

Comparison of proposed changes to ORS 418 in SB 1534 and Current Law

Current	SB 1534
<p>take immediate steps to cause an investigation to take place into the circumstances surrounding the investigation and whether there is a threat to a child, or whether a child is at risk, at the child-caring agency. Upon determination of the level of threat or risk to children at the agency, the director shall take appropriate steps to protect and ensure the health, safety and welfare of children as necessary under the circumstances. Failure to comply with the requirements of this subsection constitutes grounds for a charge of official misconduct in the second degree under ORS 162.405</p>	<p>immediately conduct a complete and thorough assessment of the circumstances surrounding the investigation and determine whether the circumstances threaten the health, safety, rights or welfare of any child in the agency's care or custody. If the director or the director's designee determines there is such a threat, the department shall immediately take appropriate action to ensure the health, safety, rights and welfare of children as necessary under the circumstances. Failure to comply with the requirements of this subsection constitutes grounds for a charge of official misconduct in the second degree under ORS 162.405.</p>
take immediate steps to	immediately conduct
cause an investigation to take place into the circumstances surrounding the investigation and	a complete and thorough assessment of the circumstances surrounding the investigation
whether there is a threat to a child, or whether a child is at risk, at the child-caring agency.	and determine whether the circumstances threaten the health, safety, rights or welfare of any child in the agency's care or custody.
Upon determination of the level of threat or risk to children at the agency,	If the director or the director's designee determines there is such a threat,
the director shall take appropriate steps to protect and ensure the health, safety and welfare of children as necessary under the circumstances.	the department shall immediately take appropriate action to ensure the health, safety, rights and welfare of children as necessary under the circumstances.
Failure to comply with the requirements of this subsection constitutes grounds for a charge of official misconduct in the second degree under ORS 162.405	Failure to comply with the requirements of this subsection constitutes grounds for a charge of official misconduct in the second degree under ORS 162.405.

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ORS 418.248 (1)

Current Law	SB 1534	HB 3835 (2025)
A child-caring agency may certify a proctor foster home as a provider of care or services for children.	A child-caring agency may certify a proctor foster home as a provider of care or services for children, regardless of whether the children are in the custody of the Department of Human Services, provided the proctor foster home is not required to be licensed by the department under ORS 418.215.	A child-caring agency may certify a proctor foster home as a provider of care or services for children, regardless of whether the children are in the custody of the Department of Human Services, provided the proctor foster home is not required to be licensed by the department under ORS 418.215.

ORS 418.258 (1)

Current Statute	SB 1534	HB 3835 (2025)
When the Department of Human Services becomes aware of a report of suspected child abuse of a child in care, whether in the form of an allegation, complaint or formal report made under this section, and whether made directly to the Director of Human Services, the department or an employee of the department, to the centralized child abuse reporting system described in ORS 418.190, through the mandatory abuse reporting process set	(a) For purposes of this subsection, the Department of Human Services becomes aware of allegations or concerns of suspected abuse when the department learns of the allegations or concerns through any means, including but not limited to the centralized child abuse reporting system described in ORS 418.190, through a report made directly to the Director of Human	When the Department of Human Services receives, through the centralized child abuse reporting system described in ORS 418.190, a report of abuse of a child in care by an employee, operator, contractor, agent or volunteer of a child-caring agency, developmental disabilities residential facility, adjudicated youth foster home, certified foster home or proctor foster home or any other person responsible for the

forth in ORS 419B.005 to 419B.050 or otherwise, the department shall immediately:	Services or any employee of the department or during a public meeting. (b) When the department becomes aware of allegations or concerns of suspected abuse of a child in care, the department shall immediately:	provision of care or services to the child in care, the department shall immediately:
When the Department of Human Services becomes aware of a report of suspected child abuse of a child in care,	For purposes of this subsection, the Department of Human Services becomes aware of allegations or concerns of suspected abuse when	When the Department of Human Services receives, through the centralized child abuse reporting system described in ORS 418.190,
whether in the form of an allegation, complaint or formal report made under this section,	the department learns of the allegations or concerns through any means,	a report of abuse of a child in care by an employee, operator, contractor, agent or volunteer of a child-caring agency, developmental disabilities residential facility, adjudicated youth foster home, certified foster home or proctor foster home or any other person responsible for the provision of care or services to the child in care,
and whether made directly to the Director of Human Services, the department or an employee of the department, to the centralized child abuse reporting system described in ORS 418.190, through the mandatory abuse reporting process set forth in ORS 419B.005 to 419B.050 or otherwise,	including but not limited to the centralized child abuse reporting system described in ORS 418.190, through a report made directly to the Director of Human Services or any employee of the department or during a public meeting.	NA
the department shall immediately:	b) When the department becomes aware of allegations or concerns of	the department shall immediately:

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	suspected abuse of a child in care, the department shall immediately:	
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ORS 418.258 (2)(a)

