

Senate Bill 1113

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

Modifies provisions regarding the use of restraints 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.

A BILL FOR AN ACT

1
2 Relating to the welfare of young people; creating new provisions; amending ORS 329A.030, 329A.275,
3 339.285, 339.288, 339.291, 339.296, 418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248,
4 418.250, 418.255, 418.257, 418.258, 418.259, 418.260, 418.263, 418.265, 418.305, 418.306, 418.310,
5 418.321, 418.322, 418.327, 418.330, 418.359, 418.519, 418.521, 418.523, 418.526, 418.529, 418.625,
6 418.992, 418.994, 418.998, 419B.005, 419B.351, 419C.620 and 704.023 and section 1, chapter 492,
7 Oregon Laws 2021, and section 13, chapter 581, Oregon Laws 2023; and repealing sections 12
8 and 14, chapter 581, Oregon Laws 2023.

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

RESTRAINT AND SECLUSION IN SCHOOLS

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11
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13 **SECTION 1.** ORS 339.285 is amended to read:

14 339.285. As used in ORS 339.285 to 339.303:

15 (1) "Public education program" means a program in this state that:

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

17 (b) Is under the jurisdiction of a school district, an education service district or another edu-
18 cational institution or program; and

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

21 (2)(a) "Restraint" means [*the restriction of a student's actions or movements by holding the student*
22 *or using pressure or other means.*] **the physical restriction of a student's actions by using**
23 **physical force to hold the student or by using pressure or other means to restrict the ability**
24 **of the student to voluntarily move the student's head, limbs, torso, neck, hands or feet.**

25 (b) "Restraint" does not include:

26 (A) Holding a student's hand or arm to escort the student safely and without the use of force
27 from one area to another;

28 (B) **Physically** assisting a student to complete a task if the student does not resist the physical

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 contact; or

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

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

6 [(ii)] interrupt a student's impulsive behavior that threatens the student's immediate safety, in-
7 cluding running in front of a vehicle or climbing on unsafe structures or objects[: or]

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

10 (3)(a) "Seclusion" means the involuntary confinement of a student alone in [*a room*] **an area**
11 from which the student is physically prevented **by any means** from leaving.

12 (b) "Seclusion" does not include:

13 (A) The removal of a student for a short period of time to provide the student with an oppor-
14 tunity to regain self-control if the student is in a setting from which the student is not [*physically*]
15 prevented **by any means** from leaving[:]; **or**

16 (B) **A room clear, as described by the department by rule, if the student is not prevented**
17 **by any means from leaving.**

18 (4) "Serious bodily injury" means [*any significant impairment of the physical condition of a per-*
19 *son, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.*]
20 **bodily injury that creates a substantial risk of death or that causes serious permanent**
21 **disfigurement, unconsciousness, extreme pain or permanent protracted loss or impairment**
22 **of the function of a bodily member, organ or mental faculty.**

23 **SECTION 2.** ORS 339.288 is amended to read:

24 339.288. (1) The use of the following types of restraint on a student in a public education pro-
25 gram is prohibited:

26 (a) Chemical restraint.

27 (b) Mechanical restraint.

28 (c) Prone restraint.

29 (d) Supine restraint.

30 [(e) *Any restraint that involves the intentional and nonincidental use of a solid object, including*
31 *a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an*
32 *imminent life-threatening injury or to gain control of a weapon.*]

33 (e) **Unless the restraint is necessary to prevent an imminent life-threatening injury or**
34 **to gain control of a weapon, a restraint that:**

35 (A) **Is intended to impede the student's movement;**

36 (B) **Includes the intentional and nonincidental use of a solid object, including the ground,**
37 **a wall or the floor; and**

38 (C) **Causes the student's body to be pressed between the person imposing the restraint**
39 **and the object or to be pressed between an object or objects.**

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

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

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

44 (i) Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any
45 object on a student's neck, throat, genitals or other intimate parts.

1 (j) Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be
 2 placed, on the stomach or back by a knee, foot or elbow bone.

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

4 **(L) Any restraint used for discipline, punishment, retaliation or convenience.**

5 (2) As used in this section:

6 (a) “Chemical restraint” means a drug or medication **administered by any means** that is used
 7 on a student to control behavior or restrict freedom of movement and that is not:

8 (A) Prescribed by a licensed physician or other qualified health professional acting under the
 9 professional’s scope of practice for standard treatment of the student’s medical or psychiatric con-
 10 dition; and

11 (B) Administered as prescribed by a licensed physician or other qualified health professional
 12 acting under the professional’s scope of practice.

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

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

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

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

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

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

21 **SECTION 3.** ORS 339.291 is amended to read:

22 339.291. (1) Restraint or seclusion may not be used for discipline, punishment, retaliation or
 23 convenience of personnel, contractors or volunteers of a public education program.

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

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

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

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

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

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

34 **(2)(a) Restraint may be used on a student in a public education program only if:**

35 **(A) The student’s current actions pose a reasonable risk of imminent serious bodily in-**
 36 **jury to the student or others;**

37 **(B) All other efforts to address the current actions have been unsuccessful;**

38 **(C) A less restrictive intervention would not be effective at preventing the imminent se-**
 39 **rious bodily injury;**

40 **(D) The restraint is imposed with the minimum amount of physical force necessary to**
 41 **prevent the imminent serious bodily injury and the use of force is consistent with the size,**
 42 **age, development and known trauma history of the student;**

43 **(E) The restraint ends immediately when the risk of imminent serious bodily injury has**
 44 **resolved or a less restrictive intervention becomes practicable; and**

45 **(F) The restraint is not prohibited under ORS 339.288.**

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

2 (A) The student’s current actions pose a reasonable risk of imminent serious bodily in-
 3 jury to the student or others;

4 (B) All other efforts to address the current actions have been unsuccessful;

5 (C) A less restrictive intervention would not be effective at preventing the imminent se-
 6 rious bodily injury; and

7 (D) The seclusion ends immediately when the risk of imminent serious bodily injury has
 8 resolved or a less restrictive intervention becomes practicable.

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

11 (a) **May be** used only for as long as the student’s [*behavior poses*] **current actions pose** a rea-
 12 sonable risk as described in subsection (2) of this section;

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

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

15 (B) Otherwise available [*in the case of an emergency circumstance when*] **if, due to the unfore-**
 16 **seeable nature of an emergency circumstance**, personnel described in subparagraph (A) of this
 17 paragraph are not immediately available [*due to the unforeseeable nature of the emergency circum-*
 18 *stance*]; and

19 (c) **Must be** continuously monitored by personnel of the public education program for the du-
 20 ration of the restraint or seclusion.

21 (4) In addition to the requirements described in subsection (3) of this section[,];

22 (a) If restraint or seclusion continues for more than [30] **10** minutes:

23 [*(a) The student must be provided with adequate access to the bathroom and water every 30 min-*
 24 *utes*;]

25 [*(b)*] (A) Personnel of the public education program must immediately attempt to verbally or
 26 electronically notify a parent or guardian of the student; and

27 [*(c)*] (B) [*Every 15 minutes after the first 30 minutes of the restraint or seclusion,*] **Every five**
 28 **minutes after the first 10 minutes of the restraint or seclusion**, an administrator for the public
 29 education program must provide written authorization for the continuation of the restraint or se-
 30 clusion, including providing documentation for the reason the restraint or seclusion must be
 31 continued[.]; **and**

32 (b) **The student must be provided with adequate access to the bathroom and water at**
 33 **least as often as prescribed by the Department of Education by rule.**

34 **SECTION 4.** ORS 339.296 is amended to read:

35 339.296. (1) As used in this section:

36 (a) “Behavior intervention plan” has the meaning given that term in ORS 343.154.

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) “Individualized education program” has the meaning given that term in ORS 343.035.

40 (2) When the Department of Human Services conducts an investigation under ORS 419B.019 of
 41 a report of suspected abuse of a student in a public education program and the department finds that
 42 the report of abuse is founded, the department shall determine that the public education program
 43 is responsible for the abuse if:

44 (a) The abuse involved the use of restraint [*or*], seclusion **or negligent treatment** and the
 45 public education program failed to ensure that a sufficient number of **appropriately trained**

1 personnel, *appropriately trained in the use of restraint and seclusion,*] were available to comply with
 2 the individualized education programs, 504 Plans and behavior intervention plans of the students
 3 who were present in the setting where the abuse occurred at the time the abuse occurred;

4 (b)(A) The abuse involved the use of restraint, seclusion or [*neglect*] **negligent treatment** and
 5 the public education program failed to provide the personnel involved with the restraint, seclusion
 6 or [*neglect*] **negligent treatment** with access to the student’s individualized education program, 504
 7 Plan or behavior intervention program or failed to provide the personnel with adequate training to
 8 appropriately perform health-related or personal care tasks; and

9 (B) The personnel were not aware of, and failed to provide the services and supports in the
 10 manner required by, the student’s individualized education program, 504 Plan or behavior plan;

11 (c) The abuse involved the use of restraint or seclusion, a superior ordered personnel to impose
 12 the restraint or seclusion, and the personnel who imposed the restraint or seclusion reasonably be-
 13 lieved that failure to comply with the order would result in termination or discipline; or

14 (d)(A) The abuse involved the use of restraint or seclusion and the public education program
 15 failed to ensure that the personnel who imposed the restraint or seclusion were appropriately
 16 trained in the use of restraint and seclusion;

17 (B) The personnel who imposed the restraint or seclusion reasonably believed that failure to
 18 impose the restraint or seclusion would lead to serious bodily injury of the student or others; and

19 (C) If the personnel imposed a restraint, it was not a type of restraint prohibited under ORS
 20 339.288.

21
 22 **SECURE TRANSPORTATION PROVIDERS**

23
 24 **SECTION 5.** ORS 418.241 is amended to read:

25 418.241. (1) As used in this section:

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

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

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

32 (d) “Secure escort” means escort services for a child who poses a risk of elopement [*or where*
 33 *restraint or seclusion may be utilized if the child poses a risk of injury to self or others, and as further*
 34 *defined by the department by rule.*] **or where restraint, as defined in ORS 418.519, may be utilized**
 35 **if the child’s actions during transport are likely to create a reasonable risk of imminent se-**
 36 **rious bodily injury to the child or others.**

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

40 (f) **“Secure nonmedical transportation services” means the secure transportation or se-**
 41 **ecure escort of children by a provider that is not subject to rules adopted by the Oregon**
 42 **Health Authority.**

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

1 [(g) "Secure transportation services" means the secure transportation or secure escort of children.]

2 (2) The department shall adopt rules consistent with this section for the issuance, under ORS
3 418.215 and 418.240, of licenses to provide secure **nonmedical** transportation services to providers
4 that are child-caring agencies solely as the result of providing secure **nonmedical** transportation
5 services as described in ORS [418.205 (2)(a)(B)] **418.215 (1)(b)** and for the issuance of supplemental
6 licenses to child-caring agencies described in ORS [418.205 (2)(a)(A)] **418.215 (1)(a)** that also provide
7 secure **nonmedical** transportation services as described in ORS [418.205 (2)(a)(B)] **418.215 (1)(b)**.

8 (3)(a) The following secure transportation [services] providers are exempt from the requirements
9 under ORS 418.215 and 418.240 to obtain from the department a license or a supplemental license
10 to provide secure transportation services:

11 (A) A secure nonemergency medical transportation provider **unless the provider also provides**
12 **secure nonmedical transportation services**.

13 (B) A child-caring agency that is licensed, certified or otherwise authorized by the department
14 to provide or engage in the provision of care or services to children if:

15 (i) The agency is not primarily engaged in the provision of secure **nonmedical** transportation
16 services;

17 (ii) The child being transported or escorted resides in or is otherwise receiving services from
18 the agency; and

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

21 (C) An ambulance service, as defined in ORS 682.025, that is transporting a child in an ambu-
22 lance for the purpose of obtaining medical care for the child.

23 (D) A developmental disabilities residential facility if:

24 (i) The facility is not primarily engaged in the provision of secure **nonmedical** transportation
25 services;

26 (ii) The child being transported or escorted resides in or is otherwise receiving services from
27 the facility; and

28 (iii) The transportation or escort is provided consistent with the rules adopted by the depart-
29 ment under this section.

30 (b) The licensing exemptions under paragraph (a)(B) and (D) of this subsection do not apply if
31 the child-caring agency or developmental disabilities residential facility is transporting the child for
32 the purposes of placing the child in a facility that is not licensed by the department or in a hospital
33 that is not licensed by the authority.

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

39 (A) The provider is not licensed by the department under ORS 418.215 or 418.240 to provide
40 secure **nonmedical** transportation services; and

41 (B) The provider holds itself out as being an Oregon provider of secure **nonmedical** transpor-
42 tation services, including by registering in this state the vehicles it uses in the provision of its se-
43 cure **nonmedical** transportation services or representing or otherwise indicating in advertisements
44 or promotional materials that the provider is based in this state, maintains a mailing address in this
45 state or is licensed, certified or otherwise authorized by the department or the authority to provide

1 secure transportation services or similar services in this state.

2 (b) The disclosure under paragraph (a) of this subsection must also indicate that the secure
3 **nonmedical** transportation services provider is not licensed by the department under ORS 418.215
4 or 418.240 to provide secure **nonmedical** transportation services and, if applicable, the reason for
5 the provider's licensing exemption under subsection (3) of this section.

6 (c) If a provider that is required to make a disclosure under this subsection is authorized by the
7 authority to provide secure **nonmedical** transportation services, the provider's disclosure under this
8 subsection may, consistent with rules adopted by the authority, also include a statement that the
9 provider is authorized by the authority to provide secure **nonmedical** transportation services.

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

12 **SECLUSION AND RESTRAINT OF CHILDREN IN CARE**

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14
15 **SECTION 6.** ORS 418.519 is amended to read:

16 418.519. As used in ORS 418.519 to 418.532:

17 (1) **"Adjudicated youth foster home" means a foster home certified by the Oregon Youth**
18 **Authority under ORS 420.888 to 420.892.**

19 [(1)] (2) "Certified foster home" means a foster home subject to ORS 418.625 to 418.645.

20 [(2)] (3) "Chemical restraint" means a drug or medication that is administered **by any means**
21 to a child in care to control behavior or restrict freedom of movement.

22 [(3)] (4) "Child-caring agency" has the meaning given that term in ORS 418.205.

23 [(4)] (5) "Child in care" has the meaning given that term in ORS 418.257.

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

28 [(6)] (7) "Developmental disabilities residential facility" has the meaning given that term in ORS
29 [418.257] **418.205.**

30 (8) **"Foster parent" means the operator of a certified foster home or adjudicated youth**
31 **foster home.**

32 [(7)(a)] (9)(a) "Involuntary seclusion" means the confinement of a child in care alone in a room
33 or an enclosed space from which the child in care is prevented from leaving by any means.

34 (b) "Involuntary seclusion" does not include age-appropriate discipline, including, but not limited
35 to, time-out if the time-out is in a setting from which the child in care is not prevented from leaving
36 by any means.

37 [(8)] (10) "Mechanical restraint" means a device used to restrict the movement of a child in care
38 or the movement or normal function of a portion of the body of a child in care.

39 [(9)] (11) "Proctor foster home" means a foster home certified by a child-caring agency under
40 ORS 418.248.

41 [(10)] (12) "Program" means:

42 (a) A child-caring agency;

43 (b) A proctor foster home; or

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

1 [(11)] (13) “Prone restraint” means a restraint in which a child in care is held face down on the
2 floor.

3 [(12)] (14) “Reportable injury” means any type of injury to a child in care, including but not
4 limited to rug burns, fractures, sprains, bruising, pain, soft tissue injury, punctures, scratches,
5 concussions, abrasions, dizziness, loss of consciousness, loss of vision, visual disturbance or death.

6 [(13)] (15)(a) “Restraint” means the physical restriction of a child in care’s actions [*or move-*
7 *ments by holding the child in care or using pressure or other means*] **by using physical force to hold**
8 **the child in care or by using pressure or other means to restrict the ability of the child in**
9 **care to voluntarily move the child in care’s head, limbs, torso, neck, hands or feet.**

10 (b) “Restraint” does not include:

11 (A) Holding a child in care’s hand or arm to escort the child in care safely and without
12 the use of force from one area to another; or

13 (B) Physically assisting a child in care to complete a task if the child in care does not
14 resist the physical contact.

