

House Bill 3835

Sponsored by Representative NOSSE (at the request of System of Care Advisory Council, Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to laws involving the welfare of young people. (Flesch Readability Score: 74.8).

Modifies provisions regarding the use of restraint and involuntary seclusion on certain young people.

Modifies provisions regarding investigations of abuse of certain young people. Modifies provisions regarding licensing of child-caring agencies.

Modifies provisions regarding out-of-state placements of children in care.

Modifies provisions regarding older children in care.

Prescribes procedures for parental admission of a minor child for inpatient behavioral health treatment. Modifies provisions regarding when minors may consent or withhold consent to treatment.

Establishes the Oregon Institute for Youth Health Systems.

Directs the System of Care Advisory Council to submit reports to the interim committees of the Legislative Assembly related to human services regarding implementation of provisions in this Act.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the welfare of young people; creating new provisions; amending ORS 109.675, 109.680,
3 329A.030, 329A.275, 339.285, 339.287, 339.288, 339.291, 339.294, 339.297, 339.300, 339.303, 339.308,
4 343.154, 418.016, 418.190, 418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248, 418.255,
5 418.256, 418.257, 418.258, 418.259, 418.260, 418.321, 418.322, 418.327, 418.330, 418.475, 418.500,
6 418.519, 418.521, 418.523, 418.526, 418.529, 418.532, 418.625, 418.992, 418.995, 419A.245, 419B.005,
7 419B.335, 419C.620, 430.735 and 704.023 and section 13, chapter 581, Oregon Laws 2023; repeal-
8 ing ORS 339.296 and sections 8, 12 and 14, chapter 581, Oregon Laws 2023; and declaring an
9 emergency.

10 Whereas Oregon ranks 51st in the nation for access to youth behavioral health care; and

11 Whereas Oregon has the second highest rate of juvenile justice commitment in the country; and

12 Whereas all youth deserve easy access to safe treatment and care in their communities; and

13 Whereas access to high quality care depends on a committed, well-trained and diverse
14 workforce; and

15 Whereas retention of behavioral health workers in Oregon is challenging in part due to con-
16 fusing and misapplied regulatory requirements; and

17 Whereas youth, youth in foster care and the families of youth and youth in foster care deserve
18 clear, consistent definitions of child abuse by treatment and service providers and trainers; and

19 Whereas restraint and seclusion are known to cause long-term trauma and must be strictly
20 avoided except in cases where absolutely necessary and all other alternatives have been exhausted;
21 and

22 Whereas aligning definitions of child abuse in treatment settings and schools will ensure work-

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 ers and providers are supported in upholding the highest safety and care standards in the nation,
2 while improving retention and access to care; now, therefore,

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

4
5 **CHILD ABUSE**

6 **(Use of Restraint and Seclusion on Children)**

7
8 **SECTION 1. (1) As used in this section:**

9 (a) **“Chemical restraint” means a medication that is administered to a child to control**
10 **the child’s behavior and restrict the child’s freedom of movement, other than medication**
11 **that is a standard treatment for the child’s medical or psychiatric condition.**

12 (b) **“Child” means an unmarried person who:**

13 (A) **Is under 18 years of age; or**

14 (B) **Is a child in care, as defined in ORS 418.257.**

15 (c) **“Child-caring agency” has the meaning given that term in ORS 418.205.**

16 (d)(A) **“Corporal punishment” means the willful infliction of, or willfully causing the in-**
17 **fliction of, physical pain on a child.**

18 (B) **“Corporal punishment” does not include:**

19 (i) **The use of physical force authorized by ORS 161.205 for the reasons specified therein;**
20 **or**

21 (ii) **Physical pain or discomfort resulting from or caused by participation in athletic**
22 **competition or other such recreational activity, voluntarily engaged in by a child.**

23 (e) **“Developmental disabilities residential facility” means a residential facility or foster**
24 **home for children who are under 18 years of age and receiving developmental disability ser-**
25 **vices that are subject to ORS 443.400 to 443.455, 433.830 and 443.835.**

26 (f) **“Foster parent” means a person operating:**

27 (A) **An adjudicated youth foster home certified by the Oregon Youth Authority under**
28 **ORS 420.888 to 420.892;**

29 (B) **A foster home certified by the Department of Human Services and subject to ORS**
30 **418.625 to 418.645; or**

31 (C) **A foster home certified by a child-caring agency under ORS 418.248 that is not subject**
32 **to ORS 418.625 to 418.645.**

33 (g) **“Involuntary seclusion” means the confinement of a child alone in a room or an en-**
34 **closed space from which the child is prevented from leaving by any means.**

35 (h) **“Public education program” has the meaning given that term in ORS 339.285.**

36 (i) **“Responsible individual” means an individual who is at least 18 years old and who may**
37 **have contact with a child as a result of the individual’s position as:**

38 (A) **A foster parent;**

39 (B) **An employee, a contractor or a volunteer of a foster parent, a child-caring agency**
40 **or a developmental disabilities residential facility; or**

41 (C) **An employee of a public education program or of a school district.**

42 (j)(A) **“Restraint” means the physical restriction of a child’s actions or movements by**
43 **holding the child or using pressure or other means.**

44 (B) **“Restraint” does not include the temporary restriction of the child’s movement as**
45 **described in subsection (3)(b) of this section.**

1 **(2)(a) A responsible individual places a child in wrongful seclusion if, except as provided**
 2 **in paragraph (b) of this subsection, the individual places the child in involuntary seclusion**
 3 **for discipline, punishment, retaliation or the convenience of one or more responsible indi-**
 4 **viduals described in subsection (1)(i) of this section.**

5 **(b) Involuntary seclusion of a child is not wrongful seclusion under this subsection if the**
 6 **involuntary seclusion is an age-appropriate form of discipline, including but not limited to a**
 7 **time-out or reasonable action, as defined by the department by rule, that aligns with the**
 8 **developmental stage and individualized needs of the child.**

9 **(3)(a) Except as provided in paragraph (b) of this subsection, a responsible individual**
 10 **places a child in a wrongful restraint if:**

11 **(A) The responsible individual places or directs the placement of the child in a restraint**
 12 **and the restraint is used for discipline, punishment, retaliation or convenience;**

13 **(B) The responsible individual administers or directs to be administered a chemical re-**
 14 **straint to the child; or**

15 **(C) The responsible individual restrains or directs the restraint of the freedom of move-**
 16 **ment of the child through the excessive or reckless use of force that results in, or is likely**
 17 **to result in, serious physical harm to the child.**

18 **(b) The temporary restriction of freedom of movement of a child is not wrongful re-**
 19 **straint if it is applied consistent with the intent to support the safety, healthy development**
 20 **and well-being of the child and is aligned to the child’s developmental state and individualized**
 21 **needs.**

22 **(4) A responsible individual may not inflict corporal punishment on a child.**

23 **SECTION 2.** ORS 339.285 is amended to read:
 24 339.285. As used in ORS 339.285 to 339.303:

25 **(1) “Involuntary seclusion” has the meaning given that term in section 1 of this 2025 Act.**

26 **[(1)] (2) “Public education program” means a program in this state that:**

27 **(a) Is for students in early childhood education, elementary school or secondary school;**

28 **(b) Is under the jurisdiction of a school district, an education service district or another edu-**
 29 **catational institution or program; and**

30 **(c) Receives, or serves students who receive, support in any form from any program supported,**
 31 **directly or indirectly, with funds appropriated to the Department of Education.**

32 **[(2)(a) “Restraint” means the restriction of a student’s actions or movements by holding the student**
 33 **or using pressure or other means.]**

34 **[(b) “Restraint” does not include:]**

35 **[(A) Holding a student’s hand or arm to escort the student safely and without the use of force from**
 36 **one area to another;]**

37 **[(B) Assisting a student to complete a task if the student does not resist the physical contact; or]**

38 **[(C) Providing reasonable intervention with the minimal exertion of force necessary if the inter-**
 39 **vention does not include a restraint prohibited under ORS 339.288 and the intervention is necessary**
 40 **to:]**

41 **[(i) Break up a physical fight;]**

42 **[(ii) Interrupt a student’s impulsive behavior that threatens the student’s immediate safety, includ-**
 43 **ing running in front of a vehicle or climbing on unsafe structures or objects; or]**

44 **[(iii) Effectively protect oneself or another from an assault, injury or sexual contact with the mini-**
 45 **imum physical contact necessary for protection.]**

1 [(3)(a) “Seclusion” means the involuntary confinement of a student alone in a room from which the
2 student is physically prevented from leaving.]

3 [(b) “Seclusion” does not include the removal of a student for a short period of time to provide the
4 student with an opportunity to regain self-control if the student is in a setting from which the student
5 is not physically prevented from leaving.]

6 [(4) “Serious bodily injury” means any significant impairment of the physical condition of a person,
7 as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.]

8 **(3) “Restraint” has the meaning given that term in section 1 of this 2025 Act.**

9 **SECTION 3.** ORS 339.288 is amended to read:

10 339.288. (1) The use of the following types of restraint on a student in a public education pro-
11 gram is prohibited:

12 (a) Chemical restraint.

13 (b) Mechanical restraint.

14 (c) Prone restraint.

15 (d) Supine restraint.

16 (e) Any restraint that involves the intentional and nonincidental use of a solid object, including
17 **the ground**, a wall or the floor, to impede a student’s movement, unless the restraint is necessary
18 to prevent an imminent life-threatening injury or to gain control of a weapon.

19 (f) Any restraint that places, or creates a risk of placing, pressure on a student’s neck or throat.

20 (g) Any restraint that places, or creates a risk of placing, pressure on a student’s mouth, unless
21 the restraint is necessary for the purpose of extracting a body part from a bite.

22 (h) Any restraint that impedes, or creates a risk of impeding, breathing.

23 (i) Any restraint that involves the intentional placement of [*the hands, feet, elbow, knee or any*
24 *object*] **any object or a hand, knee, foot or elbow** on a student’s neck, throat, genitals or other
25 intimate parts.

26 (j) Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be
27 placed, on [*the*] **a student’s stomach, chest, joints, throat** or back by a knee, foot or elbow
28 [*bone*].

29 (k) Any action designed for the primary purpose of inflicting pain.

30 **(L) A wrongful restraint of a student, as described in section 1 of this 2025 Act.**

31 (2) As used in this section:

32 (a) “Chemical restraint” [*means a drug or medication that is used on a student to control behavior*
33 *or restrict freedom of movement and that is not:*]

34 [(A) *Prescribed by a licensed physician or other qualified health professional acting under the*
35 *professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition;*
36 *and*]

37 [(B) *Administered as prescribed by a licensed physician or other qualified health professional act-*
38 *ing under the professional’s scope of practice.*] **has the meaning given that term in section 1 of**
39 **this 2025 Act.**

40 (b)(A) “Mechanical restraint” means a device used to restrict the movement of a student or the
41 movement or normal function of a portion of the body of a student.

42 (B) “Mechanical restraint” does not include:

43 (i) A protective or stabilizing device ordered by a licensed physician; or

44 (ii) A vehicle safety restraint when used as intended during the transport of a student in a
45 moving vehicle.

(c) “Prone restraint” means a restraint in which a student is held face down on the floor.

(d) “Supine restraint” means a restraint in which a student is held face up on the floor.

SECTION 4. ORS 339.291 is amended to read:

339.291. (1) Restraint or **involuntary** seclusion may not be used for discipline, punishment, retaliation or convenience of personnel, contractors or volunteers of a public education program **or school district.**

[(2)(a) Restraint may be used on a student in a public education program only under the following circumstances:]

[(A) The student’s behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and]

[(B) Less restrictive interventions would not be effective.]

[(b) Seclusion may be used on a student in a public education program only under the following circumstances:]

[(A) The student’s behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and]

[(B) Less restrictive interventions would not be effective.]

(2)(a) Restraint may be used on a student in a public education program only if the restraint is imposed by personnel of the public education program or school district and if:

(A) The student’s behavior poses a risk of imminent serious physical harm to the student or others, including animals;

(B) A less restrictive intervention will not effectively reduce that risk;

(C) The least amount of physical force or contact necessary to mitigate that risk is used;

(D) The restraint used is not prohibited under ORS 339.288; and

(E) The restraint used is not wrongful restraint, as described in section 1 of this 2025 Act.

(b) A student in a public education program may be placed in involuntary seclusion only if:

(A) The student’s behavior poses a risk of imminent serious physical harm to the student or others, including animals;

(B) A less restrictive intervention will not effectively reduce that risk; and

(C) The involuntary seclusion used is not wrongful seclusion, as described in section 1 of this 2025 Act.

(3) If restraint or involuntary seclusion is used on a student as permitted in subsection (2) of this section, the restraint or involuntary seclusion [must be]:

(a) May be used only for as long as the student’s behavior poses a [reasonable] risk as described in subsection (2) of this section;

(b) May be imposed only by personnel of the public education program **or school district** who are:

(A) Trained to use restraint or involuntary seclusion through programs described in ORS 339.300; or

(B) Otherwise available [in the case of an emergency circumstance when] if, due to the unforeseeable nature of the emergency circumstance, personnel described in subparagraph (A) of this paragraph are not immediately available [due to the unforeseeable nature of the emergency circumstance]; and

(c) Must be continuously monitored by personnel of the public education program **or school**

1 **district** for the duration of the restraint or **involuntary** seclusion.

2 (4) In addition to the requirements described in subsection (3) of this section, if restraint or
3 **involuntary** seclusion continues for more than 30 minutes:

4 (a) The student must be provided with adequate access to the bathroom and water **at least** ev-
5 ery 30 minutes;

6 (b) Personnel of the public education program **or school district** must immediately attempt to
7 verbally or electronically notify a parent or guardian of the student; and

8 (c) *[Every 15 minutes after the first 30 minutes of the restraint or seclusion,]* **Every five minutes**
9 **after the first 10 minutes of the restraint or involuntary seclusion**, an administrator for the
10 public education program must provide written authorization for the continuation of the restraint
11 or **involuntary** seclusion, including providing documentation for the reason the restraint or **invol-**
12 **untary** seclusion must be continued.

13 **SECTION 5.** ORS 339.294 is amended to read:

14 339.294. (1) Each entity that has jurisdiction over a public education program must establish
15 procedures for the public education program to follow after an incident involving the use of re-
16 straint or **involuntary** seclusion.

17 (2) Following an incident involving the use of restraint or **involuntary** seclusion, the following
18 must be provided to a parent or guardian of the student:

19 (a) Verbal or electronic notification of the incident by the end of the school day when the inci-
20 dent occurred.

21 (b) Written documentation of the incident within 24 hours of the incident that provides:

22 (A) A description of the restraint or **involuntary** seclusion, including:

23 (i) The date of the restraint or **involuntary** seclusion;

24 (ii) The times when the restraint or **involuntary** seclusion began and ended; and

25 (iii) The location of the restraint or **involuntary** seclusion.

26 (B) A description of the student's activity that prompted the use of restraint or **involuntary**
27 seclusion.

28 (C) The efforts used to de-escalate the situation and the alternatives to restraint or **involuntary**
29 seclusion that were attempted.

30 (D) The names of the personnel of the public education program **or school district** who ad-
31 ministered the restraint or **involuntary** seclusion.

32 (E) A description of the training status of the personnel of the public education program **or**
33 **school district** who administered the restraint or **involuntary** seclusion, including any information
34 that may need to be provided to the parent or guardian under subsection (3) of this section.

35 (c) Timely notification of a debriefing meeting to be held as provided by subsection (4) of this
36 section and the parent's or guardian's right to attend the meeting.

37 (d) Immediate, written notification of the existence of a record described in subsection (9) of this
38 section.

39 (3) If the personnel *[of the public education program]* who administered the restraint or **invol-**
40 **untary** seclusion had not received training as provided by ORS 339.300, the administrator of the
41 public education program shall ensure that a parent or guardian of the student and the district su-
42 perintendent receive written notification of:

43 (a) The lack of training; and

44 (b) The reason the restraint or **involuntary** seclusion was administered by a person without
45 training.

1 (4)(a) A debriefing meeting related to the use of restraint or **involuntary** seclusion must be held
 2 within two school days of the incident and must include all personnel of the public education pro-
 3 gram **or school district** who were involved in the incident and any other appropriate personnel.

4 (b) Written notes must be taken of the debriefing meeting, and a copy of the written notes must
 5 be provided to a parent or guardian of the student.

6 (5) If a student is involved in five incidents in a school year involving restraint or **involuntary**
 7 seclusion, a team consisting of personnel of the public education program **or school district** and a
 8 parent or guardian of the student must be formed for the purposes of reviewing and revising the
 9 student's behavior plan and ensuring the provision of any necessary behavioral supports.

10 (6) If [*serious bodily injury*] **serious physical injury, as defined in ORS 161.015**, or death of a
 11 student occurs in relation to the use of restraint or **involuntary** seclusion:

12 (a) Oral notification of the incident must be provided immediately to a parent or guardian of the
 13 student and to the Department of Human Services; and

14 (b) Written notification of the incident must be provided within 24 hours of the incident to the
 15 department.

16 (7) [*If serious bodily injury or death of personnel of the public education program occurs in re-*
 17 *lation to the use of restraint or seclusion,*] **If, in connection with the use of a restraint or invol-**
 18 **untary seclusion, personnel of the public education program or school district die or suffer**
 19 **serious physical injury, as defined in ORS 161.015, the public education program or school**
 20 **district shall provide** written notification of the incident [*must be provided*] within 24 hours of the
 21 incident to the district superintendent, to the Superintendent of Public Instruction and, if applicable,
 22 to the union representative for the affected party.

23 (8) A public education program shall maintain a record of each incident in which injuries or
 24 death occurs in relation to the use of restraint or **involuntary** seclusion.

25 (9)(a) A public education program shall preserve, and may not destroy, any records related to
 26 an incident of restraint or **involuntary** seclusion, including an audio or video recording. The records
 27 must be preserved in the original format and without any alteration.

28 (b) The public education program shall review any audio or video recording preserved under this
 29 subsection at the debriefing meeting described in subsection (4) of this section.

30 (10)(a) At the request of a student's parent or guardian, a public education program shall dis-
 31 close records preserved under this section to the parent or guardian. To the extent practicable
 32 without altering the meaning of the record, the public education program shall segregate or redact
 33 from a record disclosed under this paragraph any personally identifiable information of other stu-
 34 dents. If the public education program is unable to segregate or redact personally identifiable in-
 35 formation of other students without altering the meaning of the record, the public education
 36 program shall disclose the record to the student's parent or guardian in its original format and
 37 without any alteration.

38 (b) If the department is investigating the incident of restraint or **involuntary** seclusion as sus-
 39 pected child abuse, at the request of the department, the public education program shall disclose to
 40 the department or the department's designee any records preserved under this section that are rel-
 41 evant to the department's investigation. The public education program shall disclose any record
 42 under this paragraph in its original format and without any alteration.

43 **SECTION 6.** ORS 339.303 is amended to read:

44 339.303. The State Board of Education shall adopt by rule:

45 (1) A process for an organization or an individual to submit to the Superintendent of Public In-

1 instruction a written, signed complaint alleging that a public education program **or school district**
 2 is violating or has violated a provision of ORS 339.285 to 339.303 **or 339.308**. *[The complaint must*
 3 *indicate that, prior to submitting the complaint to the superintendent, the organization or individual*
 4 *attempted to seek a remedy for the complaint from the board or governing body overseeing the entity*
 5 *that has jurisdiction over the public education program against which the complaint is being*
 6 *submitted.]*

7 (2) A process for investigating a complaint submitted under subsection (1) of this section. **The**
 8 **rules must:**

9 (a) **Require that the Department of Education investigate the complaints;**

10 (b) **Direct that public education programs and school districts must cooperate with the**
 11 **investigation;**

12 (c) **Require that the investigation be completed and notification of the final determination**
 13 **must be made to the education provider within 90 calendar days following the date on which**
 14 **the complaint was filed with the board;**

15 (d) **Permit the timeline described in paragraph (c) of this subsection to be extended if the**
 16 **board determines that, for good cause, a longer period of time is necessary;**

17 (e) **Require the department, upon completion of an investigation, to notify:**

18 (A) **The public education program or school district accused of violating ORS 339.285 to**
 19 **339.303 or 339.308;**

20 (B) **The student, the student’s parents or legal guardian; and**

21 (C) **The person who made the complaint, if known by the board; and**

22 (f) **Clearly limit the subjects of the investigation to the public education program or**
 23 **school district and not specific personnel who may have placed a student in a restraint, in-**
 24 **voluntary seclusion or a room described in subsection (3) of this section.**

25 (3) The minimum standards for any rooms used by a public education program for **involuntary**
 26 **seclusion of a student. The standards must:**

27 (a) Take into account the health and safety of students and personnel of the public education
 28 program and the respect and dignity of students; *[and]*

29 (b) Include consideration of the size, safety features, lighting and ventilation of the rooms; **and**

30 (c) **Require the rooms to be equipped with operational video recording equipment.**

31 **SECTION 7.** ORS 343.154 is amended to read:

32 343.154. (1) As used in this section:

33 (a) “Behavior intervention plan” means an individualized plan, including positive interventions,
 34 designed to:

35 (A) Assist a student to decrease inappropriate behavior; and

36 (B) Increase or teach an alternative appropriate behavior.

37 (b) “504 Plan” means an education plan developed for a student in accordance with section 504
 38 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

39 (c) “Functional behavioral assessment” means an individualized assessment of a student that
 40 results in a hypothesis about the function of a student’s behavior and, as appropriate, recommen-
 41 dations for a behavior intervention plan.

42 *[(d) “Serious bodily injury” has the meaning given that term in ORS 339.285.]*

43 *[(e)]* (d) “Service provider” includes school personnel who:

44 (A) Are or will be providing services related to the implementation of an individualized educa-
 45 tion program or a 504 Plan to the student; and

1 (B) Do not hold a teaching license or an administrative license.

2 (2) A school district must conduct a functional behavioral assessment and develop, review or
 3 revise a behavior intervention plan within 45 school days of receiving parental consent to conduct
 4 the assessment for every student who has:

5 (a) An individualized education program or a 504 Plan; and

6 (b) Placed the student, other students or staff at imminent risk of [*serious bodily injury*] **serious**
 7 **physical harm** as a result of the student’s behavior.

