

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 171**

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

4 Delete lines 4 through 7 and insert:

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

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

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

19 **“(a) ‘Child care institution’ means a public or private child care**
20 **institution that accommodates no more than 25 children or wards and**
21 **is licensed by the state in which it is situated or has been approved**

1 **by the agency of the state in which it is situated that is responsible**
2 **for licensing or approval of public or private child care institutions as**
3 **meeting the standards established for licensing.**

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

7 **“(c) ‘Qualified mental health professional’ means an individual**
8 **meeting minimum qualification criteria prescribed by the Oregon**
9 **Health Authority by rule.**

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

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

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

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

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

25 **“(c) ‘Qualified mental health professional’ means an individual meeting**
26 **minimum qualification criteria prescribed by the Oregon Health Authority**
27 **by rule.**

28 **“(d) ‘Sex trafficking’ means the recruitment, harboring, transpor-**
29 **tation, provision, obtaining, patronizing or soliciting of a person under**
30 **18 years of age for the purpose of a commercial sex act, as defined in**

1 **ORS 163.266, or the recruitment, harboring, transportation, provision**
2 **or obtaining of a person over 18 years of age using force, fraud or**
3 **coercion for the purpose of a commercial sex act, as defined in ORS**
4 **163.266.**

5 “(2) The Department of Human Services may place a child or ward in a
6 child care institution or other congregate care residential setting in this
7 state only if the institution or setting is a child-caring agency, as defined in
8 ORS 418.205, and is a qualified residential treatment program.

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

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

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

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

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

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

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

28 “(g) The child-caring agency is a residential care facility licensed
29 by the department that provides short-term assessment and stabiliza-
30 tion services.

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

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

7 **“(4) The department may not place a child or ward in a residential**
8 **care agency or shelter-care home described in subsection (3)(g) or (h)**
9 **of this section:**

10 **“(a) For more than 60 consecutive days or 90 cumulative days in a**
11 **12-month period; or**

12 **“(b) If the residential care agency or shelter-care home also serves**
13 **youth or youth offenders served by the county juvenile department or**
14 **youth offenders committed to the custody of the Oregon Youth Au-**
15 **thority by the court.**

16 **“(5) The department may not place a child or ward in a homeless,**
17 **runaway or transitional living shelter described in subsection (3)(i) of**
18 **this section for more than 60 consecutive or 90 cumulative days in any**
19 **12-month period.**

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

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

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

29 **“(7)(a) Nothing in this section prohibits the Oregon Youth Author-**
30 **ity from placing a youth offender committed to its custody in a**

1 placement that is not a qualified residential treatment program.

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

6 “SECTION 4. Out-of-state placements. (1) Notwithstanding section
7 3 (2) of this 2019 Act, the Department of Human Services may place a
8 child or ward in a child care institution or congregate care residential
9 setting in any other state if:

10 “(a) The department’s contract with the program meets the re-
11 quirements under subsection (3) of this section;

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

13 “(c) The institution or setting is:

14 “(A) A psychiatric residential treatment facility that meets the re-
15 quirements under subsection (5) of this section;

16 “(B) An adolescent residential alcohol and drug treatment program
17 licensed or certified by the other state to provide residential care; or

18 “(C) Licensed to provide residential care to children and wards and
19 is designed specifically to meet the needs of children and wards with
20 sexual harming behaviors, as described by the department by rule, if
21 such treatment was determined necessary by a valid assessment and
22 approved by the court;

23 “(d) The institution or setting provides a written treatment plan for
24 the child or ward, including the expected date of discharge, prior to
25 placement;

26 “(e) The department physically accompanies the child or ward to
27 the institution or setting and during any transfers, including the child
28 or ward’s return to this state;

29 “(f) The department inspects the sleeping, eating, education and
30 recreation areas of the institution or setting each time a child or ward

1 is placed;

2 “(g) The department provides the child or ward with a copy of the
3 Oregon Foster Children’s Bill of Rights, adopted under ORS 418.202, in
4 writing at the time of placement and by mail each month that the
5 child or ward is in an out-of-state institution or setting; and

6 “(h) The department provides the child or ward with contact infor-
7 mation for a specific Oregon adult that the child or ward may contact
8 at any time to report concerns about the child’s or ward’s health,
9 safety or any violations of the child’s or ward’s rights.

