

SB 1515-7
(LC 219)
2/4/16 (BLS/ps)

Requested by SENATE COMMITTEE ON HUMAN SERVICES AND EARLY CHILDHOOD

**PROPOSED AMENDMENTS TO
SENATE BILL 1515**

- 1 On page 1 of the printed bill, line 6, delete “419B.100,”.
- 2 In line 17, restore the bracketed material.
- 3 On page 2, delete lines 23 and 24.
- 4 In line 25, delete “(5)” and insert “(4)”.
- 5 In line 26, delete “(6)(a)” and insert “(5)(a)”.
- 6 In line 34, delete “(7)” and insert “(6)”.
- 7 In line 36, delete “(8)” and insert “(7)”.
- 8 After line 42, insert:
 - 9 “(8) ‘Proctor foster home’ means a foster home certified by a child-caring
 - 10 agency under section 6 of this 2016 Act that is not subject to ORS 418.625
 - 11 to 418.645.”.
- 12 On page 3, line 2, delete “family” and insert “proctor”.
- 13 After line 16, insert:
 - 14 “(7) Any governmental entity that is a provider of care or services for
 - 15 children, including but not limited to the Oregon Youth Authority.”.
- 16 In line 28, delete “that is not committed”.
- 17 In line 29, delete “to the custody of the department”.
- 18 In line 39, delete “certification” and insert “certificate”.
- 19 On page 4, line 13, delete “certification” and insert “certificate”.
- 20 In line 35, after “(c)” delete the rest of the line.
- 21 In line 36, delete “compliance, and” and insert “In the following circum-

1 stances,”.

2 In line 38, delete “certification” and insert “certificate”.

3 On page 5, line 2, delete “reports or”.

4 In line 3, delete “and 418.265”.

5 In line 5, delete “certification” and insert “certificate” and after “if” in-
6 sert “the department becomes aware that”.

7 In line 8, delete “certification” and insert “certificate”.

8 In line 12, after the period insert “The department shall immediately no-
9 tify any governmental agency or unit that has a contract with the child-
10 caring agency to provide care or services to a child of conditions placed by
11 the department on the child-caring agency’s license, certificate or authori-
12 zation under this section.”.

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

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

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

16 In line 8, delete “department” and insert “Department of Human
17 Services”.

18 Delete lines 18 through 38 and insert:

19 **“SECTION 6. (1) A child-caring agency may certify a proctor foster
20 home as a provider of care or services for children. The child-caring
21 agency may not certify a proctor foster home under this section unless
22 the child-caring agency determines that the proctor foster home meets
23 minimum standards as established by rules adopted by the Department
24 of Human Services or the Oregon Youth Authority, as applicable. The
25 determination that a proctor foster home meets minimum standards
26 and the certification by the child-caring agency must take place before
27 placement of a child in the proctor foster home.**

28 **“(2)(a) Prior to certification as a proctor foster home, an applicant
29 shall provide the department or the youth authority, as applicable, and
30 the child-caring agency with a release of information or other au-**

1 **thorization sufficient to enable the department or the youth authority**
2 **to release to the child-caring agency information about whether there**
3 **is an ongoing investigation involving the applicant, or a finding of**
4 **substantiated allegations of abuse or neglect by the applicant, related**
5 **to a vulnerable person, including but not limited to a child, elderly**
6 **person, person with a disability or person residing in a long term care**
7 **facility as defined in ORS 442.015, a residential facility as defined in**
8 **ORS 443.400, including but not limited to an assisted living facility, or**
9 **an adult foster home as defined in ORS 443.705. Within 30 days of re-**
10 **ceipt of a release or authorization under this paragraph, the depart-**
11 **ment or the youth authority shall provide the child-caring agency with**
12 **information regarding ongoing investigations involving, or substanti-**
13 **ated allegations of abuse or neglect against, the applicant.**

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

20 **“(3) If a decision is made not to certify a proctor foster home under**
21 **this section for reasons related to an ongoing investigation involving**
22 **the applicant, or findings of substantiated allegations of abuse or**
23 **neglect by an applicant, the child-caring agency shall disclose to the**
24 **applicant the reasons for the denial of certification.**

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

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

28 After line 44, insert:

29 **“(2) The department shall adopt rules to develop workload models to**
30 **measure the adequacy of staff to workload under subsection (1) of this sec-**

1 tion.”.