Current Statute	SB 1534	HB 3835 (2025)
(2)(a) As a condition for issuance or renewal of a license, certificate or authorization to a child-caring agency, certified foster home or developmental disabilities residential facility, the department shall require and verify that the child-caring agency, certified foster home or developmental disabilities residential facility has procedures and protocols that:	(2)(a) As a condition for issuance or renewal of a license, certificate or authorization to a child-caring agency, certified foster home or developmental disabilities residential facility, the department shall require and verify that the child-caring agency, certified foster home or developmental disabilities residential facility has adopted, follows and enforces procedures and protocols that:	(2)(a) As a condition for issuance or renewal of a license, certificate or authorization to a child-caring agency, adjudicated youth foster home , certified foster home or developmental disabilities residential facility, the department or the Oregon Youth Authority shall require and verify that the child-caring agency, adjudicated youth foster home , certified foster home or developmental disabilities residential facility has procedures and protocols that:

ORS 418.258 2(a)(A)

Current law	SB 1534	HB 3835 (2025)
Notify appropriate personnel within the department, including but not limited to employees responsible for licensing, certifying or authorizing child-caring agencies, certified foster homes and developmental disabilities residential facilities.	Notify appropriate personnel within the department, including but not limited to employees responsible for licensing, certifying or authorizing child-caring agencies, certified foster homes and developmental disabilities residential facilities.	(A) Require employees of the child-caring agency, a proctor foster home certified by the childcaring agency, the adjudicated youth foster home , the certified foster home or the developmental disabilities residential facility to immediately report suspected abuse of a child in care to the centralized child abuse reporting system described in ORS 418.190

ORS 418.258 (4)(a)

Current Law	SB 1534	HB 3835 (2025)
Anyone, including but not limited to an employee of a child-caring agency, proctor foster home certified foster home or developmental disabilities residential facility, who makes a report of suspected abuse of a child in care to the Governor, the Department of Justice, the Director of Human Services, the director's designee or the department under this section in good faith and who has reasonable grounds for the making of the report shall have immunity:	Anyone, including but not limited to a child in care or an employee of a child-caring agency, proctor foster home, certified foster home or developmental disabilities residential facility, who makes a report of suspected abuse of a child in care under this section to the centralized child abuse reporting system described in ORS 418.190 or expresses concern about situations involving abuse or the department's response to allegations of abuse in good faith and who has reasonable grounds for the making of the report shall have immunity:	Anyone, including but not limited to an employee of a child-caring agency, proctor foster home, adjudicated youth foster home, certified foster home or developmental disabilities residential facility, who makes a report of suspected abuse of a child in care under this section to the centralized child abuse reporting system described in ORS 418.190 in good faith and who has reasonable grounds for the making of the report shall have immunity:
(A) From any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report;	(A) From any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report or expression of concern;	(A) From any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report;
(B) From disciplinary action taken by the person's employer; and	(B) From disciplinary action taken by the person's employer; and	(B) From disciplinary action taken by the person's employer; and
(C) With respect to participating in any judicial proceeding resulting from or involving the report.	(C) With respect to participating in any judicial proceeding resulting from or involving the report or expression of concern.	(C) With respect to participating in any judicial proceeding resulting from or involving the report.

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

ORS 418.259- Elements included in reports re: restraint and seclusion

Current Law	SB 1534	HB 3835 (2025)
Total number of Restraints in programs	Total number of Restraints in programs	Total number of Restraints in programs
Total number of programs that reported the use of restraint of children in care	Total number of programs that reported the use of restraint of children in care	Total number of programs that reported the use of restraint of children in care
Total number of individual children in care who were placed in restraints by programs that quarter	Total number of individual children in care who were placed in restraints by programs that quarter	Total number of individual children in care who were placed in restraints by programs that quarter
Number of reportable injuries to children in care that resulted from those restraints	Number of reportable injuries to children in care that resulted from those restraints	Number of reportable injuries to children in care that resulted from those restraints
The number of incidents in which an individual who was not appropriately trained in the use of the restraint used on a child in care in a program	The number of incidents in which at least one individual who restrained a child in care in a program was not appropriately trained in the type of restraint used	The number of incidents in which an individual who was not appropriately trained in the use of the restraint used on a child in care in a program

The number of incidents that were reported for potential inappropriate use of restraint		The number of incidents that were reported for potential inappropriate use of restraint
	The number of incidents that were reported for inappropriate use of restraint of a child in care to the centralized child abuse reporting system described in ORS 418.190	The number of incidents that were reported as suspected abusive restraint
	The number of incidents in which a restraint prohibited under ORS 418.521 was used	The number of incidents in which a restraint prohibited under ORS 418.521 was used
		The number of complaints received involving alleged violations of procedural, reporting, training and notification requirements under ORS 418.526, ORS 418.528, ORS 418.529 and ORS 418.532
		The number of complaints under paragraph (h) of this subsection that involved allegations later confirmed to be violations.
	The total number of individuals who restrained children in care in the incidents described in paragraph (e) of this subsection who were not appropriately trained in the types of restraint used.	
	(i) A description of the actions taken by the division of the department responsible for licensure or certification in response to regulatory violations related to the use of restraint or involuntary seclusion, including the	