8 (3) When a behavior intervention plan is developed, reviewed or revised as provided by sub-
 9 section (2) of this section, the school district must:

10 (a) Ensure that the behavior intervention plan is based on a functional behavioral assessment
 11 that was conducted by a qualified person;

12 (b) Ensure that the behavior intervention plan appropriately addresses the student’s needs;

13 (c) Allow service providers involved in the incident when the student, other students or staff
 14 were at imminent risk of [*serious bodily injury*] **serious physical harm** to provide meaningful input
 15 into the development, review or revision;

16 (d) Inform the service providers about any portions of the behavior intervention plan that are
 17 relevant to the service providers and about any training opportunities for the service providers; and

18 (e) Ensure that the behavior intervention plan was correctly implemented before making any
 19 revisions.

20 **SECTION 8.** ORS 418.241 is amended to read:

21 418.241. (1) As used in this section:

22 (a) “Certified foster home” means a foster home certified by the Department of Human Services
 23 and subject to ORS 418.625 to 418.645.

24 (b) “Child-caring agency” has the meaning given that term under ORS 418.205.

25 (c) “Developmental disabilities residential facility” means a residential facility or foster home
 26 for children who are [*17 years of age or younger*] **under 18 years of age** and receiving develop-
 27 mental disability services that is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

28 [(d) “Secure escort” means escort services for a child who poses a risk of elopement or where re-
 29 straint or seclusion may be utilized if the child poses a risk of injury to self or others, and as further
 30 defined by the department by rule.]

31 [(e) “Secure nonemergency medical transportation provider” means a private organization or person
 32 that provides nonemergency medical secure transportation services subject to rules adopted by the
 33 Oregon Health Authority.]

34 [(f) “Secure transportation” means the transport of a child in a vehicle specifically equipped to
 35 prevent a passenger from exiting, eloping or interfering with the operator of the vehicle, and as further
 36 defined by the department by rule.]

37 [(g)] (d) “Secure transportation services” means the [*secure transportation or secure escort of*
 38 *children.*] **nonmedical transport of a child in either a specifically equipped vehicle or standard**
 39 **vehicle and as further described by the department by rule.**

40 (2) The department shall adopt rules consistent with this section for the issuance, under ORS
 41 418.215 and 418.240, of licenses to provide secure transportation services to providers that are
 42 child-caring agencies solely as the result of providing secure transportation services as described in
 43 ORS [*418.205 (2)(a)(B)*] **418.215 (1)(b)** and for the issuance of supplemental licenses to child-caring
 44 agencies described in ORS [*418.205 (2)(a)(A)*] **418.215 (1)(a)** that also provide secure transportation
 45 services as described in ORS [*418.205 (2)(a)(B)*] **418.215 (1)(b)**.

1 (3)(a) The following **providers of** secure transportation services [*providers*] are exempt from the
 2 requirements under ORS 418.215 and 418.240 to obtain from the department a license or a supple-
 3 mental license to provide secure transportation services:

4 [(A) *A secure nonemergency medical transportation provider.*]

5 [(B)] **(A)** A child-caring agency that is licensed, certified or otherwise authorized by the de-
 6 partment to provide or engage in the provision of care or services to children if:

7 (i) The agency is not primarily engaged in the provision of secure transportation services;

8 (ii) The child being transported [*or escorted*] resides in or is otherwise receiving services from
 9 the agency; and

10 (iii) The transportation [*or escort*] is provided consistent with the rules adopted by the depart-
 11 ment under this section.

12 [(C) *An ambulance service, as defined in ORS 682.025, that is transporting a child in an ambulance*
 13 *for the purpose of obtaining medical care for the child.*]

14 [(D)] **(B)** A developmental disabilities residential facility if:

15 (i) The facility is not primarily engaged in the provision of secure transportation services;

16 (ii) The child being transported [*or escorted*] resides in or is otherwise receiving services from
 17 the facility; and

18 (iii) The transportation [*or escort*] is provided consistent with the rules adopted by the depart-
 19 ment under this section.

20 (b) The licensing exemptions under paragraph [(a)(B) and (D)] **(a)(A) and (B)** of this subsection
 21 do not apply if the child-caring agency or developmental disabilities residential facility is trans-
 22 porting the child for the purposes of placing the child in a facility that is not licensed by the de-
 23 partment or in a hospital that is not licensed by the authority.

24 (4)(a) A **provider of** secure transportation services [*provider*], including a provider that is de-
 25 scribed in subsection (3) of this section, must display the disclosure described in ORS 418.359 (2) in
 26 a conspicuous location in any advertisements or promotional materials for its secure transportation
 27 services and in each vehicle it uses to provide its secure transportation services if:

28 (A) The provider is not licensed by the department under ORS 418.215 or 418.240 to provide
 29 secure transportation services; and

30 (B) The provider holds itself out as being an Oregon provider of secure transportation services,
 31 including by registering in this state the vehicles it uses in the provision of its secure transportation
 32 services or representing or otherwise indicating in advertisements or promotional materials that the
 33 provider is based in this state, maintains a mailing address in this state or is licensed, certified or
 34 otherwise authorized by the department or the authority to provide secure transportation services
 35 or similar services in this state.

36 (b) The disclosure under paragraph (a) of this subsection must also indicate that the **provider**
 37 **of** secure transportation services [*provider*] is not licensed by the department under ORS 418.215 or
 38 418.240 to provide secure transportation services and, if applicable, the reason for the provider's li-
 39 censing exemption under subsection (3) of this section.

40 (c) If a provider that is required to make a disclosure under this subsection is authorized by the
 41 authority to provide secure transportation services, the provider's disclosure under this subsection
 42 may, consistent with rules adopted by the authority, also include a statement that the provider is
 43 authorized by the authority to provide secure transportation services.

44 (5) The department and the authority may adopt rules for the provision of secure transportation
 45 services consistent with this section and ORS 418.205 to 418.327, 418.359 and 418.519 to 418.532.

1 **SECTION 9.** Section 10 of this 2025 Act is added to and made a part of ORS 418.257 to
2 418.259.

3 **SECTION 10.** (1) An individual engages in the abuse of a child in care if the individual is
4 an employee, operator, contractor, agent or volunteer of a child-caring agency, develop-
5 mental disabilities residential facility, proctor home, certified foster home or adjudicated
6 youth foster home or is any other person who is responsible for the provision of care or
7 services to a child in care, and the individual:

8 (a) Commits an act that causes physical injury to the child in care if the act is nonacci-
9 dental or if the injury appears to be at variance with the individual's explanation of the act
10 causing the injury.

11 (b) Neglects the child in care by:

12 (A) Failing to provide the care, supervision or services necessary to maintain the phys-
13 ical and mental health of the child in care; or

14 (B) Failing to make reasonable efforts to protect the child in care from abuse.

15 (c) Abandons the child in care, including by deserting or willfully forsaking the child in
16 care or by withdrawing or neglecting duties and obligations owed to the child in care by the
17 individual.

18 (d) Willfully inflicts physical pain or injury upon a child in care.

19 (e) Commits an act involving the child in care that constitutes a crime under ORS
20 163.263, 163.264, 163.266, 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465, 163.467 or
21 163.525.

22 (f) Verbally abuses the child in care by threatening significant physical or emotional
23 harm to the child in care, including through:

24 (A) The use of derogatory or inappropriate names, insults, verbal assaults, profanity or
25 ridicule;

26 (B) Harassment, coercion, humiliation, mental cruelty or inappropriate sexual comments;
27 or

28 (C) Intimidation, including by compelling or deterring conduct by threat.

29 (g) Engages in financial exploitation of the child in care by:

30 (A) Wrongfully taking the assets, funds or property belonging to or intended for the use
31 of the child in care;

32 (B) Alarming the child in care by conveying a threat to wrongfully take or appropriate
33 moneys or property of the child in care if the child in care would reasonably believe that the
34 threat conveyed would be carried out;

35 (C) Misappropriating, misusing or transferring without authorization any moneys from
36 any account held jointly or singly by a child in care; or

37 (D) Failing to use the income or assets of a child in care effectively for the support and
38 maintenance of the child in care.

39 (h) Engages in sexual abuse of the child in care by committing an act that constitutes:

40 (A) Sexual harassment of the child in care;

41 (B) Inappropriate exposure of the child in care to sexually explicit material or language;

42 (C) Sexual contact, as defined in ORS 163.305, with the child in care that is unlawful un-
43 der ORS chapter 163; or

44 (D) Sexual contact, as defined in ORS 163.305, with the child in care that is achieved
45 through force, trickery, threat or coercion.

1 (i) Sexually exploits the child in care, including by:

2 (A) Contributing to the sexual delinquency of the child in care, as described in ORS
3 163.435;

4 (B) Engaging in other conduct that allows, employs, authorizes, permits, induces or en-
5 courages a child in care to engage in performing for people to observe or the photographing,
6 filming, tape recording or other exhibition that, in whole or in part, depicts sexual conduct
7 or sexual contact, as those terms are defined in ORS 167.002, or sexually explicit conduct as
8 described in ORS 163.665 and 163.670, or sexual abuse involving the child in care or rape of
9 the child in care, other than conduct that is part of any investigation conducted pursuant
10 to ORS 418.258, 418.259 or 419B.020, or that is designed to serve educational or other legiti-
11 mate purposes; or

12 (C) Allowing, permitting, encouraging or hiring the child in care to engage in prostitution
13 as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase
14 sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation
15 as described in ORS 167.008.

16 (2) As used in this section:

17 (a) "Financial exploitation" does not include age-appropriate discipline that may involve
18 the threat to withhold, or the withholding of, privileges.

19 (b) "Intimidation" does not include age-appropriate discipline that may involve the threat
20 to withhold privileges.

21 **SECTION 11.** ORS 418.257 is amended to read:

22 418.257. As used in ORS 418.257 to 418.259:

23 [(1) "Abuse" means one or more of the following:]

24 [(a) Any physical injury to a child in care caused by other than accidental means, or that appears
25 to be at variance with the explanation given of the injury.]

26 [(b) Neglect of a child in care.]

27 [(c) Abandonment, including desertion or willful forsaking of a child in care or the withdrawal or
28 neglect of duties and obligations owed a child in care by a child-caring agency, caretaker, certified
29 foster home, developmental disabilities residential facility or other person.]

30 [(d) Willful infliction of physical pain or injury upon a child in care.]

31 [(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
32 163.465, 163.467 or 163.525.]

33 [(f) Verbal abuse.]

34 [(g) Financial exploitation.]

35 [(h) Sexual abuse.]

36 [(i) The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521 or
37 418.523.]

38 (1) "Abuse" has the meaning described in section 10 of this 2025 Act.

39 (2) "Adjudicated youth foster home" means a foster home certified by the Oregon Youth
40 Authority under ORS 420.888 to 420.892.

41 [(2)] (3) "Certified foster home" means a foster home certified by the Department of Human
42 Services and subject to ORS 418.625 to 418.645.

43 [(3)(a)] (4)(a) "Child in care" means a person under 21 years of age who is residing in or re-
44 ceiving care or services from:

45 (A) A child-caring agency or proctor foster home subject to ORS 418.205 to 418.327, **418.241,**

1 418.470, 418.475 or 418.950 to 418.970;

2 (B) A certified foster home; *[or]*

3 (C) A developmental disabilities residential facility~~].~~; **or**

4 **(D) An adjudicated youth foster home.**

5 (b) “Child in care” does not include a person under 21 years of age who is residing in any of
6 the entities listed in paragraph (a) of this subsection when the care provided is in the home of the
7 child by the child’s parent.

8 ~~[(4)]~~ **(5)** “Developmental disabilities residential facility” means a residential facility or foster
9 home for children who are ~~[17 years of age or younger]~~ **under 18 years of age** and receiving de-
10 velopmental disability services that is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

11 ~~[(5)(a)]~~ *“Financial exploitation” means:*

12 ~~[(A)]~~ *Wrongfully taking the assets, funds or property belonging to or intended for the use of a child*
13 *in care.]*

14 ~~[(B)]~~ *Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys or*
15 *property of the child in care if the child would reasonably believe that the threat conveyed would be*
16 *carried out.]*

17 ~~[(C)]~~ *Misappropriating, misusing or transferring without authorization any moneys from any ac-*
18 *count held jointly or singly by a child in care.]*

19 ~~[(D)]~~ *Failing to use the income or assets of a child in care effectively for the support and mainte-*
20 *nance of the child in care.]*

21 ~~[(b)]~~ *“Financial exploitation” does not include age-appropriate discipline that may involve the threat*
22 *to withhold, or the withholding of, privileges.]*

23 ~~[(6)]~~ *“Intimidation” means compelling or deterring conduct by threat. “Intimidation” does not in-*
24 *clude age-appropriate discipline that may involve the threat to withhold privileges.]*

25 ~~[(7)]~~ *“Involuntary seclusion” has the meaning given that term in ORS 418.519.]*

26 ~~[(8)]~~ **(6)** “Law enforcement agency” means:

27 (a) Any city or municipal police department.

28 (b) Any county sheriff’s office.

29 (c) The Oregon State Police.

30 (d) Any district attorney.

31 (e) A police department established by a university under ORS 352.121 or 353.125.

32 ~~[(9)]~~ *“Neglect” means:*

33 ~~[(a)]~~ *Failure to provide the care, supervision or services necessary to maintain the physical and*
34 *mental health of a child in care; or]*

35 ~~[(b)]~~ *The failure of a child-caring agency, proctor foster home, certified foster home, developmental*
36 *disabilities residential facility, caretaker or other person to make a reasonable effort to protect a child*
37 *in care from abuse.]*

38 ~~[(10)]~~ *“Restraint” has the meaning given that term in ORS 418.519.]*

39 ~~[(11)]~~ **(7)** “Services” includes but is not limited to the provision of food, clothing, medicine,
40 housing, medical services, assistance with bathing or personal hygiene or any other service essential
41 to the well-being of a child in care.

42 ~~[(12)]~~ *“Sexual abuse” means:*

43 ~~[(a)]~~ *Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material*
44 *or language;]*

45 ~~[(b)]~~ *Any sexual contact between a child in care and an employee of a child-caring agency, proctor*

1 *foster home, certified foster home, developmental disabilities residential facility, caretaker or other*
 2 *person responsible for the provision of care or services to a child in care;]*

3 *[(c) Any sexual contact between a person and a child in care that is unlawful under ORS chapter*
 4 *163 and not subject to a defense under that chapter; or]*

5 *[(d) Any sexual contact that is achieved through force, trickery, threat or coercion.]*

6 *[(13) “Sexual contact” has the meaning given that term in ORS 163.305.]*

7 *[(14) “Sexual exploitation” means sexual exploitation as described in ORS 419B.005 (1)(a)(E).]*

8 *[(15) “Verbal abuse” means to threaten significant physical or emotional harm to a child in care*
 9 *through the use of:]*

10 *[(a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or]*

11 *[(b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual*
 12 *comments.]*

13 **SECTION 12.** ORS 418.519 is amended to read:

14 418.519. As used in ORS 418.519 to 418.532:

15 (1) **“Adjudicated youth foster home” means a foster home certified by the Oregon Youth**
 16 **Authority under ORS 420.888 to 420.892.**

17 (2) “Certified foster home” means a foster home subject to ORS 418.625 to 418.645.

18 [(2)] (3) “Chemical restraint” *[means a drug or medication that is administered to a child in care*
 19 *to control behavior or restrict freedom of movement.]* **has the meaning given that term in section**
 20 **1 of this 2025 Act.**

21 [(3)] (4) “Child-caring agency” has the meaning given that term in ORS 418.205.

22 [(4)] (5) “Child in care” has the meaning given that term in ORS 418.257.

23 [(5)] (6) “Children’s emergency safety intervention specialist” means a qualified mental health
 24 professional licensed to order, monitor and evaluate the use of **involuntary** seclusion and restraint
 25 in accredited and certified facilities that provide intensive mental health treatment services to in-
 26 dividuals under 21 years of age.

27 [(6)] (7) “Developmental disabilities residential facility” has the meaning given that term in ORS
 28 418.257.

29 [(7)(a) “Involuntary seclusion” means the confinement of a child in care alone in a room or an
 30 enclosed space from which the child in care is prevented from leaving by any means.]

31 [(b) “Involuntary seclusion” does not include age-appropriate discipline, including, but not limited
 32 to, time-out if the time-out is in a setting from which the child in care is not prevented from leaving
 33 by any means.]

34 (8) **“Involuntary seclusion” has the meaning given that term in section 1 of this 2025 Act.**

35 [(8)] (9)(a) “Mechanical restraint” means a device used to restrict the movement of a child in
 36 care or the movement or normal function of a portion of the body of a child in care.

37 (b) **“Mechanical restraint” does not include:**

38 (A) **A protective or stabilizing device ordered by a licensed physician; or**

39 (B) **A vehicle safety restraint when used as intended during the transport of a child in**
 40 **care in a moving vehicle.**

41 [(9)] (10) “Proctor foster home” means a foster home certified by a child-caring agency under
 42 ORS 418.248.

43 [(10)] (11) “Program” means:

44 (a) A child-caring agency;

45 (b) A proctor foster home; or

1 (c) A developmental disabilities residential facility that is a residential training home or facility
2 licensed under ORS 443.415 to serve children under 18 years of age.

3 [(11)] (12) “Prone restraint” means a restraint in which a child in care is held face down on the
4 floor.

5 [(12)] (13) “Reportable injury” means any type of injury to a child in care, including but not
6 limited to rug burns, fractures, sprains, bruising, pain, soft tissue injury, punctures, scratches,
7 concussions, abrasions, dizziness, loss of consciousness, loss of vision, visual disturbance or death.

8 [(13)] (14) “Restraint” [*means the physical restriction of a child in care’s actions or movements by*
9 *holding the child in care or using pressure or other means.*] **has the meaning given that term in**
10 **section 1 of this 2025 Act.**

11 [(14)] (15) “Secure adolescent inpatient treatment program” means a child-caring agency that is
12 an intensive treatment services program, as described by the Oregon Health Authority by rule, that
13 provides inpatient psychiatric stabilization and treatment services to individuals under 21 years of
14 age who require a secure intensive treatment setting.

15 [(15)] (16) “Secure children’s inpatient treatment program” means a child-caring agency that is
16 an intensive treatment services program, as described by the authority by rule, that provides inpa-
17 tient psychiatric stabilization and treatment services to children under 14 years of age who require
18 a secure intensive treatment setting.

19 [(16)] “*Serious bodily injury*” means any significant impairment of the physical condition of an in-
20 *dividual, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone*
21 *else.*]

22 (17) “Supine restraint” means a restraint in which a child in care is held face up on the floor.

23 **SECTION 13.** ORS 418.521 is amended to read:

24 418.521. (1) A child-caring agency, proctor foster home, certified foster home, **adjudicated youth**
25 **foster home** or developmental disabilities residential facility may not place a child in care in a
26 restraint or involuntary seclusion as a form of discipline, punishment or retaliation or for the con-
27 venience of staff, contractors or volunteers of the child-caring agency, proctor foster home, certified
28 foster home, **adjudicated youth foster home** or developmental disabilities residential facility.

29 (2) Except as provided in ORS 418.523 [(4)] (5), the use of the following types of restraint of a
30 child in care are prohibited:

31 (a) Chemical restraint.

32 (b) Mechanical restraint.

33 (c) Prone restraint.

34 (d) Supine restraint.

35 (e) Any restraint that includes the intentional and nonincidental use of a solid object, including
36 the ground, a wall or the floor, to impede a child in care’s movement **unless the restraint is nec-**
37 **essary to prevent an imminent life-threatening injury or to gain control of a weapon.**

38 (f) Any restraint that places, or creates a risk of placing, pressure on a child in care’s neck or
39 throat.

40 (g) Any restraint that places, or creates a risk of placing, pressure on a child in care’s mouth,
41 **unless the restraint is necessary for the purpose of extracting a body part from a bite.**

42 (h) Any restraint that impedes, or creates a risk of impeding, a child in care’s breathing.

43 (i) Any restraint that involves the intentional placement of any object or a hand, knee, foot or
44 elbow on a child in care’s neck, throat, genitals or other intimate parts.

45 (j) Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be

1 placed, on a child in care’s stomach, chest, joints, throat or back by a knee, foot or elbow.

2 (k) Any other action, the primary purpose of which is to inflict pain.

3 **(L) A wrongful restraint or wrongful seclusion as described in section 1 of this 2025 Act.**

4 **SECTION 14.** ORS 418.523 is amended to read:

5 418.523. (1) Except as otherwise provided in this section, a child-caring agency, proctor foster
6 home or developmental disabilities residential facility may *[only]* place a child in care in a restraint
7 or involuntary seclusion **only** if the child in care’s behavior poses a *[reasonable risk of imminent*
8 *serious bodily injury]* **risk of imminent serious physical harm** to the child in care or others, **in-**
9 **cluding animals, and:**

10 (a) Less restrictive interventions would not effectively reduce that risk[.];

11 **(b) The least amount of physical force and contact necessary to prevent serious physical**
12 **harm is used; and**

13 **(c) The restraint is not prohibited under ORS 418.521.**

14 (2) **An adjudicated youth foster home or** a certified foster home may not place a child in care
15 in a restraint or involuntary seclusion.

