

D R A F T

SUMMARY

Modifies Oregon Promise program to extend eligibility to certain Oregon foster children who attain their highest level of education while in out-of-state placements.

Temporarily permits Department of Human Services to close at screening reports of third party child abuse not involving child's parent or caregiver, member of child's household, person responsible for child's care, provider of child care or school employee, contractor, agent or volunteer.

Directs department to report to interim committees of Legislative Assembly related to child welfare regarding reports closed at screening and to identify resources required to investigate all allegations of third party abuse. Sunsets March 31, 2021.

Directs Department of Human Services to adopt rules allowing up to two family-based group homes to provide services to certain children. Directs department to report to interim committees of Legislative Assembly related to child welfare regarding success of placements in family-based group homes. Sunsets January 2, 2024.

Prohibits placement of Oregon children in out-of-state child-caring agency unless child-caring agency is licensed by Department of Human Services. Establishes certain contract requirements and department duties regarding placements of children in out-of-state child-caring agencies.

Delays operation of laws regarding placement of children in qualified residential treatment programs to December 1, 2020. Requires qualified residential treatment programs and psychiatric residential treatment programs to maintain site-specific accreditation from nationally recognized organization.

Prohibits colocation of children and youth committed to custody of Oregon Youth Authority without court order.

Declares emergency, effective July 1, 2020.

A BILL FOR AN ACT

Relating to children; creating new provisions; amending ORS 341.522, 418.205, 418.258, 418.259, 418.312, 418.500, 419A.004, 419B.354 and 419B.443; repeal-

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.

ing ORS 418.204, 419B.356, 419B.358 and 419B.360; and declaring an emergency.

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

OREGON PROMISE PROGRAM

SECTION 1. ORS 341.522 is amended to read:

341.522. (1) The Office of Student Access and Completion shall administer the Oregon Promise program as provided by this section.

(2) Subject to subsections (7) to (10) of this section, the office shall provide a grant for community college courses to a person who meets the criteria described in subsections (3) to (6) of this section. The grant shall be limited as provided by subsections (7) to (10) of this section.

(3) A grant shall be awarded under this section to a person who meets the following criteria:

(a) Is enrolled in courses that are:

(A) Offered at a community college in this state; and

(B) Determined by the office, in accordance with rules adopted by the Higher Education Coordinating Commission, to be required for completion of:

(i) A one-year curriculum for students who plan to transfer to another post-secondary institution of education;

(ii) An associate degree; or

(iii) A program in career and technical education;

(b) **Except as provided in subsection (5) of this section**, has been a resident of this state for at least 12 months prior to enrolling in the courses described in paragraph (a) of this subsection;

(c) Attained the person's highest level of education, **except as provided in subsection (5) of this section**, in this state prior to:

(A) Receiving a diploma under ORS 329.451;

(B) Receiving a certificate for passing an approved high school equiv-

1 agency test such as the General Educational Development (GED) test as
2 provided by ORS 350.175;

3 (C) Completing grade 12 in compliance with the requirements of ORS
4 339.035; or

5 (D) Completing grade 12 at a private or parochial school, as described in
6 ORS 339.030 (1)(a);

7 (d) Except as provided in subsections (4) and (5) of this section, attained
8 the person's highest level of education as described in paragraph (c) of this
9 subsection within six months from the date that the person first enrolls in
10 courses described in paragraph (a) of this subsection for the purpose of re-
11 ceiving a grant under this section;

12 (e) Earned a cumulative grade point average of 2.5 or better in high
13 school or otherwise demonstrated an equivalent academic ability, as deter-
14 mined by the office according to rules adopted by the commission;

15 (f) Completed and submitted the Free Application for Federal Student Aid
16 for each academic year and accepted all state and federal aid grants avail-
17 able to the person, if eligible to file the application; and

18 (g) Has not completed either of the following:

19 (A) More than a total of 90 credit hours, or the equivalent, at a post-
20 secondary institution of education; or

21 (B) A curriculum, degree or program, as described in paragraph (a)(B) of
22 this subsection.

23 (4)(a) If a person otherwise meets the required criteria and has been
24 awarded a grant under subsection (3) of this section, but the person enters
25 into service with a career and technical student organization relating to
26 agriculture or farming that is approved by the Department of Education un-
27 der ORS 344.077 within six months after the person attained the person's
28 highest level of education as described in subsection (3)(c) of this section, the
29 person will continue to be eligible to receive the grant if the person first
30 enrolls in courses described in subsection (3)(a) of this section within six
31 months of finishing the person's service with the career and technical stu-

dent organization.

(b) In addition to the situation described in paragraph (a) of this subsection, the commission may waive the requirement set forth in subsection (3)(d) of this section for a person who shows that the person was unable to timely enroll in courses described in subsection (3)(a) of this section due to a significant hardship. The commission may adopt rules to implement this paragraph.

(5)(a) A member of the Oregon National Guard who has completed initial active duty training is not required to comply with the criteria set forth in subsection (3)(d) of this section in order to receive a grant, provided that the member first enrolls in courses described in subsection (3)(a) of this section within six months after completing initial active duty training, as evidenced by an official form issued by the United States Department of Defense.

(b)(A) A person who completes the highest level of education as described in subsection (3)(c) of this section while confined in a correctional facility, either serving a sentence of incarceration or as a young person, youth or youth offender, is not required to comply with the criteria set forth in subsection (3)(d) of this section in order to receive a grant, provided that the person first enrolls in courses described in subsection (3)(a) of this section within six months after the date on which the person is first released from a correctional facility following completion of the highest level of education described in subsection (3)(c) of this section.

(B) The eligibility requirements described in subsection (6)(a)(C) of this section may be waived by the office according to rules adopted by the commission for a person who receives a grant under this section in the manner described in subparagraph (A) of this paragraph.

(C) As used in this paragraph:

(i) "Correctional facility" means any place used for the confinement of young persons, youth or youth offenders or persons charged with or convicted of a crime or otherwise confined under a court order, including a:

(I) Youth correction facility;

(II) Detention facility;

(III) Department of Corrections institution;

(IV) Local correctional facility; or

(V) State hospital or a secure intensive community inpatient facility, with respect to persons detained therein who are youth or youth offenders, who are charged with or convicted of a crime or who are detained therein after having been found guilty except for insanity of a crime under ORS 161.290 to 161.373 or having been found responsible except for insanity under ORS 419C.411.

(ii) "Department of Corrections institution" has the meaning given that term in ORS 421.005.

(iii) "Detention facility," "young person," "youth" and "youth offender" have the meanings given those terms in ORS 419A.004.

(iv) "Local correctional facility" has the meaning given that term in ORS 169.005.

(v) "Youth correction facility" has the meaning given that term in ORS 420.005.

(c)(A) If a person was a foster child:

(i) The person shall be treated as meeting the residency criteria for eligibility under subsection (3)(b) of this section if, but for the person's placement in out-of-state foster care, the person otherwise meets the requirements of subsection (3)(b) of this section.

(ii) The person shall be treated as attaining the person's highest level of education in this state under subsection (3)(c) of this section if the person attained the person's highest level of education while placed in out-of-state foster care and the person's highest level of education substantially meets the requirements under subsection (3)(c) of this section.

(iii) The person is not required to comply with the criteria set forth in subsection (3)(d) of this section in order to receive a grant provided that the person completes the highest level of education as described

1 in subparagraph (A)(ii) of this paragraph while in a treatment program
2 and the person first enrolls in courses described in subsection (3)(a)
3 of this section within 12 months after the date on which the person is
4 released from the treatment program.

5 (B) Upon request from the commission, the Department of Human
6 Services shall provide documentation of the placement status of a
7 person described in paragraph (c)(A) of this subsection.

8 (C) As used in this paragraph:

9 (i) “Foster care” means substitute care for children placed by the
10 Department of Human Services or a tribal child welfare agency away
11 from the child’s parents and for whom the department or agency has
12 placement and care responsibility, including placements in foster
13 family homes, foster homes of relatives, group homes, emergency
14 shelters, residential facilities, child care institutions and preadoptive
15 homes.

16 (ii) “Foster child” means a child over whom the Department of
17 Human Services retained jurisdiction under ORS 417.200 for the dura-
18 tion of the child’s placement in foster care outside the state of Oregon.

19 (6)(a) A person continues to remain eligible to receive a grant under this
20 section if the person, in addition to satisfying the criteria specified in sub-
21 section (3) of this section, meets the following criteria:

22 (A) Maintains at least the minimum cumulative grade point average pre-
23 scribed by the commission based on federal aid grant requirements;

24 (B) Makes satisfactory academic progress toward a curriculum, degree or
25 program, as described in subsection (3)(a)(B) of this section, as prescribed
26 by the commission based on federal aid grant requirements;

27 (C) Enrolls in courses described in subsection (3)(a) of this section for a
28 sufficient number of credit hours to be considered at least a half-time student
29 each term for at least three terms in each consecutive academic year; and

30 (D) Completes a first-year experience, as identified by the community
31 college and reported by the community college to the commission.

(b) A person who fails to meet an eligibility requirement described in paragraph (a) of this subsection becomes ineligible to receive a grant under this section for the term after which the person fails to meet the eligibility requirement, unless the eligibility requirement is waived by the office according to rules adopted by the commission.

(7)(a) The total amount of a grant awarded under this section shall be based on each term that a person is enrolled in courses described in subsection (3)(a) of this section. Except as provided in subsections (9) and (10) of this section, after the amount of tuition for the person for the term is reduced by any amounts received by the person in state and federal aid grants, the person shall be eligible for a grant under this section in an amount that equals:

(A) Except as provided by paragraphs (b) and (c) of this subsection, not less than the greater of:

(i) \$1,000; and

(ii) The person's actual cost for tuition.

(B) Not more than the lesser of:

(i) The average cost of tuition at a community college in this state, as determined by the office; and

(ii) The person's actual cost for tuition.

(b) The amount of a grant, as calculated under paragraph (a) of this subsection, shall be reduced by \$50 for each term that the person receives a grant under this section.

(c)(A) If the office determines both that the person's actual cost for tuition exceeds the amount set forth in paragraph (a)(A)(i) of this subsection and that the person's actual cost for tuition exceeds the average cost of tuition at a community college in this state, the person shall be eligible for a grant in an amount that equals the average cost of tuition at a community college in this state.

