

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 1515**

- 1 On page 1 of the printed bill, line 17, restore the bracketed material.
- 2 On page 3, after line 16, insert:
 - 3 “(7) Any governmental entity that is a provider of care or services for
 - 4 children, including but not limited to the Oregon Youth Authority.”.
- 5 In line 28, delete “that is not committed”.
- 6 In line 29, delete “to the custody of the department”.
- 7 In line 39, delete “certification” and insert “certificate”.
- 8 On page 4, line 13, delete “certification” and insert “certificate”.
- 9 In line 35, after “(c)” delete the rest of the line.
- 10 In line 36, delete “compliance, and” and insert “In the following circum-
- 11 stances,”.
- 12 In line 38, delete “certification” and insert “certificate”.
- 13 On page 5, line 2, delete “reports or”.
- 14 In line 3, delete “and 418.265”.
- 15 In line 5, delete “certification” and insert “certificate” and after “if” in-
- 16 sert “the department becomes aware that”.
- 17 In line 8, delete “certification” and insert “certificate”.
- 18 In line 12, after the period insert “The department shall immediately no-
- 19 tify any governmental agency or unit that has a contract with the child-
- 20 caring agency to provide care or services to a child of conditions placed by
- 21 the department on the child-caring agency’s license, certificate or authori-

1 zation under this section.”.

2 In line 20, delete “certification” and insert “certificate”.

3 On page 6, line 4, delete “, Department of Revenue”.

4 In line 6, delete “, Department of Revenue”.

5 In line 8, delete “department” and insert “Department of Human
6 Services”.

7 Delete lines 18 through 38 and insert:

8 **“SECTION 6. (1) A child-caring agency may certify a family foster
9 home as a provider of care or services for children. The child-caring
10 agency may not certify a family foster home under this section unless
11 the child-caring agency determines that the family foster home meets
12 minimum standards as established by rules adopted by the Department
13 of Human Services or the Oregon Youth Authority, as applicable. The
14 determination that a family foster home meets minimum standards
15 and the certification by the child-caring agency must take place before
16 placement of a child in the family foster home.**

17 **“(2)(a) Prior to certification as a family foster home, an applicant
18 shall provide the department or the youth authority, as applicable, and
19 the child-caring agency with a release of information or other au-
20 thorization sufficient to enable the department or the youth authority
21 to release to the child-caring agency information about whether there
22 is an ongoing investigation involving the applicant, or a finding of
23 substantiated allegations of abuse or neglect by the applicant, related
24 to a vulnerable person, including but not limited to a child, elderly
25 person, person with a disability or person residing in a long term care
26 facility as defined in ORS 442.015, a residential facility as defined in
27 ORS 443.400, including but not limited to an assisted living facility, or
28 an adult foster home as defined in ORS 443.705. Within 30 days of re-
29 ceipt of a release or authorization under this paragraph, the depart-
30 ment or the youth authority shall provide the child-caring agency with**

1 **information regarding ongoing investigations involving, or substanti-**
2 **ated allegations of abuse or neglect against, the applicant.**

3 **“(b) In addition to the requirements of paragraph (a) of this sub-**
4 **section, an applicant must disclose in writing to the department or the**
5 **youth authority, as applicable, and the child-caring agency any crim-**
6 **inal conviction, imposition of a restraining or protective order against**
7 **the applicant or abuse or neglect investigation of the applicant related**
8 **to a vulnerable person as described in paragraph (a) of this subsection.**

9 **“(3) If a decision is made not to certify a family foster home under**
10 **this section for reasons related to an ongoing investigation involving**
11 **the applicant, or findings of substantiated allegations of abuse or**
12 **neglect by an applicant, the child-caring agency shall disclose to the**
13 **applicant the reasons for the denial of certification.**

14 **“(4) The department and the youth authority shall adopt rules to**
15 **implement the provisions of this section.”.**

16 In line 39, after “7.” insert “(1)”.

17 After line 44, insert:

18 **“(2) The department shall adopt rules to develop workload models to**
19 **measure the adequacy of staff to workload under subsection (1) of this sec-**
20 **tion.”.**

21 On page 8, line 7, after the period delete the rest of the line and lines 8
22 and 9 and insert “Inspections under this subsection shall be limited to
23 premises where children reside and receive care or services from employees
24 or staff who do not reside on the premises.”.

