

Senate Bill 245

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies definitions of "child" and "child-caring agency."
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to statutory definitions for child-caring agencies; amending ORS 418.205; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 418.205, as amended by section 1, chapter 106, Oregon Laws 2016, is amended
6 to read:

7 418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to 418.970 and 418.992 to
8 418.998, unless the context requires otherwise:

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

11 (2)(a) "Child-caring agency":

12 (A) Means any private school, private agency or private organization 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 residential treatment for chil-
16 dren;

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

19 (v) Outdoor youth programs; or

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

21 (B) Includes the following:

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

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

24 (iii) A private residential boarding school; and

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

26 (b) "Child-caring agency" does not include:

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

30 (B) Any private agency or organization facilitating the provision of respite services for parents

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 pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subpar-
2 agraph, “respite services” means the voluntary assumption of short-term care and control of a minor
3 child without compensation or reimbursement of expenses for the purpose of providing a parent in
4 crisis with relief from the demands of ongoing care of the parent’s child;

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

6 (D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645; [or]

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

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

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

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

12 (4) “Independent residence facility” has the meaning given that term in ORS 418.475.

13 (5)(a) “Outdoor youth program” means a program that provides, in an outdoor living setting,
14 services to children who have behavioral problems, mental health problems or problems with abuse
15 of alcohol or drugs.

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

17 (A) Operated by a governmental entity;

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

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

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

21 (6) “Private” means not owned, operated or administered by any governmental agency or unit.

22 (7) “Private residential boarding school” means either of the following as the context requires:

23 (a) A child-caring agency that is a private school that provides residential care in combination
24 with academic education and therapeutic care, including but not limited to treatment for emotional,
25 behavioral or mental health disturbances; or

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

28 (8) “Proctor foster home” means a foster home certified by a child-caring agency under section
29 6, chapter 106, Oregon Laws 2016, that is not subject to ORS 418.625 to 418.645.

30 (9) “Provider of care or services for children” means a person, entity or organization that pro-
31 vides care or services to children, regardless of whether the child is in the custody of the Depart-
32 ment of Human Services, and that does not otherwise meet the definition of, or requirements for, a
33 child-caring agency. “Provider of care or services for children” includes a proctor foster home
34 certified by a child-caring agency under section 6, chapter 106, Oregon Laws 2016.

35 (10) “Shelter-care home” has the meaning given that term in ORS 418.470.

36 **SECTION 2. This 2017 Act being necessary for the immediate preservation of the public**
37 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
38 **on its passage.**

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