

D R A F T

SUMMARY

Modifies definition of “child-caring agency” to include county programs that provide care or services to children in custody of Department of Human Services or Oregon Youth Authority.

Declaring emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to child-caring agencies that are county programs; amending ORS
3 418.205 and 418.210; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 418.205 is amended to read:

6 418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to
7 418.970 and 418.992 to 418.998, unless the context requires otherwise:

8 (1) “Child” means an unmarried person under 21 years of age who resides
9 in or receives care or services from a child-caring agency.

10 (2)(a) “Child-caring agency”:

11 (A) Means any private school, private agency, [*or*] private organization
12 **or county program** providing:

13 (i) Day treatment for children with emotional disturbances;

14 (ii) Adoption placement services;

15 (iii) Residential care, including but not limited to foster care or residen-
16 tial treatment for children;

17 (iv) Residential care in combination with academic education and
18 therapeutic care, including but not limited to treatment for emotional, be-
19 havioral or mental health disturbances;

20 (v) Outdoor youth programs; or

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (vi) Other similar care or services for children.

2 (B) Includes the following:

3 (i) A shelter-care home that is not a foster home subject to ORS 418.625
4 to 418.645;

5 (ii) An independent residence facility as described in ORS 418.475;

6 (iii) A private residential boarding school; and

7 (iv) A child-caring facility as defined in ORS 418.950.

8 (b) “Child-caring agency” does not include:

9 (A) Residential facilities or foster care homes certified or licensed by the
10 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
11 443.835 for children receiving developmental disability services;

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

19 (C) A youth job development organization as defined in ORS 344.415;

20 (D) A shelter-care home that is a foster home subject to ORS 418.625 to
21 418.645;

22 (E) A foster home subject to ORS 418.625 to 418.645;

23 (F) A facility that exclusively serves individuals 18 years of age and older;

24 or

25 (G) A facility that primarily serves both adults and children but requires
26 that any child must be accompanied at all times by at least one custodial
27 parent or guardian.

28 (3) “Child-caring facility” has the meaning given that term in ORS
29 418.950.

30 (4)(a) **“County program” means any county operated program that**
31 **provides care or services to children in the custody of the Department**

1 **of Human Services or the Oregon Youth Authority.**

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

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

9 [(5)] **(6)** “Independent residence facility” means a facility established or
10 certified under ORS 418.475.

11 [(6)(a)] **(7)(a)** “Outdoor youth program” means a program that provides,
12 in an outdoor living setting, services to children who have behavioral prob-
13 lems, mental health problems or problems with abuse of alcohol or drugs.

14 (b) “Outdoor youth program” does not include any program, facility or
15 activity:

16 (A) Operated by a governmental entity;

17 (B) Operated or affiliated with the Oregon Youth Conservation Corps;

18 (C) Licensed by the Department of Human Services under other authority
19 of the department; or

20 (D) Operated by a youth job development organization as defined in ORS
21 344.415.

22 [(7)] **(8)** “Private” means not owned, operated or administered by any
23 governmental agency or unit.

24 [(8)] **(9)** “Private residential boarding school” means either of the follow-
25 ing as the context requires:

26 (a) A child-caring agency that is a private school that provides residential
27 care in combination with academic education and therapeutic care, including
28 but not limited to treatment for emotional, behavioral or mental health dis-
29 turbances; or

30 (b) A private school providing residential care that is primarily engaged
31 in educational work under ORS 418.327.

1 [(9)] (10) “Proctor foster home” means a foster home certified by a child-
2 caring agency under ORS 418.248 that is not subject to ORS 418.625 to
3 418.645.

4 [(10)] (11) “Provider of care or services for children” means a person, en-
5 tity or organization that provides care or services to children, regardless of
6 whether the child is in the custody of the Department of Human Services,
7 and that does not otherwise meet the definition of, or requirements for, a
8 child-caring agency. “Provider of care or services for children” includes a
9 proctor foster home certified by a child-caring agency under ORS 418.248.

10 [(11)] (12) “Shelter-care home” has the meaning given that term in ORS
11 418.470.

12 **SECTION 2.** ORS 418.210 is amended to read:

13 418.210. ORS 418.205 to 418.327 shall not apply to:

14 (1) Homes established and maintained by fraternal organizations wherein
15 only members, their spouses and surviving spouses in marriages and children
16 are admitted as residents;

17 (2) Any foster home that is subject to ORS 418.625 to 418.645;

18 (3) Any child care facility that is subject to ORS 329A.030 and 329A.250
19 to 329A.450;

20 (4) Any individual, or home of an individual, providing respite services,
21 as defined in ORS 418.205, for parents pursuant to a properly executed power
22 of attorney under ORS 109.056;

23 (5) Any private agency or organization facilitating the provision of respite
24 services, as defined in ORS 418.205, for parents pursuant to a properly exe-
25 cuted power of attorney under ORS 109.056; or

26 (6) A shelter-care home that is subject to ORS 418.625 to 418.645.

27 (7) Any governmental entity, **other than a county program**, that is a
28 provider of care or services for children, including but not limited to the
29 Oregon Youth Authority.

30 **SECTION 3.** **This 2019 Act being necessary for the immediate pres-**
31 **ervation of the public peace, health and safety, an emergency is de-**

1 **clared to exist, and this 2019 Act takes effect on its passage.**

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