25 In line 10, after “(a)” insert “Beginning January 1, 2017,”.

26 In line 13, before the period insert “and a tax compliance certificate is-
27 sued by the Department of Revenue”.

28 In line 18, before the period insert “and a tax compliance certificate is-
29 sued by the Department of Revenue”.

30 In line 19, after “statements” insert “and tax compliance certificates”.

1 After line 20, insert:

2 “(d) The Department of Revenue shall adopt rules to implement the pro-
3 visions of this section pertaining to tax compliance certificates.”.

4 Delete lines 27 through 31 and insert:

5 “(5) Failure to permit an inspection, whether of the premises or of the
6 books and records of the child-caring agency, or failure to provide the fi-
7 nancial statements, as required by this section is grounds for the immediate
8 suspension or revocation of a license, certificate or authorization under ORS
9 418.240 and for the denial of issuance of a license, certificate or other au-
10 thorization by the department.”.

11 Delete lines 44 and 45 and delete page 9.

12 On page 10, delete lines 1 through 17 and insert:

13 **“SECTION 11.** ORS 418.260 is amended to read:

14 *“418.260. [If any abuses, derelictions or deficiencies are made known to the
15 Department of Human Services or its agents during their inspection of any
16 child-caring agency or institution, or at any time are reported to the depart-
17 ment, the department shall at once carefully investigate the reports or rumors
18 and take such action as the matters require. If any abuses, derelictions or de-
19 ficiencies are found in any state child-caring institution or agency, they shall
20 be reported at once in writing to the responsible state agency. If any such
21 abuses, derelictions or deficiencies are found in any other public institution,
22 they shall be reported in like manner to the proper authority or governing
23 board. In either case, if such abuses, derelictions or deficiencies are not cor-
24 rected in a reasonable time, the same shall be reported in writing to the leg-
25 islature or the appropriate interim committee if the legislature is not in
26 session. If any such abuses, derelictions or deficiencies are found in any pri-
27 vate child-caring agency, they shall be brought at once to the attention of its
28 trustees or managers. If they are not corrected in a reasonable time, the de-
29 partment shall suspend or revoke its approval of such agency. However, if the
30 abuses, derelictions or deficiencies found in a private child-caring agency are*

1 *determined by the department to be or threaten a serious danger to any child*
2 *or to the public, the department may immediately suspend or revoke the*
3 *agency's license, subject to the provisions of ORS 183.430.]*

4 **“(1) If the Department of Human Services becomes aware that any**
5 **suspected or founded abuses, deficiencies, violations or failures to**
6 **comply with the full compliance requirements described in ORS 418.240**
7 **are occurring in a child-caring agency, whether as a part of the in-**
8 **spections undertaken pursuant to ORS 418.255 or otherwise, the de-**
9 **partment shall immediately investigate and take appropriate action,**
10 **with primary concern given to the health, safety and welfare of the**
11 **children for whom the child-caring agency is responsible. The depart-**
12 **ment shall immediately report the alleged abuses, deficiencies or vio-**
13 **lations to the state or governmental agency or unit, governing board,**
14 **trustees, owners, managers or operators or other appropriate author-**
15 **ities responsible for the child-caring agency. The department shall**
16 **immediately notify any governmental agency or unit that has a con-**
17 **tract with the child-caring agency to provide care or services to a child**
18 **of the alleged abuses, deficiencies, violations or failures to comply.**
19 **The department may notify law enforcement agencies as necessary to**
20 **coordinate and assist in the investigation and enforcement of correc-**
21 **tive actions undertaken by the department.**

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

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

10 “(3) If the department determines at any time during or after an
11 investigation that the abuses, deficiencies, violations or failures to
12 comply are or threaten a serious danger to any child or to the public,
13 or place a child at risk with respect to the child’s health, safety or
14 welfare, the department may immediately suspend or revoke the
15 child-caring agency’s license, certificate or authorization, subject to
16 the provisions of ORS chapter 183. The department shall immediately
17 notify any governmental agency or unit that has a contract with the
18 child-caring agency to provide care or services to a child of any sus-
19 pension or revocation of the license, certificate or other authorization
20 of the child-caring agency.

