

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO  
SENATE BILL 825**

1 In line 2 of the printed bill, after “agencies” insert “; creating new pro-  
2 visions; amending ORS 418.205, 418.312, 418.470, 419A.004, 419A.104, 419B.443,  
3 419C.620, 419C.623 and 419C.626; and declaring an emergency”.

4 Delete lines 4 through 8 and insert:  
5

6 **“CHILDREN AND WARDS**  
7

8 **“SECTION 1. Authority to pay for qualified residential treatment**  
9 **programs. The Department of Human Services may engage and make**  
10 **reasonable payment for services of persons to make available, main-**  
11 **tain and operate a qualified residential treatment program described**  
12 **in section 5 of this 2019 Act that provides residential care and treat-**  
13 **ment to a child, as defined in ORS 418.205, who, based on an inde-**  
14 **pendent assessment described in section 6 of this 2019 Act, requires**  
15 **specialized, evidence-based supports and services related to the effects**  
16 **of trauma or mental, emotional or behavioral health needs.**

17 **“SECTION 2. Sections 3 to 7 of this 2019 Act are added to and made**  
18 **a part of ORS chapter 419B.**

19 **“SECTION 3. Placement of child or ward in child-caring agency. (1)**  
20 **As used in this section and section 4 of this 2019 Act:**

21 **“(a) ‘Child care institution’ means a public or private child care**

1 **institution that accommodates no more than 25 children or wards and**  
2 **is licensed by the state in which it is situated or has been approved**  
3 **by the agency of the state in which it is situated that is responsible**  
4 **for licensing or approval of public or private child care institutions as**  
5 **meeting the standards established for licensing.**

6 **“(b) ‘Congregate care residential setting’ means any setting that**  
7 **cares for more than one child or ward and is not a setting described**  
8 **in ORS 418.205 (2)(b)(A) or (9).**

9 **“(2) The Department of Human Services may place a child or ward**  
10 **in a child care institution or other congregate care residential setting**  
11 **only if the institution or setting is a child-caring agency, as defined**  
12 **in ORS 418.205.**

13 **“SECTION 3a.** Section 3 of this 2019 Act is amended to read:

14 **“Sec. 3.** (1) As used in this section and section 4 of this 2019 Act:

15 **“(a) ‘Child care institution’ means a public or private child care institu-**  
16 **tion that accommodates no more than 25 children or wards and is licensed**  
17 **by the state in which it is situated or has been approved by the agency of**  
18 **the state in which it is situated that is responsible for licensing or approval**  
19 **of public or private child care institutions as meeting the standards estab-**  
20 **lished for licensing.**

21 **“(b) ‘Congregate care residential setting’ means any setting that cares for**  
22 **more than one child or ward and is not a setting described in ORS 418.205**  
23 **(2)(b)(A) or (9).**

24 **“(c) ‘Sex trafficking’ means the use of force, intimidation, fraud or**  
25 **coercion to cause a person to engage, or attempt to engage, in a**  
26 **commercial sex act.**

27 **“(2) The Department of Human Services may place a child or ward in a**  
28 **child care institution or other congregate care residential setting only if the**  
29 **institution or setting is a child-caring agency, as defined in ORS 418.205[.],**  
30 **and is a qualified residential treatment program.**

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

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

6       **“(b) The child or ward is placed in an independent residence facility**  
7 **described in ORS 418.475 that is licensed by the Department of Human**  
8 **Services as a child-caring agency.**

9       **“(c) The child or ward is, or is at risk of becoming, a victim of sex**  
10 **trafficking and the child-caring agency is providing high-quality resi-**  
11 **dential care and supportive services to the child or ward.**

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

15       **“(e) The placement with the child-caring agency is for the purpose**  
16 **of placing the child or ward in proctor foster care, as defined in ORS**  
17 **418.205.**

18       **“(f) The child-caring agency is a residential care facility licensed**  
19 **by the department that provides short-term assessment and stabiliza-**  
20 **tion services.**

21       **“(g) The child-caring agency is a shelter-care home, as defined in**  
22 **ORS 418.470, licensed by the department that provides short-term as-**  
23 **essment and stabilization services.**

24       **“(h) The child-caring agency is a homeless, runaway or transitional**  
25 **living shelter licensed by the department that provides short-term as-**  
26 **essment and stabilization services.**

27       **“(i) The child-caring agency is a residential drug and alcohol**  
28 **treatment program.**

29       **“(4) Notwithstanding subsection (3)(f) to (h) of this section, the de-**  
30 **partment may not place a child or ward in a residential care agency**

1 or shelter-care home that is not a qualified residential treatment pro-  
2 gram:

3 “(a) For more than 60 consecutive days or 90 cumulative days in a  
4 12-month period; or

5 “(b) If the residential care agency or shelter-care home also serves  
6 adjudicated youth or youth served by the Oregon Youth Authority or  
7 the county juvenile department.

8 “(5)(a) Notwithstanding subsection (3)(h) of this section, the de-  
9 partment may not place a child or ward in a homeless, runaway or  
10 transitional living shelter that is not part of a qualified residential  
11 treatment program for more than 90 consecutive or 120 cumulative  
12 days in any 12-month period.