16 *[(3) Notwithstanding subsection (1) or (2) of this section, a child-caring agency, proctor foster home,*
17 *certified foster home or developmental disabilities residential facility may use the following types of*
18 *restraints on a child in care:]*

19 *[(a) Holding the child in care’s hand or arm to escort the child in care safely and without the use*
20 *of force from one area to another;]*

21 *[(b) Assisting the child in care to complete a task if the child in care does not resist the physical*
22 *contact; or]*

23 *[(c) Using a physical intervention if:]*

24 *[(A) The intervention is necessary to break up a physical fight or to effectively protect a person*
25 *from an assault, serious bodily injury or sexual contact;]*

26 *[(B) The intervention uses the least amount of physical force and contact possible; and]*

27 *[(C) The intervention is not a prohibited restraint described in ORS 418.521 (2).]*

28 *[(4) Notwithstanding ORS 418.521 (2):]*

29 *[(a) The restraint described in ORS 418.521 (2)(e) may be used if the restraint is necessary to gain*
30 *control of a weapon.]*

31 *[(b) The restraint described in ORS 418.521 (2)(g) may be used if the restraint is necessary for the*
32 *purpose of extracting a body part from a bite.]*

33 **(3) Notwithstanding subsection (1) or (2) of this section, a child-caring agency, proctor**
34 **foster home, certified foster home, adjudicated youth foster home or developmental disabili-**
35 **ties residential facility may physically intervene, without immobilizing the child in care, if**
36 **the intervention is necessary to break up a physical fight or to effectively protect a person**
37 **from an assault, other serious physical harm or sexual contact.**

38 *[(c)] (4) Notwithstanding subsection (1) of this section, if a program is a secure children’s*
39 *inpatient treatment program or secure adolescent inpatient treatment program, the program may*
40 *place a child in care in a restraint described in ORS 418.521 (2)(d) or (e) only if:*

41 *[(A)] (a) The child in care is currently admitted to the program;*

42 *[(B)] (b) The restraint is authorized by an order written at the time of and specifically for the*
43 *current situation by a licensed medical practitioner or a licensed children’s emergency safety*
44 *intervention specialist;*

45 *[(C)] (c) The restraint is used only as long as needed to prevent [serious physical injury, as de-*

1 *fined in ORS 161.015,*] **serious physical harm** and while no other intervention or form of restraint
 2 is possible;

3 [(D)] (d) A licensed medical practitioner, children’s emergency safety intervention specialist or
 4 qualified mental health professional, who is certified in the use of the type of restraint used, con-
 5 tinuously monitors the use of the restraint and the physical and psychological well-being of the child
 6 in care at all times while the restraint is being used;

7 [(E)] (e) Each individual placing the child in care in the restraint is certified as described in
 8 ORS 418.529 in the use of the type of restraint used and the individual’s training is current;

9 [(F)] (f) One or more individuals with current cardiopulmonary resuscitation training are pres-
 10 ent for the duration of the restraint;

11 [(G)] (g) The program has written policies that require a licensed children’s emergency safety
 12 intervention specialist or other licensed practitioner to evaluate and document the physical, psy-
 13 chological and emotional well-being of the child in care immediately following the use of the re-
 14 straint; and

15 [(H)] (h) The program is in compliance with any other requirements under ORS 418.519 to
 16 418.532, and the use of the restraint does not otherwise violate any applicable contract requirements
 17 or any state or federal law related to the use of restraints.

18 (5) [*In addition to the restraints described in subsection (3) of this section,*] A program may place
 19 a child in care in a restraint or involuntary seclusion if:

20 (a) The restraint or involuntary seclusion is used only for as long as the child in care’s behavior
 21 poses a [*reasonable risk of imminent serious bodily injury*] **risk of imminent serious physical**
 22 **harm**;

23 (b) The individuals placing the child in care in the restraint or involuntary seclusion are certi-
 24 fied as described in ORS 418.529 in the use of the type of restraint used or are trained, as required
 25 by the department by rule, in the use of the involuntary seclusion used;

26 (c) The program staff continuously monitor the child in care for the duration of the restraint
 27 or involuntary seclusion; and

28 (d) The restraint or involuntary seclusion is performed in a manner that is safe, proportionate
 29 and appropriate, taking into consideration the child in care’s chronological and developmental age,
 30 size, gender identity, physical, medical and psychiatric condition and personal history, including any
 31 history of physical or sexual abuse.

32 (6) In addition to the requirements described in subsection (5) of this section, if a program places
 33 a child in care in a restraint or involuntary seclusion for more than 10 minutes:

34 (a) The program must provide the child in care with adequate access to the bathroom and water
 35 at least every 30 minutes; and

36 (b)(A) Every five minutes after the first 10 minutes of the restraint or involuntary seclusion, a
 37 program supervisor who is certified as described in ORS 418.529 in the use of the type of restraint
 38 being used or trained, as required by the department by rule, in the use of the involuntary seclusion
 39 being used must provide written authorization for the continuation of the restraint or involuntary
 40 seclusion.

41 (B) If the supervisor is not on-site at the time the restraint is used, the supervisor may provide
 42 the written authorization electronically.

43 (C) The written authorization must document why the restraint or involuntary seclusion con-
 44 tinues to be the least restrictive intervention to reduce the risk of imminent [*serious bodily injury*]
 45 **serious physical harm** in the given circumstances.

SECTION 15. ORS 418.526 is amended to read:

418.526. (1) A program shall establish procedures for the program to follow when a child in care is placed in a restraint or involuntary seclusion. The procedures must be consistent with the provisions of this section and ORS 418.521 and 418.523.

(2)(a) A program shall maintain a record of each incident in which a reportable injury arises from the use of a restraint or involuntary seclusion. The record under this subsection must include any photographs, audio recordings or video recordings immediately preceding, during and following the incident. The record may not be destroyed, edited, concealed or altered in any way.

(b) The program shall immediately provide the Department of Human Services with written notification of the incident and true copies of any record maintained under this subsection.

(c) Upon the request of the attorney, court appointed special advocate, parents or guardians of a child in care on whom the restraint or involuntary seclusion was used, the department shall provide the child in care’s attorney, court appointed special advocate, parents or guardians with [copies of] **an opportunity to review** the records described in this subsection **if:**

(A) The child in care is under 18 years of age and the parent or guardian consents to the disclosure;

(B) The child in care is at least 18 years of age and consents to the disclosure; or

(C) The department is otherwise required by law to disclose the records.

(3)(a) If a program places a child in care in a restraint [*except as provided in ORS 418.523 (3)(a) or (b),*] or involuntary seclusion, the program shall provide the child in care’s case manager, attorney, court appointed special advocate and parents or guardians with:

(A) Verbal or electronic notice that the restraint or involuntary seclusion was used as soon as practicable following the incident but not later than the end of the next business day; and

(B) Written notice that the restraint or involuntary seclusion was used as soon as practicable following the incident but not later than the end of the next business day.

(b) The written notice must include:

(A) A description of the restraint or involuntary seclusion, the date of the restraint or involuntary seclusion, the times when the restraint or involuntary seclusion began and ended and the location of the restraint or involuntary seclusion.

(B) A description of the child in care’s activity that necessitated the use of restraint or involuntary seclusion.

(C) The efforts the program used to de-escalate the situation and the alternatives to restraint or involuntary seclusion the program attempted before placing the child in care in the restraint or involuntary seclusion.

(D)(i) The names of each individual who placed the child in care in the restraint or involuntary seclusion or who monitored or approved the placement of the child in care in the restraint or involuntary seclusion.

(ii) For each individual identified in this subparagraph, whether the individual was certified as described in ORS 418.529 in the use of the type of restraint used or trained, as required by the Department of Human Services by rule, in the use of the involuntary seclusion used, the date of the individual’s most recent certification or training and a description of the types of restraint the individual is certified to use, if any.

(iii) If an individual identified in this subparagraph was not certified or trained in the type of restraint or involuntary seclusion used, or if the individual’s certification or training was not current, a description of the individual’s certification or training deficiency and the reason an individ-

1 ual without the proper certification or training was involved in the restraint or involuntary
 2 seclusion.

3 (E) If the child in care suffered a reportable injury arising from the incident, a description of
 4 any photographs, audio recordings or video recordings related to the incident that are maintained
 5 by the program under subsection (2) of this section.

6 (4) If an incident requires notice under subsection (3) of this section, not later than two business
 7 days following the date of the restraint or involuntary seclusion, the program shall hold a debriefing
 8 meeting with each individual who was involved in the incident and with any other appropriate pro-
 9 gram staff, shall take written notes of the debriefing meeting and shall provide copies of the written
 10 notes to the child in care's case manager, attorney, court appointed special advocate and parents
 11 or guardians.

12 (5) *[If serious bodily injury or the death of staff personnel occurs in connection to the use of the*
 13 *restraint or involuntary seclusion,]* **If, in connection with the use of a restraint or involuntary**
 14 **seclusion, program personnel die or suffer serious physical injury, as defined in ORS 161.015,**
 15 the program shall provide the department with written notification of the incident not later than
 16 24 hours following the incident.

17 (6) The department shall adopt rules regarding the installation and use of video recording
 18 equipment in a program.

19 **SECTION 16.** ORS 418.529 is amended to read:

20 418.529. (1)(a) The Department of Human Services shall adopt by rule training standards and
 21 certification requirements regarding the placement of a child in care in a restraint or involuntary
 22 seclusion, consistent with this section.

23 (b) The department shall designate *[two or three]* **at least four** nationally recognized providers
 24 of crisis intervention training that meet the department's training standards and whose certifications
 25 issued upon completion of the training programs the department will recognize as satisfying the
 26 department's certification requirements.

27 **(c) The department shall appoint an advisory committee to provide the department with**
 28 **recommendations regarding the selection of providers of crisis intervention training under**
 29 **this subsection. The department shall include as members of the advisory committee indi-**
 30 **viduals who, as children, gained lived experience in the use of restraint or involuntary se-**
 31 **clusion, and the families of those individuals.**

32 (2) The department's rules under this section must:

33 (a) Ensure consistency of training and professional development across all programs;

34 (b) Require the teaching of techniques for nonviolent crisis intervention that do not require re-
 35 straint;

36 (c) Focus on de-escalation and trauma-informed behavioral support as the core of a training
 37 program;

38 (d) Offer options for certification in skills that do not include the use of restraint to improve
 39 agency-wide safety, culture and trauma-informed practices;

40 (e) Prioritize the reduction or elimination of the use of restraint and involuntary seclusion;

41 (f) Ensure that any physical intervention skills taught are trauma-informed, age-appropriate and
 42 developmentally appropriate for children in care, reduce the risk of physical or emotional harm and
 43 are consistent with all state and federal laws;

44 (g) Include training to identify the physical, psychological and emotional risks for children and
 45 program staff related to the use of restraint and involuntary seclusion;

1 (h) Ensure fidelity of training through the publication of consistent training materials and re-
 2 sources for certified instructors and certified program staff;

3 (i) Include requirements for instructor training and certification; and

4 (j) Require regular, ongoing support to certified instructors, including quality control, monitor-
 5 ing of outcomes and provision of information regarding networks for professional collaboration and
 6 support.

7 (3) The department's rules must require that training instructors:

8 (a) Be certified to conduct the type of training the instructor is providing;

9 (b) Complete a minimum of 26 hours of initial education with a focus on de-escalation, nonviolent
 10 intervention and methods consistent with the department's rules for the use of [*physical*
 11 *intervention*] **restraint**;

12 (c) Complete a minimum of 12 hours of continuing education every two years;

13 (d) Be recertified at least once every two years; and

14 (e) Demonstrate written and physical competency before receiving certification or recertif-
 15 ication.

16 (4) The department's rules must provide that an individual who places a child in care in a pro-
 17 gram in a restraint must be certified in the use of the specific type of restraint used. The
 18 department's rules must describe the minimum certification requirements, including:

19 (a) Completion of a minimum of 12 hours of initial training in person from an instructor certified
 20 as provided in subsection (3) of this section, including at least six hours of training in positive be-
 21 havior support, nonviolent crisis intervention and other methods of nonphysical intervention to
 22 support children in care in crisis;

23 (b) Annual continuing education with a certified instructor; and

24 (c) Demonstration of a mastery of the training program material both in writing and by physical
 25 competency before receiving certification.

26 (5) A certification issued under this section:

27 (a) Must be personal to the individual certified by the training provider;

28 (b) May be valid for no more than two years without recertification;

29 (c) Must require annual continuing education to maintain;

30 (d) Must require additional training to renew the certification;

31 (e) Must be portable between employers; and

32 (f) Must include:

33 (A) The dates during which the certification is current;

34 (B) The types of restraint in which the individual is certified, if any;

35 (C) The types of training the individual is certified to conduct, if any;

36 (D) Any special endorsements earned by the individual;

37 (E) The level of training; and

38 (F) The name of the certified instructor who conducted the training and administered the as-
 39 sessment of proficiency.

40 (6) An individual whose certification is consistent with the department's rules under this section
 41 shall maintain the documentation of the certification and make that documentation available to the
 42 department upon request.

43 **SECTION 17.** ORS 418.532 is amended to read:

44 418.532. (1) Each child in care receiving services from a child-caring agency must be provided
 45 with information that:

1 (a) Explains the **restraint and involuntary seclusion** provisions [of] **under** ORS 418.519 to
 2 418.532 **and section 1 of this 2025 Act, and the abuse provisions under ORS 418.257 to 418.259**
 3 **and 419B.005;**

4 (b) Provides instruction regarding how a child in care may report suspected [*inappropriate use*
 5 *of restraint or involuntary seclusion*] **use of wrongful restraint or wrongful seclusion, as de-**
 6 **scribed in section 1 of this 2025 Act;**

7 (c) Assures the child in care that the child will not experience retaliation for reporting sus-
 8 pected [*inappropriate uses of restraint or involuntary seclusion*] **use of wrongful restraint or**
 9 **wrongful seclusion, as described in section 1 of this 2025 Act;** and

10 (d) Includes the telephone number for the toll-free child abuse hotline described in ORS 417.805,
 11 information regarding the centralized child abuse reporting system described in ORS 418.190 and the
 12 telephone numbers and electronic mail addresses for the program’s licensing or certification agency,
 13 the child in care’s caseworker and attorney, the child in care’s court appointed special advocate and
 14 Disability Rights Oregon.

15 (2) The information described in subsection (1) of this section must be provided by:

16 (a) The Department of Human Services if the department placed the child in care in the child-
 17 caring agency;

18 (b) The Oregon Youth Authority if the child in care has been committed to the custody of the
 19 authority; or

20 (c) The child-caring agency, as required by the department by rule, for all other children in care.

21 **SECTION 18.** ORS 419A.245 is amended to read:

22 419A.245. (1) [*During the transportation of a youth, adjudicated youth, young person, ward or child*
 23 *by the Department of Human Services, the Oregon Health Authority or an agent of the department or*
 24 *authority:*] **The Oregon Health Authority or an agent of the authority may use restraints**
 25 **during the transportation of a youth, adjudicated youth or young person as provided in this**
 26 **section.**

27 **(2) Prior to using restraints during the transportation of a youth, adjudicated youth or**
 28 **young person, the authority shall create a transportation safety plan, including documenta-**
 29 **tion of the need for restraints. The transportation safety plan must address intervention**
 30 **strategies designed to modify behavior without the use of restraints and recommend the**
 31 **least restrictive effective alternative.**

32 [(a)] **(3) Instruments of physical restraint, such as handcuffs, chains, irons, straitjackets, cloth**
 33 **restraints, leather restraints, plastic restraints and other similar items, may not be used during**
 34 **transportation of a youth, adjudicated youth or young person unless:**

35 [(A)] **(a)** The transportation is secure transportation to a detention facility, youth correction
 36 facility, as defined in ORS 420.005, secure hospital, secure intensive community inpatient facility or
 37 other secure facility; or

38 [(B)] **(b) The** restraints are necessary due to an immediate and serious risk of dangerous or
 39 disruptive behavior and there are no less restrictive alternatives that will alleviate the immediate
 40 and serious risk of dangerous or disruptive behavior.

41 [(b) *Prior to the use of restraints during transportation, a transportation safety plan, including*
 42 *documentation of the need for restraints, must be created. The transportation safety plan must address*
 43 *intervention strategies designed to modify behavior without the use of restraints and recommend the*
 44 *least restrictive effective alternative.*]

45 [(c)] **(4) Only staff who have been adequately trained in restraint device usage may use and ap-**

ply restraints during transportation **of a youth, adjudicated youth or young person.**

[(d)] (5) Restraints during transportation **of a youth, adjudicated youth or young person** may not be used as punishment, for convenience or as a substitute for staff supervision.

[(2) *This section applies to all circumstances of transportation of a ward or child by the Department of Human Services, the Oregon Health Authority or an agent of the department or authority, including but not limited to transportation between placements with child-caring agencies, foster homes, shelter care facilities, treatment and residential facilities or any other type of placement destination for a ward or child in the custody of the Department of Human Services.*]

(Abuse Reports and Investigations)

SECTION 19. ORS 418.190 is amended to read:

418.190. (1) As used in this section, “abuse reporting hotline” means a statewide toll-free telephone number operated by the Department of Human Services for reporting suspected abuse.

(2) The department shall develop and maintain a centralized child abuse reporting system. The system must include *[the]* **an** abuse reporting hotline for oral reports of suspected abuse and *[a]* **may include a** website for electronic reports of suspected child abuse.

SECTION 20. ORS 339.296 and sections 8, 12 and 14, chapter 581, Oregon Laws 2023, are repealed.

SECTION 21. Section 13, chapter 581, Oregon Laws 2023, is amended to read:

Sec. 13. (1) Section 2, **chapter 581, Oregon Laws 2023**, *[of this 2023 Act]* and the amendments to ORS 419B.005 by sections 3 and 4, **chapter 581, Oregon Laws 2023**, *[of this 2023 Act]* apply to incidents occurring on or after July 1, 2023.

(2) The amendments to ORS 419B.005 by sections 5 and 6, **chapter 581, Oregon Laws 2023**, *[of this 2023 Act]* apply to incidents occurring on or after *[July 1, 2028]* **the effective date of this 2025 Act.**

[(3) The quarterly report described in the amendments to ORS 419B.019 by section 7 of this 2023 Act is first due on January 1, 2024.]

SECTION 22. ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, and section 65, chapter 73, Oregon Laws 2024, is amended to read:

419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) “Abuse” means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that has been caused by other than accidental means, including any injury that appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only cruel or unconscionable acts or statements made, or threatened to be made, to a child if the acts, statements or threats result in severe harm to the child’s psychological, cognitive, emotional or social well-being *[and]* **or** functioning.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in

1 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
 2 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
 3 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
 4 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
 5 is designed to serve educational or other legitimate purposes; and

6 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
 7 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
 8 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

9 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
 10 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
 11 welfare of the child.

12 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
 13 to the child’s health or welfare.

14 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

15 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
 16 methamphetamines are being manufactured.

17 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
 18 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
 19 stantial risk of harm to the child’s health or safety.

20 (K) The infliction of corporal punishment on a child in violation of [ORS 339.250 (9)] **section 1**
 21 **of this 2025 Act.**

22 (L) **Wrongful restraint or wrongful seclusion, as described in section 1 of this 2025 Act,**
 23 **of a child by a responsible individual, as defined in section 1 of this 2025 Act.**

24 (M) **Subjecting a child to involuntary servitude or trafficking as described in ORS 163.263,**
 25 **163.264 or 163.266.**

26 (b) “Abuse” does not include **the** reasonable discipline **of a child** unless the discipline results
 27 in one of the conditions described in paragraph (a) of this subsection.

28 (2) “Child” means an unmarried person who:

- 29 (a) Is under 18 years of age; or
- 30 (b) Is a child in care, as defined in ORS 418.257.

31 (3) “Higher education institution” means:

- 32 (a) A community college as defined in ORS 341.005;
- 33 (b) A public university listed in ORS 352.002;
- 34 (c) The Oregon Health and Science University; and
- 35 (d) A private institution of higher education located in Oregon.

36 (4)(a) “Investigation” means a detailed inquiry into or assessment of the safety of a child alleged
 37 to have experienced abuse.

38 (b) “Investigation” does not include screening activities conducted upon the receipt of a report.

39 (5) “Law enforcement agency” means:

- 40 (a) A city or municipal police department.
- 41 (b) A county sheriff’s office.
- 42 (c) The Oregon State Police.
- 43 (d) A police department established by a university under ORS 352.121 or 353.125.
- 44 (e) A county juvenile department.

45 (6) “Public or private official” means:

- 1 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
 2 including any intern or resident.
- 3 (b) Dentist.
- 4 (c) School employee, including an employee of a higher education institution.
- 5 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
 6 or employee of an in-home health service.
- 7 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
 8 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
 9 Authority, a local health department, a community mental health program, a community develop-
 10 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
 11 fined in ORS 418.205 or an alcohol and drug treatment program.
- 12 (f) Peace officer.
- 13 (g) Psychologist.
- 14 (h) Member of the clergy.
- 15 (i) Regulated social worker.
- 16 (j) Optometrist.
- 17 (k) Chiropractor.
- 18 (L) Certified provider of foster care, or an employee thereof.
- 19 (m) Attorney.
- 20 (n) Licensed professional counselor.
- 21 (o) Licensed marriage and family therapist.
- 22 (p) Firefighter or emergency medical services provider.
- 23 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 24 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 25 (s) Elected official of a branch of government of this state or a state agency, board, commission
 26 or department of a branch of government of this state or of a city, county or other political subdi-
 27 vision in this state.
- 28 (t) Physical, speech or occupational therapist.
- 29 (u) Audiologist.
- 30 (v) Speech-language pathologist.
- 31 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
 32 gations or discipline by the commission.
- 33 (x) Pharmacist.
- 34 (y) Operator of a preschool recorded program under ORS 329A.255.
- 35 (z) Operator of a school-age recorded program under ORS 329A.255.
- 36 (aa) Employee of a private agency or organization facilitating the provision of respite services,
 37 as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power of at-
 38 torney under ORS 109.056.
- 39 (bb) Employee of a public or private organization providing child-related services or activities:
 40 (A) Including but not limited to an employee of a:
- 41 (i) Youth group or center;
- 42 (ii) Scout group or camp;
- 43 (iii) Summer or day camp;
- 44 (iv) Survival camp; or
- 45 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-

1 religious, public or private educational system or a community service organization; and

2 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
3 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
4 man trafficking.

5 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
6 if compensated and if the athlete is a child.

7 (dd) Personal support worker, as defined in ORS 410.600.

8 (ee) Home care worker, as defined in ORS 410.600.

9 (ff) Animal control officer, as defined in ORS 609.500.

10 (gg) Member of a school district board, an education service district board or a public charter
11 school governing body.

12 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
13 vice identified in an individualized service plan of a child with a developmental disability.

14 (ii) Referral agent, as defined in ORS 418.351.

15 (jj) Parole and probation officer, as defined in ORS 181A.355.

16 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
17 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

18 **SECTION 23.** ORS 430.735, as amended by section 73, chapter 73, Oregon Laws 2024, is
19 amended to read:

20 430.735. As used in ORS 430.735 to 430.765:

21 (1) "Abuse" means one or more of the following:

22 (a) Abandonment, including desertion or willful forsaking of an adult or the withdrawal or neg-
23 lect of duties and obligations owed an adult by a caregiver or other person.

24 (b) Any physical injury to an adult caused by other than accidental means, or that appears to
25 be at variance with the explanation given of the injury.

26 (c) Willful infliction of physical pain or injury upon an adult.

27 (d) Sexual abuse.

28 (e) Neglect.

29 (f) Verbal abuse of an adult.

30 (g) Financial exploitation of an adult.

31 (h) Involuntary seclusion of an adult for the convenience of the caregiver or to discipline the
32 adult.