21 “(4) If the department determines that the abuses, deficiencies, vi-
22 olations or failures to comply are founded and the department imposes
23 a plan of correction that the child-caring agency does not comply with
24 in the time allotted for correction, the department shall immediately
25 notify the following of the failure of the child-caring agency to comply
26 with the plan of correction:

27 “(a) The Legislative Assembly or the interim committees of the
28 Legislative Assembly relating to child welfare.

29 “(b) The state or governmental agency or unit, governing board,
30 trustees, owners, managers or operators or other appropriate author-

1 ities responsible for the child-caring agency.

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

4 “(5) Any employee of the department that has reasonable cause to
5 believe that a child-caring agency has committed an abuse or incurred
6 a deficiency or violation, or that grounds for immediate suspension
7 or revocation of a license, certificate or authorization exist under ORS
8 418.240, and that such abuse, deficiency, violation or grounds is or
9 threatens a danger to any child at the child-caring agency or to the
10 public, or places a child at risk with respect to the child’s health,
11 safety or welfare, is required to immediately inform the Director of
12 Human Services, the director’s designee or such other personnel in the
13 department designated to receive such information. Upon receipt of
14 an employee report under this subsection, the director and department
15 personnel shall immediately commence an investigation and take all
16 reasonably prudent and necessary actions to ensure the health, safety
17 and welfare of children at the child-caring agency. Failure to com-
18 mence an investigation and take actions as required by this subsection
19 constitutes official misconduct in the second degree under ORS
20 162.405.”.

21 Delete lines 26 through 45.

22 On page 11, delete lines 1 through 11 and insert:

23 “**SECTION 13.** ORS 418.265 is amended to read:

24 “418.265. [(1) *At the request of the Department of Human Services, each*
25 *public or private child-caring agency or institution within this state shall make*
26 *a report of its work to the department in such form and detail as the depart-*
27 *ment prescribes.*]

28 “[2) *The reports may include detailed statistics of all children served, fi-*
29 *nancial statements of the expense of their care, the number and kind of workers*
30 *employed, the value and conditions of the plant owned or used, the amount of*

1 *the endowment or invested funds and any other essential matters that may be*
2 *indicated by the requirements of the department.]*

3 “[(3) *The department shall prepare and supply to the various child-caring*
4 *agencies and institutions the necessary printed blanks to record the desired*
5 *information. Within any year, the department may require such further de-*
6 *tailed information and audit of the financial affairs of such agency or insti-*
7 *tution as it deems to be in the public interest and may make such inspection*
8 *of the books and records of such agency or institution as it deems necessary.*
9 *Such audit and inspection of books and records of such agencies and insti-*
10 *tutions shall be at the expense of the department.]*

11 “[4) *All such agencies or institutions shall conform their records to the*
12 *statutory fiscal year of the state.]*

13 “[5) *All reports required of agencies and institutions shall be filed with*
14 *the department not later than 60 days from the date of request.]*

15 “(1) **All child-caring agencies subject to ORS 418.205 to 418.327,**
16 **418.470, 418.475 and 418.950 to 418.970 shall report to the Department of**
17 **Human Services at such times and with such information as the de-**
18 **partment prescribes in rules adopted by the department, including but**
19 **not limited to financial information about the cost to provide care or**
20 **services for a child.**

21 “(2) **Information submitted in reports under this section is a public**
22 **record and open for inspection by any person without order of a**
23 **court.”.**

24 On page 12, delete lines 11 through 27 and insert:

25 “**SECTION 16.** ORS 418.280 is amended to read:

26 “418.280. [*Private child-caring agencies, in placing children in private*
27 *families, shall:]*

28 “(1) **A child-caring agency may not place a child with a family foster**
29 **home unless the home has been determined by the child-caring agency**
30 **to meet minimum standards as established by rules adopted by the**

1 Department of Human Services or the Oregon Youth Authority, as
2 applicable, and has been certified by the child-caring agency pursuant
3 to section 6 of this 2016 Act.

