OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

OTIS 1-2026

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

FILED: 04/27/2026 10:15 AM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Update to umbrella rules impacting all licensed Child Caring Agencies.

EFFECTIVE DATE: 05/01/2026

AGENCY APPROVED DATE: 04/27/2026

CONTACT:
Jenifer McIntosh
503-979-7331
jenifer.e.mcintosh@odhsoha.oregon.gov
4600 25th Ave NE
Salem, OR 97301

Filed By:
Jenifer McIntosh
Rules Coordinator

RULES:
419-400-0005, 419-400-0010, 419-400-0030, 419-400-0040, 419-400-0070, 419-400-0080, 419-400-0090, 419-400-0100, 419-400-0110, 419-400-0120, 419-400-0140, 419-400-0150, 419-400-0200, 419-400-0210, 419-400-0220, 419-400-0230, 419-400-0270, 419-400-0280, 419-400-0290, 419-400-0300

AMEND: 419-400-0005

RULE TITLE: Definitions

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Definitions of terms used in the Umbrella Rules regulating all licensed Child Caring Agencies.

RULE TEXT:
Unless the context indicates otherwise, these terms are defined for use in OAR chapter 419, division 400:
(1) "Academic boarding school" means an organization or a program in an organization that:
(a) Provides educational services and care to children 24 hours a day; and
(b) Does not hold itself out as serving children with emotional or behavioral problems, providing therapeutic services, or assuring that children receive therapeutic services.
(2) "Adoption agency" means an organization providing any of the following services:
(a) Identifying a child for adoption and arranging an adoption.

(b) Securing the necessary consent to relinquishment of parental rights and to adoption.
(c) Performing a background study on a child or a home study on a prospective adoptive parent and reporting on such a study.
(d) Making determinations of the best interests of a child and the appropriateness of adoptive placement for the child.
(e) Monitoring a placement until final adoption.
(f) When necessary, because of disruption before final adoption, assuming custody and providing child care or other social services for the child pending an alternative placement.
(3) "Age-appropriate or developmentally appropriate activities" means activities or items that are generally accepted as suitable for children in care based on their development of cognitive, emotional, physical, and behavioral capacities.
(4) "Approved proctor foster parent" means an individual approved by a foster care agency to provide care to children in a proctor foster home.
(5) "Background check" means a criminal records check and abuse check done in compliance with the Department's criminal records and abuse check rules, OAR 407-007-0200 to 407-007-0370.
(6) "Birth parent" means each person who holds a legally recognized parental relationship to the child but does not include the adoptive parents in the adoption arranged by the adoption agency.
(7) "Boarding" means care or treatment services provided on a 24 hour per day basis to children.
(8) "Child in care" means an unmarried person under 21 years of age who resides in or receives care or services from a child caring agency.
(9) "Child-caring agency" is defined in ORS 418.205 and:
(a) Means any private school, private agency, or private organization providing:
(A) Day treatment for children with emotional disturbances;
(B) Adoption placement services;
(C) Residential care including, but not limited to, foster care or residential treatment for children;
(D) Outdoor youth programs;
(E) A secure transportation services provider;
(F) Any private organization or person that provides secure transportation services as defined by ORS 418.205(2)(a)(B); or
(G) Other similar care or services for children.
(b) Includes the following:
(A) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;
(B) An independent residence facility as described in ORS 418.475;
(C) A private residential boarding school; and
(D) A child-caring facility as described in ORS 418.950.
(E) A county operated program that provides care or services to children in the custody of the Oregon Department of Human Services or the Oregon Youth Authority, or under a contract with the Oregon Health Authority, as described in ORS 418.205.
(c) Child-caring agency does not include:
(A) Residential facilities or foster care homes certified or licensed by the Department under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental disability services.
(B) Any private agency or organization facilitating the provision of respite services for parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this paragraph, "respite services" means the voluntary assumption of short-term care and control of a minor child without compensation or reimbursement of expenses for the purposes of providing a parent in crisis with relief from the demands of ongoing care of the parent's child;
(C) A youth job development organization as defined in ORS 344.415;
(D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645; or
(E) A foster home subject to ORS 418.625 to 418.645.
(F) A facility that exclusively serves individuals 18 years of age and older; or

(G) A facility that primarily serves both adults and children but requires that any child must be accompanied at all times by at least one custodial parent or guardian.
(10) “Children’s emergency safety intervention specialist” means a qualified mental health professional licensed to order, monitor and evaluate the use of seclusion and restraint in accredited and certified facilities that provide intensive mental health treatment services to individuals under 21 years of age.
(11) "Clinical supervisor" means an individual who meets the clinical supervisor qualifications in OAR 309-022-0125.
(12) "Cohabitating" means the act of two adults, unmarried to each other, living together in an intimate relationship as if married.
(13) "Contraband" means items the possession of which is prohibited by the child-caring agency including, but not limited to weapons or drugs.
(14) "Day treatment" means a comprehensive, interdisciplinary, nonresidential, community-based, psychiatric treatment, family treatment, and therapeutic activities integrated with an accredited education program provided to children with emotional disturbances and is subject to the requirements described in OAR 309-022-0100 through OAR 309-022-0192.
(15) "Day treatment agency" means a child-caring agency that provides psychiatric day treatment services and is subject to the requirements described in OAR 309-022-0100 through OAR 309-022-0192.
(16) "Department" means the Oregon Department of Human Services.
(17) “Developmental disabilities residential facility” means a residential facility or foster home for children who are 17 years of age or younger and receiving developmental disability services that is subject to ORS 443.400 to 443.455, 443.830 and 443.835.
(18) "Discipline" means a training process to help a child in care develop the self-control and self-direction necessary to assume responsibilities, make daily living decisions, and learn to conform to accepted levels of social behavior.
(19) "Disruption" means the interruption of an adoptive placement prior to the finalization of the adoption in a court of law.
(20) "Employee" means an individual holding a paid position with a child-caring agency.
(21) “Executive director” means the highest-ranking executive in an organization with ultimate responsibility for making organizational decisions.
(22) "Facility" means the physical setting, buildings, property, structures, administration, and equipment of a child-caring agency.
(23) "Family" means related members of a household, among whom at least one adult functions as a parent to one or more minor children.
(24) "Financial irregularities" means a condition or act characterized by intentional deception such as the intentional misstatement or omission of significant information in accounting records, financial statements, other reports, documents, or records.
(25) "Foster care agency" means a child-caring agency that offers to place children by taking physical custody of and then placing the children in proctor foster homes certified by the child-caring agency as provided in ORS 418.248 and these rules.
(26) "Homeless, runaway, and transitional living shelter" means a child-caring agency that provides residential services or operates a shelter, mass shelter, or transitional living program for homeless or runaway youth, pregnant or parenting girls, or other children in care working toward independent living.
(27) "Homeless or runaway youth" means a child in care who has not been emancipated by the juvenile court; lacks a fixed, regular, safe, and stable nighttime residence; and cannot immediately be reunited with their family.
(28) "ICWA" or "the Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901-63.
(29) "Indian child" means any unmarried person who is under age 18 and either:
(a) Is a member or citizen of an Indian tribe; or
(b) Is eligible for membership or citizenship in an Indian tribe and is the biological child of a member or citizen of an Indian tribe.

(30) "Intercountry adoption" means an adoption in which a child who is a resident and citizen of one country is adopted by a citizen of another country.
(31) “Involuntary seclusion” means the confinement of a child in care alone in a room or an enclosed space from which the child in care is prevented from leaving by any means. (Does not include age-appropriate discipline, including, but not limited to, time-out if the time-out is in a setting from which the child in care is not prevented from leaving by any means.)
(32) "Licensee" means a child-caring agency that holds a license issued by the Department.
(33) "Mass shelter" means a structure that contains one or more open sleeping areas in which, on a daily basis, only emergency services are provided to homeless or runaway youth, such as a meal and a safe place to sleep overnight.
(34) “Mechanical Restraint” means a device used to restrict the movement of a child in care or the movement or normal function of a portion of the body of a child in care.
(35) "Medication" means any drug, chemical, compound, suspension, or preparation in suitable form for use as a curative or remedial substance either internally or externally by any person.
(36) "ODDS" means the Office of Developmental Disabilities Services within the Department.
(37) "OYA" means the Oregon Youth Authority.
(38) "Outdoor living setting" means an outdoor field setting in which services are provided to children in care either more than 10 days per month for each month of the year or for longer than 48 hours at a location more than two hours from community-based medical services.
(39) "Outdoor youth program" means a program that provides, in an outdoor living setting, services to children in care who are enrolled in the program because they have behavioral problems, mental health problems, or problems with abuse of alcohol or drugs. "Outdoor youth program" does not include any program, facility, or activity operated by a governmental entity, operated or affiliated with the Oregon Youth Conservation Corps, or licensed by the Department under other authority of the Department. It does not include outdoor activities for children designed to be primarily recreational.
(40) "Outdoor youth program activity" means an outdoor activity, provided to children in care for the purpose of behavior management or treatment, which requires specially trained staff or special safety precautions to reduce the possibility of an accident or injury. Outdoor youth activities include, but are not limited to, hiking, adventure challenge courses, climbing and rappelling, winter camping, soloing, expeditioning, orienteering, river and stream swimming, and whitewater activities.
(41) "Over the counter medication" means any medication that does not require a written prescription for purchase or dispensing.
(42) "Placement" means when the child is placed in the physical or legal custody of prospective adoptive parents.
(43) "Proctor foster home" is defined in ORS 418.205 and means a foster home certified by a child-caring agency under ORS 418.248 that is not subject to ORS 418.625 to 418.645.
(44) "Program" means a set of one or more services provided by a child-caring agency that make the child-caring agency subject to the rules in OAR chapter 419, division 400.
(45) “Prone restraint” means a restraint in which a child in care is held face down on the floor.
(46) "Qualified Mental Health Professional (QMHP)" means an individual who meets the QMHP qualifications in OAR 309-022-0125.
(47) "Re-adoption" means a process in which a child whose adoption was completed in another country is re-adopted in this country.
(48) "Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child in care while encouraging the emotional and developmental growth of the child in care, that a substitute care provider shall use when determining whether to allow a child in care to participate in extracurricular, enrichment, cultural, and social activities.
(49) “Reportable injury” means any type of injury to a child in care, including but not limited to rug burns, fractures, sprains, bruising, pain, soft tissue injury, punctures, scratches, concussions, abrasions, dizziness, loss of consciousness, loss of vision, visual disturbance or death.

