee or the department becomes
14 aware through any means that a child-caring agency, or an owner,
15 operator, **manager** or employee of a child-caring agency, is the subject of
16 an investigation by another state agency, law enforcement agency or federal
17 agency, the director or director’s designee shall *[take immediate steps to cause*
18 *an investigation to take place into the circumstances surrounding the investi-*
19 *gation and whether there is a threat to a child, or whether a child is at risk,*
20 *at the child-caring agency. Upon determination of the level of threat or risk*
21 *to children at the agency, the director shall take appropriate steps to protect*
22 *and ensure the health, safety and welfare of children as necessary under the*
23 *circumstances. Failure to comply with the requirements of this subsection*
24 *constitutes grounds for a charge of official misconduct in the second degree*
25 *under ORS 162.405.] immediately conduct a complete and thorough as-*
26 **essment of the circumstances surrounding the investigation and de-**
27 **termine whether the circumstances threaten the health, safety, rights**
28 **or welfare of any child in the agency’s care or custody. If the director**
29 **or the director’s designee determines there is such a threat, the de-**
30 **partment shall immediately take appropriate action to ensure the**

1 **health, safety, rights and welfare of children as necessary under the**
2 **circumstances. Failure to comply with the requirements of this sub-**
3 **section constitutes grounds for a charge of official misconduct in the**
4 **second degree under ORS 162.405.**

5 “[(10)] (9) 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)] (8) of this section upon re-
13 ceiving such notification. Interference with, discouragement of or imped-
14 iment to the receipt of the notification, information and updates required
15 under this subsection constitutes official misconduct in the second degree
16 under ORS 162.405.

17 “[(11)] (10) The Department of Human Services shall adopt rules to im-
18 plement 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, **418.241**,
2 418.470, 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)(A) Except as provided in paragraph (c) of this subsection, a
10 child-caring agency subject to ORS 418.205 to 418.327, **418.241**, 418.470,
11 418.475 or 418.950 to 418.970 that has annual **combined** revenues **generated**
12 **in this state and any other state** in excess of \$1 million shall provide the
13 Department of Human Services[, *at such times as the department specifies by*
14 *rule,*] with annual financial statements that have been audited by an inde-
15 pendent certified public accountant and a tax compliance certificate issued
16 by the Department of Revenue.

17 “(B) **The financial statements and tax compliance certificates de-**
18 **scribed in this paragraph must be provided when the child-caring**
19 **agency applies for a license and subsequently at such times as the**
20 **department specifies by rule but in no case less often than once per**
21 **year.**

22 “(b) Except as provided in paragraph (c) of this subsection, a child-caring
23 agency subject to ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950
24 to 418.970 that has annual revenues of \$1 million or less shall provide the
25 Department of Human Services, upon request or at such times as the de-
26 partment specifies by rule, with financial statements that have been reviewed
27 by an independent certified public accountant and a tax compliance certif-
28 icate issued by the Department of Revenue.

29 “(c) A child-caring agency subject to ORS 418.205 to 418.327, **418.241**,
30 418.470, 418.475 or 418.950 to 418.970 that provides adoption placement ser-

1 vices but does not provide care to a child and does not receive public funds
2 shall provide the Department of Human Services, upon request or at such
3 times as the department specifies by rule, with a tax compliance certificate
4 issued by the Department of Revenue.

5 “(d) Information in financial statements and tax compliance certificates
6 submitted to the Department of Human Services under this subsection is a
7 public record and open for inspection by any person without order of a court.

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

10 “(4) The Department of Human Services may conduct an audit, including
11 a forensic audit, of any child-caring agency subject to ORS 418.205 to 418.327,
12 **418.241**, 418.470, 418.475 or 418.950 to 418.970 to determine compliance with
13 ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970. The
14 department may, upon request at any time, inspect and audit the books and
15 records, including but not limited to financial records, of the agency. An
16 audit or inspection under this subsection shall be at the expense of the de-
17 partment.

18 “(5) Failure to permit an inspection, whether of the premises or of the
19 books and records of the child-caring agency, or failure to provide the fi-
20 nancial statements, as required by this section is grounds for the immediate
21 suspension or revocation of a license, certificate or authorization under ORS
22 418.240 and for the denial of issuance of a license, certificate or other au-
23 thorization by the Department of Human Services.

24 “(6) The Department of Human Services may advise the operators, owners
25 and employees of child-caring agencies subject to ORS 418.205 to 418.327,
26 **418.241**, 418.470, 418.475 or 418.950 to 418.970 in regard to approved methods
27 of child care, recommended housing and equipment and appropriate methods
28 to maintain adequate records of operations.

29 “(7) In addition to advice provided under subsection (6) of this section,
30 the Department of Human Services shall provide training regarding appro-

1 puate ethnic hair and skin care for children of African-American, Hispanic,
2 Native American, Asian-American or multiracial descent to:

3 “(a) Child-caring agencies;

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

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

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

9 “**NOTE:** Section 30 was deleted by amendment. Subsequent sections were
10 not renumbered.

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

12 “418.258. (1)(a) **For purposes of this subsection, the Department of**
13 **Human Services becomes aware of allegations or concerns of suspected**
14 **abuse when the department learns of the allegations or concerns**
15 **through any means, including but not limited to the centralized child**
16 **abuse reporting system described in ORS 418.190, through a report**
17 **made directly to the Director of Human Services or any employee of**
18 **the department or during a public meeting.**

19 “(b) When the department [*of Human Services becomes aware of a report*
20 *of suspected child abuse of a child in care, whether in the form of an*
21 *allegation, complaint or formal report made under this section, and whether*
22 *made directly to the Director of Human Services, the department or an em-*
23 *ployee of the department, to the centralized child abuse reporting system de-*
24 *scribed in ORS 418.190, through the mandatory abuse reporting process set*
25 *forth in ORS 419B.005 to 419B.050 or otherwise]* **becomes aware of**
26 **allegations or concerns of suspected abuse of a child in care,** the de-
27 partment shall immediately:

28 “[*(a)*] **(A)** Notify appropriate personnel within the department **or the**
29 **Oregon Youth Authority,** including but not limited to employees responsi-
30 ble for licensing, certifying or authorizing child-caring agencies, **adjudicated**

1 **youth foster homes**, certified foster homes and developmental disabilities
2 residential facilities.

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

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

11 “[*d*)] (**D**) Commence an investigation to determine whether the report of
12 suspected abuse is substantiated, unsubstantiated or inconclusive under ORS
13 418.259 if:

14 “[*A*)] (**i**) The reported abuse occurred in this state;

15 “[*B*)] (**ii**) The reported abuse occurred in any other state and involves a
16 child in care placed by the department in an out-of-state child-caring agency;
17 or

18 “[*C*)] (**iii**) The reported abuse occurred in any other state and the de-
19 partment reasonably believes that the reported abuse poses a danger to the
20 health, safety or wellness of a child in care placed by the department in an
21 out-of-state child-caring agency.

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

28 “(2)(a) As a condition for issuance or renewal of a license, certificate or
29 authorization to a child-caring agency, **adjudicated youth foster home**,
30 certified foster home or developmental disabilities residential facility, the

1 department **or the Oregon Youth Authority** shall require and verify that
2 the child-caring agency, **adjudicated youth foster home**, certified foster
3 home or developmental disabilities residential facility has **adopted, follows**
4 **and enforces** procedures and protocols that:

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

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

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

30 “(b) A child-caring agency, **adjudicated youth foster home**, certified

1 foster home or developmental disabilities residential facility need not develop
2 and maintain procedures and protocols or provide an annual training and
3 written materials under paragraph (a) of this subsection if the agency, home
4 or facility does not have any employees, staff or volunteers.

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

13 “(4)(a) Anyone, including but not limited to **a child in care or** an em-
14 ployee of a child-caring agency, proctor foster home, **adjudicated youth**
15 **foster home**, certified foster home or developmental disabilities residential
16 facility, who makes a report of suspected abuse of a child in care [*to the*
17 *Governor, the Department of Justice, the Director of Human Services, the*
18 *director’s designee or the department*] under this section **to the centralized**
19 **child abuse reporting system described in ORS 418.190 or expresses**
20 **concern about situations involving abuse or the department’s response**
21 **to allegations of abuse** in good faith and who has reasonable grounds for
22 the making of the report shall have immunity:

23 “(A) From any liability, civil or criminal, that might otherwise be in-
24 curred or imposed with respect to the making or content of such report **or**
25 **expression of concern**;

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

27 “(C) With respect to participating in any judicial proceeding resulting
28 from or involving the report **or expression of concern**.

29 “(b) A person making a report under this section may include references
30 to otherwise confidential information for the sole purpose of making the re-

1 port, and any such disclosure must be protected from further disclosure to
2 other persons or entities for any other purpose not related to the making of
3 the report.

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

5 “418.259. (1) The investigation conducted by the Department of Human
6 Services under ORS 418.258 must result in one of the following findings:

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

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

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

14 “(2) When a report is received under ORS 418.258 alleging that a child in
15 care may have been subjected to abuse, the department shall *[notify the case*
16 *managers for the child, the attorney for the child, the child’s court appointed*
17 *special advocate, the parents or guardians of the child,]* **immediately notify**
18 **the child’s case managers, attorney, court appointed special advocate,**
19 **developmental disabilities coordinator, parents or guardians,** any at-
20 torney representing a parent or guardian of the child and any governmental
21 agency that has a contract with the child-caring agency or developmental
22 disabilities residential facility to provide care or services to the child that
23 a report has been received.