10 “(2) Prior to placing a child or ward in an out-of-state psychiatric
11 residential treatment facility the department shall, at a minimum,
12 ensure that:

13 “(a) The child’s or ward’s treatment team includes a qualified
14 mental health professional;

15 “(b) The qualified mental health professional has conducted a di-
16 agnostic evaluation of the child or ward, including an examination of
17 the medical, psychological, social, behavioral and developmental as-
18 pects of the child or ward, that reflects the need for psychiatric care;

19 “(c) The qualified mental health professional has certified that ap-
20 propriate treatment of the child’s or ward’s psychiatric condition re-
21 quires inpatient services directed by a physician;

22 “(d) The treatment team documents sufficient information and
23 documentation to support a diagnosis identified in the Diagnostic and
24 Statistical Manual of Mental Disorders published by the American
25 Psychiatric Association, requiring medically appropriate treatment in
26 a psychiatric residential treatment facility; and

27 “(e) The medical necessity of the child’s or ward’s treatment is
28 sufficiently documented to ensure reimbursement for medically ap-
29 propriate services from a private insurer or Title XIX of the Social
30 Security Act.

1 **“(3)(a) The department shall review each contract with an out-of-**
2 **state child care institution or congregate care residential setting prior**
3 **to placing a child or ward in the institution or setting. The review**
4 **shall include, but not be limited to, an assessment of the statutes and**
5 **state or local administrative rules governing the agency regarding:**

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

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

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

11 **“(b) The department may enter into a contract with an out-of-state**
12 **institution or setting only if:**

13 **“(A) The state’s licensing and safety standards applicable to the**
14 **institution or setting are substantially similar to or exceed the li-**
15 **censing standards for child-caring agencies in this state;**

16 **“(B) The state’s child abuse definitions applicable to the institution**
17 **or setting are substantially similar to or exceed ORS 418.257 and**
18 **419B.005;**

19 **“(C) The contract meets the requirements under paragraph (c) of**
20 **this subsection; and**

21 **“(D) The licensing agency of the state in which the institution or**
22 **setting is located has not placed restrictions on admissions of children,**
23 **removed children or issued a letter of intent to revoke, suspend or**
24 **restrict a license within the 24 months prior to the child’s or ward’s**
25 **placement in the institution or setting.**

26 **“(c) The department’s contract with any out-of-state placement**
27 **must:**

28 **“(A) Require the institution or setting to notify the department no**
29 **later than three days after the institution or setting learns of any in-**
30 **vestigation or founded allegation of abuse of any child or ward in the**

1 care of the institution or setting.

2 “(B) Require the institution or setting to permit immediate access
3 to a child or ward receiving care or services and to any area of the
4 premises upon which the child or ward receives care or services, to:

5 “(i) The department or its representatives;

6 “(ii) The attorney for the child or ward;

7 “(iii) The court appointed special advocate for the child or ward;

8 “(iv) The child’s or ward’s parent or guardian if the child has not
9 been committed to the custody of the department or the Oregon Youth
10 Authority;

11 “(v) Any governmental agency or unit that has a contract to pro-
12 vide services to the child or ward; and

13 “(vi) Any other person authorized by the department.

14 “(C) Prohibit the institution or setting from restricting the child’s
15 or ward’s contact with a parent, guardian or sibling as a disciplinary
16 measure.

17 “(D) Require that the institution or setting comply with all pro-
18 visions described in ORS 418.201 and the rules adopted under ORS
19 418.202.

