

SB 1534-8
(LC 281)
2/9/26 (LAS/ps)

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1534**

1 On page 1 of the printed bill, line 3, delete “418.255,”.

2 In line 4, delete “418.992,”.

3 Delete lines 12 through 27 and delete pages 2 through 5.

4 On page 6, delete lines 1 through 16 and insert:

5 **“SECTION 2. (1) A child-caring agency, developmental disabilities**
6 **residential facility, proctor foster home, certified foster home, care-**
7 **taker or other person with a duty of care to a child in care abuses the**
8 **child in care if the child-caring agency, developmental disabilities**
9 **residential facility, proctor foster home, certified foster home, care-**
10 **taker or other person fails to make a reasonable effort to protect the**
11 **child in care from abuse as described in this section or ORS 419B.005.**

12 **“(2) An individual abuses a child in care if the individual is an em-**
13 **ployee, operator, contractor, agent or volunteer of a child-caring**
14 **agency, developmental disabilities residential facility, proctor foster**
15 **home, certified foster home or is any other person who, due to the**
16 **child’s status as a child in care, is responsible for the provision of care**
17 **or services to the child in care and the individual:**

18 **“(a) Neglects the child in care by:**

19 **“(A) Failing to provide the care, supervision or services that a per-**
20 **son has a duty to provide to the child in care that is necessary to**
21 **maintain the physical and mental health of the child in care; or**

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

3 **“(b) Abandons the child in care, including deserting or willfully**
4 **forsaking the child in care or withdrawing or neglecting duties and**
5 **obligations owed to the child in care by the individual.**

6 **“(3) An individual abuses a child in care if:**

7 **“(a) The individual is at least 18 years of age;**

8 **“(b) The individual is not a child in care;**

9 **“(c) The individual:**

10 **“(A) Is an employee, volunteer or contractor of a child-caring**
11 **agency, a developmental disabilities residential facility, a proctor fos-**
12 **ter home or a certified foster home;**

13 **“(B) Is an operator of a child-caring agency, a developmental disa-**
14 **bilities residential facility, a proctor foster home or a certified foster**
15 **home;**

16 **“(C) Resides in the same child-caring agency, developmental disa-**
17 **bilities residential facility, proctor foster home or certified foster**
18 **home; or**

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

22 **“(d) The individual does one or more of the following:**

23 **“(A) Assaults the child in care.**

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

27 **“(C) Imposes a restraint or involuntary seclusion on the child in**
28 **care in violation of ORS 418.521 or 418.523.**

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

30 **“(E) Commits an act involving the child in care that constitutes a**

1 **crime under ORS 163.263, 163.264, 163.266, 163.413, 163.465, 163.467,**
2 **163.535, 163.537, 163.547, 163.575, 163.670, 163.700 or 163.701.**

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

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

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

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

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

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

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

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

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

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

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

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

29 **“(iii) Sexual contact, as defined in ORS 163.305, with the child in**
30 **care, regardless of whether the sexual contact constitutes a crime**

1 under ORS chapter 163.

2 “(I) Sexually exploits the child in care by any means, including:

3 “(i) Directing or encouraging another person to engage in sexual
4 contact, as defined in ORS 163.305, with the child in care;

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

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

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

22 “(4) As used in this section:

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

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

28 “SECTION 3. ORS 418.257 is amended to read:

29 “418.257. As used in ORS 418.257 to 418.259:

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

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

4 “(b) *Neglect of a child in care.*]

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

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

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

12 “(f) *Verbal abuse.*]

13 “(g) *Financial exploitation.*]

14 “(h) *Sexual abuse.*]

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

17 **“(1) ‘Abuse’ means abuse as described in section 2 of this 2026 Act**
18 **or ORS 419B.005.**

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

21 “[(3)] (2)(a) *‘Child in care’ means a person under 21 years of age who is:*

22 **“(A) In the physical or legal custody of the Department of Human**
23 **Services; or**

24 **“(B) Is** residing in or receiving care or services from:

25 “[(A)] (i) A Child-caring agency or proctor foster home subject to ORS
26 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970;

27 “[(B)] (ii) A certified foster home; or

28 “[(C)] (iii) A developmental disabilities residential facility.