13 “(b) Calculations of the number of days a child or ward is placed in  
14 a homeless, runaway or transitional living shelter under subsection  
15 (3)(h) of this section exclude the days the child or ward is in the  
16 homeless, runaway or transitional living shelter if the child or ward:

17 “(A) Accessed the homeless, runaway or transitional living shelter  
18 without the support or direction of the department; and

19 “(B) Is homeless or a runaway, as defined by the department by  
20 rule.

21 **“SECTION 4. Out-of-state placements. (1) The Department of Hu-  
22 man Services may place a child or ward in a child care institution in  
23 another state if:**

24 **“(a) The department’s contract with the program meets the re-  
25 quirements under subsection (2) of this section;**

26 **“(b) The placement is approved by the court;**

27 **“(c) The child care institution is not an intermediate care facility  
28 or other institution for children with intellectual or developmental  
29 disabilities; and**

30 **“(d)(A) The child care institution is a qualified residential treat-**

1 **ment program that is licensed and in good standing with the state in**  
2 **which it is located;**

3 **“(B) The program is an adolescent residential alcohol and drug**  
4 **treatment program licensed to provide residential care; or**

5 **“(C) The program is licensed to provide residential care to children**  
6 **and is designed specifically to meet the needs of children with sexual**  
7 **harming behaviors, as described by the department by rule, if such**  
8 **treatment was determined necessary by a valid assessment and ap-**  
9 **proved by the court.**

10 **“(2)(a) The department shall review each contract with an out-of-**  
11 **state program prior to placement of a child or ward in the facility. The**  
12 **review shall include, but not be limited to, an assessment of the stat-**  
13 **utes and state or local administrative rules governing the agency re-**  
14 **garding:**

15 **“(A) Mandatory reports of abuse as described in ORS 418.258;**

16 **“(B) The process for investigation of allegations of abuse, including**  
17 **the evidentiary standard for a substantiated or founded claim as de-**  
18 **scribed in ORS 418.257 to 418.259; and**

19 **“(C) Licensing of residential programs for children and wards.**

20 **“(b) The department may enter into a contract with an out-of-state**  
21 **program only if:**

22 **“(A) The state’s licensing and safety standards applicable to the**  
23 **program are substantially similar to or exceed the licensing standards**  
24 **for child-caring agencies in this state;**

25 **“(B) The state’s child abuse definitions applicable to the facility are**  
26 **substantially similar to or exceed ORS 418.257 and 419B.005;**

27 **“(C) The contract requires the facility to notify the department no**  
28 **later than three days after the facility learns of any investigation or**  
29 **founded allegation of abuse of any child or ward in the care of the**  
30 **facility; and**

1       **“(D) The licensing agency of the state in which the institution is**  
2 **located has not placed restrictions on admissions of children, removed**  
3 **children or issued a letter of intent to revoke, suspend or restrict a**  
4 **license.**

5       **“(3) The department shall:**

6       **“(a) If the licensing agency in the state in which the institution is**  
7 **located initiates a licensing action or removal of children in a facility**  
8 **in which the department has placed a child or ward, immediately de-**  
9 **velop a plan to move the child or ward to a safe and appropriate**  
10 **placement as soon as practicable;**

11       **“(b) Review all substantiated allegations of abuse of children or**  
12 **young adults of any child in an out-of-state facility in which the de-**  
13 **partment has placed a child or ward from this state, in compliance**  
14 **with ORS 418.257 to 418.259;**

15       **“(c) Review the records and reports of abuse of an Oregon child or**  
16 **ward that was investigated but not substantiated in an out-of-state**  
17 **facility, in compliance with ORS 418.257 to 418.259;**

18       **“(d) Include any substantiated allegations of abuse suffered by a**  
19 **child or ward placed by the department in a child care institution in**  
20 **another state in the quarterly report to the Legislative Assembly of**  
21 **substantiated allegations of abuse of children in care under ORS**  
22 **418.259; and**

23       **“(e) Include children or wards placed in out-of-state facilities in the**  
24 **department’s calculations of foster children in this state in an insti-**  
25 **tutional placement in any reports about placement of children or**  
26 **wards in the child welfare system.**

27       **“SECTION 5. Qualified residential treatment program. A program**  
28 **is a qualified residential treatment program if it:**

29       **“(1) Provides residential care and treatment to a child who, based**  
30 **on an independent assessment described in section 6 of this 2019 Act,**

1 requires specialized, evidence-based, as defined by the Department of  
2 Human Services by rule, supports and services related to the effects  
3 of trauma or mental, emotional or behavioral health needs.

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

6 “(3) Ensures that the staff at the agency’s facility includes licensed  
7 or registered nurses licensed under ORS chapter 678 and other licensed  
8 clinical staff who:

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

10 “(b) Are on site according to the treatment model identified in  
11 subsection (2) of this section; and

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

13 “(4) Facilitates the involvement of the child’s family, as defined in  
14 ORS 418.575, in the child’s treatment program, to the extent appro-  
15 priate and in the child’s best interests.

16 “(5) Facilitates outreach to the child’s family, as defined in ORS  
17 418.575, documents how outreach is made and maintains contact in-  
18 formation for any known biological relatives or fictive kin, as defined  
19 by the department by rule.

20 “(6) Documents how the program integrates family into the child’s  
21 treatment process, including after discharge, and how sibling con-  
22 nections are maintained.

