

Senate Bill 181

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SUMMARY

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

Modifies definition of "child-caring agency" to include county programs that provide care or services to children in custody of Department of Human Services or Oregon Youth Authority.
Declaring emergency, effective on passage.

A BILL FOR AN ACT

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

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

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

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

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

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

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

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

14 (ii) Adoption placement services;

15 (iii) Residential care, including but not limited to foster care or residential treatment for chil-
16 dren;

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

19 (v) Outdoor youth programs; or

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

21 (B) Includes the following:

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

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

24 (iii) A private residential boarding school; and

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

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

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

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

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

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

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

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

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

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

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

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

12 (4)(a) **“County program” means any county operated program that provides care or ser-**
 13 **“County program” means any county operated program that provides care or ser-**
 14 **vices to children in the custody of the Department of Human Services or the Oregon Youth**
 15 **Authority.**

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

18 [(4)] (5) “Governmental agency” means an executive, legislative or judicial agency, department,
 19 board, commission, authority, institution or instrumentality of this state or of a county, municipality
 20 or other political subdivision of this state.

21 [(5)] (6) “Independent residence facility” means a facility established or certified under ORS
 22 418.475.

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

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

27 (A) Operated by a governmental entity;

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

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

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

31 [(7)] (8) “Private” means not owned, operated or administered by any governmental agency or
 32 unit.

33 [(8)] (9) “Private residential boarding school” means either of the following as the context re-
 34 quires:

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

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

40 [(9)] (10) “Proctor foster home” means a foster home certified by a child-caring agency under
 41 ORS 418.248 that is not subject to ORS 418.625 to 418.645.

42 [(10)] (11) “Provider of care or services for children” means a person, entity or organization that
 43 provides care or services to children, regardless of whether the child is in the custody of the De-
 44 partment of Human Services, and that does not otherwise meet the definition of, or requirements for,
 45 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.

1 [(11)] (12) "Shelter-care home" has the meaning given that term in ORS 418.470.

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

3 418.210. ORS 418.205 to 418.327 shall not apply to:

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

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

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

8 (4) Any individual, or home of an individual, providing respite services, as defined in ORS
9 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056;

10 (5) Any private agency or organization facilitating the provision of respite services, as defined
11 in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056;

12 or

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

14 (7) Any governmental entity, **other than a county program**, that is a provider of care or ser-
15 vices for children, including but not limited to the Oregon Youth Authority.

16 **SECTION 3. This 2019 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
18 **on its passage.**

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