(B) If the office determines that the person's actual cost for tuition is less than the amount set forth in paragraph (a)(A)(i) of this subsection, the per-

son shall be eligible for a grant in an amount that equals the amount set forth in paragraph (a)(A)(i) of this subsection.

(d) The minimum amount of a grant, as calculated under paragraphs (a) to (c) of this subsection, may be prorated for a person who is enrolled in courses described in subsection (3)(a) of this section for a sufficient number of credit hours to be considered at least a half-time student but not a full-time student.

(e) The commission may prescribe by rule whether to include fees, and any limitations related to the inclusion of fees, when determining the actual cost of tuition or the average cost of tuition under this subsection.

(8) The commission may adopt by rule the priority by which grants are awarded, which may allow for preference to be given to persons enrolled in school districts or high schools that meet specified criteria.

(9) Prior to the start of the fall term of each academic year, the commission shall determine whether there are sufficient moneys to award a grant under this section to each person who meets the criteria described in subsections (3) to (6) of this section. On the basis of this determination the commission may:

(a) Limit eligibility to receive a grant under this section to a person whose family contribution, as determined by the commission by rule, is at or below the level the commission determines is necessary to allow the commission to operate the Oregon Promise program with available moneys; or

(b) Reduce or eliminate any limitation on eligibility previously imposed by the commission under paragraph (a) of this subsection.

(10)(a) If at any time the commission determines that there are insufficient moneys to provide a grant to each person who has been awarded a grant under this section, the commission may:

(A) Decrease the total amount of the grant awarded; or

(B) Increase the amount that a person must pay under subsection (7)(b) of this section for each term that the person receives a grant under this

section.

(b) If at any time the commission determines that the amount of moneys available to operate the Oregon Promise program exceeds the amount determined under subsection (9) of this section, the commission may reduce or eliminate any limitation on eligibility to receive a grant under this section that was previously imposed by the commission under subsection (9)(a) of this section.

(c) The commission shall promptly notify the interim committees of the Legislative Assembly responsible for higher education each time the commission takes any action under paragraph (a) or (b) of this subsection.

(11) The commission shall adopt any rules necessary for the administration of this section, including any requirements related to:

(a) Specifying the form and timelines for submitting an application for a grant under this section;

(b) Determining whether a person is eligible for a grant under this section, including whether the person shall be given priority as allowed under subsection (8) of this section;

(c) Implementing programs or policies that improve the academic success or completion rates for persons who receive a grant under this section;

(d) Prescribing eligibility requirements and grant calculations for persons dually enrolled in a community college and a public university; and

(e) Evaluating the impact of the program established under this section, including any requirements for reporting data needed for evaluations.

(12) No later than December 31 of each even-numbered year, the commission shall submit to an interim legislative committee related to education a report that summarizes the commission's findings on the impact of the program established under this section. The report shall include:

(a) Student completion rates of curricula, degrees and programs described in subsection (3)(a)(B) of this section;

(b) The amount of federal aid grants received by persons who received a grant under this section;

(c) The financial impact of the program on school districts that had students receive a grant under this section;

(d) The financial impact and the enrollment impact of the program on community colleges and public universities in this state; and

(e) The overall success rate of the program and financial impact of the program.

INVESTIGATIONS OF THIRD PARTY ABUSE

SECTION 2. (1) Notwithstanding ORS 419B.020 (1)(a), the Department of Human Services may close at screening a report of child abuse if:

(a) The department determines that there is no imminent risk of harm to the child; and

(b) The alleged abuser is not:

(A) The child's parent or caregiver, a member of the child's household, a person responsible for the child's care, custody or control or a provider of child care, as defined in ORS 329A.250; or

(B) A person who is a school employee, contractor, agent or volunteer, as those terms are defined in ORS 419B.019.

(2) The department shall, by rule, establish the procedure for closing reports of child abuse at screening under subsection (1) of this section.

(3) No later than November 15, 2020, the department shall report to the interim committees of the Legislative Assembly related to child welfare regarding:

(a) The number of reports of child abuse closed at screening under subsection (1) of this section;

(b) The types of connections between the alleged abusers and victims in the reports that were closed at screening;

(c) The types of abuse alleged to have occurred in the reports that

1 were closed at screening; and

2 (d) The resources the department requires to provide training and
3 personnel to fully implement the investigation requirements under
4 ORS 419B.020 beginning on April 1, 2021.

5 SECTION 3. Section 2 of this 2020 special session Act is repealed on
6 March 31, 2021.

7
8 **FAMILY-BASED GROUP HOME PLACEMENTS**

9
10 SECTION 4. (1) The Department of Human Services shall adopt
11 rules allowing up to two programs that meet the following criteria to
12 provide services to children in this state:

13 (a) The services are provided in a family home setting.

14 (b) The foster parents live in the house 24 hours per day, seven days
15 per week.

16 (c) The foster parents are the primary care providers for the chil-
17 dren served by the program.

18 (d) The program serves no more than 15 children.

19 (e) The program accepts children who have sexually maladaptive
20 behaviors, a history of eloping from care or a history of unsuccessful
21 placement in other settings.

22 (2)(a) Notwithstanding ORS 419B.354 and section 19b of this 2020
23 special session Act.

24 (A) The department may engage and make reasonable payment to
25 the programs allowed under subsection (1) of this section; and

26 (B) A program allowed under subsection (1) of this section is not
27 required to be a qualified residential treatment program, as described
28 in section 12b of this 2020 special session Act.

29 (b) Notwithstanding section 14b of this 2020 special session Act, if
30 a program allowed under subsection (1) of this section is a qualified
31 residential treatment program, the department is not required to move

1 the court for approval of its placement of a child in the program.

2 (c) The department is not required to ensure that a child the de-
3 partment places in a program allowed under subsection (1) of this
4 section is assessed by a qualified individual under section 13b of this
5 2020 special session Act.

6 (3) No later than September 1, 2022, the department shall submit a
7 report to the interim committees of the Legislative Assembly related
8 to child welfare regarding the success of placements in the programs
9 allowed under subsection (1) of this section and recommendations, if
10 any, for the continuation or expansion of placements consistent with
11 this section.

12 SECTION 5. Section 4 of this 2020 special session Act is repealed on
13 January 2, 2024.

14
15 **QUALIFIED RESIDENTIAL TREATMENT PROGRAMS**
16

17 SECTION 6. (1) Sections 7a, 12b and 13b of this 2020 special session
18 Act and ORS 419B.354 are added to and made a part of ORS 418.205 to
19 418.327.

20 (2) Section 14b of this 2020 special session Act is added to and made a
21 part of ORS chapter 419B.

22 SECTION 7a. (1) The Department of Human Services may place a
23 child in an out-of-state child-caring agency only if:

24 (a) The out-of-state child-caring agency is licensed to provide or
25 engage in the provision of care or services by the department under
26 ORS 418.205 to 418.327 and complies with the licensing requirements
27 under ORS 418.215;

28 (b) The department has a current contract with the child-caring
29 agency; and

30 (c) The department's contract with the child-caring agency meets
31 the criteria under subsection (3) of this section.

1 **(2)(a) The department shall license an out-of-state child-caring**
2 **agency pursuant to the same licensure requirements the department**
3 **would impose if the out-of-state child-caring agency was located in**
4 **this state.**

5 **(b) Notwithstanding paragraph (b) of Article V of the Interstate**
6 **Compact on the Placement of Children and ORS 417.230, the depart-**
7 **ment may not delegate the department's licensing, visitation, in-**
8 **spection, investigation or supervision of an out-of-state child-caring**
9 **agency licensed by the department to provide care or services to an**
10 **Oregon child.**

11 **(3)(a) The department shall review the department's contract with**
12 **an out-of-state child-caring agency prior to placing a child with the**
13 **child-caring agency.**

14 **(b) The contract must, at a minimum, meet the following criteria:**

15 **(A) At the time the contract is executed, the child-caring agency**
16 **must provide the department with a current list of every entity for**
17 **which the child-caring agency is providing placement services.**

18 **(B) No later than 15 days after accepting placement of a child from**
19 **a new entity, the child-caring agency must notify the department in**
20 **writing of the child-caring agency's association with the new entity.**
21 **The notice must include the name and contact information of the new**
22 **entity and the name and contact information of an individual associ-**
23 **ated with the new entity.**

24 **(C) The child-caring agency must make mandatory reports of child**
25 **abuse, as defined in ORS 418.257 and 419B.005, involving Oregon chil-**
26 **dren both to the Oregon child abuse hotline and as required under the**
27 **laws of the state in which the child-caring agency is located.**

28 **(D) The child-caring agency must allow the department full access**
29 **to the child-caring agency's facilities, residents, records and personnel**
30 **as necessary for the department to conduct child abuse investigations**
31 **and licensing activities or investigations.**

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

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

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

(i) Any time a child from any state who is in the care of the child-caring agency dies, is sexually assaulted or suffers serious physical injury; or

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

(H) Except with respect to protected information described in ORS 418.256 (5), the child-caring agency may not ask or require an employee or volunteer to sign a nondisclosure or other agreement prohibiting the employee or volunteer from the good faith disclosure of information concerning the abuse or mistreatment of a child who is in the care of the child-caring agency, violations of licensing or certification requirements, criminal activity at the child-caring agency, violations of state or federal laws or any practice that threatens the health and safety of a child in the care of the child-caring agency.

(I) The child-caring agency must ensure staffing and direct service

1 level requirements that meet, at a minimum, the standards set by the
2 department by rule for intensive behavioral support services.

3 (J) The child-caring agency must meet all of the program, disci-
4 pline, behavior support, supervision and child rights requirements
5 adopted by the department by rule for behavioral rehabilitation ser-
6 vices provided in this state.

7 (K) The child-caring agency may not practice conversion therapy,
8 as defined in ORS 675.850.

9 (L) The child-caring agency must identify a child by the child's
10 preferred name and pronouns and may not implement a dress code
11 that prohibits or requires clothing on the basis of biological sex.

12 (M) Genetic testing, including testing for psychopharmacological
13 purposes, must be approved by a court and may not be included as a
14 standing order for a child in care.