24 “(3)(a) The department *[may]* **shall** interview the child in care who is the
25 subject of suspected abuse and any witnesses, including other children,
26 without the presence of employees of the child-caring agency, proctor foster
27 home or developmental disabilities residential facility, the provider of ser-
28 vices at a certified foster home **or adjudicated youth foster home** or de-
29 partment personnel. The department shall inform the child in care that the
30 child may have the child’s parent or guardian, if the child has not been

1 committed to the custody of the department or the Oregon Youth Authority,
2 [or] attorney **or court appointed special advocate** present when partic-
3 ipating in an interview conducted in the course of an abuse investigation.

4 “(b) When investigating an allegation of inappropriate use of restraint
5 or involuntary seclusion, the department shall:

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

7 “(B) Review all relevant incident reports related to the child in care and
8 other reports related to the restraint or involuntary seclusion of the child
9 in care;

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

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

16 “(E) Review the training records related to all of the individuals who
17 were involved in the use of restraint or involuntary seclusion **to determine**
18 **whether each individual that imposed the restraint was currently cer-**
19 **tified in a program approved by the department;** [and]

20 “(F) Make all reasonable efforts to conduct [trauma-informed] **trauma-**
21 **responsive** interviews of each child witness, including the child in care who
22 is the subject of suspected abuse [unless the investigator makes a specific de-
23 termination that the interview may significantly traumatize the child and is
24 not in the best interests of the child.]; and

25 “(G) **If a child who experienced or witnessed the suspected abuse is**
26 **not interviewed, make a specific note about the reason why the**
27 **interview was not conducted and what reasonable efforts were made**
28 **to interview the child.**

29 “(c) **The department may not substantiate an allegation of abuse**
30 **by an individual who was involved in the use of a restraint solely be-**

1 **cause the individual did not possess a current certification to impose**
2 **the restraint.**

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

5 “(a) The Director of Human Services.

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

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

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

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

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

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

25 **“(h) The Children’s Advocate.**

26 “(5) The department shall report on a quarterly basis to the interim leg-
27 islative committees on child welfare for the purposes of public review and
28 oversight of the quality and safety of child-caring agencies, **adjudicated**
29 **youth foster homes**, certified foster homes and developmental disabilities
30 residential facilities that are licensed, certified or authorized by the depart-

1 ment in this state *[and]*, of proctor foster homes that are certified by the
2 child-caring agencies, **of out-of-state child-caring agencies in which the**
3 **department has placed any children and of any location that the de-**
4 **partment has placed a child on a temporary basis.** Information provided
5 in reports under this subsection may not contain the name or any identifying
6 information of a child in care but must contain all of the following:

7 “*[(a) The name of any child-caring agency, including an out-of-state child-*
8 *caring agency, proctor foster home or developmental disabilities residential*
9 *facility, or, provided there are five or more certified foster homes in the county,*
10 *the name of the county where a certified foster home is located, where the de-*
11 *partment conducted an investigation pursuant to ORS 418.258 that resulted in*
12 *a finding that the report of abuse was substantiated during that quarter;]*

13 “**(a) When the department conducts an investigation pursuant to**
14 **ORS 418.258 that results in a finding during that quarter that the re-**
15 **port of abuse of a child in care is substantiated, excluding a substan-**
16 **tiation against the parent of the child in care:**

17 “**(A) If the investigation was conducted regarding a child placed in**
18 **a location that is a proctor foster home or child-caring agency, in-**
19 **cluding an out-of-state child-caring agency, the name of the facility**
20 **where the investigation was conducted;**

21 “**(B) If the investigation was conducted regarding a child placed in**
22 **a location that is a developmental disabilities residential facility, other**
23 **than a developmental disabilities foster home, the name of the facility**
24 **where the investigation was conducted;**

25 “**(C) If the investigation was conducted regarding a child placed in**
26 **a location that is a developmental disabilities foster home and there**
27 **are five or more developmental disabilities foster homes in the county,**
28 **the name of the county in which the developmental disabilities foster**
29 **home is located;**

30 “**(D) If the investigation was conducted regarding a child placed in**

1 a location that is a certified foster home and there are five or more
2 certified foster homes in the county, the name of the county in which
3 the certified foster home is located;

4 “(E) If the investigation was conducted regarding a child placed in
5 a location that is an adjudicated youth foster home and there are five
6 or more adjudicated youth foster homes in the county, the name of
7 the county in which the adjudicated youth foster home is located; and

8 “(F) If the investigation was conducted regarding a child placed in
9 a location not listed in subparagraphs (A) to (E) of this paragraph, a
10 notation for the location of the investigation as ‘other’;

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

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

14 “(d) Whether the abuse resulted in a reportable injury, sexual abuse or
15 death;

16 “(e) Corrective actions taken or ordered by the department and the out-
17 come of the corrective actions; and

18 “(f) Information the department received in that quarter regarding any
19 substantiated allegations of child abuse made by any other state involving
20 a congregate care residential setting, as defined in ORS 418.322, in which the
21 department has placed Oregon children.

22 “(6) The department’s quarterly report under subsection (5) of this section
23 must also contain all of the following, **including incidents occurring in**
24 **out-of-state facilities**:

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

26 “(b) The total number of programs that reported the use of restraints of
27 children in care that quarter;

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

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

1 from those restraints;

2 “(e) The number of incidents in which an individual **restrained a child**
3 **in care in a program when the individual** [*who*] was not appropriately
4 trained in the [*use of the*] **type of** restraint used [*on a child in care in a*
5 *program*]; [*and*]

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

8 “(f) The number of incidents that were reported for inappropriate
9 use of restraint to the centralized child abuse reporting system de-
10 scribed in ORS 418.190;

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

13 “(h) A description of the actions taken by the division of the de-
14 partment responsible for licensure or certification in response to reg-
15 ulatory violations related to the use of restraint or involuntary
16 seclusion, including the number of licensing complaint investigations
17 initiated and any conditions, required trainings or civil penalties that
18 were imposed as a result of failure to be in compliance with regu-
19 lations related to the use of restraint or involuntary seclusion;

20 “(i) The total number of allegations of abuse of children in care that
21 had an inconclusive finding in that quarter, disaggregated by setting;

22 “(j) The total number of restraints imposed on Oregon children in
23 care at out-of-state congregate care facilities in that quarter, includ-
24 ing the number of children in care that experienced a reportable injury
25 as a result of a physical restraint, disaggregated by facility; and

26 “(k) The total number of children in care that experienced restraint
27 at an out-of-state congregate care facility in that quarter, including
28 the number of children in care that experienced a reportable injury
29 as a result of a physical restraint, disaggregated by facility.

30 “(7) In compiling records, reports and other information during an inves-

1 tigation under ORS 418.258 (1) and in issuing findings, letters of concern or
2 reprimands, the Director of Human Services or the director's designee and
3 the department may not refer to the employee, person or entity that is the
4 subject of the investigation as an 'alleged perpetrator' but must refer to the
5 employee, person or entity as the 'respondent.'

6 [(8) As used in this section, 'program,' 'reportable injury' and 'restraint'
7 have the meanings given those terms in ORS 418.519.]

8 **"(8) As used in this section:**

9 **"(a) 'Developmental disabilities foster home' means a foster home**
10 **that is subject to ORS 443.400 to 443.455 or 443.830 and 443.835 for chil-**
11 **dren who are under 18 years of age and receiving developmental disa-**
12 **bility services.**

13 **"(b) 'Program' has the meaning given that term in ORS 418.519.**

14 **"(c) 'Reportable injury' has the meaning given that term in ORS**
15 **418.519.**

16 **"(d) 'Restraint' has the meaning given that term in ORS 418.519.**

17 **"SECTION 33. ORS 418.260 is amended to read:**

18 **"418.260. [(1) If the Department of Human Services receives a report or**
19 **otherwise becomes aware that any suspected or founded abuses, deficiencies,**
20 **violations or failures to comply with the full compliance requirements de-**
21 **scribed in ORS 418.240 are occurring in a child-caring agency, whether as a**
22 **part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the**
23 **department shall immediately notify appropriate personnel within the depart-**
24 **ment, including but not limited to employees responsible for licensing, certify-**
25 **ing or authorizing child-caring agencies, who shall investigate and take**
26 **appropriate action without undue delay, with primary concern given to the**
27 **health, safety and welfare of the children for whom the child-caring agency is**
28 **responsible. The department may notify law enforcement agencies as necessary**
29 **to coordinate and assist in the investigation and enforcement of corrective**
30 **actions undertaken by the department. If the child-caring agency is known or**

1 found to serve children also served by the Oregon Youth Authority, county
2 juvenile departments or developmental disabilities services within the depart-
3 ment, the department shall notify those entities of the report or suspected or
4 founded abuses, deficiencies, violations or failures.]

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

21 **“(1) The Department of Human Services shall:**

22 **“(a) Conduct a complete and detailed review of each application for**
23 **an initial or renewed child-caring agency license, certification or other**
24 **authorization; and**

25 **“(b) Monitor the ongoing regulatory compliance of a child-caring**
26 **agency by, at a minimum, responding to and assessing reports or**
27 **allegations of noncompliance.**

28 **“(2) If the department becomes aware by any means of an actual**
29 **or suspected failure of a child-caring agency to maintain substantial**
30 **regulatory compliance or full compliance with requirements related to**

1 the health, safety, welfare or rights of children in care, the depart-
2 ment shall immediately:

3 “(a) Ensure that the individuals with the department responsible for
4 monitoring the child-caring agency are notified; and

5 “(b) Ensure that the individuals notified under paragraph (a) of this
6 subsection conduct a complete and detailed assessment to determine
7 whether the child-caring agency is in compliance.