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

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

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

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

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

12 After line 20, insert:

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

15 Delete lines 27 through 31 and insert:

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

22 Delete lines 44 and 45 and delete page 9.

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

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

25 “418.260. *[If any abuses, derelictions or deficiencies are made known to the*
26 *Department of Human Services or its agents during their inspection of any*
27 *child-caring agency or institution, or at any time are reported to the depart-*
28 *ment, the department shall at once carefully investigate the reports or rumors*
29 *and take such action as the matters require. If any abuses, derelictions or de-*
30 *ficiencies are found in any state child-caring institution or agency, they shall*

1 *be reported at once in writing to the responsible state agency. If any such*
2 *abuses, derelictions or deficiencies are found in any other public institution,*
3 *they shall be reported in like manner to the proper authority or governing*
4 *board. In either case, if such abuses, derelictions or deficiencies are not cor-*
5 *rected in a reasonable time, the same shall be reported in writing to the leg-*
6 *islature or the appropriate interim committee if the legislature is not in*
7 *session. If any such abuses, derelictions or deficiencies are found in any pri-*
8 *vate child-caring agency, they shall be brought at once to the attention of its*
9 *trustees or managers. If they are not corrected in a reasonable time, the de-*
10 *partment shall suspend or revoke its approval of such agency. However, if the*
11 *abuses, derelictions or deficiencies found in a private child-caring agency are*
12 *determined by the department to be or threaten a serious danger to any child*
13 *or to the public, the department may immediately suspend or revoke the*
14 *agency's license, subject to the provisions of ORS 183.430.]*

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

1 coordinate and assist in the investigation and enforcement of correc-
2 tive actions undertaken by the department.

3 “(2) If the department finds, after investigation by the department
4 or law enforcement agencies, that the abuses, deficiencies, violations
5 or failures to comply are founded, the department may suspend, re-
6 voke or place conditions on the license, certificate or other authori-
7 zation of the child-caring agency. The conditions placed on a license,
8 certificate or authorization may include, but are not limited to, plac-
9 ing full or partial restrictions on admission of children, temporary
10 suspension, limitation of operations subject to an intent to revoke or
11 limitation of operations subject to correction of violations as specified
12 in a plan of correction. If the department imposes a plan of correction,
13 and the corrections are not made within 45 days from the effective
14 date of the plan of correction, the department may immediately sus-
15 pend or revoke the license, certificate or authorization of the child-
16 caring agency. The department shall immediately notify any
17 governmental agency or unit that has a contract with the child-caring
18 agency to provide care or services to a child of any suspension or re-
19 vocation of, or conditions placed on, the license, certificate or other
20 authorization of the child-caring agency.

21 “(3) If the department determines at any time during or after an
22 investigation that the abuses, deficiencies, violations or failures to
23 comply are or threaten a serious danger to any child or to the public,
24 or place a child at risk with respect to the child’s health, safety or
25 welfare, the department may immediately suspend or revoke the
26 child-caring agency’s license, certificate or authorization, subject to
27 the provisions of ORS chapter 183. The department shall immediately
28 notify any governmental agency or unit that has a contract with the
29 child-caring agency to provide care or services to a child of any sus-
30 pension or revocation of the license, certificate or other authorization

1 of the child-caring agency.

2 “(4) If the department determines that the abuses, deficiencies, vi-
3 olations or failures to comply are founded and the department imposes
4 a plan of correction that the child-caring agency does not comply with
5 in the time allotted for correction, the department shall immediately
6 notify the following of the failure of the child-caring agency to comply
7 with the plan of correction:

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

10 “(b) The state or governmental agency or unit, governing board,
11 trustees, owners, managers or operators or other appropriate author-
12 ities responsible for the child-caring agency.

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

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

1 **162.405.”.**

2 Delete lines 26 through 45.

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

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

5 *“418.265. [(1) At the request of the Department of Human Services, each*
6 *public or private child-caring agency or institution within this state shall make*
7 *a report of its work to the department in such form and detail as the depart-*
8 *ment prescribes.]*

9 *“[(2) The reports may include detailed statistics of all children served, fi-*
10 *nancial statements of the expense of their care, the number and kind of workers*
11 *employed, the value and conditions of the plant owned or used, the amount of*
12 *the endowment or invested funds and any other essential matters that may be*
13 *indicated by the requirements of the department.]*

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

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

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

26 **“(1) All child-caring agencies subject to ORS 418.205 to 418.327,**
27 **418.470, 418.475 and 418.950 to 418.970 shall report to the Department of**
28 **Human Services at such times and with such information as the de-**
29 **partment prescribes in rules adopted by the department, including but**
30 **not limited to financial information about the cost to provide care or**