33 (i) A wrongful use of a physical or chemical restraint upon an adult, excluding an act of re-
34 straint prescribed by a physician licensed under ORS chapter 677, physician associate licensed under
35 ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse practi-
36 tioner licensed under ORS 678.375 to 678.390 and any treatment activities that are consistent with
37 an approved treatment plan or in connection with a court order.

38 (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
39 163.465 or 163.467.

40 (k) Any death of an adult caused by other than accidental or natural means.

41 *[(L) The restraint or seclusion of an adult with a developmental disability in violation of ORS*
42 *339.288, 339.291 or 339.308.]*

43 *[(m) The infliction of corporal punishment on an adult with a developmental disability in violation*
44 *of ORS 339.250 (9).]*

45 (2) "Adult" means a person 18 years of age or older:

1 (a) With a developmental disability who is currently receiving services from a community pro-
2 gram or facility or who was previously determined eligible for services as an adult by a community
3 program or facility;

4 (b) With a severe and persistent mental illness who is receiving mental health treatment from
5 a community program; or

6 (c) Who is receiving services for a substance use disorder or a mental illness in a facility or a
7 state hospital.

8 (3) "Adult protective services" means the necessary actions taken to prevent abuse or exploi-
9 tation of an adult, to prevent self-destructive acts and to safeguard the adult's person, property and
10 funds, including petitioning for a protective order as defined in ORS 125.005. Any actions taken to
11 protect an adult shall be undertaken in a manner that is least intrusive to the adult and provides
12 for the greatest degree of independence.

13 (4) "Caregiver" means an individual, whether paid or unpaid, or a facility that has assumed re-
14 sponsibility for all or a portion of the care of an adult as a result of a contract or agreement.

15 (5) "Community program" includes:

16 (a) A community mental health program or a community developmental disabilities program as
17 established in ORS 430.610 to 430.695; or

18 (b) A provider that is paid directly or indirectly by the Oregon Health Authority to provide
19 mental health treatment in the community.

20 (6) "Facility" means a residential treatment home or facility, residential care facility, adult fos-
21 ter home, residential training home or facility or crisis respite facility.

22 (7) "Financial exploitation" means:

23 (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an
24 adult.

25 (b) Alarming an adult by conveying a threat to wrongfully take or appropriate money or prop-
26 erty of the adult if the adult would reasonably believe that the threat conveyed would be carried
27 out.

28 (c) Misappropriating, misusing or transferring without authorization any money from any ac-
29 count held jointly or singly by an adult.

30 (d) Failing to use the income or assets of an adult effectively for the support and maintenance
31 of the adult.

32 (8) "Intimidation" means compelling or deterring conduct by threat.

33 (9) "Law enforcement agency" means:

34 (a) Any city or municipal police department;

35 (b) A police department established by a university under ORS 352.121 or 353.125;

36 (c) Any county sheriff's office;

37 (d) The Oregon State Police; or

38 (e) Any district attorney.

39 (10) "Neglect" means:

40 (a) Failure to provide the care, supervision or services necessary to maintain the physical and
41 mental health of an adult that may result in physical harm or significant emotional harm to the
42 adult;

43 (b) Failure of a caregiver to make a reasonable effort to protect an adult from abuse; or

44 (c) Withholding of services necessary to maintain the health and well-being of an adult that
45 leads to physical harm of the adult.

1 (11) "Public or private official" means:

2 (a) Physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505
3 to 677.525, naturopathic physician, psychologist or chiropractor, including any intern or resident;

4 (b) Licensed practical nurse, registered nurse, nurse's aide, home health aide or employee of an
5 in-home health service;

6 (c) Employee of the Department of Human Services or Oregon Health Authority, local health
7 department, community mental health program or community developmental disabilities program or
8 private agency contracting with a public body to provide any community mental health service;

9 (d) Peace officer;

10 (e) Member of the clergy;

11 (f) Regulated social worker;

12 (g) Physical, speech or occupational therapist;

13 (h) Information and referral, outreach or crisis worker;

14 (i) Attorney;

15 (j) Licensed professional counselor or licensed marriage and family therapist;

16 (k) Any public official;

17 (L) Firefighter or emergency medical services provider;

18 (m) Elected official of a branch of government of this state or a state agency, board, commission
19 or department of a branch of government of this state or of a city, county or other political subdi-
20 vision in this state;

21 (n) Personal support worker, as defined in ORS 410.600;

22 (o) Home care worker, as defined in ORS 410.600; or

23 (p) Individual paid by the Department of Human Services to provide a service identified in an
24 individualized service plan of an adult with a developmental disability.

25 (12) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
26 medical services, assistance with bathing or personal hygiene or any other service essential to the
27 well-being of an adult.

28 (13)(a) "Sexual abuse" means:

29 (A) Sexual contact with a nonconsenting adult or with an adult considered incapable of con-
30 senting to a sexual act under ORS 163.315;

31 (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-
32 rial or language;

33 (C) Any sexual contact between an employee of a facility or paid caregiver and an adult served
34 by the facility or caregiver;

35 (D) Any sexual contact between an adult and a relative of the adult other than a spouse;

36 (E) Any sexual contact that is achieved through force, trickery, threat or coercion; or

37 (F) Any sexual contact between an individual receiving mental health or substance abuse
38 treatment and the individual providing the mental health or substance abuse treatment.

39 (b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid
40 caregiver who is the spouse of the adult.

41 (14) "Sexual contact" has the meaning given that term in ORS 163.305.

42 (15) "Verbal abuse" means to threaten significant physical or emotional harm to an adult
43 through the use of:

44 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

45 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate

1 sexual comments.

2
3 **CHILD-CARING AGENCY REGULATION**

4
5 **SECTION 24.** ORS 418.205 is amended to read:

6 418.205. As used in ORS 418.205 to 418.327, [418.330,] 418.470, 418.475, 418.950 to 418.970 and
7 418.992 to 418.998, unless the context requires otherwise:

8 (1) **“Certified foster home” means a foster home subject to ORS 418.625 to 418.645.**

9 [(1)] (2) **“Child” means an unmarried person under 21 years of age [who resides in or receives
10 care or services from a child-caring agency].**

11 [(2)(a)] (3) **“Child-caring agency” means a children’s care or services provider that is re-
12 quired under ORS 418.215 to be licensed, certified or otherwise authorized by the Department
13 of Human Services under ORS 418.240.[.]**

14 [(A) Any private school, private agency, private organization or county program providing:]

15 [(i) Day treatment for children with emotional disturbances;]

16 [(ii) Adoption placement services;]

17 [(iii) Residential care, including but not limited to foster care or residential treatment for
18 children;]

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

21 [(v) Outdoor youth programs; or]

22 [(vi) Other similar care or services for children.]

23 [(B) Any private organization or person that provides secure transportation services as defined in
24 ORS 418.241 during any segment of a child’s trip to or from a child-caring agency, certified foster home
25 as defined in ORS 418.241 or developmental disabilities residential facility as defined in ORS 418.241,
26 if the route of the child’s trip begins or ends in this state.]

27 [(b) “Child-caring agency” includes the following:]

28 [(A) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;]

29 [(B) An independent residence facility as described in ORS 418.475 that meets the standards es-
30 tablished by the Department of Human Services by rule to be considered a child-caring agency;]

31 [(C) A private residential boarding school;]

32 [(D) A child-caring facility as defined in ORS 418.950; and]

33 [(E) A secure nonemergency medical transportation provider, as defined in ORS 418.241.]

34 [(c) “Child-caring agency” does not include:]

35 [(A) Residential facilities or foster care homes certified or licensed by the Department of Human
36 Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental dis-
37 ability services;]

38 [(B) Any private agency or organization facilitating the provision of respite services for parents
39 pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subpara-
40 graph, “respite services” means the voluntary assumption of short-term care and control of a minor
41 child without compensation or reimbursement of expenses for the purpose of providing a parent in crisis
42 with relief from the demands of ongoing care of the parent’s child;]

43 [(C) A youth job development organization as defined in ORS 344.415;]

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

45 [(E) A foster home subject to ORS 418.625 to 418.645;]

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

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

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

5 [(4)(a) “County program” means any county operated program that provides care or services to
6 children:]

7 [(A) In the custody of the Department of Human Services or the Oregon Youth Authority; or]

8 [(B) Under a contract with the Oregon Health Authority.]

9 [(b) “County program” does not include any local juvenile detention facility that receives state ser-
10 vices provided and coordinated by the Department of Corrections under ORS 169.070.]

11 [(5)] (4) “Governmental agency” means an executive, legislative or judicial agency, department,
12 board, commission, authority, institution or instrumentality of this state or of a county, municipality
13 or other political subdivision of this state.

14 [(6) “Independent residence facility” means a facility as described in ORS 418.475.]

15 (5) “Managers” means the individuals at the highest levels of an organization’s leadership
16 who have significant responsibility for the operations, finances and overall governance of the
17 organization.

18 [(7)(a) “Outdoor youth program” means a program that provides, in an outdoor living setting, ser-
19 vices to children who have behavioral problems, mental health problems or problems with abuse of al-
20 cohol or drugs.]

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

22 [(A) Operated by a governmental entity;]

23 [(B) Operated or affiliated with the Oregon Youth Corps;]

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

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

26 (6) “Out-of-state child-caring agency” has the meaning given that term in ORS 418.321.

27 [(8)] (7) “Private” means not owned, operated or administered by any governmental agency or
28 unit.

29 [(9) “Private residential boarding school” means either of the following as the context requires:]

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

33 [(b) A private school providing residential care that is primarily engaged in educational work un-
34 der ORS 418.327.]

35 [(10)] (8) “Proctor foster home” means a foster home certified by a child-caring agency under
36 ORS 418.248 that is not [subject to ORS 418.625 to 418.645] a certified foster home.

37 [(11) “Provider of care or services for children” means a person, entity or organization that pro-
38 vides care or services to children, regardless of whether the child is in the custody of the Department
39 of Human Services, and that does not otherwise meet the definition of, or requirements for, a child-
40 caring agency. “Provider of care or services for children” includes a proctor foster home certified by
41 a child-caring agency under ORS 418.248.]

42 [(12)] (9) “Qualified residential treatment program” means a program described in ORS 418.323.

43 [(13) “Shelter-care home” has the meaning given that term in ORS 418.470.]

44 **SECTION 25.** ORS 418.210 is amended to read:

45 418.210. ORS 418.205 to 418.327 [shall] **do** not apply to:

1 (1) *[Homes]* **A home** established and maintained by a fraternal *[organizations]* **organization**
 2 wherein only members, *[their]* **members'** spouses and surviving spouses in marriages and children
 3 are admitted as residents;

4 (2) *[Any]* **A certified** foster home *[that is subject to ORS 418.625 to 418.645];*

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

6 (4) *[Any]* **An** individual, or home of an individual, providing respite services, as defined in ORS
 7 *[418.205]* **418.215 (2)(b)**, for parents pursuant to a properly executed power of attorney under ORS
 8 109.056;

9 (5) *[Any]* **A** private agency or organization facilitating the provision of respite services, as de-
 10 fined in ORS *[418.205]* **418.215 (2)(b)**, for parents pursuant to a properly executed power of attorney
 11 under ORS 109.056; or

12 (6) A shelter-care home, **as defined in ORS 418.470**, that is *[subject to ORS 418.625 to 418.645]*
 13 **a certified foster home.**

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

16 **(7) A governmental entity, including the Oregon Youth Authority, that provides care or**
 17 **services to children, regardless of whether the children are in the custody of the Department**
 18 **of Human Services, if:**

19 **(a) The governmental entity is not a child-caring agency; and**

20 **(b) The governmental entity is not a county program, as defined in ORS 418.215.**

21 **SECTION 26.** ORS 418.215 is amended to read:

22 418.215. *[(1) A child-caring agency may not provide or engage in any care or services described in*
 23 *ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 unless the agency is licensed, certified*
 24 *or otherwise authorized to provide or engage in the provision of care or services to a child by the*
 25 *Department of Human Services under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to*
 26 *418.970.]*

27 *[(2) A child-caring agency that provides care or services to a child may not be licensed, certified*
 28 *or authorized under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 unless the*
 29 *agency:]*

30 *[(a) Is duly incorporated under the corporation laws of any state; or]*

31 *[(b) Is a county program.]*

32 **(1) The following children's care or services providers must be licensed, certified or oth-**
 33 **erwise authorized by the Department of Human Services to provide or engage in the pro-**
 34 **vision of care or services described in ORS 418.205 to 418.327, 418.241, 418.470, 418.475 or**
 35 **418.950 to 418.970:**

36 **(a) A private school, private agency, private organization or county program that is:**

37 **(A) A provider of psychiatric day treatment for children;**

38 **(B) A provider of adoption placement services;**

39 **(C) A provider of residential care, including but not limited to foster care or residential**
 40 **treatment for children;**

41 **(D) A provider of residential care in combination with academic education and**
 42 **therapeutic care, including but not limited to treatment for emotional, behavioral or mental**
 43 **health disturbances;**

44 **(E) An outdoor youth program, as defined in ORS 418.246; or**

45 **(F) A provider of other similar care or services for children;**

1 (b) Any private organization or person that provides secure transportation services as
 2 defined in ORS 418.241 during any segment of a child’s trip to or from a child-caring agency,
 3 certified foster home as defined in ORS 418.241 or developmental disabilities residential fa-
 4 cility as defined in ORS 418.241, if the route of the child’s trip begins or ends in this state;

5 (c) A shelter-care home, as defined in ORS 418.470, that is not a certified foster home;

6 (d) An independent residence facility as described in ORS 418.475 that meets the stan-
 7 dards established by the department by rule to be considered a child-caring agency;

8 (e) A private residential boarding school, as defined in ORS 418.327; and

9 (f) A child-caring facility as defined in ORS 418.950.

10 (2) The following providers of care or services to children are not required to be licensed,
 11 certified or otherwise authorized by the department under ORS 418.240:

12 (a) Residential facilities or foster care homes certified or licensed by the department
 13 under ORS 443.400 to 443.455, 443.705 to 443.825, 443.830 and 443.835 for children or adults re-
 14 ceiving developmental disability services;

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

21 (c) A youth job development organization as defined in ORS 344.415;

22 (d) A shelter-care home, as defined in ORS 418.470, that is a certified foster home;

23 (e) A certified foster home;

24 (f) A facility that exclusively serves individuals 18 years of age and older;

25 (g) A facility that primarily serves both adults and children but requires that any child
 26 must be accompanied at all times by at least one custodial parent or guardian;

27 (h) A private organization or person that provides nonemergency medical secure trans-
 28 portation services or nonemergency medical transportation services subject to rules adopted
 29 by the Oregon Health Authority;

30 (i) An ambulance service as defined in ORS 682.025; or

31 (j) A host home described in ORS 417.803.

32 (3) As used in this section, “county program” means any county operated program that
 33 provides care or services to children:

34 (a) In the custody of the department or the Oregon Youth Authority; or

35 (b) Under a contract with the Oregon Health Authority.

36 **SECTION 27.** ORS 418.240 is amended to read:

37 418.240. (1) *[All child-caring agencies shall obtain from the Department of Human Services a li-*
 38 *cence, certificate or other authorization to provide]* **The Department of Human Services shall adopt**
 39 **rules, consistent with this section and ORS 418.215, for the licensing, certification or au-**
 40 **thorization of child-caring agencies to provide or engage in the provision of care or services**
 41 **to children under ORS 418.205 to 418.327, 418.241, 418.470, 418.475 or 418.950 to 418.970. The rules**
 42 **must set forth the** criteria for issuance, renewal, suspension or revocation of, or for placing con-
 43 ditions on, a license, certificate or authorization under this section must:

44 (a) *[Be set forth in rules adopted by the department;]* **Require that the agency be:**

45 (A) **Duly incorporated under the corporation laws of any state;**

1 **(B) A domestic limited liability company or a foreign limited liability company, as those**
2 **terms are defined in ORS 60.001; or**

3 **(C) A county program;**

4 (b) Include the full compliance requirements set forth in subsection (2) of this section; and

5 (c) Include, but *[are]* not **be** limited to, the following:

6 (A) The fitness of the child-caring agency.

7 (B) The employment of capable, trained or experienced staff that meet minimum staffing re-
8 quirements.

9 (C) Sufficient financial backing to ensure effective operations.

10 (D) The probability of permanence in the child-caring agency.

11 (E) The care and services provided to the children served will be in their best interests and that
12 of society.

13 (F) That the child-caring agency is or will be in compliance with the standards of care and
14 treatment established in rules adopted by the department.

15 (2)(a) The department may not issue or renew a license, certificate or other authorization to a
16 child-caring agency unless the department finds the agency is or will be in full compliance with all
17 of the following:

18 (A) The agency ensures child and family rights.

19 (B) The agency complies with abuse reporting and investigation requirements.

20 (C) The agency engages in and applies appropriate behavior management techniques.

21 (D) The agency provides adequate furnishings and personal items for children.

22 (E) The agency provides appropriate food services.

23 (F) The agency ensures the safety of children.

24 (G) The agency utilizes approved procedures and protocols for use of medications for children
25 receiving care or services from the agency.

26 (H) The agency or the agency's employees or agents have not engaged in financial mismanage-
27 ment.

28 (I) The agency fully and timely corrects violations and maintains standards in accordance with
29 any plan of correction imposed by the department.

30 (J) The agency provides access as required under ORS 418.305 to a child or the agency's prem-
31 ises to the department or the department's employees, investigators, court appointed special advo-
32 cates, attorneys for a child or other authorized persons or entities.

33 (K) The agency provides the department with true copies of records relating to incidents in-
34 volving the restraint or involuntary seclusion of children in care as required under ORS 418.526 (2).

35 (b) The department may suspend, revoke or place conditions on a license, certificate or author-
36 ization of a child-caring agency if the department finds the agency is not in full compliance with any
37 one or more of the full compliance requirements listed in paragraph (a) of this subsection.

38 (c) The department must take immediate steps to **place conditions on**, suspend or revoke the
39 license, certificate or other authorization of a child-caring agency, if any of the following are found
40 to exist:

41 (A) There has been the death of a child as a result of abuse or neglect on the part of the agency
42 or any of the agency's employees or agents.

43 (B) There has been sexual or physical abuse or neglect of a child in the agency's care or custody
44 that was known to the *[agency and the agency did not take immediate steps to report the abuse or*
45 *neglect and to ensure the child's safety]* **agency's managers and the agency's managers failed to**

1 **take immediate steps to ensure the child’s safety and to ensure that a report of child abuse**
 2 **was made.**

3 (C) The [agency] **agency’s managers** failed to cooperate fully with any local, state or federal
 4 regulatory entity’s investigation of the agency or the agency’s operations or employees.

5 (D) The [agency] **agency’s managers** failed to provide financial statements as required under
 6 ORS 418.255.

7 (d) If any of the circumstances described in paragraph (c) of this subsection exists, the depart-
 8 ment may immediately place conditions on the license, certificate or authorization of the child-caring
 9 agency prior to a hearing if, consistent with ORS 183.430, the department finds there is a serious
 10 danger to the public health or safety and sets forth specific reasons for such findings.

11 (e) It is grounds to deny issuance or renewal, suspend, revoke or place conditions on a license,
 12 certificate or other authorization if the department becomes aware that a child-caring agency, or the
 13 owner or operator of the agency, has been found by other state or federal entities to have engaged
 14 in financial, civil or criminal misconduct.

15 (3)(a) If the Director of Human Services has taken action under subsection (2)(c) of this section
 16 to suspend or revoke a license, certificate or other authorization, the notice of intent to suspend or
 17 revoke may be rescinded if the director determines that the concerns regarding the health and
 18 safety of the children in the child-caring agency’s care or custody have been ameliorated and any
 19 conditions placed on the license, certificate or other authorization of the child-caring agency have
 20 been resolved.

21 (b) Fourteen days before rescinding a notice of intent to suspend or revoke, the Director of
 22 Human Services must provide written notice regarding the intent to rescind to the Governor. The
 23 notice of intent to rescind is a public record and open for inspection by any person without order
 24 of a court. The notice of intent to rescind must include the following information:

25 (A) The circumstances that led to the notice of intent to suspend or revoke;

26 (B) The actions taken by the child-caring agency, the Department of Human Services, the At-
 27 torney General, the Oregon Youth Authority and the Oregon Health Authority in response to the
 28 circumstances leading to the notice of intent to suspend or revoke;

29 (C) Any penalties, fees or charges made or levied against the child-caring agency; and

30 (D) A complete description of changes that were made at the child-caring agency and the rea-
 31 sons for the determination that the concerns regarding the health and safety of children in the
 32 child-caring agency’s care or custody have been ameliorated or that any conditions placed on the
 33 license, certificate or other authorization of the child-caring agency have been resolved.

34 (c) In making a decision to rescind a notice of intent to suspend or revoke under this subsection,
 35 the decision must be based solely on the health and safety of the children served by the child-caring
 36 agency. Systemwide capacity of the child welfare system may not be considered as an element of the
 37 decision.

38 (d) For three years after a notice of intent to suspend or revoke is rescinded under this sub-
 39 section, the child-caring agency must apply for a renewal of the child-caring agency’s license, cer-
 40 tificate or other authorization on an annual basis.

41 (e) The department must provide the following with copies of a notice of intent to rescind within
 42 five business days of issuing the notice:

43 (A) The Governor; and

44 (B) The committees of the Legislative Assembly relating to child welfare.

45 (4) The department may immediately place conditions on any license, certificate or authorization

1 issued under this section, including but not limited to placing full or partial restrictions on admis-
 2 sion of children, temporary suspension, limitation of operations subject to an intent to revoke and
 3 limitation of operations subject to correction of violations as specified in a plan of correction im-
 4 posed by the department. The department shall immediately notify any state or governmental agency
 5 or unit that has a contract with the child-caring agency to provide care or services to a child, and
 6 the governing board, trustees, owners, managers, operators or other appropriate authorities respon-
 7 sible for the child-caring agency, of conditions placed by the department on the child-caring agency's
 8 license, certificate or authorization under this section.

9 (5) If applicable, an applicant shall submit written proof of compliance with the notification re-
 10 quirements in ORS 336.575.

11 (6) The department may not charge a fee for inspections leading to decisions regarding, and is-
 12 suance of, licenses, certifications or authorizations under this section, but may impose fees to cover
 13 costs of related inspections done for the department by other governmental agencies.