20 “(4) The department shall:

21 “(a) If the licensing agency in the state in which the child care in-
22 stitution or congregate care residential setting is located initiates a
23 licensing action or removal of children in an institution or setting in
24 any other state in which the department has placed a child or ward,
25 immediately develop a plan to move the child or ward to a safe and
26 appropriate placement as soon as practicable;

27 “(b) Review all substantiated allegations of abuse of children or
28 young adults of any child in an out-of-state institution or setting in
29 which the department has placed a child or ward from this state, in
30 compliance with ORS 418.257 to 418.259 unless prohibited by law in the

1 state in which the institution or setting is located;

2 “(c) Review the records and reports of abuse of an Oregon child or
3 ward that was investigated but not substantiated in an out-of-state
4 institution or setting, in compliance with ORS 418.257 to 418.259;

5 “(d) Include any substantiated allegations of abuse suffered by a
6 child or ward placed by the department in an institution or setting in
7 another state in the quarterly report to the Legislative Assembly of
8 substantiated allegations of abuse of children in care under ORS
9 418.259; and

10 “(e) Include children or wards placed in out-of-state institutions or
11 settings in the department’s calculations of foster children in this
12 state in an institutional placement in any reports about placement of
13 children or wards in the child welfare system.

14 “(5) A child care institution or congregate care residential setting
15 is a psychiatric residential treatment facility under this section if:

16 “(a) The institution or setting is licensed and in good standing with
17 the state in which it is located;

18 “(b) The institution or setting is eligible for reimbursement under
19 Title XIX of the Social Security Act;

20 “(c) The institution or setting provides active treatment that is:

21 “(A) Physician-directed;

22 “(B) Designed to achieve discharge at the earliest possible date;

23 “(C) Based on an individualized treatment plan developed and im-
24 plemented no later than 14 days following admission; and

25 “(D) Reviewed by a qualified mental health professional no less than
26 once every 30 days.

27 “(6) The department may not place a child or ward in a child care
28 institution or congregate care residential setting in any other state if:

29 “(a) The institution or setting is an intermediate care facility or
30 other institution for children with intellectual or developmental disa-

1 **bilities; or**

2 **“(b)(A) The child or ward has autism, an intellectual disability or**
3 **a developmental disability; and**

4 **“(B) The institution or setting predominantly services children with**
5 **autism, intellectual disabilities or developmental disabilities or has**
6 **programs or facilities that segregate children or wards with autism,**
7 **intellectual disabilities or developmental disabilities from other chil-**
8 **dren or wards in housing, recreation, treatment or education.**

9 **“(7) The department shall provide the following information re-**
10 **garding out-of-state placements on a website maintained by the de-**
11 **partment and updated monthly:**

12 **“(a) The name of each out-of-state facility in which children or**
13 **wards placed by the department are currently receiving services;**

14 **“(b) The city and state in which each facility is located;**

15 **“(c) The name of any parent organization for each facility, includ-**
16 **ing its nonprofit, for-profit or public agency status;**

17 **“(d) The name of each facility’s accreditation agency;**

18 **“(e) The number of children or wards placed by the department**
19 **currently receiving services from each facility;**

20 **“(f) The number of children or wards currently receiving services**
21 **from each facility;**

22 **“(g) The daily rate charged by each facility for each child or ward;**

23 **“(h) The date of the department’s most recent visit to each facility;**

24 **“(i) The name of the face-to-face contracting agency, including the**
25 **city and state in which it is located;**

26 **“(j) Whether a facility is locked;**

27 **“(k) Whether the child or ward receives education services within**
28 **a facility or at a local public school;**

29 **“(L) Whether a facility services youth offenders or the resident**
30 **state’s equivalent of youth offenders;**

1 “(m) Demographic information about all children or wards the de-
2 partment currently has placed in out-of-state facilities, including but
3 not limited to age, gender or gender identity, race, ethnicity, tribal
4 status and, if known, sexual orientation;