1 **services for a child.**

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

5 On page 12, line 5, delete “family” and insert “proctor”.

6 In line 7, delete “family” and insert “proctor”.

7 Delete lines 11 through 27 and insert:

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

9 *“418.280. [Private child-caring agencies, in placing children in private*
10 *families, shall:]*

11 **“(1) A child-caring agency may not place a child with a proctor**
12 **foster home unless the home has been determined by the child-caring**
13 **agency to meet minimum standards as established by rules adopted**
14 **by the Department of Human Services or the Oregon Youth Authority,**
15 **as applicable, and has been certified by the child-caring agency pur-**
16 **suant to section 6 of this 2016 Act.**

17 **“(2) In placing a child with a proctor foster home that has been**
18 **determined to meet minimum standards and that has been certified**
19 **by a child-caring agency under this section and section 6 of this 2016**
20 **Act, the child-caring agency shall:**

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

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

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

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

1 **“(3) A child-caring agency maintains custody, control and respon-**
2 **sibility for and, where applicable under ORS 418.275, guardianship of**
3 **a child placed with a proctor foster home by the child-caring**
4 **agency.”.**

5 In line 36, delete “family” and insert “proctor”.

6 On page 13, line 17, delete “department; and” and insert “department or
7 the Oregon Youth Authority;

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

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

11 In line 35, restore the bracketed material.

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

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

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

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

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

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

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

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

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

26 **“(e) An act that constitutes a crime under ORS 163.375, 163.405,**
27 **163.411, 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.**

28 **“(f) Verbal abuse.**

29 **“(g) Financial exploitation.**

30 **“(h) Sexual abuse.**

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

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

8 “(2) ‘Child in care’ means a person under 21 years of age who is
9 residing in or receiving care or services from a child-caring agency or
10 proctor foster home subject to ORS 418.205 to 418.327, 418.470, 418.475
11 or 418.950 to 418.970.

12 “(3) ‘Child-caring agency’ has the meaning given that term in ORS
13 418.205.

14 “(4) ‘Proctor foster home’ has the meaning given that term in ORS
15 418.205.

16 “(5)(a) ‘Financial exploitation’ means:

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

19 “(B) Alarming a child in care by conveying a threat to wrongfully
20 take or appropriate moneys or property of the child in care if the child
21 would reasonably believe that the threat conveyed would be carried
22 out.

23 “(C) Misappropriating, misusing or transferring without authori-
24 zation any moneys from any account held jointly or singly by a child
25 in care.

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

28 “(b) ‘Financial exploitation’ does not include age-appropriate disci-
29 pline that may involve the threat to withhold, or the withholding of,
30 privileges.

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

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

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

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

7 **“(c) The Oregon State Police.**

8 **“(d) Any district attorney.**

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

11 **“(8) ‘Neglect’ means:**

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

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

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

21 **“(10) ‘Sexual abuse’ means:**

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

24 **“(b) Any sexual contact between a child in care and an employee**
25 **of a child-caring agency or proctor foster home, caretaker or other**
26 **person responsible for the provision of care or services to a child in**
27 **care;**

28 **“(c) Any sexual contact between a person and a child in care that**
29 **is unlawful under ORS chapter 163 and not subject to a defense under**
30 **that chapter; or**

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

3 “(11) ‘Sexual contact’ has the meaning given that term in ORS
4 163.305 (1)(a)(E).

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

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

8 “(a) Derogatory or inappropriate names, insults, verbal assaults,
9 profanity or ridicule; or

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

12 “SECTION 37. (1) When the Department of Human Services be-
13 comes aware of a report of suspected child abuse of a child in care,
14 whether in the form of an allegation, complaint or formal report made
15 under this section, and whether made directly to the Director of Hu-
16 man Services, the department or an employee of the department, to
17 a hotline operated by the department, through the mandatory abuse
18 reporting process set forth in ORS 419B.005 to 419B.050 or otherwise,
19 the department shall immediately:

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

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

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

29 “(d) Report to a law enforcement agency any crime that the de-
30 partment has reason to believe has occurred with respect to a child in

1 care or at a child-caring agency or proctor foster home, even if the
2 suspected crime is not related to a report of abuse made under this
3 section.