8 “(3) If the department finds that the child-caring agency is not in
9 compliance, the department shall take immediate and appropriate
10 action to ensure that the child-caring agency comes into compliance.
11 The action may include, but need not be limited to, one or more of the
12 following:

13 “(a) Revoking or temporarily suspending a license, certificate or
14 other authorization;

15 “(b) Placing conditions on the license, certificate or other authori-
16 zation, including but not limited to placing a full or partial restriction
17 on the admission of children;

18 “(c) Imposing a limitation of operations subject to an intent to re-
19 voke;

20 “(d) Imposing a limitation of operations subject to a correction of
21 the violations as specified in a plan of correction;

22 “(e) Subjecting the child-caring agency to enhanced oversight, in-
23 cluding on-site supervision by the department;

24 “(f) Requiring additional training for the employees or agents of the
25 child-caring agency; or

26 “(g) Imposing fines or civil penalties.

27 “(4) When determining the action to take in response to noncom-
28 pliance of a child-caring agency, the department shall:

29 “(a) Ensure all necessary actions are taken to protect the health,
30 safety, rights and welfare of children in care and the general public;

1 **“(b) Consider whether the violation is temporary or systemic;**

2 **“(c) Consider whether this is a repeat violation or part of a pattern**
3 **of frequent or ongoing violations;**

4 **“(d) Consider the timeliness and thoroughness of the child-caring**
5 **agency’s cooperation with the department in its thorough assessment**
6 **of the concerns; and**

7 **“(e) Consider any unique circumstances, other than system capac-**
8 **ity, that impact the noncompliance.**

9 **“(5) If the department imposes a plan of correction, and the cor-**
10 **rections are not made within 45 days from the effective date of the**
11 **plan of correction, the department may immediately take appropriate**
12 **action on the child-caring agency’s license, certificate or other au-**
13 **thorization.**

14 **“(6) The department may not take action to suspend or revoke a**
15 **child-caring agency’s license, certification or authorization unless:**

16 **“(a) The violation or violations pose an imminent risk to the health,**
17 **safety, rights or welfare of children in care, the general public or staff**
18 **of the facility;**

19 **“(b) The violation or violations are part of a pattern of frequent or**
20 **repeated noncompliance;**

21 **“(c) The department first took less punitive actions and the child-**
22 **caring agency failed to comply or failed to maintain compliance; or**

23 **“(d) The suspension or revocation is otherwise authorized or re-**
24 **quired by state or federal law.**

25 **“[(3)] (7) If the department determines at any time during or after an in-**
26 **vestigation that the abuses, deficiencies, violations or failures to comply are**
27 **or threaten a serious danger to any child or to the public, or place a child**
28 **at risk with respect to the child’s health, safety or welfare, the department**
29 **may immediately suspend or revoke the child-caring agency’s license, certif-**
30 **icate or authorization, subject to the provisions of ORS chapter 183.**

1 “(8) The department shall immediately notify **the parents or guardians**
2 **privately obtaining services or care for their children from the child-**
3 **caring agency and** any governmental agency that has a contract with the
4 child-caring agency to provide care or services to a child of any suspension
5 or revocation of the license, certificate or other authorization of the child-
6 caring agency under this subsection and of any conditions placed on the
7 child-caring agency’s license, certificate or authorization pursuant to ORS
8 418.240. The department shall immediately report the alleged deficiencies or
9 violations to the governmental agency and the governing board responsible
10 for the oversight of the child-caring agency.

11 “[4)] (9) If the department determines that the abuses, deficiencies, vio-
12 lations or failures to comply are founded and the department imposes a plan
13 of correction that the child-caring agency does not comply with in the time
14 allotted for correction, the department shall immediately **post notice of the**
15 **failure to comply on the department’s website and** notify the following
16 of the failure of the child-caring agency to comply with the plan of cor-
17 rection:

18 “[a) *The Legislative Assembly or the interim committees of the Legislative*
19 *Assembly relating to child welfare.*]

20 “[b)] (a) Members of the governing board responsible for the child-caring
21 agency.

22 “[c)] (b) Any governmental agency that has a contract with the child-
23 caring agency to provide care or services to a child.

24 “(c) **The parents or guardians of any child in care that is privately**
25 **placed in the child-caring agency by the parents or guardians.**

26 “[5)] (10) Any employee of the department that has reasonable cause to
27 believe that a child-caring agency has [*committed an abuse or*] incurred a
28 deficiency or violation, or that grounds for immediate suspension or revoca-
29 tion of a license, certificate or authorization exist under ORS 418.240, and
30 that such abuse, deficiency, violation or grounds is or threatens a danger to

1 any child at the child-caring agency or to the public, or places a child at risk
2 with respect to the child's health, safety or welfare, *[is required to]* **shall**
3 immediately inform the Director of Human Services, the director's designee
4 or such other personnel in the department designated to receive such infor-
5 mation. Upon receipt of an employee report under this subsection, the di-
6 rector and department personnel shall immediately *[commence an*
7 *investigation and]* **conduct a complete and detailed assessment or an**
8 **investigation and** take all reasonably prudent and necessary actions to en-
9 sure the health, safety and welfare of children at the child-caring agency.
10 Failure to commence an investigation *[and]* **or** take actions as required by
11 this subsection constitutes official misconduct in the second degree under
12 ORS 162.405.

13 **“(11) An employee’s duty to report under this section is in addition**
14 **to, and not in lieu of, the employee’s duty to report suspected abuse**
15 **under ORS 419B.010.**

16 **“(12) The department shall post a notice of any actions taken under**
17 **subsection (3) of this section on its website that provides information**
18 **to the public about the licensure of regulated entities. The notice must**
19 **remain posted for not less than 24 months.**

20 **“(13) If the noncompliance involved the use of restraint or seclusion**
21 **or the sufficiency of an emergency preparedness plan at a nonhospital**
22 **facility providing psychiatric inpatient services for individuals under**
23 **21 years of age, the department shall immediately notify the individual**
24 **at the Oregon Health Authority responsible for conducting health care**
25 **regulation surveys for the Centers for Medicare and Medicaid Services.**

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

27 **“418.327. (1) Upon finding that the facilities and operation of a private**
28 **residential boarding school meet the standards of the Department of Human**
29 **Services for the physical health, care and safety of the children, the de-**
30 **partment shall issue a license to operate the school. The license shall be**

1 valid for a period of two years, unless sooner suspended or revoked by the
2 department pursuant to the provisions of ORS 418.240. However, the depart-
3 ment at any time may require amendments to an existing license to accom-
4 modate changes in the factors upon which the issuance was based.

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

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

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

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

24 “(6) The department shall immediately investigate complaints made under
25 subsection (5) of this section in the manner provided under ORS 418.205 to
26 418.327.

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

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

6 “(9) As used in this section, ‘private residential boarding school’
7 means:

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

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

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

14 “418.995. In imposing a penalty pursuant to ORS 418.992, the Director of
15 Human Services shall consider the following factors:

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

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

21 “(3) The economic and financial conditions of the child-caring agency in-
22 curring the penalty.

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

27
28 “**OUT-OF-STATE PLACEMENTS OF CHILDREN**

29
30 “**SECTION 36.** ORS 418.321 is amended to read:

1 “418.321. (1) Subject to ORS 418.322, **when** the Department of Human
2 Services [*may place*] **places** a child in an out-of-state child-caring agency
3 [*only if*] **that is a congregate care residential setting, the department**
4 **must ensure that:**

5 “(a) The [*out-of-state child-caring*] agency is licensed **by the department**
6 **under ORS 418.240** to provide or engage in the provision of care or services
7 [*by the department*] under ORS 418.205 to 418.327 **or 418.241** and complies
8 with the licensing requirements under ORS 418.215, **418.240 or 418.241;**

9 “(b) The department has a current contract with the [*child-caring*] agency;
10 and

11 “(c) The department’s contract with the [*child-caring*] agency meets the
12 [*criteria*] **requirements** under subsection (3) of this section.

13 “(2)(a) **Except as provided in subsection (7) of this section,** the de-
14 partment shall license an out-of-state child-caring agency **described in sub-**
15 **section (1) of this section** pursuant to the same licensure requirements the
16 department would impose if the [*out-of-state child-caring*] agency was located
17 in this state.

18 “**(b) When licensing an out-of-state child-caring agency described**
19 **in subsection (8) of this section, the department may waive the re-**
20 **quirements under ORS 418.240 (1)(a).**

21 “[*(b) Notwithstanding paragraph (b) of Article V of the Interstate Compact*
22 *on the Placement of Children and ORS 417.230, the department may not dele-*
23 *gate the department’s licensing, visitation, inspection, investigation or super-*
24 *vision of an out-of-state child-caring agency licensed by the department to*
25 *provide care or services to an Oregon child.*]

26 “[*(3)(a) The department shall review the department’s contract with an*
27 *out-of-state child-caring agency prior to placing a child with the child-caring*
28 *agency.*]

29 “**(3)(a) Prior to a child’s admission to an out-of-state child-caring**
30 **agency described in subsection (1) of this section, the department shall**

1 **review the department's contract with the agency to ensure compli-**
2 **ance with all requirements of this subsection.**

3 “(b) The contract must, at a minimum, meet the following [*criteria*] re-
4 **quirements:**

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

8 “(B) No later than 15 days after accepting placement of a child from a
9 new entity, the [*child-caring*] agency must notify the department in writing
10 of the [*child-caring*] agency's association with the new entity. The notice
11 must include the name and contact information of the new entity and the
12 name and contact information of an individual associated with the new en-
13 tity.

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

19 “(D) The [*child-caring*] agency must allow the department full access to
20 the [*child-caring*] agency's facilities, residents, records and personnel as
21 necessary for the department to conduct child abuse investigations and li-
22 censing activities or investigations.

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

28 “(F) The [*child-caring*] agency must notify the department in writing no
29 later than three business days after the [*child-caring*] agency receives notice
30 from any other state imposing a restriction on placement of children with

1 the [child-caring] agency, suspending or revoking the [child-caring] agency's
2 license with that state or indicating the state's intent to suspend or revoke
3 the [child-caring] agency's license with that state.