15 (N) Neither the child-caring agency nor its contractors or volun-
16 teers may use chemical or mechanical restraints on a child, including
17 during secure transport.

18 (O) The child-caring agency must ensure that the use of any
19 psychotropic medications for a child placed with the child-caring
20 agency by the department is in compliance with ORS 418.517 and any
21 rules regarding psychotropic medications adopted by the department.

22 (4) The department shall develop rules outlining a process for re-
23 view of the out-of-state placement of a child who is identified as a
24 child with an intellectual or developmental disability or who is sus-
25 pected of having an intellectual or developmental disability. At a
26 minimum, the rules must:

27 (a) Identify a process for expediting review of the child's eligibility
28 for developmental disability services.

29 (b) Require that a multidisciplinary review team, including admin-
30 istrators in the developmental disability services program, review the
31 placement before the child is placed out-of-state.

1 (c) Require that a multidisciplinary team, including administrators
2 in the developmental disability services program, monitor the progress
3 of the child in the out-of-state placement.

4 (d) Require that contracts for placement of the child ensure that
5 the child has the same rights and protections that the child would
6 have if the child was placed in this state.

7 (5) A department child welfare services employee must accompany
8 a child who is placed in an out-of-state child-caring agency any time
9 the child is transported to an initial out-of-state placement, any time
10 the child is moved to a new placement and any time the child is moved
11 by secure transport.

12 (6)(a) As used in this subsection, "juvenile offender" means a person
13 under 18 years of age who has or is alleged to have committed an act
14 that is a violation, or, if done by an adult, would constitute a vio-
15 lation, of a law or ordinance of the United States or a state, county
16 or city.

17 (b) Except as provided in paragraph (c) of this subsection, the de-
18 partment may not place a child in an out-of-state child-caring agency
19 if the child-caring agency provides care to juvenile offenders.

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

22 (A) The child being placed is a juvenile offender; or

23 (B) The child being placed is not a juvenile offender and the out-
24 of-state child caring agency:

25 (i) Operates distinct programs for children and juvenile offenders;

26 (ii) Prohibits the commingling of children and juvenile offenders;

27 (iii) Prohibits the commingling of the staff from the child and ju-
28 venile offender programs;

29 (iv) Has separate handbooks and policies for the child and juvenile
30 offender programs; and

31 (v) Has a facility that is large enough to ensure that the nature and

1 **culture of the child and juvenile offender programs are separate and**
2 **distinct.**

3 **SECTION 7b.** Section 7a of this 2020 special session Act is amended to
4 read:

5 **Sec. 7a.** (1) **Subject to ORS 419B.354**, the Department of Human Ser-
6 vices may place a child in an out-of-state child-caring agency only if:

7 (a) The out-of-state child-caring agency is licensed to provide or engage
8 in the provision of care or services by the department under ORS 418.205 to
9 418.327 and complies with the licensing requirements under ORS 418.215;

10 (b) The department has a current contract with the child-caring agency;
11 and

12 (c) The department's contract with the child-caring agency meets the cri-
13 teria under subsection (3) of this section.

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

17 (b) Notwithstanding paragraph (b) of Article V of the Interstate Compact
18 on the Placement of Children and ORS 417.230, the department may not del-
19 egate the department's licensing, visitation, inspection, investigation or
20 supervision of an out-of-state child-caring agency licensed by the department
21 to provide care or services to an Oregon child.

22 (3)(a) The department shall review the department's contract with an
23 out-of-state child-caring agency prior to placing a child with the child-caring
24 agency.

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

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

29 (B) No later than 15 days after accepting placement of a child from a new
30 entity, the child-caring agency must notify the department in writing of the
31 child-caring agency's association with the new entity. The notice must in-

clude the name and contact information of the new entity and the name and contact information of an individual associated with the new entity.

(C) The child-caring agency must make mandatory reports of child abuse, as defined in ORS 418.257 and 419B.005, involving Oregon children both to the Oregon child abuse hotline and as required under the laws of the state in which the child-caring agency is located.

(D) The child-caring agency must allow the department full access to the child-caring agency's facilities, residents, records and personnel as necessary for the department to conduct child abuse investigations and licensing activities or investigations.

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

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

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

(i) Any time a child from any state who is in the care of the child-caring agency dies, is sexually assaulted or suffers serious physical injury; or

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

(H) Except with respect to protected information described in ORS 418.256 (5), the child-caring agency may not ask or require an employee or volunteer

1 to sign a nondisclosure or other agreement prohibiting the employee or vol-
2 unteer from the good faith disclosure of information concerning the abuse
3 or mistreatment of a child who is in the care of the child-caring agency, vi-
4 olations of licensing or certification requirements, criminal activity at the
5 child-caring agency, violations of state or federal laws or any practice that
6 threatens the health and safety of a child in the care of the child-caring
7 agency.

8 (I) The child-caring agency must ensure staffing and direct service level
9 requirements that meet, at a minimum, the standards set by the department
10 by rule for intensive behavioral support services.

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

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

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

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

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

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

30 (4) The department shall develop rules outlining a process for review of
31 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 administrators
6 in the developmental disability services program, review the placement be-
7 fore the child is placed out-of-state.

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

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

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

18 (6)(a) As used in this subsection, "juvenile offender" means a person un-
19 der 18 years of age who has or is alleged to have committed an act that is
20 a violation, or, if done by an adult would constitute a violation, of a law or
21 ordinance of the United States or a state, county or city.

22 (b) Except as provided in paragraph (c) of this subsection, the department
23 may not place a child in an out-of-state child-caring agency if the child-
24 caring agency provides care to juvenile offenders.

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

27 (A) The child being placed is a juvenile offender; or

28 (B) The child being placed is not a juvenile offender and the out-of-state
29 child caring agency:

30 (i) Operates distinct programs for children and juvenile offenders;

31 (ii) Prohibits the commingling of children and juvenile offenders;

(iii) Prohibits the commingling of the staff from the child and juvenile offender programs;

(iv) Has separate handbooks and policies for the child and juvenile offender programs; *[and]*

(v) Has a facility that is large enough to ensure that the nature and culture of the child and juvenile offender programs are separate and distinct[.]; **and**

(vi) Is a qualified residential treatment program.

SECTION 8. ORS 418.258 is amended to read:

418.258. (1) When the Department of Human Services becomes aware of a report of suspected child abuse of a child in care, whether in the form of an allegation, complaint or formal report made under this section, and whether made directly to the Director of Human Services, the department or an employee of the department, to a hotline operated by the department, through the mandatory abuse reporting process set forth in ORS 419B.005 to 419B.050 or otherwise, the department shall immediately:

(a) Notify appropriate personnel within the department, including but not limited to employees responsible for licensing, certifying or authorizing child-caring agencies, certified foster homes and developmental disabilities residential facilities.

(b) Notify any governmental agency that has a contract with the child-caring agency, certified foster home or developmental disabilities residential facility to provide care or services to the child in care.

(c) Notify the placement authorities of any other state that retains jurisdiction over a child in care receiving care or services from the child-caring agency, certified foster home or developmental disabilities residential facility.

[(c)] **(d)** Commence an investigation to determine whether the report of suspected abuse is substantiated, unsubstantiated or inconclusive under ORS 418.259[.] **if:**

(A) The reported abuse occurred in this state;

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

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

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

(2)(a) As a condition for issuance or renewal of a license, certificate or authorization to a child-caring agency, certified foster home or developmental disabilities residential facility, the department shall require and verify that the child-caring agency, certified foster home or developmental disabilities residential facility has procedures and protocols that:

(A) Require employees of the child-caring agency, a proctor foster home certified by the child-caring agency, the certified foster home or the developmental disabilities residential facility to immediately report suspected abuse of a child in care to the director, the director's designee or personnel within the department who have been specifically designated to receive reports of abuse of children in care;

(B) Mandate that the child-caring agency, certified foster home or developmental disabilities residential facility provide an annual training and written materials that include information about the child abuse reporting hotline, and that the agency, home or facility advise and educate employees of the child-caring agency and any proctor foster home certified by the child-caring agency, of the certified foster home or of the developmental disabilities residential facility of the duty under this section and ORS 419B.005 to 419B.050 to report abuse of a child in care; and

1 (C) Inform employees of child-caring agencies, proctor foster homes, cer-
2 tified foster homes and developmental disabilities residential facilities that
3 the duty to report abuse of a child in care is personal to the employee and
4 that the duty is not fulfilled by reporting the abuse to the owner, operator
5 or any other employee of the child-caring agency, proctor foster home, cer-
6 tified foster home or developmental disabilities residential facility even if the
7 owner, operator or other employee reports the abuse of a child in care to the
8 director, the director's designee or the department.

9 (b) A child-caring agency, certified foster home or developmental disabil-
10 ities residential facility need not develop and maintain procedures and pro-
11 tocols or provide an annual training and written materials under paragraph
12 (a) of this subsection if the agency, home or facility does not have any em-
13 ployees, staff or volunteers.

14 (3) Interference or hindering an investigation of abuse of a child in care,
15 including but not limited to the intimidation of witnesses, falsification of
16 records or denial or limitation of interviews with the child in care who is
17 the subject of the investigation or with witnesses, may constitute grounds
18 for the revocation, suspension or placing of conditions on the license, cer-
19 tificate or other authorization of a child-caring agency, proctor foster home,
20 certified foster home or developmental disabilities residential facility.

21 (4)(a) Anyone, including but not limited to an employee of a child-caring
22 agency, proctor foster home, certified foster home or developmental disabili-
23 ties residential facility, who makes a report of suspected abuse of a child in
24 care to the Governor, the Department of Justice, the Director of Human
25 Services, the director's designee or the department under this section in good
26 faith and who has reasonable grounds for the making of the report shall have
27 immunity:

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

30 (B) From disciplinary action taken by the person's employer; and

31 (C) With respect to participating in any judicial proceeding resulting from

or involving the report.

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

SECTION 9. ORS 418.259 is amended to read:

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

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

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

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

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

(3) The department may interview the child in care who is the subject of suspected abuse and witnesses without the presence of employees of the child-caring agency, proctor foster home or developmental disabilities residential facility, the provider of services at a certified foster home or department personnel. The department shall inform the child in care that the child may have the child's parent or guardian, if the child has not been committed to the custody of the department or the Oregon Youth Authority,

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

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

5 (a) The Director of Human Services.