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

19 [(15) “Secure children’s inpatient treatment program” means a child-caring agency that is an in-
20 tensive treatment services program, as described by the authority by rule, that provides inpatient psy-
21 chiatric stabilization and treatment services to children under 14 years of age who require a secure
22 intensive treatment setting.]

23 (16) “Serious bodily injury” means [*any significant impairment of the physical condition of an in-*
24 *dividual, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone*
25 *else.*] **bodily injury that creates a substantial risk of death or that causes serious permanent**
26 **disfigurement, unconsciousness, extreme pain or permanent protracted loss or impairment**
27 **of the function of a bodily member, organ or mental faculty.**

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

29 **SECTION 7.** ORS 418.521 is amended to read:

30 418.521. [(1) A child-caring agency, proctor foster home, certified foster home or developmental
31 disabilities residential facility may not place a child in care in a restraint or involuntary seclusion as
32 a form of discipline, punishment or retaliation or for the convenience of staff, contractors or volunteers
33 of the child-caring agency, proctor foster home, certified foster home or developmental disabilities resi-
34 dential facility.]

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

37 [(a)] (1) Chemical restraint.

38 [(b)] (2) Mechanical restraint.

39 [(c)] (3) Prone restraint.

40 [(d)] (4) Supine restraint.

41 [(e)] (5) **Unless the restraint is necessary to prevent an imminent life-threatening injury**
42 **or to gain control of a weapon, except as provided in section 10 of this 2025 Act, a [Any] re-**
43 **straint that:**

44 (a) **Is intended to impede the child in care’s movement;**

45 (b) Includes the intentional and nonincidental use of a solid object, including the ground, a wall

1 or the floor[, *to impede a child in care's movement*]; and

2 (c) **Causes the child in care's body to be pressed between the person imposing the re-**
3 **straint and the object or to be pressed between an object or objects.**

4 [(f)] (6) Any restraint that places, or creates a risk of placing, pressure on a child in care's neck
5 or throat.

6 [(g)] (7) Any restraint that places, or creates a risk of placing, pressure on a child in care's
7 mouth, **unless the restraint is necessary for the purpose of extracting a body part from a**
8 **bite.**

9 [(h)] (8) Any restraint that impedes, or creates a risk of impeding, a child in care's breathing.

10 [(i)] (9) Any restraint that involves the intentional placement of any object or a hand, knee, foot
11 or elbow on a child in care's neck, throat, genitals or other intimate parts.

12 [(j)] (10) Any restraint that causes pressure to be placed, or creates a risk of causing pressure
13 to be placed, on a child in care's stomach, chest, joints, throat or back by a knee, foot or elbow.

14 [(k)] (11) Any other action, the primary purpose of which is to inflict pain.

15 **(12) Any restraint used for discipline, punishment, retaliation or convenience.**

16 **SECTION 8.** ORS 418.523 is amended to read:

17 418.523. [(1) *Except as otherwise provided in this section, a child-caring agency, proctor foster home*
18 *or developmental disabilities residential facility may only place a child in care in a restraint or invol-*
19 *untary seclusion if the child in care's behavior poses a reasonable risk of imminent serious bodily in-*
20 *jury to the child in care or others and less restrictive interventions would not effectively reduce that*
21 *risk.*]

22 [(2) *A certified foster home may not place a child in care in a restraint or involuntary seclusion.*]

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

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

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

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

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

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

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

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

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

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

40 [(c) *If a program is a secure children's inpatient treatment program or secure adolescent inpatient*
41 *treatment program, the program may place a child in care in a restraint described in ORS 418.521*
42 *(2)(d) or (e) only if:*]

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

44 [(B) *The restraint is authorized by an order written at the time of and specifically for the current*
45 *situation by a licensed medical practitioner or a licensed children's emergency safety intervention spe-*

1 *cialist;]*

2 *[(C) The restraint is used only as long as needed to prevent serious physical injury, as defined in*
3 *ORS 161.015, and while no other intervention or form of restraint is possible;]*

4 *[(D) A licensed medical practitioner, children's emergency safety intervention specialist or qualified*
5 *mental health professional, who is certified in the use of the type of restraint used, continuously moni-*
6 *tors the use of the restraint and the physical and psychological well-being of the child in care at all*
7 *times while the restraint is being used;]*

8 *[(E) Each individual placing the child in care in the restraint is certified as described in ORS*
9 *418.529 in the use of the type of restraint used and the individual's training is current;]*

10 *[(F) One or more individuals with current cardiopulmonary resuscitation training are present for*
11 *the duration of the restraint;]*

12 *[(G) The program has written policies that require a licensed children's emergency safety inter-*
13 *vention specialist or other licensed practitioner to evaluate and document the physical, psychological*
14 *and emotional well-being of the child in care immediately following the use of the restraint; and]*

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

22 *[(b) The individuals placing the child in care in the restraint or involuntary seclusion are certified*
23 *as described in ORS 418.529 in the use of the type of restraint used or are trained, as required by the*
24 *department by rule, in the use of the involuntary seclusion used;]*

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

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

31 **(1)(a) Restraint may be used on a child in care only if the child in care's current actions**
32 **pose a reasonable risk of imminent serious bodily injury to the child in care or others and:**

33 **(A) All other efforts to address the current actions have been unsuccessful;**

34 **(B) A less restrictive intervention would not be effective at preventing the imminent se-**
35 **rious bodily injury;**

36 **(C) The restraint is imposed with the minimum amount of physical force necessary to**
37 **prevent imminent serious bodily injury and the use of force is consistent with the size, age,**
38 **development and known trauma history of the child in care;**

39 **(D) The restraint ends immediately when the risk of imminent serious bodily injury has**
40 **resolved or a less restrictive intervention becomes practicable; and**

41 **(E) Except as specifically provided in section 10 of this 2025 Act, the restraint is not**
42 **prohibited under ORS 418.521.**

43 **(b) A child in care may be placed in involuntary seclusion only if the child in care's cur-**
44 **rent actions pose a reasonable risk of imminent serious bodily injury to the child in care or**
45 **others and:**

1 (A) All other efforts to address the current actions have been unsuccessful;

2 (B) A less restrictive intervention would not be effective at preventing the imminent se-
 3 rious bodily injury;

4 (C) The involuntary seclusion ends immediately when the risk of imminent serious bodily
 5 injury has resolved or a less restrictive intervention becomes practicable; and

6 (D) The child in care is not receiving developmental disability services.

7 (2) When restraint is used on a child in care as permitted in subsection (1) of this sec-
 8 tion:

9 (a)(A) Except as provided in paragraph (b) of this subsection, the restraint may be im-
 10 posed only by staff or contractors of a child-caring agency, proctor foster home or develop-
 11 mental disabilities residential facility who have current certification as described in ORS
 12 418.529 in the restraint used;

13 (B) The child in care must be receiving care or services from the child-caring agency,
 14 proctor foster home or developmental disabilities residential facility at the time the restraint
 15 is used; and

16 (C) If the child in care is receiving developmental disability services, the restraint must
 17 also be consistent with the child in care's individualized service plan developed pursuant to
 18 ORS 427.154.

19 (b) The restraint may be imposed by the child in care's foster parent only if:

20 (A) The foster parent reasonably believes that the restraint is the only means by which
 21 to thwart the child in care's imminent suicide attempt or unlawful use of force upon another
 22 person that is likely to result in the death or life-threatening injury to the child in care or
 23 others;

24 (B) The foster parent did not provoke the incident;

25 (C) The restraint is imposed with the minimum amount of physical force necessary to
 26 prevent the child in care's current actions from resulting in the death or life-threatening
 27 injury to the child in care or others;

28 (D) The foster parent summons assistance from an emergency responder, which may
 29 include but need not be limited to a mobile crisis response team, law enforcement or ambu-
 30 lance, immediately upon it becoming physically safe to do so;

31 (E) The restraint ends immediately upon the resolution of the threat, even if the emer-
 32 gency responder has not yet arrived; and

33 (F) The foster parent notifies the Department of Human Services of the incident as soon
 34 as it becomes physically safe to do so.

35 (3) If involuntary seclusion is used on a child in care as permitted in subsection (1) of this
 36 section:

37 (a) The involuntary seclusion may be imposed only by staff or contractors of a child-
 38 caring agency or proctor foster home; and

39 (b) The child in care must be receiving care or services from the child-caring agency or
 40 proctor foster home.

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

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

45 (4) When a program places a child in care in restraint or involuntary seclusion as per-

1 **mitted under this section:**

2 **(a) If the restraint or involuntary seclusion continues for more than 10 minutes:**

3 **[(b)(A)] (A)** Every five minutes after the first 10 minutes of the restraint or involuntary seclu-
 4 sion, a program supervisor who is certified as described in ORS 418.529 in the use of the type of
 5 restraint being used or trained, as required by the department by rule, in the use of the involuntary
 6 seclusion being used must provide written authorization for the continuation of the restraint or in-
 7 voluntary seclusion[.];

8 **(B)** If the supervisor is not on-site at the time the restraint is used, the supervisor may provide
 9 the written authorization electronically[.]; **and**

10 **(C)** The written authorization must document why the restraint or involuntary seclusion con-
 11 tinues to be the least restrictive intervention to reduce the risk of imminent serious bodily injury
 12 in the given circumstances[.]; **and**

13 **(b) The program must provide the child in care with adequate access to the bathroom**
 14 **and water at least as often as prescribed by the department by rule.**

15 **SECTION 9.** Section 10 of this 2025 Act is added to and made a part of ORS 418.519 to
 16 **418.532.**

17 **SECTION 10. Restraint in psychiatric residential treatment facility.** When a child-caring
 18 agency uses a restraint on a child in care as permitted under ORS 418.523 (1), except as
 19 prohibited by federal law the child-caring agency may restrain the child in care using an
 20 otherwise prohibited restraint described in ORS 418.521 (5) if, in addition to the requirements
 21 in ORS 418.523:

22 **(1) The child-caring agency has a current contract with the Oregon Medicaid program**
 23 **and is certified by the Oregon Health Authority as a psychiatric residential treatment facil-**
 24 **ity;**

25 **(2) The child in care is currently admitted to the child-caring agency and is receiving**
 26 **inpatient psychiatric services under the direction of a physician;**

27 **(3) No other intervention or form of restraint will prevent a life-threatening injury or**
 28 **death of the child in care or another person;**

29 **(4) A physician or other licensed health care professional who is certified in the use of**
 30 **the type of restraint used continuously monitors the use of the restraint and assesses the**
 31 **physical and psychological well-being of the child in care at all times while the restraint is**
 32 **being used;**

33 **(5) At least one individual with current cardiopulmonary resuscitation training is present**
 34 **for the duration of the restraint;**

35 **(6) A physician or other licensed health care professional evaluates and documents the**
 36 **physical, psychological and emotional well-being of the child in care immediately following**
 37 **the use of the restraint;**

38 **(7) The program staff continuously monitor the child in care for the duration of the re-**
 39 **straint; and**

40 **(8) The restraint is performed in a manner that is safe, proportionate and appropriate,**
 41 **taking into consideration the child in care’s chronological and developmental age, size,**
 42 **gender identity, physical, medical and psychiatric condition and personal history, including**
 43 **any history of physical or sexual abuse.**

44 **SECTION 11.** ORS 418.529 is amended to read:

45 **418.529. (1)(a)** The Department of Human Services shall adopt by rule training standards and

1 certification requirements [*regarding the placement of a child in care in a restraint or involuntary*
 2 *seclusion, consistent with this section.*] **for a person to be qualified and authorized to impose a**
 3 **restraint upon a child in care as permitted under ORS 418.257 to 418.259.**

4 (b) [*The department shall designate two or three nationally recognized providers of crisis inter-*
 5 *vention training that meet the department's training standards and whose certifications issued upon*
 6 *completion of the training programs the department will recognize as satisfying the department's certi-*
 7 *fication requirements.*] **The department shall designate at least two but not more than three**
 8 **nationally recognized providers of training programs on the safe and limited use of restraints**
 9 **whose certifications of training completion are the sole certifications the department will**
 10 **recognize as satisfying the certification requirements under this section. The trainers must:**

11 (A) **Emphasize that imposition of restraint may be used only as the last resort in an**
 12 **emergency situation;**

13 (B) **Meet or exceed all of the department's standards for training and certification; and**

14 (C) **Issue certifications upon successful completion of the training programs that satisfy**
 15 **the department's requirements for an individual to be certified to impose restraint in this**
 16 **state.**

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

18 (a) Ensure **statewide** consistency of training, **philosophy, technique** and professional develop-
 19 ment [*across all programs*] **related to the use of restraint of children receiving care or services**
 20 **from child-caring agencies, proctor foster homes and developmental disabilities residential**
 21 **facilities in this state that utilize restraint;**

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

24 (c) Focus on de-escalation and [*trauma-informed behavioral support as the core of a training pro-*
 25 *gram*] **trauma-responsive, nonviolent support of children experiencing crisis as the core of a**
 26 **training program;**

27 (d) Offer **additional** options for certification in skills that do not include the use of restraint to
 28 improve agency-wide safety, culture and [*trauma-informed*] **trauma-responsive** practices;

29 (e) Prioritize the reduction or elimination of the use of restraint [*and involuntary seclusion*];

30 (f) Ensure that any [*physical intervention skills taught are trauma-informed,*] **restraint tech-**
 31 **niques taught by the program are trauma-responsive**, age-appropriate and developmentally ap-
 32 propriate for children [*in care*], reduce the risk of physical or emotional harm and are consistent
 33 with all state and federal laws;

34 (g) Include training to identify the physical, psychological and emotional risks for children and
 35 [*program*] staff related to the use of restraint [*and involuntary seclusion*];

36 (h) Ensure fidelity of training through the publication of consistent training materials and re-
 37 sources for certified instructors and certified [*program*] staff;

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

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

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

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

44 (b) Complete a minimum of 26 hours of initial education with a focus on de-escalation, nonviolent
 45 intervention and methods consistent with the department's rules for the use of physical intervention;

- 1 (c) Complete a minimum of 12 hours of **in person** continuing education every two years;
- 2 (d) Be recertified at least once every two years; and
- 3 (e) Demonstrate written and physical competency before receiving certification or recertif-
- 4 ication.