4 “(2) In placing a child with a family foster home that has been de-
5 termined to meet minimum standards and that has been certified by
6 a child-caring agency under this section and section 6 of this 2016 Act,
7 the child-caring agency shall:

8 “[1] (a) Safeguard the welfare of the [*children*] **child** by the thorough
9 investigation of each applicant and home and its environment;

10 “[2] (b) Carefully select the child to suit the new relationship and lo-
11 cation;

12 “[3] (c) Personally and adequately supervise [*each*] **the** home and child
13 until the [*latter*] **child** returns to the direct care of the **child-caring** agency
14 or, if permanently placed, receives legal adoption or attains legal age; and

15 “[4] (d) So far as practicable, place [*such children in families*] **the child**
16 **in a family** of the same religious faith as that held by the [*children or their*
17 *parents*] **child or the child’s parents.**

18 “(3) A child-caring agency maintains custody, control and respon-
19 sibility for and, where applicable under ORS 418.275, guardianship of
20 a child placed with a family foster home by the child-caring agency.”.

21 On page 13, line 17, before the semicolon insert “or the Oregon Youth
22 Authority” and delete “and”.

23 After line 17, insert:

24 “(e) Any governmental agency or unit that has a contract with the
25 child-caring agency to provide care or services to the child; and”.

26 In line 18, delete “(e)” and insert “(f)”.

27 In line 35, restore the bracketed material.

28 On page 14, line 25, delete “guardianship over” and insert “custody of”.

29 On page 20, delete lines 23 through 45 and delete pages 21 and 22.

30 On page 23, delete lines 1 through 37 and insert:

1 **“SECTION 36. As used in sections 36 to 38 of this 2016 Act:**

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

3 **“(a) Any physical injury to a child in care caused by other than**
4 **accidental means, or which appears to be at variance with the expla-**
5 **nation given of the injury.**

6 **“(b) Neglect of a child in care.**

7 **“(c) Abandonment, including desertion or willful forsaking of a**
8 **child in care or the withdrawal or neglect of duties and obligations**
9 **owed a child in care by a child-caring agency, caretaker or other per-**
10 **son.**

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

12 **“(e) An act that constitutes a crime under ORS 163.375, 163.405,**
13 **163.411, 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.**

14 **“(f) Verbal abuse.**

15 **“(g) Financial exploitation.**

16 **“(h) Sexual abuse.**

17 **“(i) Involuntary seclusion of a child in care for the convenience of**
18 **a child-caring agency or caretaker or to discipline the child in care.**

19 **“(j) A wrongful use of a physical or chemical restraint of a child in**
20 **care, excluding an act of restraint prescribed by a physician licensed**
21 **under ORS chapter 677 and any treatment activities that are consist-**
22 **ent with an approved treatment plan or in connection with a court**
23 **order.**

24 **“(2) ‘Child in care’ means a person under 21 years of age who is**
25 **residing in or receiving care or services from a child-caring agency or**
26 **family foster home subject to ORS 418.205 to 418.327, 418.470, 418.475 or**
27 **418.950 to 418.970.**

28 **“(3) ‘Child-caring agency’ has the meaning given that term in ORS**
29 **418.205.**

30 **“(4) ‘Family foster home’ has the meaning given that term in ORS**

1 **418.205.**

2 **“(5)(a) ‘Financial exploitation’ means:**

3 **“(A) Wrongfully taking the assets, funds or property belonging to**
4 **or intended for the use of a child in care.**

5 **“(B) Alarming a child in care by conveying a threat to wrongfully**
6 **take or appropriate moneys or property of the child in care if the child**
7 **would reasonably believe that the threat conveyed would be carried**
8 **out.**