23 “(7) Provides discharge planning and family-based after-care sup-  
24 port for at least six months following the child’s discharge from the  
25 program.

26 “(8) Is licensed and accredited in accordance with requirements  
27 adopted by the department by rule, consistent with federal licensure  
28 and accreditation requirements for qualified residential treatment  
29 programs.

30 **SECTION 6. Independent assessment.** (1) The Department of Hu-

1 man Services shall ensure that an independent, qualified individual  
2 assesses the strengths and needs of a child or ward placed in a quali-  
3 fied residential treatment program.

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

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

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

10 “(b) Determine whether the needs of the child or ward can be met  
11 with family members or through placement in a foster family home  
12 or, if not, which setting would provide the most effective and appro-  
13 priate level of care for the child or ward in the least restrictive envi-  
14 ronment and be consistent with the short-term and long-term goals  
15 for the child or ward, as specified in the permanency plan for the child  
16 or ward; and

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

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

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

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

27 “(C) Clergy; or

28 “(D) If the child or ward has attained the age of 14 years, individ-  
29 uals selected by the child or ward.

30 “(b) The department shall document the following in the child’s or



1 **ward's case plan:**

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

6 **“(B) Contact information for members of the child's family and**  
7 **permanency team and for any of the child's or ward's family members**  
8 **or fictive kin who are not part of the child's or ward's family and**  
9 **permanency team.**

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

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

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

18 **“(F) If the setting recommended by the qualified individual con-**  
19 **ducting the assessment is different than the placement preferences of**  
20 **the family and permanency team and of the child or ward, the reasons**  
21 **why the preferences of the team and of the child or ward were not**  
22 **recommended.**

23 **“(5) If the qualified individual conducting the assessment deter-**  
24 **mines the child or ward should not be placed in a foster family home,**  
25 **the qualified individual shall specify in writing the reasons why the**  
26 **needs of the child or ward cannot be met by the family of the child**  
27 **or ward or in a foster family home. A shortage or lack of foster family**  
28 **homes is not a valid reason for not placing a child or ward in a foster**  
29 **family home under this subsection. The qualified individual shall**  
30 **specify in writing why the recommended placement in a qualified res-**

1 **idential treatment program is the setting that will provide the child**  
2 **or ward with the most effective and appropriate level of care in the**  
3 **least restrictive environment and how that placement is consistent**  
4 **with the short-term and long-term goals for the child or ward, as**  
5 **specified in the child’s or ward’s permanency plan.**

6 **“(6) As used in this section:**

7 **“(a) ‘Fictive kin’ has the meaning given that term by the depart-**  
8 **ment by rule.**

9 **“(b) Unless the department receives a federal waiver, ‘qualified in-**  
10 **dividual’ means an individual who is:**

11 **“(A) A trained professional or licensed clinician;**

12 **“(B) Not an employee of the department or of the Oregon Health**  
13 **Authority; and**

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

16 **“SECTION 7. Court approval of placement. (1) If the Department**  
17 **of Human Services has placed, or will place, a child or ward in child-**  
18 **caring agency, as defined in ORS 418.205, the department shall move**  
19 **the court for approval of the placement no later than 30 days following**  
20 **the date of placement.**

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

23 **“(a) The date of the placement;**

24 **“(b) A copy of the child’s or ward’s independent assessment de-**  
25 **scribed in section 6 of this 2019 Act; and**

26 **“(c) To the extent practicable, the parties’ placement preferences.**

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

29 **“(4)(a) Upon receipt of a motion under this section, the court shall**  
30 **schedule a hearing to occur no later than 60 days following the date**

1 the child or ward is placed in the child-caring agency.

2 “(b) Notwithstanding paragraph (a) of this subsection, the court is  
3 not required to hold a hearing under this section if all of the parties  
4 to the proceeding waive the hearing.

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

7 “(A) Whether the needs of the child or ward can be met through  
8 placement in a foster home that is certified, licensed or approved by  
9 the department or in a proctor foster home.

10 “(B) If the court determines that the needs of the child or ward  
11 cannot be met through placement in a foster home or proctor foster  
12 home:

13 “(i) Whether placement of the child or ward in the qualified resi-  
14 dential treatment program provides the least restrictive setting to  
15 provide the most effective and appropriate level of care for the child  
16 or ward; and

17 “(ii) Whether placement in a qualified residential treatment pro-  
18 gram is consistent with the child’s or ward’s case plan.

19 “(b) The court may receive testimony, reports or other material  
20 relating to the child’s or ward’s mental, physical and social history  
21 and prognosis without regard to the competency or relevancy of the  
22 testimony, reports or other material under the rules of evidence.

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

26 “(7) If the court enters an order disapproving the child’s or ward’s  
27 placement, the department shall move the child or ward to a place-  
28 ment consistent with the court’s order no later than 30 days following  
29 the date the court enters the order.

30 “SECTION 8. ORS 418.205 is amended to read:

1 “418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to  
2 418.970 and 418.992 to 418.998, unless the context requires otherwise:

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

5 “(2)(a) ‘Child-caring agency’:

6 “(A) Means any private school, private agency or private organization  
7 providing:

8 “(i) Day treatment for children with emotional disturbances;

9 “(ii) Adoption placement services;

10 “(iii) Residential care, including but not limited to foster care or resi-  
11 dential treatment for children;

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

15 “(v) Outdoor youth programs; or

16 “(vi) Other similar care or services for children.

