

# Senate Bill 1112

Sponsored by Senator GELSER BLOUIN

## 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 describes when DHS may admit a child in its care for inpatient or residential treatment. (Flesch Readability Score: 65.1).

Prescribes when the Department of Human Services may admit a child in the department's care or custody for inpatient or residential treatment as opposed to placement in a congregate care residential setting.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to Department of Human Services admissions of children for treatment; creating new pro-  
3 visions; amending ORS 418.257; and declaring an emergency.

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

5 **SECTION 1. (1) In addition to any other procedures required by law for the parent or**  
6 **guardian of a child under 18 years of age to admit the child for inpatient or residential**  
7 **treatment, the Department of Human Services may admit a child in its care or custody for**  
8 **inpatient or residential treatment only if:**

9 (a) **A licensed health professional has conducted a thorough in-person evaluation of the**  
10 **child and concluded that inpatient or residential treatment for the child is medically neces-**  
11 **sary;**

12 (b) **The inpatient or residential facility is licensed or certified by the Oregon Health Au-**  
13 **thority or its equivalent in the state in which the care is provided;**

14 (c) **The inpatient or residential treatment will be provided by a provider that is regulated**  
15 **by the authority or its equivalent in the state in which the care is provided;**

16 (d) **The authority has authorized the admission and authorized payment through the**  
17 **Medicaid state plan; and**

18 (e) **The child has an ongoing placement with a family in an adjudicated youth foster**  
19 **home, certified foster home or proctor foster home to which it is expected the child will re-**  
20 **turn upon being discharged from the inpatient or residential treatment facility.**

21 (2) **In addition to the requirements under subsection (1) of this section and**  
22 **notwithstanding ORS 418.321, the department may admit a child in its care or custody to an**  
23 **out-of-state facility for inpatient or residential treatment only if the facility is a hospital, as**  
24 **defined in ORS 442.015, and:**

25 (a) **The child's physician ordered the inpatient or residential treatment;**

26 (b) **The inpatient or residential treatment is not available in this state or the hospital is**  
27 **located within 60 miles of any border of this state and is the closest available hospital to the**  
28 **child;**

**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 (c) The child's physician has concluded that hospital admission is medically necessary and  
2 appropriate; and

3 (d) The department provides the child's foster parent with supports that are necessary  
4 to enable the foster parent to maintain regular, in-person contact with the child and partic-  
5 ipation in the child's care and treatment while the child is receiving treatment out-of-state.

6 (3) Admission of a child for inpatient or residential treatment as provided in subsection  
7 (1) or (2) of this section is not a placement for purposes of ORS chapter 418 and does not  
8 alter the child's status as a child in care as defined in ORS 418.257.

9 (4)(a) Subsection (1) or (2) of this section does not apply if the admission for inpatient  
10 or residential treatment is also a residential placement.

11 (b) For purposes of this section, an admission for inpatient or residential treatment is a  
12 residential placement if the facility will provide 24-hour care to the child and the child does  
13 not have an ongoing placement with a family in an adjudicated youth foster home, certified  
14 foster home or proctor foster home to which it is expected the child will return upon being  
15 discharged from the inpatient or residential treatment facility.

16 (5) The evaluation required under subsection (1) of this section:

17 (a) Must be related to the child's needs or condition that the licensed health professional  
18 has been retained to treat;

19 (b) May not be conducted for the primary purpose of placing the child in a congregate  
20 care residential setting, as defined in ORS 418.322; and

21 (c) May not be conducted at the direction of the department, the authority or a coordi-  
22 nated care organization.

23 (6) As used in this section:

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

26 (b) "Certified foster home" means a foster home certified by the Department of Human  
27 Services and subject to ORS 418.625 to 418.645.

28 (c) "Foster parent" means the operator of a certified foster home, proctor foster home  
29 or adjudicated youth foster home.

30 (d) "Proctor foster home" means a foster home certified by a child-caring agency under  
31 ORS 418.248 that is not a certified foster home.

32 **SECTION 2.** ORS 418.257 is amended to read:

33 418.257. As used in ORS 418.257 to 418.259:

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

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

37 (b) Neglect of a child in care.