29 “(b) *‘Child in care’ does not include a person under 21 years of age who*
30 *is residing in any of the entities listed in paragraph (a)(B) of this subsection*

1 when the care provided is in the home of the child by the child's parent.

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

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

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

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

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

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

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

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

21 “[*(7) ‘Involuntary seclusion’ has the meaning given that term in ORS*
22 *418.519.*]

23 “[*(8)*] **(3)** *‘Law enforcement agency’ means:*

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

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

26 *“(c) The Oregon State Police.*

27 *“(d) Any district attorney.*

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

30 “[*(9) ‘Neglect’ means:*]

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

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

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

7 “[(11)] (4) ‘*Services*’ includes but is not limited to the provision of food,
8 clothing, medicine, housing, medical services, assistance with bathing or
9 personal hygiene or any other service essential to the well-being of a child
10 in care.

11 “[(12) ‘*Sexual abuse*’ means:]

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

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

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

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

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

24 “[(14) ‘*Sexual exploitation*’ means sexual exploitation as described in ORS
25 *419B.005 (1)(a)(E).]*

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

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

30 “[(b) *Harassment, coercion, threats, intimidation, humiliation, mental cru-*

1 *elty or inappropriate sexual comments.]*

2 “**NOTE:** Section 4 was deleted by amendment. Subsequent sections were
3 not renumbered.”.

4 On page 7, line 31, restore the bracketed material and delete the boldfaced
5 material.

6 Delete lines 35 through 37.

7 On page 8, line 1, delete “(7)” and insert “(6)”.

8 In line 9, delete “(8)” and insert “(7)”.

9 In line 16, delete “(9)” and insert “(8)”.

10 On page 9, delete lines 15 through 17 and insert:

11 “(D) A provider of residential care in combination with academic educa-
12 tion and therapeutic care or disability-related supports, including but not
13 limited to treatment for emotional, behavioral, developmental or mental
14 health conditions;”.

15 In line 20, after “secure” insert “nonmedical”.

16 Delete lines 32 through 34 and insert:

17 “(a) A developmental disabilities residential facility;”.

18 On page 11, lines 26 and 27, restore the bracketed material and delete the
19 boldfaced material.

20 In line 28, delete “tigation or assessment”.

21 Delete lines 33 through 36 and insert:

22 “(A) The agency failed to provide financial statements as required by ORS
23 418.255; or

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

26 In line 43, restore the bracketed material and delete the boldfaced mate-
27 rial.

28 On page 12, lines 16 through 21, delete the boldfaced material.

29 On page 13, lines 21 through 36, restore the bracketed material and delete
30 the boldfaced material.

1 On page 14, delete lines 36 through 45 and delete pages 15 through 26.

2 On page 27, delete lines 1 through 8 and insert:

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

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

6 “418.258. (1) When the Department of Human Services becomes aware of
7 a report of suspected child abuse of a child in care, whether in the form of
8 an allegation, complaint or formal report made under this section, and
9 whether made directly to the Director of Human Services, the department
10 or an employee of the department, to the centralized child abuse reporting
11 system described in ORS 418.190, through the mandatory abuse reporting
12 process set forth in ORS 419B.005 to 419B.050 or otherwise, the department
13 shall immediately:

14 “(a) Notify appropriate personnel within the department, including but
15 not limited to employees responsible for licensing, certifying or authorizing
16 child-caring agencies, certified foster homes and developmental disabilities
17 residential facilities.

18 “(b) Notify any governmental agency that has a contract with the child-
19 caring agency, certified foster home or developmental disabilities residential
20 facility to provide care or services to the child in care.

21 “(c) Notify the placement authorities of any other state that retains ju-
22 risdiction over a child in care receiving care or services from the child-
23 caring agency, certified foster home or developmental disabilities residential
24 facility.