4 “(2) As a condition for issuance or renewal of a license, certificate
5 or authorization to a child-caring agency under ORS 418.205 to 418.327,
6 418.470, 418.475 or 418.950 to 418.970, the department shall require and
7 verify that the child-caring agency has procedures and protocols that:

8 “(a) Require employees of the child-caring agency, or a proctor
9 foster home certified by the child-caring agency, to immediately report
10 suspected abuse of a child in care to the director, the director’s
11 designee or personnel within the department who have been specif-
12 ically designated to receive reports of abuse of children in care;

13 “(b) Mandate that the child-caring agency provide an annual train-
14 ing and written materials that include information about the child
15 abuse reporting hotline, and that the agency advise and educate em-
16 ployees of the child-caring agency, and employees of any proctor foster
17 home certified by the child-caring agency, of the duty under this sec-
18 tion to report abuse of a child in care; and

19 “(c) Inform employees of child-caring agencies and proctor foster
20 homes that the duty to report abuse of a child in care is personal to
21 the employee and that the duty is not fulfilled by reporting the abuse
22 to the owner, operator or any other employee of the child-caring
23 agency or proctor foster home even if the owner, operator or other
24 employee reports the abuse of a child in care to the director, the
25 director’s designee or the department.

26 “(3) Interference or hindering an investigation of abuse of a child
27 in care, including but not limited to the intimidation of witnesses,
28 falsification of records or denial or limitation of interviews with the
29 child in care who is the subject of the investigation or with witnesses,
30 may constitute grounds for the revocation, suspension or placing of

1 conditions on the license, certificate or other authorization of a
2 child-caring agency or proctor foster home.

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

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

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

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

15 “(b) A person making a report under this section may include ref-
16 erences to otherwise confidential information for the sole purpose of
17 making the report, and any such disclosure must be protected from
18 further disclosure to other persons or entities for any other purpose
19 not related to the making of the report.

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

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

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

28 “(c) That the report is inconclusive. A report is inconclusive when
29 there is some indication that the abuse occurred but there is insuffi-
30 cient evidence to conclude that there is reasonable cause to believe

1 that the abuse occurred.

2 “(2) When a report is received under section 37 of this 2016 Act al-
3 leging that a child in care may have been subjected to abuse, the de-
4 partment shall notify the attorney for the child, the child’s court
5 appointed special advocate, the parents or guardians of the child, any
6 attorney representing a parent or guardian of the child and any gov-
7 ernmental agency or unit that has a contract with the child-caring
8 agency to provide care or services to the child that a report has been
9 received.

10 “(3) The department may interview the child in care who is the
11 subject of suspected abuse and witnesses without the presence of
12 child-caring agency or proctor foster home employees or department
13 personnel. The department shall inform the child in care that the child
14 may have the child’s parent or guardian, if the child has not been
15 committed to the custody of the department or the Oregon Youth
16 Authority, or attorney present when participating in an interview
17 conducted in the course of an abuse investigation.

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

20 “(a) The Director of Human Services.

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

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

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

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

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

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

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

6 “(f) The parents or guardians of each child in care that is residing,
7 or receiving care or services, at the child-caring agency or proctor
8 foster home that is the subject of the report and investigation, if the
9 child in care has not been committed to the custody of the department
10 or the youth authority. Notification under this paragraph may not
11 include any details or information other than that a report of abuse
12 has been substantiated.

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

15 “(5) The department shall report on a quarterly basis to the interim
16 legislative committees on child welfare for the purposes of public re-
17 view and oversight of the quality and safety of child-caring agencies
18 that are licensed, certified or authorized by the department in this
19 state and of proctor foster homes that are certified by the child-caring
20 agencies. Information provided in reports under this subsection may
21 not contain the name or any identifying information of a child in care
22 but must contain all of the following:

23 “(a) The name of any child-caring agency or proctor foster home
24 where the department conducted an investigation pursuant to section
25 37 of this 2016 Act that resulted in a finding that the report of abuse
26 was substantiated during that quarter;

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

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

30 “(d) Whether physical injury, sexual abuse or death resulted from

1 **the abuse; and**

2 **“(e) Corrective actions taken or ordered by the department and the**
3 **outcome of the corrective actions.”.**

4 On page 34, delete lines 33 through 45.

5 On page 35, delete lines 1 through 25 and insert:

6 **“NOTE:** Section 47 was deleted by amendment. Subsequent sections were
7 not renumbered.”.