38 (c) Abandonment, including desertion or willful forsaking of a child in care or the withdrawal  
39 or neglect of duties and obligations owed a child in care by a child-caring agency, caretaker, certi-  
40 fied foster home, developmental disabilities residential facility or other person.

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

42 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,  
43 163.465, 163.467 or 163.525.

44 (f) Verbal abuse.

45 (g) Financial exploitation.

- 1 (h) Sexual abuse.
- 2 (i) The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521  
3 or 418.523.
- 4 (2) “Certified foster home” means a foster home certified by the Department of Human Services  
5 and subject to ORS 418.625 to 418.645.
- 6 (3)(a) “Child in care” means a person under 21 years of age who is residing in, **including any**  
7 **period of temporary absence**, or receiving care or services from:
- 8 (A) A child-caring agency or proctor foster home subject to ORS 418.205 to 418.327, 418.470,  
9 418.475 or 418.950 to 418.970;
- 10 (B) A certified foster home; or
- 11 (C) A developmental disabilities residential facility.
- 12 (b) “Child in care” does not include a person under 21 years of age who is residing in any of  
13 the entities listed in paragraph (a) of this subsection when the care provided is in the home of the  
14 child by the child’s parent.
- 15 (4) “Developmental disabilities residential facility” means a residential facility or foster home  
16 for children who are 17 years of age or younger and receiving developmental disability services that  
17 is subject to ORS 443.400 to 443.455, 443.830 and 443.835.
- 18 (5)(a) “Financial exploitation” means:
- 19 (A) Wrongfully taking the assets, funds or property belonging to or intended for the use of a  
20 child in care.
- 21 (B) Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys  
22 or property of the child in care if the child would reasonably believe that the threat conveyed would  
23 be carried out.
- 24 (C) Misappropriating, misusing or transferring without authorization any moneys from any ac-  
25 count held jointly or singly by a child in care.
- 26 (D) Failing to use the income or assets of a child in care effectively for the support and main-  
27 tenance of the child in care.
- 28 (b) “Financial exploitation” does not include age-appropriate discipline that may involve the  
29 threat to withhold, or the withholding of, privileges.
- 30 (6) “Intimidation” means compelling or deterring conduct by threat. “Intimidation” does not in-  
31 clude age-appropriate discipline that may involve the threat to withhold privileges.
- 32 (7) “Involuntary seclusion” has the meaning given that term in ORS 418.519.
- 33 (8) “Law enforcement agency” means:
- 34 (a) Any city or municipal police department.
- 35 (b) Any county sheriff’s office.
- 36 (c) The Oregon State Police.
- 37 (d) Any district attorney.
- 38 (e) A police department established by a university under ORS 352.121 or 353.125.
- 39 (9) “Neglect” means:
- 40 (a) Failure to provide the care, supervision or services necessary to maintain the physical and  
41 mental health of a child in care; or
- 42 (b) The failure of a child-caring agency, proctor foster home, certified foster home, develop-  
43 mental disabilities residential facility, caretaker or other person to make a reasonable effort to  
44 protect a child in care from abuse.
- 45 (10) “Restraint” has the meaning given that term in ORS 418.519.

1 (11) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,  
2 medical services, assistance with bathing or personal hygiene or any other service essential to the  
3 well-being of a child in care.

4 (12) "Sexual abuse" means:

5 (a) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-  
6 rial or language;

7 (b) Any sexual contact between a child in care and an employee of a child-caring agency,  
8 proctor foster home, certified foster home, developmental disabilities residential facility, caretaker  
9 or other person responsible for the provision of care or services to a child in care;

10 (c) Any sexual contact between a person and a child in care that is unlawful under ORS chapter  
11 163 and not subject to a defense under that chapter; or

12 (d) Any sexual contact that is achieved through force, trickery, threat or coercion.

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

14 (14) "Sexual exploitation" means sexual exploitation as described in ORS 419B.005 (1)(a)(E).

15 (15) "Verbal abuse" means to threaten significant physical or emotional harm to a child in care  
16 through the use of:

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

18 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate  
19 sexual comments.

20 **SECTION 3. This 2025 Act being necessary for the immediate preservation of the public**  
21 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**  
22 **on its passage.**