17 “(B) Includes the following:

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

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

21 “(iii) A private residential boarding school; and

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

23 “(b) ‘Child-caring agency’ does not include:

24 “(A) Residential facilities or foster care homes certified or licensed by the  
25 Department of Human Services under ORS 443.400 to 443.455, 443.830 and  
26 443.835 for children receiving developmental disability services;

27 “(B) Any private agency or organization facilitating the provision of re-  
28 spite services for parents pursuant to a properly executed power of attorney  
29 under ORS 109.056. For purposes of this subparagraph, ‘respite services’  
30 means the voluntary assumption of short-term care and control of a minor

1 child without compensation or reimbursement of expenses for the purpose  
2 of providing a parent in crisis with relief from the demands of ongoing care  
3 of the parent’s child;

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

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

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  
9 older; or

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

13 “(3) ‘Child-caring facility’ has the meaning given that term in ORS  
14 418.950.

15 “(4) ‘Governmental agency’ means an executive, legislative or judicial  
16 agency, department, board, commission, authority, institution or  
17 instrumentality of this state or of a county, municipality or other political  
18 subdivision of this state.

19 “(5) ‘Independent residence facility’ means a facility established or certi-  
20 fied under ORS 418.475.

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

24 “(b) ‘Outdoor youth program’ does not include any program, facility or  
25 activity:

26 “(A) Operated by a governmental entity;

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

28 “(C) Licensed by the Department of Human Services under other author-  
29 ity of the department; or

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

1 344.415.

2 “(7) ‘Private’ means not owned, operated or administered by any govern-  
3 mental agency or unit.

4 “(8) ‘Private residential boarding school’ means either of the following  
5 as the context requires:

6 “(a) A child-caring agency that is a private school that provides residen-  
7 tial care in combination with academic education and therapeutic care, in-  
8 cluding but not limited to treatment for emotional, behavioral or mental  
9 health disturbances; or

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

12 “(9) ‘Proctor foster home’ means a foster home certified by a child-caring  
13 agency under ORS 418.248 that is not subject to ORS 418.625 to 418.645.

14 “(10) ‘Provider of care or services for children’ means a person, entity or  
15 organization that provides care or services to children, regardless of whether  
16 the child is in the custody of the Department of Human Services, and that  
17 does not otherwise meet the definition of, or requirements for, a child-caring  
18 agency. ‘Provider of care or services for children’ includes a proctor foster  
19 home certified by a child-caring agency under ORS 418.248.

20 “(11) **‘Qualified residential treatment program’ means a program**  
21 **described in section 5 of this 2019 Act.**

22 “[11] (12) ‘Shelter-care home’ has the meaning given that term in ORS  
23 418.470.

24 **“SECTION 9.** ORS 418.312 is amended to read:

25 “418.312. (1) The Department of Human Services may not require any  
26 parent or legal guardian to transfer legal custody of a child in order to have  
27 the child placed in a child-caring agency under ORS 418.205 to 418.327,  
28 418.470, 418.475, 418.480 to 418.500, 418.950 to 418.970 and 418.992 to 418.998  
29 in a foster home, group home or institutional child care setting, when the  
30 sole reason for the placement is the need to obtain services for the child’s

1 emotional, behavioral or mental disorder or developmental or physical disa-  
2 bility. In all such cases, the child shall be placed pursuant to a voluntary  
3 placement agreement. When a child is placed pursuant to a voluntary  
4 placement agreement, the department shall have responsibility for the child's  
5 placement and care.

6 **“(2) If a child is placed pursuant to a voluntary placement agree-  
7 ment in a qualified residential treatment program described in section  
8 5 of this 2019 Act, the placement is subject to judicial approval under  
9 section 7 of this 2019 Act.**

10 **“(3)(a) [When] If** a child remains in voluntary placement for more than  
11 180 days, the juvenile court shall make a judicial determination, within the  
12 first 180 days of the placement, that the placement is in the best interests  
13 of the child.

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

20 **“[(2)] (4)** As used in this section, ‘voluntary placement agreement’ means  
21 a binding, written agreement between the department and the parent or legal  
22 guardian of a minor child that does not transfer legal custody to the de-  
23 partment but that specifies, at a minimum, the legal status of the child and  
24 the rights and obligations of the parent or legal guardian, the child and the  
25 department while the child is in placement.

26 **“SECTION 10.** ORS 418.470 is amended to read:

27 **“418.470. (1)** The Department of Human Services may engage and make  
28 reasonable payment for services of persons to make available, maintain and  
29 operate shelter-care homes for the safekeeping of children taken into tempo-  
30 rary custody pending investigation and disposition.

1 “(2) The services, pursuant to specific prior authorization of the depart-  
2 ment, shall be deemed actually rendered if the shelter-care home is made  
3 available, maintained and operated to receive such children.