25 “(d) Commence an investigation to determine whether the report of sus-
26 pected abuse is substantiated, unsubstantiated or inconclusive under ORS
27 418.259 if:

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

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

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

5 “(e) Report to a law enforcement agency any crime that the department
6 has reason to believe has occurred with respect to a child in care or at a
7 child-caring agency, proctor foster home, certified foster home or develop-
8 mental disabilities residential facility even if the suspected crime is not re-
9 lated to a report of abuse made under this section.

10 “(2)(a) As a condition for issuance or renewal of a license, certificate or
11 authorization to a child-caring agency, certified foster home or develop-
12 mental disabilities residential facility, the department shall require and ver-
13 ify that the child-caring agency, certified foster home or developmental
14 disabilities residential facility has **adopted, follows and enforces** proce-
15 dures and protocols that:

16 “(A) Require employees of the child-caring agency, a proctor foster home
17 certified by the child-caring agency, the certified foster home or the devel-
18 opmental disabilities residential facility to immediately report suspected
19 abuse of a child in care to the [*director, the director’s designee or personnel*
20 *within the department who have been specifically designated to receive reports*
21 *of abuse of children in care*] **centralized child abuse reporting system**
22 **described in ORS 418.190;**

23 “(B) Mandate that the child-caring agency, certified foster home or de-
24 velopmental disabilities residential facility provide an annual training and
25 written materials that include information about the centralized child abuse
26 reporting system described in ORS 418.190, and that the agency, home or fa-
27 cility advise and educate employees of the child-caring agency and any
28 proctor foster home certified by the child-caring agency, of the certified fos-
29 ter home or of the developmental disabilities residential facility of the duty
30 under this section and ORS 419B.005 to 419B.050 to report abuse of a child

1 in care; and

2 “(C) Inform employees of child-caring agencies, proctor foster homes,
3 certified foster homes and developmental disabilities residential facilities
4 that the duty to report abuse of a child in care is personal to the employee
5 and that the duty is not fulfilled by reporting the abuse to the owner, oper-
6 ator or any other employee of the child-caring agency, proctor foster home,
7 certified foster home or developmental disabilities residential facility even
8 if the owner, operator or other employee reports the abuse of a child in care
9 to the director, the director’s designee or the department.

10 “(b) A child-caring agency, certified foster home or developmental disa-
11 bilities residential facility need not develop and maintain procedures and
12 protocols or provide an annual training and written materials under para-
13 graph (a) of this subsection if the agency, home or facility does not have any
14 employees, staff or volunteers.

15 “(3) Interference or hindering an investigation of abuse of a child in care,
16 including but not limited to the intimidation of witnesses, falsification of
17 records or denial or limitation of interviews with the child in care who is
18 the subject of the investigation or with witnesses, may constitute grounds
19 for the revocation, suspension or placing of conditions on the license, cer-
20 tificate or other authorization of a child-caring agency, proctor foster home,
21 certified foster home or developmental disabilities residential facility.

22 “(4)(a) Anyone, including but not limited to **a child in care or** an em-
23 ployee of a child-caring agency, proctor foster home, certified foster home
24 or developmental disabilities residential facility, who makes a report of sus-
25 pected abuse of a child in care [*to the Governor, the Department of Justice,*
26 *the Director of Human Services, the director’s designee or the department*]
27 under this section **to the centralized child abuse reporting system de-**
28 **scribed in ORS 418.190 or expresses concern about situations involving**
29 **abuse or the department’s response to allegations of abuse** in good faith
30 and who has reasonable grounds for the making of the report shall have

1 immunity:

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

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

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

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

13 **“SECTION 12.** ORS 418.259 is amended to read:

14 “418.259. (1) The investigation conducted by the Department of Human
15 Services under ORS 418.258 must result in one of the following findings:

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

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

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

23 “(2) When a report is received under ORS 418.258 alleging that a child in
24 care may have been subjected to abuse, the department shall [*notify the case*
25 *managers for the child, the attorney for the child, the child’s court appointed*
26 *special advocate, the parents or guardians of the child,*] **immediately notify**
27 **the child’s case managers, attorney, court appointed special advocate,**
28 **developmental disabilities coordinator, parents or guardians,** any at-
29 torney representing a parent or guardian of the child and any governmental
30 agency that has a contract with the child-caring agency or developmental

1 disabilities residential facility to provide care or services to the child that
2 a report has been received.

