

# Oregon Capital Chronicle

## Oregon plan to ease child welfare regulations sparks early opposition

A state senator says a proposal aimed at encouraging treatment and placement of children with complex behavioral needs would undo laws passed to protect those children

BY: [MIKE MCINALLY](#) - JANUARY 6, 2025 6:00 AM

State officials and advisers are working on a child welfare proposal for this year's session they hope would encourage more providers to offer treatment to foster children with complex needs, including mental conditions.

But the proposal would ease certain regulations and has attracted early opposition, including from a state senator who said it would roll back many of the reforms passed by the Legislature.

Michelle Pfeiffer, the Oregon Department of Human Services' legislative child welfare coordinator, told lawmakers recently that the proposal is designed to encourage the placement of children who've been difficult to place and have diverse and high-acuity needs.

Pfeiffer and Molly Miller, deputy director for equity and workforce development for the Department of Human Services' Child Welfare Division, said the August death by suicide of a 17-year-old foster child in Eugene highlighted the need for additional treatment options.

"Without more placement options, all of our other solutions are incredibly difficult," Pfeiffer said.

Oregon's beleaguered child welfare system, which serves about 4,500 foster children, is under a [court order](#) to improve the system. The case was brought by former foster children who suffered physical and mental abuse in the system.

The agency and the state System of Care Advisory Council, a 25-member panel that seeks to improve the effectiveness of state agencies that serve youth, are behind the proposal, now known as [Legislative Concept 346](#). Pfeiffer said the proposal is intended to increase foster child placements and reduce "unplanned discharges."

A draft summary of the concept says recent laws passed by the Legislature to improve the well-being of children in care have had unintended consequences, including making it difficult to recruit and retain workers, reducing provider capacity and delaying care for children with complex behavioral health needs.

Worries about rolling back regulations

But Sen. Sara Gelser Blouin, a Corvallis Democrat who's been behind many of the reforms to improve protection for foster children over the last decade, said the proposal "would roll back significant work done to improve child safety here in Oregon."

Both Gelser Blouin and Anna Williams, executive director of the advisory council and a former state lawmaker, emphasized the proposal still is in draft form and would change before it emerges as a bill.

An overall goal of the proposal, Williams said, is to build a culture in which "folks are willing to say 'yes' to taking on and providing services and care to kids with complex care needs."

She said that now many providers decline to care for children over concerns about some current restrictions in state law. She said that helps explain what she called a "pretty significant reduction in access to care" — a 32% decline in licensed child care agencies and a 48% drop in therapeutic foster-care providers in Oregon since 2014.

Gelser Blouin disputes that argument.

"I fundamentally disagree with the premise that if people, if agencies, don't want to serve kids because they're afraid they'll be accused of abusing them, we need to either reduce the accountability for that or allow behaviors that are currently considered abusive to happen to kids in order to accommodate the providers," she said.

Among other recommendations, the proposal calls for amending "wrongful restraint" definitions so that they apply across the system, for foster parents and child care agencies

and schools alike. Proposal advocates say that would decrease the number of legally required reports made to the state's child abuse hotline and a reduction in screenings, clearing up investigators to focus on genuine concerns.

Proponents also say the changes could help agencies retain employees, who would no longer have to fear being investigated for child abuse to a technical violation of the law.

Those recommendations worry Gelser Blouin. She said they would reduce accountability for those occasions when illegal or harmful restraints are used on patients.

In fact, Gelser Blouin said, the use of restraints has increased substantially since the passage of [Senate Bill 710](#) in 2021. That measure mandated that restraint or seclusion could be used only in cases in which there is imminent risk of serious injury. It also clarified training requirements and described the types of restraints that are prohibited.

Williams said that another goal of the proposal is to hold “the right people accountable when things go wrong.”

For example, she said, if workers at a child care agency apply a hold on a child in a manner that's not allowed under state law — and the workers know it's illegal — that could be investigated as child abuse. But if it occurs in a facility that's understaffed or where workers haven't been properly trained, “that should be a licensure and certification investigation against the facility that didn't do its job to make sure the appropriate workers were on the floor so that kids could be safe.”

Regulatory reform is necessary, Williams said, to encourage people to speak up when problems occur so that they can be fixed.

“We have to be able to be open and honest about the fact that the mistake happened, to figure out what happened and how we could do better next time,” Williams said.

The proposal would create exceptions to [Senate Bill 1605](#), which passed in 2020 and imposed restrictions on placements in out-of-state foster homes and child care agencies. The proposal calls for allowing such placements when they're determined by Medicaid to be medically necessary and appropriate — for example, in cases when suitable treatment is not available in Oregon. That would increase the number of available placements for Oregon youth, supporters say.

Gelser Blouin objected: “We have so many kids that were harmed in these placements out-of-state that (the idea to) go back to doing that again, with even less oversight than we had at that time, is mind-boggling.”

And she said the long-term answer is to stop focusing on institutional care for children.

“Our focus needs to be on keeping kids in their family homes or creating (foster) homes that are trained and resourced to appropriately support the kids,” Gelser Blouin said.

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