(50) "Report of suspected violation" means information that a child-caring agency may have failed to comply with an applicable requirement in:
(a) ORS 418.205 to 418.327;
(b) These rules, OAR 419-400-00005 to 419-400-0310;
(c) A contract with the Department to provide services to a child in care; or
(d) Behavior Rehabilitation Services (see OAR 413-095-0000 to 413-095-0080).
(51) "Residential care agency" means a child-caring agency that provides care and treatment services to children 24 hours a day in a staffed facility.
(52) “Restraint” means the physical restriction of a child in care’s actions or movements by holding the child in care or using pressure or other means.
(53) “Secure escort” means services for a child who poses a risk of elopement or where restraint or seclusion may be utilized if the child poses a risk of injury to self or others.
(54) “Secure nonemergency medical transportation provider” means a private organization or person that provides nonemergency medical secure transportation services licensed by and subject to rules adopted by the Oregon Health Authority.
(55) “Secure transportation” means the transport of a child in a vehicle specifically equipped to prevent a passenger from exiting, eloping or interfering with the operator of the vehicle. This excludes standard factory installed safety equipment such as seat belts or child-safety locks.
(56) “Secure adolescent inpatient treatment program” means a child-caring agency that is an intensive treatment services program, as described by the Oregon Health Authority (see OAR 309-022-0100), that provides inpatient psychiatric stabilization and treatment services to individuals under 21 years of age who require a secure intensive treatment setting.
(57) “Secure children’s inpatient treatment program” means a child-caring agency that is an intensive treatment services program, as described by the Oregon Authority by (see OAR 309-022-0100), that provides inpatient psychiatric stabilization and treatment services to children under 14 years of age who require a secure intensive treatment setting.
(58) “Secure Transportation Services” means the secure transportation or secure escort of children.
(59) “Serious bodily injury” means any significant impairment of the physical condition of an individual, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
(60) "Service plan" means an individualized plan of services to be provided to each child in care based on their identified needs and designed to help them reach mutually agreed upon goals. The service plan must address, at a minimum, the child in care's physical and medical needs, behavior management issues, mental health treatment methods, education plans, and any other special needs.
(61) "Shelter" means a facility operated by a child-caring agency that provides services to homeless or runaway youth or young people transitioning to adulthood.
(62) "Sole supervision" means being alone with a child in care or being temporarily the only staff in charge of a child in care or subgroup of children in care.
(63) "Special needs" mean a trait or disability of a child that requires special care or attention of the child or that historically has made placement of a child with similar characteristics or disability difficult.
(64) "Staff" means employees of the child-caring agency who are responsible for providing care, services, or treatment to a child in care.
(65) "Stationary outdoor youth program" means an outdoor youth program which remains in a stationary location that houses children in care.
(66) “Supine restraint” means a restraint in which a child in care is held face up on the floor.
(67) "Therapeutic boarding school" means an organization or a program in an organization that:
(a) Is primarily a school and not a residential care agency;
(b) Provides educational services and care to children for 24 hours a day; and
(c) Holds itself out as serving children with emotional or behavioral problems, providing therapeutic services, or assuring

that children receive therapeutic services.
(68) "Transitional living program" means a set of services offered by a child-caring agency that provides supervision and comprehensive services for up to 18 months to assist homeless or runaway youth to make a successful transition to independent and self-sufficient living.
(69) "Wilderness first responder" means a medical training course and certification for outdoor professionals.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.005, ORS 418.255, ORS 418.240

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0010

RULE TITLE: Licensing Umbrella Rules: Regulation of Child-Caring Agencies

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Identifies the different types of agencies or organizations that need to be licensed as a Child Caring Agency. Describes requirements that each licensed agency must meet.

RULE TEXT:
(1) The Department is required to regulate and license certain organizations and agencies that care for children. The rules in OAR chapter 419, division 400 establish the requirements of the Department for obtaining and maintaining the required license, and the policies of the Department required by ORS 418.205 to 418.327.
(2) These umbrella rules (OAR 419-400-0005 to 419-400-0310) apply to all of the following types of child-caring agencies:
(a) An adoption agency (further regulated by OAR 419-420-0010 to 419-420-0160).
(b) A foster care agency (further regulated by OAR 419-440-0010 to 419-440-0210).
(c) A residential care agency (further regulated by OAR 419-470-0010 to 419-470-0180).
(d) An outdoor youth program (further regulated by 419-460-0010 to 419-460-0260).
(e) A day treatment agency (further regulated by OAR 419-430-0010 to 419-430-0110).
(f) A homeless, runaway, and transitional living shelter (further regulated by OAR 419-450-0010 to 419-450-0120).
(g) An academic boarding school (further regulated by OAR 419-410-0010 to 419-410-0150).
(h) A therapeutic boarding school (further regulated by OAR 419-490-0010 to 419-490-0170).
(i) A private school, agency, or organization providing similar care or services for children as the schools, agencies, or organizations described in subsections (a) to (h) of this section or that otherwise meets the definition of a child-caring agency under ORS 418.205(2)(a).
(j) A secure transportation services provider further regulated by OAR 419-480-0010 to 419-480-0120.
(3) A child-caring agency must comply with all of the Department rules that apply to the child-caring agency.
(4) All child-caring agencies, their governing boards, and executive director, and program director, employees, contractors, and agents shall ensure the following standards, procedures, and protocols are met:
(a) The child-caring agency ensures child and family rights.
(b) The child-caring agency complies with abuse reporting and investigation requirements including, but not limited to, having and following abuse reporting procedures as required in OAR 419-400-0110 and providing training as required in OAR 419-400-0120(1).
(c) The child-caring agency engages in and applies appropriate behavior management techniques.
(d) The child-caring agency provides adequate furnishings and personal items for children.
(e) The child-caring agency provides appropriate food services.
(f) The child-caring agency ensures the safety and well-being of children, including ensuring adequate supervision to meet the needs of each child in care during all times when children are receiving care or services from the agency.
(g) The agency utilizes approved procedures and protocols for use of medications for children receiving care or services from the child-caring agency.
(h) The child-caring agency or the child-caring agency's employees or agents have not engaged in financial mismanagement.
(i) The child-caring agency fully and timely corrects violations and maintains standards in accordance with any plan of correction imposed by the Department.
(j) The child-caring agency provides access to a child in care or the child-caring agency's premises to the Department or the Department's employees, investigators, court appointed special advocates, attorneys for a child in care, the parent or legal guardian of the child in care if the child in care has not been committed to the custody of the Department or the Oregon Youth Authority, or other authorized persons or entities as required under ORS 418.305 and OAR 419-400-

0230 and 419-400-0240.
(k) The child-caring agency permits the Department to inspect agency records including, but not limited to, financial records, treatment records, services delivery records, logs, incident reports, case notes, medication records, and medical treatment records.
(l) The child-caring agency is incorporated as required by ORS 418.215 and OAR 419-400-0030.
(m) The child-caring agency is in full compliance with the standards of care and treatment in these rules, OAR chapter 419, division 400.
(5) Department staff responsible for the regulation and oversight of child-caring agencies must review licensing applications, conduct on-site inspections, investigate complaints, and carry out all other duties necessary to ensure the safe operation of child-caring agencies. The Department will measure the time and resources needed to carry out these duties to create a workload model. The workload model will guide the Department when seeking additional resources to meet the Department's regulatory oversight responsibilities under Oregon law.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.005, ORS 418.255, ORS 418.240

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0030

RULE TITLE: Licensing Umbrella Rules: Requirements Related to Corporation Status

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Rules describe requirements relating to corporation status for child caring agencies.