3 “(3)(a) The department may interview the child in care who is the subject
4 of suspected abuse and any witnesses, including other children, without the
5 presence of employees of the child-caring agency, proctor foster home or de-
6 velopmental disabilities residential facility, the provider of services at a
7 certified foster home or department personnel. The department shall inform
8 the child in care that the child may have the child’s parent or guardian, if
9 the child has not been committed to the custody of the department or the
10 Oregon Youth Authority, [or] attorney **or court appointed special advo-**
11 **cate** present when participating in an interview conducted in the course of
12 an abuse investigation.

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

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

16 “(B) Review all relevant incident reports related to the child in care and
17 other reports related to the restraint or involuntary seclusion of the child
18 in care;

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

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

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

29 “(F) Make all reasonable efforts to conduct [*trauma-informed*] **trauma-**
30 **responsive** interviews of each child witness, including the child in care who

1 is the subject of suspected abuse [*unless the investigator makes a specific de-*
2 *termination that the interview may significantly traumatize the child and is*
3 *not in the best interests of the child.*]; **and**

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

8 **“(c) The department may not substantiate an allegation of abuse**
9 **by an individual who was involved in the use of a restraint solely be-**
10 **cause the individual did not possess a current certification to impose**
11 **the restraint.**

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

14 **“(a) The Director of Human Services.**

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

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

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

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

30 **“(f) Any governmental agency that has a contract with the child-caring**

1 agency to provide care or services to a child in care.

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

4 **“(h) The Children’s Advocate.**

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

15 **“(a) If the department conducted an investigation pursuant to ORS**
16 **418.258 that resulted in a finding during that quarter that a report of**
17 **abuse was substantiated:**

18 **“(A) If the investigation involved a proctor foster home, develop-**
19 **mental disabilities residential facility or child-caring agency, including**
20 **an out-of-state child-caring agency, the name of the proctor foster**
21 **home, developmental disabilities residential facility or child-caring**
22 **agency; and**

23 **“[(a)] (B) [The name of any child-caring agency, including an out-of-state**
24 **child-caring agency, proctor foster home or developmental disabilities residen-**
25 **tial facility, or,] If the investigation involved a certified foster home,**
26 **provided there are five or more certified foster homes in the county, the**
27 **name of the county where a certified foster home is located[, where the de-**
28 **partment conducted an investigation pursuant to ORS 418.258 that resulted in**
29 **a finding that the report of abuse was substantiated during that quarter];**

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

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

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

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

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

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

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

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

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

19 “(d) The number of reportable injuries to children in care that resulted
20 from those restraints;

21 “(e) The number of incidents in which an individual who was not appro-
22 priately trained in the use of the restraint used on a child in care in a pro-
23 gram; *[and]*

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

26 “**(f) The total number of individuals who restrained children in care**
27 **in the incidents described in paragraph (e) of this subsection who were**
28 **not appropriately trained in the types of restraint used;**

29 “**(g) The number of incidents in which a restraint prohibited under**
30 **ORS 418.521 was used;**

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

8 “(i) The total number of restraints imposed on Oregon children in
9 care at out-of-state congregate care facilities in that quarter, includ-
10 ing the number of children in care that experienced a reportable injury
11 as a result of a physical restraint, disaggregated by facility; and

12 “(j) The total number of children in care that experienced restraint
13 at an out-of-state congregate care facility in that quarter, including
14 the number of children in care that experienced a reportable injury
15 as a result of a physical restraint, disaggregated by facility.