5 “(n) The number of children or wards the department currently has
6 placed in out-of-state facilities who have autism, intellectual disabili-
7 ties or developmental disabilities;

8 “(o) The number of children or wards the department currently has
9 placed in out-of-state facilities who are receiving services for sexual
10 harming behavior, as described by the department by rule;

11 “(p) A description of efforts to facilitate face-to-face visits between
12 children and their siblings and parents, including the number of visits
13 that occurred that month and the cost of facilitating the visits; and

14 “(q) Aggregate travel costs for the department to support out-of-
15 state placements during the previous month.

16 “SECTION 5. Qualified residential treatment program. A program
17 is a qualified residential treatment program if it:

18 “(1) Provides residential care and treatment to a child who, based
19 on an independent assessment described in section 6 of this 2019 Act,
20 requires specialized, evidence-based, as defined by the Department of
21 Human Services by rule, supports and services related to the effects
22 of trauma or mental, emotional or behavioral health needs.

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

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

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

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

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

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

5 “(5) Facilitates outreach to the child’s family, as defined in ORS
6 418.575, documents how outreach is made and maintains contact in-
7 formation for any known biological relatives or fictive kin, as defined
8 by the department by rule.

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

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

15 “(8) Is licensed and accredited in accordance with requirements
16 adopted by the department by rule, consistent with federal licensure
17 and accreditation requirements for qualified residential treatment
18 programs.

19 “SECTION 6. Independent assessment. (1) The Department of Hu-
20 man Services shall ensure that an independent, qualified individual
21 assesses the strengths and needs of each child or ward the department
22 places in a qualified residential treatment program.

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

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

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

29 “(b) Determine whether the needs of the child or ward can be met
30 with family members or through placement in a foster family home

1 or, if not, which setting would provide the most effective and appro-
2 priate level of care for the child or ward in the least restrictive envi-
3 ronment and be consistent with the short-term and long-term goals
4 for the child or ward, as specified in the permanency plan for the child
5 or ward; and

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

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

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

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

16 “(C) Clergy; or

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

19 “(b) The department shall document the following in the child’s or
20 ward’s case plan:

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

25 “(B) Contact information for members of the child’s family and
26 permanency team and for any of the child’s or ward’s family members
27 or fictive kin who are not part of the child’s or ward’s family and
28 permanency team.

29 “(C) Evidence that meetings of the family and permanency team,
30 including meetings related to the required assessment, are held at a

1 **time and place convenient for the child’s or ward’s family.**

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

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

7 **“(F) If the setting recommended by the qualified individual con-**
8 **ducting the assessment is different than the placement preferences of**
9 **the family and permanency team and of the child or ward, the reasons**
10 **why the preferences of the team and of the child or ward were not**
11 **recommended.**

12 **“(5) If the qualified individual conducting the assessment deter-**
13 **mines the child or ward should not be placed in a foster family home,**
14 **the qualified individual shall specify in writing the reasons why the**
15 **needs of the child or ward cannot be met by the family of the child**
16 **or ward or in a foster family home. A shortage or lack of foster family**
17 **homes is not a valid reason for not placing a child or ward in a foster**
18 **family home under this subsection. The qualified individual shall**
19 **specify in writing why the recommended placement in a qualified res-**
20 **idential treatment program is the setting that will provide the child**
21 **or ward with the most effective and appropriate level of care in the**
22 **least restrictive environment and how that placement is consistent**
23 **with the short-term and long-term goals for the child or ward, as**
24 **specified in the child’s or ward’s permanency plan.**

25 **“(6) As used in this section:**

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

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

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

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

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

5 “SECTION 7. Court approval of placement. (1) If the Department
6 of Human Services has placed, or will place, a child or ward in a
7 child-caring agency, as defined in ORS 418.205, that is a qualified res-
8 idential treatment program, the department shall move the court for
9 approval of the placement no later than 30 days following the date of
10 placement.