14 (7) Except as provided in subsection (3) of this section, a license, certificate or authorization
 15 issued by the department under this section shall be valid for a period of two years, unless sus-
 16 pended or revoked sooner by the department. However, the department at any time may require
 17 amendments to an existing license, certificate or authorization to accommodate changes in the fac-
 18 tors upon which the issuance was based.

19 (8) When a condition exists that seriously endangers [*or places at risk*] the health, safety or
 20 welfare of a child who is receiving care or services at a child-caring agency:

21 (a) The director shall issue an interim emergency order without notice, or with reasonable no-
 22 tice under the circumstances, requiring the agency to correct the conditions and ensure the safety
 23 of children in the care of the agency. The interim emergency order shall remain in force until a final
 24 order, after a hearing, has been entered in accordance with ORS chapter 183.

25 (b) The director may commence an action to enjoin operation of a child-caring agency:

26 (A) If the agency is being operated without a valid license, certificate or other authorization
 27 issued under this section; or

28 (B) If the agency fails to comply with a plan of correction imposed by the department or to
 29 correct conditions not in conformity with standards as set out in an order issued under paragraph
 30 (a) of this subsection, within the time specified in the order.

31 (9) If the director, the director's designee or the department becomes aware through any means
 32 that a child-caring agency, or an owner, operator or employee of a child-caring agency, is the sub-
 33 ject of an investigation by another state agency, law enforcement agency or federal agency, the di-
 34 rector or director's designee shall [*take immediate steps to cause an investigation to take place into*
 35 *the circumstances surrounding the investigation and whether there is a threat to a child, or whether*
 36 *a child is at risk, at the child-caring agency. Upon determination of the level of threat or risk to chil-*
 37 *dren at the agency, the director shall take appropriate steps to protect and ensure the health, safety and*
 38 *welfare of children as necessary under the circumstances. Failure to comply with the requirements of*
 39 *this subsection constitutes grounds for a charge of official misconduct in the second degree under ORS*
 40 *162.405.*] **take immediate steps to assess the circumstances surrounding the investigation. If**
 41 **the director or the director's designee determines that a condition exists that seriously en-**
 42 **dangers the health, safety or welfare of a child who is receiving care or services at a child-**
 43 **caring agency, the director or the director's designee shall take appropriate steps to protect**
 44 **and ensure the health, safety and welfare of children as necessary under the circumstances.**
 45 **Intentional violation of the requirements of this subsection constitutes official misconduct**

1 **in the second degree under ORS 162.405.**

2 (10) If the Department of Justice or Bureau of Labor and Industries commences an investigation
 3 of a child-caring agency or an owner, operator or employee of a child-caring agency, the Department
 4 of Justice or Bureau of Labor and Industries shall notify, inform and regularly update the director,
 5 the director's designee or such other personnel in the Department of Human Services designated to
 6 receive such information regarding the investigation. The director and the department shall imme-
 7 diately undertake the responsive action required by subsection (9) of this section upon receiving
 8 such notification. **Intentional** interference with, discouragement of or impediment to the receipt of
 9 the notification, information and updates required under this subsection constitutes official miscon-
 10 duct in the second degree under ORS 162.405.

11 (11) The Department of Human Services shall adopt rules to implement the provisions of this
 12 section.

13 **SECTION 28.** ORS 418.248 is amended to read:

14 418.248. (1) A child-caring agency may certify a proctor foster home as a provider of care or
 15 services for children, **regardless of whether the children are in the custody of the Department**
 16 **of Human Services, provided the proctor foster home is not required to be licensed by the**
 17 **department under ORS 418.215.** The child-caring agency may not certify a proctor foster home
 18 under this section unless the child-caring agency determines that the proctor foster home meets
 19 minimum standards as established by rules adopted by the Department of Human Services or the
 20 Oregon Youth Authority, as applicable. The determination that a proctor foster home meets mini-
 21 mum standards and the certification by the child-caring agency must take place before placement
 22 of a child in the proctor foster home.

23 (2)(a) Prior to certification as a proctor foster home, an applicant shall provide the department
 24 or the youth authority, as applicable, and the child-caring agency with a release of information or
 25 other authorization sufficient to enable the department or the youth authority to release to the
 26 child-caring agency information about whether there is an ongoing investigation involving the ap-
 27 plicant, or a finding of substantiated allegations of abuse or neglect by the applicant, related to a
 28 vulnerable person, including but not limited to a child, elderly person, person with a disability or
 29 person residing in a long term care facility as defined in ORS 442.015, a residential facility as de-
 30 fined in ORS 443.400, including but not limited to an assisted living facility, or an adult foster home
 31 as defined in ORS 443.705. Within 30 days of receipt of a release or authorization under this para-
 32 graph, the department or the youth authority shall provide the child-caring agency with information
 33 regarding ongoing investigations involving, or substantiated allegations of abuse or neglect against,
 34 the applicant.

35 (b) In addition to the requirements of paragraph (a) of this subsection, an applicant must disclose
 36 in writing to the department or the youth authority, as applicable, and the child-caring agency any
 37 criminal conviction, imposition of a restraining or protective order against the applicant or abuse
 38 or neglect investigation of the applicant related to a vulnerable person as described in paragraph
 39 (a) of this subsection.

40 (3) If a decision is made not to certify a proctor foster home under this section for reasons re-
 41 lated to an ongoing investigation involving the applicant, or findings of substantiated allegations of
 42 abuse or neglect by an applicant, the child-caring agency shall disclose to the applicant the reasons
 43 for the denial of certification.

44 (4) The department and the youth authority shall adopt rules to implement the provisions of this
 45 section.

SECTION 29. ORS 418.255 is amended to read:

418.255. (1) The Department of Human Services shall inspect and supervise all child-caring agencies subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 as provided in this section.

(2) Inspections of the premises of a child-caring agency shall occur no less frequently than once per year and shall be made at unexpected times, with irregular intervals between inspections and without previous notice to the agency. Inspections under this subsection shall be limited to premises where children reside and receive care or services from employees or staff who do not reside on the premises.

(3)(a) Except as provided in paragraph (c) of this subsection, a child-caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 that has annual revenues in excess of \$1 million shall provide the Department of Human Services, at such times as the department specifies by rule, with annual financial statements that have been audited by an independent certified public accountant and a tax compliance certificate issued by the Department of Revenue.

(b) Except as provided in paragraph (c) of this subsection, a child-caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 that has annual revenues of \$1 million or less shall provide the Department of Human Services, upon request or at such times as the department specifies by rule, with financial statements that have been reviewed by an independent certified public accountant and a tax compliance certificate issued by the Department of Revenue.

(c) A child-caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 that provides [*adoption placement*] services but does not provide care to a child and does not receive public funds shall provide the Department of Human Services, upon request or at such times as the department specifies by rule, with a tax compliance certificate issued by the Department of Revenue.

(d) Information in financial statements and tax compliance certificates submitted to the Department of Human Services under this subsection is a public record and open for inspection by any person without order of a court.

(e) The Department of Revenue shall adopt rules to implement the provisions of this subsection pertaining to tax compliance certificates.

(4) The Department of Human Services may conduct an audit, including a forensic audit, of any child-caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 to determine compliance with ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970. The department may, upon request at any time, inspect and audit the books and records, including but not limited to financial records, of the agency. An audit or inspection under this subsection shall be at the expense of the department.

(5) Failure to permit an inspection, whether of the premises or of the books and records of the child-caring agency, or failure to provide the financial statements, as required by this section is grounds for the immediate suspension or revocation of a license, certificate or authorization under ORS 418.240 and for the denial of issuance of a license, certificate or other authorization by the Department of Human Services.

(6) The Department of Human Services may advise the operators, owners and employees of child-caring agencies subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 in regard to approved methods of child care, recommended housing and equipment and appropriate methods to maintain adequate records of operations.

(7) In addition to advice provided under subsection (6) of this section, the Department of Human

1 Services shall provide training regarding appropriate ethnic hair and skin care for children of
 2 African-American, Hispanic, Native American, Asian-American or multiracial descent to:

3 (a) Child-caring agencies;

4 (b) Persons providing treatment, care or services under the supervision of a child-caring agency;

5 and

6 (c) Prospective adoptive parents of a child in foster care.

7 (8) The Department of Human Services shall adopt rules to implement the provisions of this
 8 section.

9 **SECTION 30.** ORS 418.256 is amended to read:

10 418.256. (1) A child-caring [agency] **agency's managers** may not [interfere with] **attempt to**
 11 **prevent** the good faith disclosure of information by an employee or volunteer concerning the abuse
 12 [or mistreatment] of a child in the care of the child-caring agency, violations of licensing or certi-
 13 fication requirements, criminal activity at the child-caring agency, violations of state or federal laws
 14 or any practice that threatens the health and safety of a child in the care of the child-caring agency
 15 to:

16 (a) The Department of Human Services, a law enforcement agency or other entity with legal or
 17 regulatory authority over the child-caring agency; or

18 (b) A family member, guardian or other person who is acting on behalf of the child.

19 (2) A child-caring [agency interferes with] **agency's managers attempt to prevent** the disclo-
 20 sure of the information described in subsection (1) of this section by:

21 (a) Asking or requiring the employee or volunteer to sign a nondisclosure or similar agreement
 22 prohibiting the employee or volunteer from disclosing the information;

23 (b) Training [an] **the** employee or volunteer not to disclose the information; [or]

24 (c) Taking actions or communicating to the employee or volunteer that the employee or volun-
 25 teer may not disclose the information; **or**

26 **(d) Taking any other action with the intent to dissuade the employee or volunteer from**
 27 **making a good faith disclosure of the information.**

28 (3) The department may revoke or suspend the license, certification or authorization of a child-
 29 caring agency that is found to have violated subsection (1) of this section.

30 (4) The department shall adopt rules to carry out the provisions of this section.

31 (5) This section does not authorize the disclosure of:

32 (a) Protected health information, as defined in ORS 192.556, other than as is permitted by the
 33 federal Health Insurance Portability and Accountability Act privacy regulations, 45 C.F.R. parts
 34 160 and 164, ORS 192.553 to 192.581 or by other state or federal laws limiting the disclosure of
 35 health information; or

36 (b) Information protected under ORS 419A.255 and 419A.257.

37 **SECTION 31.** ORS 418.258 is amended to read:

38 418.258. (1) When the Department of Human Services [*becomes aware of a report of suspected*
 39 *child abuse of a child in care, whether in the form of an allegation, complaint or formal report made*
 40 *under this section, and whether made directly to the Director of Human Services, the department or*
 41 *an employee of the department, to the centralized child abuse reporting system described in ORS*
 42 *418.190, through the mandatory abuse reporting process set forth in ORS 419B.005 to 419B.050 or*
 43 *otherwise]* **receives, through the centralized child abuse reporting system described in ORS**
 44 **418.190, a report of abuse of a child in care by an employee, operator, contractor, agent or**
 45 **volunteer of a child-caring agency, developmental disabilities residential facility, adjudicated**

1 **youth foster home, certified foster home or proctor foster home or any other person re-**
 2 **sponsible for the provision of care or services to a child in care,** the department shall imme-
 3 diately:

4 (a) Notify appropriate personnel within the department **or the Oregon Youth Authority,** in-
 5 cluding but not limited to employees responsible for licensing, certifying or authorizing child-caring
 6 agencies, **adjudicated youth foster homes,** certified foster homes and developmental disabilities
 7 residential facilities.

8 (b) Notify any governmental agency that has a contract with the child-caring agency, **adjudi-**
 9 **cated youth foster home,** certified foster home or developmental disabilities residential facility to
 10 provide care or services to the child in care.

11 (c) Notify the placement authorities of any other state that retains jurisdiction over a child in
 12 care receiving care or services from the child-caring agency, **adjudicated youth foster home,** cer-
 13 tified foster home or developmental disabilities residential facility.

14 (d) Commence an investigation to determine whether the report of suspected abuse is substan-
 15 tiated, unsubstantiated or inconclusive under ORS 418.259 if:

16 (A) The reported abuse occurred in this state;

17 (B) The reported abuse occurred in any other state and involves a child in care placed by the
 18 department in an out-of-state child-caring agency; or

19 (C) The reported abuse occurred in any other state and the department reasonably believes that
 20 the reported abuse poses a danger to the health, safety or wellness of a child in care placed by the
 21 department in an out-of-state child-caring agency.

22 (e) Report to a law enforcement agency any crime that the department has reason to believe
 23 has occurred with respect to a child in care or at a child-caring agency, proctor foster home, **ad-**
 24 **judicated youth foster home,** certified foster home or developmental disabilities residential facility
 25 even if the suspected crime is not related to a report of abuse made under this section.

26 (2)(a) As a condition for issuance or renewal of a license, certificate or authorization to a
 27 child-caring agency, **adjudicated youth foster home,** certified foster home or developmental disa-
 28 bilities residential facility, the department **or the Oregon Youth Authority** shall require and verify
 29 that the child-caring agency, **adjudicated youth foster home,** certified foster home or develop-
 30 mental disabilities residential facility has procedures and protocols that:

31 (A) Require employees of the child-caring agency, a proctor foster home certified by the child-
 32 caring agency, **the adjudicated youth foster home,** the certified foster home or the developmental
 33 disabilities residential facility to immediately report suspected abuse of a child in care to the [*di-*
 34 *rector, the director's designee or personnel within the department who have been specifically designated*
 35 *to receive reports of abuse of children in care*] **centralized child abuse reporting system described**
 36 **in ORS 418.190;**

37 (B) Mandate that the child-caring agency, **adjudicated youth foster home,** certified foster
 38 home or developmental disabilities residential facility provide an annual training and written mate-
 39 rials that include information about the centralized child abuse reporting system described in ORS
 40 418.190, and that the agency, home or facility advise and educate employees of the child-caring
 41 agency and any proctor foster home certified by the child-caring agency, of the certified foster home
 42 or of the developmental disabilities residential facility of the duty under this section and ORS
 43 419B.005 to 419B.050 to report abuse of a child in care; and

44 (C) Inform employees of child-caring agencies, proctor foster homes, **adjudicated youth foster**
 45 **homes,** certified foster homes and developmental disabilities residential facilities that the duty to

1 report abuse of a child in care is personal to the employee and that the duty is not fulfilled by re-
 2 porting the abuse to the owner, operator or any other employee of the child-caring agency, proctor
 3 foster home, **adjudicated youth foster home**, certified foster home or developmental disabilities
 4 residential facility even if the owner, operator or other employee reports the abuse of a child in care
 5 to the director, the director's designee or the department.

6 (b) A child-caring agency, **adjudicated youth foster home**, certified foster home or develop-
 7 mental disabilities residential facility need not develop and maintain procedures and protocols or
 8 provide an annual training and written materials under paragraph (a) of this subsection if the
 9 agency, home or facility does not have any employees, staff or volunteers.

10 (3) Interference or hindering an investigation of abuse of a child in care, including but not lim-
 11 ited to the intimidation of witnesses, falsification of records or denial or limitation of interviews
 12 with the child in care who is the subject of the investigation or with witnesses, may constitute
 13 grounds for the revocation, suspension or placing of conditions on the license, certificate or other
 14 authorization of a child-caring agency, proctor foster home, **adjudicated youth foster home**, certi-
 15 fied foster home or developmental disabilities residential facility.

16 (4)(a) Anyone, including but not limited to an employee of a child-caring agency, proctor foster
 17 home, **adjudicated youth foster home**, certified foster home or developmental disabilities residen-
 18 tial facility, who makes a report of suspected abuse of a child in care [*to the Governor, the Depart-*
 19 *ment of Justice, the Director of Human Services, the director's designee or the department*] under this
 20 section **to the centralized child abuse reporting system described in ORS 418.190** in good faith
 21 and who has reasonable grounds for the making of the report shall have immunity:

22 (A) From any liability, civil or criminal, that might otherwise be incurred or imposed with re-
 23 spect to the making or content of such report;

24 (B) From disciplinary action taken by the person's employer; and

25 (C) With respect to participating in any judicial proceeding resulting from or involving the re-
 26 port.

27 (b) A person making a report under this section may include references to otherwise confidential
 28 information for the sole purpose of making the report, and any such disclosure must be protected
 29 from further disclosure to other persons or entities for any other purpose not related to the making
 30 of the report.

31 **SECTION 32.** ORS 418.259 is amended to read:

32 418.259. (1) The investigation conducted by the Department of Human Services under ORS
 33 418.258 must result in one of the following findings:

34 (a) That the report is substantiated. A report is substantiated when there is reasonable cause
 35 to believe that the abuse of a child in care occurred.

36 (b) That the report is unsubstantiated. A report is unsubstantiated when there is no evidence
 37 that the abuse of a child in care occurred.

38 (c) That the report is inconclusive. A report is inconclusive when there is some indication that
 39 the abuse occurred but there is insufficient evidence to conclude that there is reasonable cause to
 40 believe that the abuse occurred.

41 (2) When a report is received under ORS 418.258 alleging that a child in care may have been
 42 subjected to abuse, the department shall notify the case managers for the child, the attorney for the
 43 child, the child's court appointed special advocate, the parents or guardians of the child, any attor-
 44 ney representing a parent or guardian of the child and any governmental agency that has a contract
 45 with the child-caring agency or developmental disabilities residential facility to provide care or

1 services to the child that a report has been received.

2 (3)(a) The department may interview the child in care who is the subject of suspected abuse and
 3 any witnesses, including other children, without the presence of employees of the child-caring
 4 agency, proctor foster home or developmental disabilities residential facility, the provider of services
 5 at a certified foster home **or adjudicated youth foster home** or department personnel. The de-
 6 partment shall inform the child in care that the child may have the child’s parent or guardian, if the
 7 child has not been committed to the custody of the department or the Oregon Youth Authority, or
 8 attorney present when participating in an interview conducted in the course of an abuse investi-
 9 gation.

10 (b) When investigating an allegation of *[inappropriate use of restraint or involuntary seclusion]*
 11 **wrongful restraint or wrongful seclusion, as those terms are described in section 1 of this**
 12 **2025 Act**, the department shall:

13 (A) Conduct the interviews described in paragraph (a) of this subsection;

14 (B) Review all relevant incident reports related to the child in care and other reports related
 15 to the restraint or involuntary seclusion of the child in care;

16 (C) Review any audio, video or photographic recordings of the restraint or involuntary seclusion,
 17 including the circumstances immediately before and following the incident;

18 (D) During an interview with the child in care who is the subject of the suspected abuse, ask
 19 the child about whether they experienced any reportable injury or pain as a result of the restraint
 20 or involuntary seclusion;

21 (E) Review the training records related to all of the individuals who were involved in the use
 22 of restraint or involuntary seclusion; and

23 (F) Make all reasonable efforts to conduct trauma-informed interviews of each child witness,
 24 including the child in care who is the subject of suspected abuse unless the investigator makes a
 25 specific determination that the interview may significantly traumatize the child and is not in the
 26 best interests of the child.

27 (4) The department shall notify the following when a report of abuse is substantiated:

28 (a) The Director of Human Services.

29 (b) Personnel in the department responsible for the licensing, certificate or authorization of
 30 child-caring agencies.

31 (c) The department’s lead personnel in that part of the department that is responsible for child
 32 welfare generally.

33 (d) With respect to the child in care who is the subject of the abuse report and investigation,
 34 the case managers for the child, the attorney for the child, the child’s court appointed special ad-
 35 vocate, the parents or guardians of the child, any attorney representing a parent or guardian of the
 36 child and any governmental agency that has a contract with the child-caring agency to provide care
 37 or services to the child.

38 (e) The parents or guardians of the child in care who is the subject of the abuse report and in-
 39 vestigation if the child in care has not been committed to the custody of the department or the
 40 youth authority. Notification under this paragraph may not include any details or information other
 41 than that a report of abuse has been substantiated.

42 (f) Any governmental agency that has a contract with the child-caring agency to provide care
 43 or services to a child in care.

44 (g) The local citizen review board established by the Judicial Department under ORS 419A.090.

45 (5) The department shall report on a quarterly basis to the interim legislative committees on

1 child welfare for the purposes of public review and oversight of the quality and safety of child-caring
 2 agencies, **adjudicated youth foster homes**, certified foster homes and developmental disabilities
 3 residential facilities that are licensed, certified or authorized by the department in this state and
 4 of proctor foster homes that are certified by the child-caring agencies. Information provided in re-
 5 ports under this subsection may not contain the name or any identifying information of a child in
 6 care but must contain all of the following:

7 (a) *[The name of any child-caring agency, including an out-of-state child-caring agency, proctor*
 8 *foster home or developmental disabilities residential facility, or, provided there are five or more certi-*
 9 *fied foster homes in the county, the name of the county where a certified foster home is located, where*
 10 *the]* **If the** department conducted an investigation pursuant to ORS 418.258 that resulted in a finding
 11 **during that quarter** that the report of abuse was substantiated *[during that quarter]* **or an inves-**
 12 **tigation under ORS 419B.019 that resulted in a finding during that quarter that the report**
 13 **of wrongful restraint or wrongful seclusion was founded:**

14 (A) **The name of any child-caring agency, including an out-of-state child-caring agency,**
 15 **proctor foster home or developmental disabilities residential facility where the investigation**
 16 **was conducted;**

17 (B) **The name of the county in which a certified foster home is located if the investigation**
 18 **involved the certified foster home and there are five or more certified foster homes in the**
 19 **county; or**

20 (C) **The name of the county in which an adjudicated youth foster home is located if the**
 21 **investigation involved the adjudicated youth foster home and there are five or more adjudi-**
 22 **cated youth foster homes in the county;**

23 (b) The approximate date that the abuse occurred;

24 (c) The nature of the abuse and a brief narrative description of the abuse that occurred;

25 (d) *[Whether the abuse resulted in a reportable injury, sexual abuse or death]* **Whether the abuse**
 26 **resulted in the death of a child in care, as described in ORS 418.240 (2)(c);**

27 (e) **Whether sexual or physical abuse or neglect was known to the agency's managers and**
 28 **the agency's managers failed to make a reasonable effort to protect the child in care from**
 29 **abuse;**

30 *[(e)]* (f) Corrective actions taken or ordered by the department and the outcome of the corrective
 31 actions; and

32 *[(f)]* (g) Information the department received in that quarter regarding any substantiated
 33 allegations of child abuse made by any other state involving a congregate care residential setting,
 34 as defined in ORS 418.322, in which the department has placed Oregon children.

