

Requested by Representative NOSSE

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

On page 1 of the printed A-engrossed bill, delete lines 3 through 8 and insert “418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248, 418.255, 418.256, 418.257, 418.258, 418.259, 418.260, 418.321, 418.322, 418.327, 418.330, 418.500, 418.519, 418.521, 418.523, 418.526, 418.529, 418.532, 418.625, 418.992, 418.995, 419A.245, 419B.005, 419B.335, 419B.351, 419C.620 and 704.023; and declaring an emergency.”.

Delete line 20 and insert “now, therefore,”.

On page 2, delete lines 1 through 3.

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

“CHILD ABUSE

“(Use of Restraint and Seclusion on Children)”

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

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

“(A) Is under 18 years of age; or

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

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

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

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

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

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

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

11 **“(e) ‘Foster parent’ means a person operating:**

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

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

16 **“(C) A foster home certified by a child-caring agency under ORS**
17 **418.248 that is not subject to ORS 418.625 to 418.645.**

18 **“(f) ‘Involuntary seclusion’ means the confinement of a child alone**
19 **in a room or an enclosed space from which the child is prevented from**
20 **leaving by any means.**

21 **“(g) ‘Responsible individual’ means an individual who is at least 18**
22 **years old and who may have contact with a child as a result of the**
23 **individual’s position as:**

24 **“(A) A foster parent; or**

25 **“(B) An employee, a contractor or a volunteer of a foster parent,**
26 **a child-caring agency or a developmental disabilities residential facil-**
27 **ity.**

28 **“(h) ‘Restraint’ means the physical restriction of a child’s actions**
29 **or movements by holding the child or using pressure or other means.**

30 **“(2) A responsible individual places a child in abusive seclusion if**

1 the individual places the child in involuntary seclusion for discipline,
2 punishment, retaliation or the convenience of one or more responsible
3 individuals.

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

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

8 “(b) The responsible individual administers or directs to be admin-
9 istered a chemical restraint, as defined in ORS 418.519, to the child;
10 or

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

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

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

19 “**SECTION 8.** ORS 418.241 is amended to read:

20 “418.241. (1) As used in this section:

21 “(a) ‘Certified foster home’ means a foster home certified by the Depart-
22 ment of Human Services and subject to ORS 418.625 to 418.645.

23 “(b) ‘Child-caring agency’ has the meaning given that term under ORS
24 418.205.

25 “(c) ‘Developmental disabilities residential facility’ means a residential
26 facility or foster home for children who are [*17 years of age or younger*]
27 **under 18 years of age** and receiving developmental disability services that
28 is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

29 “(d) ‘Secure escort’ means **nonmedical** escort services for a child who
30 poses a risk of elopement or where restraint or seclusion may be utilized if

1 the child poses a risk of injury to self or others, [and] as **may be** further
2 defined by the department by rule.

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

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

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

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

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

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

26 “[*(B)*] (**A**) A child-caring agency that is licensed, certified or otherwise
27 authorized by the department to provide or engage in the provision of care
28 or services to children if:

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

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

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

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

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

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

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

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

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

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

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

27 “(B) The provider holds itself out as being an Oregon provider of secure
28 transportation services, including by registering in this state the vehicles it
29 uses in the provision of its secure transportation services or representing or
30 otherwise indicating in advertisements or promotional materials that the

1 provider is based in this state, maintains a mailing address in this state or
2 is licensed, certified or otherwise authorized by the department or the au-
3 thority to provide secure transportation services or similar services in this
4 state.

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

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

15 “(5) The department and the authority may adopt rules for the provision
16 of secure transportation services consistent with this section and ORS
17 418.205 to 418.327, 418.359 and 418.519 to 418.532.

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

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

27 **“(2) An individual engages in the abuse of a child in care if the in-**
28 **dividual is an employee, operator, contractor, agent or volunteer of a**
29 **child-caring agency, developmental disabilities residential facility,**
30 **proctor foster home, certified foster home or adjudicated youth foster**

1 home or is any other person who is responsible for the provision of
2 care or services to a child in care, and the individual:

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

6 “(b) Neglects the child in care by:

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

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

11 “(c) Abandons the child in care, including by deserting or willfully
12 forsaking the child in care or by withdrawing or neglecting duties and
13 obligations owed to the child in care by the individual.

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

15 “(e) Commits an act involving the child in care that constitutes a
16 crime under ORS 163.263, 163.264, 163.266, 163.375, 163.405, 163.411,
17 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.

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

20 “(A) The use of derogatory or inappropriate names, insults, verbal
21 assaults, profanity or ridicule;

22 “(B) Harassment, coercion, humiliation, mental cruelty or inap-
23 propriate sexual comments; or

24 “(C) Intimidation, including by compelling or deterring conduct by
25 threat.

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

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

29 “(B) Alarming the child in care by conveying a threat to wrongfully
30 take or appropriate moneys or property of the child in care if the child

1 in care would reasonably believe that the threat conveyed would be
2 carried out;

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

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

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

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

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

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

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

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

19 “(B) Engaging in other conduct that allows, employs, authorizes,
20 permits, induces or encourages a child in care to engage in performing
21 for people to observe or the photographing, filming, tape recording or
22 other exhibition that, in whole or in part, depicts sexual conduct or
23 sexual contact, as those terms are defined in ORS 167.002, or sexually
24 explicit conduct as described in ORS 163.665 and 163.670, or sexual
25 abuse involving the child in care or rape of the child in care, other
26 than conduct that is part of any investigation conducted pursuant to
27 ORS 418.258, 418.259 or 419B.020, or that is designed to serve educa-
28 tional or other legitimate purposes; or

29 “(C) Allowing, permitting, encouraging or hiring the child in care
30 to engage in prostitution as described in ORS 167.007 or a commercial

1 sex act as defined in ORS 163.266, to purchase sex with a minor as
2 described in ORS 163.413 or to engage in commercial sexual solicitation
3 as described in ORS 167.008.

4 “(3) As used in this section:

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

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

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

11 “418.257. As used in ORS 418.257 to 418.259:

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

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

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

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

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

22 “[*(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,*
23 *163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.*]

24 “[*(f) Verbal abuse.*]

25 “[*(g) Financial exploitation.*]

26 “[*(h) Sexual abuse.*]

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

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

30 “(2) ‘Adjudicated youth foster home’ means a foster home certified

1 **by the Oregon Youth Authority under ORS 420.888 to 420.892.**

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

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

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

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

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

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

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

14 “[4)] (5) ‘Developmental disabilities residential facility’ means a residen-
15 tial facility or foster home for children who are *[17 years of age or younger]*
16 **under 18 years of age** and receiving developmental disability services that
17 is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

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

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

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

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

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

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

30 “[6) ‘*Intimidation*’ means compelling or deterring conduct by threat. ‘In-

1 *timidation’ does not include age-appropriate discipline that may involve the*
2 *threat to withhold privileges.]*

3 “[~~(7)~~ *‘Involuntary seclusion’ has the meaning given that term in ORS*
4 *418.519.*]

5 “[~~(8)~~] **(6)** *‘Law enforcement agency’ means:*

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

7 *“(b) Any county sheriff’s office.*

8 *“(c) The Oregon State Police.*

9 *“(d) Any district attorney.*

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

12 “[~~(9)~~ *‘Neglect’ means:*]

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

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

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

19 “[~~(11)~~] **(7)** *‘Services’ includes but is not limited to the provision of food,*
20 *clothing, medicine, housing, medical services, assistance with bathing or*
21 *personal hygiene or any other service essential to the well-being of a child*
22 *in care.*

23 “[~~(12)~~ *‘Sexual abuse’ means:*]

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

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

30 *“(c) Any sexual contact between a person and a child in care that is un-*

1 *lawful under ORS chapter 163 and not subject to a defense under that chapter;*
2 *or]*

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

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

6 *“[(14) ‘Sexual exploitation’ means sexual exploitation as described in ORS*
7 *419B.005 (1)(a)(E).]*

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

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

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

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

15 **“418.519.** As used in ORS 418.519 to 418.532:

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

18 **“[(1)] (2) ‘Certified foster home’ means a foster home subject to ORS**
19 **418.625 to 418.645.**

20 **“[(2)] (3) ‘Chemical restraint’ means a drug or medication that is admin-**
21 **istered to a child in care to control behavior or restrict freedom of move-**
22 **ment.**

23 **“[(3)] (4) ‘Child-caring agency’ has the meaning given that term in ORS**
24 **418.205.**

25 **“[(4)] (5) ‘Child in care’ has the meaning given that term in ORS 418.257.**

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

1 “[~~(6)~~] (7) ‘Developmental disabilities residential facility’ has the meaning
2 given that term in ORS 418.257.

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

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

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

11 “[~~(8)~~] (9)(a) ‘Mechanical restraint’ means a device used to restrict the
12 movement of a child in care or the movement or normal function of a portion
13 of the body of a child in care.

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

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

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

19 “[~~(9)~~] (10) ‘Proctor foster home’ means a foster home certified by a child-
20 caring agency under ORS 418.248.

21 “[~~(10)~~] (11) ‘Program’ means:

22 “(a) A child-caring agency;

23 “(b) A proctor foster home; or

24 “(c) A developmental disabilities residential facility that is a residential
25 training home or facility licensed under ORS 443.415 to serve children under
26 18 years of age.

27 “[~~(11)~~] (12) ‘Prone restraint’ means a restraint in which a child in care
28 is held face down on the floor.

29 “[~~(12)~~] (13) ‘Reportable injury’ means any type of injury to a child in care,
30 including but not limited to rug burns, fractures, sprains, bruising, pain, soft

1 tissue injury, punctures, scratches, concussions, abrasions, dizziness, loss of
2 consciousness, loss of vision, visual disturbance or death.

3 “[~~(13)~~] **(14)** ‘Restraint’ *[means the physical restriction of a child in care’s*
4 *actions or movements by holding the child in care or using pressure or other*
5 *means.]* **has the meaning given that term in section 1 of this 2025 Act.**

6 “[~~(14)~~] **(15)** ‘Secure adolescent inpatient treatment program’ means a
7 child-caring agency that is an intensive treatment services program, as de-
8 scribed by the Oregon Health Authority by rule, that provides inpatient
9 psychiatric stabilization and treatment services to individuals under 21 years
10 of age who require a secure intensive treatment setting.

11 “[~~(15)~~] **(16)** ‘Secure children’s inpatient treatment program’ means a
12 child-caring agency that is an intensive treatment services program, as de-
13 scribed by the authority by rule, that provides inpatient psychiatric stabili-
14 zation and treatment services to children under 14 years of age who require
15 a secure intensive treatment setting.

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

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

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

22 “418.521. (1) A child-caring agency, proctor foster home, certified foster
23 home, **adjudicated youth foster home** or developmental disabilities resi-
24 dential facility may not place a child in care in a restraint or involuntary
25 seclusion as a form of discipline, punishment or retaliation or for the con-
26 venience of staff, contractors or volunteers of the child-caring agency,
27 proctor foster home, certified foster home, **adjudicated youth foster home**
28 or developmental disabilities residential facility.

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

1 “(a) Chemical restraint.

2 “(b) Mechanical restraint.

3 “(c) Prone restraint.

4 “(d) Supine restraint.

