

**A-Engrossed**  
**Senate Bill 707**

Ordered by the Senate April 16  
Including Senate Amendments dated April 16

Sponsored by Senator GELSER

**SUMMARY**

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

Directs Department of Human Services to provide certain notices to children and wards whom department placed in out-of-state residential facilities between January 1, 2016, and June 30, 2020, and **upon request** to provide representatives of children and wards with certain documentation and information.

**Directs department to obtain records from out-of-state residential facilities in which department placed child or ward between January 1, 2016, and June 30, 2020. Requires department to retain records for 20 years.**

Sunset January 2, [2022] **2043.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to notices to children placed in out-of-state residential facilities; and declaring an emer-  
3 gency.

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

5 **SECTION 1. (1) As used in this section, "child's or ward's representatives" means:**

6 **(a) Any attorney representing the child or ward.**

7 **(b) If the child or ward is under 18 years of age:**

8 **(A) The child's or ward's parent if the parent's parental rights have not been terminated**  
9 **and disclosure of the records to the parent is not otherwise prohibited by a court order; or**

10 **(B) The child's or ward's adoptive parents.**

11 **(c) The court appointed special advocate assigned to the child or ward.**

12 **(d) The child's or ward's legal guardian.**

13 **(e) Any guardian ad litem appointed for the child or ward.**

14 **(f) Any other person upon the written request of the child or ward if the child or ward**  
15 **is at least 18 years of age.**

16 **(2)(a) Not later than October 1, 2021, the Department of Human Services shall provide**  
17 **notice to each child and ward whom the department placed in an out-of-state residential fa-**  
18 **cility for any duration of time between January 1, 2016, and June 30, 2020.**

19 **(b) The notice provided under this subsection must include:**

20 **(A) Notice of the right of the child or ward to seek civil remedy for negligent treatment**  
21 **the child or ward received while placed in the out-of-state residential facility;**

22 **(B) The name and contact information of each out-of-state residential facility in which**  
23 **the child or ward was placed and the dates of placement;**

24 **(C) The name of any parent companies associated with the facilities identified in sub-**

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

1 paragraph (B) of this paragraph;

2 (D) A statement that the department is in the process of proactively securing the records  
3 described in this section;

4 (E) A statement that the department will retain the records it secures under this section  
5 for 20 years;

6 (F) Instructions for making a written request for release of the records from the de-  
7 partment;

8 (G) A statement that, upon request, the department will immediately release the records  
9 to the child or the child's or ward's representatives; and

10 (H) The name, electronic mail address and telephone number of a person at the depart-  
11 ment whom the child or ward or the child's or ward's representatives may contact with any  
12 questions regarding the notice.

13 (3) The department shall provide a copy of the notice required under subsection (2) of this  
14 section to the child's or ward's representatives. If the department provides notice to a per-  
15 son the department reasonably believes is the child's or ward's court appointed special ad-  
16 vocate or attorney, the department shall include a request that, if the person is no longer  
17 serving as the child's or ward's court appointed special advocate or attorney, the person  
18 provide the department with any contact information the person may have for the child's  
19 or ward's current court appointed special advocate or attorney.

20 (4) Upon written request, the department shall provide the child and the child's or ward's  
21 representatives with all of the information in the department's possession or control, in-  
22 cluding incident reports, injuries and abuse allegations, regarding the child or ward and  
23 arising from incidents that occurred during the period of time that the child or ward was  
24 placed in the out-of-state residential facility.

25 (5)(a) Upon the effective date of this 2021 Act, the department shall immediately request  
26 from each out-of-state residential facility in which the department placed a child or ward for  
27 any duration of time between January 1, 2016, and June 30, 2020, all records created by or in  
28 the possession of the facility relating to the child or ward, including:

29 (A) Records relating to the care and treatment of the child or ward, including written,  
30 video, audio or visual records, medical records, assessments, education records, reports, in-  
31 cluding incident and injury reports, and internal or external investigations related to the  
32 child and any other records to which the state is entitled under the terms of the  
33 department's contract with the facility;

34 (B) All documents and information regarding any injury sustained by the child or ward  
35 while placed in the facility; and

36 (C) All records relating to the use of any emergency intervention, including restraint,  
37 that was used on the child or ward while placed in the facility, including written, video, audio  
38 and visual records, any abuse allegation or investigation records, injury records, incident  
39 reports or seclusion reports;

40 (b)(A) The department shall make vigorous efforts to obtain the records described in  
41 paragraph (a)(C) of this subsection.

42 (B) If necessary, the department shall use all relief available under the terms of the  
43 department's contract with the facilities or other applicable law to compel the release of the  
44 records described in paragraph (a) of this subsection.

45 (6) The department shall retain the records obtained under this section for 20 years from

1 the date the department provides the notice to the child or ward under subsection (2) of this  
2 section.

3 (7) Not later than January 1, 2022, the department shall report to the interim committees  
4 of the Legislative Assembly related to human services on the department's progress in ob-  
5 taining the records described in subsection (5) of this section. The report must include the  
6 number of children who have requested release of their records, information about any  
7 facility's refusal to release the requested information and records and information about  
8 what methods the department has utilized to request and compel the release of the infor-  
9 mation and records.

10 SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2043.

11 SECTION 3. This 2021 Act being necessary for the immediate preservation of the public  
12 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect  
13 on its passage.  
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