35 (6) The department's quarterly report under subsection (5) of this section must also contain all
 36 of the following:

37 (a) The total number of restraints used in programs that quarter;

38 (b) The total number of programs that reported the use of restraints of children in care that
 39 quarter;

40 (c) The total number of individual children in care who were placed in restraints by programs
 41 that quarter;

42 (d) The number of reportable injuries to children in care that resulted from those restraints;

43 (e) The number of incidents in which an individual who was not appropriately trained in the use
 44 of the restraint used on a child in care in a program; and

45 (f) The number of incidents that were reported for potential inappropriate use of restraint.

1 (7) In compiling records, reports and other information during an investigation under ORS
 2 418.258 (1) and in issuing findings, letters of concern or reprimands, the Director of Human Services
 3 or the director's designee and the department may not refer to the employee, person or entity that
 4 is the subject of the investigation as an "alleged perpetrator" but must refer to the employee, person
 5 or entity as the "respondent."

6 (8) As used in this section, "program," "reportable injury" and "restraint" have the meanings
 7 given those terms in ORS 418.519.

8 **SECTION 33.** ORS 418.260 is amended to read:

9 418.260. (1) If the Department of Human Services receives a report or otherwise becomes aware
 10 that any suspected or founded abuses, deficiencies, violations or failures to comply with the full
 11 compliance requirements described in ORS 418.240 are occurring in a child-caring agency, whether
 12 as a part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the department shall
 13 immediately notify appropriate personnel within the department, including but not limited to em-
 14 ployees responsible for licensing, certifying or authorizing child-caring agencies, who shall [*investi-*
 15 *gate and*] **assess the circumstances and** take appropriate action without undue delay, with primary
 16 concern given to the health, safety and welfare of the children for whom the child-caring agency is
 17 responsible. The department may notify law enforcement agencies as necessary to coordinate and
 18 assist in the [*investigation*] **assessment** and enforcement of corrective actions undertaken by the
 19 department. If the child-caring agency is known or found to serve children also served by the
 20 Oregon Youth Authority, county juvenile departments or developmental disabilities services within
 21 the department, the department shall notify those entities of the report or suspected or founded
 22 abuses, deficiencies, violations or failures.

23 (2) If the department finds[, *after investigation by the department or law enforcement agencies,*]
 24 that the abuses, deficiencies, violations or failures to comply [*are founded*] **occurred**, the department
 25 may suspend, revoke or place conditions on the license, certificate or other authorization of the
 26 child-caring agency. The conditions placed on a license, certificate or authorization may include, but
 27 are not limited to, placing full or partial restrictions on admission of children, temporary suspension,
 28 limitation of operations subject to an intent to revoke or limitation of operations subject to cor-
 29 rection of violations as specified in a plan of correction. If the department imposes a plan of cor-
 30 rection, and the corrections are not made within 45 days from the effective date of the plan of cor-
 31 rection, the department may immediately suspend or revoke the license, certificate or authori-
 32 zation of the child-caring agency. The department shall immediately notify any governmental agency
 33 that has a contract with the child-caring agency to provide care or services to a child of any sus-
 34 pension or revocation of, or conditions placed on, the license, certificate or other authorization of
 35 the child-caring agency.

36 (3) If the department determines at any time [*during or after an investigation that the abuses,*
 37 *deficiencies, violations or failures to comply are or threaten a serious danger to any child or to the*
 38 *public, or place a child at risk with respect to the child's health, safety or welfare,*] **that the abuses,**
 39 **deficiencies, violations or failures to comply seriously endanger the health, safety or welfare**
 40 **of any child or the public, or threaten to do so**, the department may immediately suspend or re-
 41 voke the child-caring agency's license, certificate or authorization, subject to the provisions of ORS
 42 chapter 183. The department shall immediately notify any governmental agency that has a contract
 43 with the child-caring agency to provide care or services to a child of any suspension or revocation
 44 of the license, certificate or other authorization of the child-caring agency under this subsection and
 45 of any conditions placed on the child-caring agency's license, certificate or authorization pursuant

1 to ORS 418.240. The department shall immediately report the alleged deficiencies or violations to the
 2 governmental agency and the governing board responsible for the oversight of the child-caring
 3 agency.

4 (4) If the department determines that the abuses, deficiencies, violations or failures to comply
 5 *[are founded]* **occurred** and the department imposes a plan of correction that the child-caring agency
 6 does not comply with in the time allotted for correction, the department shall immediately notify the
 7 following of the failure of the child-caring agency to comply with the plan of correction:

8 (a) The Legislative Assembly or the interim committees of the Legislative Assembly relating to
 9 child welfare.

10 (b) Members of the governing board responsible for the child-caring agency.

11 (c) Any governmental agency that has a contract with the child-caring agency to provide care
 12 or services to a child.

13 (5)(a) Any employee of the department that has reasonable cause to believe that a child-caring
 14 agency has *[committed an abuse or]* incurred a deficiency or violation, or that grounds for immediate
 15 suspension or revocation of a license, certificate or authorization exist under ORS 418.240, and that
 16 such *[abuse,]* deficiency, violation or grounds is or threatens a danger to any child at the child-
 17 caring agency or to the public, or places a child at risk with respect to the child's health, safety
 18 or welfare, is required to immediately inform the *[Director of Human Services, the director's designee*
 19 *or such other personnel in the department designated to receive such information]* **department em-**
 20 **ployees who are responsible for licensing, certifying or authorizing child-caring agencies.**
 21 Upon receipt of an employee report under this subsection, the director and department personnel
 22 shall immediately *[commence an investigation and]* take all reasonably prudent and necessary actions
 23 to ensure the health, safety and welfare of children at the child-caring agency. *[Failure to commence*
 24 *an investigation and take actions as required by this subsection constitutes official misconduct in the*
 25 *second degree under ORS 162.405.]* **Intentional violation of the requirements of this subsection**
 26 **constitutes official misconduct in the second degree under ORS 162.405.**

27 (b) **An employee's duty to report under this subsection is in addition to, and not in lieu**
 28 **of, the employee's duty to report suspected abuse under ORS 419B.010.**

29 **SECTION 34.** ORS 418.327 is amended to read:

30 418.327. (1) Upon finding that the facilities and operation of a private residential boarding school
 31 meet the standards of the Department **of Human Services** for the physical health, care and safety
 32 of the children, the department shall issue a license to operate the school. The license shall be valid
 33 for a period of two years, unless sooner suspended or revoked by the department pursuant to the
 34 provisions of ORS 418.240. However, the department at any time may require amendments to an
 35 existing license to accommodate changes in the factors upon which the issuance was based.

36 (2) The department may not charge a fee for inspections leading to decisions regarding, and is-
 37 suance of, licenses under this section, but may charge fees to cover costs of inspections done by
 38 other governmental agencies for the department.

39 (3) The department may place conditions on any license issued under this section in accordance
 40 with the provisions of ORS 418.240, including but not limited to placing full or partial restrictions
 41 on admission of children, temporary suspension, limitation of operations subject to an intent to re-
 42 voke and limitation of operations subject to correction of violations as specified in a plan of cor-
 43 rection imposed by the department.

44 (4) No person or organization shall operate a private residential boarding school without having
 45 a current, valid license issued by the department.

1 (5) Any person, including the Director of Human Services, may file a complaint with the de-
 2 partment alleging that children attending a private residential boarding school, or that children
 3 within the control of any other organization that provides boarding or residential programs, are not
 4 receiving shelter, food, guidance, training or education necessary to the health, safety, welfare or
 5 social growth of the children or necessary to serve the best interests of society.

6 (6) The department shall immediately investigate complaints made under subsection (5) of this
 7 section in the manner provided under ORS 418.205 to 418.327.

8 (7) The Superintendent of Public Instruction shall cooperate with the department upon request
 9 by advising the department as to whether or not the educational program conducted at the private
 10 residential boarding school meets minimum standards required of public educational institutions.

11 (8) Nothing in this section applies to public or private institutions of higher education, commu-
 12 nity colleges, common or union high school districts that provide board and room in lieu of trans-
 13 portation or any other child-caring program already subject to state licensing procedures by any
 14 agency of this state.

15 (9) **As used in this section, “private residential boarding school” means:**

16 (a) **A private school providing residential care in combination with academic therapeutic**
 17 **care, including but not limited to treatment for emotional, behavioral or mental health dis-**
 18 **turbances; or**

19 (b) **A private school providing residential care that is primarily engaged in educational**
 20 **work.**

21 **SECTION 35.** ORS 418.995 is amended to read:

22 418.995. In imposing a penalty pursuant to ORS 418.992, the Director of Human Services shall
 23 consider the following factors:

24 (1) The past history of the child-caring agency incurring a penalty in taking all feasible steps
 25 or procedures necessary or appropriate to correct any violation.

26 (2) Any prior violations of statutes or rules pertaining to child-caring agencies.

27 (3) The economic and financial conditions of the child-caring agency incurring the penalty.

28 (4) The immediacy and extent to which the violation [*threatens or places at risk the health, safety*
 29 *and well-being of the children*] **seriously endangers the health, safety or welfare of a child or**
 30 **the public, or threatens to do so.**

31
 32 **OUT-OF-STATE PLACEMENTS OF CHILDREN**

33
 34 **SECTION 36.** ORS 418.321 is amended to read:

35 418.321. (1) **Except as provided in subsection (7) of this section and** subject to ORS 418.322,
 36 the Department of Human Services may place a child in an out-of-state child-caring agency only if:

37 (a) The out-of-state child-caring agency is licensed **by the department under ORS 418.240** to
 38 provide or engage in the provision of care or services [*by the department*] under ORS 418.205 to
 39 418.327 and complies with the licensing requirements under ORS 418.215 **and 418.240**;

40 (b) The department has a current contract with the child-caring agency; and

41 (c) The department’s contract with the child-caring agency meets the criteria under subsection
 42 (3) of this section.

43 (2)(a) The department shall license an out-of-state child-caring agency pursuant to the same
 44 licensure requirements the department would impose if the out-of-state child-caring agency was lo-
 45 cated in this state.

1 (b) Notwithstanding paragraph (b) of Article V of the Interstate Compact on the Placement of
2 Children and ORS 417.230, the department may not delegate the department's licensing, visitation,
3 inspection, investigation or supervision of an out-of-state child-caring agency licensed by the de-
4 partment to provide care or services to an Oregon child **unless the out-of-state child-caring**
5 **agency is an adoption agency or foster care agency, or a provider of similar services, utilized**
6 **for the purpose of placements in compliance with paragraph (b) of Article V of the Interstate**
7 **Compact on the Placement of Children and ORS 417.230.**

8 (3)(a) The department shall review the department's contract with an out-of-state child-caring
9 agency prior to placing a child with the child-caring agency.

10 (b) The contract must, at a minimum, meet the following criteria:

11 (A) At the time the contract is executed, the child-caring agency must provide the department
12 with a current list of every entity for which the child-caring agency is providing placement services.

13 (B) No later than 15 days after accepting placement of a child from a new entity, the child-
14 caring agency must notify the department in writing of the child-caring agency's association with
15 the new entity. The notice must include the name and contact information of the new entity and the
16 name and contact information of an individual associated with the new entity.

17 (C) The child-caring agency must make mandatory reports of child abuse, as defined in ORS
18 418.257 and 419B.005, involving Oregon children both to the centralized child abuse reporting system
19 described in ORS 418.190 and as required under the laws of the state in which the child-caring
20 agency is located.

21 (D) The child-caring agency must allow the department full access to the child-caring agency's
22 facilities, residents, records and personnel as necessary for the department to conduct child abuse
23 investigations and licensing activities or investigations.

24 (E) The child-caring agency must notify the department in writing no later than three business
25 days after any state determines that an allegation of child abuse or a license violation involving the
26 child-caring agency is founded, regardless of whether the child abuse or violation involves an
27 Oregon child.

28 (F) The child-caring agency must notify the department in writing no later than three business
29 days after the child-caring agency receives notice from any other state imposing a restriction on
30 placement of children with the child-caring agency, suspending or revoking the child-caring agency's
31 license with that state or indicating the state's intent to suspend or revoke the child-caring agency's
32 license with that state.

33 (G) The child-caring agency must notify the department immediately, verbally and in writing:

34 (i) Any time a child from any state who is in the care of the child-caring agency dies, is sexually
35 assaulted or suffers serious physical injury, **as defined in ORS 161.015**; or

36 (ii) When the child-caring agency becomes aware of any criminal investigation, arrest or crimi-
37 nal charges involving an agency staff member if the alleged offense involved a child or could have
38 reasonably posed a risk to the health, safety or welfare of a child.

39 (H) Except with respect to protected information described in ORS 418.256 (5), the child-caring
40 agency may not ask or require an employee or volunteer to sign a nondisclosure or other agreement
41 prohibiting the employee or volunteer from the good faith disclosure of information concerning the
42 abuse or mistreatment of a child who is in the care of the child-caring agency, violations of licensing
43 or certification requirements, criminal activity at the child-caring agency, violations of state or
44 federal laws or any practice that threatens the health and safety of a child in the care of the
45 child-caring agency.

1 (I) The child-caring agency must ensure staffing ratio and staff training and education require-
2 ments that meet, at a minimum, the standards set by the department by rule for intensive behavioral
3 support services.

4 (J) The child-caring agency must meet all of the program, discipline, behavior support, super-
5 vision and child rights requirements adopted by the department by rule for behavioral rehabilitation
6 services provided in this state.

7 (K) The child-caring agency may not practice conversion therapy, as defined in ORS 675.850.

8 (L) The child-caring agency must identify a child by the child's preferred name and pronouns
9 and may not implement a dress code that prohibits or requires clothing on the basis of biological
10 sex.

11 (M) Genetic testing, including testing for psychopharmacological purposes, must be approved by
12 a court and may not be included as a standing order for a child in care.

13 (N) Neither the child-caring agency nor its contractors or volunteers may use chemical or me-
14 chanical restraints on a child, including during secure transport.

15 (O) The child-caring agency must ensure that the use of any psychotropic medications for a child
16 placed with the child-caring agency by the department is in compliance with ORS 418.517 and any
17 rules regarding psychotropic medications adopted by the department.

18 (4) The department shall develop rules outlining a process for review of the out-of-state place-
19 ment of a child who is identified as a child with an intellectual or developmental disability or who
20 is suspected of having an intellectual or developmental disability. At a minimum, the rules must:

21 (a) Identify a process for expediting review of the child's eligibility for developmental disability
22 services.

23 (b) Require that a multidisciplinary review team, including administrators in the developmental
24 disability services program, review the placement before the child is placed out-of-state.

25 (c) Require that a multidisciplinary team, including administrators in the developmental disa-
26 bility services program, monitor the progress of the child in the out-of-state placement.

27 (d) Require that contracts for placement of the child ensure that the child has the same rights
28 and protections that the child would have if the child was placed in this state.

29 (5)(a) A department child welfare services employee must accompany a child who is placed in
30 an out-of-state child-caring agency any time the child is transported to an initial out-of-state place-
31 ment, any time the child is moved to a new placement and any time the child is moved by secure
32 transport.

33 (b) Notwithstanding paragraph (a) of this subsection, if a child placed in an out-of-state child-
34 caring agency requires secure transport from the out-of-state placement due to an emergency, a de-
35 partment child welfare services employee is not required to accompany the child if the time it would
36 take for the employee to travel to the child's out-of-state location would pose a risk to the health,
37 safety or welfare of the child. If a department child welfare services employee does not accompany
38 a child transported to an alternate out-of-state placement, as provided in this paragraph, the child
39 welfare services employee must immediately travel to meet the child at the new out-of-state facility.

40 (6)(a) As used in this subsection, "juvenile offender" means a person under 18 years of age who
41 has or is alleged to have committed an act that is a violation, or, if done by an adult, would con-
42 stitute a violation, of a law or ordinance of the United States or a county or city in this state.

43 (b) Except as provided in paragraph (c) of this subsection, the department may not place a child
44 in an out-of-state child-caring agency if the child-caring agency provides care to juvenile offenders.

45 (c) The department may place a child in an out-of-state child-caring agency that provides care

1 to juvenile offenders if:

2 (A) The child-caring agency is a qualified residential treatment program licensed by the de-
3 partment;

4 (B) The child-caring agency maintains site-specific accreditation from a nationally recognized
5 organization;

6 (C) The child being placed is a juvenile offender; and

7 (D) Prior to the hearing to approve the placement, the court and all parties to the dependency
8 case have been informed of the nature of the services offered by the program and of the population
9 served by the program, and the court, having considered the nature of the services and composition
10 of the facility population and the report of the qualified individual, has found that placement in the
11 facility is the least restrictive setting available to appropriately meet the child's treatment needs.

12 **(7)(a) Notwithstanding ORS 418.322, the department may place a child in an out-of-state**
13 **placement without requiring the placement to be licensed or under contract, as described in**
14 **subsection (1) of this section, or a qualified residential treatment program as described in**
15 **ORS 418.323 if:**

16 (A)(i) **The child requires specialized services and treatment and no suitable child-caring**
17 **agency placements are available in this state; and**

18 (ii) **The services and treatment are authorized by the responsible Medicaid entity for**
19 **coverage by Medicaid;**

20 (B) **The out-of-state placement is requested by the child's tribe or is a youth regional**
21 **treatment center funded by the Indian Health Service;**

22 (C)(i) **The placement is an out-of-state child-caring agency;**

23 (ii) **The child resides in a placement subject to the Interstate Compact on the Placement**
24 **of Children that is located in the same state as or a neighboring state to the child-caring**
25 **agency; and**

26 (iii) **The child-caring agency provides the types of inpatient treatment, medical care or**
27 **services that the child requires, consistent with rules adopted by the Oregon Health Au-**
28 **thority for the administration of the authority's program providing benefits for children and**
29 **young adults with special health needs;**

30 (D) **The out-of-state placement is approved by an adoption agency or foster care agency,**
31 **or provider of similar services, in the state of placement and the adoption agency or foster**
32 **care agency provides licensing services in compliance with paragraph (b) of Article V of the**
33 **Interstate Compact on the Placement of Children and ORS 417.230; or**

34 (E)(i) **The nearest medically necessary and appropriate services or treatment to the**
35 **child's community is in a neighboring state;**

36 (ii) **Accessing services or treatment out of state maintains the child's connection to the**
37 **child's community; and**

38 (iii) **The services or treatment are consistent with rules adopted by the Oregon Health**
39 **Authority for the administration of the authority's program providing benefits for children**
40 **and young adults with special health needs.**

41 (b) **The out-of-state placement of a child under this subsection is not subject to sub-**
42 **section (4), (5) or (6) of this section or court approval under ORS 419B.351.**

43 (c) **The department may not place a child in an out-of-state placement under this sub-**
44 **section unless the department has verified that the placement is in good standing with the**
45 **licensing authority in the state in which the placement will provide services or treatment to**

1 **the child.**

2 **(d) When the department places a child in an out-of-state placement under this sub-**
 3 **section, the department shall provide written notice of the placement to the office of the**
 4 **Governor and the System of Care Advisory Council within seven days following the date of**
 5 **placement.**

6 **(e) All approvals of the exceptions in this subsection must be made by the director of the**
 7 **division of the department that administers the state child welfare program or the director's**
 8 **designee. In addition, the exceptions under paragraph (a)(A), (C) and (E) of this subsection**
 9 **must also be approved by the director of the division of the authority that administers the**
 10 **state medical assistance program or the director's designee.**

11 **(f) The department and the Oregon Health Authority shall collaborate to establish rules**
 12 **for the approval process under paragraph (e) of this subsection.**

13 **(g) The authority shall establish, under contract with coordinated care entities, basic**
 14 **standards for quality assurance and oversight prior to and during the child's medically nec-**
 15 **essary and appropriate treatments and services for out-of-state providers under this section.**

16 **(8) As used in this section, "out-of-state child-caring agency" means a provider of**
 17 **children's care or services in a state other than Oregon that would be required under ORS**
 18 **418.215 to be licensed, certified or otherwise authorized by the Department of Human Ser-**
 19 **vices under ORS 418.240 if the provider provided the care or services in this state.**

20 **SECTION 37.** ORS 418.322 is amended to read:

21 418.322. (1) As used in this section:

22 (a) "Congregate care residential setting" means any setting that cares for more than one child
 23 or ward and is not a setting described in [ORS 418.205 (2)(c)(A), (D), (E) or (F) or (10)] **ORS 418.205**
 24 **(8) or 418.215 (2)(a), (c), (d), (e), (f) or (g).**

25 (b) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, pa-
 26 tronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act,
 27 as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of
 28 a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex
 29 act, as defined in ORS 163.266.

30 (2) The Department of Human Services may place a child or ward in a congregate care resi-
 31 dential setting only if the setting is:

32 (a) A child-caring agency, as defined in ORS 418.205, a hospital, as defined in ORS 442.015, or
 33 a rural hospital, as defined in ORS 442.470; and

34 (b) A qualified residential treatment program described in ORS 418.323.

35 (3) Notwithstanding subsection (2) of this section, the department may place a child or ward in
 36 a child-caring agency that is not a qualified residential treatment program if:

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

39 (b) The child or ward is placed in an independent residence facility described in ORS 418.475
 40 that is licensed by the department as a child-caring agency.

41 (c) The child or ward is, or is at risk of becoming, a victim of sex trafficking and the child-caring
 42 agency is providing high-quality residential care and supportive services to the child or ward.

43 (d) The Oregon Health Authority has approved the placement as medically necessary and the
 44 child-caring agency:

45 (A) Is a residential care facility;

1 (B) Is licensed by the authority and maintains site-specific accreditation from a nationally re-
2 cognized organization to provide psychiatric treatment to children; and

3 (C) Has an active provider agreement with the Oregon Medicaid program.

4 (e) The child-caring agency is an adolescent residential drug and alcohol treatment program li-
5 censed or certified by the State of Oregon to provide residential care, and the court has approved,
6 or approval is pending for, the placement in the child-caring agency of each child or ward over
7 whom the department retains jurisdiction.

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

10 (g) The child-caring agency is a residential care facility licensed by the department that provides
11 short-term assessment and stabilization services.

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

14 (i) The child-caring agency is a homeless, runaway or transitional living shelter licensed by the
15 department that provides short-term assessment and stabilization services.

16 (j) The ward is 18 years of age or older and the child-caring agency is a residential treatment
17 facility or a residential home licensed or certified by the department or the Oregon Health Author-
18 ity.