5 (4) The department's rules must provide that an individual who places a child in care [*in a*
 6 *program*] in a restraint **as permitted under ORS 418.257 to 418.259** must be certified in the use
 7 of the specific type of restraint used. The department's rules must describe the minimum certifica-
 8 tion requirements, including:

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

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

14 (c) Demonstration of a mastery of the training program material both in writing and by physical
 15 competency before receiving certification **or recertification.**

16 (5) A certification issued under this section:

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

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

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

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

21 (e) Must be portable between employers;

22 **(f) Must be included in a registry maintained by the training program; and**

23 [(f)] **(g) Must include:**

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

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

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

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

28 (E) The level of training; and

29 (F) The name of the certified instructor who conducted the training [*and*], administered the as-
 30 sessment of proficiency **and attested to the individual's competency to be certified.**

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

34 **(7) Nothing in this section is intended to restrict a child-caring agency, proctor foster**
 35 **home or developmental disabilities residential facility from utilizing additional training on the**
 36 **prevention of crisis situations and alternative responses that do not involve the use of**
 37 **physical force to reduce or eliminate the use of restraint.**

38
 39 **ABUSE OF A CHILD IN CARE**

40
 41 **SECTION 12. Section 13 of this 2025 Act is added to and made a part of ORS 418.257 to**
 42 **418.259.**

43 **SECTION 13. Abuse of a child in care. An individual abuses a child in care for purposes**
 44 **of ORS 418.257 to 418.259 if:**

45 **(1) The individual neglects the child in care by failing to provide care, supervision or**

1 services necessary to maintain the physical and mental health of the child in care;

2 (2) The individual is the operator, contractor, employee or volunteer of a child-caring
3 agency, a proctor foster home, a certified foster home, an adjudicated youth foster home or
4 a developmental disabilities residential facility, is the child in care's caretaker or is otherwise
5 responsible for the provision of care or services to the child in care, and the individual:

6 (a) Abandons the child in care, including by deserting or willfully forsaking the child in
7 care or withdrawing or neglecting duties and obligations owed to the child in care by the
8 individual;

9 (b) Neglects the child in care by failing to make a reasonable effort to protect the child
10 in care from abuse by another individual; or

11 (c) Engages in sexual abuse of the child in care by engaging in sexual contact, as defined
12 in ORS 163.305, with the child in care; or

13 (3) The individual is a subject person and the individual does any of the following:

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

17 (b) Imposes a restraint or involuntary seclusion on the child in care in violation of ORS
18 418.521, 418.523 or section 10 of this 2025 Act;

19 (c) Willfully inflicts physical pain or injury upon a child in care;

20 (d) Commits an act involving the child in care that constitutes a crime under ORS
21 163.263, 163.264, 163.266, 163.375, 163.405, 163.408, 163.411, 163.413, 163.425, 163.427, 163.429,
22 163.435, 163.465, 163.467, 163.525, 163.535, 163.537, 163.547, 163.575, 163.670, 163.700 or 163.701;

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

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

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

29 (C) Intimidation, including by compelling or deterring conduct by threat;

30 (f) Engages in financial exploitation of the child in care by:

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

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

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

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

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

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

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

43 (C) Sexual contact, as defined in ORS 163.305, with the child in care that is unlawful un-
44 der ORS chapter 163 and is not subject to a defense under that chapter; or

45 (D) Sexual contact, as defined in ORS 163.305, with the child in care that is achieved

1 through force, trickery, threat or coercion;

2 (h) Sexually exploits the child in care, including by:

3 (A) Contributing to the sexual delinquency of the child in care, as defined in ORS 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; or

16 (i) Allows, permits or encourages another individual to engage in sexual contact, as de-
 17 fined in ORS 163.305, with the child in care.

18 **SECTION 14.** ORS 418.257 is amended to read:

19 418.257. As used in ORS 418.257 to 418.259:

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

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

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

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

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

28 [(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
 29 163.465, 163.467 or 163.525.]

30 [(f) Verbal abuse.]

31 [(g) Financial exploitation.]

32 [(h) Sexual abuse.]

33 [(i) The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521 or
 34 418.523.]

35 (1) "Abuse" has the meaning described in section 13 of this 2025 Act.

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

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

40 (3)(a) "Child in care" means a person under 21 years of age who is **in the physical or legal**
 41 **custody of the Department of Human Services** or residing in or receiving care or services from:

42 (A) A child-caring agency or proctor foster home subject to ORS 418.205 to 418.327, **418.241,**
 43 418.470, 418.475 or 418.950 to 418.970;

44 (B) A certified foster home; [or]

45 (C) A developmental disabilities residential facility[.]; **or**

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

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

5 [(4) “*Developmental disabilities residential facility*” means a residential facility or foster home for
 6 children who are 17 years of age or younger and receiving developmental disability services that is
 7 subject to ORS 443.400 to 443.455, 443.830 and 443.835.]

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

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

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

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

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

18 [(b)] (4) “Financial exploitation” does not include age-appropriate discipline that may involve the
 19 threat to withhold, or the withholding of, privileges.

20 [(6)] (5) [“*Intimidation*” means *compelling or deterring conduct by threat.*] “Intimidation” does not
 21 include age-appropriate discipline that may involve the threat to withhold privileges.

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

23 [(8)] (6) “Law enforcement agency” means:

24 (a) Any city or municipal police department.

25 (b) Any county sheriff’s office.

26 (c) The Oregon State Police.

27 (d) Any district attorney.

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

29 [(9) “*Neglect*” means:]

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

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

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

36 (7) “**Regulated entity**” means a child-caring agency, a certified foster home, an adjudi-
 37 cated youth foster home, a proctor foster home or a developmental disabilities residential
 38 facility, if the agency, foster home or facility is approved by or seeking approval from the
 39 department to provide care or services to children as described in ORS 418.205 to 418.327 or
 40 418.241.

41 [(11)] (8) “Services” includes but is not limited to the provision of food, clothing, medicine,
 42 housing, medical services, **education, supervision**, assistance with bathing or personal hygiene or
 43 any other service essential to the well-being of a child in care.

44 [(12) “*Sexual abuse*” means:]

45 [(a) *Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material*

1 *or language;]*

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

5 *[(c) Any sexual contact between a person and a child in care that is unlawful under ORS chapter*
 6 *163 and not subject to a defense under that chapter; or]*

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

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

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

10 *[(15) "Verbal abuse" means to threaten significant physical or emotional harm to a child in care*
 11 *through the use of:]*

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

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

15 **(9) "Subject person" means a person who is at least 18 years of age and is:**

16 **(a) An employee, volunteer or contractor of a child-caring agency, a developmental disa-**
 17 **ilities residential facility, a proctor foster home, a certified foster home or an adjudicated**
 18 **youth foster home;**

19 **(b) An operator of a child-caring agency, a developmental disabilities residential facility,**
 20 **a proctor foster home, a certified foster home or an adjudicated youth foster home;**

21 **(c) An individual who resides in the same child-caring agency, developmental disabilities**
 22 **residential facility, proctor foster home, certified foster home or adjudicated youth foster**
 23 **home as a child in care; or**

24 **(d) An individual who has access to a child in care due to the individual's relationship**
 25 **with another person.**

26
 27 **LICENSURE AND REGULATION OF CHILD-CARING AGENCIES**

28
 29 **SECTION 15.** ORS 418.205 is amended to read:

30 418.205. As used in ORS 418.205 to 418.327, [418.330,] 418.470, 418.475, 418.950 to 418.970 and
 31 418.992 to 418.998, unless the context requires otherwise:

32 **(1) "Certified foster home" means a foster home subject to ORS 418.625 to 418.645.**

33 **[(1)] (2) "Child" means an unmarried person under 21 years of age [who resides in or receives**
 34 **care or services from a child-caring agency].**

35 **[(2)(a)] (3) "Child-caring agency" means a children's care or services provider that is re-**
 36 **quired under ORS 418.215 to be licensed, certified or otherwise authorized by the Department**
 37 **of Human Services under ORS 418.240.[.]**

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

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

40 **[(ii) Adoption placement services;]**

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

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

45 **[(v) Outdoor youth programs; or]**

- 1 *[(vi) Other similar care or services for children.]*
- 2 *[(B) Any private organization or person that provides secure transportation services as defined in*
3 *ORS 418.241 during any segment of a child’s trip to or from a child-caring agency, certified foster home*
4 *as defined in ORS 418.241 or developmental disabilities residential facility as defined in ORS 418.241,*
5 *if the route of the child’s trip begins or ends in this state.]*
- 6 *[(b) “Child-caring agency” includes the following:]*
- 7 *[(A) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;]*
- 8 *[(B) An independent residence facility as described in ORS 418.475 that meets the standards es-*
9 *tablished by the Department of Human Services by rule to be considered a child-caring agency;]*
- 10 *[(C) A private residential boarding school;]*
- 11 *[(D) A child-caring facility as defined in ORS 418.950; and]*
- 12 *[(E) A secure nonemergency medical transportation provider, as defined in ORS 418.241.]*
- 13 *[(c) “Child-caring agency” does not include:]*
- 14 *[(A) Residential facilities or foster care homes certified or licensed by the Department of Human*
15 *Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental dis-*
16 *ability services;]*
- 17 *[(B) Any private agency or organization facilitating the provision of respite services for parents*
18 *pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subpara-*
19 *graph, “respite services” means the voluntary assumption of short-term care and control of a minor*
20 *child without compensation or reimbursement of expenses for the purpose of providing a parent in crisis*
21 *with relief from the demands of ongoing care of the parent’s child;]*
- 22 *[(C) A youth job development organization as defined in ORS 344.415;]*
- 23 *[(D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645;]*
- 24 *[(E) A foster home subject to ORS 418.625 to 418.645;]*
- 25 *[(F) A facility that exclusively serves individuals 18 years of age and older; or]*
- 26 *[(G) A facility that primarily serves both adults and children but requires that any child must be*
27 *accompanied at all times by at least one custodial parent or guardian.]*
- 28 *[(3) “Child-caring facility” has the meaning given that term in ORS 418.950.]*
- 29 *[(4)(a) “County program” means any county operated program that provides care or services to*
30 *children:]*
- 31 *[(A) In the custody of the Department of Human Services or the Oregon Youth Authority; or]*
- 32 *[(B) Under a contract with the Oregon Health Authority.]*
- 33 *[(b) “County program” does not include any local juvenile detention facility that receives state ser-*
34 *vices provided and coordinated by the Department of Corrections under ORS 169.070.]*
- 35 **(4) “Developmental disabilities residential facility” means a residential facility or foster**
36 **home that is subject to ORS 443.400 to 443.455, 443.830 and 443.835 for children who are under**
37 **18 years of age and receiving developmental disability services.**
- 38 *[(5)] (5) “Governmental agency” means an executive, legislative or judicial agency, department,*
39 *board, commission, authority, institution or instrumentality of this state or of a county, municipality*
40 *or other political subdivision of this state.*
- 41 *[(6) “Independent residence facility” means a facility as described in ORS 418.475.]*
- 42 *[(7)(a) “Outdoor youth program” means a program that provides, in an outdoor living setting, ser-*
43 *vices to children who have behavioral problems, mental health problems or problems with abuse of al-*
44 *cohol or drugs.]*
- 45 *[(b) “Outdoor youth program” does not include any program, facility or activity:]*

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

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

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

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

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

6 [(8)] (7) “Private” means not owned, operated or administered by any governmental agency or
7 unit.

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

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

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

14 [(10)] (8) “Proctor foster home” means a foster home certified by a child-caring agency under
15 ORS 418.248 that is not [subject to ORS 418.625 to 418.645] **a certified foster home.**

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

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

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

23 **SECTION 16.** ORS 418.210 is amended to read:

24 418.210. ORS 418.205 to 418.327 [shall] **and 418.241 do** not apply to:

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

28 (2) [Any] **Except as specifically provided in ORS 418.257 to 418.259, a certified** foster home
29 [that is subject to ORS 418.625 to 418.645];

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

31 (4) [Any] **An** individual, or home of an individual, providing respite services, as defined in ORS
32 [418.205] **418.215**, for parents pursuant to a properly executed power of attorney under ORS 109.056;

33 **or**

34 [(5) Any private agency or organization facilitating the provision of respite services, as defined in
35 ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056; or]

36 [(6) A shelter-care home that is subject to ORS 418.625 to 418.645.]

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

39 **(5) A governmental entity, including, except as specifically provided in ORS 418.257 to**
40 **418.259, the Oregon Youth Authority, that provides care or services to children, regardless**
41 **of whether the children are in the custody of the Department of Human Services, if:**

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

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

44 **SECTION 17.** ORS 418.215 is amended to read:

45 418.215. [(1) A child-caring agency may not provide or engage in any care or services described in

1 ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 unless the agency is licensed, certified
 2 or otherwise authorized to provide or engage in the provision of care or services to a child by the
 3 Department of Human Services under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to
 4 418.970.]

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

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

9 [(b) Is a county program.]

10 (1) **The following children’s care or services providers must be licensed, certified or oth-**
 11 **erwise authorized by the Department of Human Services to provide or engage in any care**
 12 **or services described in ORS 418.205 to 418.327, 418.241, 418.470, 418.475 or 418.950 to 418.970**
 13 **in this state:**

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

15 (A) **A provider of psychiatric day treatment for children with emotional disturbances;**

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

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

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

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

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

24 (b) **Any private organization or person that provides secure nonmedical transportation**
 25 **services, as defined in ORS 418.241, during any segment of a child’s trip to or from a provider**
 26 **described in this subsection, a certified foster home or a developmental disabilities residen-**
 27 **tial facility, if the route of the child’s trip begins or ends in this state;**

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

29 (d) **An independent residence facility as described in ORS 418.475 that meets the stan-**
 30 **dards established by the Department of Human Services by rule to be considered a child-**
 31 **caring agency;**

32 (e) **A private residential boarding school, as defined in ORS 418.327;**

33 (f) **An owner or operator of a child-caring facility, as defined in ORS 418.950; and**

34 (g) **A secure nonemergency medical transportation provider, as defined in ORS 418.241,**
 35 **if the provider also provides, as described in paragraph (b) of this subsection, secure non-**
 36 **medical transportation services, as defined in ORS 418.241.**

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

39 (a) **A developmental disabilities residential facility.**

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

1 (c) A youth job development organization, as defined in ORS 344.415.

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

3 (e) A certified foster home.

4 (f) A facility that exclusively serves individuals 18 years of age and older.

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

7 (h) A private organization or person that provides medical transportation services, sub-
8 ject to rules adopted by the Oregon Health Authority, unless the provider also provides se-
9 cure nonmedical transportation services, as described in subsection (1)(b) of this section.

10 (i) An ambulance service, as defined in ORS 682.025.

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

12 (3) As used in this section:

13 (a) "County program" means any county operated program that provides care or services
14 to children:

15 (A) In the custody of the Department of Human Services or the Oregon Youth Authority;
16 or

17 (B) Under a contract with the Oregon Health Authority.

18 (b) "County program" does not include any local juvenile detention facility that receives
19 state services provided and coordinated by the Department of Corrections under ORS 169.070.

20 **SECTION 18.** ORS 418.240 is amended to read:

21 418.240. (1) *[All child-caring agencies shall obtain from the Department of Human Services a li-*
22 *cence, certificate or other authorization to provide]* **The Department of Human Services shall adopt**
23 **rules, consistent with this section and ORS 418.215, for the licensing, certification, endorse-**
24 **ment or authorization of child-caring agencies to provide or engage in the provision of care**
25 **or services to children under ORS 418.205 to 418.327, 418.241, 418.470, 418.475 or 418.950 to 418.970.**
26 The criteria for issuance, renewal, suspension or revocation of, or for placing conditions on, a li-
27 cense, certificate, **endorsement** or authorization under this section must:

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

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

30 (B) **A county program as defined in ORS 418.215;**

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

32 (c) Include, but are not limited to, the following:

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

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

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

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

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

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

42 (2)(a) The department may not issue or renew a license, certificate, **endorsement** or other au-
43 thorization to a child-caring agency unless the department finds the agency is or will be in full
44 compliance with all of the following:

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

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

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

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

4 (E) The agency provides appropriate food services.

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

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

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

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

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

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

17 (b) The department may suspend, revoke or place conditions on a license, certificate, **endorse-**
18 **ment** or authorization of a child-caring agency if the department finds the agency is not in full
19 compliance with any one or more of the full compliance requirements listed in paragraph (a) of this
20 subsection.

21 (c) The department must take immediate steps to suspend or revoke the license, certificate,
22 **endorsement** or other authorization of a child-caring agency, if any of the following are found to
23 exist:

24 (A) There has been the death of a child as a result of abuse [*or neglect*], **neglect or regulatory**
25 **noncompliance** on the part of the agency or any of the agency's employees or agents.

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

29 **(B) The agency failed to take reasonable action to remedy, prevent or end the abuse of**
30 **children in the agency's care or custody, despite having knowledge that sexual or physical**
31 **abuse or neglect of a child in the agency's care or custody was occurring.**

32 (C) The agency failed to [*cooperate*] fully **cooperate** with any local, state or federal regulatory
33 [*entity's*] **authority's** investigation **or assessment** of the agency or **of** the agency's operations or
34 employees.

35 [*(D) The agency failed to provide financial statements as required under ORS 418.255.*]

36 **(d) The department shall take immediate steps to place conditions on, suspend or revoke**
37 **the license, certificate, endorsement or other authorization of a child-caring agency, if any**
38 **of the following are found to exist:**

39 **(A) The agency's management failed to provide financial statements as required by ORS**
40 **418.255; or**

41 **(B) The agency failed to provide access to a child in the agency's care or custody as re-**
42 **quired by ORS 418.305.**

43 [*(d)*] **(e)** If any of the circumstances described in paragraph (c) **or (d)** of this subsection exists,
44 the department may immediately place conditions on the license, certificate, **endorsement** or au-
45 thorization of the child-caring agency prior to a hearing if, consistent with ORS 183.430, the de-

1 department finds there is a serious danger to the public health or safety and sets forth specific reasons
2 for such findings.