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

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

24 “(8) As used in this section:

25 “(a) ‘Developmental disabilities foster home’ means a foster home
26 that is subject to ORS 443.400 to 443.455 or 443.830 and 443.835 for chil-
27 dren who are under 18 years of age and receiving developmental disa-
28 bility services.

29 “(b) ‘Involuntary seclusion’ has the meaning given that term in
30 ORS 418.519.

1 **“(c) ‘Program’ has the meaning given that term in ORS 418.519.**

2 **“(d) ‘Reportable injury’ has the meaning given that term in ORS**
3 **418.519.**

4 **“(e) ‘Restraint’ has the meaning given that term in ORS 418.519.**

5 **“SECTION 13.** ORS 418.260 is amended to read:

6 “418.260. (1) If the Department of Human Services receives a report or
7 otherwise becomes aware that any suspected or founded abuses, deficiencies,
8 violations or failures to comply with the full compliance requirements de-
9 scribed in ORS 418.240 are occurring in a child-caring agency, whether as a
10 part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the
11 department shall immediately notify appropriate personnel within the de-
12 partment, including but not limited to employees responsible for licensing,
13 certifying or authorizing child-caring agencies, who shall investigate and
14 take appropriate action without undue delay, with primary concern given to
15 the health, safety and welfare of the children for whom the child-caring
16 agency is responsible. The department may notify law enforcement agencies
17 as necessary to coordinate and assist in the investigation and enforcement
18 of corrective actions undertaken by the department. If the child-caring
19 agency is known or found to serve children also served by the Oregon Youth
20 Authority, county juvenile departments or developmental disabilities services
21 within the department, the department shall notify those entities of the re-
22 port or suspected or founded abuses, deficiencies, violations or failures.

23 “(2) If the department finds, after investigation by the department or law
24 enforcement agencies, that the abuses, deficiencies, violations or failures to
25 comply are founded, the department may suspend, revoke or place conditions
26 on the license, certificate or other authorization of the child-caring agency.
27 The conditions placed on a license, certificate or authorization may include,
28 but are not limited to, placing full or partial restrictions on admission of
29 children, temporary suspension, limitation of operations subject to an intent
30 to revoke or limitation of operations subject to correction of violations as

1 specified in a plan of correction. If the department imposes a plan of cor-
2 rection, and the corrections are not made within 45 days from the effective
3 date of the plan of correction, the department may immediately suspend or
4 revoke the license, certificate or authorization of the child-caring agency.
5 The department shall immediately notify any governmental agency that has
6 a contract with the child-caring agency to provide care or services to a child
7 of any suspension or revocation of, or conditions placed on, the license,
8 certificate or other authorization of the child-caring agency.

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

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

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

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

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

20 **“[(3)] (4) If the department determines at any time during or after an in-**
21 **vestigation that the abuses, deficiencies, violations or failures to comply are**
22 **or threaten a serious danger to any child or to the public, or place a child**
23 **at risk with respect to the child’s health, safety or welfare, the department**
24 **may immediately suspend or revoke the child-caring agency’s license, certif-**
25 **icate or authorization, subject to the provisions of ORS chapter 183.**

26 **“(5) The department shall immediately notify the parents or guardians**
27 **privately obtaining services or care for their children from the child-**
28 **caring agency and** any governmental agency that has a contract with the
29 child-caring agency to provide care or services to a child of any suspension
30 or revocation of the license, certificate or other authorization of the child-

1 caring agency under *[this]* subsection **(4) of this section** and of any condi-
2 tions placed on the child-caring agency's license, certificate or authorization
3 pursuant to ORS 418.240. The department shall immediately report the al-
4 leged deficiencies or violations to the governmental agency and the govern-
5 ing board responsible for the oversight of the child-caring agency.