19 **(k) The responsible Medicaid entity has approved the placement as medically necessary.**

20 **(4) Notwithstanding subsection (2) or (3) of this section, the department may place a child**
21 **or ward in a congregate care residential setting that is not a child-caring agency or qualified**
22 **residential treatment program if the responsible Medicaid entity has determined that treat-**
23 **ment in an adult setting licensed by the department or authority is medically necessary and**
24 **appropriate.**

25 [(4)](5)(a) The department may not place a child or ward in a residential care facility or
26 shelter-care home described in subsection (3)(g) or (h) of this section:

27 [(a)] (A) For more than 60 consecutive days or 90 cumulative days in a 12-month period, **unless**
28 **the limits for the duration of the placement are extended as provided in paragraph (b) of this**
29 **subsection; or**

30 [(b)] (B) If the residential care facility or shelter-care home also serves youths or adjudicated
31 youths served by the county juvenile department or adjudicated youths committed to the custody
32 of the Oregon Youth Authority by the court.

33 **(b) The department, by rule, may extend the limits for the duration of placement of a**
34 **child or ward under paragraph (a) of this subsection:**

35 **(A) As requested by the child or ward; or**

36 **(B) By up to 30 consecutive or 30 cumulative days in a 12-month period if the department**
37 **determines that the extension is in the best interest of the child or ward.**

38 [(5)] (6) The department may not place a child or ward in a homeless, runaway or transitional
39 living shelter described in subsection (3)(i) of this section for more than 60 consecutive or 90 cu-
40 mulative days in any 12-month period.

41 [(6)] (7) Calculations of the number of days a child or ward is placed in a shelter-care home
42 under subsection (3)(h) of this section or a homeless, runaway or transitional living shelter under
43 subsection (3)(i) of this section exclude the days the child or ward is in the shelter-care home or
44 shelter if the child or ward:

45 (a) Accessed the shelter-care home or shelter without the support or direction of the department;

1 and

2 (b) Is homeless or a runaway, as defined by the department by rule.

3 [(7)(a)] **(8)(a)** Nothing in this section prohibits the Oregon Youth Authority from placing an ad-
 4 judicated youth committed to its custody in a placement that is not a qualified residential treatment
 5 program.

6 (b) Nothing in this section prohibits the Oregon Youth Authority or a county juvenile depart-
 7 ment from placing an adjudicated youth or a youth served by the Oregon Youth Authority or the
 8 county juvenile department in shelter care or detention under ORS chapter 419C.

9 **(9) The Department of Human Services and the Oregon Health Authority shall submit**
 10 **quarterly narrative reports to the System of Care Advisory Council describing the circum-**
 11 **stances that justify the placements in the previous quarter of any children or wards in**
 12 **child-caring agencies that are not qualified residential treatment programs, as permitted**
 13 **under subsection (3)(k) of this section, and any placement extensions authorized under sub-**
 14 **section (5)(b) of this section.**

15 **(10)(a) All approvals of the exceptions described in subsections (3)(k) and (5)(b) of this**
 16 **section must be made by the director of the division of the department that administers the**
 17 **state child welfare program or the director’s designee. In addition, the exceptions under**
 18 **subsection (3)(k) must also be approved by the director of the division of the authority that**
 19 **administers the state medical assistance program or the director’s designee.**

20 **(b) The department and the authority shall collaborate to establish rules for the approval**
 21 **process under this subsection.**

22 **SECTION 38.** ORS 418.500 is amended to read:

23 418.500. Subject to ORS 418.322, if the Department of Human Services determines that need ex-
 24 ists for care and treatment of a child who is eligible for such care and treatment that is not avail-
 25 able through any public or private agency or facility in this state, it may enter into an agreement
 26 with a public or private agency outside this state for the purchase of care for the child. **Except**
 27 **as provided in ORS 418.322**, such agreements shall contain the matter described in ORS 418.321
 28 and 418.495 and shall apply to children described therein.

29 **SECTION 39.** ORS 419B.335 is amended to read:

30 419B.335. **(1) The Department of Human Services shall provide the following information [re-**
 31 **garding out-of-state placements of children and wards on a website maintained by the department and**
 32 **updated monthly] on a quarterly basis to the System of Care Advisory Council regarding**
 33 **placements of children or wards in out-of-state facilities:**

34 [(1) *The name of each out-of-state facility in which children or wards placed by the department are*
 35 *currently receiving services;*]

36 [(2) **(a)** The [city and] state in which each facility is located;

37 [(3) **(b)** The name of any parent organization for each facility;

38 [(4) **(c)** The name of each facility’s accreditation agency;

39 [(5) **(d)** The **total** number of children or wards placed by the department [*currently receiving*
 40 *services from]* **in** each facility;

41 [(6) *The total number of children or wards currently receiving services from each facility;*]

42 [(7) **(e)** The daily rate charged by each facility for each child or ward; **and**

43 [(8) *The name of the face-to-face contracting agency, including the city and state in which it is lo-*
 44 *cated;*]

45 [(9) *Whether each facility provides services to adjudicated youths or the resident state’s equivalent*

1 of adjudicated youths;]

2 [(10) Demographic information about all children or wards the department currently has placed in
3 out-of-state facilities, including but not limited to age, gender or gender identity, race, ethnicity, tribal
4 status and, if disclosed by the child or ward, sexual orientation;]

5 [(11) The number of children or wards the department currently has placed in out-of-state facilities
6 who have autism, intellectual disabilities or developmental disabilities; and]

7 [(12) Aggregate travel costs for the department to support out-of-state placements during the previ-
8 ous month.]

9 **(f) A brief narrative description of the circumstances in which an out-of-state placement
10 was determined to be in the best interests of a child or ward.**

11 **(2) Information provided in reports under this section may not contain any identifying
12 information of a child or ward, including the name of the child or ward.**

13
14 **OLDER CHILDREN IN CARE**

15
16 **SECTION 40.** ORS 418.475 is amended to read:

17 418.475. (1) Within the limit of moneys appropriated therefor, the Department of Human Services
18 may establish, license, certify or authorize independent residence facilities for unmarried persons
19 who:

20 (a)(A) Are at least 16 years of age and not older than 20 years of age;

21 (B) Have been placed in at least one substitute care resource;

22 (C) Have been determined by the department to possess the skills and level of responsibility
23 required for the transition to adulthood;

24 (D) Have received permission from the appropriate juvenile court, if they are wards of the court;
25 and

26 (E) Have been determined by the department to be suitable for an independent living program;
27 or

28 (b)(A) Are at least 16 years of age and not older than 24 years of age;

29 (B) At any time after attaining 14 years of age experienced homelessness for an aggregate of
30 six months;

31 (C) While experiencing homelessness as described in subparagraph (B) of this paragraph, re-
32 ceived services from an organization contracted by the department to provide services to homeless
33 persons or from a host home, as defined by the department by rule; and

34 (D) Last received the services described in subparagraph (C) of this paragraph after attaining
35 16 years of age.

36 (2) Independent residence facilities shall provide independent housing arrangements with coun-
37 seling services and minimal supervision available from at least one counselor.

38 (3) **The department shall require** each resident [*shall be required*] to maintain a department
39 approved independent living plan consisting of education, employment or volunteer activities, or a
40 combination thereof, *and shall be required to pay a portion or all of the resident's housing expenses*
41 *and other support costs. The department may approve an exception to the requirements of this sub-*
42 *section for reasons of temporary loss of employment or of other financial support*].

43 (4) The department may make payment grants directly to persons enrolled in an independent
44 living program who, at a minimum, meet the requirements described in subsection (1)(a)(A) to (C)
45 or (b) of this section for food, shelter, clothing, transportation and incidental expenses. The payment

1 grants shall be subject to an agreement between the person and the department that establishes a
 2 budget of expenses.

3 (5) The department may establish cooperative financial management agreements with a person
 4 enrolled in an independent living program and for that purpose may enter into joint bank accounts
 5 requiring two signatures for withdrawals. The management agreements or joint accounts may not
 6 subject the department or any counselor involved to any liability for debts or other responsibilities
 7 of the person.

8 (6) The department shall make periodic reports to the juvenile court as required by the court
 9 regarding any ward of the court who is enrolled in an independent living program.

10 (7) The enrollment of a person in an independent living program in accordance with the pro-
 11 visions of subsection (1) of this section or making payment grants under subsection (4) of this section
 12 does not remove or limit in any way the obligation of the parent of the person to pay support as
 13 ordered by a court under the provisions of ORS 419B.400.

14 **SECTION 41.** ORS 418.016 is amended to read:

15 418.016. (1) To protect the health and safety of children who are in the custody of the Depart-
 16 ment of Human Services and who may be placed in a foster home or adoptive home or with a rela-
 17 tive caregiver, the department shall adopt rules pursuant to ORS 181A.195 and ORS chapter 418 to
 18 require that criminal records checks be conducted under ORS 181A.195 on:

19 (a) All persons who seek to be foster parents, adoptive parents or relative caregivers; and

20 (b) **Any** other individuals over 18 years of age who will be in the household of the foster parent,
 21 adoptive parent or relative caregiver.

22 (2) Rules adopted under subsection (1) of this section shall include:

23 (a) A requirement that persons who have been convicted of crimes listed in the rules adopted
 24 by the Oregon Department of Administrative Services under ORS 181A.215 are disqualified from
 25 becoming a foster parent, adoptive parent or relative caregiver; and

26 (b) A provision that the Department of Human Services may approve a person who has been
 27 convicted of certain crimes listed in the rules if the person demonstrates to the department that:

28 (A) The person possesses the qualifications to be a foster parent or adoptive parent regardless
 29 of having been convicted of a listed crime; or

30 (B) The disqualification would create emotional harm to the child for whom the person is seek-
 31 ing to become a foster parent, adoptive parent or relative caregiver and placement of the child with
 32 the person would be a safe placement that is in the best interests of the child.

33 **(3) The department by rule may exempt an individual from the criminal records check**
 34 **requirement under subsection (1)(b) of this section if the individual was placed in the**
 35 **household by the department.**

36
 37 **MEDICAL DECISION-MAKING BY MINORS**

38
 39 **SECTION 42. Parental admission of minor for inpatient treatment.** (1) For purposes of
 40 this section, “child” means an individual under 18 years of age who is unmarried and has not
 41 otherwise been emancipated.

42 (2) A parent or guardian may consent to the inpatient behavioral health treatment of a
 43 child if:

44 (a) The admission decision is made by a neutral licensed health care professional whose
 45 scope of practice includes diagnosis and treatment of behavioral health disorders, including

1 **substance use disorders.**

2 **(b) The neutral licensed health care professional determines inpatient behavioral health**
3 **treatment is medically necessary and in the child's best interest; and**

4 **(c) The child is regularly evaluated to determine if inpatient treatment remains neces-**
5 **sary.**

6 **(3) The Oregon Health Authority, in consultation with the Department of Human Ser-**
7 **vices, may adopt rules to implement the provisions of this section.**

8 **SECTION 43. Prohibited refusal to treat. (1) For purposes of this section, "child" means**
9 **an individual under 18 years of age who is unmarried and has not otherwise been**
10 **emancipated.**

11 **(2) A health care professional may not, based solely on a child's objection, refuse to**
12 **provide the child with inpatient or outpatient diagnosis or treatment of a behavioral health**
13 **disorder, including a substance use disorder, that is consented to on the child's behalf by the**
14 **child's parent or guardian.**

15 **SECTION 44. ORS 109.675, as amended by section 29, chapter 73, Oregon Laws 2024, is**
16 **amended to read:**

17 109.675. (1) A minor 14 years of age or older may *[obtain]* **consent**, without *[parental]* **the**
18 **knowledge or consent of the minor's parent or guardian, to:**

19 (a) Outpatient diagnosis or treatment of a mental or emotional disorder or a chemical depend-
20 ency, excluding methadone maintenance, by a physician or physician associate licensed by the
21 Oregon Medical Board, a psychologist licensed by the Oregon Board of Psychology, a nurse practi-
22 tioner registered by the Oregon State Board of Nursing, a clinical social worker licensed by the
23 State Board of Licensed Social Workers, a professional counselor or marriage and family therapist
24 licensed by the Oregon Board of Licensed Professional Counselors and Therapists, a naturopathic
25 physician licensed by the Oregon Board of Naturopathic Medicine or a community mental health
26 program established and operated pursuant to ORS 430.620 when approved to do so by the Oregon
27 Health Authority pursuant to rule.

28 (b) Outpatient applied behavior analysis, as defined in ORS 676.802, as a treatment of a mental
29 or emotional disorder or a chemical dependency, excluding methadone maintenance, by a behavior
30 analyst or assistant behavior analyst licensed under ORS 676.810 or a behavior analysis
31 interventionist registered by the Health Licensing Office under ORS 676.815 if the treatment is
32 within the scope of practice of the behavior analyst, assistant behavior analyst or behavior analysis
33 interventionist.

34 (2) *[However, the person providing treatment shall have the parents of the minor involved before*
35 *the end of treatment unless the parents refuse or unless there are clear clinical indications to the con-*
36 *trary, which shall be documented in the treatment record. The provisions of this subsection do not ap-*
37 *ply to:]* **A person providing treatment to a minor who consented to the treatment as provided**
38 **in this section shall involve the minor's parent or legal guardian in the minor's treatment**
39 **as soon as possible after commencing treatment, unless:**

40 **(a) The minor's parent or guardian declines to be involved in the minor's treatment;**

41 **(b) There are clear clinical indications that parental involvement would be contrary to**
42 **the best interests or health of the minor, as documented in the treatment record;**

43 **(c) The provider is prohibited by federal law from disclosing information about the**
44 **minor's diagnosis or treatment to the minor's parent or guardian;**

45 *[(a)]* **(d) [A] The minor [who] has been sexually abused by a parent or guardian; or**

1 **[(b)] (e) [An emancipated minor] The minor is emancipated**, whether emancipated under the
 2 provisions of ORS 109.510 and 109.520 or 419B.550 to 419B.558 or, for the purpose of this section
 3 only, emancipated by virtue of having lived apart from the *[parents or legal guardian]* **minor's**
 4 **parent or guardian** while being self-sustaining for a period of 90 days prior to *[obtaining]* **con-**
 5 **senting to** treatment as provided by this section.

6 **SECTION 45.** ORS 109.680, as amended by section 30, chapter 73, Oregon Laws 2024, is
 7 amended to read:

8 109.680. (1) As used in this section, “mental health care provider” means a physician or physi-
 9 cian associate licensed by the Oregon Medical Board, psychologist licensed by the Oregon Board
 10 of Psychology, nurse practitioner registered by the Oregon State Board of Nursing, clinical social
 11 worker licensed under ORS 675.530, professional counselor or marriage and family therapist licensed
 12 by the Oregon Board of Licensed Professional Counselors and Therapists, naturopathic physician
 13 licensed under ORS chapter 685 or community mental health program established and operated
 14 pursuant to ORS 430.620 when approved to do so by the Oregon Health Authority pursuant to rule.

15 (2)(a) **Unless prohibited by federal law**, a mental health care provider that is providing ser-
 16 vices to a minor pursuant to ORS 109.675 may disclose relevant health information about the minor
 17 without the minor’s consent as provided in ORS 109.675 (2) and this subsection.

18 (b) If the minor’s condition has deteriorated or the risk of a suicide attempt has become such
 19 that inpatient treatment *[is]* **may be** necessary, or if the minor’s condition requires detoxification
 20 in a residential or acute care facility, the minor’s mental health care provider may disclose the
 21 relevant information regarding the minor’s diagnosis and treatment to the minor’s parent or legal
 22 guardian to the extent the mental health care provider determines the disclosure is clinically ap-
 23 propriate and will serve the best interests of the minor’s treatment.

24 (c) If the mental health care provider assesses the minor to be at serious and imminent risk of
 25 a suicide attempt but inpatient treatment is not necessary or practicable:

26 (A) The mental health care provider shall disclose relevant information about the minor to and
 27 engage in safety planning with the minor’s parent, legal guardian or other individuals the provider
 28 reasonably believes may be able to prevent or lessen the minor’s risk of a suicide attempt.

29 (B) The mental health care provider may disclose relevant information regarding the minor’s
 30 treatment and diagnosis that the mental health care provider determines is necessary to further the
 31 minor’s treatment to those organizations, including appropriate schools and social service entities,
 32 that the mental health care provider reasonably believes will provide treatment support to the minor
 33 to the extent the mental health care provider determines necessary.

34 (d) Except as provided in ORS 109.675 (2) and paragraphs (a) and (b) of this subsection, if a
 35 mental health care provider has provided the minor with the opportunity to object to the disclosure
 36 and the minor has not expressed an objection, the mental health care provider may disclose infor-
 37 mation related to the minor’s treatment and diagnosis to individuals, including the minor’s parent
 38 or legal guardian, and organizations when the information directly relates to the individual’s or
 39 organization’s involvement in the minor’s treatment.

40 (3) Notwithstanding subsection (2)(c)(A) of this section, a mental health care provider is not re-
 41 quired to disclose the minor’s treatment and diagnosis information to an individual if the mental
 42 health care provider:

43 (a) Reasonably believes the individual has abused or neglected the minor or subjected the minor
 44 to domestic violence or may abuse or neglect the minor or subject the minor to domestic violence;

45 (b) Reasonably believes disclosure of the minor’s information to the individual could endanger

1 the minor; or

2 (c) Determines that it is not in the minor's best interest to disclose the information to the indi-
3 vidual.

4 (4) Nothing in this section is intended to limit a mental health care provider's authority to dis-
5 close information related to the minor with the minor's consent.

6 (5) If a mental health care provider discloses a minor's information as provided in subsection (2)
7 of this section in good faith, the mental health care provider is immune from civil liability for
8 making the disclosure without the consent of the minor.

9
10 **OHSU INSTITUTE FOR YOUTH**

11
12 **SECTION 46. (1) There is created the Oregon Institute for Youth Health Systems. The**
13 **Oregon Health and Science University shall administer the institute.**

14 (2) **The purpose of the institute is to promote clinical best practices for the well-being**
15 **of Oregon youth.**

16 (3) **Specific functions of the institute include, but need not be limited to:**

17 (a) **Collaborating with child welfare and behavioral health systems for Oregon youth;**

18 (b) **Clinical consultation, including for:**

19 (A) **Children in the custody of the Department of Human Services who are referred to**
20 **out-of-state placements;**

21 (B) **Children who have been subject to multiple incidents involving the use of restraint**
22 **and involuntary seclusion; and**

23 (C) **Other identified needs of Oregon youth.**

24 (c) **Workforce support to strengthen the existing workforce and increase access to high**
25 **quality care. The institute shall serve as a centralized resource to encourage knowledge**
26 **dissemination and identification of reliable resources on clinical best practices in behavioral**
27 **health, to create a statewide culture for learning for teams and providers of care for youth;**

28 (d) **Systems-level consultation;**

29 (e) **Quality improvement, including:**

30 (A) **Review, recommendation and evaluation of program-level data collection through a**
31 **clinically driven and trauma-informed lens with a focus on utilizing continuous quality im-**
32 **provement methods and addressing organizational culture and climate; and**

33 (B) **Review, evaluation and explanations of system-level data collection to assess gaps in**
34 **services throughout Oregon and to share and interpret findings to the System of Care Ad-**
35 **visory Council data team;**

36 (f) **Implementing monitoring, evaluation and continuous quality improvement efforts by**
37 **collecting data on key indicators reflecting the safety and quality of youth care in Oregon,**
38 **including:**

39 (A) **Significant events and the circumstances of the significant events;**

40 (B) **Frequency and circumstances of incidents involving the restraint and involuntary**
41 **seclusion of children;**

42 (C) **The frequency and circumstances of out-of-state placements of children;**

43 (D) **Staff turnover; and**

44 (E) **Staff and youth injuries;**

45 (g) **Developing and providing trainings to address skills deficits among the youth care**

1 workforce, including trauma-informed practices and the use of preventative training and
 2 post-incident reviews to assess knowledge and skills;

3 (h) Establishing and maintaining a data dashboard to help consumers of youth care ser-
 4 vices understand the drivers of quality;

5 (i) Collaborating with an advisory board comprised of individuals with lived experience to:

6 (A) Identify key areas of concern and monitoring to guide data collection; and

7 (B) Conduct regular reviews of aggregate data; and

8 (j) Coordinating with clinical components to develop quality improvement processes based
 9 on data and feedback from the advisory board.

10
 11 **REPORTS**

12
 13 **SECTION 47.** The System of Care Advisory Council shall study the implementation by the
 14 Department of Human Services and the Oregon Health Authority of sections 1, 10, 42, 43 and
 15 46 of this 2025 Act, the amendments to ORS 109.675, 109.680, 329A.030, 329A.275, 339.285,
 16 339.287, 339.288, 339.291, 339.294, 339.297, 339.300, 339.303, 339.308, 343.154, 418.016, 418.190,
 17 418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248, 418.255, 418.256, 418.257, 418.258,
 18 418.259, 418.260, 418.321, 418.322, 418.327, 418.330, 418.475, 418.500, 418.519, 418.521, 418.523,
 19 418.526, 418.529, 418.532, 418.625, 418.992, 418.995, 419A.245, 419B.005, 419B.335, 419C.620, 430.735
 20 and 704.023 and section 13, chapter 581, Oregon Laws 2023, by sections 2 to 8, 11 to 19, 21 to
 21 41, 44, 45 and 50 to 61 of this 2025 Act, and the repeal of ORS 339.296 and sections 8, 12 and
 22 14, chapter 581, Oregon Laws 2023, by section 20 of this 2025 Act, and analyze the effects of
 23 that implementation. The council shall submit two reports in the manner provided by ORS
 24 192.245, and may include recommendations for legislation, to the interim committees of the
 25 Legislative Assembly related to health care and human services. The first report is due no
 26 later than September 15, 2026, and the second report is due no later than September 15, 2027.

27 **SECTION 48.** (1) The quarterly reports described in ORS 418.322 (9) are first due on April
 28 1, 2026.

29 (2) The quarterly reports described in ORS 419B.335 are first due on April 1, 2026.

30 **SECTION 49.** Section 47 of this 2025 Act is repealed on January 2, 2028.

31
 32 **CONFORMING AMENDMENTS**

33
 34 **SECTION 50.** ORS 329A.030 is amended to read:

35 329A.030. (1) The Department of Early Learning and Care shall establish a Central Background
 36 Registry and may maintain information in the registry through electronic records systems.

37 (2)(a) A subject individual described in subsection (11)(a), (c) or (d) of this section shall apply
 38 to and must be enrolled in the Central Background Registry prior to the provision of care.