3 [(e)] (f) It is grounds to deny issuance or renewal, suspend, revoke or place conditions on a li-
4 cense, certificate, **endorsement** or other authorization if the department becomes aware that a
5 child-caring agency, or the owner [*or operator*], **operator or managers** of the agency, has been
6 found by other state or federal entities to have engaged in financial, civil or criminal misconduct.

7 (3)(a) If the Director of Human Services has taken action under subsection (2)(c) **or (d)** of this
8 section to suspend or revoke a license, certificate, **endorsement** or other authorization, the notice
9 of intent to suspend or revoke may be rescinded if the director determines that the concerns re-
10 garding the health and safety of the children in the child-caring agency's care or custody have been
11 ameliorated and any conditions placed on the license, certificate, **endorsement** or other authori-
12 zation of the child-caring agency have been resolved.

13 (b) Fourteen days before rescinding a notice of intent to suspend or revoke, the Director of
14 Human Services must provide written notice regarding the intent to rescind to the Governor **and**
15 **the Children's Advocate**. The notice of intent to rescind is a public record and open for inspection
16 by any person without order of a court. The notice of intent to rescind must include the following
17 information:

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

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

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

23 (D) A complete description of changes that were made at the child-caring agency and the rea-
24 sons for the determination that the concerns regarding the health and safety of children in the
25 child-caring agency's care or custody have been ameliorated or that any conditions placed on the
26 license, certificate, **endorsement** or other authorization of the child-caring agency have been re-
27 solved **and the child-caring agency provides clear evidence of its ability to maintain regula-**
28 **tory compliance.**

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

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

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

38 (A) The Governor;

39 **(B) The Children's Advocate;** and

40 [(B)] (C) The committees of the Legislative Assembly relating to child welfare.

41 (4) The department may immediately place conditions on any license, certificate, **endorsement**
42 or authorization issued under this section, including but not limited to placing full or partial re-
43 strictions on admission of children, temporary suspension, limitation of operations subject to an in-
44 tent to revoke and limitation of operations subject to correction of violations as specified in a plan
45 of correction imposed by the department. The department shall immediately notify any state or

1 governmental agency or unit that has a contract with the child-caring agency to provide care or
 2 services to a child, and the governing board, trustees, owners, managers, operators or other appro-
 3 priate authorities responsible for the child-caring agency, of conditions placed by the department
 4 on the child-caring agency's license, certificate, **endorsement** or authorization under this section.

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

7 *[(6) The department may not charge a fee for inspections leading to decisions regarding, and issu-*
 8 *ance of, licenses, certifications or authorizations under this section, but may impose fees to cover costs*
 9 *of related inspections done for the department by other governmental agencies.]*

10 **(6) The department may charge a reasonable fee to cover the cost of processing applica-**
 11 **tions for licensure, certifications, endorsements or authorizations and renewal of a license,**
 12 **certification or authorization for inspections leading to decisions regarding, and issuance and**
 13 **reissuance of, licenses, certifications, endorsements and authorizations. The department may**
 14 **impose fees to cover the costs of related inspections done for the department by other gov-**
 15 **ernmental agencies.**

16 (7) Except as provided in subsection (3) of this section, a license, certificate, **endorsement** or
 17 authorization issued by the department **to a child-caring agency** under this section shall be valid
 18 for a period of two years, unless suspended or revoked sooner by the department. However, the de-
 19 partment at any time may require amendments to an existing license, certificate, **endorsement** or
 20 authorization to accommodate changes in the factors upon which the issuance was based.

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

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

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

28 (A) If the agency is being operated without a valid license, certificate, **endorsement** or other
 29 authorization issued under this section; or

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

33 (9) If the director, the director's designee or the department becomes aware through any means
 34 that a child-caring agency, or **the managers**, an owner, operator or employee of a child-caring
 35 agency, is the subject of an investigation by another state agency, law enforcement agency or fed-
 36 eral agency, the director or director's designee shall *[take immediate steps to cause an investigation*
 37 *to take place into the circumstances surrounding the investigation and whether there is a threat to a*
 38 *child, or whether a child is at risk, at the child-caring agency. Upon determination of the level of*
 39 *threat or risk to children at the agency, the director shall take appropriate steps to protect and]* **im-**
 40 **mediately conduct a complete and thorough assessment of the circumstances surrounding**
 41 **the investigation and determine whether the circumstances threaten the health, safety,**
 42 **rights or welfare of any child in the agency's care or custody. If the director or the director's**
 43 **designee determines there is such a threat, the department shall immediately take appro-**
 44 **priate action to ensure the health, safety, rights and welfare of children as necessary under the**
 45 **circumstances. Failure to comply with the requirements of this subsection constitutes grounds for**

1 a charge of official misconduct 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 **the managers**, an owner, operator or employee of a child-caring agency,
4 the Department of Justice or Bureau of Labor and Industries shall notify, inform and regularly up-
5 date the director, the director's designee or such other personnel in the Department of Human Ser-
6 vices designated to receive such information regarding the investigation. The director and the
7 department shall immediately undertake the responsive action required by subsection (9) of this
8 section upon receiving such notification. Interference with, discouragement of or impediment to the
9 receipt of the notification, information and updates required under this subsection constitutes offi-
10 cial misconduct 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 **(12) As used in this section, "managers" means one or more individuals at the highest**
14 **levels of an organization's leadership with significant responsibility over operations, finances**
15 **and overall governance of the organization.**

16 **SECTION 19.** ORS 418.248 is amended to read:

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

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

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

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

1 for the denial of certification.

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

4 **SECTION 20.** ORS 418.255 is amended to read:

5 418.255. (1) The Department of Human Services shall inspect and supervise all child-caring
6 agencies subject to ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970 as pro-
7 vided in this section.

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

13 (3)(a) Except as provided in paragraph (c) of this subsection, a child-caring agency subject to
14 ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970 that has annual revenues in
15 excess of \$1 million shall provide the Department of Human Services[, *at such times as the depart-*
16 *ment specifies by rule,*] with annual financial statements that have been audited by an independent
17 certified public accountant and a tax compliance certificate issued by the Department of Revenue
18 **once each year on a date specified by the Department of Human Services.**

19 (b) Except as provided in paragraph (c) of this subsection, a child-caring agency subject to ORS
20 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970 that has annual revenues of \$1
21 million or less shall provide the Department of Human Services, upon request or at such times as
22 the department specifies by rule, with financial statements that have been reviewed by an inde-
23 pendent certified public accountant and a tax compliance certificate issued by the Department of
24 Revenue.

25 (c) A child-caring agency subject to ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950
26 to 418.970 that provides adoption placement services but does not provide care to a child and does
27 not receive public funds shall provide the Department of Human Services, upon request or at such
28 times as the department specifies by rule, with a tax compliance certificate issued by the Depart-
29 ment of Revenue.

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

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

35 (4) The Department of Human Services may conduct an audit, including a forensic audit, of any
36 child-caring agency subject to ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970
37 to determine compliance with ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970.
38 The department may, upon request at any time, inspect and audit the books and records, including
39 but not limited to financial records, of the agency. An audit or inspection under this subsection shall
40 be at the expense of the department.

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

1 (6) The Department of Human Services may advise the operators, owners and employees of
 2 child-caring agencies subject to ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to
 3 418.970 in regard to approved methods of child care, recommended housing and equipment and ap-
 4 propriate methods to maintain adequate records of operations.

5 (7) In addition to advice provided under subsection (6) of this section, the Department of Human
 6 Services shall provide training regarding [*appropriate ethnic*] **culturally appropriate** hair and skin
 7 care for children of African-American, Hispanic, Native American, Asian-American or multiracial
 8 descent to:

9 (a) Child-caring agencies;

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

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

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

15 **SECTION 21.** ORS 418.258 is amended to read:

16 418.258. (1) When the Department of Human Services becomes aware of [*a report of*] **allegations**
 17 **or concerns of** suspected child abuse of a child in care, whether [*in the form of an allegation, com-*
 18 *plaint or formal report made under this section, and whether*] **through the centralized child abuse**
 19 **reporting system described in ORS 418.190, through a report** made directly to the Director of
 20 Human Services, the department or an employee of the department, [*to the centralized child abuse*
 21 *reporting system described in ORS 418.190, through the mandatory abuse reporting process set forth*
 22 *in ORS 419B.005 to 419B.050 or otherwise*] **through a public hearing or any other means**, the
 23 department shall immediately:

24 (a) Notify appropriate personnel within the department, including but not limited to employees
 25 responsible for licensing, certifying [*or authorizing child-caring agencies, certified foster homes and*
 26 *developmental disabilities residential facilities*], **endorsing or authorizing regulated entities**.

27 (b) Notify any governmental agency that has a contract with the [*child-caring agency, certified*
 28 *foster home or developmental disabilities residential facility to provide care or services to the child in*
 29 *care*] **regulated entity**.

30 (c) Notify the placement authorities of any other state that retains jurisdiction over a child in
 31 care receiving care or services from the [*child-caring agency, certified foster home or developmental*
 32 *disabilities residential facility*] **regulated entity**.

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

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

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

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

41 (e) Report to a law enforcement agency any crime that the department has reason to believe
 42 has occurred with respect to a child in care or at a [*child-caring agency, proctor foster home, certified*
 43 *foster home or developmental disabilities residential facility*] **regulated entity** even if the suspected
 44 crime is not related to a report of abuse made under this section.

45 (2)(a) As a condition for issuance or renewal of a license, certificate [*or authorization to a*

1 *child-caring agency, certified foster home or developmental disabilities residential facility, the depart-*
 2 *ment shall require and verify that the child-caring agency, certified foster home or developmental dis-*
 3 *abilities residential facility], endorsement or authorization to a regulated entity, the*
 4 **department shall require and verify that the regulated entity** has procedures and protocols that:

5 (A) Require employees of the [*child-caring agency, a proctor foster home certified by the child-*
 6 *caring agency, the certified foster home or the developmental disabilities residential facility to imme-*
 7 *diately report suspected abuse of a child in care to the director, the director's designee or personnel*
 8 *within the department who have been specifically designated to receive reports of abuse of children in*
 9 *care]* **regulated entity to immediately report suspected abuse of a child in care through the**
 10 **centralized child abuse reporting system described in ORS 418.190;**

11 (B) Mandate that the [*child-caring agency, certified foster home or developmental disabilities resi-*
 12 *dential facility]* **regulated entity** provide an annual training and written materials that include in-
 13 formation about the centralized child abuse reporting system described in ORS 418.190, and that the
 14 [*agency, home or facility advise and educate employees of the child-caring agency and any proctor*
 15 *foster home certified by the child-caring agency, of the certified foster home or of the developmental*
 16 *disabilities residential facility of]* **regulated entity advise and educate employees of the regulated**
 17 **entity about** the duty under this section and ORS 419B.005 to 419B.050 to report abuse of a child
 18 in care; and

19 (C) Inform employees of [*child-caring agencies, proctor foster homes, certified foster homes and*
 20 *developmental disabilities residential facilities]* **the regulated entity** that the duty to report abuse
 21 of a child in care is personal to the employee and that the duty is not fulfilled by reporting the
 22 abuse to the owner, operator or any other employee of the [*child-caring agency, proctor foster home,*
 23 *certified foster home or developmental disabilities residential facility]* **regulated entity** even if the
 24 owner, operator or other employee reports the abuse of a child in care to the director, the director's
 25 designee or the department.

26 (b) [A *child-caring agency, certified foster home or developmental disabilities residential facility]*
 27 **A regulated entity** need not develop and maintain procedures and protocols or provide an annual
 28 training and written materials under paragraph (a) of this subsection if the [*agency, home or*
 29 *facility]* **regulated entity** does not have any employees, staff or volunteers.

30 (3) Interference or hindering an investigation of abuse of a child in care, including but not lim-
 31 ited to the intimidation of witnesses, falsification of records or denial or limitation of interviews
 32 with the child in care who is the subject of the investigation or with witnesses, may constitute
 33 grounds for the revocation, suspension or placing of conditions on the license, certificate,
 34 **endorsement** or other authorization of a [*child-caring agency, proctor foster home, certified foster*
 35 *home or developmental disabilities residential facility]* **regulated entity**.

36 (4)(a) Anyone, including but not limited to an employee of a [*child-caring agency, proctor foster*
 37 *home, certified foster home or developmental disabilities residential facility, who makes a report of*
 38 *suspected abuse of a child in care]* **regulated entity, who makes a report of suspected abuse of**
 39 **a child in care to the centralized child abuse reporting system described in ORS 418.190 or**
 40 **expresses concern about situations involving abuse or the department's response to abuse** to
 41 the Governor, the Department of Justice, the Director of Human Services, the director's designee
 42 or the Department of Human Services under this section in good faith and who has reasonable
 43 grounds for the making of the report shall have immunity:

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

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

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

4 (b) A person making a report under this section **to the centralized child abuse reporting**
5 **system described in ORS 418.190** may include references to otherwise confidential information for
6 the sole purpose of making the report, and any such disclosure must be protected from further dis-
7 closure to other persons or entities for any other purpose not related to the making of the report.

8 **SECTION 22.** ORS 418.259 is amended to read:

9 418.259. (1) The investigation conducted by the Department of Human Services under ORS
10 418.258 must result in one of the following findings:

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

13 (b) That the report is unsubstantiated. A report is unsubstantiated when [*there is no evidence*],
14 **following a complete investigation, there is no evidence to support a reasonable cause to**
15 **believe** that the abuse of a child in care occurred.

16 (c) That the report is inconclusive. A report is inconclusive when there is some [*indication*]
17 **evidence** that the abuse occurred but there is insufficient evidence to conclude that there is rea-
18 sonable cause to believe that the abuse occurred.

19 (2) When a report is received under ORS 418.258 alleging that a child in care may have been
20 subjected to abuse, the department shall **immediately** notify the case managers for the child, the
21 attorney for the child, the child's court appointed special advocate, the parents or guardians of the
22 child, any attorney representing a parent or guardian of the child **in a dependency matter** and any
23 governmental agency that has a contract with the [*child-caring agency or developmental disabilities*
24 *residential facility*] **regulated entity** to provide care or services to the child that a report has been
25 received.

26 (3)(a) The department [*may*] **shall** interview the child in care who is the subject of suspected
27 abuse and any witnesses, including other children, without the presence of employees of the child-
28 caring agency, proctor foster home or developmental disabilities residential facility, the provider of
29 services at a certified foster home **or an adjudicated youth foster home** or department personnel.
30 The department shall inform the child in care that the child may have the child's parent or guardian,
31 if the child has not been committed to the custody of the department or the Oregon Youth Author-
32 ity, **court appointed special advocate** or attorney present when participating in an interview con-
33 ducted in the course of an abuse investigation.

34 (b) When investigating an allegation of inappropriate use of restraint or involuntary seclusion,
35 the department shall:

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

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

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

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

44 (E) Review the training records related to all of the individuals who were involved in the use
45 of restraint or involuntary seclusion **to determine whether each individual had current certi-**

1 **fication**; and

2 (F) Make all reasonable efforts to conduct trauma-informed interviews of each child witness,
3 including the child in care who is the subject of suspected abuse [*unless the investigator makes a*
4 *specific determination that the interview may significantly traumatize the child and is not in the best*
5 *interests of the child*].

6 (c) **Notwithstanding section 13 (3)(b) of this 2025 Act, the department may not substan-**
7 **tiate an allegation of abuse by an individual who was involved in the use of a restraint solely**
8 **because the individual did not possess a current certification to impose the restraint.**

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

10 (a) The Director of Human Services.

11 (b) Personnel in the department responsible for the licensing, certificate, **endorsement** or au-
12 thorization of [*child-caring agencies*] **regulated entities**.

13 (c) The department's lead personnel in that part of the department that is responsible for child
14 welfare generally.