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

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

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

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

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

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

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

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

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

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

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

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

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

2 “418.523. (1) Except as otherwise provided in this section, a child-caring
3 agency, proctor foster home or developmental disabilities residential facility
4 may [*only*] place a child in care in a restraint or involuntary seclusion **only**
5 if the child in care’s behavior poses a [*reasonable risk of imminent serious*
6 *bodily injury*] **reasonable risk of imminent serious physical harm** to the
7 child in care or others, **including animals, as defined in ORS 167.310,**
8 and:

9 **“(a)** Less restrictive interventions would not effectively reduce that
10 risk[.];

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

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

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

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

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

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

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

26 **“(ii)** Place a child in care in involuntary seclusion as a form of
27 age-appropriate discipline, as defined by the Department of Human
28 Services by rule, including placing the child in care in a time-out.

29 **“(B)** As used in this paragraph, ‘reasonable and prudent parent
30 standard’ means the standard characterized by careful and sensible

1 **parental decisions that maintain the health, safety and best interests**
2 **of a child in care while encouraging the emotional and developmental**
3 **growth of the child in care.**

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

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

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

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

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

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

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

21 *“[(C) The intervention is not a prohibited restraint described in ORS*
22 *418.521 (2).]*

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

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

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

28 **“(3) Notwithstanding subsection (1) or (2) of this section, a child-**
29 **caring agency, proctor foster home, certified foster home, adjudicated**
30 **youth foster home or developmental disabilities residential facility**

1 **may physically intervene, without immobilizing the child in care, if**
2 **the intervention is necessary to break up a physical fight or to effec-**
3 **tively protect a person from an assault, other serious physical harm**
4 **or sexual contact.**

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

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

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

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

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

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

25 “[*(E)*] **(e)** Each individual placing the child in care in the restraint is
26 certified as described in ORS 418.529 in the use of the type of restraint used
27 and the individual’s training is current;

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

30 “[*(G)*] **(g)** The program has written policies that require a licensed

1 children's emergency safety intervention specialist or other licensed practi-
2 tioner to evaluate and document the physical, psychological and emotional
3 [*well-being of*] **impact of the restraint on** the child in care immediately
4 following the use of the restraint; and

5 "[*(H)*] **(h)** The program is in compliance with any other requirements
6 under ORS 418.519 to 418.532, and the use of the restraint does not otherwise
7 violate any applicable contract requirements or any state or federal law re-
8 lated to the use of restraints.

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

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

15 "(b) The individuals placing the child in care in the restraint or invol-
16 untary seclusion are certified as described in ORS 418.529 in the use of the
17 type of restraint used or are trained, as required by the Department **of Hu-**
18 **man Services** by rule, in the use of the involuntary seclusion used;

19 "(c) The program staff continuously monitor the child in care for the du-
20 ration of the restraint or involuntary seclusion; and

21 "(d) The restraint or involuntary seclusion is performed in a manner that
22 is safe, proportionate and appropriate, taking into consideration the child in
23 care's chronological and developmental age, size, gender identity, physical,
24 medical and psychiatric condition and personal history, including any history
25 of physical or sexual abuse.

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

29 "(a) The program must provide the child in care with adequate access to
30 the bathroom and water [*at least every 30 minutes*] **at least as often as**

1 **prescribed by the department by rule; and**

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

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

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

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

15 “418.526. (1) A program shall establish procedures for the program to fol-
16 low when a child in care is placed in a restraint or involuntary seclusion.
17 The procedures must be consistent with the provisions of this section and
18 ORS 418.521 and 418.523.

19 “(2)(a) A program shall maintain a record of each incident in which a
20 reportable injury arises from the use of a restraint or involuntary seclusion.
21 The record under this subsection must include any photographs, audio re-
22 cordings or video recordings immediately preceding, during and following the
23 incident. The record may not be destroyed, edited, concealed or altered in
24 any way.

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

28 “(c) Upon the request of the attorney, court appointed special advocate,
29 parents or guardians of a child in care on whom the restraint or involuntary
30 seclusion was used, the department shall provide the child in care’s attorney,

1 court appointed special advocate, parents or guardians with [*copies of*] **an**
2 **opportunity to review** the records described in this subsection **if:**

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

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

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

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

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

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

19 **“(b)** The written notice must include:

20 **“(A)** A description of the restraint or involuntary seclusion, the date of
21 the restraint or involuntary seclusion, the times when the restraint or in-
22 voluntary seclusion began and ended and the location of the restraint or
23 involuntary seclusion.

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

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

29 **“(D)(i)** The names of each individual who placed the child in care in the
30 restraint or involuntary seclusion or who monitored or approved the place-

1 ment of the child in care in the restraint or involuntary seclusion.

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

8 “(iii) If an individual identified in this subparagraph was not certified or
9 trained in the type of restraint or involuntary seclusion used, or if the
10 individual’s certification or training was not current, a description of the
11 individual’s certification or training deficiency and the reason an individual
12 without the proper certification or training was involved in the restraint or
13 involuntary seclusion.

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

18 “(4) If an incident requires notice under subsection (3) of this section, not
19 later than two business days following the date of the restraint or involun-
20 tary seclusion, the program shall hold a debriefing meeting with each indi-
21 vidual who was involved in the incident and with any other appropriate
22 program staff, shall take written notes of the debriefing meeting and shall
23 provide copies of the written notes to the child in care’s case manager, at-
24 torney, court appointed special advocate and parents or guardians.

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

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

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

4 “418.529. (1)(a) The Department of Human Services shall adopt by rule
5 training standards and certification requirements regarding the placement
6 of a child in care in a restraint or involuntary seclusion, consistent with this
7 section.

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

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

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

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

15 **“(D) Meet the department’s training standards and whose certifications**
16 **issued upon completion of the training programs the department will recog-**
17 **nize as satisfying the department’s certification requirements.**

18 **“(c) The department shall coordinate with the System of Care Ad-**
19 **visory Council to convene an advisory committee consisting of indi-**
20 **viduals who, as children, gained lived experience in the use of restraint**
21 **or involuntary seclusion, and the families of those individuals. The**
22 **advisory committee shall provide the department with recommen-**
23 **dations regarding the selection of providers of crisis intervention**
24 **training under this subsection.**

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

26 “(a) Ensure consistency of training and professional development across
27 all programs;

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

30 “(c) Focus on de-escalation and trauma-informed behavioral support as the

core of a training program;

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

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

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

“(g) Include training to identify the physical, psychological and emotional risks for children and program staff related to the use of restraint and involuntary seclusion;

“(h) Ensure fidelity of training through the publication of consistent training materials and resources for certified instructors and certified program staff;

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

“(j) Require regular, ongoing support to certified instructors, including quality control, monitoring of outcomes and provision of information regarding networks for professional collaboration and support.

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

“(a) Be certified to conduct the type of training the instructor is providing;

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

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

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

“(e) Demonstrate written and physical competency before receiving certi-

1 fication or recertification.

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

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

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

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

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

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

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

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

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

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

20 “(f) Must include:

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

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

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

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

25 “(E) The level of training; and

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

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

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

2 “418.532. (1) Each child in care receiving services from a child-caring
3 agency must be provided with information that:

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

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

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

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

19 “(d) Includes the telephone number for the toll-free child abuse hotline
20 described in ORS 417.805, information regarding the centralized child abuse
21 reporting system described in ORS 418.190 and the telephone numbers and
22 electronic mail addresses for the program’s licensing or certification agency,
23 the child in care’s caseworker and attorney, the child in care’s court ap-
24 pointed special advocate and Disability Rights Oregon.

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

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

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

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

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

4 “419A.245. *[(1) During the transportation of a youth, adjudicated youth,*
5 *young person, ward or child by the Department of Human Services, the Oregon*
6 *Health Authority or an agent of the department or authority:]*

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

10 **“(2) Prior to using restraints during the transportation of a youth,**
11 **adjudicated youth or young person, the authority shall create a**
12 **transportation safety plan, including documentation of the need for**
13 **restraints. The transportation safety plan must address intervention**
14 **strategies designed to modify behavior without the use of restraints**
15 **and recommend the least restrictive effective alternative.**

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

20 **“[(A)] (a) The transportation is secure transportation to a detention fa-**
21 **cility, youth correction facility, as defined in ORS 420.005, secure hospital,**
22 **secure intensive community inpatient facility or other secure facility; or**

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

27 **“[(b) Prior to the use of restraints during transportation, a transportation**
28 **safety plan, including documentation of the need for restraints, must be cre-**
29 **ated. The transportation safety plan must address intervention strategies de-**
30 **signed to modify behavior without the use of restraints and recommend the**

1 *least restrictive effective alternative.]*

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

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

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

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

16 “418.992. (1) In addition to any other liability or penalty provided by law,
17 the Director of Human Services may impose a **corrective action or** civil
18 penalty:

19 “(a) On a child-caring agency that is subject to ORS 418.205 to 418.327,
20 **418.519 to 418.532**, 418.470, 418.475 or 418.950 to 418.970 for any of the fol-
21 lowing:

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

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

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

29 “(D) Violation of the requirement to have a license, certificate or other
30 authorization under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to

1 418.970.

2 “(b) On a **provider of** secure transportation services [*provider*], as defined
3 in ORS 418.241, that violates the disclosure requirement described in ORS
4 418.241.

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

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

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

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

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

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

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

27
28 “(Abuse Reports and Investigations)
29

30 “**NOTE:** Section 20 was deleted by amendment. Subsequent sections were

1 not renumbered.

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

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

6 “(1)(a) ‘Abuse’ means:

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

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

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

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

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

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

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

1 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
2 or to engage in commercial sexual solicitation as described in ORS 167.008.

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

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

8 “(H) Buying or selling a person under 18 years of age as described in ORS
9 163.537.

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

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

16 “(K) The restraint or seclusion of a child in violation of ORS 339.285,
17 339.288, 339.291, 339.303 or 339.308.

18 “(L) The infliction of corporal punishment on a child in violation of ORS
19 339.250 (9) **or section 1 of this 2025 Act.**

20 “(M) **Abusive restraint or abusive seclusion, as described in section**
21 **1 of this 2025 Act, of a child by a responsible individual, as defined in**
22 **section 1 of this 2025 Act.**

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

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

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

29 “(a) Is under 18 years of age; or

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

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

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

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

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

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

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

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

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

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

12 “(b) A county sheriff’s office.

13 “(c) The Oregon State Police.

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

16 “(e) A county juvenile department.

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

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

20 “(b) Dentist.

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

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

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

1 ment program.

2 “(f) Peace officer.

3 “(g) Psychologist.

4 “(h) Member of the clergy.

5 “(i) Regulated social worker.

6 “(j) Optometrist.

7 “(k) Chiropractor.

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

9 “(m) Attorney.

10 “(n) Licensed professional counselor.

11 “(o) Licensed marriage and family therapist.

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

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

14 “(r) Child care provider registered or certified under ORS 329A.250 to
15 329A.450.

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

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

20 “(u) Audiologist.

21 “(v) Speech-language pathologist.

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

24 “(x) Pharmacist.

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

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

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

30 “(bb) Employee of a public or private organization providing child-related

1 services or activities:

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

3 “(i) Youth group or center;

4 “(ii) Scout group or camp;

5 “(iii) Summer or day camp;

6 “(iv) Survival camp; or

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

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

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

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

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

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

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

20 “(hh) Individual who is paid by a public body, in accordance with ORS
21 430.215, to provide a service identified in an individualized service plan of a
22 child with a developmental disability.