RULE TEXT:
(1) Only a corporation, or a county run program, may receive a license from the Department under these rules (OAR 419-400-0005 to 419-400-0310). A limited liability company is an unincorporated association, and not a corporation, and may not be licensed under OAR chapter 419, division 400.
(2) In-state and out-of-state corporations must meet all requirements of the Oregon Secretary of State, Corporation Division in order to receive a license from the Department.
(3) A child-caring agency's articles of incorporation, its bylaws, or another written document approved by the board of directors must clearly set forth the purposes of the organization.
(4) A licensee must submit to the Department within seven business days each amendment to its articles of incorporation, bylaws, statement of its purposes, and name registration.
(5) A county operated Child Caring Agency is exempt from the requirements relating to corporate status.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.005, ORS 418.240

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0040

RULE TITLE: Licensing Umbrella Rules: Governance

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes the requirements for boards and executive directors in the governing of a child caring agency.

RULE TEXT:
(1) Governing board requirements.
(a) A child-caring agency must have a governing board that has responsibility for its mission, operation, policy, finances, and practices. These responsibilities must be stated in writing.
(b) The governing board of a child-caring agency must be a board of directors consisting of no fewer than five responsible individuals of good moral character
(c) A child-caring agency must maintain a list of the members of the governing board that includes the name, address, and telephone number.
(d) Members of the governing board of a child-caring agency that is a nonprofit child-caring agency may not receive compensation for serving on the board, other than reasonable reimbursement for the expenses associated with their services.
(e) Except for a child-caring agency with five or fewer employees:
(A) Employees and family members of employees may not serve as the board chair.
(B) At least 51 percent of board members must be nonrelated to an employee of the child-caring agency.
(2) Responsibilities of the governing board. The governing board of a child-caring agency must have all of the following responsibilities:
(a) To provide leadership for the child-caring agency.
(b) To be responsible for establishing the child-caring agency's by-laws and policies, to monitor the agency's programs consistent with its policies and mission, and to guide program development.
(c) To adopt by-laws that provide a basic structure for the operation of the programs of the child-caring agency.
(d) To develop by-laws for selection and rotation of its members.
(e) To ensure the employment of a qualified executive director and to delegate appropriate responsibility to that individual for the administration, management, and operation of the child-caring agency, including the employment of all child-caring agency staff and the authority to dismiss any staff member.
(f) To formally evaluate the executive director's performance annually and keep a copy of the evaluation signed by the board chair in the executive director's personnel file.
(g) To approve the annual budget of anticipated income and expenditures necessary to provide the services described in its program description.
(h) To review an annual report of actual income and expenditures.
(i) To obtain and review an annual independent financial review or audit of financial records when required by these rules or requested by the Department.
(j) To establish and ensure compliance with personnel practices for the selection and retention of staff sufficient to operate the child-caring agency.
(k) To ensure a written quality improvement program that identifies systematic efforts to improve its services.
(l) To keep permanent records of meetings and deliberations on major decisions affecting the delivery of services.
(3) Executive director requirements. A child-caring agency must operate under the direct supervision of an executive director appointed by the governing board. The executive director must have all of the following qualifications:
(a) Knowledge of the requirements for providing care and treatment appropriate to the child-caring agency's programs.
(b) Ability to maintain records on children in care and families, personnel, and the child-caring agency in accordance with these rules.

(c) Ability to direct the work of staff.
(d) No history of conduct indicating it may be unsafe to allow the individual to supervise the care of children.
(e) Health sufficient to carry out the duties of the position.
(f) Good moral character, including honesty, fairness, and respect for the rights of others.
(g) Approval from the Department's Background Check Unit as required in OAR 407-007-0200 to 407-007-0370.
(4) The executive or program director must be responsible for all of the following:
(a) The daily operation and maintenance of the child-caring agency and its facilities in compliance with the rules in OAR chapter 419, division 400 and the established program budget.
(b) Administration of policies and procedures to ensure clear definition of staff roles and responsibilities, lines of authority, and equitable workloads that ensure safe and protective care, supervision, and treatment of the children served by the child-caring agency.
(c) Ensuring that only individuals whose presence does not jeopardize the health, safety, or welfare of the children in care served by the child-caring agency are employed or used as volunteers.
(d) Recruiting, employing, supervising, training, or arranging for these activities.
(e) Reporting to the governing board on the operation of the child-caring agency.
(f) Providing for appropriate staff to assume the executive or program director's responsibility for the operation and maintenance of the child-caring agency whenever the executive or program director is absent from the child-caring agency.
(g) Terminating from employment any staff member who is unsuitable or who performs in an unsatisfactory manner.
(h) Complying with all laws, and ensuring that all child-caring agency employees, contractors, volunteers and agents comply with all laws, including mandatory child abuse reporting laws.
(i) Ensuring that the child-caring agency, including its employees, contractors, volunteers and agents, complies with all licensing rules and regulations and internal policies and procedures of the child-caring agency.
(5) Suitability. For the Department to evaluate the suitability of a child-caring agency and its staff, the child-caring agency must immediately disclose to the Department all of the following information:
(a) Each instance in which the child-caring agency or a member of its staff or board of directors has lost the right to provide services to children or families in any jurisdiction and the basis for each action.
(b) The circumstances and disposition of any licensing denial, suspension, or revocation; or any other negative sanction or proposed sanction by an oversight body, or loss of private accreditation, against the child-caring agency or a member of its staff or board of directors, if the denial, suspension, or revocation; or any other negative sanction or proposed sanction results from conduct that is relevant to the child-caring agency's, staff's, or board member's ability or fitness to carry out the duties imposed by these rules and governing statutes.
(c) For the previous 10 years, any disciplinary action against or investigation of the child-caring agency or a member of its staff or board of directors by a licensing or accrediting body, including the basis and disposition of each action, if the disciplinary action or investigation results from conduct that is relevant to the agency's or staff's or board member's ability or fitness to carry out the duties imposed by these rules and governing statutes.
(d) Any instance the child-caring agency becomes aware of in which the child-caring agency or a member of its staff or board of directors has been found guilty of any crime under federal, state, or foreign law if the violation results from conduct that is relevant to the agency's, staff's, or board member's ability or fitness to carry out the duties imposed by these rules and governing statutes.
(e) Any civil or administrative violation involving financial irregularities by the agency or a member of its staff or board of directors under federal, state, or foreign law if the violation results from conduct that is relevant to the agency's, staff's, or board member's ability or fitness to carry out the duties imposed by these rules and governing statutes.
(f) For the previous five years, any instance in which the child-caring agency, a member of its board of directors, or its executive or program director has filed for bankruptcy if the bankruptcy is relevant to the agency's or board member's ability to carry out the duties imposed by these rules and governing statutes.

STATUTORY/OTHER AUTHORITY: ORS 418.005, ORS 418.240, ORS 418.255, ORS 409.050

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0070

RULE TITLE: Licensing Umbrella Rules: Conflict of Interest

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Requires all child caring agencies to have a conflict of interest policy and the requirements for the policy.

RULE TEXT:
(1) A child-caring agency must have a conflict of interest policy. The policy must:
(a) Describe the purpose and scope of the policy and identify who the policy applies to;
(b) Clearly define terms used in the policy;
(c) Outline the process for disclosing potential conflicts, including who needs to disclose information, when disclosures should be made, and to whom disclosures should be made;
(d) Describe how potential conflicts of interest are identified and how they are evaluated;
(e) Describe the process in which any identified conflict of interest is managed, mitigated, or resolved; and
(2) If circumstances do not permit board approval of the potential conflict, a non-profit child-caring agency may obtain the approval of the Attorney General or the Department prior to entering into the transaction.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.240, ORS 418.005

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

REPEAL: 419-400-0080

RULE TITLE: Licensing Umbrella Rules: Code of Ethics

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Repealing rule to avoid confusion with other umbrella rules.

RULE TEXT:
If a child-caring agency subscribes to a code of ethics, or if the child-caring agency expects that all or some portion of its staff subscribe to a code of ethics, the child-caring agency must identify the code and make it available for review upon request.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.240, ORS 418.005

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0090

RULE TITLE: Licensing Umbrella Rules: Children and Families Rights Policy and Grievance Procedures

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes the rights for children and families receiving services from a child caring agency.