4 “(3)(a) **The department may not place a child in a shelter-care home**  
5 **for more than 60 consecutive or 90 cumulative days in any 12-month**  
6 **period.**

7 “(b) **Calculations of the number of days a child is placed in a**  
8 **shelter-care home under paragraph (a) of this subsection exclude the**  
9 **days the child is in a shelter-care home if the child:**

10 “(A) **Accessed the shelter-care home without the support or direc-**  
11 **tion of the department; and**

12 “(B) **Is homeless or a runaway, as defined by the department by**  
13 **rule.**

14 “(c)(A) **The department may not place a child in a shelter-care**  
15 **home that is not a qualified residential treatment program if the pro-**  
16 **gram also serves adjudicated youth, youth served by the Oregon Youth**  
17 **Authority or youth served by the county juvenile department.**

18 “(B) **Nothing in this paragraph prohibits adjudicated youth, youth**  
19 **served by the Oregon Youth Authority or youth served by the county**  
20 **juvenile department from being placed in shelter-care or detention**  
21 **under ORS chapter 419C.**

22 “[3] (4) As used in this section and ORS 418.472, ‘shelter-care home’  
23 means a certified foster home or a licensed facility contracted with by the  
24 department [*of Human Services*] for the purpose of safekeeping of children  
25 taken into temporary custody pending investigation and disposition where  
26 the circumstances are such that the child need not be kept in secure custody.

27 “**SECTION 11.** ORS 419A.004 is amended to read:

28 “419A.004. As used in this chapter and ORS chapters 419B and 419C, un-  
29 less the context requires otherwise:

30 “(1) ‘Age-appropriate or developmentally appropriate activities’ means:



1 “(a) Activities or items that are generally accepted as suitable for chil-  
2 dren of the same chronological age or level of maturity or that are deter-  
3 mined to be developmentally appropriate for a child, based on the  
4 development of cognitive, emotional, physical and behavioral capacities that  
5 are typical for an age or age group; and

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

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

13 “(a) By adoption;

14 “(b) With a legal guardian; or

15 “(c) With a fit and willing relative.

16 “(3) ‘CASA Volunteer Program’ means a program that is approved or  
17 sanctioned by a juvenile court, has received accreditation from the National  
18 CASA Association and has entered into a contract with the Oregon Depart-  
19 ment of Administrative Services under ORS 184.492 to recruit, train and su-  
20 pervise volunteers to serve as court appointed special advocates.

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

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

25 “(6) ‘Conflict of interest’ means a person appointed to a local citizen re-  
26 view board who has a personal or pecuniary interest in a case being reviewed  
27 by that board.

28 “(7) ‘Counselor’ means a juvenile department counselor or a county juve-  
29 nile probation officer.

30 “(8) ‘Court’ means the juvenile court.

1 “(9) ‘Court appointed special advocate’ means a person in a CASA Vol-  
2 unteer Program who is appointed by the court to act as a court appointed  
3 special advocate pursuant to ORS 419B.112.

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

5 “(11) ‘Current caretaker’ means a foster parent:

6 “(a) Who is currently caring for a ward who is in the legal custody of the  
7 Department of Human Services and who has a permanency plan or concur-  
8 rent permanent plan of adoption; and

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

13 “(12) ‘Department’ means the Department of Human Services.

14 “(13) ‘Detention’ or ‘detention facility’ means a facility established under  
15 ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of  
16 children, wards, youths or youth offenders pursuant to a judicial commitment  
17 or order.

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

20 “(15) ‘Guardian’ means guardian of the person and not guardian of the  
21 estate.

22 “(16) ‘Indian child’ means any unmarried person less than 18 years of age  
23 who is:

24 “(a) A member of an Indian tribe; or

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

27 “(17) ‘Juvenile court’ means the court having jurisdiction of juvenile  
28 matters in the several counties of this state.

29 “(18) ‘Local citizen review board’ means the board specified by ORS  
30 419A.090 and 419A.092.

1 “(19) ‘Parent’ means the biological or adoptive mother and the legal par-  
2 ent of the child, ward, youth or youth offender. As used in this subsection,  
3 ‘legal parent’ means:

4 “(a) A person who has adopted the child, ward, youth or youth offender  
5 or whose parentage has been established or declared under ORS 109.065 or  
6 416.400 to 416.465 or by a juvenile court; and

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

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

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

15 “**(22) ‘Proctor foster home’ has the meaning given that term in ORS**  
16 **418.205.**

17 “**(23) ‘Qualified residential treatment program’ means a program**  
18 **described in section 5 of this 2019 Act.**

19 “[22] (24) ‘Reasonable and prudent parent standard’ means the standard,  
20 characterized by careful and sensible parental decisions that maintain the  
21 health, safety and best interests of a child or ward while encouraging the  
22 emotional and developmental growth of the child or ward, that a substitute  
23 care provider shall use when determining whether to allow a child or ward  
24 in substitute care to participate in extracurricular, enrichment, cultural and  
25 social activities.

26 “[23] (25) ‘Reasonable time’ means a period of time that is reasonable  
27 given a child or ward’s emotional and developmental needs and ability to  
28 form and maintain lasting attachments.

29 “[24] (26) ‘Records’ means any information in written form, pictures,  
30 photographs, charts, graphs, recordings or documents pertaining to a case.

1        “[25] (27) ‘Resides’ or ‘residence,’ when used in reference to the resi-  
2        dence of a child, ward, youth or youth offender, means the place where the  
3        child, ward, youth or youth offender is actually living or the jurisdiction in  
4        which wardship or jurisdiction has been established.

5        “[26] (28) ‘Restitution’ has the meaning given that term in ORS 137.103.