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

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

25 “(kk) Behavior analyst or assistant behavior analyst licensed under ORS
26 676.810 or behavior analysis interventionist registered by the Health Licens-
27 ing Office under ORS 676.815.

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

1 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
2 quires otherwise:

3 “(1)(a) ‘Abuse’ means:

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

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

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

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

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

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

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

30 “(F) Negligent treatment or maltreatment of a child, including but not

1 limited to the failure to provide adequate food, clothing, shelter or medical
2 care that is likely to endanger the health or welfare of the child.

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

5 “(H) Buying or selling a person under 18 years of age as described in ORS
6 163.537.

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

9 “(J) Unlawful exposure to a controlled substance, as defined in ORS
10 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
11 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
12 the child’s health or safety.

13 “(K) The infliction of corporal punishment on a child in violation of ORS
14 339.250 (9) **or section 1 of this 2025 Act.**

15 “(L) **Abusive restraint or abusive seclusion, as described in section**
16 **1 of this 2025 Act, of a child by a responsible individual, as defined in**
17 **section 1 of this 2025 Act.**

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

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

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

24 “(a) Is under 18 years of age; or

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

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

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

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

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

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

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

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

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

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

7 “(b) A county sheriff’s office.

8 “(c) The Oregon State Police.

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

11 “(e) A county juvenile department.

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

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

15 “(b) Dentist.

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

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

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

27 “(f) Peace officer.

28 “(g) Psychologist.

29 “(h) Member of the clergy.

30 “(i) Regulated social worker.

1 “(j) Optometrist.

2 “(k) Chiropractor.

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

4 “(m) Attorney.

5 “(n) Licensed professional counselor.

6 “(o) Licensed marriage and family therapist.

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

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

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

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

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

15 “(u) Audiologist.

16 “(v) Speech-language pathologist.

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

19 “(x) Pharmacist.

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

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

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

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

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

28 “(i) Youth group or center;

29 “(ii) Scout group or camp;

30 “(iii) Summer or day camp;

1 “(iv) Survival camp; or

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

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

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

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

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

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

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

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

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

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

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

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

25
26 **“CHILD-CARING AGENCY REGULATION**

27
28 **“SECTION 24.** ORS 418.205 is amended to read:

29 “418.205. As used in ORS 418.205 to 418.327, [418.330,] 418.470, 418.475,
30 418.950 to 418.970 and 418.992 to 418.998, unless the context requires other-

1 wise:

2 “(1) ‘Certified foster home’ means a foster home subject to ORS
3 418.625 to 418.645.

4 “[1] (2) ‘Child’ means an unmarried person under 21 years of age *[who*
5 *resides in or receives care or services from a child-caring agency]*.

6 “[2](a) (3) ‘Child-caring agency’ means **a children’s care or services**
7 **provider that is required under ORS 418.215 to be licensed, certified or**
8 **otherwise authorized by the Department of Human Services under**
9 **ORS 418.240.[.]**

10 “[A] *Any private school, private agency, private organization or county*
11 *program providing:]*

12 “[i] *Day treatment for children with emotional disturbances;]*

13 “[ii] *Adoption placement services;]*

14 “[iii] *Residential care, including but not limited to foster care or residen-*
15 *tial treatment for children;]*

16 “[iv] *Residential care in combination with academic education and*
17 *therapeutic care, including but not limited to treatment for emotional, behav-*
18 *ioral or mental health disturbances;]*

19 “[v] *Outdoor youth programs; or]*

20 “[vi] *Other similar care or services for children.]*

21 “[B] *Any private organization or person that provides secure transporta-*
22 *tion services as defined in ORS 418.241 during any segment of a child’s trip*
23 *to or from a child-caring agency, certified foster home as defined in ORS*
24 *418.241 or developmental disabilities residential facility as defined in ORS*
25 *418.241, if the route of the child’s trip begins or ends in this state.]*

26 “[b] ‘Child-caring agency’ includes the following:]

27 “[A] *A shelter-care home that is not a foster home subject to ORS 418.625*
28 *to 418.645;]*

29 “[B] *An independent residence facility as described in ORS 418.475 that*
30 *meets the standards established by the Department of Human Services by rule*

1 *to be considered a child-caring agency;]*

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

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

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

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

7 *“[(A) Residential facilities or foster care homes certified or licensed by the*
8 *Department of Human Services under ORS 443.400 to 443.455, 443.830 and*
9 *443.835 for children receiving developmental disability services;]*

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

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

18 *“[(D) A shelter-care home that is a foster home subject to ORS 418.625 to*
19 *418.645;]*

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

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

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

26 *“[(3) ‘Child-caring facility’ has the meaning given that term in ORS*
27 *418.950.]*

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

30 *“[(A) In the custody of the Department of Human Services or the Oregon*

1 *Youth Authority; or]*

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

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

6 *“[(5)] (4) ‘Governmental agency’ means an executive, legislative or judi-*
7 *cial agency, department, board, commission, authority, institution or*
8 *instrumentality of this state or of a county, municipality or other political*
9 *subdivision of this state.*

10 *“[(6) ‘Independent residence facility’ means a facility as described in ORS*
11 *418.475.]*

12 **“(5) ‘Managers’ means the individuals at the highest levels of an**
13 **organization’s leadership who have significant responsibility for the**
14 **operations, finances or overall governance of the organization.**

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

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

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

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

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

24 *“[(D) Operated by a youth job development organization as defined in ORS*
25 *344.415.]*

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

28 *“[(8)] (7) ‘Private’ means not owned, operated or administered by any*
29 *governmental agency or unit.*

30 *“[(9) ‘Private residential boarding school’ means either of the following as*

1 *the context requires:]*

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

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

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

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

17 *“[(12)] (9) ‘Qualified residential treatment program’ means a program de-*
18 *scribed in ORS 418.323.*

19 *“[(13) ‘Shelter-care home’ has the meaning given that term in ORS*
20 *418.470.]*

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

22 *“418.210. ORS 418.205 to 418.327 [shall] **do** not apply to:*

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

26 *“(2) [Any] **A certified** foster home [that is subject to ORS 418.625 to*
27 *418.645];*

28 *“(3) [Any] **A** child care facility that is subject to ORS 329A.030 and*
29 *329A.250 to 329A.450;*

30 *“(4) [Any] **An** individual, or home of an individual, providing respite*

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

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

6 “(6) A shelter-care home, **as defined in ORS 418.470**, that is [*subject to*
7 *ORS 418.625 to 418.645*] **a certified foster home.**

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

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

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

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

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

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

24 “[*(2) A child-caring agency that provides care or services to a child may*
25 *not be licensed, certified or authorized under ORS 418.205 to 418.327, 418.470,*
26 *418.475 or 418.950 to 418.970 unless the agency:*]

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

28 “[*(b) Is a county program.*]

29 “**(1) The following children’s care or services providers must be li-**
30 **censed, certified or otherwise authorized by the Department of Human**

1 Services under ORS 418.240 to provide or engage in the provision of
2 care or services described in ORS 418.205 to 418.327, 418.241, 418.470,
3 418.475 or 418.950 to 418.970:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(a) Residential facilities or foster care homes certified or licensed
2 by the department under ORS 443.400 to 443.455, 443.705 to 443.825,
3 443.830 and 443.835 for children or adults receiving developmental dis-
4 ability services;

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

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

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

16 “(e) A certified foster home;

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

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

22 “(h) A private organization or person that provides nonemergency
23 medical secure transportation services or nonemergency medical
24 transportation services subject to rules adopted by the Oregon Health
25 Authority;

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

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

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

30 “(a) In the custody of the department or the Oregon Youth Au-

1 **thority; or**

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

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

4 **“418.240. (1) [*All child-caring agencies shall obtain from the Department***
5 ***of Human Services a license, certificate or other authorization to provide*] **The****
6 ****Department of Human Services shall adopt rules, consistent with this****
7 ****section and ORS 418.215, for the licensing, certification or authori-****
8 ****zation of child-caring agencies to provide or engage in the provision****
9 ****of care or services to children under ORS 418.205 to 418.327, 418.241, 418.470,****
10 ****418.475 or 418.950 to 418.970. The rules must set forth the criteria for is-****
11 ****suance, renewal, suspension or revocation of, or for placing conditions on,****
12 ****a license, certificate or authorization under this section must:****

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

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

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

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

19 **“(C) **A county program;****

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

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

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

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

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

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

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

30 **“(F) That the child-caring agency is or will be in compliance with the**

standards of care and treatment established in rules adopted by the department.

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

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

“(B) The agency complies with abuse reporting and investigation requirements.

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

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

“(E) The agency provides appropriate food services.

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

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

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

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

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

“(K) The agency provides the department with true copies of records relating to incidents involving the restraint or involuntary seclusion of children in care as required under ORS 418.526 (2).

“(L) The agency complies with ORS 418.519 to 418.532 regarding the use of restraint and involuntary seclusion on children in care and incident reporting requirements.

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

5 “(c) The department must take immediate steps to **place conditions on**,
6 suspend or revoke the license, certificate or other authorization of a child-
7 caring agency, if any of the following are found to exist:

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

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

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

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

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

27 “(e) It is grounds to deny issuance or renewal, suspend, revoke or place
28 conditions on a license, certificate or other authorization if the department
29 becomes aware that a child-caring agency, or the owner or operator of the
30 agency, has been found by other state or federal entities to have engaged in

1 financial, civil or criminal misconduct.

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

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

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

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

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

22 “(D) A complete description of changes that were made at the child-caring
23 agency and the reasons for the determination that the concerns regarding the
24 health and safety of children in the child-caring agency’s care or custody
25 have been ameliorated or that any conditions placed on the license, certifi-
26 cate or other authorization of the child-caring agency have been resolved.

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

1 of the decision.

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

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

8 “(A) The Governor; and

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

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

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

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

28 “(7) Except as provided in subsection (3) of this section, a license, certifi-
29 cate or authorization issued by the department under this section shall be
30 valid for a period of two years, unless suspended or revoked sooner by the

1 department. However, the department at any time may require amendments
2 to an existing license, certificate or authorization to accommodate changes
3 in the factors upon which the issuance was based.

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

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

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

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

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

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

1 *for a charge of official misconduct in the second degree under ORS 162.405.]*
2 **take immediate steps to assess the circumstances surrounding the in-**
3 **vestigation. If the director or the director's designee determines that**
4 **a condition exists that seriously endangers the health, safety or wel-**
5 **fare of a child who is receiving care or services at a child-caring**
6 **agency, the director or the director's designee shall take appropriate**
7 **steps to protect and ensure the health, safety and welfare of children**
8 **as necessary under the circumstances. Violation of the requirements**
9 **of this subsection constitutes official misconduct in the second degree**
10 **under ORS 162.405.**

11 “(10) If the Department of Justice or Bureau of Labor and Industries
12 commences an investigation of a child-caring agency or an owner, operator
13 or employee of a child-caring agency, the Department of Justice or Bureau
14 of Labor and Industries shall notify, inform and regularly update the direc-
15 tor, the director's designee or such other personnel in the Department of
16 Human Services designated to receive such information regarding the inves-
17 tigation. The director and the department shall immediately undertake the
18 responsive action required by subsection (9) of this section upon receiving
19 such notification. Interference with, discouragement of or impediment to the
20 receipt of the notification, information and updates required under this sub-
21 section constitutes official misconduct in the second degree under ORS
22 162.405.