RULE TEXT:
(1) Rights of children in care and families served by the child-caring agency. A child-caring agency must guarantee the rights of children in care and the families the child-caring agency serves. A child-caring agency must enact and adhere to a policy ensuring the following rights:
(a) Except as provided in paragraph (B) of this subsection, the child in care's right to uncensored and private communication with legal guardians, caseworkers, legal representatives, and other persons approved for communication by the legal guardian or as provided in a court order.
(A) This right cannot be waived, including voluntarily. Restriction on communication between a child in care and their legal guardian may not be a condition of participation in the program.
(B) A child-caring agency may place reasonable limits on communication, but only as provided in the child-caring agency's policy. Reasonable limits include, but are not limited to, having set time periods during the day for visitation and phone calls and imposing moderate limits on the duration of calls or visits. However, a limitation is not considered reasonable if it prevents the ability to meaningfully communicate, such as not allowing contact with a child in care's attorney during regular business hours.
(b) The child in care's right to privacy.
(c) The child in care's right to participate in service planning or educational program planning.
(d) The child in care's right to fair and equitable treatment.
(e) The child in care's right to file a grievance (as provided in section (2) of this rule) if the child in care or family feels that they are treated unfairly or if they are not in agreement with the services provided.
(f) The child in care's right to have adequate and personally exclusive clothing.
(g) The child in care's right to personal belongings.
(h) The child in care's right to an appropriate education.
(i) The child in care's right to participate in recreation and leisure activities.
(j) The child in care's right to have timely access to physical and behavioral health care services.
(2) Grievance Procedures.
(a) A child-caring agency must enact and adhere to written procedures for the children in care and families the child-caring agency serves to submit a grievance. The child-caring agency must provide the procedures to each child in care and family. The procedures must include all of the following:
(A) A process likely to result in a fair and expeditious resolution of a grievance.
(B) A prohibition of reprisal or retaliation against any individual who files a grievance.
(C) A procedure to follow, in the event the grievance is filed against the executive director, that ensures that the executive director does not make the final decision on the grievance.
(D) The name, address, and phone number of:
(i) A Department licensing coordinator; and
(ii) Any other governmental entities with oversight responsibilities.
(b) Grievances and complaints filed with the child-caring agency and all information obtained in their resolution must be maintained for a minimum of two years and provided to the Department upon request.
(3) The child-caring agency must ensure that each parent or legal guardian and child in care acknowledges in writing the receipt of the policy and procedures described in 419-400-0090(1) and (2).
(4) A child-caring agency serving children in care who are also in the care or custody of the Department must:
(a) Post and adhere to the Oregon Foster Children’s Bill of Rights in accordance with the requirements of OAR 413-010-

0180 and comply with ORS 418.200 to 418.202; and
(b) Have and adhere to a process for children in care in Department care or custody to make complaints consistent with ORS 418.201(1).
(c) Comply with the Oregon Foster Children's Sibling Bill of Rights in accordance with the requirements of OAR 413-010-0180 and comply with ORS 418.607.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.240, ORS 418.005

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0100

RULE TITLE: Licensing Umbrella Rules: Resources Required

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes the requirements for child caring agencies to have qualified employees to perform the work.

RULE TEXT:
(1) A child-caring agency must employ or contract for a sufficient number of competent and qualified employees to perform the functions regulated by these rules and to provide adequate care, safety, protection, and supervision of the children in care and families the child-caring agency serves.
(2) The child-caring agency must ensure that an individual who fulfills more than one staff function or position is trained for and meets the requirements for each position.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.240, ORS 418.005

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0110

RULE TITLE: Licensing Umbrella Rules: Policies and Procedures

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes the requirements for how policies and procedures are organized and what they must include.

RULE TEXT:
(1) For each program it is licensed to operate, a licensee must have and adhere to comprehensive written policies and procedures that are well organized, accessible, and easy to use.
(2) The policies and procedures must:
(a) Be separated by topic and include a table of contents;
(b) Define the purpose and scope; and
(c) Identify the roles and responsibilities for any staff, contractor, volunteer, or other impacted party.
(3) Each individual policy must include:
(a) The name of the child-caring agency;
(b) A consistent naming or numbering convention that corresponds to the table of contents.
(c) The date the policy was approved. If the policy is revised it must reflect the date the revision was approved.
(d) The name of the individual or group who approved the policy.
(4) Policies reviewed prior to May 1, 2026, do not need to mee the expectations of OAR 419-400-0110(2) or OAR 419-400-0110(3)
(5) In addition to other policies and procedures required by these rules, the policies and procedures in section (1) of this rule must include:
(a) A written policy on mandatory child abuse reporting, consistent with ORS 418.257, 418.258, 419B.005, 419B.010, and 419B.015 that includes requirements that child-caring agency employees, staff, contractors, agents, and proctor foster parents do all of the following:
(A) Immediately report suspected child abuse directly to the Department via the child abuse reporting hotline.
(B) Receive child-caring agency-provided training on mandatory abuse reporting requirements as part of employee orientation and at least annually thereafter as described in OAR 419-400-0120.
(C) Receive child-caring agency-provided training on the definitions of child abuse in ORS 418.257 and 419B.005 that apply in child-caring agencies.
(b) A written policy and procedure on documenting, reporting, and saving information about critical events and other types of incidents that includes, but is not limited to:
(A) What situations, circumstances, or events warrant a written report. This must include critical events (see OAR 419-400-0230(11)(b) and written notice in compliance with OAR419-400-0180 (12)(c)) but may include additional types of incidents or events that the agency tracks internally or is required to provide by other regulatory agencies.
(B) What information will be included in a written report. This must include, but is not limited to, the following:
(i) Description of the incident including, but not limited to, any injury, accident, or unusual incident. If the incident involves a hold or restraint, whether the child in care was injured or reported pain or injury.
(ii) Whether the report meets the definition of a critical event (see OAR 419-400-0230(11)(b)).
(iii) Description of the actions the child-caring agency took in response to the incident.
(iv) Any children in care involved.
(C) Whether and how a report will be shared. Critical events must be shared with the child-caring agency's assigned licensing coordinator (see OAR 419-400-0230(11)(b)).
(D) How a report will be saved. This must include, but is not limited to, ensuring the report is placed in the individual child in care's record if applicable.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.005, ORS 418.255, ORS 418.240

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0120

RULE TITLE: Licensing Umbrella Rules: Personnel

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes the staff requirements including hiring, training, and separation.

RULE TEXT:
(1) Staff requirements and hiring. To ensure that the child-caring agency uses only staff and volunteers who do not jeopardize the health, safety, or welfare of children, a child-caring agency and its contractors must meet all of the following requirements:
(a) Comply with the Department's background check rules at OAR 407-007-0200 to 407-007-0370.
(b) Obtain reference checks.
(c) Employ individuals who meet the staff minimum qualifications as stated in the current job description.
(2) Personnel policies of the child-caring agency and its contractors must include all of the following:
(a) For each staff position, a job title and a written job description that defines the qualifications, duties, and lines of authority for the position.
(b) A staff development plan providing for opportunities for professional growth through supervision, training, and experience.
(c) Procedures for a written annual evaluation of the work and performance of each staff member that include provision for employee participation in the evaluation process.
(d) A description of the separation of employment procedures established for resignation, retirement, and dismissal.
(e) A written grievance procedure for staff. The procedure must include all of the following:
(A) A process likely to result in a fair and expeditious resolution of a grievance.
(B) A prohibition of reprisal or retaliation against any individual who files a grievance.
(C) A procedure to follow, in the event the grievance is filed against the executive director, that ensures that the executive director does not make the final decision on the grievance.
(3) Personnel Files. The child-caring agency and its contractors must have a personnel file for each employee that is maintained for a minimum of two years after the termination date of each employee and includes all of the following:
(a) A record of education, training, and previous employment.
(b) Documentation of reference checks.
(c) Documentation that a background check was completed as required in OAR 407-007-0200 to 407-007-0370.
(d) Annual performance evaluations.
(e) Ongoing record of training received.
(f) Records of personnel actions.
(g) Starting and termination dates, and reason for termination.
(h) A current job description.
(4) Staff orientation. A child-caring agency must provide training to each newly hired employee within 30 days of employment. This training must be documented in the staff’s personnel record and include all of the following subjects:
(a) Child-caring agency policies and procedures.
(b) Ethical and professional guidelines of the agency, including, but not limited to, professional boundaries.
(c) Suicide prevention and intervention.
(d) Description of who the child-caring agency serves.
(e) Privacy laws
(f) Emergency procedures.
(5) Child abuse reporting training: A child-caring agency must provide training and written materials on mandatory child abuse reporting responsibilities to all employees and, if applicable, proctor foster parents as part of initial orientation and annually thereafter. The training must include written instruction on the following:

(a) The definitions of child abuse in ORS 418.257 and 419B.005 that apply in child-caring agencies;
(b) The legal responsibility to immediately report suspected child abuse or neglect by calling the appropriate child abuse reporting hotline; and
(c) The legal responsibility to report child abuse is personal to the employee and, if applicable, the approved proctor foster parent, and is not fulfilled by reporting the child abuse or neglect to the owner, operator, or any other employee of the child-caring agency even if the owner, operator, or other employee reports the child abuse to the Department.
(6) Contractor-related requirements.
(a) If a child-caring agency contracts with other private providers or individuals for the provision of program services in lieu of or in addition to hiring permanent employees, the child-caring agency must ensure that the contractor meets the applicable requirements of this rule and the rules in OAR chapter 419, division 400 specific to the type of service the contractor provides. This includes ensuring the contractor receives the same trainings required by the rules in OAR chapter 419, division 400, as an employee who would perform the same role.
(b) If the child-caring agency contracts to provide any of its services the child-caring agency must ensure the contractor has a process to screen its employees for professional conduct and sufficient methods for holding its employees accountable.
(c) The contract between the child-caring agency and contractor must specify all of the following:
(A) The services the contractor provides.
(B) The contractor's fees.
(C) Disclosure of information from the contractor to the agency.
(D) Lines of authority between the contractor and the child-caring agency and among employees of the contractor in connection with the provision of services.
(E) Adherence to applicable Department rules and requirements, including, but not limited to the background check rules in OAR 407-007-0200 to 407-007-0370.
(F) Any liability of the child-caring agency for acts of the contractor, any rights of indemnity, and any limitations on liability of the child-caring agency or contractor.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.005, ORS 418.255, ORS 418.240

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0140

RULE TITLE: Licensing Umbrella Rules: Records and Documentation

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes the requirements of a child caring agency to create and maintain records for children served. Defines documentation requirements.