6        “[27] (29) ‘Serious physical injury’ means:

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

8        “(b) A physical injury that:

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

11        “(B) Results in substantial and recurring pain; or

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

13        “[28] (30) ‘Shelter care’ means a home or other facility suitable for the  
14        safekeeping of a child, ward, youth or youth offender who is taken into  
15        temporary custody pending investigation and disposition.

16        “[29] (31) ‘Short-term detention facility’ means a facility established  
17        under ORS 419A.050 (3) for holding children, youths and youth offenders  
18        pending further placement.

19        “[30] (32) ‘Sibling’ means one of two or more children or wards related:

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

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

23        “[31] (33)(a) ‘Substitute care’ means an out-of-home placement directly  
24        supervised by the department or other agency, including placement in a:

25        “(A) Foster [*family*] home[,] **that is certified, licensed or approved by**  
26        **the department or an Indian tribe;**

27        “(B) Group home[,];

28        “(C) Child-caring agency as defined in ORS 418.205; or

29        “(D) Other child caring institution or facility.

30        “(b) ‘Substitute care’ does not include care in:

1       “[(a)] **(A)** A detention facility, forestry camp or youth correction facility;

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

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

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

10       “**(E) A youth offender foster home as that term is defined in ORS**  
11       **420.888.**

12       “[(32)] **(34)** ‘Surrogate’ means a person appointed by the court to protect  
13       the right of the child, ward, youth or youth offender to receive procedural  
14       safeguards with respect to the provision of free appropriate public education.

15       “[(33)] **(35)** ‘Tribal court’ means a court with jurisdiction over child cus-  
16       tody proceedings and that is either a Court of Indian Offenses, a court es-  
17       tablished and operated under the code of custom of an Indian tribe or any  
18       other administrative body of a tribe that is vested with authority over child  
19       custody proceedings.

20       “[(34)] **(36)** ‘Victim’ means any person determined by the district attorney,  
21       the juvenile department or the court to have suffered direct financial, psy-  
22       chological or physical harm as a result of the act that has brought the youth  
23       or youth offender before the juvenile court. When the victim is a minor,  
24       ‘victim’ includes the legal guardian of the minor. The youth or youth  
25       offender may not be considered the victim. When the victim of the crime  
26       cannot be determined, the people of Oregon, as represented by the district  
27       attorney, are considered the victims.

28       “[(35)] **(37)** ‘Violent felony’ means any offense that, if committed by an  
29       adult, would constitute a felony and:

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

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

3 “[36] (38) ‘Ward’ means a person within the jurisdiction of the juvenile  
4 court under ORS 419B.100.

5 “[37] (39) ‘Young person’ means a person who has been found responsible  
6 except for insanity under ORS 419C.411 and placed under the jurisdiction of  
7 the Psychiatric Security Review Board.

8 “[38] (40) ‘Youth’ means a person under 18 years of age who is alleged  
9 to have committed an act that is a violation, or, if done by an adult would  
10 constitute a violation, of a law or ordinance of the United States or a state,  
11 county or city.

12 “[39] (41) ‘Youth care center’ has the meaning given that term in ORS  
13 420.855.

14 “[40] (42) ‘Youth offender’ means a person who has been found to be  
15 within the jurisdiction of the juvenile court under ORS 419C.005 for an act  
16 committed when the person was under 18 years of age.

17 **“SECTION 12.** ORS 419A.104 is amended to read:

18 “419A.104. (1) Within seven working days after the first of each month,  
19 the Department of Human Services shall send to the citizen review board  
20 state administrative office the federally required report listing all children  
21 and wards in substitute care. The report must include the dates of placement  
22 and the dates by which a review must be conducted.

23 **“(2) Unless relieved by the court under ORS 419A.106 (1)(b), the cit-**  
24 **izen review board shall review each child placed in a qualified resi-**  
25 **dential treatment program pursuant to a voluntary placement**  
26 **agreement under ORS 418.312 and make the findings required under**  
27 **ORS 419A.116 no later than six months following the date the child is**  
28 **placed, and not less frequently than every six months during the con-**  
29 **tinuation of the child’s original voluntary placement.**

30 **“SECTION 13.** ORS 419B.443 is amended to read:

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

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

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

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

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

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

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

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

29       “(A) The child’s or ward’s substitute care provider is following the rea-  
30 sonable and prudent parent standard; and

1 “(B) The child or ward has regular, ongoing opportunities to engage in  
2 age-appropriate or developmentally appropriate activities, including consul-  
3 tation with the child or ward in an age-appropriate manner about the op-  
4 portunities the child or ward has to participate in the activities;

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

9 “(i) A proposed treatment plan or proposed continuation or modification  
10 of an existing treatment plan, including a proposed visitation plan or pro-  
11 posed continuation or modification of an existing visitation plan and a de-  
12 scription of efforts expected of the child or ward and the parents to remedy  
13 factors that have prevented the child or ward from safely returning home  
14 within a reasonable time;

15 “(j) If continued substitute care is recommended, a proposed timetable for  
16 the child’s or ward’s return home or other permanent placement or a justi-  
17 fication of why extended substitute care is necessary; [*and*]

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

21 **“(L) If the child or ward is placed in a qualified residential treat-  
22 ment program:**

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

30 **“(B) Documentation of the specific treatment or service needs that**



1 **will be met for the child or ward in the placement and the length of**  
2 **time the child or ward is expected to need the treatment or services;**  
3 **and**

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

8 “(2) In addition to the information required in a report made under sub-  
9 section (1) of this section, for a ward who is in the legal custody of the de-  
10 partment pursuant to ORS 419B.337 but who will be or recently has been  
11 placed in the physical custody of a parent or a person who was appointed  
12 the ward’s legal guardian prior to placement of the ward in the legal custody  
13 of the department, a report required under ORS 419B.440 (1)(a) shall include:

14 “(a) A recommended timetable for dismissal of the department’s legal  
15 custody of the ward and termination of the wardship; and

16 “(b) A description of the services that the department will provide to the  
17 ward and the ward’s physical custodian to eliminate the need for the de-  
18 partment to continue legal custody.