4 “(G) The [child-caring] agency must notify the department immediately,
5 verbally and in writing:

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

9 “(ii) When the [child-caring] agency becomes aware of any criminal in-
10 vestigation, arrest or criminal charges involving an agency staff member if
11 the alleged offense involved a child or could have reasonably posed a risk
12 to the health, safety or welfare of a child.

13 “(H) Except with respect to protected information described in ORS
14 418.256 (5), the [child-caring] agency may not ask or require an employee or
15 volunteer to sign a nondisclosure or other agreement prohibiting the em-
16 ployee or volunteer from the good faith disclosure of information concerning
17 the abuse or mistreatment of a child who is in the care of the [child-caring]
18 agency, violations of licensing or certification requirements, criminal activ-
19 ity at the [child-caring] agency, violations of state or federal laws or any
20 practice that threatens the health and safety of a child in the care of the
21 [child-caring] agency.

22 “(I) The [child-caring] agency must ensure [staffing ratio and] staff train-
23 ing and education requirements that meet, at a minimum, the standards set
24 by the department by rule for intensive behavioral support services.

25 “(J) The [child-caring] agency must meet all of the program, discipline,
26 behavior support, supervision and child rights requirements adopted by the
27 department by rule for [behavioral rehabilitation services provided] **child-**
28 **caring agencies providing residential care** in this state.

29 “(K) The **out-of-state** child-caring agency may not [practice] **provide or**
30 **facilitate the provision of** conversion therapy, as defined in ORS 675.850.

1 “(L) The [*child-caring*] agency must identify a child by the child’s pre-
2 ferred name and pronouns and may not implement a dress code that prohibits
3 or requires clothing on the basis of biological sex.

4 “(M) Genetic testing, including testing for psychopharmacological pur-
5 poses, must be approved by a court and may not be included as a standing
6 order for a child in care.

7 “(N) Neither the [*child-caring*] agency nor its contractors or volunteers
8 may use chemical [*or*] **restraints**, mechanical restraints **or any other re-**
9 **straint prohibited by ORS 418.519 to 418.532** on a child, including during
10 secure [*transport*] **transportation**.

11 “(O) The [*child-caring*] agency must ensure that the use of any
12 psychotropic medications for a child placed with the [*child-caring*] agency
13 by the department is in compliance with ORS 418.517 and any rules regarding
14 psychotropic medications adopted by the department **that would be appli-**
15 **cable if the agency were located in this state**.

16 “(4) The department shall develop rules outlining a process for review of
17 the out-of-state placement, **including placement in an out-of-state child-**
18 **caring agency described in subsection (1) of this section**, of a child who
19 is identified as a child with an intellectual or developmental disability or
20 who is suspected of having an intellectual or developmental disability. At a
21 minimum, the rules must:

22 “(a) Identify a process for expediting review of the child’s eligibility for
23 developmental disability services.

24 “(b) Require that a multidisciplinary review team, including administra-
25 tors in the developmental disability services program, review the placement
26 before the child is placed out-of-state.

27 “(c) Require that a multidisciplinary **review** team, including administra-
28 tors in the developmental disability services program, monitor the progress
29 of the child in the out-of-state placement.

30 “(d) Require that contracts for placement of the child ensure that the

1 child has **at least** the same rights and protections that the child would have
2 if the child was placed in this state.

3 **“(e) Prohibit placement of the child in an out-of-state placement**
4 **that is an intermediate care facility, as defined by the department by**
5 **rule.**

6 **“(5)(a) A department child welfare services employee must accompany a**
7 **child who is placed in an out-of-state child-caring agency described in**
8 **subsection (1) of this section any time the child is transported to an initial**
9 **out-of-state placement that is a congregate care residential setting, any**
10 **time the child is moved to a new placement and any time the child is moved**
11 **by secure [transport] transportation.**

12 **“(b) Notwithstanding paragraph (a) of this subsection, if a child placed**
13 **in an [out-of-state child-caring] agency described in subsection (1) of this**
14 **section requires secure [transport] transportation from the out-of-state**
15 **placement due to an emergency, a department child welfare services em-**
16 **ployee is not required to accompany the child if the time it would take for**
17 **the employee to travel to the child’s out-of-state location would pose a risk**
18 **to the health, safety or welfare of the child. If a department child welfare**
19 **services employee does not accompany a child transported to an alternate**
20 **out-of-state placement that is a congregate care residential setting, as**
21 **provided in this paragraph, the child welfare services employee must imme-**
22 **diately travel to meet the child at the new out-of-state facility.**

23 **“[(6)(a) As used in this subsection, ‘juvenile offender’ means a person under**
24 **18 years of age who has or is alleged to have committed an act that is a vio-**
25 **lation, or, if done by an adult, would constitute a violation, of a law or ordi-**
26 **nance of the United States or a county or city in this state.]**

27 **“[(b)] (6)(a) Except as provided in paragraph [(c)] (b) of this subsection,**
28 **the department may not place a child in an out-of-state child-caring agency**
29 **[if the child-caring agency provides care to juvenile offenders.] described in**
30 **subsection (1) of this section if the agency serves as a placement for**

1 **juvenile offenders to receive detention or alternative to detention ser-**
2 **vices or supervision as a result of an action found to be a violation**
3 **of a federal, state or local law or ordinance.**

4 “[(c)] (b) The department may place a child in an out-of-state child-caring
5 agency **described in subsection (1) of this section** that provides care to
6 juvenile offenders if:

7 “(A) The [*child-caring*] agency is a qualified residential treatment pro-
8 gram licensed by the department;

9 “(B) The [*child-caring*] agency maintains site-specific accreditation from
10 a nationally recognized organization;

11 “(C) The child being placed is a juvenile offender; [*and*]

12 **“(D) The agency is not a closed custody facility; and**

13 “[(D)] (E) Prior to the hearing to approve the placement, [*the*] a court
14 and all parties to the dependency case have been informed of the nature of
15 the services offered by the program and of the population served by the
16 program, and the court, having considered the nature of the services and
17 composition of the facility population and the report of the qualified indi-
18 vidual, has found that placement in the facility is the least restrictive setting
19 available to appropriately meet the child’s treatment needs.

20 **“(7) If there is reason to know, as described in ORS 419B.636, that**
21 **the child is an Indian child, as defined in ORS 419B.603, the department**
22 **may place the child in an out-of-state placement, including an out-of-**
23 **state child-caring agency described in subsection (1) of this section,**
24 **without requiring the placement to be licensed as described in sub-**
25 **section (1) of this section if:**

26 **“(a) The placement complies with the placement preferences under**
27 **ORS 419B.654; and**

28 **“(b)(A) The out-of-state placement is a youth regional treatment**
29 **center operated or funded by the Indian Health Service and serves the**
30 **needs of Indian children or youth and the Indian child’s tribe does not**

1 object; or

2 “(B) The Indian child’s tribe has affirmatively requested that the
3 child be placed in the out-of-state placement.

4 “(8) Notwithstanding ORS 418.240 (1)(a), the department may license
5 an out-of-state child-caring agency, including an agency described in
6 subsection (1) of this section, without requiring the agency to be in-
7 corporated under the laws of any state or to be a county program and
8 may place a child in the agency if:

9 “(a) A licensed medical professional who has personally assessed
10 and interviewed the child determines the child requires residential
11 treatment for a substance use disorder, an appropriate residential
12 treatment program is not available in this state and:

13 “(A) The out-of-state child-caring agency is licensed, certified or
14 otherwise approved by the substance abuse agency in the state in
15 which the out-of-state child-caring agency provides care or services;

16 “(B) The agency is included in the National Directory of Drug and
17 Alcohol Abuse Treatment Programs;

18 “(C) The out-of-state child-caring agency provides services only to
19 individuals who require substance use disorder services;

20 “(D) The placement is medically necessary and medically appropri-
21 ate;

22 “(E) The agency has an active provider agreement with the Oregon
23 Health Authority and is certified to provide substance use disorder
24 treatment services under Medicaid; and

25 “(F) The placement is approved by the court, following an oppor-
26 tunity for objections by any of the parties, including the child, to be
27 heard;

28 “(b) The child has been diagnosed by a qualified licensed medical
29 provider to have a psychiatric condition as described in the Diagnostic
30 and Statistical Manual of Mental Disorders published by the American

Psychiatric Association and:

“(A) A team has personally assessed and interviewed the child in care and certifies in writing that:

“(i) Ambulatory care resources available in the community do not meet the treatment needs of the child;

“(ii) The child is in need of inpatient psychiatric services because proper treatment of the child’s psychiatric condition requires services on an inpatient basis under the direction of a physician; and

“(iii) The services can reasonably be expected to improve the condition of the child in care or prevent further regression so that services will no longer be needed;

“(B) The team described in this paragraph includes a physician who has competence in the diagnosis and treatment of mental illness;

“(C) The out-of-state child-caring agency is a psychiatric residential treatment facility that has an active provider agreement with the state Medicaid agency of the state in which the out-of-state child-caring agency is located and no appropriate psychiatric residential treatment facility placement is available in this state;

“(D) The out-of-state child-caring agency is a stand-alone facility providing inpatient psychiatric services to individuals under 21 years of age;

“(E) The agency has an active provider agreement with the Oregon Health Authority under the Oregon Medicaid program;

“(F) The agency meets all of the requirements established by the authority by rule for a psychiatric residential treatment facility that operates in this state;

“(G) All services and treatment at the agency are provided under the direction of a licensed physician and in accordance with all federal regulations related to psychiatric residential treatment facilities;

“(H) The agency convenes a treatment team that, no later than 14

1 days after admission of the child in care, develops and implements a
2 plan of care and a discharge plan, with the membership of the treat-
3 ment team to include, at a minimum, the following individuals who
4 are employed by or contracted with the facility:

5 “(i)(I) A board eligible or board certified psychiatrist;

6 “(II) A clinical psychologist who has a doctoral degree and a phy-
7 sician licensed to practice medicine or osteopathy; or