6 “[~~(4)~~] **(6)** If the department determines that the abuses, deficiencies, vio-
7 lations or failures to comply are founded and the department imposes a plan
8 of correction that the child-caring agency does not comply with in the time
9 allotted for correction, the department shall immediately notify the following
10 of the failure of the child-caring agency to comply with the plan of cor-
11 rection:

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

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

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

18 “**(d) The parents or guardians of any child in care that is privately**
19 **placed in the child-caring agency by the parents or guardians.**

20 “[~~(5)~~] **(7)** Any employee of the department that has reasonable cause to
21 believe that a child-caring agency has *[committed an abuse or]* incurred a
22 deficiency or violation, or that grounds for immediate suspension or revoca-
23 tion of a license, certificate or authorization exist under ORS 418.240, and
24 that such abuse, deficiency, violation or grounds are or threaten a danger
25 to any child at the child-caring agency or to the public, or place a child at
26 risk with respect to the child's health, safety or welfare, *[is required to]* **shall**
27 immediately inform the Director of Human Services, the director's designee
28 or such other personnel in the department designated to receive such infor-
29 mation. Upon receipt of an employee report under this subsection, the di-
30 rector and department personnel shall immediately commence an

1 investigation and take all reasonably prudent and necessary actions to en-
2 sure the health, safety and welfare of children at the child-caring agency.
3 Failure to commence an investigation [and] **or** take actions as required by
4 this subsection constitutes official misconduct in the second degree under
5 ORS 162.405.

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

9 **“(9) If the noncompliance involved the use of restraint or seclusion**
10 **at a nonhospital facility providing psychiatric inpatient services for**
11 **individuals under 21 years of age, the department shall immediately**
12 **notify the individual at the Oregon Health Authority responsible for**
13 **conducting health care regulation surveys for the Centers for Medicare**
14 **and Medicaid Services.**

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

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

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

28 **“(3) The department may place conditions on any license issued under this**
29 **section in accordance with the provisions of ORS 418.240, including but not**
30 **limited to placing full or partial restrictions on admission of children, tem-**

porary suspension, limitation of operations subject to an intent to revoke and limitation of operations subject to correction of violations as specified in a plan of correction imposed by the department.

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

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

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

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

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

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

“(a) A private school providing residential care in combination with academic education and therapeutic care or disability-related supports, including but not limited to treatment for emotional, behavioral, developmental or mental health conditions; or

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

3
4 “PLACEMENTS OF CHILDREN

5
6 “**SECTION 15.** ORS 418.322 is amended to read:

7 “418.322. (1) As used in this section:

8 “(a) ‘Congregate care residential setting’ means any setting that cares for
9 more than one child or ward and is not a setting described in [ORS 418.205
10 (2)(c)(A), (D), (E) or (F) or (10)] **ORS 418.205 (7) or 418.215 (2)(a), (c), (d),**
11 **(e), (f) or (g).**

12 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation,
13 provision, obtaining, patronizing or soliciting of a person under 18 years of
14 age for the purpose of a commercial sex act, as defined in ORS 163.266, or
15 the recruitment, harboring, transportation, provision or obtaining of a person
16 over 18 years of age using force, fraud or coercion for the purpose of a
17 commercial sex act, as defined in ORS 163.266.

18 “(2) The Department of Human Services may place a child or ward in a
19 congregate care residential setting only if the setting is:

20 “(a) A child-caring agency[, *as defined in ORS 418.205,*] a hospital, as
21 defined in ORS 442.015, or a rural hospital, as defined in ORS 442.470; and

22 “(b) A qualified residential treatment program [*described in ORS*
23 *418.323*].

24 “(3) Notwithstanding subsection (2) of this section, the department may
25 place a child or ward in a child-caring agency that is not a qualified resi-
26 dential treatment program if:

27 “(a) The child-caring agency is providing prenatal, postpartum or parent-
28 ing supports to the child or ward[.];

29 “(b) The child or ward is placed in an independent residence facility de-
30 scribed in ORS 418.475 that is licensed by the department as a child-caring

1 agency[.];

2 “(c) The child or ward is, or is at risk of becoming, a victim of sex traf-
3 ficking and the child-caring agency is providing high-quality residential care
4 and supportive services to the child or ward[.];

5 “(d) The Oregon Health Authority has approved the [*placement as med-*
6 *ically necessary*] **services and treatment as medically necessary and**
7 **medically appropriate** and the child-caring agency:

8 “(A) Is a [*residential care facility*]; **psychiatric residential treatment**
9 **facility that meets the requirements prescribed by the authority by**
10 **rule, consistent with all federal requirements for certification as a fa-**
11 **cility providing inpatient psychiatric services for persons under 21**
12 **years of age;**

13 “(B) Is licensed by the authority and maintains site-specific accreditation
14 from a nationally recognized organization to provide psychiatric treatment
15 to children; and

16 “(C) Has an active provider agreement with the Oregon Medicaid
17 program[.];

18 “(e) The child-caring agency is an adolescent residential drug and alcohol
19 treatment program licensed or certified by the State of Oregon to provide
20 residential care, and the court has approved, or approval is pending for, the
21 placement in the child-caring agency of each child or ward over whom the
22 department retains jurisdiction[.];

23 “(f) The placement with the child-caring agency is for the purpose of
24 placing the child or ward in a proctor foster home[.];

25 “(g) The child-caring agency is a residential care facility licensed by the
26 department that provides short-term assessment and stabilization services[.];

27 “(h) The child-caring agency is a shelter-care home, as defined in ORS
28 418.470, that provides short-term assessment and stabilization services[.];

29 “(i) The child-caring agency is a homeless, runaway or transitional living
30 shelter licensed by the department that provides short-term assessment and

1 stabilization services[.]; **or**

2 “(j) The ward is 18 years of age or older and the child-caring agency is
3 a residential treatment facility or a residential home licensed or certified by
4 the department or the Oregon Health Authority.

5 “(4) The department may not place a child or ward in a residential care
6 facility or shelter-care home described in subsection (3)(g) or (h) of this sec-
7 tion:

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) The department may not place a child or ward in a homeless, runa-
15 way or transitional living shelter described in subsection (3)(i) of this section
16 for more than 60 consecutive or 90 cumulative days in any 12-month period.

17 **“(6)(a) Notwithstanding subsections (4)(a) and (5) of this section, the**
18 **department may extend the placement of a child or ward that is at**
19 **least 16 years of age if the child or ward’s attorney affirms in writing**
20 **that, after the child or ward’s consultation with the attorney, the child**
21 **or ward does not object to the extension.**

22 **“(b) An extension under this subsection may last up to 90 cumula-**
23 **tive days, and further extensions may be granted if:**

24 **“(A) After the child or ward’s consultation with the attorney of the**
25 **child or ward or the attorney for the child or ward affirms in writing**
26 **that the child or ward does not object to the placement; and**

27 **“(B) Unless the child or ward has obtained a regular, modified or**
28 **extended diploma as described in ORS 329.451 (2), (7) or (8) or has re-**
29 **ceived a certificate for passing an approved high school equivalency**
30 **test such as the General Educational Development (GED) test, the**

1 **child or ward is regularly attending school.**

2 “[~~(6)~~] **(7)** Calculations of the number of days a child or ward is placed in
3 a shelter-care home under subsection (3)(h) of this section or a homeless,
4 runaway or transitional living shelter under subsection (3)(i) of this section
5 exclude the days the child or ward is in the shelter-care home or shelter if
6 the child or ward:

7 “(a) Accessed the shelter-care home or shelter without the support or di-
8 rection of the department; and

9 “(b) Is homeless or a runaway, as defined by the department by rule.

10 “[~~(7)(a)~~] **(8)(a)** Nothing in this section prohibits the Oregon Youth Au-
11 thority from placing an adjudicated youth committed to its custody in a
12 placement that is not a qualified residential treatment program.

13 “(b) Nothing in this section prohibits the Oregon Youth Authority or a
14 county juvenile department from placing an adjudicated youth or a youth
15 served by the Oregon Youth Authority or the county juvenile department in
16 shelter care or detention under ORS chapter 419C.