9 **“(C) Misappropriating, misusing or transferring without authori-**
10 **zation any moneys from any account held jointly or singly by a child**
11 **in care.**

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

14 **“(b) ‘Financial exploitation’ does not include reasonable discipline**
15 **as exercised under the circumstances.**

16 **“(6) ‘Intimidation’ means compelling or deterring conduct by**
17 **threat. ‘Intimidation’ does not include age-appropriate discipline that**
18 **may involve the threat to withhold privileges.**

19 **“(7) ‘Law enforcement agency’ means:**

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

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

22 **“(c) The Oregon State Police.**

23 **“(d) Any district attorney.**

24 **“(e) A police department established by a university under ORS**
25 **352.121 or 353.125.**

26 **“(8) ‘Neglect’ means:**

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

29 **“(b) The failure of a child-caring agency, family foster home, care-**
30 **taker or other person to make a reasonable effort to protect a child**

1 in care from abuse.

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

6 “(10) ‘Sexual abuse’ means:

7 “(a) Sexual harassment, sexual exploitation or inappropriate expo-
8 sure to sexually explicit material or language;

9 “(b) Any sexual contact between a child in care and an employee
10 of a child-caring agency or family foster home, caretaker or other
11 person responsible for the provision of care or services to a child in
12 care;

13 “(c) Any sexual contact between a person and a child in care that
14 is unlawful under ORS chapter 163 and not subject to a defense under
15 that chapter; or

16 “(d) Any sexual contact that is achieved through force, trickery,
17 threat or coercion.

18 “(11) ‘Sexual contact’ has the meaning given that term in ORS
19 163.305 (1)(a)(E).

20 “(12) ‘Sexual exploitation’ as described in ORS 419B.005 (1)(a)(E).

21 “(13) ‘Verbal abuse’ means to threaten significant physical or emo-
22 tional harm to a child in care through the use of:

23 “(a) Derogatory or inappropriate names, insults, verbal assaults,
24 profanity or ridicule; or

25 “(b) Harassment, coercion, threats, intimidation, humiliation,
26 mental cruelty or inappropriate sexual comments.

27 **“SECTION 37. (1) When the Department of Human Services be-
28 comes aware of a report of suspected child abuse of a child in care,
29 whether in the form of an allegation, complaint or formal report made
30 under this section, and whether made directly to the Director of Hu-**

1 man Services, the department or an employee of the department, to
2 a hotline operated by the department, through the mandatory abuse
3 reporting process set forth in ORS 419B.005 to 419B.050 or otherwise,
4 the department shall immediately:

5 “(a) Notify appropriate personnel within the department, including
6 but not limited to employees responsible for licensing, certifying or
7 authorizing child-care agencies.

8 “(b) Notify any governmental agency or unit that has a contract
9 with the child-caring agency to provide care or services to the child
10 in care.

11 “(c) Commence an investigation to determine whether the report
12 of suspected abuse is substantiated, unsubstantiated or inconclusive
13 under section 38 of this 2016 Act.

14 “(d) Report to a law enforcement agency any crime that the de-
15 partment has reason to believe has occurred with respect to a child in
16 care or at a child-caring agency or family foster home, even if the
17 suspected crime is not related to a report of abuse made under this
18 section.

19 “(2) As a condition for issuance or renewal of a license, certificate
20 or authorization to a child-caring agency under ORS 418.205 to 418.327,
21 418.470, 418.475 or 418.950 to 418.970, the department shall require and
22 verify that the child-caring agency has procedures and protocols that:

23 “(a) Require employees of the child-caring agency, or a family fos-
24 ter home certified by the child-caring agency, to immediately report
25 suspected abuse of a child in care to the director, the director’s
26 designee or personnel within the department who have been specif-
27 ically designated to receive reports of abuse of children in care;

28 “(b) Mandate that the child-caring agency provide an annual train-
29 ing and written materials that include information about the child
30 abuse reporting hotline, and that the agency advise and educate em-