15 (d) **If the child in care is a child with an intellectual or developmental disability, the**
16 **department's lead personnel that is responsible for services to persons with developmental**
17 **disabilities.**

18 (e) **If the substantiated allegation of abuse involves the use of restraint or involuntary**
19 **seclusion within a facility providing inpatient psychiatric services for individuals under 21**
20 **years of age, the individual at the Oregon Health Authority responsible for conducting health**
21 **care regulation surveys for the Centers for Medicare and Medicaid Services.**

22 [(d)] (f) With respect to the child in care who is the subject of the abuse report and investi-
23 gation, the case managers for the child, **the developmental disability service coordinators for**
24 **the child, the juvenile worker for the child,** the attorney for the child, the child's court appointed
25 special advocate, the parents or guardians of the child, any attorney representing a parent or
26 guardian of the child and any governmental agency that has a contract with the [*child-caring*
27 *agency*] **regulated entity** to provide care or services to the child.

28 [(e)] (g) The parents or guardians of the child in care who is the subject of the abuse report and
29 investigation if the child in care has not been committed to the custody of the department [*or the*
30 *youth authority. Notification under this paragraph may not include any details or information other*
31 *than that a report of abuse has been substantiated*].

32 [(f)] (h) Any governmental agency that has a contract with the child-caring agency to provide
33 care or services to a child in care.

34 [(g)] (i) The local citizen review board established by the Judicial Department under ORS
35 419A.090.

36 (j) **The Children's Advocate.**

37 (5) The department shall report on a quarterly basis to the interim legislative committees on
38 child welfare for the purposes of public review and oversight of the quality and safety of child-caring
39 agencies, certified foster homes **or adjudicated youth foster homes** and developmental disabilities
40 residential facilities that are licensed, certified, **endorsed** or authorized by the department in this
41 state and of proctor foster homes that are certified by the child-caring agencies. Information pro-
42 vided in reports under this subsection may not contain the name or any identifying information of
43 a child in care but must contain all of the following:

44 (a) The name of any child-caring agency, including an out-of-state child-caring agency, proctor
45 foster home or developmental disabilities residential facility, or, provided there are five or more

1 certified foster homes **or adjudicated youth foster homes** in the county, the name of the county
 2 where a certified foster home **or adjudicated youth foster home** is located, where the department
 3 conducted an investigation pursuant to ORS 418.258 that resulted in a finding that the report of
 4 abuse was substantiated during that quarter;

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

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

7 (d) Whether the abuse resulted in a reportable injury, sexual abuse or death;

8 (e) Corrective actions taken or ordered by the department and the outcome of the corrective
 9 actions; [*and*]

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

13 **(g) The total number of allegations of abuse of children in care that had an inconclusive**
 14 **finding in that quarter.**

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

17 (a) The total number of restraints used in **all** programs that quarter;

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

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

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

23 **(e) The total number of children in care who were placed in physical restraints or invol-**
 24 **untary seclusion that quarter, disaggregated by race, and the total number of children in**
 25 **care served that quarter, disaggregated by race;**

26 **(f) The total number of children in care who were placed in physical restraints or invol-**
 27 **untary seclusions more than three times that quarter, disaggregated by race, and the total**
 28 **number of children in care served that quarter, disaggregated by race;**

29 [*e*] **(g)** The number of incidents in which an individual who was not appropriately trained in
 30 the use of the restraint used on a child in care in a program; [*and*]

31 [*f*] **(h)** The **total** number of incidents that were reported **to the centralized child abuse re-**
 32 **porting system described in ORS 418.190** for potential inappropriate use of restraint[.]; **and**

33 **(i) A description of the actions taken by the division of the department responsible for**
 34 **licensure or certification in response to regulatory violations related to the use of restraint**
 35 **and involuntary seclusion, including the number of licensing complaint investigations initi-**
 36 **ated and any conditions, required trainings or civil penalties imposed as a result of failure**
 37 **to be in full compliance with regulations related to the use of restraint or involuntary se-**
 38 **clusion.**

39 (7) In compiling records, reports and other information during an investigation under ORS
 40 418.258 (1) and in issuing findings, letters of concern or reprimands, the Director of Human Services
 41 or the director's designee and the department may not refer to the employee, person or entity that
 42 is the subject of the investigation as an "alleged perpetrator" but must refer to the employee, person
 43 or entity as the "respondent."

44 (8) As used in this section, "**involuntary seclusion**," "program," "reportable injury" and "re-
 45 straint" have the meanings given those terms in ORS 418.519.

1 **SECTION 23.** ORS 418.260 is amended to read:

2 418.260. *[(1) If the Department of Human Services receives a report or otherwise becomes aware*
 3 *that any suspected or founded abuses, deficiencies, violations or failures to comply with the full com-*
 4 *pliance requirements described in ORS 418.240 are occurring in a child-caring agency, whether as a*
 5 *part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the department shall imme-*
 6 *diately notify appropriate personnel within the department, including but not limited to employees re-*
 7 *sponsible for licensing, certifying or authorizing child-caring agencies, who shall investigate and take*
 8 *appropriate action without undue delay, with primary concern given to the health, safety and welfare*
 9 *of the children for whom the child-caring agency is responsible. The department may notify law*
 10 *enforcement agencies as necessary to coordinate and assist in the investigation and enforcement of*
 11 *corrective actions undertaken by the department. If the child-caring agency is known or found to serve*
 12 *children also served by the Oregon Youth Authority, county juvenile departments or developmental*
 13 *disabilities services within the department, the department shall notify those entities of the report or*
 14 *suspected or founded abuses, deficiencies, violations or failures.]*

15 *[(2) If the department finds, after investigation by the department or law enforcement agencies, that*
 16 *the abuses, deficiencies, violations or failures to comply are founded, the department may suspend, re-*
 17 *voke or place conditions on the license, certificate or other authorization of the child-caring agency.*
 18 *The conditions placed on a license, certificate or authorization may include, but are not limited to,*
 19 *placing full or partial restrictions on admission of children, temporary suspension, limitation of oper-*
 20 *ations subject to an intent to revoke or limitation of operations subject to correction of violations as*
 21 *specified in a plan of correction. If the department imposes a plan of correction, and the corrections*
 22 *are not made within 45 days from the effective date of the plan of correction, the department may im-*
 23 *mediately suspend or revoke the license, certificate or authorization of the child-caring agency. The*
 24 *department shall immediately notify any governmental agency that has a contract with the child-caring*
 25 *agency to provide care or services to a child of any suspension or revocation of, or conditions placed*
 26 *on, the license, certificate or other authorization of the child-caring agency.]*

27 **(1) In addition to the complete and detailed review of each application for an initial or**
 28 **renewed license, certification, endorsement or other authorization of a regulated entity, the**
 29 **Department of Human Services shall monitor the ongoing regulatory compliance of the reg-**
 30 **ulated entity, including by responding to and assessing reports or allegations of noncompli-**
 31 **ance.**

32 **(2) If the department becomes aware by any means of an actual or suspected failure of**
 33 **a regulated entity to maintain substantial regulatory compliance or full compliance with re-**
 34 **quirements related to the health, safety, welfare or rights of children in care, the depart-**
 35 **ment shall immediately:**

36 **(a) Ensure that the individuals with the department responsible for monitoring the reg-**
 37 **ulated entity are notified; and**

38 **(b) Ensure that the individuals notified under paragraph (a) of this subsection conduct a**
 39 **complete and detailed assessment to determine whether the regulated entity is in compli-**
 40 **ance.**

41 **(3) If the department finds the regulated entity is not in compliance, the department**
 42 **shall take immediate and appropriate action to ensure the regulated entity comes into com-**
 43 **pliance. These actions may include, but need not be limited to, one or more of the following:**

44 **(a) Revoking or temporarily suspending a license, certificate, endorsement or authori-**
 45 **zation;**

1 **(b) Placing conditions on the license, certificate, endorsement or other authorization,**
 2 **including but not limited to placing a full or partial restriction on the admission of children;**

3 **(c) Imposing a limitation of operations subject to an intent to revoke;**

4 **(d) Imposing a limitation of operations subject to a correction of the violations as speci-**
 5 **fied in a place of correction;**

6 **(e) Subjecting the regulated entity to enhanced oversight, including on-site supervision**
 7 **by the department;**

8 **(f) Requiring additional training for the employees or agents of the regulated entity; or**

9 **(g) Imposing fines or civil penalties.**

10 **(4) When determining the action to take in response to noncompliance of a regulated**
 11 **entity, the department shall:**

12 **(a) Ensure all necessary actions are taken to protect the health, safety, rights and wel-**
 13 **fare of children in care and the general public;**

14 **(b) Consider whether the violation is temporary or systemic;**

15 **(c) Consider whether this is a repeat violation or part of a pattern of frequent or ongoing**
 16 **violations;**

17 **(d) Consider the timeliness and thoroughness of the regulated entity's cooperation with**
 18 **the department in its thorough assessment of the concerns; and**

19 **(e) Consider any unique circumstances, other than system capacity, that impact the**
 20 **noncompliance.**

21 **(5) If the department imposes a plan of correction, and the corrections are not made**
 22 **within 45 days from the effective date of the plan of correction, the department may imme-**
 23 **diately suspend or revoke the regulated entity's license, certificate, endorsement or other**
 24 **authorization.**

25 **(6) The department may not take action to suspend or revoke a regulated entity's license,**
 26 **certification, endorsement or authorization unless:**

27 **(a) The violation or violations pose an imminent risk to the health, safety, rights or**
 28 **welfare of children in care, the general public or staff of the facility;**

29 **(b) The violation or violations are part of a pattern of frequent or repeated noncompli-**
 30 **ance;**

31 **(c) The department first took less punitive actions and the regulated entity failed to**
 32 **comply or failed to maintain compliance; or**

33 **(d) The suspension or revocation is otherwise authorized or required by state or federal**
 34 **law.**

35 **[(3)] (7) If the department determines at any time during or after an investigation that the**
 36 **abuses, deficiencies, violations or failures to comply are or threaten a serious danger to any child**
 37 **or to the public, or place a child at risk with respect to the child's health, safety or welfare, the**
 38 **department may immediately suspend or revoke the child-caring agency's license, certificate,**
 39 **endorsement or authorization, subject to the provisions of ORS chapter 183.**

40 **(8) The department shall immediately notify the parents or guardians privately obtaining**
 41 **services or care for their children from the regulated entity and any governmental agency that**
 42 **has a contract with the [child-caring agency] regulated entity to provide care or services to a child**
 43 **of any suspension or revocation of the license, certificate, endorsement or other authorization of**
 44 **the child-caring agency under this subsection and of any conditions placed on the [child-caring**
 45 **agency's] regulated entity's license, certificate, endorsement or authorization pursuant to ORS**

1 418.240. The department shall immediately report the alleged deficiencies or violations to the gov-
 2 ernmental agency and the governing board responsible for the oversight of the [*child-caring*
 3 *agency*] **regulated entity**.

4 [(4)] (9) If the department determines that the abuses, deficiencies, violations or failures to
 5 comply are founded and the department imposes a plan of correction that the [*child-caring agency*]
 6 **regulated entity** does not comply with in the time allotted for correction, the department shall
 7 immediately **post notice of the failure to comply on the department's website and** notify the
 8 following of the failure of the [*child-caring agency*] **regulated entity** to comply with the plan of
 9 correction:

10 [(a) *The Legislative Assembly or the interim committees of the Legislative Assembly relating to*
 11 *child welfare.*]

12 [(b)] (a) Members of the governing board responsible for the [*child-caring agency*] **regulated**
 13 **entity**.

14 [(c)] (b) Any governmental agency that has a contract with the [*child-caring agency*] **regulated**
 15 **entity** to provide care or services to a child.

16 (c) **The parents or guardians of any child in care that is privately placed in the regulated**
 17 **entity by the parents or guardians.**

18 [(5)] (10) Any employee of the department that has reasonable cause to believe that a [*child-*
 19 *caring agency*] **regulated entity** has [*committed an abuse or*] incurred a deficiency or violation, or
 20 that grounds for immediate suspension or revocation of a license, certificate, **endorsement** or au-
 21 thorization exist under ORS 418.240, and that such abuse, deficiency, violation or grounds is or
 22 threatens a danger to any child at the [*child-caring agency*] **regulated entity** or to the public, or
 23 places a child at risk with respect to the child's health, safety or welfare, [*is required to*] **shall** im-
 24 mediately inform the Director of Human Services, the director's designee or such other personnel
 25 in the department designated to receive such information. Upon receipt of an employee report under
 26 this subsection, the director and department personnel shall immediately [*commence an investigation*
 27 *and*] take all reasonably prudent and necessary actions to ensure the health, safety and welfare of
 28 children at the [*child-caring agency*] **regulated entity**. Failure to commence an investigation and
 29 take actions as required by this subsection constitutes official misconduct in the second degree un-
 30 der ORS 162.405.

31 (11) **An employee's duty to report under this section is in addition to, and not in lieu of,**
 32 **the employee's duty to report suspected abuse under ORS 419B.010.**

33 (12) **The department shall post a notice of any actions taken under subsection (3) of this**
 34 **section on its website that provides information to the public about the licensure of regulated**
 35 **entities. The notice must remain posted for not less than 24 months.**

36 (13) **If the noncompliance involved the use of restraint or seclusion or the sufficiency of**
 37 **an emergency preparedness plan at a nonhospital facility providing psychiatric inpatient**
 38 **services for individuals under 21 years of age, the department shall immediately notify the**
 39 **individual at the Oregon Health Authority responsible for conducting health care regulation**
 40 **surveys for the Centers for Medicare and Medicaid Services.**

41 (14) **As used in this section, "regulated entity" has the meaning given that term in ORS**
 42 **418.257.**

43 **SECTION 24.** ORS 418.992 is amended to read:

44 418.992. (1) In addition to any other liability or penalty provided by law, the Director of Human
 45 Services may impose a civil penalty[:]

1 [(a)] on a child-caring agency that is subject to ORS 418.205 to 418.327, **418.241**, 418.470, 418.475
2 or 418.950 to 418.970 for any of the following:

3 [(A)] (a) Violation of any of the terms or conditions of a license, certificate, **endorsement** or
4 other authorization issued under ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to
5 418.970.

6 [(B)] (b) Violation of any rule adopted by, or general order of, the Department of Human Ser-
7 vices that pertains to a child-caring agency.

8 [(C)] *Violation of any final order of the director that pertains specifically to the child-caring*
9 *agency.*]

10 [(D)] *Violation of the requirement to have a license, certificate or other authorization under ORS*
11 *418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970.*]

12 [(b) *On a secure transportation services provider, as defined in ORS 418.241, that violates the*
13 *disclosure requirement described in ORS 418.241.*]

14 **(2) In addition to any other liability or penalty provided by law, the Director of Human**
15 **Services shall:**

16 (a) **Impose a civil penalty of not less than \$500 for each violation of any final order of the**
17 **director that pertains specifically to the child-caring agency.**

18 (b) **Impose a civil penalty of not less than \$500 for each day a child-caring agency is in**
19 **violation of the requirement to have a license, certificate, endorsement or other authori-**
20 **zation under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970.**

21 (c) **Impose a civil penalty of not less than \$259 on a secure transportation provider, as**
22 **described in ORS 418.241, for each day the provider violates the disclosure requirement de-**
23 **scribed in ORS 418.241.**

24 [(2)] (d) [*The director shall*] **Impose a civil penalty not to exceed \$500 for a first violation, un-**
25 **less otherwise required by law, on any child-caring agency for falsifying records, reports, documents**
26 **or financial statements or for causing another person to do so. The civil penalty may not be less**
27 **than \$1,500 for each subsequent violation.**

28 [(3)] (e) [*The director shall*] **Impose a civil penalty of not less than \$250 nor more than \$500,**
29 **unless otherwise required by law, on a [child-caring facility] regulated entity, as defined in ORS**
30 **418.257, that assumes care or custody of, or provides care or services to,] a child knowing that the**
31 **child's care needs exceed the scope of the regulated entity's license, certificate, endorsement or**
32 **authorization [classification of the child-caring agency if the assumption of care or custody, or pro-**
33 **vision of care or services, places that child's health, safety or welfare at risk]. However, the director**
34 **may not impose a penalty under this paragraph if the regulated entity:**

35 (A) **Assumed care or custody of the child with the reasonable belief that the provision**
36 **of care and services to the child was within the scope of the regulated entity's license, cer-**
37 **tificate, endorsement or authorization;**

38 (B) **Subsequently discovered that the child's needs exceeded the scope of the regulated**
39 **entity's license, certificate, endorsement or authorization; and**

40 (C) **Immediately notified the child's parent or guardian or, if the child is in the care or**
41 **custody of the department, the department that the child was in need of a more appropriate**
42 **placement.**

43 (f) **Impose a civil penalty of not less than \$500 for each restraint or seclusion imposed**
44 **upon a child in care that is prohibited under ORS 418.519 to 418.532.**

45 (g) **Impose a civil penalty of not less than \$500 for the second or third incident in a**

1 **12-month period during which a person who is not certified as required under ORS 418.523**
 2 **imposes a restraint on a child in care within the regulated entity, and a civil penalty of not**
 3 **less than \$1,000 for the fourth and subsequent incidents within a 12-month period.**

4 **(h) Impose a civil penalty of not less than \$250 each time the department finds that a**
 5 **child in care was denied immediate access to contact their attorney, case manager or court**
 6 **appointed special advocate, or the Children's Advocate or the child abuse hotline.**

7 [(4)] (3) Unless the health, safety, **rights** or welfare of a child is at risk, the director in every
 8 case shall prescribe a reasonable time for elimination of a violation:

9 (a) Not to exceed 45 days after first notice of a violation; or

10 (b) In cases where the violation requires more than 45 days to correct, such time as is specified
 11 in a plan of correction found acceptable by the director.