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

13 “(a) The date of the placement;

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

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

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

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

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

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

28 “(A) Whether the needs of the child or ward can be met through
29 placement in a foster family home or in a proctor foster home.

30 “(B) If the court determines that the needs of the child or ward

1 cannot be met through placement in a foster home or proctor foster
2 home:

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

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

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

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

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

20 “**SECTION 8.** ORS 418.205 is amended to read:

21 “418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to
22 418.970 and 418.992 to 418.998, unless the context requires otherwise:

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

25 “(2)(a) ‘Child-caring agency’:

26 “(A) Means any private school, private agency or private organization
27 providing:

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

29 “(ii) Adoption placement services;

30 “(iii) Residential care, including but not limited to foster care or resi-

1 dential treatment for children;

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

5 “(v) Outdoor youth programs; or

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

7 “(B) Includes the following:

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

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

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

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

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

14 “(A) Residential facilities or foster care homes certified or licensed by the
15 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
16 443.835 for children receiving developmental disability services;

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

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

25 “(D) A shelter-care home that is a foster home subject to ORS 418.625 to
26 418.645;

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

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

30 “(G) A facility that primarily serves both adults and children but requires

1 that any child must be accompanied at all times by at least one custodial
2 parent or guardian.

3 “(3) ‘Child-caring facility’ has the meaning given that term in ORS
4 418.950.

5 “(4) ‘Governmental agency’ means an executive, legislative or judicial
6 agency, department, board, commission, authority, institution or
7 instrumentality of this state or of a county, municipality or other political
8 subdivision of this state.

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

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

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

16 “(A) Operated by a governmental entity;

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

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

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

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

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

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

30 “(b) A private school providing residential care that is primarily engaged

1 in educational work under ORS 418.327.

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

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

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

12 “[~~(11)~~] (12) ‘Shelter-care home’ has the meaning given that term in ORS
13 418.470.

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

15 “418.312. (1) The Department of Human Services may not require any
16 parent or legal guardian to transfer legal custody of a child in order to have
17 the child placed in a child-caring agency under ORS 418.205 to 418.327,
18 418.470, 418.475, 418.480 to 418.500, 418.950 to 418.970 and 418.992 to 418.998
19 in a foster home, group home or institutional child care setting, when the
20 sole reason for the placement is the need to obtain services for the child’s
21 emotional, behavioral or mental disorder or developmental or physical disa-
22 bility. In all such cases, the child shall be placed pursuant to a voluntary
23 placement agreement. When a child is placed pursuant to a voluntary
24 placement agreement, the department shall have responsibility for the child’s
25 placement and care.

26 **“(2) If a child is placed pursuant to a voluntary placement agree-**
27 **ment in a qualified residential treatment program described in section**
28 **5 of this 2019 Act, the placement is subject to judicial approval under**
29 **section 7 of this 2019 Act.**

30 **“(3)(a) [*When*] If a child remains in voluntary placement for more than**

1 180 days, the juvenile court shall make a judicial determination, within the
2 first 180 days of the placement, that the placement is in the best interests
3 of the child.

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

10 “[2)] (4) As used in this section, ‘voluntary placement agreement’ means
11 a binding, written agreement between the department and the parent or legal
12 guardian of a minor child that does not transfer legal custody to the de-
13 partment but that specifies, at a minimum, the legal status of the child and
14 the rights and obligations of the parent or legal guardian, the child and the
15 department while the child is in placement.

16 **“NOTE:** Section 10 was deleted by amendment. Subsequent sections were
17 not renumbered.

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

19 “419A.004. As used in this chapter and ORS chapters 419B and 419C, un-
20 less the context requires otherwise:

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

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

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

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

4 “(a) By adoption;

5 “(b) With a legal guardian; or

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

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

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

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

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

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

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

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

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

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

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

30 “(b) Who has cared for the ward, or at least one sibling of the ward, for

1 at least 12 cumulative months or for one-half of the ward's or sibling's life
2 where the ward or sibling is younger than two years of age, calculated cu-
3 mulatively.