RULE TEXT:
With respect to the records on children in care and families a child-caring agency serves and to other records maintained by a child-caring agency, the child-caring agency must meet all of the following requirements:
(1) The child-caring agency must accurately prepare and safely store its records, including any audio recordings, video recordings, and photographs and ensure the records are readily available for inspection by the Department.
(2) All written or electronic entries in records required by the rules in OAR chapter 419, division 400 must be permanent, legible, dated, and signed by the person making the entry.
(3) Records must be uniform in organization, readily identifiable and accessible, current and complete, and contain all of the information required of the child-caring agency by the rules in OAR chapter 419, division 400.
(4) Records must be corrected, when necessary, by the use of a single line drawn through the incorrect information, the addition of the correct information, a notation of the date the correction is made, and the initials of the person making the correction. No "white out," eraser tape, or other means of eradicating information may be used to make a change to a record.
(5) Child specific records must be kept for a minimum of seven years from when the child has left the program.
(6) Fiscal records must be kept that are accurately prepared and properly reflect all direct and indirect revenues and expenditures for the operation and maintenance of the child-caring agency.
(7) The child-caring agency must maintain a permanent registry of each child in care the child-caring agency serves. The registry must include the child in care's name and birth date; the names and addresses of their parent or guardian; the date of admission; and the placement upon discharge.
(8) If a child-caring agency changes ownership or executive or program director, all records of the children in care and families served by the child-caring agency must remain in a facility operated by the child-caring agency.
(9) Prior to the dissolution of a child-caring agency, the executive or program director must inform, in writing, a Department licensing coordinator of the location and storage of records regarding current or prior children in care.

STATUTORY/OTHER AUTHORITY: ORS 418.240, ORS 418.005, ORS 409.050, 418.526

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327, 418.526

AMEND: 419-400-0150

RULE TITLE: Licensing Umbrella Rules: Discipline, Behavior Management & Training, and Suicide Prevention (Excluding Adoption Agencies)

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes requirements for policies and procedures about behavior management and suicide prevention. Describes requirement for the use of a de-escalation system. Prohibits the use of chemical and mechanical restraints.

RULE TEXT:
(1) A child-caring agency, except a child-caring agency licensed only to provide adoption services under OAR 419-420-0010 to 419-420-0160, must adopt and adhere to written policies and procedures on behavior management and suicide prevention that meet all of the requirements of this rule.
(a) Copies of the policies and procedures must be provided to the Department as provided in OAR 419-400-0210 and any time policies are adopted or amended.
(b) The behavior management policy and procedures must prohibit the following:
(A) Spanking, hitting, striking or willful infliction of pain.
(B) Conduct that a reasonable person would view as humiliating, ridiculing, degrading, or undermining the self-respect of a child in care.
(C) Punishing a child in care in the presence of a group or punishment of a group for the behavior of one child in care.
(D) Depriving a child in care of food, clothing, shelter, bedding, rest, sleep, toilet access, or parental contact.
(E) Assigning extremely strenuous exercise or work or requiring a child in care to spend prolonged time in one position likely to produce unreasonable discomfort.
(F) Using restraint or involuntary seclusion as discipline.
(G) Permitting or directing a child in care to punish another child in care.
(H) Using any other kind of harsh punishment.
(I) Denying a parent, guardian, or sibling the right to visit or communicate with a child in care as a disciplinary measure against the child in care.
(J) Aversive conditions, which includes, but is not limited to, any technique designed to or likely to cause a child physical pain, the application of startling stimuli, and the release of noxious stimuli or toxic sprays, mists, or substances in proximity to the child in care.
(K) Removing or limiting the use of a mobility aid or other assistive device for the purpose of controlling a child in care's behavior.
(2) Behavior Management.
(a) The behavior management policy of the child-caring agency must identify appropriate and positive methods of behavior management based on a child's needs, developmental level, and behavior.
(b) A child-caring agency must incorporate into the program's care-giving practices positive nonpunitive ways of helping a child in care build positive personal relationships, self-control, and self-esteem.
(c) The policies must include a description of the model, program, or techniques used and its use of each of the following:
(A) De-escalation System. For purposes of this rule, "De-escalation System" means a nationally recognized, holistic system for defusing escalating behavior and safely managing aggressive behavior. The agency's choice of a "De-escalation System" must be conveyed to and approved by the Department.
(B) Use of time out, if applicable.
(C) Use of restraints, if applicable.
(i) Chemical restraint, meaning the administration of medication for the management of uncontrolled behavior, is prohibited. Chemical restraint is different from the use of medication for treatment of symptoms of severe emotional disturbances or disorders.

(ii) Mechanical restraint, meaning the use of any physical device to involuntarily restrain the movement of a child in care as a means of controlling their physical activities, is prohibited.
(D) Use of involuntary seclusion, if applicable.
(d) Time out.
(A) For the purpose of this rule, "time out" means restricting a child in care to a designated area for a period of time to give the child in care an opportunity to regain self-control.
(B) "Time out" must include frequent contact with staff.
(C) Rooms used for "time out" must have adequate space, temperature, light, and ventilation, and must not be capable of locking.
(D) "Time out" episodes must be documented in the child in care's record.
(e) Review. The policies of the child-caring agency must require that whenever a restraint is used on a child in care more than two times in seven days, there is a review by the executive director, the director's designee, or a management team to determine the suitability of the program for the child in care, whether modifications to the child in care's plan are warranted, and whether staff need additional training in alternative therapeutic behavior management techniques. The child-caring agency must take appropriate action indicated by the review.
(3) Suicide Prevention. The policy must include the following:
(a) How the child-caring agency will respond in the event a child in care exhibits self-injurious, self-harm, or suicidal behavior;
(b) Warning signs of suicide;
(c) Emergency protocol and contacts;
(d) Training requirements for staff, including suicide prevention training and suicide risk assessment tool training;
(e) Procedures for determining implementation of additional supervision precautions and for determining removal of additional supervision precautions;
(f) Suicide risk assessment procedures on the day of intake;
(g) Documentation requirements for suicide ideation, self-harm, and special observation precautions to ensure immediate communication to all staff;
(h) A process for tracking suicide behavioral patterns; and
(i) A "post-intervention" plan with identified resources.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.240, ORS 418.005

STATUTES/OTHER IMPLEMENTED: ORS 418.205- 418.327

AMEND: 419-400-0200

RULE TITLE: Licensing Umbrella Rules: Safety

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes different requirements as it relates to transportation, water and other hazard safety. Describes requirements and restrictions for performing searches of children in care. Describes requirements for well water testing.

RULE TEXT:
To ensure the safety of children in care and employees, a child-caring agency must have and adhere to written policies and procedures that comply with the safety requirements in this rule.
(1) Transportation. If a child-caring agency transports children in care in a vehicle, the agency must have policies and procedures that address all of the following:
(a) Driver requirements.
(A) Each employee transporting a child in care in a motor vehicle must have a current driver license on record with the child-caring agency and must comply with applicable traffic laws when transporting children in care.
(B) The child-caring agency may use an employee to provide transportation for children in care only if the employee is covered by an insurance policy in full force and effect, and in compliance with the standards set by the child-caring agency.
(C) The child-caring agency must ensure that employees providing transportation are trained in emergency procedures, including behavior management if applicable, while in a vehicle.
(D) The child-caring agency must ensure that each person who transports a child in care in a van for 15 or more passengers receives training in the safe operation of that type of vehicle prior to transporting children.
(E) The child-caring agency must take reasonable steps to ensure safety when using off-road vehicles.
(b) Vehicle requirements.
(A) Each vehicle used to transport a child in care must be:
(i) Properly registered;
(ii) Covered by an insurance policy in full force and effect;
(iii) Maintained in safe operating condition; and
(iv) Smoke-free.
(B) Each vehicle owned by a child-caring agency and used to transport a child in care must have aboard a first aid kit and a fully charged, properly secured, and working fire extinguisher with a rating of at least 2-A:10-BC.
(c) Children in care and adults must ride in a vehicle manufactured seat, properly using the passenger restraint device in accordance with Oregon law when traveling on public roads.
(2) Searches. If a child-caring agency carries out searches on children in care or visitors, the child-caring agency must have written policies and procedures that, at a minimum, comply with all of the following:
(a) A prohibition on strip searches.
(b) A prohibition on body cavity searches.
(c) Requirement that searches will be conducted in the least intrusive manner possible for the type of search being conducted.
(d) Requirement that pat down searches of children in care will only be conducted when necessary to discourage the introduction of contraband, or to promote the safety of staff and other children in care and will only be conducted as follows:
(A) By staff trained in proper search techniques;
(B) By a staff member of the same gender as the child in care being searched, and in the presence of another staff member. If a staff member of the same gender is not available, or if the child in care expresses discomfort with a staff of the same gender, the child caring agency must take into consideration the preferences and comfort of the child in care;