39 (b) An individual who has been the subject of a founded or substantiated report of child abuse
 40 shall apply to and must be enrolled in the Central Background Registry prior to providing any of
 41 the types of care identified in ORS 329A.250 (4)(b)(A), (E) or (F) if:

42 (A) The child abuse occurred on or after January 1, 2017, and involved a child who died or
 43 suffered serious physical injury, as defined in ORS 161.015; or

44 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom
 45 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS

1 329A.250 (4)(b)(A), (C), (E), (F) or (G).

2 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)
3 of this subsection is not required to enroll in the Central Background Registry if more than seven
4 years has elapsed since the date of the child abuse determination.

5 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the de-
6 partment shall complete:

7 (A) A criminal records check under ORS 181A.195;

8 (B) A criminal records check of other registries or databases in accordance with rules adopted
9 by the Early Learning Council;

10 (C) A child abuse and neglect records check in accordance with rules adopted by the council;
11 and

12 (D) A foster care certification check and an adult protective services check in accordance with
13 rules adopted by the council.

14 (b) In addition to the information that the department is required to check under paragraph (a)
15 of this subsection, the department may consider any other information obtained by the department
16 that the department, based on rules adopted by the Early Learning Council, determines is relevant
17 to enrollment in the Central Background Registry.

18 (4) The department shall enroll the individual in the Central Background Registry if the indi-
19 vidual:

20 (a) Is determined to have no criminal, child abuse and neglect, negative adult protective services
21 or negative foster home certification history, or to have dealt with the issues and provided adequate
22 evidence of suitability for the registry;

23 (b) Has paid the applicable fee established pursuant to ORS 329A.275; and

24 (c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

25 (5)(a) Notwithstanding subsections (3) and (4) of this section, the department may not enroll an
26 individual in the Central Background Registry if:

27 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

28 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252, unless the
29 individual qualifies for limited enrollment pursuant to rules adopted by the Early Learning Council.

30 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is
31 enrolled in the registry, the department shall remove the individual from the registry.

32 (6)(a) The department may conditionally enroll an individual in the Central Background Registry
33 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-
34 gation if the individual has successfully completed the criminal records check and the child abuse
35 and neglect records check in this state and in the state of the individual's residence, if other than
36 Oregon.

37 (b) The department may enroll an individual in the registry subject to limitations identified in
38 rules adopted by the council.

39 (7) The department may grant limited enrollment in the Central Background Registry to a sub-
40 ject individual who is a relative caretaker of a child for whom care is provided in a subsidized care
41 facility, regardless of whether the individual was previously denied enrollment in the Central
42 Background Registry, if the individual otherwise meets the criteria established in rule by the Early
43 Learning Council.

44 (8) An enrollment in the Central Background Registry may be renewed upon application to the
45 department, payment of the fee established pursuant to ORS 329A.275 and compliance with rules

1 adopted by the Early Learning Council pursuant to this section. However, an individual who is
 2 determined to be ineligible for enrollment in the registry after the date of initial enrollment shall
 3 be removed or suspended from the registry by the department.

4 (9)(a) A child care facility, preschool recorded program or school-age recorded program may not
 5 hire or employ an individual if the individual is not enrolled in the Central Background Registry.

6 (b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded
 7 program or school-age recorded program may employ on a probationary basis an individual who is
 8 conditionally enrolled in the Central Background Registry.

9 (10) The Early Learning Council may adopt any rules necessary to carry out the purposes of this
 10 section, including but not limited to rules regarding expiration and renewal periods and limitations
 11 related to the subject individual's enrollment in the Central Background Registry.

12 (11) As used in this section, "subject individual" means:

13 (a) A subject individual as defined by the Early Learning Council by rule;

14 (b) An individual subject to subsection (2)(b) of this section;

15 (c) A person who applies to be:

16 (A) The operator or an employee of a child care or treatment program;

17 (B) The operator or an employee of a provider under the Oregon Prenatal to Kindergarten
 18 Program under ORS 329.172 to 329.200;

19 (C) The operator or an employee of a federal Head Start program regulated by the United States
 20 Department of Health and Human Services;

21 (D) An individual in a child care facility, preschool recorded program or school-age recorded
 22 program who may have unsupervised contact with children, as determined by the council by rule;

23 (E) A contractor or an employee of the contractor who:

24 (i) Provides early childhood special education or early intervention services pursuant to ORS
 25 343.455 to 343.534; and

26 (ii) Is not subject to the criminal records check requirements of ORS 326.603 or 342.223;

27 (F) A child care provider who is required to be enrolled in the Central Background Registry by
 28 any state agency;

29 (G) A contractor, employee or volunteer of a metropolitan service district organized under ORS
 30 chapter 268 who may have unsupervised contact with children and who is required to be enrolled
 31 in the Central Background Registry by the metropolitan service district;

32 (H) A provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pur-
 33 suant to a properly executed power of attorney under ORS 109.056 who is providing respite services
 34 as a volunteer with a private agency or organization that facilitates the provision of such respite
 35 services;

36 (I) The operator or an employee of an early learning program as defined in rules adopted by the
 37 council; or

38 (J) The operator or an employee of a preschool recorded program or a school-age recorded
 39 program; or

40 (d)(A) An individual who operates a subsidized care facility;

41 (B) An individual who has attained 18 years of age and resides in a subsidized care facility; or

42 (C) An individual in a subsidized care facility who has attained 18 years of age and who may
 43 have unsupervised contact with children, as determined by the council by rule.

44 (12)(a) Information provided to a metropolitan service district organized under ORS chapter 268
 45 about the enrollment status of the persons described in subsection (11)(c)(G) of this section shall be

1 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-
 2 vide for the recovery of administrative, including direct and indirect, costs incurred by the depart-
 3 ment from participation in the agreement. Any moneys collected under this paragraph shall be
 4 deposited in the Child Care Fund established under ORS 329A.273.

5 (b) Information provided to a private agency or organization facilitating the provision of respite
 6 services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed
 7 power of attorney under ORS 109.056 about the enrollment status of the persons described in sub-
 8 section (11)(c)(H) of this section shall be subject to an agreement with the private agency or or-
 9 ganization. The agreement must provide for the recovery of administrative, including direct and
 10 indirect, costs incurred by the department from participation in the agreement. Any moneys col-
 11 lected under this paragraph shall be deposited in the Child Care Fund established under ORS
 12 329A.273.

13 (c) Information provided to a private agency or organization about the enrollment status of the
 14 persons described in subsection (11)(c)(I) of this section shall be subject to an agreement with the
 15 private agency or organization. The agreement must provide for the recovery of administrative, in-
 16 cluding direct and indirect, costs incurred by the department from participation in the agreement.
 17 Any moneys collected under this paragraph shall be deposited in the Child Care Fund established
 18 under ORS 329A.273.

19 **SECTION 51.** ORS 329A.275 is amended to read:

20 329A.275. (1) The Early Learning Council shall adopt rules establishing fees for certification,
 21 registration and recording under ORS 329A.250 to 329A.450.

22 (2) Subject to prior approval of the Oregon Department of Administrative Services and a report
 23 to the Legislative Assembly prior to adopting the fees and charges, the fees and charges established
 24 under ORS 181A.195, 329A.030 and 329A.250 to 329A.450 may not exceed the cost of administering
 25 the program of the Department of Early Learning and Care pertaining to the purpose for which the
 26 fee is established, as authorized by the Legislative Assembly within the budget of the Department
 27 of Early Learning and Care.

28 (3) Notwithstanding subsection (2) of this section and any other provision of this chapter, the
 29 following fees established by the Early Learning Council under ORS 329A.030 and 329A.250 to
 30 329A.450 may not exceed:

- 31 (a) For Certified Family Child Care Home Initial Certification, \$25;
- 32 (b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;
- 33 (c) For Child Care Center Initial Certification, \$100;
- 34 (d) For Child Care Center Annual Fee Per Certified Space, \$2;
- 35 (e) For Registered Family Child Care Home Registration, \$30;
- 36 (f) For Preschool Recorded Program Recording, \$20;
- 37 (g) For School-Age Recorded Program Recording, \$20;
- 38 (h) For administering a class on child care abuse and neglect issues, \$10; and
- 39 (i) For enrollment in the Central Background Registry, the cost of administering the program,
 40 including fees for:

- 41 (A) Duplicate enrollment in the Central Background Registry;
- 42 (B) Law Enforcement Data System criminal records check; and
- 43 (C) Federal Bureau of Investigation fingerprint check.

44 (4) The Early Learning Council, by rule, shall waive the fees described in subsection (3)(i) of this
 45 section for an employee of or volunteer with a private agency or organization that facilitates the

1 provision of respite services, as defined in ORS [418.205 (2)(c)(B)] **418.215 (2)(b)**, for parents pursuant
 2 to a properly executed power of attorney under ORS 109.056.

3 **SECTION 52.** ORS 339.287 is amended to read:

4 339.287. An employee of a youth correction facility or a juvenile detention facility established
 5 under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 who uses restraint or **involuntary** se-
 6 clusion on a student in connection with a Youth Corrections Education Program or Juvenile De-
 7 tention Education Program, as those terms are defined in ORS 326.695, is not subject to the
 8 prohibitions under ORS 339.285 to 339.303.

9 **SECTION 53.** ORS 339.297 is amended to read:

10 339.297. (1) Each entity that has jurisdiction over a public education program must prepare and
 11 submit to the Department of Education an annual report detailing the use of restraint and **invol-**
 12 **untary** seclusion for the preceding school year, including, at a minimum:

- 13 (a) The total number of incidents involving restraint.
- 14 (b) The total number of incidents involving **involuntary** seclusion.
- 15 (c) The total number of **involuntary** seclusions in a locked room.
- 16 (d) The total number of rooms available for use by the public education program for **involuntary**
 17 seclusion of a student and a description of the dimensions and design of the rooms.
- 18 (e) The total number of students placed in restraint.
- 19 (f) The total number of students placed in **involuntary** seclusion.
- 20 (g) The total number of incidents that resulted in injuries or death to students or personnel as
 21 a result of the use of restraint or **involuntary** seclusion.
- 22 (h) The number of students who were placed in restraint or **involuntary** seclusion more than
 23 10 times in the course of a school year and an explanation of what steps have been taken by the
 24 public education program to decrease the use of restraint and **involuntary** seclusion for each stu-
 25 dent.
- 26 (i) The number of incidents in which the personnel of the public education program administer-
 27 ing restraint or **involuntary** seclusion were not trained as provided by ORS 339.300.
- 28 (j) The demographic characteristics of all students upon whom restraint or **involuntary** seclu-
 29 sion was imposed, including race, ethnicity, gender, disability status, migrant status, English profi-
 30 ciency and status as economically disadvantaged, unless the demographic information would reveal
 31 personally identifiable information about an individual student.

32 (2)(a) Each entity that has jurisdiction over a public education program shall make its annual
 33 report about restraint and **involuntary** seclusion available to:

- 34 (A) The public at the entity's main office and the website of the entity;
- 35 (B) The board or governing body overseeing the entity;
- 36 (C) If the entity is an education service district, the component school districts of the education
 37 service district; and
- 38 (D) If the entity is a public charter school, the sponsor of the public charter school.

39 (b) Parents and guardians of students in a public education program shall be advised at least
 40 once each school year about how to access the report.

41 (3) A public education provider that does not comply with the requirement to submit a report
 42 to the Department of Education under subsection (1) of this section or to make the report available
 43 as described in subsection (2) of this section is considered nonstandard under ORS 327.103.

44 **SECTION 54.** ORS 339.300 is amended to read:

45 339.300. The Department of Education shall approve training programs in restraint and **invol-**

1 **untary** seclusion that:

2 (1) Teach evidence-based techniques that are shown to be effective in the prevention and safe
3 use of restraint or **involuntary** seclusion;

4 (2) Provide evidence-based skills training related to positive behavior support, conflict pre-
5 vention, de-escalation and crisis response techniques; and

6 (3) Are consistent with the philosophies, practices and techniques for restraint and **involuntary**
7 seclusion that are established by rule or policy of the Department of Human Services.

8 **SECTION 55.** ORS 339.308 is amended to read:

9 339.308. (1) As used in this section:

10 (a) “Public education program” means a program that:

11 (A) Is for students in early childhood education, elementary school or secondary school;

12 (B) Is under the jurisdiction of a school district, an education service district or another edu-
13 cational institution or program; and

14 (C) Receives, or serves students who receive, support in any form from any program supported,
15 directly or indirectly, with funds appropriated to the Department of Education.

16 (b) “Seclusion cell” means a freestanding, self-contained unit that is used to:

17 (A) Isolate a student from other students; or

18 (B) Physically prevent a student from leaving the unit or cause the student to believe that the
19 student is physically prevented from leaving the unit.

20 (2) A public education program may not:

21 (a) Purchase, build or otherwise take possession of a seclusion cell; or

22 (b) Use a seclusion cell.

23 (3) Nothing in this section prevents a public education program from using **involuntary** seclu-
24 sion as allowed under ORS 339.285 to 339.303.

25 **SECTION 56.** ORS 418.246 is amended to read:

26 418.246. (1) In addition to any requirements for licensure established by the Department of Hu-
27 man Services, each outdoor youth program that is applying for licensure as a child-caring agency
28 shall file with the department a bond in the amount of \$50,000 or 50 percent of the program’s yearly
29 budget, whichever amount is less. The bond shall be issued by a surety company or an insured in-
30 stitution, as defined in ORS 706.008, authorized to do business in this state.

31 (2) The bond required under subsection (1) of this section shall be continuous until canceled and
32 shall remain in full force and unimpaired at all times to comply with this section. The surety or
33 insured institution shall give the department at least 30 days’ written notice before it cancels or
34 terminates its liability under the bond.

35 (3) An action on the bond may be brought by any person aggrieved by the misconduct of an
36 outdoor youth program required to be licensed under ORS 418.205 to 418.327.

37 (4)(a) **As used in this section, “outdoor youth program” means a program that provides,**
38 **in an outdoor living setting, services to children who have behavioral problems, mental**
39 **health problems or problems with abuse of alcohol or drugs.**

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

41 (A) **Operated by a governmental entity;**

42 (B) **Operated by or affiliated with the Oregon Youth Corps;**

43 (C) **Licensed by the Department of Human Services under the authority of the depart-**
44 **ment other than ORS 418.205 to 418.327; or**

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

1 **SECTION 57.** ORS 418.330 is amended to read:
2 418.330. (1) As used in this section:
3 (a) “Child” means:
4 (A) A person under 18 years of age;
5 (B) A person under 21 years of age if the Department of Human Services determines that the
6 person has a mental or physical disability that warrants the continuation of assistance; or
7 (C) A person who has attained 18 years of age and:
8 (i) On whose behalf payments under this section were received prior to the person attaining 18
9 years of age, provided the person was at least 16 years of age at the time the payments commenced;
10 (ii) Has not attained 21 years of age; and
11 (iii)(I) Is completing secondary education or a program leading to an equivalent credential;
12 (II) Is enrolled in an institution or program that provides post-secondary or vocational educa-
13 tion;
14 (III) Is participating in a program or activity designed to promote, or remove barriers to, em-
15 ployment;
16 (IV) Is employed for at least 80 hours per month; or
17 (V) Is incapable of doing any of the activities described in sub-sub-subparagraphs (I) to (IV) of
18 this sub-subparagraph due to a medical condition, which incapability is supported by regularly up-
19 dated documentation.
20 (b) “Nonrecurring adoption or guardianship expenses” means reasonable and necessary adoption
21 or guardianship fees, court costs, attorney fees and other expenses that are directly related to the
22 adoption of, or establishment of a guardianship for, a child with special needs and that are not in-
23 curred in violation of state or federal law.
24 (2) The department may make payments to adoptive parents or guardians on behalf of a child
25 placed for adoption or establishment of a guardianship by the department, or placed for adoption
26 by an approved child-caring agency, **as defined in ORS 418.205**, when the department determines:
27 (a) The child has special needs because of an impediment to adoptive placement or establishment
28 of a guardianship by reason of the child’s physical or mental condition, race, age, or membership in
29 a sibling group; or
30 (b) The adoptive family or guardian is capable of providing the permanent family relationships
31 needed by the child in all respects other than financial, and the needs of the child are beyond the
32 economic ability and resources of the family.
33 (3) Payments to subsidize adoptions or guardianships made under subsection (2) of this section:
34 (a) Shall include payment of nonrecurring adoption or guardianship expenses incurred by or on
35 behalf of adoptive parents or guardians in connection with the adoption of, or establishment of a
36 guardianship for, a child with special needs;
37 (b) May include, but are not limited to, the maintenance costs, medical and surgical expenses,
38 and other costs incidental to the care, training and education of the child;
39 (c) May not exceed the cost of providing comparable assistance in foster care; and
40 (d) May not be made:
41 (A) For a child who has not attained 18 years of age, when the adoptive parents or guardians
42 are no longer legally responsible for the support of the child; or
43 (B) When the child is no longer receiving any support from the adoptive parents or guardians.
44 (4) Adoptive parents or guardians receiving payments under subsection (2) of this section shall
45 inform the department of circumstances that would make the adoptive parents or guardians:

- 1 (a) Ineligible to receive the payments; or
- 2 (b) Eligible to receive the payments in a different amount.

3 **SECTION 58.** ORS 418.625 is amended to read:

4 418.625. As used in ORS 418.625 to 418.645:

5 (1) "Certificate" means a written approval to operate a foster home issued by the Department
6 of Human Services on a form prescribed by the department that states the name of the foster parent,
7 the address of the premises to which the certificate applies and the maximum number of children
8 to be maintained or boarded in the foster home at any one time.

9 (2) "Department" means the Department of Human Services.

10 (3) "Foster home" means any home maintained by a person who has under the care of the person
11 in the home any child under the age of 21 years unattended by the child's parent or guardian, for
12 the purpose of providing the child with care, food and lodging, but does not include:

13 (a) Any boarding school that is essentially and primarily engaged in educational work;

14 (b) Any home in which a child is provided board and room by a school board;

15 (c) Any foster home under the direct supervision of a child-caring agency or institution certified
16 by the department;

17 (d) Any home under the direct supervision of a custodial parent for the purpose of providing
18 respite care as defined by rule;

19 (e) Any developmental disability child foster home as defined in ORS 443.830; or

20 (f) Any home of a provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for
21 parents pursuant to a properly executed power of attorney under ORS 109.056.

22 **SECTION 59.** ORS 418.992 is amended to read:

23 418.992. (1) In addition to any other liability or penalty provided by law, the Director of Human
24 Services may impose a civil penalty:

25 (a) On a child-caring agency that is subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950
26 to 418.970 for any of the following:

27 (A) Violation of any of the terms or conditions of a license, certificate or other authorization
28 issued under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970.

29 (B) Violation of any rule adopted by, or general order of, the Department of Human Services
30 that pertains to a child-caring agency.

31 (C) Violation of any final order of the director that pertains specifically to the child-caring
32 agency.

33 (D) Violation of the requirement to have a license, certificate or other authorization under ORS
34 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970.

35 (b) On a **provider of** secure transportation services [*provider*], as defined in ORS 418.241, that
36 violates the disclosure requirement described in ORS 418.241.

37 (2) The director shall impose a civil penalty not to exceed \$500, unless otherwise required by
38 law, on any child-caring agency for falsifying records, reports, documents or financial statements or
39 for causing another person to do so.

40 (3) The director shall impose a civil penalty of not less than \$250 nor more than \$500, unless
41 otherwise required by law, on a child-caring facility that assumes care or custody of, or provides
42 care or services to, a child knowing that the child's care needs exceed the license, certificate or
43 authorization classification of the child-caring agency if the assumption of care or custody, or pro-
44 vision of care or services, places that child's health, safety or welfare at risk.

45 (4) Unless the health, safety or welfare of a child is at risk, the director in every case shall

1 prescribe a reasonable time for elimination of a violation:

2 (a) Not to exceed 45 days after first notice of a violation; or

3 (b) In cases where the violation requires more than 45 days to correct, such time as is specified
4 in a plan of correction found acceptable by the director.

5 (5) A civil penalty imposed under this section may be remitted or reduced upon such terms and
6 conditions as the director considers proper and consistent with the public health and safety.

7 (6) The department shall adopt rules establishing objective criteria for the imposition and
8 amount of civil penalties under ORS 418.992 to 418.998.

9 **SECTION 60.** ORS 419C.620 is amended to read:

10 419C.620. (1) When required by the court, the Oregon Youth Authority or a private agency
11 having guardianship or legal custody of an adjudicated youth pursuant to court order shall file re-
12 ports on the adjudicated youth with the juvenile court that entered the original order concerning
13 the adjudicated youth.

14 (2) A county juvenile department shall file a report with the juvenile court under this section
15 if an adjudicated youth remains under juvenile department care for six consecutive months from the
16 date of initial placement and:

17 (a) The county juvenile department is a county program, as defined in ORS [418.205] **418.215**;

18 (b) The county juvenile department is participating in programs related to Title IV-E of the So-
19 cial Security Act;

20 (c) The county juvenile department has responsibility for the care and placement of the adjudi-
21 cated youth; and

22 (d) The placement is not a detention facility.

23 **SECTION 61.** ORS 704.023 is amended to read:

24 704.023. In addition to meeting the requirements in ORS 704.020, any person who provides out-
25 fitting and guiding services for outdoor youth programs, as defined in ORS [418.205] **418.215**, shall
26 furnish proof of a current child-caring agency license for outdoor youth programs from the Depart-
27 ment of Human Services prior to being registered as an outfitter and guide.

28
29 **MISCELLANEOUS**

30
31 **SECTION 62.** (1) **The State Board of Education shall adopt the rules described in ORS**
32 **339.303 for investigations of violations of ORS 339.285 to 339.303 or 339.308, not later than the**
33 **beginning of the 2026-2027 academic year.**

34 (2) **The State Board of Education shall require that rooms used for involuntary seclusion**
35 **of students in public education programs be equipped with the video recording equipment**
36 **described in ORS 339.303 not later than the beginning of the 2026-2027 academic year.**

37 **SECTION 63.** **The unit and section captions used in this 2025 Act are provided only for**
38 **the convenience of the reader and do not become part of the statutory law of this state or**
39 **express any legislative intent in the enactment of this 2025 Act.**

40 **SECTION 64.** **This 2025 Act being necessary for the immediate preservation of the public**
41 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
42 **on its passage.**