19 “(3) In addition to the information required in a report made under sub-  
20 section (1) of this section, if the report is made by the department under ORS  
21 419B.440 (1)(b)(C), the report shall include:

22 “(a) A recommended timetable for dismissal of the department’s legal  
23 custody of the ward and termination of the wardship; and

24 “(b) A description of the services that the department has provided to the  
25 ward and the ward’s physical custodian to eliminate the need for the de-  
26 partment to continue legal custody.

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

29 **“NOTE: Sections 14 to 16 were deleted by amendment. Subsequent**  
30 **sections were not renumbered.**

1                                   **“YOUTHS AND YOUTH OFFENDERS**

2  
3           **“SECTION 17.** ORS 419C.620 is amended to read:

4           “419C.620. (1) When required by the court, the Oregon Youth Authority  
5 or a private agency having guardianship or legal custody of a youth offender  
6 pursuant to court order shall file reports on the youth offender with the ju-  
7 venile court that entered the original order concerning the youth offender.

8           **“(2) If a county juvenile department participating in programs re-**  
9 **lated to Title IV-E of the Social Security Act has responsibility for the**  
10 **placement and care of a youth offender, the county juvenile depart-**  
11 **ment shall file a report with the court if the youth offender remains**  
12 **under juvenile department care for six consecutive months from the**  
13 **date of initial placement in a placement other than a detention facil-**  
14 **ity.**

15           **“SECTION 18.** ORS 419C.623 is amended to read:

16           “419C.623. (1) The Oregon Youth Authority, **a county juvenile depart-**  
17 **ment** or **a** private agency shall file the reports required by ORS 419C.620  
18 at times required by the court, required by the youth offender’s reformation  
19 plan or case plan and as determined necessary by the youth authority or  
20 agency. The youth authority or agency shall file reports more frequently if  
21 the court so orders. The reports shall include, but need not be limited to:

22           “(a) A description of the offenses that necessitated the placement of the  
23 youth offender with the youth authority, **juvenile department** or agency;

24           “(b) A description of the youth offender’s risk to reoffend and an analysis  
25 of the need for services and assistance; and

26           “(c) A proposed reformation plan or case plan, or proposed continuation  
27 or modification of an existing reformation plan or case plan, including,  
28 where applicable, a description of services to be provided in furtherance of  
29 the youth offender’s reformation and safe return to the community.

30           **“(2) A report under ORS 419C.620 (2) by a county juvenile depart-**

1 **ment participating in programs related to Title IV-E of the Social Se-**  
2 **curity Act must also include:**

3 **“(a) A description of the efforts to return the youth offender to the**  
4 **parental home, including when applicable, efforts to assist the parents**  
5 **in remedying factors that contributed to the removal of the youth**  
6 **offender from the home.**

7 **“(b) A description of the care, treatment and supervision that has**  
8 **been provided for the youth offender, including:**

9 **“(A) The safety of the placement;**

10 **“(B) A description of whether the placement is the least restrictive**  
11 **and most appropriate setting available and in close proximity to the**  
12 **youth offender’s home, and is consistent with the best interest and the**  
13 **special needs of the youth offender; and**

14 **“(C) An analysis of the effectiveness of the care, treatment and**  
15 **supervision.**

16 **“(c) A description of the progress that has been made toward alle-**  
17 **viating or mitigating the causes necessitating the youth offender’s**  
18 **placement.**

19 **“(d) If continued substitute care is recommended, a proposed time-**  
20 **table for the youth offender’s return home or other permanent place-**  
21 **ment or a justification of why continued substitute care is necessary.**

22 **“[(2)] (3) Notwithstanding the requirements of [subsection (1)] sub-**  
23 **sections (1) and (2) of this section, reports following the first report that**  
24 **is required by [subsection (1) of] this section need not contain information**  
25 **contained in prior reports.**

26 **“[(3)] (4) Notwithstanding the requirements under ORS 419C.620 that re-**  
27 **ports be filed with the court, any report after the first report that is required**  
28 **by [subsection (1)] subsections (1) and (2) of this section on a youth**  
29 **offender whose case is being regularly reviewed by a local citizen review**  
30 **board shall be filed with that local citizen review board rather than with the**

1 court.

2 **“SECTION 19.** ORS 419C.626 is amended to read:

3 **“419C.626.** (1) Upon receiving a report required by ORS 419C.620:

4 **“(a)** The court may hold a hearing to review the youth offender’s condi-  
5 tion and circumstances and to determine if the court should continue juris-  
6 diction over the youth offender or order modifications in the custody,  
7 placement and supervision of the youth offender.