(C) The child in care must be told the child is about to be searched;
(D) The child in care must be asked to remove all outer clothing (gloves, coat, hat, and shoes) and empty all pockets;
(E) The staff member must then pat the clothing of the child in care using only enough contact to conduct an appropriate search;
(F) If the staff detects anything unusual, the child in care must be asked to identify the item, and appropriate steps must be taken to remove the item for inspection;
(G) If the child in care refuses to comply, the executive director or designee must be notified immediately and be responsible to resolve the matter; and
(H) All searches must be documented in writing.
(e) Policy regarding obtaining appropriate consents for searches.
(f) If the child in care refuses to comply with a requirement of the search, the program must follow established policies to determine if the child in care can be refused admission to or discharged from the program.
(g) Information regarding any personal or room searches and protocols for confiscation of contraband items, including the notification of law enforcement if illegal contraband is discovered. This information will include the procedures and rationales of the child-caring agency for any program-initiated room or body search.
(3) If a child-caring agency has a swimming pool, or other body of water, on the premises that is readily accessible to children in care or if a child-caring agency plans to have children in care engage in aquatic recreation, the child-caring agency must have and adhere to policies and procedures that address, at a minimum, providing disclosures and obtaining consents, assessing swimming ability of children in care, and ensuring the safety of water access.
(4) Hazards.
(a) A child-caring agency must protect children in care it serves from guns, drugs, sharps, paint, hazardous materials, bio-hazardous materials, and other potentially harmful items. A child-caring agency must have a written policy that addresses potentially harmful materials that are in areas accessible to the children in care in the program or on the grounds of the program.
(b) Direct supervision by staff must be provided for any child in care who does not have the ability to adjust and control water temperature.
(c) Each light fixture must have a protective cover unless it is designed to be used without one.
(5) If a child-caring agency is reliant on a well for water, testing is required every two years for arsenic, nitrate, and total coliform bacteria. Testing must be conducted by a laboratory accredited by the Oregon Environmental Laboratory Accreditation Program (ORELAP). This requirement applies to all individual facilities listed on a child-caring agency's license, all foster homes certified by a licensed foster care agency, and all homes approved for adoption by a licensed adoption agency. A copy of current results must be maintained on site of the tested property and the administrative offices of the licensed child-caring agency.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.005, ORS 418.255, ORS 418.240

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0210

RULE TITLE: Licensing Umbrella Rules: Application for License, Renewal, or to Add a Program

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes the application process and when an application needs to be submitted.

RULE TEXT:
(1) For purposes of this rule, "applicant" means a child-caring agency that is in the process of applying to the Department for an initial license or license renewal or to add a program to an existing license.
(2) Application required.
(a) A child-caring agency must submit a completed application in each of the following situations:
(A) To obtain an initial license.
(B) To renew a license.
(C) To add a program to an existing license.
(b) An applicant must apply for a license on forms provided by the Department.
(c) A licensee must submit a completed application for renewal 60 days prior to the expiration of the current license. If the Department receives an application for renewal before the license expires, the license remains effective until the Department issues a decision on the application.
(3) Documents to be submitted by a new applicant. The applicant must submit to the Department at the time of application all of the following documents:
(a) An application form that is complete and signed by the board chair and either the executive director or program director.
(b) A copy of the articles of incorporation, bylaws, amendments to the articles of incorporation and bylaws, and documents evidencing each name change or assumed business name. This requirement does not apply to an applicant that is operated by a county government.
(c) A completed "CCA Contact Information" form that includes the current board of directors, including names, term, and office held and contact information for the board of directors, management personnel, other regulatory authorities, and state or governmental agencies or units with whom the child-caring agency contracts to provide care or services to children.
(d) A complete personnel list with job titles.
(e) An organization chart with job titles and staff names.
(f) Documentation that a current background check was completed as required in OAR 407-007-0200 to 407-007-0370 on the executive director and program director within six months of a complete application being submitted.
(g) A proposed annual budget adequate to finance the program. The budget must clearly indicate all sources of income and anticipated expenditures, as described in OAR 419-400-0050.
(h) A written program description, including admission requirements, population served, gender and ages served, types of programs and services offered, the cost to clients (if any), the geographical area to be served, and the projected staffing pattern. The program description must identify all exclusions that would make a child in care ineligible to be served by the child-caring agency.
(i) For new, expanding, or changing residential programs only, documentary proof of compliance with ORS 336.575, which requires notification of the superintendent or the district school board of possible effect of additional children in care and services, three months before children in care arrive at the agency's facility.
(j) Current copies of all written policies and procedures required by these rules and requested by the Department as part of application process.
(k) Floor plans for any proposed facility with enough detail to determine compliance with space requirements in these rules.
(l) Proof of insurance as required by OAR 419-400-0050(5).

(m) Current inspection report of the Fire Marshal and current environmental health inspection reports, unless the application is for a license as an adoption agency, secure transport provider. or a foster care agency. For an outdoor youth program, these inspections reports are only required for each base camp component.
(n) For the previous 10 years, a copy of each report by a government authority concerning a criminal charge, charge or finding of abuse, malpractice complaint, or lawsuit against the child-caring agency, a member of the child-caring agency's board of directors, or one of its employees related to the provision of services, and the basis and disposition of each action, if applicable. Reports issued by the Department that have already been received by the licensing coordinator may be excluded.
(o) Other documents or information requested by the Department.
(4) Documents to be submitted to renew a license. A licensee must submit to the Department at the time of application for renewal all of the following documents 60 days prior to expiration of the license:
(a) An application renewal form that is complete and signed by the board chair and either the executive director or program director.
(b) Current "CCA Contact Information" form as described in subsection (3)(c) of this rule.
(c) A complete personnel list with job titles.
(d) An organization chart with job titles and staff names.
(e) An approved background check as required in OAR 407-007-0200 to 407-007-0370 on the executive director and program director completed within six months of the expiration of the license.
(f) Proof of insurance as required by OAR 419-400-0050(5).
(g) Current inspection report of the Fire Marshal and current environmental health inspection reports, unless the re-application is for a license as an adoption agency, secure transport provider or a foster care agency. For an outdoor youth program, these inspection reports are only required for each base camp component.
(h) Audited financial statements as provided in this subsection:
(A) Except as provided in paragraph (B) of this subsection, a child-caring agency that has annual revenues in excess of $1 million must provide an audit completed by an independent certified public accountant for the most recent fiscal year.
(B) The requirement in paragraph (A) of this subsection does not apply to a child-caring agency that provides adoption placement services, but does not provide care to a child and does not receive public funds.
(i) A tax compliance certificate issued by the Oregon Department of Revenue.
(j) Current copies of all written policies and procedures required by these rules and requested by the Department as part of the renewal process.
(k) Other documents or information requested by the Department.
(5) Documents to be submitted to add a program to an existing license. A child-caring agency must submit documents required in subsections (a), (d), (e), (g), (h), (i), (j), (k), (l), (m), (n), and (o) of section (3) of this rule.
(6) Application fees.
(a) The Department requires no fee to be paid by an applicant for the inspection conducted to determine whether to grant, withhold, suspend, or revoke a license required by these rules.
(b) A child-caring agency may be required to pay for inspections done by other governmental agencies, such as county health departments and the State Fire Marshal, that are necessary to obtain a license from the Department.
(7) Processing the Application. Within 30 days of the receipt of an application and the documents described in section (3), (4), or (5) of this rule, the Department will begin its review to determine whether the applicant is or will be in compliance with applicable rules in OAR chapter 419, division 400 and whether denial is required or appropriate under OAR 419-400-0280. In connection with its evaluations, the Department may examine the records and files of the applicant, inspect and observe the physical premises, and interview children and families served by the program, the staff of the applicant, and persons in the community.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.005, ORS 418.255, ORS 418.240

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0220

RULE TITLE: Licensing Umbrella Rules: Issuance of License

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes the process for issuing a license to provide services. Defines how long a license is effective.