8 “(III) A physician licensed to practice medicine or osteopathy with
9 specialized training and experience in the diagnosis and treatment of
10 mental diseases, and a psychologist who has a master’s degree in
11 clinical psychology or who has been certified by the state or by the
12 state psychological association; and

13 “(ii) At least one of the following:

14 “(I) A psychiatric social worker;

15 “(II) A registered nurse with specialized training or one year of
16 experience in treating individuals with mental illness;

17 “(III) An occupational therapist who is licensed, if required by the
18 state, and who has specialized training or one year of experience in
19 treating individuals with mental illness; or

20 “(IV) A psychologist who has a master’s degree in clinical psychol-
21 ogy or who has been certified by the state or by the state psychological
22 association;

23 “(I) The treatment and services to be provided are medically nec-
24 essary and medically appropriate; and

25 “(J) The court has approved the placement after providing an op-
26 portunity for any objections from the parties to the case, including
27 from the child in care, to be heard; or

28 “(c) The child has been diagnosed by a licensed physician as having
29 an eating disorder that requires residential treatment, no appropriate
30 placement is available in this state and:

1 “(A) The out-of-state child-caring agency is licensed or certified as
2 a health care facility by the department that licenses, certifies or
3 regulates health care facilities in the state in which the agency is lo-
4 cated;

5 “(B) The out-of-state child-caring agency has an active provider
6 agreement with the Oregon Health Authority under the Oregon
7 Medicaid program and with the state Medicaid agency of the state in
8 which the out-of-state child-caring agency is located;

9 “(C) The treatment and services at the agency are provided under
10 the direction of a physician;

11 “(D) The treatment and services to be provided are medically nec-
12 essary and medically appropriate; and

13 “(E) The court has approved the placement after providing an op-
14 portunity for any objections from the parties to the case, including
15 from the child, to be heard.

16 “(9)(a) When the Department of Human Services places a child in
17 an out-of-state placement under this section:

18 “(A) The out-of-state placement is subject to court approval under
19 ORS 419B.351; and

20 “(B) The department must verify that the out-of-state placement is
21 in good standing with the licensing authority in the state in which the
22 placement will provide services or treatment to the child.

23 “(b) The department may not place a child in an out-of-state
24 placement under this section unless the department has conducted an
25 in-person inspection and has verified, after consulting with, at a min-
26 imum, local law enforcement and any licensing entity that has juris-
27 diction over the placement, that the placement is safe and in
28 alignment with the licensure requirements that would apply if the
29 out-of-state placement were located in this state. The inspection under
30 this paragraph must be conducted by department staff who perform

1 licensing functions under ORS 418.262.

2 “(c) Following receipt of a completed application for an out-of-state
3 child-caring agency license and after conducting the activities de-
4 scribed in paragraphs (a)(B) and (b) of this subsection, the department
5 may issue a provisional license to the agency while the department
6 completes the full licensure process. The provisional license may be
7 effective for not more than 60 days from the date on which it is issued.

8 “(10) The department shall adopt rules prescribing the process for
9 review of an out-of-state placement under this section. At a minimum,
10 the rules must:

11 “(a) Require a multidisciplinary review team to actively monitor the
12 well-being of the child and the quality of the treatment and services
13 offered to the child in the out-of-state placement;

14 “(b) Require in-person contact by department personnel with the
15 child in the out-of-state placement at least once every 15 days;

16 “(c) Ensure the child understands the child’s rights as a child in the
17 care or custody of the department, including under the Oregon Foster
18 Children’s Bill of Rights, and ensure that the child knows how to re-
19 port violations of those rights to the State of Oregon;

20 “(d) Ensure the child has access to a telephone and the ability to
21 have unmonitored and unrestricted telephone calls with the child’s
22 case worker, attorney or court appointed special advocate, and with
23 the Children’s Advocate or a designee of the Children’s Advocate, the
24 division of the agency that is responsible for licensing child-caring
25 agencies, the toll-free child abuse hotline described in ORS 417.805, the
26 centralized child abuse reporting system described in ORS 418.190, law
27 enforcement and the child abuse reporting hotline for the state in
28 which the out-of-state placement is located; and

29 “(e) Ensure the out-of-state placement provides unmonitored ac-
30 cess, including in-person access, to the child in care by the child’s at-

1 torney or court appointed special advocate, the Children's Advocate
2 or a designee of the Children's Advocate, and, when not otherwise re-
3 stricted by the court, the child's parents or siblings. This access must
4 include access to all areas of the out-of-state placement utilized by the
5 child, including areas where the child sleeps, receives education or
6 treatment, eats or engages in hygiene.

7 “(11) As used in this section:

8 “(a) ‘Congregate care residential setting’ has the meaning given
9 that term in ORS 418.322.

10 “(b) ‘Juvenile offender’ means a person under 18 years of age who
11 has or is alleged to have committed an act that is a violation, or, if
12 done by an adult, would constitute a violation, of a law or ordinance
13 of the United States, Oregon or a county or city in this state.

14 “(c) ‘Out-of-state child-caring agency’ means a provider of
15 children's care or services in a state other than Oregon that would be
16 required under ORS 418.215 to be licensed, certified or otherwise au-
17 thorized by the Department of Human Services under ORS 418.240 if
18 the provider provided the care or services in this state.

19 “(d) ‘Secure transportation’ has the meaning given that term in
20 ORS 418.241.

21 **“SECTION 37.** ORS 418.322 is amended to read:

22 “418.322. (1) As used in this section:

23 “(a) ‘Congregate care residential setting’ means any setting that cares for
24 more than one child or ward and is not a setting described in [ORS 418.205
25 (2)(c)(A), (D), (E) or (F) or (10)] **ORS 418.205 (9) or 418.215 (2)(a), (c), (d),**
26 **(e), (f) or (g).**

27 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation,
28 provision, obtaining, patronizing or soliciting of a person under 18 years of
29 age for the purpose of a commercial sex act, as defined in ORS 163.266, or
30 the recruitment, harboring, transportation, provision or obtaining of a person

1 over 18 years of age using force, fraud or coercion for the purpose of a
2 commercial sex act, as defined in ORS 163.266.

3 “(2) The Department of Human Services may place a child or ward in a
4 congregate care residential setting only if the setting is:

5 “(a) A child-caring agency, [*as defined in ORS 418.205,*] a hospital, as
6 defined in ORS 442.015, or a rural hospital, as defined in ORS 442.470; and

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

8 “(3) Notwithstanding subsection (2) of this section, the department may
9 place a child or ward in a child-caring agency that is not a qualified resi-
10 dential treatment program if:

11 “(a) The child-caring agency is providing prenatal, postpartum or parent-
12 ing supports to the child or ward[.];

13 “(b) The child or ward is placed in an independent residence facility de-
14 scribed in ORS 418.475 that is licensed by the department as a child-caring
15 agency[.];

16 “(c) The child or ward is, or is at risk of becoming, a victim of sex traf-
17 ficking and the child-caring agency is providing high-quality residential care
18 and supportive services to the child or ward[.];

19 “(d) The Oregon Health Authority has approved the [*placement as med-*
20 *ically necessary*] **services or treatment** and the child-caring agency:

21 “(A) Is a [*residential care facility*;] **psychiatric residential treatment**
22 **facility that meets the requirements prescribed by the authority by**
23 **rule, consistent with all federal requirements for certification as a fa-**
24 **cility providing inpatient psychiatric services for persons under 21**
25 **years of age;**

26 “(B) Is licensed by the authority and maintains site-specific accreditation
27 from a nationally recognized organization to provide psychiatric treatment
28 to children; and

29 “(C) Has an active provider agreement with the Oregon Medicaid
30 program[.];

1 “(e) The child-caring agency is an adolescent residential drug and alcohol
2 treatment program licensed or certified by the State of Oregon to provide
3 residential care, and the court has approved, or approval is pending for, the
4 placement in the child-caring agency of each child or ward over whom the
5 department retains jurisdiction[.];

6 “(f) The placement with the child-caring agency is for the purpose of
7 placing the child or ward in a proctor foster home[.];

8 “(g) The child-caring agency is a residential care facility licensed by the
9 department that provides short-term assessment and stabilization services[.];

10 “(h) The child-caring agency is a shelter-care home, as defined in ORS
11 418.470, that provides short-term assessment and stabilization services[.];

12 “(i) The child-caring agency is a homeless, runaway or transitional living
13 shelter licensed by the department that provides short-term assessment and
14 stabilization services[.]; **or**

15 “(j) The ward is 18 years of age or older and the child-caring agency is
16 a residential treatment facility or a residential home licensed or certified by
17 the department or the Oregon Health Authority.