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

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

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

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

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

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

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

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

20 “(18) ‘Local citizen review board’ means the board specified by ORS
21 419A.090 and 419A.092.

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

25 “(a) A person who has adopted the child, ward, youth or youth offender
26 or whose parentage has been established or declared under ORS 109.065 or
27 416.400 to 416.465 or by a juvenile court; and

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

30 “(20) ‘Permanent foster care’ means an out-of-home placement in which

1 there is a long-term contractual foster care agreement between the foster
2 parents and the department that is approved by the juvenile court and in
3 which the foster parents commit to raise a ward in substitute care or youth
4 offender until the age of majority.

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

6 “(22) ‘Proctor foster home’ has the meaning given that term in ORS
7 418.205.

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

10 “[22)] (24) ‘Reasonable and prudent parent standard’ means the standard,
11 characterized by careful and sensible parental decisions that maintain the
12 health, safety and best interests of a child or ward while encouraging the
13 emotional and developmental growth of the child or ward, that a substitute
14 care provider shall use when determining whether to allow a child or ward
15 in substitute care to participate in extracurricular, enrichment, cultural and
16 social activities.

17 “[23)] (25) ‘Reasonable time’ means a period of time that is reasonable
18 given a child or ward’s emotional and developmental needs and ability to
19 form and maintain lasting attachments.

20 “[24)] (26) ‘Records’ means any information in written form, pictures,
21 photographs, charts, graphs, recordings or documents pertaining to a case.

22 “[25)] (27) ‘Resides’ or ‘residence,’ when used in reference to the resi-
23 dence of a child, ward, youth or youth offender, means the place where the
24 child, ward, youth or youth offender is actually living or the jurisdiction in
25 which wardship or jurisdiction has been established.

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

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

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

29 “(b) A physical injury that:

30 “(A) Has a permanent or protracted significant effect on a child’s daily

1 activities;

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

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

4 “[28] **(30)** ‘Shelter care’ means a home or other facility suitable for the
5 safekeeping of a child, ward, youth or youth offender who is taken into
6 temporary custody pending investigation and disposition.

7 “[29] **(31)** ‘Short-term detention facility’ means a facility established
8 under ORS 419A.050 (3) for holding children, youths and youth offenders
9 pending further placement.

10 “[30] **(32)** ‘Sibling’ means one of two or more children or wards related:

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

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

14 “[31] **(33)(a)** ‘Substitute care’ means an out-of-home placement directly
15 supervised by the department or other agency, including placement in a fos-
16 ter family home, group home, child-caring agency as defined in ORS 418.205
17 or other child caring institution or facility.

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

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

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

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

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

28 “**(E) A youth offender foster home as that term is defined in ORS**
29 **420.888.**

30 “[32] **(34)** ‘Surrogate’ means a person appointed by the court to protect

1 the right of the child, ward, youth or youth offender to receive procedural
2 safeguards with respect to the provision of free appropriate public education.

3 “[~~(33)~~] **(35)** ‘Tribal court’ means a court with jurisdiction over child cus-
4 tody proceedings and that is either a Court of Indian Offenses, a court es-
5 tablished and operated under the code of custom of an Indian tribe or any
6 other administrative body of a tribe that is vested with authority over child
7 custody proceedings.

8 “[~~(34)~~] **(36)** ‘Victim’ means any person determined by the district attorney,
9 the juvenile department or the court to have suffered direct financial, psy-
10 chological or physical harm as a result of the act that has brought the youth
11 or youth offender before the juvenile court. When the victim is a minor,
12 ‘victim’ includes the legal guardian of the minor. The youth or youth
13 offender may not be considered the victim. When the victim of the crime
14 cannot be determined, the people of Oregon, as represented by the district
15 attorney, are considered the victims.