RULE TEXT:
(1) If the Department determines from the application and its review that the child-caring agency is or will be in compliance with applicable rules in OAR chapter 419, division 400 and that denial is not required or appropriate under OAR 419-400-0280, the Department issues a license to the child-caring agency.
(2) A license is effective for a two-year period unless:
(a) The license is suspended or revoked as provided in OAR 419-400-0280;
(b) The license is rendered invalid when not utilized for a period of six consecutive months; or
(c) The license must be renewed on an annual basis because a notice of intent to suspend or revoke was rescinded under ORS 418.240(3).
(d) It is determined by the Department, in consultation with the applicant, that a license should be valid for less than two years to align with the license renewal date for other programs operated by the applicant, to align with the site review schedule of other regulatory entities that an applicant is overseen by or due to other circumstances or factors identified by the Department or the applicant.
(3) The license is not transferable and is not applicable to an entity other than the corporation to which the license is issued. The license is applicable only to a facility or site identified on the license.
(4) The following information is included on the license:
(a) The incorporated name of the licensee and its "assumed business name" if applicable.
(b) The address of the administrative office of the corporation.
(c) The address of each facility operated under authority of the license.
(d) The maximum number to be served at any one time in each facility, if applicable.
(e) The age of the persons to be served by the child-caring agency.
(f) The types of services the licensee is authorized to provide.
(g) The effective date and term of the license.
(h) Restrictions or conditions imposed by the Department, if applicable.
(i) Such other information deemed appropriate by the Department.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.240, ORS 418.005

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0230

RULE TITLE: Licensing Umbrella Rules: Responsibilities of Licensees

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Defines what a child caring agency is responsible for when it receives a license.

RULE TEXT:
A licensee is responsible to do all of the following:
(1) Ensure that children in care are well cared for and safe from self-harm, physical harm, and abuse from others.
(2) Adhere to and comply with all policies and procedures of the licensee and ensure that the licensee's employees and volunteers adhere to and comply with the licensee's policies and procedures.
(3) Comply with all federal, state, and local laws, rules, regulations, executive orders, and ordinances applicable to the licensee and ensure that the licensee's employees and volunteers comply with all federal, state, and local laws, rules, regulations, executive orders, and ordinances applicable to the licensee.
(4) Meet with an employee of the Department upon request and make all employees, staff, agents, and contractors available to meet with the Department upon request.
(5) Provide copies of all written policies and procedures required in OAR 419-400-0210(3)(j) when requested.
(6) Make reports to the Department as required by law, these rules (OAR 419-400), and upon request to ensure that the requirements for licensing are met.
(7) Provide information about children in care when requested by the Department. The Department may request information about children in care at any time. Information requested may include, but is not limited to, the following:
(a) Names;
(b) Dates of birth;
(c) Dates of admission or service delivery;
(d) Names and contact information for children’s parents or guardians;
(e) Address where children reside or receive services;
(f) Assessments and diagnostic information;
(g) Treatment and service records;
(h) Medical records;
(i) Case notes; and
(j) Incident reports.
(8) Provide financial records and documents as required by law, these rules (OAR 419-400), and upon request. The Department may request financial information at any time. Information requested may include, but is not limited to, the following:
(a) Annual operating budget;
(b) Annual financial statements;
(c) Tax returns and tax-related documentation;
(d) Tax compliance certificates issued by the Oregon Department of Revenue; and
(e) Signed releases authorizing the Department to obtain financial information about the child-caring agency from the Internal Revenue Service, the Department of Revenue, or any other government entity.
(9) Permit immediate access to a child in care and access to any area of the premises in which the child in care receives care or services to the following:
(a) Employees and representatives of the Department;
(b) The child in care's attorney;
(c) The child in care's court-appointed special advocate;
(d) The parent or legal guardian of the child in care if the child in care has not been committed to the custody of the Department or the Oregon Youth Authority;

(e) Any governmental agency or unit that has a contract with the child-caring agency to provide care or services to the child in care; and
(f) Any other person authorized by the Department.
(10) Notify the Department in the following circumstances:
(a) Contact information. When information on the "CCA Contact Information Form" changes, the Department must be notified as soon as is reasonable. Changes may include, but are not limited to, board members, executive director, program manager(s), or other important contacts.
(b) Within one business day if a critical event occurs. As used in this section, "critical event" means a significant event occurring in the operation of a child-caring agency that is considered likely to cause complaints, generate concerns, or come to the attention of the media, law enforcement agencies, first responders, Child Protective Services, or other regulatory agencies. Compliance with this notification requirement does not satisfy mandatory child abuse reporting requirements under ORS 419B.005 to 419B.045.
(c) 30 days or more prior to the voluntary closure or change to inactive status of a program of the child-caring agency.
(d) When services are discontinued or when the child-caring agency intends to reactivate a service after a period of inactivity.
(11) A child-caring agency may not interfere with the good faith disclosure of information by an employee or volunteer concerning the abuse or mistreatment of a child in the care of the child-caring agency, violations of licensing requirements, criminal activity at the child-caring agency, violations of state or federal laws or any practice that threatens the health and safety of a child in the care of the child-caring agency to:
(a) The Department of Human Services, a law enforcement agency or other entity with legal or regulatory authority over the child-caring agency; or
(b) A family member, guardian or other person who is acting on behalf of the child.
(12) A child-caring agency is considered to be interfering with the good faith disclosure as described in OAR 419-400-0230(11) by:
(a) Asking or requiring the employee or volunteer to sign a nondisclosure or similar agreement prohibiting the employee or volunteer from disclosing the information; or
(b) Training an employee or volunteer not to disclose the information; or
(c) Taking actions or communicating to the employee or volunteer that the employee or volunteer may not disclose the information.
(13) The department may revoke or suspend the license, certification or authorization of a child-caring agency that is found to have violated OAR 419-400-0230(11).
(14) OAR 419-400-0230(11) does not authorize the disclosure of:
(a) Protected health information, as defined in ORS 192.556, other than as is permitted by the federal Health Insurance Portability and Accountability Act privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or by other state or federal laws limiting the disclosure of health information; or
(b) Information protected under ORS 419A.255 and 419A.257
(15) Post a copy of the license in a common area at each facility operated by the licensee and retain the license at the administrative offices of the licensee.
(16) The licensee must indicate, in writing, that the license has been destroyed upon the suspension or revocation of the license, a change to inactive status, or a change of ownership or location.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.240, ORS 418.005, ORS 418.256

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0270

RULE TITLE: Licensing Umbrella Rules: Civil Penalties

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes when a civil penalty can be issued and in what amount.

RULE TEXT:
(1) In addition to the actions described in OAR 419-400-0280, as provided in ORS 418.992, the Department may impose a civil penalty against a child-caring agency if the child-caring agency has committed one of the following acts:
(a) Violation of any of the terms or conditions of a license, certification, or other authorization issued under ORS 418.205 to 418.327, 418.470, 418.475, or 418.950 to 418.970.
(b) Violation of any rule in OAR chapter 419, division 400 or a general order of the Department against a child-caring agency.
(c) Violation of any final order of the Department that pertains specifically to the child-caring agency.
(d) Violation of the requirement to have a license, certificate, or other authorization under ORS 418.205 to 418.327, 418.470, 418.475, or 418.950 to 418.970.
(e) Violation of the disclosure requirements applicable to a secure transportation services provider as described in OAR 419-480-0110(2).
(2) The Department will by law impose a civil penalty not to exceed $500, unless otherwise required by law, on any child-caring agency for falsifying records, reports, documents, or financial statements or for causing another person to do so.
(3) The Department will by law impose a civil penalty of not less than $250 nor more than $500, unless otherwise required by law, on a child-caring agency or child-care facility that assumes care or custody of, or provides care or services to, a child in care knowing that the child in care's care needs exceed the license, certificate, or authorization classification of the child-caring agency if the assumption of care or custody, or provision of care or services, places the child in care's health, safety, or welfare at risk.
(4) As required by ORS 418.995, the Department will consider the following factors in making a decision about the level of penalty imposed:
(a) The past history of the child-caring agency incurring the penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.
(b) Any prior violations of statutes or rules pertaining to the child-caring agency.
(c) The economic and financial conditions of the child-caring agency incurring the penalty.
(d) The immediacy and extent to which the violation threatens or places at risk the health, safety, and well-being of the children in care served by the child-caring agency.
(5) Civil Penalty Schedule. Except as provided otherwise in sections (2) and (3) of this rule, for each violation by the child-caring agency, the following civil penalty may be imposed:
(a) $100 per violation if all four subsections of section (4) of this rule favor the child-caring agency.
(b) $200 per violation if three subsections of section (4) of this rule favor the child-caring agency.
(c) $300 per violation if two subsections of section (4) of this rule favor the child-caring agency.
(d) $400 per violation if one subsection of section (4) of this rule favor the child-caring agency.
(e) $500 per violation if no subsections of section (4) of this rule favor the child-caring agency.
(6) Unless the health, safety, or welfare of a child in care is at risk, in cases in which the Department is considering the imposition of a civil penalty, the Department will prescribe a reasonable time period for the child-caring agency to eliminate the violation:
(a) Not to exceed 45 days after the first notice of violation; or
(b) In cases where the violation requires more than 45 days to correct, such time as is specified in a plan of correction found acceptable by the Department.
(7) Unless otherwise required by law, a civil penalty imposed under this rule may be canceled or reduced under terms or