18 **“(4) Notwithstanding subsection (2) or (3) of this section, the de-**
19 **partment may place a child or ward in a congregate care residential**
20 **setting that is not a child-caring agency or a qualified residential**
21 **treatment program if:**

22 **“(a) The child or ward is 18 years of age or older;**

23 **“(b) A licensed health care provider who is acting within the health**
24 **care provider’s scope of practice and who is not an employee of the**
25 **authority has personally assessed the child or ward and has deter-**
26 **mined that the child or ward requires residential treatment for a**
27 **substance use disorder;**

28 **“(c) The congregate care residential setting is licensed, certified or**
29 **otherwise approved by the Oregon Health Authority to provide sub-**
30 **stance use disorder treatment;**

1 **“(d) The congregate care residential setting primarily serves indi-**
2 **viduals who are 21 years of age or older; and**

3 **“(e) The admission is medically necessary and medically appropri-**
4 **ate.**

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

8 **“(a) For more than 60 consecutive days or 90 cumulative days in a**
9 **12-month period; or**

10 **“(b) If the residential care facility or shelter-care home also serves youths**
11 **or adjudicated youths served by the county juvenile department or adjudi-**
12 **cated youths committed to the custody of the Oregon Youth Authority by the**
13 **court.**

14 **“[(5)] (6) The department may not place a child or ward in a homeless,**
15 **runaway or transitional living shelter described in subsection (3)(i) of this**
16 **section for more than 60 consecutive or 90 cumulative days in any 12-month**
17 **period.**

18 **“(7)(a) Notwithstanding subsections (5)(a) and (6) of this section, the**
19 **department may extend the placement of a child or ward that is at**
20 **least 16 years of age if:**

21 **“(A) The child or ward does not object to the extension;**

22 **“(B) The child or ward has maintained regular attendance at the**
23 **local public school and a move from that placement would disrupt the**
24 **academic success of the child or ward; and**

25 **“(C) The court approves the extension.**

26 **“(b) An extension under this subsection may last up to 90 cumula-**
27 **tive days, and further extensions may be granted by the court if the**
28 **child or ward does not object and the child or ward continues to**
29 **maintain regular attendance at the local public school.**

30 **“[(6)] (8) Calculations of the number of days a child or ward is placed in**

1 a shelter-care home under subsection (3)(h) of this section or a homeless,
2 runaway or transitional living shelter under subsection (3)(i) of this section
3 exclude the days the child or ward is in the shelter-care home or shelter if
4 the child or ward:

5 “(a) Accessed the shelter-care home or shelter without the support or di-
6 rection of the department; and

7 “(b) Is homeless or a runaway, as defined by the department by rule.

8 “[~~(7)(a)~~] **(9)(a)** Nothing in this section prohibits the Oregon Youth Au-
9 thority from placing an adjudicated youth committed to its custody in a
10 placement that is not a qualified residential treatment program.

11 “(b) Nothing in this section prohibits the Oregon Youth Authority or a
12 county juvenile department from placing an adjudicated youth or a youth
13 served by the Oregon Youth Authority or the county juvenile department in
14 shelter care or detention under ORS chapter 419C.

15 **“(10) All approvals of the extensions described in subsection (7) of**
16 **this section must be made by the director of the division of the de-**
17 **partment that administers the state child welfare program.**

18 **“SECTION 38. ORS 418.500 is amended to read:**

19 **“418.500. (1) Except as provided in subsection (2) of this section and**
20 **subject to ORS 418.322, if the Department of Human Services determines that**
21 **need exists for care and treatment of a child who is eligible for such care**
22 **and treatment that is not available through any public or private agency or**
23 **facility in this state, it may enter into an agreement with a public or private**
24 **agency outside this state for the purchase of care for the child. Such**
25 **agreements shall contain the matter described in ORS 418.321 and 418.495**
26 **and shall apply to children described therein.**

27 **“(2)(a) As used in this subsection:**

28 **“(A) ‘Institution for mental disease’ means a hospital, nursing fa-**
29 **cility or other institution of more than 16 beds, that is primarily en-**
30 **gaged in providing diagnosis, treatment or care of persons with mental**

1 **diseases, including medical attention, nursing care and related ser-**
2 **vices.**

3 **“(B) ‘Institution for mental disease’ does not include a psychiatric**
4 **residential treatment facility described in ORS 418.322 (3)(d)(A).**

5 **“(b) The department may not place a child or ward in an out-of-**
6 **state institution for mental disease.**

7 **“SECTION 39. ORS 419B.335 is amended to read:**

8 **“419B.335. The Department of Human Services shall provide the following**
9 **information regarding out-of-state placements of children and wards on a**
10 **website maintained by the department and updated **not more than five****
11 **business days following placement of a child or ward in an out-of-state**
12 **placement and at least monthly:**

13 **“(1) The name of each out-of-state facility in which [*children or wards*] a**
14 **child or ward placed by the department [*are*] **is** currently receiving services;**

15 **“(2) The city and state in which each facility is located;**

16 **“(3) The name of any parent organization for each facility;**

17 **“(4) The name of each facility’s accreditation agency;**

18 **“(5) The **total** number of children or wards **of this state** placed [*by the***
19 ***department currently receiving services from*] **in** each facility;**

20 **“(6) The total number of children or wards currently receiving services**
21 **from each facility;**

22 **“(7) The daily rate charged by each facility for each child or ward;**

23 **“(8) The name of [*the*] **any** face-to-face contracting agency, including the**
24 **city and state in which it is located;**

25 **“(9) Whether each facility provides services to adjudicated youths or the**
26 **resident state’s equivalent of adjudicated youths;**

27 **“(10) Demographic information about all children or wards the depart-**
28 **ment currently has placed in out-of-state facilities, including but not limited**
29 **to age, gender or gender identity, race, ethnicity, tribal status and, if dis-**
30 **closed by the child or ward, sexual orientation;**

1 “(11) The number of children or wards the department currently has
2 placed in out-of-state facilities who have autism, intellectual disabilities or
3 developmental disabilities; and

4 “(12) Aggregate travel costs for the department to support out-of-state
5 placements during the previous month.

6 **“SECTION 40.** ORS 419B.351 is amended to read:

7 “419B.351. (1) The Department of Human Services shall move the court
8 for approval of a placement no later than 30 days following the date the
9 department placed, or will place, a child or ward in a qualified residential
10 treatment program described in ORS 418.323 **or in an out-of-state place-**
11 **ment described in ORS 418.321.**

12 “(2)(a) The motion for approval of the placement must include, at a min-
13 imum:

14 “(A) The date of the placement;

15 “(B) To the extent practicable, the parties’ placement preferences; and

16 “(C) **If applicable**, a copy of the child’s or ward’s independent assessment
17 described in ORS 418.324.

18 “(b) Notwithstanding paragraph (a)(C) of this subsection, if **an inde-**
19 **pendent assessment is required under ORS 418.324 and** the independent
20 assessment is not completed at the time the department files the motion un-
21 der subsection (1) of this section, the department may file the motion under
22 this section without the assessment and shall supplement the motion with a
23 copy of the completed assessment immediately following the department’s
24 receipt of the completed assessment.

25 “(3) The department shall provide an exact copy of the motion to each
26 of the parties listed in ORS 419B.875.

27 “(4) Upon receipt of a motion under this section, the court shall schedule
28 a hearing to occur no later than 60 days following the date the child or ward
29 is placed in the qualified residential treatment program **or out-of-state**
30 **placement.**

1 “(5)(a) The court shall enter an order approving or disapproving the
2 placement and make specific determinations regarding the following:

3 “(A) Whether the needs of the child or ward can be met through place-
4 ment in a foster family home or in a proctor foster home as defined in ORS
5 418.205.

6 “(B) If the court determines that the needs of the child or ward cannot
7 be met through placement in a foster family home or proctor foster home,
8 whether placement of the child or ward in *[the]* a qualified residential
9 treatment program:

10 “(i) Provides the least restrictive setting to provide the most effective and
11 appropriate level of care for the child or ward; and

12 “(ii) Is consistent with the child’s or ward’s case plan.

13 “(b) In addition to the determinations under paragraph (a) of this sub-
14 section, if the motion is for approval of the placement of a child or ward in
15 an out-of-state child-caring agency that serves juvenile offenders as defined
16 in ORS 418.321 [(6)], the court may not approve the placement unless the
17 court finds that the child or ward’s placement in the out-of-state child-caring
18 agency is the least restrictive setting available to meet the child or ward’s
19 treatment needs, taking into consideration all of the following:

20 “(A) The nature of the services offered by the child-caring agency;

21 “(B) The population served by the child-caring agency;

22 “(C) The percentage of the child-caring agency’s population that is juve-
23 nile offenders; and

24 “(D) Whether the child-caring agency is required to file a report under
25 the Prison Rape Elimination Act of 2003, 34 U.S.C. 30301 et seq.

26 “(c) **If the motion for approval is regarding a placement in an out-**
27 **of-state placement described in ORS 418.321 (8), the court may not**
28 **approve the placement unless the court finds that the placement is**
29 **medically necessary and medically appropriate.**

30 “[*(c)*] (d) The court may receive testimony, reports or other material re-

1 lating to the child's or ward's mental, physical and social history and
2 prognosis without regard to the competency or relevancy of the testimony,
3 reports or other material under the rules of evidence.

4 “(6) The court shall enter an order under subsection (5) of this section
5 no later than 60 days following the date the child or ward is placed in the
6 qualified residential treatment program **or out-of-state placement**.

7 “(7) If the court enters an order disapproving the child's or ward's place-
8 ment, the department shall move the child or ward to a placement that pro-
9 vides care, supervision and services that are consistent with the court's order
10 no later than 30 days following the date the court enters the order.

11 “**NOTE:** Sections 41 through 49 were deleted by amendment. Subsequent
12 sections were not renumbered.

13
14 **“CONFORMING AMENDMENTS**

15
16 **“SECTION 50.** ORS 329A.030 is amended to read:

17 “329A.030. (1) The Department of Early Learning and Care shall establish
18 a Central Background Registry and may maintain information in the registry
19 through electronic records systems.

20 “(2)(a) A subject individual described in subsection (1)(a), (c) or (d) of
21 this section shall apply to and must be enrolled in the Central Background
22 Registry prior to the provision of care.

23 “(b) An individual who has been the subject of a founded or substantiated
24 report of child abuse shall apply to and must be enrolled in the Central
25 Background Registry prior to providing any of the types of care identified
26 in ORS 329A.250 (4)(b)(A), (E) or (F) if:

27 “(A) The child abuse occurred on or after January 1, 2017, and involved
28 a child who died or suffered serious physical injury, as defined in ORS
29 161.015; or

30 “(B) The child abuse occurred on or after September 1, 2019, and involved

1 any child for whom the individual was providing child care, as defined in
2 ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), (E), (F)
3 or (G).