16 “[~~(35)~~] **(37)** ‘Violent felony’ means any offense that, if committed by an
17 adult, would constitute a felony and:

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

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

21 “[~~(36)~~] **(38)** ‘Ward’ means a person within the jurisdiction of the juvenile
22 court under ORS 419B.100.

23 “[~~(37)~~] **(39)** ‘Young person’ means a person who has been found responsible
24 except for insanity under ORS 419C.411 and placed under the jurisdiction of
25 the Psychiatric Security Review Board.

26 “[~~(38)~~] **(40)** ‘Youth’ means a person under 18 years of age who is alleged
27 to have committed an act that is a violation, or, if done by an adult would
28 constitute a violation, of a law or ordinance of the United States or a state,
29 county or city.

30 “[~~(39)~~] **(41)** ‘Youth care center’ has the meaning given that term in ORS

1 420.855.

2 “[~~(40)~~] (42) ‘Youth offender’ means a person who has been found to be
3 within the jurisdiction of the juvenile court under ORS 419C.005 for an act
4 committed when the person was under 18 years of age.

5 “**NOTE:** Section 12 was deleted by amendment. Subsequent sections were
6 not renumbered.

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

8 “419B.443. (1) An agency described in ORS 419B.440 shall file the reports
9 required by ORS 419B.440 (1)(b) at the end of the initial six-month period and
10 no less frequently than each six months thereafter. The agency shall file re-
11 ports more frequently if the court so orders. The reports [*shall*] **must** in-
12 clude, but not be limited to:

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

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

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

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

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

30 “(f) For a child or ward in substitute care, a list of the visits the child

1 or ward has had with the child’s or ward’s parents or siblings since the child
2 or ward has been in the guardianship or legal custody of the agency and the
3 place and date of each visit;

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

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

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

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

16 “(i) A proposed treatment plan or proposed continuation or modification
17 of an existing treatment plan, including a proposed visitation plan or pro-
18 posed continuation or modification of an existing visitation plan and a de-
19 scription of efforts expected of the child or ward and the parents to remedy
20 factors that have prevented the child or ward from safely returning home
21 within a reasonable time;

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

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

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

30 **“(A) A determination that the strengths and needs of the child or**

1 **ward cannot be met through placement in a foster home, that the**
2 **placement in a qualified residential treatment program provides the**
3 **least restrictive setting to provide the most effective and appropriate**
4 **level of care for the child or ward, and that the placement is consist-**
5 **ent with the short-term and long-term goals for the child or ward, as**
6 **specified in the permanency plan for the child or ward;**

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

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

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

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

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

26 **“(3) In addition to the information required in a report made under sub-**
27 **section (1) of this section, if the report is made by the department under ORS**
28 **419B.440 (1)(b)(C), the report shall include:**

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

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

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

6 **“SECTION 14. Report. No later than September 1, 2019, the De-
7 partment of Human Services and the Oregon Health Authority shall
8 submit a joint report, to the interim committees of the Legislative
9 Assembly relating to children, summarizing the department’s plan to
10 develop appropriate in-state placements for Oregon children and wards
11 and to minimize out-of-state placements of children and wards. At a
12 minimum, the report must include:**

13 **“(1) A description of the types of programs and services needed to
14 serve children and wards in Oregon.**

15 **“(2) A description of the barriers to implementing programs and
16 services in this state.**

17 **“(3) A proposed plan and timeline for safely returning to Oregon
18 children and wards who the department or the authority have placed
19 in out-of-state placements.**

20 **“(4) A proposed plane and timeline for terminating new out-of-state
21 placements.**

22 **“(5) If the joint report includes a recommendation to continue out-
23 of-state placements:**

24 **“(a) Recommendations for additional staffing levels and budgetary
25 requirements, including travel costs for staff, children and wards and
26 family members, to safely manage the out-of-state program and pro-
27 vide adequate oversight for Oregon children and wards;**

28 **“(b) Recommendations for procedures to authorize an out-of-state
29 placement;**

30 **“(c) Recommendations to ensure out-of-state placements do not**

1 disproportionately impact children and wards based on characteristics
2 such as race, gender, cultural differences or disabilities.