conditions determined by the Department to be proper and consistent with public health and safety.
(8) A child-caring agency against whom a civil penalty is to be imposed shall be served a notice of violation and assessment of penalty in the form provided in OAR 137-003-0505 and OAR 137-003-0670. Service of the notice may be accomplished in the manner provided in ORS 411.103.
(9) As provided in ORS 418.993, the child-caring agency to which the notice of violation and assessment of penalty is addressed has 10 days from the date of service of the notice in which to submit a written request for a hearing. All such hearings shall be conducted as a contested case hearing pursuant to the applicable provisions of ORS 183.413 to 183.470.
(10) If the child-caring agency does not request a hearing, withdraws the hearing request, or fails to appear at the hearing, the Department will issue a final order imposing the penalty.
(11) A civil penalty imposed under this rule is due and payable 10 days after the notice imposing the civil penalty becomes a final order.
(12) If a final order of civil penalty is not appealed or sustained on appeal, and the amount of penalty was not paid within 10 days after the expiration of the appeal deadline, the order may be recorded with the county clerk in any county of this state. The clerk shall thereupon record the name of the child-caring agency incurring the penalty and the amount of the penalty in the County Clerk Lien Record.
(13) Upon recording an order in the County Clerk Lien Record, the Department may initiate proceedings to enforce the order by filing in the Circuit Court for the county where the order is recorded a certified copy of the civil penalty order and a certified copy of the recording made in the County Clerk Lien Record. Subject to any other requirements that may apply to the enforcement proceedings sought by the Department, the court shall then proceed as with judgments issued by the court. The Department may use enforcement proceedings available to the Department in ORS chapter 18.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.005, ORS 418.994, ORS 418.240

STATUTES/OTHER IMPLEMENTED: ORS 418.992 - 418.998, ORS 418.205 - 418.327

AMEND: 419-400-0280

RULE TITLE: Licensing Umbrella Rules: Denial, Suspension, or Revocation of License and Placing Conditions on a License

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes when a license may be suspended, revoked or when conditions may be placed on the license of a child caring agency.

RULE TEXT:
(1) The Department may suspend, revoke, or place conditions on the child-caring agency's license, certificate, or other authorization in the following circumstances:
(a) The child-caring agency is not in full compliance with the requirements of OAR 419-400-0010(5) or other applicable requirement in OAR chapter 419, division 400.
(b) The Department finds, after investigation by the Department or law enforcement, that abuses, deficiencies, violations, or failures to comply are founded.
(c) The child-caring agency, or the owner or operator of the child-caring agency including proctor foster homes, interfered with or hindered an investigation of abuse of a child in care, including, but not limited to, intimidation of witnesses, falsification of records, or denial or limitation of interviews with the child in care who is the subject of the investigation or the witnesses.
(d) The child-caring agency is found to violate the requirements of OAR 419-400-0230(11) as described in OAR 419-400-0230(13)
(2) Conditions placed on a license under section (1) of this rule include, but are not limited to, the following:
(a) Placing full or partial restrictions on admission of children;
(b) Temporary suspension;
(c) Limitation of operations subject to an intent to revoke; and
(d) Limitation of operations subject to correction of violations as specified in a plan of correction imposed by the Department.
(3) The Department may immediately deny, suspend, revoke, or place conditions on the child-caring agency's license in the following circumstances:
(a) The child-caring agency failed to permit an inspection of premises or of the books and records of the child-caring agency.
(b) The child-caring agency failed to make corrections within 45 days from the effective date of the plan of correction under OAR 419-400-0260.
(c) The Department determines at any time during or after an investigation that the abuses, deficiencies, violations or failures to comply are or threaten a serious danger to any child or to the public, or place a child in care at risk with respect to the child in care's health, safety, or welfare.
(4) The Department will deny issuance or renewal of a license, certificate, or other authorization to a child-caring agency if the child-caring agency is not or will not be in full compliance with all of the standards, procedures, and protocols in OAR 419-400-0010(5) or other applicable requirement in OAR chapter 419, division 400.
(5) The Department may deny issuance or renewal, suspend, revoke, or place conditions on a license, certificate or other authorization if the Department becomes aware that a child caring agency, or the owner or operator of the child-caring agency, has been found by other state or federal entities to have engaged in financial, civil, or criminal misconduct.
(6) The Department may deny an application for a license if, during the year prior to the date an application is received by the Department, the applicant has had a previous application for a license, certificate or other authorization for similar care or services denied or a prior license, certificate or other authorization for similar care or services revoked, from any state, department or agency.
(7) The Department will take immediate steps to suspend or revoke the license of a child-caring agency if any of the following circumstances are found to exist:

(a) There has been the death of a child in care as a result of abuse or neglect on the part of the child-caring agency or any of the child-caring agency's employees or agents;
(b) There has been sexual or physical abuse or neglect of a child in care in the child-caring agency's care or custody that was known to the child-caring agency, and the child-caring agency did not take immediate steps to report the abuse or neglect and to ensure the child in care's safety;
(c) The child-caring agency failed to cooperate fully with any local, state or federal regulatory entity's investigation of the child-caring agency or the child-caring agency's operations or employees; or
(d) The child-caring agency failed to provide financial statements as required under these rules and ORS 418.255.
(8) A suspension or revocation issued under section (6) of this rule may not be rescinded by the Department except as provided in ORS 418.240(3).
(9) If a child-caring agency operates more than one program or facility, the Department has the option to suspend, revoke, or deny the license only as it applies to the program or facility out of compliance with applicable statutes or rules.
(10) To request a contested case hearing, as provided in ORS chapter 183, the child-caring agency must provide the Department's Licensing Unit a timely written request for a hearing. If there is no timely written request for a hearing, the child-caring agency has waived the right to a hearing, except as provided in OAR 137-003-0528(1).
(11) To be timely, a hearing request under section (9) of this rule must be received or postmarked within the following applicable deadline as counted from the date that the Department mailed the notice of denial, suspension, or revocation:
(a) 90 days when the Department previously found a serious danger to the public health or safety and suspended or refused to renew a license with an effective date prior to hearing; or
(b) 30 days when subsection (a) of this section does not apply.
(12) Except for a child-caring agency that retains a facility with an active license under subsection (9) of this rule, if the Department revokes a license, the child-caring agency may not apply under any name for licensure under this chapter of rules for the three years following the effective date of revocation.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.240, ORS 418.005

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0290

RULE TITLE: Licensing Umbrella Rules: Temporary, Inactive, and Amended Licenses

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes when a license may be amended or considered inactive.

RULE TEXT:
(1) Inactive license.
(a) A child-caring agency is considered to have an inactive license if the child-caring agency discontinues or fails to provide a service for which the child-caring agency is licensed for a period of 180 days.
(b) A child-caring agency no longer providing services for which it is licensed must immediately inform a Department licensing coordinator.
(c) In order to reactivate an inactive license, a child-caring agency must request an inspection by the Department for the purpose of verifying its compliance with all applicable Department rules. The child-caring agency may not resume providing services until the Department has verified in writing that the child-caring agency is in compliance with all applicable Department rules and reinstated the child-caring agency to active status.
(2) Amended license.
(a) The Department may require additional documentation of a licensee if the Department is considering the amendment of a license.
(b) The Department may issue an amended license to a licensee that has an inactive facility or program, but retains another facility or program with an active license.
(c) The Department may issue an amended license upon written request of the licensee to accommodate changes in the factors upon which an existing license is based.
(3) The term of an inactive or amended license is not extended by any action described in this rule.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.240, ORS 418.005

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327

AMEND: 419-400-0300

RULE TITLE: Licensing Umbrella Rules: Exceptions

NOTICE FILED DATE: 10/29/2025

RULE SUMMARY: Describes if and when an exception can be issued by the Department for a rule. Describes what information will be considered in reviewing an exception.

RULE TEXT:
(1) The Department may waive a requirement of a rule in OAR chapter 419, division 400 upon written request of a child-caring agency. The written request must identify the rule, give the reasons that justify the exception, describe the agency's assessment of the risk, state the length of time for which the exception is requested, and explain how the needs of children in care and families would be affected if the child-caring agency did not comply with the rule.
(2) The Department may approve a request for an exception upon a determination that the failure of a child-caring agency to comply with the rule does not pose a threat to the health, safety, and welfare of children in care and families. In determining whether to grant an exception, the Department additionally must take into consideration:
(a) Whether the child-caring agency has consistently been in compliance with licensing regulations.
(b) Innovative approaches of the child-caring agency.
(c) The availability of services to children in care and families similar to the services provided by the child-caring agency.
(d) The impact of the rule exception sought.
(e) Whether the Department may waive application of the rule under state statute or federal law.
(f) Any other circumstances or information relevant to the request for the exception.
(3) A child-caring agency granted an exception may, as a condition of obtaining and retaining the exception, be required to provide specific information on its operation under the exception.
(4) A child-caring agency may operate under an exception for a period of time set by the Department, not to exceed the term of its current license.

STATUTORY/OTHER AUTHORITY: ORS 409.050, ORS 418.240, ORS 418.005

STATUTES/OTHER IMPLEMENTED: ORS 418.205 - 418.327