4 “(c) Notwithstanding paragraph (a) of this subsection, an individual de-
5 scribed in paragraph (b)(B) of this subsection is not required to enroll in the
6 Central Background Registry if more than seven years has elapsed since the
7 date of the child abuse determination.

8 “(3)(a) Upon receiving an application for enrollment in the Central
9 Background Registry, the department shall complete:

10 “(A) A criminal records check under ORS 181A.195;

11 “(B) A criminal records check of other registries or databases in accord-
12 ance with rules adopted by the Early Learning Council;

13 “(C) A child abuse and neglect records check in accordance with rules
14 adopted by the council; and

15 “(D) A foster care certification check and an adult protective services
16 check in accordance with rules adopted by the council.

17 “(b) In addition to the information that the department is required to
18 check under paragraph (a) of this subsection, the department may consider
19 any other information obtained by the department that the department, based
20 on rules adopted by the Early Learning Council, determines is relevant to
21 enrollment in the Central Background Registry.

22 “(4) The department shall enroll the individual in the Central Background
23 Registry if the individual:

24 “(a) Is determined to have no criminal, child abuse and neglect, negative
25 adult protective services or negative foster home certification history, or to
26 have dealt with the issues and provided adequate evidence of suitability for
27 the registry;

28 “(b) Has paid the applicable fee established pursuant to ORS 329A.275;
29 and

30 “(c) Has complied with the rules of the Early Learning Council adopted

1 pursuant to this section.

2 “(5)(a) Notwithstanding subsections (3) and (4) of this section, the de-
3 partment may not enroll an individual in the Central Background Registry
4 if:

5 “(A) The individual has a disqualifying condition as defined in rules
6 adopted by the council; or

7 “(B) The individual is an exempt prohibited individual, as provided by
8 ORS 329A.252, unless the individual qualifies for limited enrollment pursuant
9 to rules adopted by the Early Learning Council.

10 “(b) If an individual prohibited from enrolling in the registry as provided
11 by this subsection is enrolled in the registry, the department shall remove
12 the individual from the registry.

13 “(6)(a) The department may conditionally enroll an individual in the
14 Central Background Registry pending the results of a nationwide criminal
15 records check through the Federal Bureau of Investigation if the individual
16 has successfully completed the criminal records check and the child abuse
17 and neglect records check in this state and in the state of the individual’s
18 residence, if other than Oregon.

19 “(b) The department may enroll an individual in the registry subject to
20 limitations identified in rules adopted by the council.

21 “(7) The department may grant limited enrollment in the Central Back-
22 ground Registry to a subject individual who is a relative caretaker of a child
23 for whom care is provided in a subsidized care facility, regardless of whether
24 the individual was previously denied enrollment in the Central Background
25 Registry, if the individual otherwise meets the criteria established in rule
26 by the Early Learning Council.

27 “(8) An enrollment in the Central Background Registry may be renewed
28 upon application to the department, payment of the fee established pursuant
29 to ORS 329A.275 and compliance with rules adopted by the Early Learning
30 Council pursuant to this section. However, an individual who is determined

1 to be ineligible for enrollment in the registry after the date of initial en-
2 rollment shall be removed or suspended from the registry by the department.

3 “(9)(a) A child care facility, preschool recorded program or school-age
4 recorded program may not hire or employ an individual if the individual is
5 not enrolled in the Central Background Registry.

6 “(b) Notwithstanding paragraph (a) of this subsection, a child care facil-
7 ity, preschool recorded program or school-age recorded program may employ
8 on a probationary basis an individual who is conditionally enrolled in the
9 Central Background Registry.

10 “(10) The Early Learning Council may adopt any rules necessary to carry
11 out the purposes of this section, including but not limited to rules regarding
12 expiration and renewal periods and limitations related to the subject
13 individual’s enrollment in the Central Background Registry.

14 “(11) As used in this section, ‘subject individual’ means:

15 “(a) A subject individual as defined by the Early Learning Council by
16 rule;

17 “(b) An individual subject to subsection (2)(b) of this section;

18 “(c) A person who applies to be:

19 “(A) The operator or an employee of a child care or treatment program;

20 “(B) The operator or an employee of a provider under the Oregon Prenatal
21 to Kindergarten Program under ORS 329.172 to 329.200;

22 “(C) The operator or an employee of a federal Head Start program regu-
23 lated by the United States Department of Health and Human Services;

24 “(D) An individual in a child care facility, preschool recorded program
25 or school-age recorded program who may have unsupervised contact with
26 children, as determined by the council by rule;

27 “(E) A contractor or an employee of the contractor who:

28 “(i) Provides early childhood special education or early intervention ser-
29 vices pursuant to ORS 343.455 to 343.534; and

30 “(ii) Is not subject to the criminal records check requirements of ORS

1 326.603 or 342.223;

2 “(F) A child care provider who is required to be enrolled in the Central
3 Background Registry by any state agency;

4 “(G) A contractor, employee or volunteer of a metropolitan service dis-
5 trict organized under ORS chapter 268 who may have unsupervised contact
6 with children and who is required to be enrolled in the Central Background
7 Registry by the metropolitan service district;

8 “(H) A provider of respite services, as defined in ORS [418.205] **418.215**
9 **(2)(b)**, for parents pursuant to a properly executed power of attorney under
10 ORS 109.056 who is providing respite services as a volunteer with a private
11 agency or organization that facilitates the provision of such respite services;

12 “(I) The operator or an employee of an early learning program as defined
13 in rules adopted by the council; or

14 “(J) The operator or an employee of a preschool recorded program or a
15 school-age recorded program; or

16 “(d)(A) An individual who operates a subsidized care facility;

17 “(B) An individual who has attained 18 years of age and resides in a
18 subsidized care facility; or

19 “(C) An individual in a subsidized care facility who has attained 18 years
20 of age and who may have unsupervised contact with children, as determined
21 by the council by rule.

22 “(12)(a) Information provided to a metropolitan service district organized
23 under ORS chapter 268 about the enrollment status of the persons described
24 in subsection (11)(c)(G) of this section shall be subject to a reciprocal
25 agreement with the metropolitan service district. The agreement must pro-
26 vide for the recovery of administrative, including direct and indirect, costs
27 incurred by the department from participation in the agreement. Any mon-
28 eys collected under this paragraph shall be deposited in the Child Care Fund
29 established under ORS 329A.273.

30 “(b) Information provided to a private agency or organization facilitating

1 the provision of respite services, as defined in ORS [418.205] **418.215 (2)(b)**,
2 for parents pursuant to a properly executed power of attorney under ORS
3 109.056 about the enrollment status of the persons described in subsection
4 (11)(c)(H) of this section shall be subject to an agreement with the private
5 agency or organization. The agreement must provide for the recovery of ad-
6 ministrative, including direct and indirect, costs incurred by the department
7 from participation in the agreement. Any moneys collected under this para-
8 graph shall be deposited in the Child Care Fund established under ORS
9 329A.273.

10 “(c) Information provided to a private agency or organization about the
11 enrollment status of the persons described in subsection (11)(c)(I) of this
12 section shall be subject to an agreement with the private agency or organ-
13 ization. The agreement must provide for the recovery of administrative, in-
14 cluding direct and indirect, costs incurred by the department from
15 participation in the agreement. Any moneys collected under this paragraph
16 shall be deposited in the Child Care Fund established under ORS 329A.273.

17 **“SECTION 51.** ORS 329A.275 is amended to read:

18 “329A.275. (1) The Early Learning Council shall adopt rules establishing
19 fees for certification, registration and recording under ORS 329A.250 to
20 329A.450.

21 “(2) Subject to prior approval of the Oregon Department of Administrative
22 Services and a report to the Legislative Assembly prior to adopting the fees
23 and charges, the fees and charges established under ORS 181A.195, 329A.030
24 and 329A.250 to 329A.450 may not exceed the cost of administering the pro-
25 gram of the Department of Early Learning and Care pertaining to the pur-
26 pose for which the fee is established, as authorized by the Legislative
27 Assembly within the budget of the Department of Early Learning and Care.

28 “(3) Notwithstanding subsection (2) of this section and any other pro-
29 vision of this chapter, the following fees established by the Early Learning
30 Council under ORS 329A.030 and 329A.250 to 329A.450 may not exceed:

- 1 “(a) For Certified Family Child Care Home Initial Certification, \$25;
2 “(b) For Certified Family Child Care Home Annual Fee Per Certified
3 Space, \$2;
4 “(c) For Child Care Center Initial Certification, \$100;
5 “(d) For Child Care Center Annual Fee Per Certified Space, \$2;
6 “(e) For Registered Family Child Care Home Registration, \$30;
7 “(f) For Preschool Recorded Program Recording, \$20;
8 “(g) For School-Age Recorded Program Recording, \$20;
9 “(h) For administering a class on child care abuse and neglect issues, \$10;

10 and

11 “(i) For enrollment in the Central Background Registry, the cost of ad-
12 ministering the program, including fees for:

13 “(A) Duplicate enrollment in the Central Background Registry;

14 “(B) Law Enforcement Data System criminal records check; and

15 “(C) Federal Bureau of Investigation fingerprint check.

16 “(4) The Early Learning Council, by rule, shall waive the fees described
17 in subsection (3)(i) of this section for an employee of or volunteer with a
18 private agency or organization that facilitates the provision of respite ser-
19 vices, as defined in ORS [418.205 (2)(c)(B)] **418.215 (2)(b)**, for parents pursu-
20 ant to a properly executed power of attorney under ORS 109.056.

21 “**NOTE:** Sections 52 through 55 were deleted by amendment. Subsequent
22 sections were not renumbered.

23 “**SECTION 56.** ORS 418.246 is amended to read:

24 “418.246. (1) In addition to any requirements for licensure established by
25 the Department of Human Services, each outdoor youth program that is ap-
26 plying for licensure as a child-caring agency shall file with the department
27 a bond in the amount of \$50,000 or 50 percent of the program’s yearly budget,
28 whichever amount is less. The bond shall be issued by a surety company or
29 an insured institution, as defined in ORS 706.008, authorized to do business
30 in this state.