3 “(6) Identify any barriers to health care and mental health services
4 for foster children and wards served by coordinated care organizations
5 that may increase the number of children and wards leaving the state
6 or otherwise put children and wards at risk of crisis.

7 “(7) Identify and present proposals for reducing and barriers to care
8 imposed by coordinated care organizations.

9 “(8) The annual cost of out-of-state placements for each fiscal year
10 from 2013 through 2018, including:

11 “(a) Licensing costs;

12 “(b) Safety monitoring;

13 “(c) Travel costs;

14 “(d) Family travel costs to maintain contact with children and
15 wards;

16 “(e) Out-of-pocket costs for medical care or other services; and

17 “(f) Contracting expenses.

18 “(9) A list of the name, location and parent company of each out-
19 of-state placement in which the department placed an Oregon child
20 or ward during the time period from January 1, 2013, through July 1,
21 2019.

22 “(10) Recommendations about the needs of Oregon providers to
23 successfully implement the federal qualified residential treatment
24 program model, including but not limited to:

25 “(a) Any rate adjustments that are necessary to fund newly re-
26 quired nursing services, clinical services and after-care services; and

27 “(b) Costs for financing vacancies needed within Oregon’s residen-
28 tial care system to ensure availability of placements that are suitable
29 for the needs identified for children and wards, and to ensure adequate
30 options for appropriate crisis placements.

1 **SECTION 15. Website information.** The Department of Human
2 Services shall make the information described in section 4 of this 2019
3 Act first available on the department’s website no later than Septem-
4 ber 1, 2019.

5 **SECTION 16.** Sections 14 and 15 of this 2019 Act are repealed on
6 January 2, 2020.

7 **SECTION 17.** (1) Section 3 of this 2019 Act applies to placements
8 occurring on or after September 1, 2019.

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

11 **(3)** Sections 1, 5, 6 and 7 of this 2019 Act, the amendments to sec-
12 tion 3 of this 2019 Act by section 3a of this 2019 Act and the amend-
13 ments to ORS 418.205, 418.312, 419A.004 and 419B.443 by sections 8 to 13
14 of this 2019 Act apply to placements occurring on or after July 1, 2020.

15 **SECTION 18.** (1) Sections 3 and 4 of this 2019 Act become operative
16 on September 1, 2019.

17 **(2)** Sections 1, 5, 6 and 7 of this 2019 Act, the amendments to sec-
18 tion 3 of this 2019 Act by section 3a of this 2019 Act and the amend-
19 ments to ORS 418.205, 418.312, 419A.004 and 419B.443 by sections 8 to 13
20 of this 2019 Act become operative on July 1, 2020.

21 **(3)** The Department of Human Services and the Oregon Health
22 Authority may take any action before the operative dates specified in
23 subsections (1) and (2) of this section that is necessary for the de-
24 partment or the authority to exercise, on and after the operative dates
25 specified in subsections (1) and (2) of this section, all of the duties,
26 functions and powers conferred on the department or the authority
27 by sections 1 to 7 of this 2019 Act and the amendments to ORS 418.205,
28 418.312, 419A.004, and 419B.443 by sections 8 to 13 of this 2019 Act.

29 **SECTION 19.** The section captions used in this 2019 Act are pro-
30 vided only for the convenience of the reader and do not become part

1 of the statutory law of this state or express any legislative intent in
2 the enactment of this 2019 Act.

3 **“SECTION 20. This 2019 Act being necessary for the immediate**
4 **preservation of the public peace, health and safety, an emergency is**
5 **declared to exist, and this 2019 Act takes effect on its passage.”.**

6