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

9

10 **“OPERATIVE DATE AND APPLICABILITY**

11

12 **“SECTION 56. (1) Sections 6, 7 and 36 to 38 of this 2016 Act and the**
13 **amendments to statutes by sections 1 to 4, 8 to 34 and 39 to 55 of this**
14 **2016 Act become operative on July 1, 2016.**

15 **“(2) The Director of Human Services, the Director of the Oregon**
16 **Youth Authority, the Department of Human Services and the Oregon**
17 **Youth Authority may take any action before the operative date speci-**
18 **fied in subsection (1) of this section that is necessary to enable the**
19 **directors and the departments to exercise, on and after the operative**
20 **date specified in subsection (1) of this section, the duties, functions**
21 **and powers conferred on the directors or the departments by this 2016**
22 **Act.**

23 **“SECTION 57. (1) Sections 6, 7 and 36 to 38 of this 2016 Act and the**
24 **amendments to statutes by sections 1 to 4, 8 to 34 and 39 to 55 of this**
25 **2016 Act apply to child-caring agencies that are licensed, certified or**
26 **otherwise authorized by the Department of Human Services or the**
27 **Oregon Youth Authority and to proctor foster homes that are certified**
28 **by a child-caring agency on or after the operative date specified in**
29 **section 56 of this 2016 Act.**

30 **“(2) A child-caring agency that was licensed, certified or otherwise**

1 authorized by the department or the youth authority, and a proctor
2 foster home that was certified by a child-caring agency, to provide
3 care or services to children in this state pursuant to state law as that
4 law existed on the day immediately preceding the operative date
5 specified in section 56 of this 2016 Act is considered to be licensed,
6 certified or otherwise authorized under, and is subject to, the pro-
7 visions of this 2016 Act until such license, certificate or authorization
8 expires or is suspended or revoked.

9 “(3) Notwithstanding subsections (1) and (2) of this section, sections
10 6, 7 and 36 to 38 of this 2016 Act and the amendments to statutes by
11 sections 1 to 4, 8 to 34 and 39 to 55 of this 2016 Act do not affect a
12 contract or agreement between the department or the youth authority
13 and a child-caring agency that was licensed, certified or otherwise
14 authorized by the department or the youth authority, and does not
15 affect a contract or agreement between a child-caring agency and a
16 proctor foster home to provide care or services to children in this state
17 pursuant to state law as that law existed on the day immediately pre-
18 ceding the operative date specified in section 56 of this 2016 Act.
19 However, sections 6, 7 and 36 to 38 of this 2016 Act and the amend-
20 ments to statutes by sections 1 to 4, 8 to 34 and 39 to 55 of this 2016
21 Act apply to a renewal or extension of any such contract or agreement
22 on or after the operative date specified in section 56 of this 2016 Act,
23 as well as to any new contract or agreement made on or after the
24 operative date specified in section 56 of this 2016 Act.

25

26

“CHILD WELFARE NATIONAL ACCREDITATION

27

28 “SECTION 58. No later than December 1, 2016, the Department of
29 Human Services shall submit a report to the interim legislative com-
30 mittees on child welfare regarding the process and requirements for

1 Oregon to achieve national accreditation in child welfare from a na-
2 tionally recognized organization. The report shall include:

3 “(1) Recommendations for necessary legislation and budget re-
4 quirements to obtain national accreditation no later than September
5 1, 2017; and

6 “(2) Information about available accreditation programs, the impact
7 accreditation would have on children’s safety and well-being in this
8 state and how other states have achieved national accreditation.

9 “SECTION 59. Section 58 of this 2016 Act is repealed on January 2,
10 2017.

11
12 “CENTER FOR CONTINUOUS IMPROVEMENT
13

14 “SECTION 60. (1) No later than October 1, 2016, the Department of
15 Human Services shall submit a report to the interim legislative com-
16 mittees on child welfare regarding recommendations for the develop-
17 ment, implementation and oversight of a Center for Continuous
18 Improvement.

19 “(2) The report must:

20 “(a) Describe how the center may be created and maintained as a
21 collective of child welfare service providers that deliver technical
22 support and make recommendations for the continuous improvement
23 of child-caring agencies and proctor foster homes, as those terms are
24 defined in ORS 418.205, that provide care and services for children in
25 the child welfare system in this state;

26 “(b) Include recommendations for how the center may develop peer
27 review services for child-caring agencies and proctor foster homes and
28 conduct research on promising, evidence-based programs and strate-
29 gies for the provision of care and services to children in the child
30 welfare system in this state; and

1 “(c) Include recommendations for needed legislation and budget
2 requirements to enable the center to begin operations no later than
3 July 1, 2017.

4 “SECTION 61. Section 60 of this 2016 Act is repealed on January 2,
5 2017.

6

7

“CAPTIONS

8

9 “SECTION 62. The unit captions used in this 2016 Act are provided
10 only for the convenience of the reader and do not become part of the
11 statutory law of this state or express any legislative intent in the
12 enactment of this 2016 Act.

13

14

“EMERGENCY CLAUSE

15

16 “SECTION 63. This 2016 Act being necessary for the immediate
17 preservation of the public peace, health and safety, an emergency is
18 declared to exist, and this 2016 Act takes effect on its passage.”.

19