1 “(2) The bond required under subsection (1) of this section shall be con-
2 tinuous until canceled and shall remain in full force and unimpaired at all
3 times to comply with this section. The surety or insured institution shall
4 give the department at least 30 days’ written notice before it cancels or ter-
5 minates its liability under the bond.

6 “(3) An action on the bond may be brought by any person aggrieved by
7 the misconduct of an outdoor youth program required to be licensed under
8 ORS 418.205 to 418.327.

9 “(4)(a) **As used in this section, ‘outdoor youth program’ means a**
10 **program that provides, in an outdoor living setting, services to chil-**
11 **dren who have behavioral problems, mental health problems or prob-**
12 **lems with abuse of alcohol or drugs.**

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

15 “(A) **Operated by a governmental entity;**

16 “(B) **Operated by or affiliated with the Oregon Youth Corps;**

17 “(C) **Licensed by the Department of Human Services under the au-**
18 **thority of the department other than ORS 418.205 to 418.327; or**

19 “(D) **Operated by a youth job development organization, as defined**
20 **in ORS 344.415.**

21 “**SECTION 57.** ORS 418.330 is amended to read:

22 “418.330. (1) As used in this section:

23 “(a) ‘Child’ means:

24 “(A) A person under 18 years of age;

25 “(B) A person under 21 years of age if the Department of Human Services
26 determines that the person has a mental or physical disability that warrants
27 the continuation of assistance; or

28 “(C) A person who has attained 18 years of age and:

29 “(i) On whose behalf payments under this section were received prior to
30 the person attaining 18 years of age, provided the person was at least 16

1 years of age at the time the payments commenced;

2 “(ii) Has not attained 21 years of age; and

3 “(iii)(I) Is completing secondary education or a program leading to an

4 equivalent credential;

5 “(II) Is enrolled in an institution or program that provides post-secondary

6 or vocational education;

7 “(III) Is participating in a program or activity designed to promote, or

8 remove barriers to, employment;

9 “(IV) Is employed for at least 80 hours per month; or

10 “(V) Is incapable of doing any of the activities described in sub-sub-

11 subparagraphs (I) to (IV) of this sub-subparagraph due to a medical condi-

12 tion, which incapability is supported by regularly updated documentation.

13 “(b) ‘Nonrecurring adoption or guardianship expenses’ means reasonable

14 and necessary adoption or guardianship fees, court costs, attorney fees and

15 other expenses that are directly related to the adoption of, or establishment

16 of a guardianship for, a child with special needs and that are not incurred

17 in violation of state or federal law.

18 “(2) The department may make payments to adoptive parents or guardians

19 on behalf of a child placed for adoption or establishment of a guardianship

20 by the department, or placed for adoption by an approved child-caring

21 agency, **as defined in ORS 418.205**, when the department determines:

22 “(a) The child has special needs because of an impediment to adoptive

23 placement or establishment of a guardianship by reason of the child’s phys-

24 ical or mental condition, race, age, or membership in a sibling group; or

25 “(b) The adoptive family or guardian is capable of providing the perma-

26 nent family relationships needed by the child in all respects other than fi-

27 nancial, and the needs of the child are beyond the economic ability and

28 resources of the family.

29 “(3) Payments to subsidize adoptions or guardianships made under sub-

30 section (2) of this section:

1 “(a) Shall include payment of nonrecurring adoption or guardianship ex-
2 penses incurred by or on behalf of adoptive parents or guardians in con-
3 nection with the adoption of, or establishment of a guardianship for, a child
4 with special needs;

5 “(b) May include, but are not limited to, the maintenance costs, medical
6 and surgical expenses, and other costs incidental to the care, training and
7 education of the child;

8 “(c) May not exceed the cost of providing comparable assistance in foster
9 care; and

10 “(d) May not be made:

11 “(A) For a child who has not attained 18 years of age, when the adoptive
12 parents or guardians are no longer legally responsible for the support of the
13 child; or

14 “(B) When the child is no longer receiving any support from the adoptive
15 parents or guardians.

16 “(4) Adoptive parents or guardians receiving payments under subsection
17 (2) of this section shall inform the department of circumstances that would
18 make the adoptive parents or guardians:

19 “(a) Ineligible to receive the payments; or

20 “(b) Eligible to receive the payments in a different amount.

21 **“SECTION 57a.** ORS 418.359 is amended to read:

22 “418.359. (1) A person or organization that makes a referral or recom-
23 mendation related to the use of a secure transportation services provider to
24 transport a child to a child-caring agency, certified foster home or develop-
25 mental disabilities residential facility must provide the written disclosure
26 described in subsection (2) of this section if the child to be transported is a
27 resident of this state or if the child-caring agency, certified foster home or
28 developmental disabilities residential facility to which the secure transpor-
29 tation services provider will deliver the child is located in this state.

30 “(2) The disclosure under this section must state:

1 “

2 Except as specifically exempted under ORS 418.241, a secure transporta-
3 tion services provider that transports children to or from a child-caring
4 agency, certified foster home or developmental disabilities residential facility
5 along any portion of a route that begins or ends in Oregon is required to
6 be licensed by the Department of Human Services under ORS 418.215 or
7 418.240.

8 “

9 “(3) As used in this section[,]:

10 “(a) ‘Certified foster home[,]’ **has the meaning given that term in ORS**
11 **418.205.**

12 “(b) ‘Child-caring agency,’ ‘developmental disabilities residential facility’
13 and ‘secure transportation services’ have the meanings given those terms in
14 ORS 418.241.

15 “**SECTION 57b.** ORS 418.526 is amended to read:

16 “418.526. (1) A program shall establish procedures for the program to fol-
17 low when a child in care is placed in a restraint or involuntary seclusion.
18 The procedures must be consistent with the provisions of this section and
19 ORS 418.521 and 418.523.

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

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

29 “(c) Upon the request of the attorney, court appointed special advocate,
30 parents or guardians of a child in care on whom the restraint or involuntary

1 seclusion was used, the department shall provide the child in care's attorney,
2 court appointed special advocate, parents or guardians with copies of the
3 records described in this subsection.

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

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

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

14 “(b) The written notice must include:

15 “(A) A description of the restraint or involuntary seclusion, the date of
16 the restraint or involuntary seclusion, the times when the restraint or in-
17 voluntary seclusion began and ended and the location of the restraint or
18 involuntary seclusion.

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

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

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

27 “(ii) For each individual identified in this subparagraph, whether the in-
28 dividual was certified as described in ORS 418.529 in the use of the type of
29 restraint used or trained, as required by the Department of Human Services
30 by rule, in the use of the involuntary seclusion used, the date of the

1 individual's most recent certification or training and a description of the
2 types of restraint the individual is certified to use, if any.

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

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

13 “(4) If an incident requires notice under subsection (3) of this section, not
14 later than two business days following the date of the restraint or involun-
15 tary seclusion, the program shall hold a debriefing meeting with each indi-
16 vidual who was involved in the incident and with any other appropriate
17 program staff, shall take written notes of the debriefing meeting and shall
18 provide copies of the written notes to the child in care's case manager, at-
19 torney, court appointed special advocate and parents or guardians.

20 “(5) If serious bodily injury or the death of staff personnel occurs in
21 connection to the use of the restraint or involuntary seclusion, the program
22 shall provide the department with written notification of the incident not
23 later than 24 hours following the incident.

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

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

27 “418.625. As used in ORS 418.625 to 418.645:

28 “(1) ‘Certificate’ means a written approval to operate a foster home issued
29 by the Department of Human Services on a form prescribed by the depart-
30 ment that states the name of the foster parent, the address of the premises

1 to which the certificate applies and the maximum number of children to be
2 maintained or boarded in the foster home at any one time.

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

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

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

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

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

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

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

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

19 “[f] (F) Any home of a provider of respite services, as defined in ORS
20 [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power
21 of attorney under ORS 109.056.

22 **“SECTION 59.** ORS 419C.620 is amended to read:

23 “419C.620. (1) When required by the court, the Oregon Youth Authority
24 or a private agency having guardianship or legal custody of an adjudicated
25 youth pursuant to court order shall file reports on the adjudicated youth
26 with the juvenile court that entered the original order concerning the adju-
27 dicated youth.

28 “(2) A county juvenile department shall file a report with the juvenile
29 court under this section if an adjudicated youth remains under juvenile de-
30 partment care for six consecutive months from the date of initial placement

1 and:

2 “(a) The county juvenile department is a county program, as defined in
3 ORS [418.205] **418.215**;

4 “(b) The county juvenile department is participating in programs related
5 to Title IV-E of the Social Security Act;

6 “(c) The county juvenile department has responsibility for the care and
7 placement of the adjudicated youth; and

8 “(d) The placement is not a detention facility.

9 **“SECTION 60.** ORS 704.023 is amended to read:

10 “704.023. In addition to meeting the requirements in ORS 704.020, any
11 person who provides outfitting and guiding services for outdoor youth pro-
12 grams, as defined in ORS [418.205] **418.246**, shall furnish proof of a current
13 child-caring agency license for outdoor youth programs from the Department
14 of Human Services prior to being registered as an outfitter and guide.

15
16 **“UNIT CAPTIONS**

17
18 **“SECTION 61.** The unit captions used in this 2025 Act are provided
19 only for the convenience of the reader and do not become part of the
20 statutory law of this state or express any legislative intent in the
21 enactment of this 2025 Act.

22
23 **“EMERGENCY CLAUSE**

24
25 **“SECTION 62.** This 2025 Act being necessary for the immediate
26 preservation of the public peace, health and safety, an emergency is
27 declared to exist, and this 2025 Act takes effect on its passage.”.