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

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

10 (d) With respect to the child in care who is the subject of the abuse report
11 and investigation, the case managers for the child, the attorney for the child,
12 the child's court appointed special advocate, the parents or guardians of the
13 child, any attorney representing a parent or guardian of the child and any
14 governmental agency that has a contract with the child-caring agency to
15 provide care or services to the child.

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

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

23 (g) The local citizen review board established by the Judicial Department
24 under ORS 419A.090.

25 (5) The department shall report on a quarterly basis to the interim legis-
26 lative committees on child welfare for the purposes of public review and
27 oversight of the quality and safety of child-caring agencies, certified foster
28 homes and developmental disabilities residential facilities that are licensed,
29 certified or authorized by the department in this state and of proctor foster
30 homes that are certified by the child-caring agencies. Information provided
31 in reports under this subsection may not contain the name or any identifying

information of a child in care but must contain all of the following:

(a) The name of any child-caring agency, **including an out-of-state child-caring agency**, proctor foster home or developmental disabilities residential facility, or, provided there are five or more certified foster homes in the county, the name of the county where a certified foster home is located, where the department conducted an investigation pursuant to ORS 418.258 that resulted in a finding that the report of abuse was substantiated during that quarter;

(b) The approximate date that the abuse occurred;

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

(d) Whether physical injury, sexual abuse or death resulted from the abuse; *[and]*

(e) Corrective actions taken or ordered by the department and the outcome of the corrective actions[.]; **and**

(f) Information the department received in that quarter regarding any substantiated allegations of child abuse made by any other state involving a congregate care residential setting, as defined in ORS 419B.354, in which the department has placed Oregon children.

(6) In compiling records, reports and other information during an investigation under ORS 418.258 (1) and in issuing findings, letters of concern or reprimands, the Director of Human Services or the director's designee and the department may not refer to the employee, person or entity that is the subject of the investigation as an "alleged perpetrator" but must refer to the employee, person or entity as the "respondent."

SECTION 10a. ORS 418.500 is amended to read:

418.500. 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. Such agreements shall con-

tain the matter described in ORS 418.495 **and section 7a of this 2020 special session Act** and shall apply to children described therein.

SECTION 10b. ORS 418.500, as amended by section 10a of this 2020 special session Act, is amended to read:

418.500. **Subject to ORS 419B.354**, 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. Such agreements shall contain the matter described in ORS 418.495 and section 7a of this 2020 special session Act and shall apply to children described therein.

SECTION 11a. ORS 419B.354 is amended to read:

419B.354. *[(1) As used in this section:]*

[(a) "Congregate care residential setting" means any setting that cares for more than one child or ward and is not a setting described in ORS 418.205 (2)(b)(A), (D) or (E) or (10).]

[(b) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act, as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex act, as defined in ORS 163.266.]

[(2) The Department of Human Services may place a child or ward in a congregate care residential setting in this state only if the setting is:]

[(a) A child-caring agency, as defined in ORS 418.205, a hospital, as defined in ORS 442.015, or a rural hospital, as defined in ORS 442.470; and]

[(b) A qualified residential treatment program described in ORS 419B.356.]

[(3) Notwithstanding subsection (2) of this section, the department may place a child or ward in a child-caring agency that is not a qualified resi-

dential treatment program if:]

[(a) The child-caring agency is providing prenatal, postpartum or parenting supports to the child or ward.]

[(b) The child or ward is placed in an independent residence facility described in ORS 418.475 that is licensed by the department as a child-caring agency.]

[(c) The child or ward is, or is at risk of becoming, a victim of sex trafficking and the child-caring agency is providing high-quality residential care and supportive services to the child or ward.]

[(d) The child-caring agency is a residential care facility that is also licensed by the Oregon Health Authority and accredited by a national organization to provide psychiatric treatment to children.]

[(e) The child-caring agency is an adolescent residential drug and alcohol treatment program licensed or certified by the State of Oregon to provide residential care.]

[(f) The placement with the child-caring agency is for the purpose of placing the child or ward in a proctor foster home.]

[(g) The child-caring agency is a residential care facility licensed by the department that provides short-term assessment and stabilization services.]

[(h) The child-caring agency is a shelter-care home, as defined in ORS 418.470, that provides short-term assessment and stabilization services.]

[(i) The child-caring agency is a homeless, runaway or transitional living shelter licensed by the department that provides short-term assessment and stabilization services.]

[(4) The department may not place a child or ward in a residential care facility or shelter-care home described in subsection (3)(g) or (h) of this section:]

[(a) For more than 60 consecutive days or 90 cumulative days in a 12-month period; or]

[(b) If the residential care facility or shelter-care home also serves youth or youth offenders served by the county juvenile department or youth offenders

committed to the custody of the Oregon Youth Authority by the court.]

[(5) The department may not place a child or ward in a homeless, runaway or transitional living shelter described in subsection (3)(i) of this section for more than 60 consecutive or 90 cumulative days in any 12-month period.]

[(6) Calculations of the number of days a child or ward is placed in a shelter-care home under subsection (3)(h) of this section or a homeless, runaway or transitional living shelter under subsection (3)(i) of this section exclude the days the child or ward is in the shelter-care home or shelter if the child or ward:]

[(a) Accessed the shelter-care home or shelter without the support or direction of the department; and]

[(b) Is homeless or a runaway, as defined by the department by rule.]

[(7)(a) Nothing in this section prohibits the Oregon Youth Authority from placing a youth offender committed to its custody in a placement that is not a qualified residential treatment program.]

[(b) Nothing in this section prohibits the Oregon Youth Authority or a county juvenile department from placing a youth offender or a youth served by the Oregon Youth Authority or the county juvenile department in shelter care or detention under ORS chapter 419C.]

(1) As used in this section, “congregate care residential setting” means any setting that cares for more than one child or ward and is not a setting described in ORS 418.205 (2)(b)(A), (D) or (E) or (10).

(2) The Department of Human Services may place a child or ward in a congregate care residential setting in this state only if the setting is a child-caring agency, as defined in ORS 418.205, a hospital, as defined in ORS 442.015, or a rural hospital, as defined in ORS 442.470.

SECTION 11b. ORS 419B.354, as amended by section 11a of this 2020 special session Act, is amended to read:

419B.354. (1) As used in this section[,]:

(a) “Congregate care residential setting” means any setting that cares for more than one child or ward and is not a setting described in ORS 418.205

(2)(b)(A), (D) or (E) or (10).

(b) “Sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act, as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex act, as defined in ORS 163.266.

(2) The Department of Human Services may place a child or ward in a congregate care residential setting [*in this state*] only if the setting is:

(a) A child-caring agency, as defined in ORS 418.205, a hospital, as defined in ORS 442.015, or a rural hospital, as defined in ORS 442.470[.]; and

(b) A qualified residential treatment program described in section 12b of this 2020 special session Act.

(3) Notwithstanding subsection (2) of this section, the department may place a child or ward in a child-caring agency that is not a qualified residential treatment program if:

(a) The child-caring agency is providing prenatal, postpartum or parenting supports to the child or ward.

(b) The child or ward is placed in an independent residence facility described in ORS 418.475 that is licensed by the department as a child-caring agency.

(c) The child or ward is, or is at risk of becoming, a victim of sex trafficking and the child-caring agency is providing high-quality residential care and supportive services to the child or ward.

(d) The Oregon Health Authority has approved the placement as medically necessary and the child-caring agency:

(A) Is a residential care facility;

(B) Is licensed by the authority and maintains site-specific accreditation from a nationally recognized organization to provide psychiatric treatment to children; and

1 (C) Has an active provider agreement with the Oregon Medicaid
2 program.

3 (e) The child-caring agency is an adolescent residential drug and
4 alcohol treatment program licensed or certified by the State of Oregon
5 to provide residential care, and the court has approved, or approval is
6 pending for, the placement in the child-caring agency of each child or
7 ward over whom the department retains jurisdiction.

8 (f) The placement with the child-caring agency is for the purpose
9 of placing the child or ward in a proctor foster home.

10 (g) The child-caring agency is a residential care facility licensed by
11 the department that provides short-term assessment and stabilization
12 services.

13 (h) The child-caring agency is a shelter-care home, as defined in
14 ORS 418.470, that provides short-term assessment and stabilization
15 services.

16 (i) The child-caring agency is a homeless, runaway or transitional
17 living shelter licensed by the department that provides short-term as-
18 sessment and stabilization services.

19 (4) The department may not place a child or ward in a residential
20 care facility or shelter-care home described in subsection (3)(g) or (h)
21 of this section:

22 (a) For more than 60 consecutive days or 90 cumulative days in a
23 12-month period; or

24 (b) If the residential care facility or shelter-care home also serves
25 youth or youth offenders served by the county juvenile department or
26 youth offenders committed to the custody of the Oregon Youth Au-
27 thority by the court.

28 (5) The department may not place a child or ward in a homeless,
29 runaway or transitional living shelter described in subsection (3)(i) of
30 this section for more than 60 consecutive or 90 cumulative days in any
31 12-month period.

(6) Calculations of the number of days a child or ward is placed in a shelter-care home under subsection (3)(h) of this section or a homeless, runaway or transitional living shelter under subsection (3)(i) of this section exclude the days the child or ward is in the shelter-care home or shelter if the child or ward:

(a) Accessed the shelter-care home or shelter without the support or direction of the department; and

(b) Is homeless or a runaway, as defined by the department by rule.

(7)(a) Nothing in this section prohibits the Oregon Youth Authority from placing a youth offender committed to its custody in a placement that is not a qualified residential treatment program.

(b) Nothing in this section prohibits the Oregon Youth Authority or a county juvenile department from placing a youth offender or a youth served by the Oregon Youth Authority or the county juvenile department in shelter care or detention under ORS chapter 419C.

SECTION 12a. ORS 419B.356 is repealed.

SECTION 12b. A program is a qualified residential treatment program if it:

(1) Provides residential care and treatment to a child who, based on an independent assessment described in section 13b of this 2020 special session Act, requires specialized, evidence-based, as defined by the Department of Human Services by rule, supports and services related to the effects of trauma or mental, emotional or behavioral health needs.