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

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

26 “418.248. (1) A child-caring agency may certify a proctor foster home as
27 a provider of care or services for children, **regardless of whether the**
28 **children are in the custody of the Department of Human Services,**
29 **provided the proctor foster home is not required to be licensed by the**
30 **department under ORS 418.215.** The child-caring agency may not certify

1 a proctor foster home under this section unless the child-caring agency de-
2 termines that the proctor foster home meets minimum standards as estab-
3 lished by rules adopted by the Department of Human Services or the Oregon
4 Youth Authority, as applicable. The determination that a proctor foster home
5 meets minimum standards and the certification by the child-caring agency
6 must take place before placement of a child in the proctor foster home.

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

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

28 “(3) If a decision is made not to certify a proctor foster home under this
29 section for reasons related to an ongoing investigation involving the appli-
30 cant, or findings of substantiated allegations of abuse or neglect by an ap-

1 plicant, the child-caring agency shall disclose to the applicant the reasons
2 for the denial of certification.

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

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

6 “418.255. (1) The Department of Human Services shall inspect and super-
7 vise all child-caring agencies subject to ORS 418.205 to 418.327, 418.470,
8 418.475 or 418.950 to 418.970 as provided in this section.

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

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

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

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

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

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

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

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

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

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

28 “(7) In addition to advice provided under subsection (6) of this section,
29 the Department of Human Services shall provide training regarding appro-
30 priate ethnic hair and skin care for children of African-American, Hispanic,

1 Native American, Asian-American or multiracial descent to:

2 “(a) Child-caring agencies;

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

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

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

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

9 “418.256. (1) A child-caring agency may not [*interfere with*] **attempt to**
10 **prevent** the good faith disclosure of information by an employee or volun-
11 teer concerning the abuse [*or mistreatment*] of a child in the care of the
12 child-caring agency, violations of licensing or certification requirements,
13 criminal activity at the child-caring agency, violations of state or federal
14 laws or any practice that threatens the health and safety of a child in the
15 care of the child-caring agency to:

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

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

21 “(2) A child-caring agency [*interferes with*] **attempts to prevent** the dis-
22 closure of the information described in subsection (1) of this section by:

23 “(a) Asking or requiring the employee or volunteer to sign a
24 nondisclosure or similar agreement prohibiting the employee or volunteer
25 from disclosing the information;

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

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

30 **“(d) Taking any other action with the intent to dissuade the em-**

1 **ployee or volunteer from making a good faith disclosure of the infor-**
2 **mation.**

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

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

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

9 “(a) Protected health information, as defined in ORS 192.556, other than
10 as is permitted by the federal Health Insurance Portability and Account-
11 ability Act privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to
12 192.581 or by other state or federal laws limiting the disclosure of health
13 information; or

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

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

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

30 “(a) Notify appropriate personnel within the department **or the Oregon**

1 **Youth Authority**, including but not limited to employees responsible for
2 licensing, certifying or authorizing child-caring agencies, **adjudicated youth**
3 **foster homes**, certified foster homes and developmental disabilities residen-
4 tial facilities.

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

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

13 “(d) Commence an investigation to determine whether the report of sus-
14 pected abuse is substantiated, unsubstantiated or inconclusive under ORS
15 418.259 if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the report.

2 “(5)(a) Any person, including but not limited to an employee of a
3 child-caring agency, proctor foster home, adjudicated youth foster
4 home, certified foster home or developmental disabilities residential
5 facility, may make a report to the Governor, the Department of Jus-
6 tice, the Director of Human Services, the director’s designee or the
7 Department of Human Services of acts or omissions occurring at a
8 child-caring agency, proctor foster home, adjudicated youth foster
9 home, certified foster home or developmental disabilities residential
10 facility that constitute violations of licensing or certification require-
11 ments, criminal activity or violations of state or federal laws or of any
12 other practice that threatens the health or safety of a child in care.

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

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

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

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

22 “(c) A person making a report under this subsection may disclose
23 otherwise confidential information for the sole purpose of making the
24 report, and the person to whom the report is made must protect the
25 confidential information from further disclosure for any purpose not
26 related to the making of the report.

27 “SECTION 32. ORS 418.259 is amended to read:

28 “418.259. (1) The investigation conducted by the Department of Human
29 Services under ORS 418.258 must result in one of the following findings:

30 “(a) That the report is substantiated. A report is substantiated when there

1 is reasonable cause to believe that the abuse of a child in care occurred.

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

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

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

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

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

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

29 “(B) Review all relevant incident reports related to the child in care and
30 other reports related to the restraint or involuntary seclusion of the child

1 in care;

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

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

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

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

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

17 “(a) The Director of Human Services.

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

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

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

28 “(e) The parents or guardians of the child in care who is the subject of
29 the abuse report and investigation if the child in care has not been commit-
30 ted to the custody of the department or the youth authority. Notification

1 under this paragraph may not include any details or information other than
2 that a report of abuse has been substantiated.

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

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

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

16 “(a) [*The name of any child-caring agency, including an out-of-state child-*
17 *caring agency, proctor foster home or developmental disabilities residential*
18 *facility, or, provided there are five or more certified foster homes in the county,*
19 *the name of the county where a certified foster home is located, where the]* **If**
20 **the** department conducted an investigation pursuant to ORS 418.258 that
21 resulted in a finding **during that quarter** that the report of abuse was
22 substantiated [*during that quarter;*] **or an investigation under ORS**
23 **419B.019 that resulted in a finding during that quarter that the report**
24 **of abusive restraint or abusive seclusion, as those terms are described**
25 **in section 1 of this 2025 Act, was founded:**

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

29 “(B) **The name of the county in which a certified foster home is**
30 **located if the investigation involved the certified foster home and**

1 **there are five or more certified foster homes in the county; or**

2 **“(C) The name of the county in which an adjudicated youth foster**
3 **home is located if the investigation involved the adjudicated youth**
4 **foster home and there are five or more adjudicated youth foster homes**
5 **in the county;**

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

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

9 “[*(d) Whether the abuse resulted in a reportable injury, sexual abuse or*
10 *death;*]

11 **“(d) Whether the abuse resulted in the death of a child in care, as**
12 **described in ORS 418.240 (2)(c);**

13 **“(e) Whether sexual or physical abuse or neglect was known to the**
14 **agency’s managers and the agency’s managers failed to make a rea-**
15 **sonable effort to protect the child in care from abuse;**

16 “[*(e)*] **(f)** Corrective actions taken or ordered by the department and the
17 outcome of the corrective actions; and

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

22 **“(6) The department’s quarterly report under subsection (5) of this section**
23 **must also contain all of the following:**

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

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

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

29 **“(d) The number of reportable injuries to children in care that resulted**
30 **from those restraints;**

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

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

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

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

10 “**(h) The number of complaints received involving alleged violations**
11 **of procedural, reporting, training and notification requirements under**
12 **ORS 418.526, 418.528, 418.529 and 418.532; and**

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

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

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

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

24 “418.260. (1) If the Department of Human Services receives a report or
25 otherwise becomes aware that any suspected or founded abuses, deficiencies,
26 violations or failures to comply with the full compliance requirements de-
27 scribed in ORS 418.240 are occurring in a child-caring agency, whether as a
28 part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the
29 department shall immediately notify appropriate personnel within the de-
30 partment, including but not limited to employees responsible for licensing,

1 certifying or authorizing child-caring agencies, who shall [*investigate and*]
2 **assess the circumstances and** take appropriate action without undue de-
3 lay, with primary concern given to the health, safety and welfare of the
4 children for whom the child-caring agency is responsible. The department
5 may notify law enforcement agencies as necessary to coordinate and assist
6 in the [*investigation*] **assessment** and enforcement of corrective actions
7 undertaken by the department. If the child-caring agency is known or found
8 to serve children also served by the Oregon Youth Authority, county juvenile
9 departments or developmental disabilities services within the department, the
10 department shall notify those entities of the report or suspected or founded
11 abuses, deficiencies, violations or failures.

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

29 “(3) If the department determines at any time [*during or after an investi-*
30 *gation that the abuses, deficiencies, violations or failures to comply are or*

1 *threaten a serious danger to any child or to the public, or place a child at risk*
2 *with respect to the child's health, safety or welfare,]* **that the abuses, defi-**
3 **ciencies, violations or failures to comply seriously endanger the**
4 **health, safety or welfare of any child or the public, or threaten to do**
5 **so,** the department may immediately suspend or revoke the child-caring
6 agency's license, certificate or authorization, subject to the provisions of
7 ORS chapter 183. The department shall immediately notify any governmental
8 agency that has a contract with the child-caring agency to provide care or
9 services to a child of any suspension or revocation of the license, certificate
10 or other authorization of the child-caring agency under this subsection and
11 of any conditions placed on the child-caring agency's license, certificate or
12 authorization pursuant to ORS 418.240. The department shall immediately
13 report the alleged deficiencies or violations to the governmental agency and
14 the governing board responsible for the oversight of the child-caring agency.

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

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

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

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

27 “(5)(a) Any employee of the department that has reasonable cause to be-
28 lieve that a child-caring agency has [*committed an abuse or*] incurred a defi-
29 ciency or violation, or that grounds for immediate suspension or revocation
30 of a license, certificate or authorization exist under ORS 418.240, and that

1 such [*abuse,*] deficiency, violation or grounds is or threatens a danger to any
2 child at the child-caring agency or to the public, or places a child at risk
3 with respect to the child's health, safety or welfare, is required to imme-
4 diately inform the [*Director of Human Services, the director's designee or such*
5 *other personnel in the department designated to receive such information*] **de-**
6 **partment employees who are responsible for licensing, certifying or**
7 **authorizing child-caring agencies.** Upon receipt of an employee report
8 under this subsection, the director and department personnel shall imme-
9 diately [*commence an investigation and*] take all reasonably prudent and
10 necessary actions to ensure the health, safety and welfare of children at the
11 child-caring agency. [*Failure to commence an investigation and take actions*
12 *as required by this subsection constitutes official misconduct in the second*
13 *degree under ORS 162.405.*] **Violation of the requirements of this sub-**
14 **section constitutes official misconduct in the second degree under ORS**
15 **162.405.**

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

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

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

28 “(2) The department may not charge a fee for inspections leading to de-
29 cisions regarding, and issuance of, licenses under this section, but may
30 charge fees to cover costs of inspections done by other governmental agen-

1 cies for the department.

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

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

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

17 “(6) The department shall immediately investigate complaints made under
18 subsection (5) of this section in the manner provided under ORS 418.205 to
19 418.327.

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

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

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

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

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

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

7 “418.995. In imposing a penalty pursuant to ORS 418.992, the Director of
8 Human Services shall consider the following factors:

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

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

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

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

20 “OUT-OF-STATE PLACEMENTS OF CHILDREN

21
22
23 “**SECTION 36.** ORS 418.321 is amended to read:

24 “418.321. (1) **Except as provided in subsection (7) of this section and**
25 subject to ORS 418.322, the Department of Human Services may place a child
26 in an out-of-state child-caring agency only if:

27 “(a) The out-of-state child-caring agency is licensed **by the department**
28 **under ORS 418.240** to provide or engage in the provision of care or services
29 [*by the department*] under ORS 418.205 to 418.327 and complies with the li-
30 censing requirements under ORS 418.215 **and 418.240;**

1 “(b) The department has a current contract with the child-caring agency;

2 and

3 “(c) The department’s contract with the child-caring agency meets the
4 criteria under subsection (3) of this section.