12 [(5)] (4) A civil penalty imposed under this section may be remitted or reduced upon such terms
 13 and conditions as the director considers proper and consistent with the public health and safety.

14 [(6)] (5) The department shall adopt rules establishing objective criteria for the imposition and
 15 amount of civil penalties under ORS 418.992 to 418.998 **not otherwise described in this section.**

16 **SECTION 25.** ORS 418.994 is amended to read:

17 418.994. After public hearing, the Director of Human Services by rule shall adopt a schedule
 18 establishing the civil penalty that may be imposed under ORS 418.992. However, the civil penalty
 19 [shall] **may** not exceed [\$500] **\$1,500** for each violation.

20 **SECTION 26.** ORS 418.321 is amended to read:

21 418.321. (1) **Except as provided in subsection (7) of this section and** subject to ORS 418.322,
 22 the Department of Human Services may place a child in an out-of-state child-caring agency **that is**
 23 **a congregate care facility** only if:

24 (a) The [out-of-state child-caring] agency is licensed **by the department under ORS 418.240** to
 25 provide or engage in the provision of care or services [by the department] under ORS 418.205 to
 26 418.327 **or 418.241** and complies with the licensing requirements under ORS 418.215 **and 418.240**;

27 (b) The department has a current contract with the [child-caring] agency; and

28 (c) The department's contract with the [child-caring] agency meets the criteria under subsection
 29 (3) of this section.

30 (2)[(a)] The department shall license an out-of-state child-caring agency **that is a congregate**
 31 **care facility** pursuant to the same licensure requirements the department would impose if the [out-
 32 of-state child-caring] agency was located in this state.

33 [(b) Notwithstanding paragraph (b) of Article V of the Interstate Compact on the Placement of
 34 Children and ORS 417.230, the department may not delegate the department's licensing, visitation, in-
 35 spection, investigation or supervision of an out-of-state child-caring agency licensed by the department
 36 to provide care or services to an Oregon child.]

37 (3)(a) The department shall review the department's contract with an out-of-state child-caring
 38 agency **that is a congregate care facility** prior to placing a child with the [child-caring] agency
 39 **or in a proctor foster home operated by the agency.**

40 (b) The contract must, at a minimum, [meet the following criteria] **require that:**

41 (A) At the time the contract is executed, the [child-caring] agency must provide the department
 42 with a current list of every entity for which the [child-caring] agency is providing placement ser-
 43 vices.

44 (B) No later than 15 days after accepting placement of a child from a new entity, the [child-
 45 caring] agency must notify the department in writing of the [child-caring] agency's association with

1 the new entity. The notice must include the name and contact information of the new entity and the
2 name and contact information of an individual associated with the new entity.

3 (C) The *[child-caring]* agency must make mandatory reports of child abuse, as defined in ORS
4 418.257 and 419B.005, involving Oregon children both to the centralized child abuse reporting system
5 described in ORS 418.190 and as required under the laws of the state in which the *[child-caring]*
6 agency is located.

7 (D) The *[child-caring]* agency must allow the department full access to the *[child-caring]* agency's
8 facilities, residents, records and personnel as necessary for the department to conduct child abuse
9 investigations and licensing activities or investigations.

10 (E) The *[child-caring]* agency must notify the department in writing no later than three business
11 days after any state determines that an allegation of child abuse or a license violation involving the
12 *[child-caring]* agency is founded, regardless of whether the child abuse or violation involves an
13 Oregon child.

14 (F) The *[child-caring]* agency must notify the department in writing no later than three business
15 days after the *[child-caring]* agency receives notice from any other state imposing a restriction on
16 placement of children with the *[child-caring]* agency, suspending or revoking the *[child-caring]*
17 agency's license with that state or indicating the state's intent to suspend or revoke the
18 *[child-caring]* agency's license with that state.

19 (G) The *[child-caring]* agency must notify the department immediately, verbally and in writing:

20 (i) Any time a child from any state who is in the care of the *[child-caring]* agency dies, is
21 sexually assaulted or suffers serious physical injury; or

22 (ii) When the *[child-caring agency]* becomes aware of any criminal investigation, arrest or crim-
23 inal charges involving an agency staff member if the alleged offense involved a child or could have
24 reasonably posed a risk to the health, safety or welfare of a child.

25 (H) Except with respect to protected information described in ORS 418.256 (5), the
26 *[child-caring]* agency may not ask or require an employee or volunteer to sign a nondisclosure or
27 other agreement prohibiting the employee or volunteer from the good faith disclosure of information
28 concerning the abuse or mistreatment of a child who is in the care of the *[child-caring]* agency, vi-
29 olations of licensing or certification requirements, criminal activity at the *[child-caring]* agency, vi-
30 olations of state or federal laws or any practice that threatens the health and safety of a child in
31 the care of the *[child-caring]* agency.

32 (I) The *[child-caring]* agency must ensure staffing ratio and staff training and education re-
33 quirements that meet, at a minimum, the standards set by the department by rule for intensive be-
34 havioral support services.

35 (J) The *[child-caring]* agency must meet all of the program, discipline, behavior support, super-
36 vision and child rights requirements adopted by the department by rule for behavioral rehabilitation
37 services provided in this state.

38 (K) The *[child-caring]* agency may not practice conversion therapy, as defined in ORS 675.850.

39 (L) The *[child-caring]* agency must identify a child by the child's preferred name and pronouns
40 and may not implement a dress code that prohibits or requires clothing on the basis of biological
41 sex.

42 (M) Genetic testing, including testing for psychopharmacological purposes, must be approved by
43 a court and may not be included as a standing order for a child in care.

44 (N) Neither the *[child-caring]* agency nor its contractors or volunteers may use chemical or
45 mechanical restraints on a child, including during *[secure transport]* **secure transportation, as**

1 **defined in ORS 418.241.**

2 (O) The [*child-caring*] agency must ensure that the use of any psychotropic medications for a
3 child placed with the [*child-caring*] agency by the department is in compliance with ORS 418.517 and
4 any rules regarding psychotropic medications adopted by the department.

5 (4) The department shall develop rules outlining a process for review of the out-of-state place-
6 ment of a child who is identified as a child with an intellectual or developmental disability or who
7 is suspected of having an intellectual or developmental disability. At a minimum, the rules must:

8 (a) Identify a process for expediting review of the child's eligibility for developmental disability
9 services.

10 (b) Require that a multidisciplinary review team, including administrators in the developmental
11 disability services program, review the placement before the child is placed out-of-state.

12 (c) Require that a multidisciplinary **review** team, including administrators in the developmental
13 disability services program, monitor the progress of the child in the out-of-state placement.

14 (d) Require that contracts for placement of the child ensure that the child has the same rights
15 and protections that the child would have if the child was placed in this state.

16 (5)(a) A department child welfare services employee must accompany a child who is placed in
17 an out-of-state child-caring agency **that is a congregate care facility** any time the child is trans-
18 ported to an initial out-of-state [*placement*] **congregate care facility**, any time the child is moved
19 to a new placement **from an out-of-state congregate care facility** and any time the child is moved
20 [*by secure transport*] **for nonmedical reasons by secure transportation, as defined in ORS**
21 **418.241.**

22 (b) Notwithstanding paragraph (a) of this subsection, if a child placed in an out-of-state child-
23 caring agency requires [*secure transport*] **secure transportation, as defined in ORS 418.241**, from
24 the out-of-state placement due to an emergency, a department child welfare services employee is not
25 required to accompany the child if the time it would take for the employee to travel to the child's
26 out-of-state location would pose a risk to the health, safety or welfare of the child. If a department
27 child welfare services employee does not accompany a child transported to an alternate out-of-state
28 placement, as provided in this paragraph, the child welfare services employee must immediately
29 travel to meet the child at the new out-of-state facility.

30 [(6)(a) *As used in this subsection, "juvenile offender" means a person under 18 years of age who*
31 *has or is alleged to have committed an act that is a violation, or, if done by an adult, would constitute*
32 *a violation, of a law or ordinance of the United States or a county or city in this state.*]

33 [(b)] **(6)(a)** Except as provided in paragraph [(c)] **(b)** of this subsection, the department may not
34 place a child in an out-of-state child-caring agency [*if the child-caring agency provides care to juvenile*
35 *offenders*] **that is a congregate care facility if the facility serves as a placement for juvenile**
36 **offenders to receive detention or alternative to detention program as a result of an action**
37 **found to be a violation of a federal, state or local law or ordinance.**

38 [(c)] **(b)** The department may place a child in an out-of-state child-caring agency that provides
39 care to juvenile offenders if:

40 (A) The [*child-caring*] agency is a qualified residential treatment program licensed by the de-
41 partment;

42 (B) The [*child-caring*] agency maintains site-specific accreditation from a nationally recognized
43 organization;

44 (C) The child being placed is a juvenile offender; [*and*]

45 **(D) The agency is not a closed custody facility; and**

1 ~~[(D)]~~ **(E)** Prior to ~~[the]~~ a hearing to approve the placement, the court and all parties to the de-
 2 pendency case have been informed of the nature of the services offered by the program and of the
 3 population served by the program, and the court, having considered the nature of the services and
 4 composition of the facility population and the report of the qualified individual, has found that
 5 placement in the facility is the least restrictive setting available to appropriately meet the child's
 6 treatment needs.

7 **(7) Notwithstanding ORS 418.322 and except as provided by subsection (8) of this section,**
 8 **the department may place a child in an out-of-state congregate care facility without requir-**
 9 **ing the facility to obtain a license as described in subsections (1) and (2) of this section, if:**

10 **(a) The child is an Indian child and placement in the congregate care facility is requested**
 11 **by the Indian child's tribe or the placement is a youth regional treatment center funded by**
 12 **the Indian Health Service and the Indian child's tribe does not object to the placement;**

13 **(b) The facility is a hospital, as defined in ORS 442.015, and:**

14 **(A) The child's physician ordered inpatient medical treatment;**

15 **(B) The inpatient medical treatment is not available in this state or the hospital is lo-**
 16 **cated within 60 miles of any border of this state and is the closest available hospital to the**
 17 **child;**

18 **(C) Hospital admission is medically necessary and appropriate;**

19 **(D) The Oregon Health Authority has authorized the admission and authorized payment**
 20 **through the Oregon Medicaid program; and**

21 **(E) The child maintains an ongoing placement with a certified foster home, proctor foster**
 22 **home or adjudicated youth foster home and the child's foster parent is provided with needed**
 23 **support to maintain regular, in-person contact and participation in the child's care and**
 24 **treatment while the child is receiving treatment out-of-state;**

25 **(c) A physician or psychiatrist that has personally assessed and examined the child de-**
 26 **termines the child requires residential treatment for substance use disorder, a residential**
 27 **treatment program is not available in this state and:**

28 **(A) The facility is licensed, certified or otherwise approved by the substance abuse agency**
 29 **in the state in which the facility provides care or services for inclusion in the most recent**
 30 **edition of the National Directory of Drug and Alcohol Abuse Treatment Programs;**

31 **(B) The congregate care facility is a stand-alone facility that only provides substance use**
 32 **disorder services;**

33 **(C) The placement is medically necessary and appropriate;**

34 **(D) The Oregon Health Authority has authorized admission and authorized payment**
 35 **through the Oregon Medicaid program; and**

36 **(E) The placement is approved by the court, following an opportunity for objections by**
 37 **any of the parties, including the child, to be heard; or**

38 **(d) The congregate care facility is a psychiatric residential treatment facility and:**

39 **(A) The child has been diagnosed by a physician with a psychiatric condition as described**
 40 **in the Diagnostic and Statistical Manual of Mental Disorders published by the American**
 41 **Psychiatric Association;**

42 **(B) Community based alternatives, including the full array of home and community-based**
 43 **services offered under the Oregon Medicaid program, have been offered to the child in care;**

44 **(C) A team that includes a physician with competence in diagnosis and treatment of**
 45 **mental illness, has knowledge of the child in care's situation, including personally examining**

1 and interviewing the child in care, certifies in writing that:

2 (i) Ambulatory care resources available in the community do not meet the treatment
3 needs of the child;

4 (ii) The child is in need of inpatient psychiatric services because proper treatment of the
5 child's psychiatric condition requires services on an inpatient basis under the direction of a
6 physician; and

7 (iii) The services can reasonably be expected to improve the child in care's condition or
8 prevent further regression so that services will no longer be needed;

9 (D) The facility is a stand-alone facility providing inpatient psychiatric services to indi-
10 viduals under 21 years of age;

11 (E) The facility convenes a treatment team comprised of individuals employed by or
12 contracted with the facility that develops and implements a plan of care and a discharge plan
13 no later than 14 days after admission that includes, at a minimum, the following individuals
14 who are employed by or contracted with the facility:

15 (i) A board eligible or board certified psychiatrist;

16 (ii) A clinical psychologist who has a doctoral degree and a physician licensed to practice
17 medicine or osteopathy;

18 (iii) A physician licensed to practice medicine or osteopathy with specialized training and
19 experience in the diagnosis and treatment of mental diseases, and a psychologist who has a
20 master's degree in clinical psychology or who has been certified by the state or by the state
21 psychological association; and

22 (iv) At least one of the following:

23 (I) A psychiatric social worker;

24 (II) A registered nurse with specialized training or one year's experience in treating in-
25 dividuals with mental illness;

26 (III) An occupational therapist who is licensed, if required by the state, and who has
27 specialized training or one year of experience in treating individuals with mental illness; or

28 (IV) A psychologist who has a master's degree in clinical psychology or who has been
29 certified by the state or by the state psychological association;

30 (F) The placement is approved by the Oregon Health Authority and will be paid for by the
31 Oregon Medicaid program;

32 (G) The facility has an active provider agreement with the authority; and

33 (H) The court has approved the placement after providing an opportunity for any ob-
34 jections from the parties to the case, including from the child in care, to be heard.

35 (8) Notwithstanding subsection (7) of this section, if, in any 12-month period, the de-
36 partment places more than one child in an out-of-state congregate care facility described in
37 subsection (7)(c) or (d) of this section, the department shall require that the facility obtain
38 a license as described in subsections (1) and (2) of this section. However, the department
39 may waive the requirement under ORS 418.240 that the facility be incorporated under the
40 laws of any state or be a county program.

41 (9) As used in this section:

42 (a) "Juvenile offender" means a person under 18 years of age who has or is alleged to
43 have committed an act that is a violation, or, if done by an adult, would constitute a vio-
44 lation, of a law or ordinance of the United States, Oregon or a county or city in this state.