(2) Uses a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of the child.

(3) Ensures that the staff at the facility includes licensed or registered nurses licensed under ORS chapter 678 and other licensed clinical staff who:

(a) Provide care within their licensed scope of practice;

(b) Are on site according to the treatment model identified in sub-

section (2) of this section; and

(c) Are available 24 hours per day and seven days per week.

(4) Facilitates the involvement of the child's family, as defined in ORS 418.575, in the child's treatment program, to the extent appropriate and in the child's best interests.

(5) Facilitates outreach to the child's family, as defined in ORS 418.575, documents how outreach is made and maintains contact information for any known biological relatives or fictive kin, as defined by the department by rule.

(6) Documents how the program integrates family into the child's treatment process, including after discharge, and how sibling connections are maintained.

(7) Provides discharge planning and family-based after-care support for at least six months following the child's discharge from the program.

(8) Is licensed and accredited in accordance with requirements adopted by the department by rule. The rules adopted by the department under this subsection must be consistent with federal licensure and accreditation requirements for qualified residential treatment programs and require that the qualified residential treatment program maintain site-specific accreditation from a nationally recognized organization.

SECTION 13a. ORS 419B.358 is repealed.

SECTION 13b. (1) The Department of Human Services shall ensure that an independent, qualified individual assesses the strengths and needs of each child or ward the department places in a qualified residential treatment program described in section 12b of this 2020 special session Act.

(2) The assessment described in this section may occur prior to the child's or ward's placement in the program, but shall occur no later than 30 days following the date of placement.

(3) The assessment described in this section must, at a minimum:

(a) Assess the strengths and needs of the child or ward using an age-appropriate, evidence-based, validated, functional assessment tool;

(b) Determine whether the needs of the child or ward can be met with family members or through placement in a foster family home or, if not, which setting would provide the most effective and appropriate level of care for the child or ward in the least restrictive environment and be consistent with the short-term and long-term goals for the child or ward, as specified in the permanency plan for the child or ward; and

(c) Develop a list of individualized, specific short-term and long-term mental and behavioral health goals.

(4)(a) The qualified individual conducting the assessment shall work in conjunction with the child's or ward's family and permanency team, including:

(A) Appropriate biological family members, relatives and fictive kin of the child or ward;

(B) Appropriate professionals who are a resource to the family of the child or ward, including teachers and medical or mental health providers who have treated the child or ward;

(C) Clergy; or

(D) If the child or ward has attained the age of 14 years, individuals selected by the child or ward.

(b) The department shall document the following in the child's or ward's case plan:

(A) The reasonable and good faith efforts of the department to identify and include all of the individuals identified in paragraph (a) of this subsection on the child's or ward's family and permanency team.

(B) Contact information for members of the child's or ward's family and permanency team and for any of the child's or ward's family

members or fictive kin who are not part of the child's or ward's family and permanency team.

(C) Evidence that meetings of the family and permanency team, including meetings related to the required assessment, are held at a time and place convenient for the child's or ward's family.

(D) If reunification is the goal, evidence demonstrating that the parent from whom the child or ward was removed provided input on the members of the family and permanency team.

(E) Evidence that the assessment is determined in conjunction with the family and permanency team.

(F) If the setting recommended by the qualified individual conducting the assessment is different than the placement preferences of the family and permanency team and of the child or ward, the reasons why the preferences of the team and of the child or ward were not recommended.

(5) If the qualified individual conducting the assessment determines the child or ward should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child or ward cannot be met by the family of the child or ward or in a foster family home. A shortage or lack of foster family homes is not a valid reason for not placing a child or ward in a foster family home under this subsection. The qualified individual shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child or ward with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short-term and long-term goals for the child or ward, as specified in the child's or ward's permanency plan.

(6) As used in this section:

(a) "Fictive kin" has the meaning given that term by the department by rule.

(b) “Qualified individual” means an individual who is:

(A) A trained professional or licensed clinician;

(B) Not an employee of the department or of the Oregon Health Authority; and

(C) Not connected to, or affiliated with, any placement setting in which children or wards are placed by the department.

SECTION 14a. ORS 419B.360 is repealed.

SECTION 14b. (1) The Department of Human Services shall move the court for approval of a placement no later than 30 days following the date the department placed, or will place, a child or ward in a qualified residential treatment program described in section 12b of this 2020 special session Act.

(2)(a) The motion for approval of the placement must include, at a minimum:

(A) The date of the placement;

(B) To the extent practicable, the parties’ placement preferences; and

(C) A copy of the child’s or ward’s independent assessment described section 13b of this 2020 special session Act.

(b) Notwithstanding paragraph (a)(C) of this subsection, if the independent assessment is not completed at the time the department files the motion under subsection (1) of this section, the department may file the motion under this section without the assessment and shall supplement the motion with a copy of the completed assessment immediately following the department’s receipt of the completed assessment.

(3) The department shall provide an exact copy of the motion to each of the parties listed in ORS 419B.875.

(4) Upon receipt of a motion under this section, the court shall schedule a hearing to occur no later than 60 days following the date the child or ward is placed in the qualified residential treatment pro-

1 **gram.**

2 **(5)(a) The court shall enter an order approving or disapproving the**
3 **placement and make specific determinations regarding the following:**

4 **(A) Whether the needs of the child or ward can be met through**
5 **placement in a foster family home or in a proctor foster home as de-**
6 **fin in ORS 418.205.**

7 **(B) If the court determines that the needs of the child or ward**
8 **cannot be met through placement in a foster family home or proctor**
9 **foster home, whether placement of the child or ward in the qualified**
10 **residential treatment program:**

11 **(i) Provides the least restrictive setting to provide the most effec-**
12 **tive and appropriate level of care for the child or ward; and**

13 **(ii) Is consistent with the child's or ward's case plan.**

14 **(b) In addition to the determinations under paragraph (a) of this**
15 **subsection, if the motion is for approval of the placement of a child**
16 **or ward in an out-of-state child-caring agency that serves juvenile**
17 **offenders as defined in section 7a (6) of this 2020 special session Act,**
18 **the court may not approve the placement unless the court finds that**
19 **the child or ward's placement in the out-of-state child-caring agency**
20 **is the least restrictive setting available to meet the child or ward's**
21 **treatment needs, taking into consideration all of the following:**

22 **(A) The nature of the services offered by the child-caring agency;**

23 **(B) The population served by the child-caring agency;**

24 **(C) The percentage of the child-caring agency's population that is**
25 **juvenile offenders; and**

26 **(D) Whether the child-caring agency is required to file a report**
27 **under the Prison Rape Elimination Act of 2003, 34 U.S.C. 30301 et seq.**

28 **(c) The court may receive testimony, reports or other material re-**
29 **lating to the child's or ward's mental, physical and social history and**
30 **prognosis without regard to the competency or relevancy of the testi-**
31 **mony, reports or other material under the rules of evidence.**

(6) The court shall enter an order under subsection (5) of this section no later than 60 days following the date the child or ward is placed in the qualified residential treatment program.

(7) If the court enters an order disapproving the child's or ward's placement, the department shall move the child or ward to a placement that provides care, supervision and services that are consistent with the court's order no later than 30 days following the date the court enters the order.

SECTION 15a. ORS 418.205 is amended to read:

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

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

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

(A) Means any private school, private agency, private organization or county program providing:

(i) Day treatment for children with emotional disturbances;

(ii) Adoption placement services;

(iii) Residential care, including but not limited to foster care or residential treatment for children;

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

(v) Outdoor youth programs; or

(vi) Other similar care or services for children.

(B) Includes the following:

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

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

(iii) A private residential boarding school; and

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

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

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

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

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

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

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

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

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

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

(4)(a) “County program” means any county operated program that provides care or services to children in the custody of the Department of Human Services or the Oregon Youth Authority.

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

(5) “Governmental agency” means an executive, legislative or judicial agency, department, board, commission, authority, institution or instrumentality of this state or of a county, municipality or other political

subdivision of this state.

(6) “Independent residence facility” means a facility established or certified under ORS 418.475.

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

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

(A) Operated by a governmental entity;

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

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

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

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

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

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

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

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

(11) “Provider of care or services for children” means a person, entity or organization that provides care or services to children, regardless of whether the child is in the custody of the Department of Human Services, and that does not otherwise meet the definition of, or requirements for, a child-caring agency. “Provider of care or services for children” includes a proctor foster

home certified by a child-caring agency under ORS 418.248.

[(12) “*Qualified residential treatment program*” means a program described in ORS 419B.356.]

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

SECTION 15b. ORS 418.205, as amended by section 15a of this 2020 special session Act, is amended to read:

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

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

(2)(a) “Child-caring agency”:

(A) Means any private school, private agency, private organization or county program providing:

(i) Day treatment for children with emotional disturbances;

(ii) Adoption placement services;

(iii) Residential care, including but not limited to foster care or residential treatment for children;

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

(v) Outdoor youth programs; or

(vi) Other similar care or services for children.

(B) Includes the following:

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

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

(iii) A private residential boarding school; and

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

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

(A) Residential facilities or foster care homes certified or licensed by the

1 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
2 443.835 for children receiving developmental disability services;

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

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

11 (D) A shelter-care home that is a foster home subject to ORS 418.625 to
12 418.645;

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

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

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

19 (3) “Child-caring facility” has the meaning given that term in ORS
20 418.950.

21 (4)(a) “County program” means any county operated program that pro-
22 vides care or services to children in the custody of the Department of Human
23 Services or the Oregon Youth Authority.

24 (b) “County program” does not include any local juvenile detention fa-
25 cility that receives state services provided and coordinated by the Depart-
26 ment of Corrections under ORS 169.070.

27 (5) “Governmental agency” means an executive, legislative or judicial
28 agency, department, board, commission, authority, institution or
29 instrumentality of this state or of a county, municipality or other political
30 subdivision of this state.

31 (6) “Independent residence facility” means a facility established or certi-

1 fied under ORS 418.475.

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

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

7 (A) Operated by a governmental entity;

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

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

11 (D) Operated by a youth job development organization as defined in ORS
12 344.415.