17 **“(9) All approvals of the extensions described in subsection (6) of**
18 **this section must be made by the director of the division of the de-**
19 **partment that administers the state child welfare program.”.**

20 On page 31, after line 9, insert:

21 “(f) ‘Secure nonmedical transportation services’ means the secure trans-
22 portation or secure escort of children by a provider that is not subject to
23 rules adopted by the Oregon Health Authority while transporting a child to
24 a congregate care residential program, foster home or developmental disa-
25 bilities residential facility that is not a hospital or health care facility cer-
26 tified by the authority.”.

27 In line 10, delete “(f)” and insert “(g)”.

28 In line 13, delete “(g)” and insert “(h)”.

29 In line 16, after “secure” insert “nonmedical”.

30 In line 17, after “secure” insert “nonmedical”.

1 In line 19, after “secure” insert “nonmedical”.

2 On page 35, lines 33 through 45, restore the bracketed material and delete
3 the boldfaced material.

4 On page 36, lines 1 through 6, restore the bracketed material and delete
5 the boldfaced material.

6 On page 38, lines 29 through 45, restore the bracketed material and delete
7 the boldfaced material.

8 On page 39, lines 1 and 2, restore the bracketed material.

9 On page 41, after line 26, insert:

10
11 **“CHILDREN IN CARE**
12

13 **“SECTION 28. (1) The provisions of section 2 of this 2026 Act and**
14 **ORS 418.257 do not apply to investigations of reports of suspected**
15 **abuse of a child in care if the suspected abuse is committed by:**

16 **“(a) The child in care’s parent;**

17 **“(b) An employee of the Department of Human Services if the em-**
18 **ployee is acting within the scope of the employee’s employment and**
19 **is providing care or supervision of the child in care unless the em-**
20 **ployee is alleged to have sexually abused the child in care, as described**
21 **in section 2 (3)(d)(H) of this 2026 Act; or**

22 **“(c) If the child in care is a runaway or is living in a location that**
23 **is not authorized by the department, a person not authorized by the**
24 **department to provide care or services to the child in care.**

25 **“(2) The provisions of ORS 418.521 and 418.523 do not apply to the**
26 **restraint or involuntary seclusion of a child in care if the child in care**
27 **is placed in the restraint or involuntary seclusion by the parent of the**
28 **child in care or by an employee of the department when the employee**
29 **is transporting the child in care as part of the employee’s assigned**
30 **duties or when the employee is providing care or supervision in a**

1 temporary location to a child in care who is awaiting placement.

2 “(3) Nothing in this section affects the department’s duty under
3 ORS 419B.020 to investigate reports of child abuse as defined in ORS
4 419B.005.

5 “(4) As used in this section, ‘child in care,’ ‘involuntary seclusion’
6 and ‘restraint’ have the meanings given those terms in ORS 418.519.”.

7 In line 30, delete “28” and insert “29”.

8 After line 32, insert:

9 **“SECTION 30. (1) Section 2 of this 2026 Act and the amendments to**
10 **ORS 329A.030, 329A.275, 418.205, 418.210, 418.215, 418.240, 418.241, 418.246,**
11 **418.248, 418.257, 418.258, 418.259, 418.260, 418.322, 418.327, 418.330, 418.500,**
12 **418.519, 418.625, 419B.005, 419C.620 and 704.023 by sections 3 to 27 of this**
13 **2026 Act become operative on January 1, 2027.**

14 **“(2) The Department of Human Services may take any action before**
15 **the operative date specified in subsection (1) of this section to enable**
16 **the department to exercise, on and after the operative date specified**
17 **in subsection (1) of this section, all of the duties, functions and powers**
18 **conferred on the department by section 2 of this 2026 Act and the**
19 **amendments to ORS 329A.030, 329A.275, 418.205, 418.210, 418.215, 418.240,**
20 **418.241, 418.246, 418.248, 418.257, 418.258, 418.259, 418.260, 418.322, 418.327,**
21 **418.330, 418.500, 418.519, 418.625, 419B.005, 419C.620 and 704.023 by**
22 **sections 3 to 27 of this 2026 Act.”.**

23 In line 33, delete “29” and insert “31”.