45 (b) "Out-of-state child-caring agency" means a provider of children's care or services in

1 **a state other than Oregon that would be required under ORS 418.215 to be licensed, certified,**
 2 **endorsed or otherwise authorized by the Department of Human Services under ORS 418.240**
 3 **if the provider provided the care or services in this state.**

4 **SECTION 27.** ORS 418.322 is amended to read:

5 418.322. (1) As used in this section:

6 (a) "Congregate care residential setting" means any setting that cares for more than one child
 7 or ward and is not a **proctor foster home** or a setting described in ORS [418.205 (2)(c)(A), (D), (E)
 8 or (F) or (10)] **418.215 (2)(a), (d), (e) or (f).**

9 (b) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, pa-
 10 tronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act,
 11 as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of
 12 a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex
 13 act, as defined in ORS 163.266.

14 (2) The Department of Human Services may place a child or ward in a congregate care resi-
 15 dential setting only if the setting is:

16 (a) A child-caring agency, [as defined in ORS 418.205,] a hospital, as defined in ORS 442.015, or
 17 a rural hospital, as defined in ORS 442.470; and

18 (b) A qualified residential treatment program described in ORS 418.323.

19 (3) Notwithstanding subsection (2) of this section, the department may place a child or ward in
 20 a child-caring agency that is not a qualified residential treatment program if:

21 (a) The child-caring agency is providing prenatal, postpartum or parenting supports to the child
 22 or ward[.];

23 (b) The child or ward is placed in an independent residence facility described in ORS 418.475
 24 that is licensed by the department as a child-caring agency[.];

25 (c) The child or ward is, or is at risk of becoming, a victim of sex trafficking and the child-caring
 26 agency is providing high-quality residential care and supportive services to the child or ward[.];

27 (d) The Oregon Health Authority has approved the placement as medically necessary **and au-**
 28 **thorized payment for services with Medicaid funds** and the child-caring agency:

29 (A) Is a [residential care facility] **psychiatric residential treatment facility that meets the**
 30 **requirements prescribed by the Oregon Health Authority by rule, consistent with all federal**
 31 **requirements for certification as a facility providing inpatient psychiatric services for per-**
 32 **sons under 21 years of age;**

33 (B) Is licensed by the authority and maintains site-specific accreditation from a nationally re-
 34 cognized organization to provide psychiatric treatment to children; and

35 (C) Has an active provider agreement with the Oregon Medicaid program[.];

36 (e) The child-caring agency is an adolescent residential drug and alcohol treatment program li-
 37 censed or certified by the State of Oregon to provide residential care, and the court has approved,
 38 or approval is pending for, the placement in the child-caring agency of each child or ward over
 39 whom the department retains jurisdiction[.];

40 (f) The placement with the child-caring agency is for the purpose of placing the child or ward
 41 in a proctor foster home[.];

42 (g) The child-caring agency is a residential care facility licensed by the department that provides
 43 short-term assessment and stabilization services[.];

44 (h) The child-caring agency is a shelter-care home, as defined in ORS 418.470, that provides
 45 short-term assessment and stabilization services[.];

1 (i) The child-caring agency is a homeless, runaway or transitional living shelter licensed by the
 2 department that provides short-term assessment and stabilization services[.]; **or**

3 (j) The ward is 18 years of age or older and the child-caring agency is a residential treatment
 4 facility or a residential home licensed or certified by the department or the Oregon Health Author-
 5 ity.

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

8 (a) For more than 60 consecutive days or 90 cumulative days in a 12-month period; or

9 (b) If the residential care facility or shelter-care home also serves youths or adjudicated youths
 10 served by the county juvenile department or adjudicated youths committed to the custody of the
 11 Oregon Youth Authority by the court.

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

15 (6) Calculations of the number of days a child or ward is placed in a shelter-care home under
 16 subsection (3)(h) of this section or a homeless, runaway or transitional living shelter under sub-
 17 section (3)(i) of this section exclude the days the child or ward is in the shelter-care home or shelter
 18 if the child or ward:

19 (a) Accessed the shelter-care home or shelter without the support or direction of the department;
 20 and

21 (b) Is homeless or a runaway, as defined by the department by rule.

22 **(7)(a) Notwithstanding subsection (4)(a) or (5) of this section, the department may extend**
 23 **the placement of a child or ward that is at least 16 years of age if:**

24 **(A) The child or ward does not object to the extension;**

25 **(B) The child or ward has maintained regular attendance at the local public school and**
 26 **a move from placement would disrupt the academic success of the child or ward; and**

27 **(C) The court approves the extension.**

28 **(b) An extension under this subsection may last up to 90 days, and further extensions**
 29 **may be granted by the court if the child or ward does not object and the child or ward con-**
 30 **tinues to maintain regular attendance at the local public school.**

31 [(7)(a)] **(8)(a)** Nothing in this section prohibits the Oregon Youth Authority from placing an ad-
 32 judicated youth committed to its custody in a placement that is not a qualified residential treatment
 33 program.

34 (b) Nothing in this section prohibits the Oregon Youth Authority or a county juvenile depart-
 35 ment from placing an adjudicated youth or a youth served by the Oregon Youth Authority or the
 36 county juvenile department in shelter care or detention under ORS chapter 419C.

37 **SECTION 28.** ORS 418.327 is amended to read:

38 418.327. (1) Upon finding that the facilities and operation of a private residential boarding school
 39 meet the standards of the Department **of Human Services** for the physical health, care and safety
 40 of the children, the department shall issue a license to operate the school. The license shall be valid
 41 for a period of two years, unless sooner suspended or revoked by the department pursuant to the
 42 provisions of ORS 418.240. However, the department at any time may require amendments to an
 43 existing license to accommodate changes in the factors upon which the issuance was based.

44 (2) The department may not charge a fee for inspections leading to decisions regarding, and is-
 45 suance of, licenses under this section, but may charge fees to cover costs of inspections done by

1 other governmental agencies for the department.

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

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

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

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

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

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

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

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

27 **(b) A private school providing residential care that is primarily engaged in educational**
28 **work.**

31 CHILD ABUSE INVESTIGATIONS

32 **SECTION 29.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, and
33 section 65, chapter 73, Oregon Laws 2024, is amended to read:

34 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

35 (1)(a) “Abuse” means:

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

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

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

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

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

1 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
 2 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
 3 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
 4 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
 5 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
 6 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
 7 is designed to serve educational or other legitimate purposes; and

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

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

14 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
 15 to the child's health or welfare.

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

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

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

22 **(K) The restraint or seclusion of a child in violation of ORS 339.288, 339.291 or 339.308.**

23 ~~[(K)]~~ (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

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

26 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
 27 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-

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

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

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

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

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

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

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

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

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

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

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

SECTION 30. 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 31. Sections 12 and 14, chapter 581, Oregon Laws 2023, are repealed.

CONFORMING AMENDMENTS

SECTION 32. ORS 329A.030 is amended to read:

329A.030. (1) The Department of Early Learning and Care shall establish a Central Background Registry and may maintain information in the registry through electronic records systems.

(2)(a) A subject individual described in subsection (11)(a), (c) or (d) of this section shall apply to and must be enrolled in the Central Background Registry prior to the provision of care.

(b) An individual who has been the subject of a founded or substantiated report of child abuse shall apply to and must be enrolled in the Central Background Registry prior to providing any of the types of care identified in ORS 329A.250 (4)(b)(A), (E) or (F) if:

(A) The child abuse occurred on or after January 1, 2017, and involved a child who died or suffered serious physical injury, as defined in ORS 161.015; or

(B) The child abuse occurred on or after September 1, 2019, and involved any child for whom the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), (E), (F) or (G).

(c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B) of this subsection is not required to enroll in the Central Background Registry if more than seven

1 years has elapsed since the date of the child abuse determination.

2 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the de-
3 partment shall complete:

4 (A) A criminal records check under ORS 181A.195;

5 (B) A criminal records check of other registries or databases in accordance with rules adopted
6 by the Early Learning Council;

7 (C) A child abuse and neglect records check in accordance with rules adopted by the council;
8 and

9 (D) A foster care certification check and an adult protective services check in accordance with
10 rules adopted by the council.

11 (b) In addition to the information that the department is required to check under paragraph (a)
12 of this subsection, the department may consider any other information obtained by the department
13 that the department, based on rules adopted by the Early Learning Council, determines is relevant
14 to enrollment in the Central Background Registry.

15 (4) The department shall enroll the individual in the Central Background Registry if the indi-
16 vidual:

17 (a) Is determined to have no criminal, child abuse and neglect, negative adult protective services
18 or negative foster home certification history, or to have dealt with the issues and provided adequate
19 evidence of suitability for the registry;

20 (b) Has paid the applicable fee established pursuant to ORS 329A.275; and

21 (c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

22 (5)(a) Notwithstanding subsections (3) and (4) of this section, the department may not enroll an
23 individual in the Central Background Registry if:

24 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

25 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252, unless the
26 individual qualifies for limited enrollment pursuant to rules adopted by the Early Learning Council.

27 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is
28 enrolled in the registry, the department shall remove the individual from the registry.

29 (6)(a) The department may conditionally enroll an individual in the Central Background Registry
30 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-
31 gation if the individual has successfully completed the criminal records check and the child abuse
32 and neglect records check in this state and in the state of the individual's residence, if other than
33 Oregon.

34 (b) The department may enroll an individual in the registry subject to limitations identified in
35 rules adopted by the council.

36 (7) The department may grant limited enrollment in the Central Background Registry to a sub-
37 ject individual who is a relative caretaker of a child for whom care is provided in a subsidized care
38 facility, regardless of whether the individual was previously denied enrollment in the Central
39 Background Registry, if the individual otherwise meets the criteria established in rule by the Early
40 Learning Council.

41 (8) An enrollment in the Central Background Registry may be renewed upon application to the
42 department, payment of the fee established pursuant to ORS 329A.275 and compliance with rules
43 adopted by the Early Learning Council pursuant to this section. However, an individual who is
44 determined to be ineligible for enrollment in the registry after the date of initial enrollment shall
45 be removed or suspended from the registry by the department.

1 (9)(a) A child care facility, preschool recorded program or school-age recorded program may not
2 hire or employ an individual if the individual is not enrolled in the Central Background Registry.

3 (b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded
4 program or school-age recorded program may employ on a probationary basis an individual who is
5 conditionally enrolled in the Central Background Registry.

6 (10) The Early Learning Council may adopt any rules necessary to carry out the purposes of this
7 section, including but not limited to rules regarding expiration and renewal periods and limitations
8 related to the subject individual's enrollment in the Central Background Registry.

9 (11) As used in this section, "subject individual" means:

10 (a) A subject individual as defined by the Early Learning Council by rule;

11 (b) An individual subject to subsection (2)(b) of this section;

12 (c) A person who applies to be:

13 (A) The operator or an employee of a child care or treatment program;

14 (B) The operator or an employee of a provider under the Oregon Prenatal to Kindergarten
15 Program under ORS 329.172 to 329.200;

16 (C) The operator or an employee of a federal Head Start program regulated by the United States
17 Department of Health and Human Services;

18 (D) An individual in a child care facility, preschool recorded program or school-age recorded
19 program who may have unsupervised contact with children, as determined by the council by rule;

20 (E) A contractor or an employee of the contractor who:

21 (i) Provides early childhood special education or early intervention services pursuant to ORS
22 343.455 to 343.534; and

23 (ii) Is not subject to the criminal records check requirements of ORS 326.603 or 342.223;

24 (F) A child care provider who is required to be enrolled in the Central Background Registry by
25 any state agency;

26 (G) A contractor, employee or volunteer of a metropolitan service district organized under ORS
27 chapter 268 who may have unsupervised contact with children and who is required to be enrolled
28 in the Central Background Registry by the metropolitan service district;

29 (H) A provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pur-
30 suant to a properly executed power of attorney under ORS 109.056 who is providing respite services
31 as a volunteer with a private agency or organization that facilitates the provision of such respite
32 services;

33 (I) The operator or an employee of an early learning program as defined in rules adopted by the
34 council; or

35 (J) The operator or an employee of a preschool recorded program or a school-age recorded
36 program; or

37 (d)(A) An individual who operates a subsidized care facility;

38 (B) An individual who has attained 18 years of age and resides in a subsidized care facility; or

39 (C) An individual in a subsidized care facility who has attained 18 years of age and who may
40 have unsupervised contact with children, as determined by the council by rule.

41 (12)(a) Information provided to a metropolitan service district organized under ORS chapter 268
42 about the enrollment status of the persons described in subsection (11)(c)(G) of this section shall be
43 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-
44 vide for the recovery of administrative, including direct and indirect, costs incurred by the depart-
45 ment from participation in the agreement. Any moneys collected under this paragraph shall be

1 deposited in the Child Care Fund established under ORS 329A.273.

2 (b) Information provided to a private agency or organization facilitating the provision of respite
3 services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed
4 power of attorney under ORS 109.056 about the enrollment status of the persons described in sub-
5 section (11)(c)(H) of this section shall be subject to an agreement with the private agency or or-
6 ganization. The agreement must provide for the recovery of administrative, including direct and
7 indirect, costs incurred by the department from participation in the agreement. Any moneys col-
8 lected under this paragraph shall be deposited in the Child Care Fund established under ORS
9 329A.273.

10 (c) Information provided to a private agency or organization about the enrollment status of the
11 persons described in subsection (11)(c)(I) of this section shall be subject to an agreement with the
12 private agency or organization. The agreement must provide for the recovery of administrative, in-
13 cluding direct and indirect, costs incurred by the department from participation in the agreement.
14 Any moneys collected under this paragraph shall be deposited in the Child Care Fund established
15 under ORS 329A.273.

16 **SECTION 33.** ORS 329A.275 is amended to read:

17 329A.275. (1) The Early Learning Council shall adopt rules establishing fees for certification,
18 registration and recording under ORS 329A.250 to 329A.450.

19 (2) Subject to prior approval of the Oregon Department of Administrative Services and a report
20 to the Legislative Assembly prior to adopting the fees and charges, the fees and charges established
21 under ORS 181A.195, 329A.030 and 329A.250 to 329A.450 may not exceed the cost of administering
22 the program of the Department of Early Learning and Care pertaining to the purpose for which the
23 fee is established, as authorized by the Legislative Assembly within the budget of the Department
24 of Early Learning and Care.

25 (3) Notwithstanding subsection (2) of this section and any other provision of this chapter, the
26 following fees established by the Early Learning Council under ORS 329A.030 and 329A.250 to
27 329A.450 may not exceed:

28 (a) For Certified Family Child Care Home Initial Certification, \$25;

29 (b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;

30 (c) For Child Care Center Initial Certification, \$100;

31 (d) For Child Care Center Annual Fee Per Certified Space, \$2;

32 (e) For Registered Family Child Care Home Registration, \$30;

33 (f) For Preschool Recorded Program Recording, \$20;

34 (g) For School-Age Recorded Program Recording, \$20;

35 (h) For administering a class on child care abuse and neglect issues, \$10; and

36 (i) For enrollment in the Central Background Registry, the cost of administering the program,
37 including fees for:

38 (A) Duplicate enrollment in the Central Background Registry;

39 (B) Law Enforcement Data System criminal records check; and

40 (C) Federal Bureau of Investigation fingerprint check.

41 (4) The Early Learning Council, by rule, shall waive the fees described in subsection (3)(i) of this
42 section for an employee of or volunteer with a private agency or organization that facilitates the
43 provision of respite services, as defined in ORS [418.205 (2)(c)(B)] **418.215 (2)(b)**, for parents pursuant
44 to a properly executed power of attorney under ORS 109.056.

45 **SECTION 34.** ORS 418.246 is amended to read:

1 418.246. (1) In addition to any requirements for licensure established by the Department of Hu-
 2 man Services, each outdoor youth program that is applying for licensure as a child-caring agency
 3 shall file with the department a bond in the amount of \$50,000 or 50 percent of the program's yearly
 4 budget, whichever amount is less. The bond shall be issued by a surety company or an insured in-
 5 stitution, as defined in ORS 706.008, authorized to do business in this state.

6 (2) The bond required under subsection (1) of this section shall be continuous until canceled and
 7 shall remain in full force and unimpaired at all times to comply with this section. The surety or
 8 insured institution shall give the department at least 30 days' written notice before it cancels or
 9 terminates its liability under the bond.