1 **ployees of the child-caring agency, and employees of any family foster**
2 **home certified by the child-caring agency, of the duty under this sec-**
3 **tion to report abuse of a child in care; and**

4 **“(c) Inform employees of child-caring agencies and family foster**
5 **homes that the duty to report abuse of a child in care is personal to**
6 **the employee and that the duty is not fulfilled by reporting the abuse**
7 **to the owner, operator or any other employee of the child-caring**
8 **agency or family foster home even if the owner, operator or other**
9 **employee reports the abuse of a child in care to the director, the**
10 **director’s designee or the department.**

11 **“(3) Interference or hindering an investigation of abuse of a child**
12 **in care, including but not limited to the intimidation of witnesses,**
13 **falsification of records or denial or limitation of interviews with the**
14 **child in care who is the subject of the investigation or with witnesses,**
15 **may constitute grounds for the revocation, suspension or placing of**
16 **conditions on the license, certificate or other authorization of a**
17 **child-caring agency or family foster home.**

18 **“(4)(a) Anyone, including but not limited to an employee of a**
19 **child-caring agency or family foster home, who makes a report of**
20 **suspected abuse of a child in care to the Governor, the Department**
21 **of Justice, the Director of Human Services, the director’s designee or**
22 **the department under this section in good faith and who has reason-**
23 **able grounds for the making of the report shall have immunity:**

24 **“(A) From any liability, civil or criminal, that might otherwise be**
25 **incurred or imposed with respect to the making or content of such**
26 **report;**

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

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

30 **“(b) A person making a report under this section may include ref-**

1 erences to otherwise confidential information for the sole purpose of
2 making the report, and any such disclosure must be protected from
3 further disclosure to other persons or entities for any other purpose
4 not related to the making of the report.

5 **“SECTION 38. (1) The investigation conducted by the Department**
6 **of Human Services under section 37 of this 2016 Act must result in one**
7 **of the following findings:**

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

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

13 **“(c) That the report is inconclusive. A report is inconclusive when**
14 **there is some indication that the abuse occurred but there is insuffi-**
15 **cient evidence to conclude that there is reasonable cause to believe**
16 **that the abuse occurred.**

17 **“(2) When a report is received under section 37 of this 2016 Act al-**
18 **leging that a child in care may have been subjected to abuse, the de-**
19 **partment shall notify the attorney for the child, the child’s court**
20 **appointed special advocate, the parents or guardians of the child, any**
21 **attorney representing a parent or guardian of the child and any gov-**
22 **ernmental agency or unit that has a contract with the child-caring**
23 **agency to provide care or services to the child that a report has been**
24 **received.**

25 **“(3) The department may interview the child in care who is the**
26 **subject of suspected abuse and witnesses without the presence of**
27 **child-caring agency or family foster home employees or department**
28 **personnel. The department shall inform the child in care that the child**
29 **may have the child’s parent or guardian, if the child has not been**
30 **committed to the custody of the department or the Oregon Youth**

1 Authority, or attorney present when participating in an interview
2 conducted in the course of an abuse investigation.

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

5 “(a) The Director of Human Services.

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

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

10 “(d) With respect to the child in care who is the subject of the abuse
11 report and investigation:

12 “(A) Case managers for the child in care;

13 “(B) The court appointed special advocate, if any, for the child in
14 care; and

15 “(C) The attorney for the child in care, if any.

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

21 “(f) The parents or guardians of each child in care that is residing,
22 or receiving care or services, at the child-caring agency or family
23 foster home that is the subject of the report and investigation, if the
24 child in care has not been committed to the custody of the department
25 or the youth authority. Notification under this paragraph may not
26 include any details or information other than that a report of abuse
27 has been substantiated.

28 “(g) Any governmental agency or unit that has a contract with the
29 child-caring agency to provide care or services to a child in care.