5 “(2)(a) The department shall license an out-of-state child-caring agency
6 pursuant to the same licensure requirements the department would impose
7 if the out-of-state child-caring agency was located in this state.

8 “(b) Notwithstanding paragraph (b) of Article V of the Interstate Compact
9 on the Placement of Children and ORS 417.230, the department may not del-
10 egate the department’s licensing, visitation, inspection, investigation or
11 supervision of an out-of-state child-caring agency licensed by the department
12 to provide care or services to an Oregon child **unless the out-of-state**
13 **child-caring agency is an adoption agency or foster care agency, or a**
14 **provider of similar services, utilized for the purpose of placements in**
15 **compliance with paragraph (b) of Article V of the Interstate Compact**
16 **on the Placement of Children and ORS 417.230.**

17 “(3)(a) The department shall review the department’s contract with an
18 out-of-state child-caring agency prior to placing a child with the child-caring
19 agency.

20 “(b) The contract must, at a minimum, meet the following criteria:

21 “(A) At the time the contract is executed, the child-caring agency must
22 provide the department with a current list of every entity for which the
23 child-caring agency is providing placement services.

24 “(B) No later than 15 days after accepting placement of a child from a
25 new entity, the child-caring agency must notify the department in writing
26 of the child-caring agency’s association with the new entity. The notice must
27 include the name and contact information of the new entity and the name
28 and contact information of an individual associated with the new entity.

29 “(C) The child-caring agency must make mandatory reports of child abuse,
30 as defined in ORS 418.257 and 419B.005, involving Oregon children both to

1 the centralized child abuse reporting system described in ORS 418.190 and
2 as required under the laws of the state in which the child-caring agency is
3 located.

4 “(D) The child-caring agency must allow the department full access to the
5 child-caring agency’s facilities, residents, records and personnel as necessary
6 for the department to conduct child abuse investigations and licensing ac-
7 tivities or investigations.

8 “(E) The child-caring agency must notify the department in writing no
9 later than three business days after any state determines that an allegation
10 of child abuse or a license violation involving the child-caring agency is
11 founded, regardless of whether the child abuse or violation involves an
12 Oregon child.

13 “(F) The child-caring agency must notify the department in writing no
14 later than three business days after the child-caring agency receives notice
15 from any other state imposing a restriction on placement of children with
16 the child-caring agency, suspending or revoking the child-caring agency’s li-
17 cense with that state or indicating the state’s intent to suspend or revoke
18 the child-caring agency’s license with that state.

19 “(G) The child-caring agency must notify the department immediately,
20 verbally and in writing:

21 “(i) Any time a child from any state who is in the care of the child-caring
22 agency dies, is sexually assaulted or suffers serious physical injury, **as de-**
23 **fin****ed in ORS 161.015**; or

24 “(ii) When the child-caring agency becomes aware of any criminal inves-
25 tigation, arrest or criminal charges involving an agency staff member if the
26 alleged offense involved a child or could have reasonably posed a risk to the
27 health, safety or welfare of a child.

28 “(H) Except with respect to protected information described in ORS
29 418.256 (5), the child-caring agency may not ask or require an employee or
30 volunteer to sign a nondisclosure or other agreement prohibiting the em-

1 ployee or volunteer from the good faith disclosure of information concerning
2 the abuse or mistreatment of a child who is in the care of the child-caring
3 agency, violations of licensing or certification requirements, criminal activ-
4 ity at the child-caring agency, violations of state or federal laws or any
5 practice that threatens the health and safety of a child in the care of the
6 child-caring agency.

7 “(I) The child-caring agency must ensure staffing ratio and staff training
8 and education requirements that meet, at a minimum, the standards set by
9 the department by rule for intensive behavioral support services.

10 “(J) The child-caring agency must meet all of the program, discipline,
11 behavior support, supervision and child rights requirements adopted by the
12 department by rule for behavioral rehabilitation services provided in this
13 state.

14 “(K) The child-caring agency may not practice conversion therapy, as de-
15 fined in ORS 675.850.

16 “(L) The child-caring agency must identify a child by the child’s preferred
17 name and pronouns and may not implement a dress code that prohibits or
18 requires clothing on the basis of biological sex.

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

22 “(N) Neither the child-caring agency nor its contractors or volunteers
23 may use chemical or mechanical restraints on a child, including during se-
24 cure transport.

25 “(O) The child-caring agency must ensure that the use of any psychotropic
26 medications for a child placed with the child-caring agency by the depart-
27 ment is in compliance with ORS 418.517 and any rules regarding psychotropic
28 medications adopted by the department.

29 “(4) The department shall develop rules outlining a process for review of
30 the out-of-state placement of a child who is identified as a child with an in-

1 intellectual or developmental disability or who is suspected of having an in-
2 tellectual or developmental disability. At a minimum, the rules must:

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

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

8 “(c) Require that a multidisciplinary team, including administrators in
9 the developmental disability services program, monitor the progress of the
10 child in the out-of-state placement.

11 “(d) Require that contracts for placement of the child ensure that the
12 child has the same rights and protections that the child would have if the
13 child was placed in this state.

14 “(5)(a) A department child welfare services employee must accompany a
15 child who is placed in an out-of-state child-caring agency any time the child
16 is transported to an initial out-of-state placement, any time the child is
17 moved to a new placement and any time the child is moved by secure trans-
18 port.

19 “(b) Notwithstanding paragraph (a) of this subsection, if a child placed
20 in an out-of-state child-caring agency requires secure transport from the
21 out-of-state placement due to an emergency, a department child welfare ser-
22 vices employee is not required to accompany the child if the time it would
23 take for the employee to travel to the child’s out-of-state location would pose
24 a risk to the health, safety or welfare of the child. If a department child
25 welfare services employee does not accompany a child transported to an al-
26 ternate out-of-state placement, as provided in this paragraph, the child wel-
27 fare services employee must immediately travel to meet the child at the new
28 out-of-state facility.

29 “(6)(a) As used in this subsection, ‘juvenile offender’ means a person un-
30 der 18 years of age who has or is alleged to have committed an act that is

1 a violation, or, if done by an adult, would constitute a violation, of a law
2 or ordinance of the United States or a county or city in this state.

3 “(b) Except as provided in paragraph (c) of this subsection, the depart-
4 ment may not place a child in an out-of-state child-caring agency if the
5 child-caring agency provides care to juvenile offenders.

6 “(c) The department may place a child in an out-of-state child-caring
7 agency that provides care to juvenile offenders if:

8 “(A) The child-caring agency is a qualified residential treatment program
9 licensed by the department;

10 “(B) The child-caring agency maintains site-specific accreditation from a
11 nationally recognized organization;

12 “(C) The child being placed is a juvenile offender; and

13 “(D) Prior to the hearing to approve the placement, the court and all
14 parties to the dependency case have been informed of the nature of the ser-
15 vices offered by the program and of the population served by the program,
16 and the court, having considered the nature of the services and composition
17 of the facility population and the report of the qualified individual, has
18 found that placement in the facility is the least restrictive setting available
19 to appropriately meet the child’s treatment needs.

20 **“(7)(a) Notwithstanding ORS 418.322, the department may place a**
21 **child in an out-of-state placement without requiring the placement to**
22 **be licensed or under contract, as described in subsection (1) of this**
23 **section, or to be a qualified residential treatment program as described**
24 **in ORS 418.323 if:**

25 **“(A)(i) No child-caring agency placements are available in this state**
26 **that are suitable for the child and that provide the services and**
27 **treatments that are medically necessary and medically appropriate for**
28 **the child; and**

29 **“(ii) The services and treatments are approved by the responsible**
30 **Medicaid entity for coverage by Medicaid;**

1 “(B)(i) There is reason to know, as described in ORS 419B.636, that
2 the child is an Indian child, as defined in ORS 419B.603;

3 “(ii) The placement complies with the placement preferences under
4 ORS 419B.654; and

5 “(iii)(I) The out-of-state placement is a youth regional treatment
6 center operated or funded by the Indian Health Service and serves the
7 needs of Indian children or youth; or

8 “(II) The Indian child’s tribe has affirmatively requested that the
9 child be placed in the out-of-state placement;

10 “(C)(i) The out-of-state placement is an out-of-state child-caring
11 agency;

12 “(ii) The child resides in a placement subject to the Interstate
13 Compact on the Placement of Children that is located in the same
14 state as or a neighboring state to the child-caring agency; and

15 “(iii) The child-caring agency provides the types of treatment or
16 services that are medically necessary and medically appropriate for the
17 child, consistent with rules adopted by the Oregon Health Authority
18 for the administration of the authority’s program providing benefits
19 for children and young adults with special health needs;

20 “(D) The out-of-state placement is approved by an adoption agency
21 or foster care agency, or provider of similar services, in the state of
22 placement and the adoption agency or foster care agency provides li-
23 censing services in compliance with paragraph (b) of Article V of the
24 Interstate Compact on the Placement of Children and ORS 417.230; or

25 “(E)(i) The provider that is nearest to the child’s community and
26 able to provide the treatment or services that are medically necessary
27 and medically appropriate for the child is located in a neighboring
28 state;

29 “(ii) Accessing services or treatment in the neighboring state
30 maintains the child’s connection to the child’s community; and

1 “(iii) The services or treatment are consistent with rules adopted
2 by the Oregon Health Authority for the administration of the
3 authority’s program providing benefits for children and young adults
4 with special health needs.

5 “(b) The out-of-state placement of a child under this subsection is
6 not subject to subsection (4), (5) or (6) of this section.

7 “(c) The out-of-state placement is subject to court approval under
8 ORS 419B.351.

9 “(d) The department may not place a child in an out-of-state
10 placement under this subsection unless the department has verified
11 that the placement is in good standing with the licensing authority in
12 the state in which the placement will provide services or treatment to
13 the child.

14 “(e) The department may not place a child in an out-of-state
15 placement under this subsection unless the department has conducted
16 an in-person inspection and has verified that the placement is safe and
17 in significant alignment with the licensure requirements that would
18 apply if the out-of-state placement was located in this state. The in-
19 spection under this paragraph must be conducted by department staff
20 who perform licensing functions under ORS 418.262.

21 “(f) All approvals of the exceptions in this subsection must be made
22 by the director of the division of the department that administers the
23 state child welfare program or the director’s designee. In addition, the
24 exceptions under paragraph (a)(A), (C) and (E) of this subsection must
25 also be approved by the director of the division of the authority that
26 administers the state medical assistance program or the director’s
27 designee.

28 “(g) The department and the Oregon Health Authority shall collab-
29 orate to establish rules for the approval process under paragraph (f)
30 of this subsection.

1 “(h) The authority shall establish, under contract with coordinated
2 care entities, basic standards for quality assurance and oversight prior
3 to and during the child’s medically necessary and appropriate treat-
4 ments and services for out-of-state providers under this section.

5 “(8) The department may not place a child in an out-of-state
6 placement under this section if:

7 “(a) The child has an intellectual disability or a developmental dis-
8 ability; and

9 “(b) The out-of-state placement is an intermediate care facility, as
10 defined by the department by rule.