13 (8) “Private” means not owned, operated or administered by any govern-
14 mental agency or unit.

15 (9) “Private residential boarding school” means either of the following as
16 the context requires:

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

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

23 (10) “Proctor foster home” means a foster home certified by a child-caring
24 agency under ORS 418.248 that is not subject to ORS 418.625 to 418.645.

25 (11) “Provider of care or services for children” means a person, entity or
26 organization that provides care or services to children, regardless of whether
27 the child is in the custody of the Department of Human Services, and that
28 does not otherwise meet the definition of, or requirements for, a child-caring
29 agency. “Provider of care or services for children” includes a proctor foster
30 home certified by a child-caring agency under ORS 418.248.

31 **(12) “Qualified residential treatment program” means a program**

described in section 12b of this 2020 special session Act.

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

SECTION 16a. ORS 418.312 is amended to read:

418.312. (1) The Department of Human Services may not require any parent or legal guardian to transfer legal custody of a child in order to have the child placed in a child-caring agency under ORS 418.205 to 418.327, 418.470, 418.475, 418.480 to 418.500, 418.950 to 418.970 and 418.992 to 418.998 in a foster home, group home or institutional child care setting, when the sole reason for the placement is the need to obtain services for the child’s emotional, behavioral or mental disorder or developmental or physical disability. In all such cases, the child shall be placed pursuant to a voluntary placement agreement. When a child is placed pursuant to a voluntary placement agreement, the department shall have responsibility for the child’s placement and care.

[(2) If a child is placed pursuant to a voluntary placement agreement in a qualified residential treatment program described in ORS 419B.356, the placement is subject to judicial approval under ORS 419B.360.]

[(3)(a) If] **When** a child remains in voluntary placement for more than 180 days, the juvenile court shall make a judicial determination, within the first 180 days of the placement, that the placement is in the best interests of the child.

[(b) If a child remains in voluntary placement for more than 12 months,]
In addition, the juvenile court shall hold a permanency hearing as provided in ORS 419B.476 no later than 14 months after the child’s original voluntary placement, and not less frequently than once every 12 months thereafter during the continuation of the child’s original voluntary placement, to determine the future status of the child.

[(4)] (2) As used in this section, “voluntary placement agreement” means a binding, written agreement between the department and the parent or legal guardian of a minor child that does not transfer legal custody to the de-

partment but that specifies, at a minimum, the legal status of the child and the rights and obligations of the parent or legal guardian, the child and the department while the child is in placement.

SECTION 16b. ORS 418.312, as amended by section 16a of this 2020 special session Act, is amended to read:

418.312. (1) The Department of Human Services may not require any parent or legal guardian to transfer legal custody of a child in order to have the child placed in a child-caring agency under ORS 418.205 to 418.327, 418.470, 418.475, 418.480 to 418.500, 418.950 to 418.970 and 418.992 to 418.998 in a foster home, group home or institutional child care setting, when the sole reason for the placement is the need to obtain services for the child's emotional, behavioral or mental disorder or developmental or physical disability. In all such cases, the child shall be placed pursuant to a voluntary placement agreement. When a child is placed pursuant to a voluntary placement agreement, the department shall have responsibility for the child's placement and care.

(2) If a child is placed pursuant to a voluntary placement agreement in a qualified residential treatment program as described in section 12b of this 2020 special session Act, the placement is subject to judicial approval under section 14b of this 2020 special session Act.

(3)(a) *[When]* If a child remains in voluntary placement for more than 180 days, the juvenile court shall make a judicial determination, within the first 180 days of the placement, that the placement is in the best interests of the child.

(b) If a child remains in voluntary placement for more than 12 months, *[In addition,]* the juvenile court shall hold a permanency hearing as provided in ORS 419B.476 no later than 14 months after the child's original voluntary placement, and not less frequently than once every 12 months thereafter during the continuation of the child's original voluntary placement, to determine the future status of the child.

[(2)] (4) As used in this section, "voluntary placement agreement" means

a binding, written agreement between the department and the parent or legal guardian of a minor child that does not transfer legal custody to the department but that specifies, at a minimum, the legal status of the child and the rights and obligations of the parent or legal guardian, the child and the department while the child is in placement.

SECTION 17a. ORS 419A.004 is amended to read:

419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires otherwise:

(1) “Age-appropriate or developmentally appropriate activities” means:

(a) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and

(b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical and behavioral capacities of the child.

(2) “Another planned permanent living arrangement” means an out-of-home placement for a ward 16 years of age or older that is consistent with the case plan and in the best interests of the ward other than placement:

(a) By adoption;

(b) With a legal guardian; or

(c) With a fit and willing relative.

(3) “CASA Volunteer Program” means a program that is approved or sanctioned by a juvenile court, has received accreditation from the National CASA Association and has entered into a contract with the Oregon Department of Administrative Services under ORS 184.492 to recruit, train and supervise volunteers to serve as court appointed special advocates.

(4) “Child care center” means a residential facility for wards or youth offenders that is licensed, certified or otherwise authorized as a child-caring

agency as that term is defined in ORS 418.205.

(5) "Community service" has the meaning given that term in ORS 137.126.

(6) "Conflict of interest" means a person appointed to a local citizen review board who has a personal or pecuniary interest in a case being reviewed by that board.

(7) "Counselor" means a juvenile department counselor or a county juvenile probation officer.

(8) "Court" means the juvenile court.

(9) "Court appointed special advocate" means a person in a CASA Volunteer Program who is appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112.

(10) "Court facility" has the meaning given that term in ORS 166.360.

(11) "Current caretaker" means a foster parent:

(a) Who is currently caring for a ward who is in the legal custody of the Department of Human Services and who has a permanency plan or concurrent permanent plan of adoption; and

(b) Who has cared for the ward, or at least one sibling of the ward, for at least 12 cumulative months or for one-half of the ward's or sibling's life where the ward or sibling is younger than two years of age, calculated cumulatively.

(12) "Department" means the Department of Human Services.

(13) "Detention" or "detention facility" means a facility established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of youths or youth offenders pursuant to a judicial commitment or order.

(14) "Director" means the director of a juvenile department established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

(15) "Guardian" means guardian of the person and not guardian of the estate.

(16) "Indian child" means any unmarried person less than 18 years of age who is:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(17) “Juvenile court” means the court having jurisdiction of juvenile matters in the several counties of this state.

(18) “Local citizen review board” means the board specified by ORS 419A.090 and 419A.092.

(19) “Parent” means the biological or adoptive mother and the legal parent of the child, ward, youth or youth offender. As used in this subsection, “legal parent” means:

(a) A person who has adopted the child, ward, youth or youth offender or whose parentage has been established or declared under ORS 25.501 to 25.556 or 109.065 or by a juvenile court; and

(b) In cases in which the Indian Child Welfare Act applies, a man who is a father under applicable tribal law.

(20) “Permanent foster care” means an out-of-home placement in which there is a long-term contractual foster care agreement between the foster parents and the department that is approved by the juvenile court and in which the foster parents commit to raise a ward in substitute care or youth offender until the age of majority.

(21) “Public building” has the meaning given that term in ORS 166.360.

(22) “Proctor foster home” has the meaning given that term in ORS 418.205.

[(23) “*Qualified residential treatment program*” means a program described in ORS 419B.356.]

[(24)] **(23)** “Reasonable and prudent parent standard” means the standard, characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child or ward while encouraging the emotional and developmental growth of the child or ward, that a substitute care provider shall use when determining whether to allow a child or ward in substitute care to participate in extracurricular, enrichment, cultural and social activities.

1 [(25)] **(24)** “Reasonable time” means a period of time that is reasonable
2 given a child or ward’s emotional and developmental needs and ability to
3 form and maintain lasting attachments.

4 [(26)] **(25)** “Records” means any information in written form, pictures,
5 photographs, charts, graphs, recordings or documents pertaining to a case.

6 [(27)] **(26)** “Resides” or “residence,” when used in reference to the resi-
7 dence of a child, ward, youth or youth offender, means the place where the
8 child, ward, youth or youth offender is actually living or the jurisdiction in
9 which wardship or jurisdiction has been established.

10 [(28)] **(27)** “Restitution” has the meaning given that term in ORS 137.103.

11 [(29)] **(28)** “Serious physical injury” means:

12 (a) A serious physical injury as defined in ORS 161.015; or

13 (b) A physical injury that:

14 (A) Has a permanent or protracted significant effect on a child’s daily
15 activities;

16 (B) Results in substantial and recurring pain; or

17 (C) In the case of a child under 10 years of age, is a broken bone.

18 [(30)] **(29)** “Shelter care” means a home or other facility suitable for the
19 safekeeping of a child, ward, youth or youth offender who is taken into
20 temporary custody pending investigation and disposition.

21 [(31)] **(30)** “Short-term detention facility” means a facility established
22 under ORS 419A.050 (3) for holding youths and youth offenders pending fur-
23 ther placement.

24 [(32)] **(31)** “Sibling” means one of two or more children or wards related:

25 (a) By blood or adoption through a common legal parent; or

26 (b) Through the marriage of the children’s or wards’ legal or biological
27 parents.

28 [(33)(a)] **(32)(a)** “Substitute care” means an out-of-home placement directly
29 supervised by the department or other agency, including placement in a fos-
30 ter family home, group home, child-caring agency as defined in ORS 418.205
31 or other child caring institution or facility.

(b) “Substitute care” does not include care in:

(A) A detention facility, forestry camp or youth correction facility;

(B) A family home that the court has approved as a ward’s permanent placement, when a child-caring agency as defined in ORS 418.205 has been appointed guardian of the ward and when the ward’s care is entirely privately financed; **or**

(C) In-home placement subject to conditions or limitations[;].

[(D) A facility or other entity that houses or provides services only to youth offenders committed to the custody of the Oregon Youth Authority by the juvenile court; or]

[(E) A youth offender foster home as that term is defined in ORS 420.888.]

[(34)] **(33)** “Surrogate” means a person appointed by the court to protect the right of the child, ward, youth or youth offender to receive procedural safeguards with respect to the provision of free appropriate public education.

[(35)] **(34)** “Tribal court” means a court with jurisdiction over child custody proceedings and that is either a Court of Indian Offenses, a court established and operated under the code of custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings.