30 “(5) The department shall report on a quarterly basis to the interim

1 legislative committees on child welfare for the purposes of public re-
2 view and oversight of the quality and safety of child-caring agencies
3 that are licensed, certified or authorized by the department in this
4 state and of family foster homes that are certified by the child-caring
5 agencies. Information provided in reports under this subsection may
6 not contain the name or any identifying information of a child in care
7 but must contain, at a minimum, all of the following:

8 “(a) The name of any child-caring agency or family foster home
9 where the department conducted an investigation pursuant to section
10 37 of this 2016 Act that resulted in a finding that the report of abuse
11 was substantiated during that quarter;

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

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

15 “(d) Whether physical injury, sexual abuse or death resulted from
16 the abuse; and

17 “(e) Corrective actions taken or ordered by the department and the
18 outcome of the corrective actions.”.

19 On page 39, delete lines 14 through 45 and delete page 40 and insert:

20 **“SECTION 56. (1) Sections 6, 7 and 36 to 38 of this 2016 Act and the**
21 **amendments to statutes by sections 1 to 4, 8 to 34 and 39 to 55 of this**
22 **2016 Act become operative on July 1, 2016.**

23 **“(2) The Director of Human Services, the Director of the Oregon**
24 **Youth Authority, the Department of Human Services and the Oregon**
25 **Youth Authority may take any action before the operative date speci-**
26 **fied in subsection (1) of this section that is necessary to enable the**
27 **directors and the departments to exercise, on and after the operative**
28 **date specified in subsection (1) of this section, the duties, functions**
29 **and powers conferred on the directors or the departments by this 2016**
30 **Act.**

1 **“SECTION 57. (1) Sections 6, 7 and 36 to 38 of this 2016 Act and the**
2 **amendments to statutes by sections 1 to 4, 8 to 34 and 39 to 55 of this**
3 **2016 Act apply to child-caring agencies that are licensed, certified or**
4 **otherwise authorized by the Department of Human Services or the**
5 **Oregon Youth Authority and to family foster homes that are certified**
6 **by a child-caring agency on or after the operative date specified in**
7 **section 56 of this 2016 Act.**

8 **“(2) A child-caring agency that was licensed, certified or otherwise**
9 **authorized by the department or the youth authority, and a family**
10 **foster home that was certified by a child-caring agency, to provide**
11 **care or services to children in this state pursuant to state law as that**
12 **law existed on the day immediately preceding the operative date**
13 **specified in section 56 of this 2016 Act is considered to be licensed,**
14 **certified or otherwise authorized under, and is subject to, the pro-**
15 **visions of this 2016 Act until such license, certificate or authorization**
16 **expires or is suspended or revoked.**

17 **“(3) Notwithstanding subsections (1) and (2) of this section, sections**
18 **6, 7 and 36 to 38 of this 2016 Act and the amendments to statutes by**
19 **sections 1 to 4, 8 to 34 and 39 to 55 of this 2016 Act do not affect a**
20 **contract or agreement between the department or the youth authority**
21 **and a child-caring agency that was licensed, certified or otherwise**
22 **authorized by the department or the youth authority, and does not**
23 **affect a contract or agreement between a child-caring agency and a**
24 **family foster home to provide care or services to children in this state**
25 **pursuant to state law as that law existed on the day immediately pre-**
26 **ceding the operative date specified in section 56 of this 2016 Act.**
27 **However, sections 6, 7 and 36 to 38 of this 2016 Act and the amend-**
28 **ments to statutes by sections 1 to 4, 8 to 34 and 39 to 55 of this 2016**
29 **Act apply to a renewal or extension of any such contract or agreement**
30 **on or after the operative date specified in section 56 of this 2016 Act,**

1 as well as to any new contract or agreement made on or after the
2 operative date specified in section 56 of this 2016 Act.

3 **“SECTION 58. The unit captions used in this 2016 Act are provided
4 only for the convenience of the reader and do not become part of the
5 statutory law of this state or express any legislative intent in the
6 enactment of this 2016 Act.**

7 **“SECTION 59. This 2016 Act being necessary for the immediate
8 preservation of the public peace, health and safety, an emergency is
9 declared to exist, and this 2016 Act takes effect on its passage.”.**

10