11 “(9) The department shall adopt rules prescribing the process for
12 review of the out-of-state placement. At a minimum, the rules must:

13 “(a) Establish what constitutes significant alignment with licensure
14 requirements for child-caring agencies under ORS 418.215 and 418.240;

15 “(b) Require a multidisciplinary team to monitor the progress of the
16 child in the out-of-state placement;

17 “(c) Require a member of the multidisciplinary team described in
18 paragraph (b) of this subsection to accompany the child as the child
19 travels to and from an out-of-state placement;

20 “(d) Require that a member of the multidisciplinary team described
21 in paragraph (b) of this subsection have in-person contact with the
22 child in the out-of-state placement at least once every 15 days;

23 “(e) Ensure the child’s rights in the out-of-state placement are in
24 significant alignment with the rights the child has in this state;

25 “(f) Ensure the child understands the child’s rights as a child in the
26 care or custody of the department, including under the Oregon Foster
27 Children’s Bill of Rights, and ensure that the child knows how to re-
28 port violations of those rights to the State of Oregon; and

29 “(g) Establish the multidisciplinary response if a child’s rights have
30 been violated or abuse has been reported in the out-of-state placement.

1 “(10) As used in this section, ‘out-of-state child-caring agency’
2 means a provider of children’s care or services in a state other than
3 Oregon that would be required under ORS 418.215 to be licensed, cer-
4 tified or otherwise authorized by the Department of Human Services
5 under ORS 418.240 if the provider provided the care or services in this
6 state.

7 “SECTION 36a. Section 36b of this 2025 Act is added to and made a
8 part of ORS 418.205 to 418.327.

9 “SECTION 36b. (1) As used in this section, ‘foster care
10 ombudsman’ means the individual in the Governor’s advocacy office
11 identified as the foster care ombudsman.

12 “(2) When the Department of Human Services places a child in an
13 out-of-state placement under ORS 418.321 (7), the department shall:

14 “(a) File with the juvenile court the report required under ORS
15 419B.440 (1)(a); and

16 “(b) Provide written notice of the placement to the office of the
17 Governor, the foster care ombudsman and the System of Care Advi-
18 sory Council prior to or as soon as practicable after the date of
19 placement.

20 “(3) The department shall submit quarterly narrative reports to the
21 System of Care Advisory Council describing the circumstances justi-
22 fying, in the previous quarter:

23 “(a) Placement exceptions based on the approval of a responsible
24 Medicaid entity as permitted under ORS 418.322 (3)(k) and (4);

25 “(b) Placement of children or wards in adult settings as permitted
26 under ORS 418.322 (4); and

27 “(c) Placement extensions authorized under ORS 418.322 (5)(b).

28 “(4)(a) The System of Care Advisory Council shall submit quarterly
29 reports to the committees or interim committees of the Legislative
30 Assembly related to human services and behavioral health in the

1 manner provided under ORS 192.245, analyzing the immediately pre-
2 ceding quarter's narrative report described in subsection (3) of this
3 section. The report under this subsection must include an analysis of:

4 “(A) The appropriateness of the placement exceptions and exten-
5 sions described in the department's quarterly report; and

6 “(B) Any trends reflected in the department's quarterly report.

7 “(b) In addition, not later than September 15 of each year, the
8 System of Care Advisory Council shall submit a report to the interim
9 committees of the Legislative Assembly related to human services and
10 behavioral health in the manner provided under ORS 192.245 summa-
11 rizing the quarterly reports received from the department in the pre-
12 vious four quarters. The summary must include the System of Care
13 Advisory Council's analysis of the appropriateness of the placement
14 exceptions and of the trends reflected in the quarterly reports in the
15 previous four quarters.

16 “(5)(a) Records received by the System of Care Advisory Council
17 under this section are not subject to public inspection and, to the ex-
18 tent permitted under ORS 192.610 to 192.705, the System of Care Advi-
19 sory Council shall hold an executive session for the consideration of
20 information and records it receives under this section.

21 “(b) The System of Care Advisory Council may not include infor-
22 mation in its reports under this section that contain the name of or
23 any identifying information about a child.

24 “**SECTION 37.** ORS 418.322 is amended to read:

25 “418.322. (1) As used in this section:

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

30 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation,

1 provision, obtaining, patronizing or soliciting of a person under 18 years of
2 age for the purpose of a commercial sex act, as defined in ORS 163.266, or
3 the recruitment, harboring, transportation, provision or obtaining of a person
4 over 18 years of age using force, fraud or coercion for the purpose of a
5 commercial sex act, as defined in ORS 163.266.

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

8 “(a) A child-caring agency, as defined in ORS 418.205, a hospital, as de-
9 fined in ORS 442.015, or a rural hospital, as defined in ORS 442.470; and

10 “(b) A qualified residential treatment program described in ORS 418.323.

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

14 “(a) The child-caring agency is providing prenatal, postpartum or parent-
15 ing supports to the child or ward.

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

19 “(c) The child or ward is, or is at risk of becoming, a victim of sex traf-
20 ficking and the child-caring agency is providing high-quality residential care
21 and supportive services to the child or ward.

22 “(d) The Oregon Health Authority has approved the [*placement as med-*
23 *ically necessary*] **services or treatment** and the child-caring agency:

24 “(A) Is a residential care facility;

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

28 “(C) Has an active provider agreement with the Oregon Medicaid pro-
29 gram.

30 “(e) The child-caring agency is an adolescent residential drug and alcohol

1 treatment program licensed or certified by the State of Oregon to provide
2 residential care, and the court has approved, or approval is pending for, the
3 placement in the child-caring agency of each child or ward over whom the
4 department retains jurisdiction.

5 “(f) The placement with the child-caring agency is for the purpose of
6 placing the child or ward in a proctor foster home.

7 “(g) The child-caring agency is a residential care facility licensed by the
8 department that provides short-term assessment and stabilization services.

9 “(h) The child-caring agency is a shelter-care home, as defined in ORS
10 418.470, that provides short-term assessment and stabilization services.

11 “(i) The child-caring agency is a homeless, runaway or transitional living
12 shelter licensed by the department that provides short-term assessment and
13 stabilization services.

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

17 **“(k) The responsible Medicaid entity has approved the services or**
18 **treatment.**

19 **“(4) Notwithstanding subsection (2) or (3) of this section, the de-**
20 **partment may place a child or ward in a congregate care residential**
21 **setting that is not a child-caring agency or a qualified residential**
22 **treatment program if the congregate care residential setting is an**
23 **adult setting licensed by the department or authority and it provides**
24 **services or treatment that are medically necessary and medically ap-**
25 **propriate for the child or ward.**

26 “[~~(4)~~] **(5)(a)** The department may not place a child or ward in a residential
27 care facility or shelter-care home described in subsection (3)(g) or (h) of this
28 section:

29 “[~~(a)~~] **(A)** For more than 60 consecutive days or 90 cumulative days in a
30 12-month period, **unless the limits for the duration of the placement are**

1 **extended as provided in paragraph (b) of this subsection; or**

2 “~~[(b)]~~ **(B)** If the residential care facility or shelter-care home also serves
3 youths or adjudicated youths served by the county juvenile department or
4 adjudicated youths committed to the custody of the Oregon Youth Authority
5 by the court.

6 **“(b) The department, by rule, may extend the limits for the dura-**
7 **tion of placement of a child or ward under paragraph (a) of this sub-**
8 **section:**

9 **“(A) As requested by the child or ward; or**

10 **“(B) By up to 30 consecutive or 30 cumulative days in a 12-month**
11 **period if the department determines that the extension is in the best**
12 **interest of the child or ward.**

13 ~~“[(5)]~~ **(6)** The department may not place a child or ward in a homeless,
14 runaway or transitional living shelter described in subsection (3)(i) of this
15 section for more than 60 consecutive or 90 cumulative days in any 12-month
16 period.

17 ~~“[(6)]~~ **(7)** Calculations of the number of days a child or ward is placed in
18 a shelter-care home under subsection (3)(h) of this section or a homeless,
19 runaway or transitional living shelter under subsection (3)(i) of this section
20 exclude the days the child or ward is in the shelter-care home or shelter if
21 the child or ward:

22 **“(a) Accessed the shelter-care home or shelter without the support or di-**
23 **rection of the department; and**

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

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

28 **“(b) Nothing in this section prohibits the Oregon Youth Authority or a**
29 **county juvenile department from placing an adjudicated youth or a youth**
30 **served by the Oregon Youth Authority or the county juvenile department in**

shelter care or detention under ORS chapter 419C.

“(9)(a) All approvals of the exceptions described in subsections (3)(k) and (5)(b) of this section must be made by the director of the division of the department that administers the state child welfare program or the director’s designee. In addition, the exceptions under subsection (3)(k) of this section must also be approved by the director of the division of the authority that administers the state medical assistance program or the director’s designee.

“(b) The department and the authority shall collaborate to establish rules for the approval process under this subsection.

“SECTION 38. ORS 418.500 is amended to read:

“418.500. Subject to ORS 418.322, if the Department of Human Services determines that need exists for care and treatment of a child who is eligible for such care and treatment that is not available through any public or private agency or facility in this state, it may enter into an agreement with a public or private agency outside this state for the purchase of care for the child. **Except as provided in ORS 418.322, such agreements shall contain the matter described in ORS 418.321 and 418.495 and shall apply to children described therein.**

“SECTION 39. ORS 419B.335 is amended to read:

“419B.335. (1) The Department of Human Services shall provide the following information regarding out-of-state placements of children and wards on a website maintained by the department and updated monthly:

“[(1)] (a) The name of each out-of-state facility in which [*children or wards*] **a child or ward placed by the department [*are*] **is** currently receiving services;**

“[(2)] (b) The [*city and*] state in which each facility is located;

“[(3)] (c) The name of any parent organization for each facility;

“[(4)] (d) The name of each facility’s accreditation agency;

“[(5)] (e) The **total number of children or wards placed by the department**

1 *[currently receiving services from]* **in** each facility;

2 “[(6)] **(f)** The total number of children or wards currently receiving ser-
3 vices from each facility;

4 “[(7)] **(g)** The daily rate charged by each facility for each child or ward;

5 “[(8)] **(h)** The name of the face-to-face contracting agency, including the
6 city and state in which it is located;

7 “[(9)] **(i)** Whether each facility provides services to adjudicated youths or
8 the resident state’s equivalent of adjudicated youths; **and**

9 “[(10)] *Demographic information about all children or wards the department*
10 *currently has placed in out-of-state facilities, including but not limited to age,*
11 *gender or gender identity, race, ethnicity, tribal status and, if disclosed by the*
12 *child or ward, sexual orientation;]*

13 “[(11)] *The number of children or wards the department currently has placed*
14 *in out-of-state facilities who have autism, intellectual disabilities or develop-*
15 *mental disabilities; and]*

16 “[(12)] **(j)** Aggregate travel costs for the department to support out-of-state
17 placements during the previous month.

18 **“(2) The department shall provide on a quarterly basis to the Sys-**
19 **tem of Care Advisory Council a brief narrative description of the cir-**
20 **cumstances in which an out-of-state placement was determined to be**
21 **in the best interests of a child or ward.**

22 **“(3) Information provided in reports under this section may not**
23 **contain any identifying information of a child or ward, including the**
24 **name of the child or ward.**

25 **“SECTION 39a.** ORS 419B.351 is amended to read:

26 **“419B.351. (1) The Department of Human Services shall move the court**
27 **for approval of a placement no later than 30 days following the date the**
28 **department placed, or will place, a child or ward in a qualified residential**
29 **treatment program described in ORS 418.323 or in an out-of-state place-**
30 **ment described in ORS 418.321.**

1 “(2)(a) The motion for approval of the placement must include, at a min-
2 imum:

3 “(A) The date of the placement;

4 “(B) To the extent practicable, the parties’ placement preferences; and

5 “(C) **If applicable**, a copy of the child’s or ward’s independent assessment
6 described in ORS 418.324.