[(36)] **(35)** “Victim” means any person determined by the district attorney, the juvenile department or the court to have suffered direct financial, psychological or physical harm as a result of the act that has brought the youth or youth offender before the juvenile court. When the victim is a minor, “victim” includes the legal guardian of the minor. The youth or youth offender may not be considered the victim. When the victim of the crime cannot be determined, the people of Oregon, as represented by the district attorney, are considered the victims.

[(37)] **(36)** “Violent felony” means any offense that, if committed by an adult, would constitute a felony and:

(a) Involves actual or threatened serious physical injury to a victim; or

(b) Is a sexual offense. As used in this paragraph, “sexual offense” has the meaning given the term “sex crime” in ORS 163A.005.

[(38)] (37) “Ward” means a person within the jurisdiction of the juvenile court under ORS 419B.100.

[(39)] (38) “Young person” means a person who has been found responsible except for insanity under ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

[(40)] (39) “Youth” means a person under 18 years of age who is alleged to have committed an act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

[(41)] (40) “Youth care center” has the meaning given that term in ORS 420.855.

[(42)] (41) “Youth offender” means a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.

SECTION 17b. ORS 419A.004, as amended by section 17a of this 2020 special session Act, is amended to read:

419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires otherwise:

(1) “Age-appropriate or developmentally appropriate activities” means:

(a) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and

(b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical and behavioral capacities of the child.

(2) “Another planned permanent living arrangement” means an out-of-

home placement for a ward 16 years of age or older that is consistent with the case plan and in the best interests of the ward other than placement:

(a) By adoption;

(b) With a legal guardian; or

(c) With a fit and willing relative.

(3) “CASA Volunteer Program” means a program that is approved or sanctioned by a juvenile court, has received accreditation from the National CASA Association and has entered into a contract with the Oregon Department of Administrative Services under ORS 184.492 to recruit, train and supervise volunteers to serve as court appointed special advocates.

(4) “Child care center” means a residential facility for wards or youth offenders that is licensed, certified or otherwise authorized as a child-caring agency as that term is defined in ORS 418.205.

(5) “Community service” has the meaning given that term in ORS 137.126.

(6) “Conflict of interest” means a person appointed to a local citizen review board who has a personal or pecuniary interest in a case being reviewed by that board.

(7) “Counselor” means a juvenile department counselor or a county juvenile probation officer.

(8) “Court” means the juvenile court.

(9) “Court appointed special advocate” means a person in a CASA Volunteer Program who is appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112.

(10) “Court facility” has the meaning given that term in ORS 166.360.

(11) “Current caretaker” means a foster parent:

(a) Who is currently caring for a ward who is in the legal custody of the Department of Human Services and who has a permanency plan or concurrent permanent plan of adoption; and

(b) Who has cared for the ward, or at least one sibling of the ward, for at least 12 cumulative months or for one-half of the ward’s or sibling’s life where the ward or sibling is younger than two years of age, calculated cu-

mulatively.

(12) “Department” means the Department of Human Services.

(13) “Detention” or “detention facility” means a facility established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of youths or youth offenders pursuant to a judicial commitment or order.

(14) “Director” means the director of a juvenile department established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

(15) “Guardian” means guardian of the person and not guardian of the estate.

(16) “Indian child” means any unmarried person less than 18 years of age who is:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(17) “Juvenile court” means the court having jurisdiction of juvenile matters in the several counties of this state.

(18) “Local citizen review board” means the board specified by ORS 419A.090 and 419A.092.

(19) “Parent” means the biological or adoptive mother and the legal parent of the child, ward, youth or youth offender. As used in this subsection, “legal parent” means:

(a) A person who has adopted the child, ward, youth or youth offender or whose parentage has been established or declared under ORS 25.501 to 25.556 or 109.065 or by a juvenile court; and

(b) In cases in which the Indian Child Welfare Act applies, a man who is a father under applicable tribal law.

(20) “Permanent foster care” means an out-of-home placement in which there is a long-term contractual foster care agreement between the foster parents and the department that is approved by the juvenile court and in which the foster parents commit to raise a ward in substitute care or youth offender until the age of majority.

(21) “Public building” has the meaning given that term in ORS 166.360.

(22) “Proctor foster home” has the meaning given that term in ORS 418.205.

(23) “Qualified residential treatment program” means a program described in section 12b of this 2020 special session Act.

[(22)] **(24)** “Reasonable and prudent parent standard” means the standard, characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child or ward while encouraging the emotional and developmental growth of the child or ward, that a substitute care provider shall use when determining whether to allow a child or ward in substitute care to participate in extracurricular, enrichment, cultural and social activities.

[(23)] **(25)** “Reasonable time” means a period of time that is reasonable given a child or ward’s emotional and developmental needs and ability to form and maintain lasting attachments.

[(24)] **(26)** “Records” means any information in written form, pictures, photographs, charts, graphs, recordings or documents pertaining to a case.

[(25)] **(27)** “Resides” or “residence,” when used in reference to the residence of a child, ward, youth or youth offender, means the place where the child, ward, youth or youth offender is actually living or the jurisdiction in which wardship or jurisdiction has been established.

[(26)] **(28)** “Restitution” has the meaning given that term in ORS 137.103.

[(27)] **(29)** “Serious physical injury” means:

(a) A serious physical injury as defined in ORS 161.015; or

(b) A physical injury that:

(A) Has a permanent or protracted significant effect on a child’s daily activities;

(B) Results in substantial and recurring pain; or

(C) In the case of a child under 10 years of age, is a broken bone.

[(28)] **(30)** “Shelter care” means a home or other facility suitable for the safekeeping of a child, ward, youth or youth offender who is taken into

temporary custody pending investigation and disposition.

[(29)] **(31)** “Short-term detention facility” means a facility established under ORS 419A.050 (3) for holding youths and youth offenders pending further placement.

[(30)] **(32)** “Sibling” means one of two or more children or wards related:

(a) By blood or adoption through a common legal parent; or

(b) Through the marriage of the children’s or wards’ legal or biological parents.

[(31)(a)] **(33)(a)** “Substitute care” means an out-of-home placement directly supervised by the department or other agency, including placement in a foster family home, group home, child-caring agency as defined in ORS 418.205 or other child caring institution or facility.

(b) “Substitute care” does not include care in:

(A) A detention facility, forestry camp or youth correction facility;

(B) A family home that the court has approved as a ward’s permanent placement, when a child-caring agency as defined in ORS 418.205 has been appointed guardian of the ward and when the ward’s care is entirely privately financed; [or]

(C) In-home placement subject to conditions or limitations[.];

(D) A facility or other entity that houses or provides services only to youth offenders committed to the custody of the Oregon Youth Authority by the juvenile court; or

(E) A youth offender foster home as that term is defined in ORS 420.888.

[(32)] **(34)** “Surrogate” means a person appointed by the court to protect the right of the child, ward, youth or youth offender to receive procedural safeguards with respect to the provision of free appropriate public education.

[(33)] **(35)** “Tribal court” means a court with jurisdiction over child custody proceedings and that is either a Court of Indian Offenses, a court established and operated under the code of custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child

custody proceedings.

[(34)] (36) “Victim” means any person determined by the district attorney, the juvenile department or the court to have suffered direct financial, psychological or physical harm as a result of the act that has brought the youth or youth offender before the juvenile court. When the victim is a minor, “victim” includes the legal guardian of the minor. The youth or youth offender may not be considered the victim. When the victim of the crime cannot be determined, the people of Oregon, as represented by the district attorney, are considered the victims.

[(35)] (37) “Violent felony” means any offense that, if committed by an adult, would constitute a felony and:

(a) Involves actual or threatened serious physical injury to a victim; or

(b) Is a sexual offense. As used in this paragraph, “sexual offense” has the meaning given the term “sex crime” in ORS 163A.005.

[(36)] (38) “Ward” means a person within the jurisdiction of the juvenile court under ORS 419B.100.

[(37)] (39) “Young person” means a person who has been found responsible except for insanity under ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

[(38)] (40) “Youth” means a person under 18 years of age who is alleged to have committed an act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

[(39)] (41) “Youth care center” has the meaning given that term in ORS 420.855.

[(40)] (42) “Youth offender” means a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.

SECTION 18a. ORS 419B.443 is amended to read:

419B.443. (1) An agency described in ORS 419B.440 shall file the reports required by ORS 419B.440 (1)(b) at the end of the initial six-month period and

no less frequently than each six months thereafter. The agency shall file reports more frequently if the court so orders. The reports must include, but not be limited to:

(a) A description of the problems or offenses that necessitated the placement of the child or ward with the agency;

(b) A description of the type and an analysis of the effectiveness of the care, treatment and supervision that the agency has provided for the child or ward;

(c) A list of all placements made since the child or ward has been in the guardianship or legal custody of an agency and the length of time the child or ward has spent in each placement;

(d) For a child or ward in substitute care, a list of all schools the child or ward has attended since the child or ward has been in the guardianship or legal custody of the agency, the length of time the child or ward has spent in each school and, for a child or ward 14 years of age or older, the number of high school credits the child or ward has earned;

(e) A list of dates of face-to-face contacts the assigned case worker has had with the child or ward since the child or ward has been in the guardianship or legal custody of the agency and, for a child or ward in substitute care, the place of each contact;

(f) For a child or ward in substitute care, a list of the visits the child or ward has had with the child's or ward's parents or siblings since the child or ward has been in the guardianship or legal custody of the agency and the place and date of each visit;

(g) For a child or ward in substitute care, the steps the Department of Human Services is taking to ensure that:

(A) The child's or ward's substitute care provider is following the reasonable and prudent parent standard; and

(B) The child or ward has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities, including consultation with the child or ward in an age-appropriate manner about the op-

portunities the child or ward has to participate in the activities;

(h) A description of agency efforts to return the child or ward to the parental home or find permanent placement for the child or ward, including, when applicable, efforts to assist the parents in remedying factors which contributed to the removal of the child or ward from the home;

(i) A proposed treatment plan or proposed continuation or modification of an existing treatment plan, including a proposed visitation plan or proposed continuation or modification of an existing visitation plan and a description of efforts expected of the child or ward and the parents to remedy factors that have prevented the child or ward from safely returning home within a reasonable time;

(j) If continued substitute care is recommended, a proposed timetable for the child's or ward's return home or other permanent placement or a justification of why extended substitute care is necessary; **and**

(k) If the child or ward has been placed in foster care outside the state, whether the child or ward has been visited not less frequently than every six months by a state or private agency[; and].