10 (3) An action on the bond may be brought by any person aggrieved by the misconduct of an
 11 outdoor youth program required to be licensed under ORS 418.205 to 418.327.

12 **(4)(a) As used in this section, "outdoor youth program" means a program that provides,**
 13 **in an outdoor living setting, services to children who have behavioral problems, mental**
 14 **health problems or problems with abuse of alcohol or drugs.**

15 **(b) "Outdoor youth program" does not include any program, facility or activity:**

16 **(A) Operated by a government entity;**

17 **(B) Operated by or affiliated with the Oregon Youth Corps;**

18 **(C) Licensed by the Department of Human Services under the authority of the depart-**
 19 **ment other than ORS 418.205 to 418.327; or**

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

21 **SECTION 35.** ORS 418.250 is amended to read:

22 418.250. In order to enable the Department of Human Services to supervise and monitor all
 23 child-caring agencies subject to ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to
 24 418.970 and all providers of care or services to children in this state, and to safeguard children re-
 25 ceiving care or services from such agencies or providers, the department may require the child-
 26 caring agency or provider, and any juvenile court as defined in ORS 419A.004, to provide at any
 27 time, in the manner prescribed by rules adopted by the department, such information as the de-
 28 partment requires with respect to a child who is receiving care or services from the agency or
 29 provider, or who is the subject of an order entered by the juvenile court. All information requested
 30 or received by the department under this section is confidential and not subject to public disclosure
 31 or inspection.

32 **SECTION 36.** ORS 418.263 is amended to read:

33 418.263. There is established in the General Fund of the State Treasury the Child-Caring Agen-
 34 cies Account. All moneys received by the Department of Human Services under ORS 418.998 (2) and
 35 such other moneys as may be otherwise made available by law shall be paid into the State Treasury
 36 and credited to the Child-Caring Agencies Account. Moneys in the account are continuously appro-
 37 priated to the department and must be used only for the administration and enforcement of ORS
 38 418.205 to 418.327, **418.241**, 418.470, 418.475, 418.950 to 418.970 or 418.992 to 418.998.

39 **SECTION 37.** ORS 418.265 is amended to read:

40 418.265. (1) All child-caring agencies subject to ORS 418.205 to 418.327, **418.241**, 418.470, 418.475
 41 or 418.950 to 418.970 shall report to the Department of Human Services at such times and with such
 42 information as the department prescribes in rules adopted by the department, including but not
 43 limited to financial information about the cost to provide care or services for a child.

44 (2) Information submitted in reports under this section is a public record and open for inspection
 45 by any person without order of a court.

SECTION 38. ORS 418.305 is amended to read:

418.305. (1) The Department of Human Services may require any child-caring agency subject to ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970 to disclose to the department the location and circumstances of any child for whom the agency is providing care or services.

(2) The child-caring agency shall permit immediate access to a child receiving care or services, and to any area of the premises upon which the child receives care or services, to the following:

(a) Employees and representatives of the department;

(b) The child's attorney;

(c) The child's court appointed special advocate;

(d) The parent or legal guardian of the child if the child has not been committed to the custody of the department or the Oregon Youth Authority;

(e) Any governmental agency or unit that has a contract with the child-caring agency to provide care or services to the child; and

(f) Any other person authorized by the department.

(3) The purposes for which access to a child or premises under this section may be allowed include, but are not limited to, the following:

(a) To ascertain the circumstances and condition of a child placed with the child-caring agency.

(b) To determine the quality of the care or services provided to a child by the agency.

(c) To ensure the health, safety and welfare of a child receiving care or services from the agency.

SECTION 39. ORS 418.306 is amended to read:

418.306. A child-caring agency subject to ORS 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970 that is providing care or services to a child may not deny a parent, guardian or sibling of the child the right to visit the child solely as a disciplinary measure against the child.

SECTION 40. ORS 418.310 is amended to read:

418.310. ORS 418.205 to 418.327, **418.241** and 418.992 to 418.998 apply to private agencies and institutions for the combined care of adults and children where the care for children includes day or residential treatment or care.

SECTION 41. ORS 418.330 is amended to read:

418.330. (1) As used in this section:

(a) "Child" means:

(A) A person under 18 years of age;

(B) A person under 21 years of age if the Department of Human Services determines that the person has a mental or physical disability that warrants the continuation of assistance; or

(C) A person who has attained 18 years of age and:

(i) On whose behalf payments under this section were received prior to the person attaining 18 years of age, provided the person was at least 16 years of age at the time the payments commenced;

(ii) Has not attained 21 years of age; and

(iii)(I) Is completing secondary education or a program leading to an equivalent credential;

(II) Is enrolled in an institution or program that provides post-secondary or vocational education;

(III) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(IV) Is employed for at least 80 hours per month; or

(V) Is incapable of doing any of the activities described in sub-sub-subparagraphs (I) to (IV) of

1 this sub-subparagraph due to a medical condition, which incapability is supported by regularly up-
 2 dated documentation.

3 (b) “Nonrecurring adoption or guardianship expenses” means reasonable and necessary adoption
 4 or guardianship fees, court costs, attorney fees and other expenses that are directly related to the
 5 adoption of, or establishment of a guardianship for, a child with special needs and that are not in-
 6 curred in violation of state or federal law.

7 (2) The department may make payments to adoptive parents or guardians on behalf of a child
 8 placed for adoption or establishment of a guardianship by the department, or placed for adoption
 9 by an approved child-caring agency, **as defined in ORS 418.205**, when the department determines:

10 (a) The child has special needs because of an impediment to adoptive placement or establishment
 11 of a guardianship by reason of the child’s physical or mental condition, race, age, or membership in
 12 a sibling group; or

13 (b) The adoptive family or guardian is capable of providing the permanent family relationships
 14 needed by the child in all respects other than financial, and the needs of the child are beyond the
 15 economic ability and resources of the family.

16 (3) Payments to subsidize adoptions or guardianships made under subsection (2) of this section:

17 (a) Shall include payment of nonrecurring adoption or guardianship expenses incurred by or on
 18 behalf of adoptive parents or guardians in connection with the adoption of, or establishment of a
 19 guardianship for, a child with special needs;

20 (b) May include, but are not limited to, the maintenance costs, medical and surgical expenses,
 21 and other costs incidental to the care, training and education of the child;

22 (c) May not exceed the cost of providing comparable assistance in foster care; and

23 (d) May not be made:

24 (A) For a child who has not attained 18 years of age, when the adoptive parents or guardians
 25 are no longer legally responsible for the support of the child; or

26 (B) When the child is no longer receiving any support from the adoptive parents or guardians.

27 (4) Adoptive parents or guardians receiving payments under subsection (2) of this section shall
 28 inform the department of circumstances that would make the adoptive parents or guardians:

29 (a) Ineligible to receive the payments; or

30 (b) Eligible to receive the payments in a different amount.

31 **SECTION 42.** ORS 418.359 is amended to read:

32 418.359. (1) A person or organization that makes a referral or recommendation related to the
 33 use of a **provider of secure nonmedical** transportation services [*provider*] to transport a child to
 34 a child-caring agency, certified foster home or developmental disabilities residential facility must
 35 provide the written disclosure described in subsection (2) of this section if the child to be trans-
 36 ported is a resident of this state or if the child-caring agency, certified foster home or developmental
 37 disabilities residential facility to which the secure transportation services provider will deliver the
 38 child is located in this state.

39 (2) The disclosure under this section must state:

40
 41
 42 Except as specifically exempted under ORS 418.241, a **provider of secure nonmedical** trans-
 43 portation services [*provider*] that transports children to or from a child-caring agency, certified fos-
 44 ter home or developmental disabilities residential facility along any portion of a route that begins
 45 or ends in Oregon is required to be licensed by the Department of Human Services under ORS

1 418.215 or 418.240.

2
3
4 (3) As used in this section, “certified foster home,” “child-caring agency,” “developmental disa-
5 bilities residential facility” and “secure **nonmedical** transportation services” have the meanings
6 given those terms in ORS 418.241.

7 **SECTION 43.** ORS 418.526 is amended to read:

8 418.526. (1) A program shall establish procedures for the program to follow when a child in care
9 is placed in a restraint or involuntary seclusion. The procedures must be consistent with the pro-
10 visions of this section and ORS 418.521 and 418.523 **and section 10 of this 2025 Act.**

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

15 (b) The program shall immediately provide the Department of Human Services with written no-
16 tification of the incident and true copies of any record maintained under this subsection.

17 (c) Upon the request of the attorney, court appointed special advocate, parents or guardians of
18 a child in care on whom the restraint or involuntary seclusion was used, the department shall pro-
19 vide the child in care’s attorney, court appointed special advocate, parents or guardians with copies
20 of the records described in this subsection.

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

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

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

28 (b) The written notice must include:

29 (A) A description of the restraint or involuntary seclusion, the date of the restraint or involun-
30 tary seclusion, the times when the restraint or involuntary seclusion began and ended and the lo-
31 cation of the restraint or involuntary seclusion.

32 (B) A description of the child in care’s activity that necessitated the use of restraint or invol-
33 untary seclusion.

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

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

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

45 (iii) If an individual identified in this subparagraph was not certified or trained in the type of

1 restraint or involuntary seclusion used, or if the individual's certification or training was not cur-
 2 rent, a description of the individual's certification or training deficiency and the reason an individ-
 3 ual without the proper certification or training was involved in the restraint or involuntary
 4 seclusion.

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

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

14 (5) If serious bodily injury or the death of staff personnel occurs in connection to the use of the
 15 restraint or involuntary seclusion, the program shall provide the department with written notifica-
 16 tion of the incident not later than 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 44.** ORS 418.625 is amended to read:

20 418.625. As used in ORS 418.625 to 418.645:

21 (1) "Certificate" means a written approval to operate a foster home issued by the Department
 22 of Human Services on a form prescribed by the department that states the name of the foster parent,
 23 the address of the premises to which the certificate applies and the maximum number of children
 24 to be maintained or boarded in the foster home at any one time.

25 (2) "Department" means the Department of Human Services.

26 (3)(a) "Foster home" means any home maintained by a person who has under the care of the
 27 person in the home any child under the age of 21 years unattended by the child's parent or guardian,
 28 for the purpose of providing the child with care, food and lodging[, *but does not include*:].

29 **(b) "Foster home" does not include:**

30 [(a)] (A) Any boarding school that is essentially and primarily engaged in educational work;

31 [(b)] (B) Any home in which a child is provided board and room by a school board;

32 [(c)] (C) Any foster home under the direct supervision of a child-caring agency or institution
 33 certified by the department;

34 [(d)] (D) Any home under the direct supervision of a custodial parent for the purpose of pro-
 35 viding respite care as defined by rule;

36 [(e)] (E) Any developmental disability child foster home as defined in ORS 443.830; or

37 [(f)] (F) Any home of a provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**,
 38 for parents pursuant to a properly executed power of attorney under ORS 109.056.

39 **SECTION 45.** ORS 418.998 is amended to read:

40 418.998. (1) Except as provided in subsection (2) of this section, all penalties recovered under
 41 ORS 418.992 to 418.998 shall be paid into the State Treasury and credited to the General Fund.

42 (2) All penalties recovered under ORS 418.992 to 418.998 for violations of any provision of ORS
 43 418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970 shall be paid to the Department
 44 of Human Services to be paid into the State Treasury and credited to the Child-Caring Agencies
 45 Account.

1 **SECTION 46.** ORS 419B.351 is amended to read:

2 419B.351. (1)(a) The Department of Human Services shall move the court for approval of [*a*
3 *placement no later than 30 days following the date the department placed, or will place,*] **the**
4 **department's placement** a child or ward in a qualified residential treatment program described in
5 ORS 418.323 **no later than 30 days following the date the department placed the child or ward**
6 **in the program.**

7 **(b) The department may file the motion for approval required under this subsection be-**
8 **fore the date the child or ward is placed in the qualified residential treatment program.**

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

10 (A) The date of the placement;

11 (B) To the extent practicable, the parties' placement preferences; and

12 (C) A copy of the child's or ward's independent assessment described in ORS 418.324.

13 (b) Notwithstanding paragraph (a)(C) of this subsection, if the independent assessment is not
14 completed at the time the department files the motion under subsection (1) of this section, the de-
15 partment may file the motion under this section without the assessment and shall supplement the
16 motion with a copy of the completed assessment immediately following the department's receipt of
17 the completed assessment.

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

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

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

25 (A) Whether the needs of the child or ward can be met through placement in a foster family
26 home or in a proctor foster home as defined in ORS 418.205.

27 (B) If the court determines that the needs of the child or ward cannot be met through placement
28 in a foster family home or proctor foster home, whether placement of the child or ward in the
29 qualified residential treatment program:

30 (i) Provides the least restrictive setting to provide the most effective and appropriate level of
31 care for the child or ward; and

32 (ii) Is consistent with the child's or ward's case plan.

33 (b) In addition to the determinations under paragraph (a) of this subsection, if the motion is for
34 approval of the placement of a child or ward in an out-of-state child-caring agency that serves ju-
35 venile offenders [*as defined in ORS 418.321 (6)*], the court may not approve the placement unless the
36 court finds that the child or ward's placement in the [*out-of-state child-caring*] agency is the least
37 restrictive setting available to meet the child or ward's treatment needs, taking into consideration
38 all of the following:

39 (A) The nature of the services offered by the [*child-caring*] agency;

40 (B) The population served by the [*child-caring*] agency;

41 (C) The percentage of the [*child-caring*] agency's population that is juvenile offenders; and

42 (D) Whether the [*child-caring*] agency is required to file a report under the Prison Rape Elimini-
43 nation Act of 2003, 34 U.S.C. 30301 et seq.

44 (c) The court may receive testimony, reports or other material relating to the child's or ward's
45 mental, physical and social history and prognosis without regard to the competency or relevancy

1 of the testimony, reports or other material under the rules of evidence.

2 **(d) As used in this subsection, “juvenile offender” and “out-of-state child-caring agency”**
 3 **have the meanings given those terms in ORS 418.321.**

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

6 (7) If the court enters an order disapproving the child’s or ward’s placement, the department
 7 shall move the child or ward to a placement that provides care, supervision and services that are
 8 consistent with the court’s order no later than 30 days following the date the court enters the order.

9 **SECTION 47.** 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] **418.246**;

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 48.** 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 **SECTION 49.** Section 1, chapter 492, Oregon Laws 2021, is amended to read:

29 **Sec. 1.** (1) As used in this section, “child’s or ward’s representatives” means:

30 (a) Any attorney representing the child or ward.

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

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

34 (B) The child’s or ward’s adoptive parents.

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

36 (d) The child’s or ward’s legal guardian.

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

38 (f) Any other person upon the written request of the child or ward if the child or ward is at least
 39 18 years of age.

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

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

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

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

3 (C) The name of any parent companies associated with the facilities identified in subparagraph
4 (B) of this paragraph;

5 (D) A statement that the department is in the process of proactively securing the records de-
6 scribed in this section;

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

9 (F) Instructions for making a written request for release of the records from the department;

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

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

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

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

27 (5)(a) Upon *[the effective date of this 2021 Act]* **July 14, 2021**, the department shall immediately
28 request from each out-of-state residential facility in which the department placed a child or ward for
29 any duration of time between January 1, 2016, and June 30, 2020, all records created by or in the
30 possession of the facility relating to the child or ward, including:

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

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

37 (C) All records relating to the use of any emergency intervention, including restraint **as defined**
38 **in ORS 418.519**, that was used on the child or ward while placed in the facility, including written,
39 video, audio and visual records, any abuse allegation or investigation records, injury records, inci-
40 dent reports or **reports about involuntary** seclusion *[reports]* **as defined in ORS 418.519**.

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

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

1 (6) The department shall retain the records obtained under this section for 20 years from the
2 date the department provides the notice to the child or ward under subsection (2) of this section.

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

9
10 **MISCELLANEOUS**

11
12 **SECTION 50. The unit and section captions used in this 2025 Act are provided only for**
13 **the convenience of the reader and do not become part of the statutory law of this state or**
14 **express any legislative intent in the enactment of this 2025 Act.**