7 “(b) Notwithstanding paragraph (a)(C) of this subsection, if **an inde-**
8 **pendent assessment is required under ORS 418.324 and** the independent
9 assessment is not completed at the time the department files the motion un-
10 der subsection (1) of this section, the department may file the motion under
11 this section without the assessment and shall supplement the motion with a
12 copy of the completed assessment immediately following the department’s
13 receipt of the completed assessment.

14 “(3) The department shall provide an exact copy of the motion to each
15 of the parties listed in ORS 419B.875.

16 “(4) Upon receipt of a motion under this section, the court shall schedule
17 a hearing to occur no later than 60 days following the date the child or ward
18 is placed in the qualified residential treatment program **or out-of-state**
19 **placement**.

20 “(5)(a) The court shall enter an order approving or disapproving the
21 placement and make specific determinations regarding the following:

22 “(A) Whether the needs of the child or ward can be met through place-
23 ment in a foster family home or in a proctor foster home as defined in ORS
24 418.205.

25 “(B) If the court determines that the needs of the child or ward cannot
26 be met through placement in a foster family home or proctor foster home,
27 whether placement of the child or ward in *[the]* **a** qualified residential
28 treatment program:

29 “(i) Provides the least restrictive setting to provide the most effective and
30 appropriate level of care for the child or ward; and

1 “(ii) Is consistent with the child’s or ward’s case plan.

2 “(b) In addition to the determinations under paragraph (a) of this sub-
3 section, if the motion is for approval of the placement of a child or ward in
4 an out-of-state child-caring agency that serves juvenile offenders as defined
5 in ORS 418.321 (6), the court may not approve the placement unless the court
6 finds that the child or ward’s placement in the out-of-state child-caring
7 agency is the least restrictive setting available to meet the child or ward’s
8 treatment needs, taking into consideration all of the following:

9 “(A) The nature of the services offered by the child-caring agency;

10 “(B) The population served by the child-caring agency;

11 “(C) The percentage of the child-caring agency’s population that is juve-
12 nile offenders; and

13 “(D) Whether the child-caring agency is required to file a report under
14 the Prison Rape Elimination Act of 2003, 34 U.S.C. 30301 et seq.

15 **“(c) In addition to the determinations under paragraph (a) of this**
16 **subsection, if the motion is for approval of the placement of a child**
17 **or ward in an out-of-state placement under ORS 418.321 (7), the court**
18 **may not approve the placement unless the court finds that placement**
19 **of the child or ward in the out-of-state placement meets the applicable**
20 **criteria described in ORS 418.321 (7).**

21 “[c)] (d) The court may receive testimony, reports or other material re-
22 lating to the child’s or ward’s mental, physical and social history and
23 prognosis without regard to the competency or relevancy of the testimony,
24 reports or other material under the rules of evidence.

25 “(6) The court shall enter an order under subsection (5) of this section
26 no later than 60 days following the date the child or ward is placed in the
27 qualified residential treatment program.

28 “(7) If the court enters an order disapproving the child’s or ward’s place-
29 ment, the department shall move the child or ward to a placement that pro-
30 vides care, supervision and services that are consistent with the court’s order

1 no later than 30 days following the date the court enters the order.

2 **“NOTE:** Sections 40 through 46 were deleted by amendment. Subsequent
3 sections were not renumbered.

4
5 **“REPORTS**
6

7 **“SECTION 47.** The System of Care Advisory Council shall study the
8 implementation by the Department of Human Services and the Oregon
9 Health Authority of sections 1 and 10 of this 2025 Act and the amend-
10 ments to ORS 329A.030, 329A.275, 418.205, 418.210, 418.215, 418.240,
11 418.241, 418.246, 418.248, 418.255, 418.256, 418.257, 418.258, 418.259, 418.260,
12 418.321, 418.322, 418.327, 418.330, 418.500, 418.519, 418.521, 418.523, 418.526,
13 418.529, 418.532, 418.625, 418.992, 418.995, 419A.245, 419B.005, 419B.335,
14 419B.351, 419C.620 and 704.023 by sections 8, 11 to 19, 21, 22, 24 to 39a,
15 50, 51 and 56 to 61 of this 2025 Act and analyze the effects of that im-
16 plementation. The council shall submit two reports in the manner
17 provided by ORS 192.245, and may include recommendations for legis-
18 lation, to the interim committees of the Legislative Assembly related
19 to health care and human services. The first report is due no later
20 than September 15, 2026, and the second report is due no later than
21 September 15, 2027.

22 **“SECTION 48.** (1) The quarterly reports described in section 36b (3)
23 of this 2025 Act are first due on October 1, 2025.

24 **“(2)** The quarterly reports described in section 36b (4) of this 2025
25 Act are first due on January 1, 2026.

26 **“(3)** The quarterly reports described in ORS 419B.335 are first due
27 on October 1, 2025.

28 **“SECTION 49.** Section 47 of this 2025 Act is repealed on January 2,
29 2028.

1 **“CONFORMING AMENDMENTS**

2
3 **“SECTION 50.** ORS 329A.030 is amended to read:

4 “329A.030. (1) The Department of Early Learning and Care shall establish
5 a Central Background Registry and may maintain information in the registry
6 through electronic records systems.

7 “(2)(a) A subject individual described in subsection (11)(a), (c) or (d) of
8 this section shall apply to and must be enrolled in the Central Background
9 Registry prior to the provision of care.

10 “(b) An individual who has been the subject of a founded or substantiated
11 report of child abuse shall apply to and must be enrolled in the Central
12 Background Registry prior to providing any of the types of care identified
13 in ORS 329A.250 (4)(b)(A), (E) or (F) if:

14 “(A) The child abuse occurred on or after January 1, 2017, and involved
15 a child who died or suffered serious physical injury, as defined in ORS
16 161.015; or

17 “(B) The child abuse occurred on or after September 1, 2019, and involved
18 any child for whom the individual was providing child care, as defined in
19 ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), (E), (F)
20 or (G).

21 “(c) Notwithstanding paragraph (a) of this subsection, an individual de-
22 scribed in paragraph (b)(B) of this subsection is not required to enroll in the
23 Central Background Registry if more than seven years has elapsed since the
24 date of the child abuse determination.

25 “(3)(a) Upon receiving an application for enrollment in the Central
26 Background Registry, the department shall complete:

27 “(A) A criminal records check under ORS 181A.195;

28 “(B) A criminal records check of other registries or databases in accord-
29 ance with rules adopted by the Early Learning Council;

30 “(C) A child abuse and neglect records check in accordance with rules

1 adopted by the council; and

2 “(D) A foster care certification check and an adult protective services
3 check in accordance with rules adopted by the council.

4 “(b) In addition to the information that the department is required to
5 check under paragraph (a) of this subsection, the department may consider
6 any other information obtained by the department that the department, based
7 on rules adopted by the Early Learning Council, determines is relevant to
8 enrollment in the Central Background Registry.

9 “(4) The department shall enroll the individual in the Central Background
10 Registry if the individual:

11 “(a) Is determined to have no criminal, child abuse and neglect, negative
12 adult protective services or negative foster home certification history, or to
13 have dealt with the issues and provided adequate evidence of suitability for
14 the registry;

15 “(b) Has paid the applicable fee established pursuant to ORS 329A.275;
16 and

17 “(c) Has complied with the rules of the Early Learning Council adopted
18 pursuant to this section.

19 “(5)(a) Notwithstanding subsections (3) and (4) of this section, the de-
20 partment may not enroll an individual in the Central Background Registry
21 if:

22 “(A) The individual has a disqualifying condition as defined in rules
23 adopted by the council; or

24 “(B) The individual is an exempt prohibited individual, as provided by
25 ORS 329A.252, unless the individual qualifies for limited enrollment pursuant
26 to rules adopted by the Early Learning Council.

27 “(b) If an individual prohibited from enrolling in the registry as provided
28 by this subsection is enrolled in the registry, the department shall remove
29 the individual from the registry.

30 “(6)(a) The department may conditionally enroll an individual in the

1 Central Background Registry pending the results of a nationwide criminal
2 records check through the Federal Bureau of Investigation if the individual
3 has successfully completed the criminal records check and the child abuse
4 and neglect records check in this state and in the state of the individual's
5 residence, if other than Oregon.

6 “(b) The department may enroll an individual in the registry subject to
7 limitations identified in rules adopted by the council.

8 “(7) The department may grant limited enrollment in the Central Back-
9 ground Registry to a subject individual who is a relative caretaker of a child
10 for whom care is provided in a subsidized care facility, regardless of whether
11 the individual was previously denied enrollment in the Central Background
12 Registry, if the individual otherwise meets the criteria established in rule
13 by the Early Learning Council.

14 “(8) An enrollment in the Central Background Registry may be renewed
15 upon application to the department, payment of the fee established pursuant
16 to ORS 329A.275 and compliance with rules adopted by the Early Learning
17 Council pursuant to this section. However, an individual who is determined
18 to be ineligible for enrollment in the registry after the date of initial en-
19 rollment shall be removed or suspended from the registry by the department.

20 “(9)(a) A child care facility, preschool recorded program or school-age
21 recorded program may not hire or employ an individual if the individual is
22 not enrolled in the Central Background Registry.

23 “(b) Notwithstanding paragraph (a) of this subsection, a child care facil-
24 ity, preschool recorded program or school-age recorded program may employ
25 on a probationary basis an individual who is conditionally enrolled in the
26 Central Background Registry.

27 “(10) The Early Learning Council may adopt any rules necessary to carry
28 out the purposes of this section, including but not limited to rules regarding
29 expiration and renewal periods and limitations related to the subject
30 individual's enrollment in the Central Background Registry.

1 “(11) As used in this section, ‘subject individual’ means:

2 “(a) A subject individual as defined by the Early Learning Council by

3 rule;

4 “(b) An individual subject to subsection (2)(b) of this section;

5 “(c) A person who applies to be:

6 “(A) The operator or an employee of a child care or treatment program;

7 “(B) The operator or an employee of a provider under the Oregon Prenatal

8 to Kindergarten Program under ORS 329.172 to 329.200;

9 “(C) The operator or an employee of a federal Head Start program regu-

10 lated by the United States Department of Health and Human Services;

11 “(D) An individual in a child care facility, preschool recorded program

12 or school-age recorded program who may have unsupervised contact with

13 children, as determined by the council by rule;

14 “(E) A contractor or an employee of the contractor who:

15 “(i) Provides early childhood special education or early intervention ser-

16 vices pursuant to ORS 343.455 to 343.534; and

17 “(ii) Is not subject to the criminal records check requirements of ORS

18 326.603 or 342.223;

19 “(F) A child care provider who is required to be enrolled in the Central

20 Background Registry by any state agency;

21 “(G) A contractor, employee or volunteer of a metropolitan service dis-

22 trict organized under ORS chapter 268 who may have unsupervised contact

23 with children and who is required to be enrolled in the Central Background

24 Registry by the metropolitan service district;

25 “(H) A provider of respite services, as defined in ORS [418.205] **418.215**

26 **(2)(b)**, for parents pursuant to a properly executed power of attorney under

27 ORS 109.056 who is providing respite services as a volunteer with a private

28 agency or organization that facilitates the provision of such respite services;

29 “(I) The operator or an employee of an early learning program as defined

30 in rules adopted by the council; or

1 “(J) The operator or an employee of a preschool recorded program or a
2 school-age recorded program; or

3 “(d)(A) An individual who operates a subsidized care facility;

4 “(B) An individual who has attained 18 years of age and resides in a
5 subsidized care facility; or

6 “(C) An individual in a subsidized care facility who has attained 18 years
7 of age and who may have unsupervised contact with children, as determined
8 by the council by rule.