[(L) If the child or ward is placed in a qualified residential treatment program:]

[(A) A determination that the strengths and needs of the child or ward cannot be met through placement in a foster home, that the placement in a qualified residential treatment program provides the least restrictive setting to provide the most effective and appropriate level of care for the child or ward, and that the placement is consistent with the short-term and long-term goals for the child or ward, as specified in the permanency plan for the child or ward;]

[(B) Documentation of the specific treatment or service needs that will be met for the child or ward in the placement and the length of time the child or ward is expected to need the treatment or services; and]

[(C) Documentation of the efforts made by the agency to prepare the child or ward to return home or be placed with a fit and willing relative, a legal

guardian, an adoptive parent or in a less restrictive foster home setting.]

(2) In addition to the information required in a report made under subsection (1) of this section, for a ward who is in the legal custody of the department pursuant to ORS 419B.337 but who will be or recently has been placed in the physical custody of a parent or a person who was appointed the ward's legal guardian prior to placement of the ward in the legal custody of the department, a report required under ORS 419B.440 (1)(a) shall include:

(a) A recommended timetable for dismissal of the department's legal custody of the ward and termination of the wardship; and

(b) A description of the services that the department will provide to the ward and the ward's physical custodian to eliminate the need for the department to continue legal custody.

(3) In addition to the information required in a report made under subsection (1) of this section, if the report is made by the department under ORS 419B.440 (1)(b)(C), the report shall include:

(a) A recommended timetable for dismissal of the department's legal custody of the ward and termination of the wardship; and

(b) A description of the services that the department has provided to the ward and the ward's physical custodian to eliminate the need for the department to continue legal custody.

(4) Notwithstanding the requirements of subsection (1) of this section, reports need not contain information contained in prior reports.

SECTION 18b. ORS 419B.443, as amended by section 18a of this 2020 special session Act, is amended to read:

419B.443. (1) An agency described in ORS 419B.440 shall file the reports required by ORS 419B.440 (1)(b) at the end of the initial six-month period and no less frequently than each six months thereafter. The agency shall file reports more frequently if the court so orders. The reports must include, but not be limited to:

(a) A description of the problems or offenses that necessitated the placement of the child or ward with the agency;

1 (b) A description of the type and an analysis of the effectiveness of the
2 care, treatment and supervision that the agency has provided for the child
3 or ward;

4 (c) A list of all placements made since the child or ward has been in the
5 guardianship or legal custody of an agency and the length of time the child
6 or ward has spent in each placement;

7 (d) For a child or ward in substitute care, a list of all schools the child
8 or ward has attended since the child or ward has been in the guardianship
9 or legal custody of the agency, the length of time the child or ward has spent
10 in each school and, for a child or ward 14 years of age or older, the number
11 of high school credits the child or ward has earned;

12 (e) A list of dates of face-to-face contacts the assigned case worker has
13 had with the child or ward since the child or ward has been in the
14 guardianship or legal custody of the agency and, for a child or ward in
15 substitute care, the place of each contact;

16 (f) For a child or ward in substitute care, a list of the visits the child or
17 ward has had with the child's or ward's parents or siblings since the child
18 or ward has been in the guardianship or legal custody of the agency and the
19 place and date of each visit;

20 (g) For a child or ward in substitute care, the steps the Department of
21 Human Services is taking to ensure that:

22 (A) The child's or ward's substitute care provider is following the rea-
23 sonable and prudent parent standard; and

24 (B) The child or ward has regular, ongoing opportunities to engage in
25 age-appropriate or developmentally appropriate activities, including consul-
26 tation with the child or ward in an age-appropriate manner about the op-
27 portunities the child or ward has to participate in the activities;

28 (h) A description of agency efforts to return the child or ward to the
29 parental home or find permanent placement for the child or ward, including,
30 when applicable, efforts to assist the parents in remedying factors which
31 contributed to the removal of the child or ward from the home;

(i) A proposed treatment plan or proposed continuation or modification of an existing treatment plan, including a proposed visitation plan or proposed continuation or modification of an existing visitation plan and a description of efforts expected of the child or ward and the parents to remedy factors that have prevented the child or ward from safely returning home within a reasonable time;

(j) If continued substitute care is recommended, a proposed timetable for the child's or ward's return home or other permanent placement or a justification of why extended substitute care is necessary; *[and]*

(k) If the child or ward has been placed in foster care outside the state, whether the child or ward has been visited not less frequently than every six months by a state or private agency~~].~~; **and**

(L) If the child or ward is placed in a qualified residential treatment program:

(A) A determination that the strengths and needs of the child or ward cannot be met through placement in a foster home, that the placement in a qualified residential treatment program provides the least restrictive setting to provide the most effective and appropriate level of care for the child or ward, and that the placement is consistent with the short-term and long-term goals for the child or ward, as specified in the permanency plan for the child or ward;

(B) Documentation of the specific treatment or service needs that will be met for the child or ward in the placement and the length of time the child or ward is expected to need the treatment or services; and

(C) Documentation of the efforts made by the agency to prepare the child or ward to return home or be placed with a fit and willing relative, a legal guardian, an adoptive parent or in a less restrictive foster home setting.

(2) In addition to the information required in a report made under subsection (1) of this section, for a ward who is in the legal custody of the de-

partment pursuant to ORS 419B.337 but who will be or recently has been placed in the physical custody of a parent or a person who was appointed the ward's legal guardian prior to placement of the ward in the legal custody of the department, a report required under ORS 419B.440 (1)(a) shall include:

(a) A recommended timetable for dismissal of the department's legal custody of the ward and termination of the wardship; and

(b) A description of the services that the department will provide to the ward and the ward's physical custodian to eliminate the need for the department to continue legal custody.

(3) In addition to the information required in a report made under subsection (1) of this section, if the report is made by the department under ORS 419B.440 (1)(b)(C), the report shall include:

(a) A recommended timetable for dismissal of the department's legal custody of the ward and termination of the wardship; and

(b) A description of the services that the department has provided to the ward and the ward's physical custodian to eliminate the need for the department to continue legal custody.

(4) Notwithstanding the requirements of subsection (1) of this section, reports need not contain information contained in prior reports.

SECTION 19a. ORS 418.204 is repealed.

SECTION 19b. The Department of Human Services may engage and make reasonable payment for services of persons to make available, maintain and operate a child-caring agency, as defined in ORS 418.205, that is a qualified residential treatment program described in section 12b of this 2020 special session Act that provides residential care and treatment to a child, as defined in ORS 418.205, who, based on an independent assessment described in section 13b of this 2020 special session Act, requires specialized, evidence-based supports and services related to the effects of trauma or mental, emotional or behavioral health needs.

MISCELLANEOUS

SECTION 20. (1) The amendments to ORS 341.522 by section 1 of this 2020 special session Act apply to a foster child who attained or attains the foster child's highest level of education before, on or after the effective date of this 2020 special session Act.

(2) Section 2 of this 2020 special session Act applies to reports of child abuse received by the Department of Human Services before, on or after the effective date of this 2020 special session Act.

(3) Section 7a of this 2020 special session Act and the amendments to ORS 418.500 by section 10a of this 2020 special session Act apply to placements of Oregon children or wards in any other state occurring on or after the effective date of this 2020 special session Act.

(4) The amendments to ORS 419B.354 by section 11a of this 2020 special session Act apply to placements of children or wards in this state occurring on or after the effective date of this 2020 special session Act.

(5) The amendments to ORS 418.205, 418.312, 419A.004 and 419B.443 by sections 15a, 16a, 17a and 18a of this 2020 special session Act apply to:

(a) Placements of Oregon children or wards in any other state occurring on or after the effective date of this 2020 special session Act; and

(b) Placements of children or wards in this state occurring on or after the effective date of this 2020 special session Act.

(6) Sections 12b, 13b, 14b and 19b of this 2020 special session Act and the amendments to ORS 418.205, 418.312, 418.500, 419A.004, 419B.354 and 419B.443 and section 7a of this 2020 special session Act by sections 7b, 10b, 11b, 15b, 16b, 17b and 18b of this 2020 special session Act apply to:

(a) Placements of Oregon children or wards in any other state occurring on or after December 1, 2020; and

1 (b) Placements of children or wards in this state occurring on or
2 after December 1, 2020.

3 SECTION 21. (1) Sections 4, 12b, 13b, 14b and 19b of this 2020 special
4 session Act and the amendments to ORS 418.205, 418.312, 418.500,
5 419A.004, 419B.354 and 419B.443 and section 7a of this 2020 special ses-
6 sion Act by sections 7b, 10b, 11b, 15b, 16b, 17b and 18b of this 2020
7 special session Act become operative on December 1, 2020.

8 (2) The Department of Human Services and the Oregon Health Au-
9 thority may take any action before the operative date specified in
10 subsection (1) of this section that is necessary for the department or
11 the authority to exercise, on and after the operative date specified in
12 subsection (1) of this section, all of the duties, functions and powers
13 conferred on the department or the authority by sections 4, 12b, 13b,
14 14b and 19b of this 2020 special session Act and the amendments to
15 ORS 418.205, 418.312, 418.500, 419A.004, 419B.354 and 419B.443 and section
16 7a of this 2020 special session Act by sections 7b, 10b, 11b, 15b, 16b, 17b
17 and 18b of this 2020 special session Act.

18
19 **CAPTIONS**
20

21 SECTION 22. The unit captions used in this 2020 special session Act
22 are provided only for the convenience of the reader and do not become
23 part of the statutory law of this state or express any legislative intent
24 in the enactment of this 2020 special session Act.

25
26 **EMERGENCY CLAUSE**
27

28 SECTION 23. This 2020 special session Act being necessary for the
29 immediate preservation of the public peace, health and safety, an
30 emergency is declared to exist, and this 2020 special session Act takes
31 effect on July 1, 2020.

