

**SB 794 STAFF MEASURE SUMMARY**

**Carrier:** Rep. Elmer

**House Committee On Early Childhood and Human Services**

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**Action Date:** 05/15/23

**Action:** Do Pass.

**Vote:** 8-0-2-0

**Yeas:** 8 - Andersen, Elmer, Hartman, Hieb, Nelson, Neron, Nguyen H, Reynolds

**Exc:** 2 - Cramer, Scharf

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Matthew Perreault, LPRO Analyst

**Meeting Dates:** 4/24, 5/15

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**WHAT THE MEASURE DOES:**

Exempts adoption placement services that do not provide care or services to children from reporting requirements on the use of restraint and involuntary seclusion. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Reporting requirements of child-caring agencies
- Adoption placement agencies that do not directly care for children

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Oregon law prescribes strict limitations on the use of physical, mechanical, and chemical restraints and involuntary seclusion of children in the care of public education providers, child-caring agencies, proctor foster homes, and developmental disabilities residential facilities. The law prohibits providers from using restraint and seclusion as a form of discipline or for the convenience of staff but makes accommodations for instances such as breaking up a fight, interrupting impulsive behavior, separating children to allow them to regain self-control, preventing imminent risk of injury, and certain other instances that are necessary for medical needs or to protect a person's health and safety. Staff must be trained on proper usage of restraint and seclusion for children in their care.

Senate Bill 710 (2021) imposed requirements for child-caring agencies, proctor foster homes, and developmental disabilities residential facilities to report on a quarterly basis to the Department of Human Services (DHS) on instances of the use of restraint and involuntary seclusion. The reports must provide a detailed, site-specific overview of the program's use of restraint and involuntary seclusion for the preceding three-month period. The reports also must include the number of incidents involving restraint, incidents involving involuntary seclusion, and children in care who were placed in restraint or involuntary seclusion more than three times during the preceding three-month period. These reporting requirements, codified in ORS 418.528, apply to all child-caring and adoption placement services programs in Oregon.

Senate Bill 794 exempts adoption placement services that do not provide care or services to children from reporting requirements on the use of restraint and involuntary seclusion.