9 “(12)(a) Information provided to a metropolitan service district organized
10 under ORS chapter 268 about the enrollment status of the persons described
11 in subsection (11)(c)(G) of this section shall be subject to a reciprocal
12 agreement with the metropolitan service district. The agreement must pro-
13 vide for the recovery of administrative, including direct and indirect, costs
14 incurred by the department from participation in the agreement. Any mon-
15 eys collected under this paragraph shall be deposited in the Child Care Fund
16 established under ORS 329A.273.

17 “(b) Information provided to a private agency or organization facilitating
18 the provision of respite services, as defined in ORS [418.205] **418.215 (2)(b)**,
19 for parents pursuant to a properly executed power of attorney under ORS
20 109.056 about the enrollment status of the persons described in subsection
21 (11)(c)(H) of this section shall be subject to an agreement with the private
22 agency or organization. The agreement must provide for the recovery of ad-
23 ministrative, including direct and indirect, costs incurred by the department
24 from participation in the agreement. Any moneys collected under this para-
25 graph shall be deposited in the Child Care Fund established under ORS
26 329A.273.

27 “(c) Information provided to a private agency or organization about the
28 enrollment status of the persons described in subsection (11)(c)(I) of this
29 section shall be subject to an agreement with the private agency or organ-
30 ization. The agreement must provide for the recovery of administrative, in-

cluding direct and indirect, costs incurred by the department from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.273.

“SECTION 51. ORS 329A.275 is amended to read:

“329A.275. (1) The Early Learning Council shall adopt rules establishing fees for certification, registration and recording under ORS 329A.250 to 329A.450.

“(2) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Legislative Assembly prior to adopting the fees and charges, the fees and charges established under ORS 181A.195, 329A.030 and 329A.250 to 329A.450 may not exceed the cost of administering the program of the Department of Early Learning and Care pertaining to the purpose for which the fee is established, as authorized by the Legislative Assembly within the budget of the Department of Early Learning and Care.

“(3) Notwithstanding subsection (2) of this section and any other provision of this chapter, the following fees established by the Early Learning Council under ORS 329A.030 and 329A.250 to 329A.450 may not exceed:

“(a) For Certified Family Child Care Home Initial Certification, \$25;

“(b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;

“(c) For Child Care Center Initial Certification, \$100;

“(d) For Child Care Center Annual Fee Per Certified Space, \$2;

“(e) For Registered Family Child Care Home Registration, \$30;

“(f) For Preschool Recorded Program Recording, \$20;

“(g) For School-Age Recorded Program Recording, \$20;

“(h) For administering a class on child care abuse and neglect issues, \$10;

and

“(i) For enrollment in the Central Background Registry, the cost of administering the program, including fees for:

“(A) Duplicate enrollment in the Central Background Registry;

1 “(B) Law Enforcement Data System criminal records check; and

2 “(C) Federal Bureau of Investigation fingerprint check.

3 “(4) The Early Learning Council, by rule, shall waive the fees described
4 in subsection (3)(i) of this section for an employee of or volunteer with a
5 private agency or organization that facilitates the provision of respite ser-
6 vices, as defined in ORS [418.205 (2)(c)(B)] **418.215 (2)(b)**, for parents pursu-
7 ant to a properly executed power of attorney under ORS 109.056.

8 “**NOTE:** Sections 52 through 55 were deleted by amendment. Subsequent
9 sections were not renumbered.

10 “**SECTION 56.** ORS 418.246 is amended to read:

11 “418.246. (1) In addition to any requirements for licensure established by
12 the Department of Human Services, each outdoor youth program that is ap-
13 plying for licensure as a child-caring agency shall file with the department
14 a bond in the amount of \$50,000 or 50 percent of the program’s yearly budget,
15 whichever amount is less. The bond shall be issued by a surety company or
16 an insured institution, as defined in ORS 706.008, authorized to do business
17 in this state.

18 “(2) The bond required under subsection (1) of this section shall be con-
19 tinuous until canceled and shall remain in full force and unimpaired at all
20 times to comply with this section. The surety or insured institution shall
21 give the department at least 30 days’ written notice before it cancels or ter-
22 minates its liability under the bond.

23 “(3) An action on the bond may be brought by any person aggrieved by
24 the misconduct of an outdoor youth program required to be licensed under
25 ORS 418.205 to 418.327.

26 “(4)(a) **As used in this section, ‘outdoor youth program’ means a**
27 **program that provides, in an outdoor living setting, services to chil-**
28 **dren who have behavioral problems, mental health problems or prob-**
29 **lems with abuse of alcohol or drugs.**

30 “(b) **‘Outdoor youth program’ does not include any program, facility**

1 **or activity:**

2 **“(A) Operated by a governmental entity;**

3 **“(B) Operated by or affiliated with the Oregon Youth Corps;**

4 **“(C) Licensed by the Department of Human Services under the au-**
5 **thority of the department other than ORS 418.205 to 418.327; or**

6 **“(D) Operated by a youth job development organization, as defined**
7 **in ORS 344.415.**

8 **“SECTION 57.** ORS 418.330 is amended to read:

9 **“418.330. (1) As used in this section:**

10 **“(a) ‘Child’ means:**

11 **“(A) A person under 18 years of age;**

12 **“(B) A person under 21 years of age if the Department of Human Services**
13 **determines that the person has a mental or physical disability that warrants**
14 **the continuation of assistance; or**

15 **“(C) A person who has attained 18 years of age and:**

16 **“(i) On whose behalf payments under this section were received prior to**
17 **the person attaining 18 years of age, provided the person was at least 16**
18 **years of age at the time the payments commenced;**

19 **“(ii) Has not attained 21 years of age; and**

20 **“(iii)(I) Is completing secondary education or a program leading to an**
21 **equivalent credential;**

22 **“(II) Is enrolled in an institution or program that provides post-secondary**
23 **or vocational education;**

24 **“(III) Is participating in a program or activity designed to promote, or**
25 **remove barriers to, employment;**

26 **“(IV) Is employed for at least 80 hours per month; or**

27 **“(V) Is incapable of doing any of the activities described in sub-sub-**
28 **subparagraphs (I) to (IV) of this sub-subparagraph due to a medical condi-**
29 **tion, which incapability is supported by regularly updated documentation.**

30 **“(b) ‘Nonrecurring adoption or guardianship expenses’ means reasonable**

1 and necessary adoption or guardianship fees, court costs, attorney fees and
2 other expenses that are directly related to the adoption of, or establishment
3 of a guardianship for, a child with special needs and that are not incurred
4 in violation of state or federal law.

5 “(2) The department may make payments to adoptive parents or guardians
6 on behalf of a child placed for adoption or establishment of a guardianship
7 by the department, or placed for adoption by an approved child-caring
8 agency, **as defined in ORS 418.205**, when the department determines:

9 “(a) The child has special needs because of an impediment to adoptive
10 placement or establishment of a guardianship by reason of the child’s phys-
11 ical or mental condition, race, age, or membership in a sibling group; or

12 “(b) The adoptive family or guardian is capable of providing the perma-
13 nent family relationships needed by the child in all respects other than fi-
14 nancial, and the needs of the child are beyond the economic ability and
15 resources of the family.

16 “(3) Payments to subsidize adoptions or guardianships made under sub-
17 section (2) of this section:

18 “(a) Shall include payment of nonrecurring adoption or guardianship ex-
19 penses incurred by or on behalf of adoptive parents or guardians in con-
20 nection with the adoption of, or establishment of a guardianship for, a child
21 with special needs;

22 “(b) May include, but are not limited to, the maintenance costs, medical
23 and surgical expenses, and other costs incidental to the care, training and
24 education of the child;

25 “(c) May not exceed the cost of providing comparable assistance in foster
26 care; and

27 “(d) May not be made:

28 “(A) For a child who has not attained 18 years of age, when the adoptive
29 parents or guardians are no longer legally responsible for the support of the
30 child; or

1 “(B) When the child is no longer receiving any support from the adoptive
2 parents or guardians.

3 “(4) Adoptive parents or guardians receiving payments under subsection
4 (2) of this section shall inform the department of circumstances that would
5 make the adoptive parents or guardians:

6 “(a) Ineligible to receive the payments; or

7 “(b) Eligible to receive the payments in a different amount.

8 **“SECTION 58.** ORS 418.625 is amended to read:

9 “418.625. As used in ORS 418.625 to 418.645:

10 “(1) ‘Certificate’ means a written approval to operate a foster home issued
11 by the Department of Human Services on a form prescribed by the depart-
12 ment that states the name of the foster parent, the address of the premises
13 to which the certificate applies and the maximum number of children to be
14 maintained or boarded in the foster home at any one time.

15 “(2) ‘Department’ means the Department of Human Services.

16 “(3)(a) ‘Foster home’ means any home maintained by a person who has
17 under the care of the person in the home any child under the age of 21 years
18 unattended by the child’s parent or guardian, for the purpose of providing
19 the child with care, food and lodging[, *but does not include*:].

20 **“(b) ‘Foster home’ does not include:**

21 “[a] (A) Any boarding school that is essentially and primarily engaged
22 in educational work;

23 “[b] (B) Any home in which a child is provided board and room by a
24 school board;

25 “[c] (C) Any foster home under the direct supervision of a child-caring
26 agency or institution certified by the department;

27 “[d] (D) Any home under the direct supervision of a custodial parent for
28 the purpose of providing respite care as defined by rule;

29 “[e] (E) Any developmental disability child foster home as defined in
30 ORS 443.830; or

1 “[(f)] (F) Any home of a provider of respite services, as defined in ORS
2 [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power
3 of attorney under ORS 109.056.

4 “**NOTE:** Section 59 was deleted by amendment. Subsequent sections were
5 not renumbered.

6 “**SECTION 60.** ORS 419C.620 is amended to read:

7 “419C.620. (1) When required by the court, the Oregon Youth Authority
8 or a private agency having guardianship or legal custody of an adjudicated
9 youth pursuant to court order shall file reports on the adjudicated youth
10 with the juvenile court that entered the original order concerning the adju-
11 dicated youth.

12 “(2) A county juvenile department shall file a report with the juvenile
13 court under this section if an adjudicated youth remains under juvenile de-
14 partment care for six consecutive months from the date of initial placement
15 and:

16 “(a) The county juvenile department is a county program, as defined in
17 ORS [418.205] **418.215**;

18 “(b) The county juvenile department is participating in programs related
19 to Title IV-E of the Social Security Act;

20 “(c) The county juvenile department has responsibility for the care and
21 placement of the adjudicated youth; and

22 “(d) The placement is not a detention facility.

23 “**SECTION 61.** ORS 704.023 is amended to read:

24 “704.023. In addition to meeting the requirements in ORS 704.020, any
25 person who provides outfitting and guiding services for outdoor youth pro-
26 grams, as defined in ORS [418.205] **418.246**, shall furnish proof of a current
27 child-caring agency license for outdoor youth programs from the Department
28 of Human Services prior to being registered as an outfitter and guide.

29
30 “**MISCELLANEOUS**