8 **“(b)** And if requested by the youth offender, the attorney for the youth  
9 offender, if any, the parents of the youth offender if parental rights have not  
10 been terminated, a court appointed special advocate, a local citizen review  
11 board, the Oregon Youth Authority, **a county juvenile department**, a dis-  
12 trict attorney or a private agency having guardianship or legal custody of  
13 the youth offender, the court shall hold a hearing within 30 days of receipt  
14 of the request.

15 **“(2)** The court, on its own motion, may hold a review hearing at any time.  
16 Unless good cause otherwise is shown, the court shall hold a review hearing  
17 at any time upon the request of the youth offender, the attorney for the  
18 youth offender, if any, the parents of the youth offender if parental rights  
19 have not been terminated, a court appointed special advocate, a local citizen  
20 review board, the youth authority, **a county juvenile department**, a dis-  
21 trict attorney or a private agency having guardianship or legal custody of  
22 the youth offender.

23 **“(3)** A hearing under subsection (1) or (2) of this section shall be con-  
24 ducted in the manner provided in ORS 419C.400 (1), 419C.405 and 419C.408,  
25 except that the court may receive testimony and reports as provided in ORS  
26 419C.400 (4). At the conclusion of the hearing, the court shall enter findings  
27 of fact if the decision is to continue the youth offender in an out-of-home  
28 placement in the legal custody of the youth authority, **a county juvenile**  
29 **department** or a private agency. The findings shall specifically state:

30 **“(a)** Why continued out-of-home placement is necessary as opposed to re-

1 turning the youth offender to the youth offender’s home or promptly securing  
2 another placement;

3 “(b) The expected timetable for return home; and

4 “(c) Whether the youth offender’s reformation plan or case plan should  
5 be modified.

6 “(4) After receiving a report required by ORS 419C.620 (2), if re-  
7 quested by the county juvenile department, the court’s findings under  
8 subsection (3) of this section must specifically state:

9 “(a) Whether the county juvenile department has made reasonable  
10 efforts or, if the Indian Child Welfare Act applies, active efforts to  
11 make it possible for the youth offender to safely return home. In  
12 making this finding, the court shall consider the youth offender’s  
13 health and safety the paramount concerns.

14 “(b) The appropriateness of the youth offender’s placement.

15 “(c) The extent of compliance with the youth offender’s case plan.

16 “(d) The extent of progress that has been made toward alleviating  
17 or mitigating the causes necessitating the youth offender’s placement  
18 in substitute care.

19 “[4] (5) The court may direct the local citizen review board to review  
20 the status of the youth offender prior to the court’s next review under ORS  
21 419A.106, 419A.108, 419A.110, 419A.112, 419A.116 and 419A.118.

22 “[5] (6) Any final decision of the court made pursuant to a hearing un-  
23 der subsection (1) or (2) of this section is appealable under ORS 419A.200.

24

25 “MISCELLANEOUS

26

27 “SECTION 20. (1) Section 2 of this 2019 Act applies to placements  
28 occurring on or after September 1, 2019.

29 “(2) Section 4 of this 2019 Act applies to contracts entered into and  
30 out-of-state placements occurring on or after September 1, 2019.

1       “(3) Sections 1, 5, 6 and 7 of this 2019 Act, the amendments to sec-  
2 tion 3 of this 2019 Act by section 3a of this 2019 Act and the amend-  
3 ments to ORS 418.205, 418.312, 418.470, 419A.004, 419A.104, 419B.443,  
4 419C.620, 419C.623 and 419C.626 by sections 8 to 13 and 17 to 19 of this  
5 2019 Act apply to placements occurring on or after July 1, 2020.

6       “SECTION 21. (1) Sections 2, 3 and 4 of this 2019 Act become oper-  
7 ative on September 1, 2019.

8       “(2) Sections 5, 6 and 7 of this 2019 Act, the amendments to section  
9 3 of this 2019 Act by section 3a of this 2019 Act and the amendments  
10 to ORS 418.205, 418.312, 418.470, 419A.004, 419A.104, 419B.443, 419C.620,  
11 419C.623 and 419C.626 by sections 8 to 13 and 17 to 19 of this 2019 Act  
12 become operative on July 1, 2020.

13       “(3) The Department of Human Services and the Oregon Health  
14 Authority may take any action before the operative dates specified in  
15 subsections (1) and (2) of this section that is necessary for the de-  
16 partment or the authority to exercise, on and after the operative dates  
17 specified in subsections (1) and (2) of this section, all of the duties,  
18 functions and powers conferred on the department or the authority  
19 by sections 1 to 7 of this 2019 Act and the amendments to ORS 418.205,  
20 418.312, 418.470, 419A.004, 419A.104, 419B.443, 419C.620, 419C.623 and  
21 419C.626 by sections 8 to 13 and 17 to 19 of this 2019 Act.

22       “SECTION 22. The unit and section captions used in this 2019 Act  
23 are provided only for the convenience of the reader and do not become  
24 part of the statutory law of this state or express any legislative intent  
25 in the enactment of this 2019 Act.

26       “SECTION 23. This 2019 Act being necessary for the immediate  
27 preservation of the public peace, health and safety, an emergency is  
28 declared to exist, and this 2019 Act takes effect on its passage.”.