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	number of licensing complaint investigations initiated and any conditions, required trainings or civil penalties that were imposed as a result of failure to be in compliance with regulations related to the use of restraint or involuntary seclusion;	
	(j) The total number of allegations of abuse of children in care that had an inconclusive finding in that quarter, disaggregated by setting;	
	(k) The total number of restraints imposed on Oregon children in care at out-of-state congregate care facilities in that quarter, including the number of children in care that experienced a reportable injury as a result of a physical restraint, disaggregated by facility; and	
	(L) The total number of children in care that experienced restraint at an out-of-state congregate care facility in that quarter, including the number of children in care that experienced a reportable injury as a result of a physical restraint, disaggregated by facility	

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ORS 418.260

Current Law	SB 1534	HB 3835 (2025)
	<p>(1) The Department of Human Services shall: (a) Conduct a complete and detailed review of each application for an initial or renewed child-caring agency license, certification or other authorization; and (b) Monitor the ongoing regulatory compliance of a child-caring agency by, at a minimum, responding to and assessing reports or allegations of noncompliance.</p>	
If the Department of Human Services receives a report or otherwise becomes aware that any suspected or founded abuses, deficiencies, violations or failures to comply with the full compliance requirements described in ORS 418.240 are occurring in a child-caring agency, whether as a part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the department shall immediately notify appropriate personnel within the department, including but not limited to employees responsible for licensing, certifying or authorizing child-caring agencies, who shall	<p>(2) If the department becomes aware by any means of an actual or suspected failure of a child-caring agency to maintain substantial regulatory compliance or full compliance with requirements related to the health, safety, welfare or rights of children in care, the department shall immediately: (a) Ensure that the individuals with the department responsible for monitoring the child-caring agency are notified; and (b) Ensure that the individuals notified under paragraph (a) of this subsection conduct a complete and detailed assessment to determine whether the child-caring agency is in compliance.</p>	<p>(1) If the Department of Human Services receives a report or otherwise becomes aware that any suspected or founded abuses, deficiencies, violations or failures to comply with the full compliance requirements described in ORS 418.240 are occurring in a child-caring agency, whether as a part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the department shall immediately notify appropriate personnel within the department, including but not limited to employees responsible for licensing, certifying or authorizing child-caring agencies, who shall assess the circumstances and take appropriate action without undue delay, with primary concern given to the health, safety and welfare of the children for whom the child-caring agency is responsible. The department</p>

<p>investigate and take appropriate action without undue delay, with primary concern given to the health, safety and welfare of the children for whom the child-caring agency is responsible. The department may notify law enforcement agencies as necessary to coordinate and assist in the investigation and enforcement of corrective actions undertaken by the department. If the child-caring agency is known or found to serve children also served by the Oregon Youth Authority, county juvenile departments or developmental disabilities services within the department, the department shall notify those entities of the report or suspected or founded abuses, deficiencies, violations or failures.</p>		<p>may notify law enforcement agencies as necessary to coordinate and assist in the assessment and enforcement of corrective actions undertaken by the department. If the child-caring agency is known or found to serve children also served by the Oregon Youth Authority, county juvenile departments or developmental disabilities services within the department, the department shall notify those entities of the report or suspected or founded abuses, deficiencies, violations or failures.</p>
<p>If the department finds, after investigation by the department or law enforcement agencies, that the abuses, deficiencies, violations or failures to comply are founded, the department may suspend, revoke or place conditions on the license, certificate or other authorization of the child-caring agency. The conditions placed on a license,</p>	<p>(3) If the department finds that the child-caring agency is not in compliance, the department shall take immediate and appropriate action to ensure that the child-caring agency comes into compliance. The action may include, but need not be limited to, one or more of the following: (a) Revoking or temporarily suspending a license, certificate or other authorization; (b) Placing conditions on</p>	<p>(2) If the department finds that the abuses, deficiencies, violations or failures to comply occurred, the department may suspend, revoke or place conditions on the license, certificate or other authorization of the child-caring agency. The conditions placed on a license, certificate or authorization may include, but are not limited to, placing full or partial restrictions on admission of children, temporary suspension, limitation of operations</p>

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<p>certificate or authorization may include, but are not limited to, placing full or partial restrictions on admission of children, temporary suspension, limitation of operations subject to an intent to revoke or limitation of operations subject to correction of violations as specified in a plan of correction. If the department imposes a plan of correction, and the corrections are not made within 45 days from the effective date of the plan of correction, the department may immediately suspend or revoke the license, certificate or authorization of the child-caring agency. The department shall immediately notify any governmental agency that has a contract with the child-caring agency to provide care or services to a child of any suspension or revocation of, or conditions placed on, the license, certificate or other authorization of the child-caring agency,</p>	<p>the license, certificate or other authorization, including but not limited to placing a full or partial restriction on the admission of children; (c) Imposing a limitation of operations subject to an intent to revoke; (d) Imposing a limitation of operations subject to a correction of the violations as specified in a plan of correction; (e) Subjecting the child-caring agency to enhanced oversight, including on-site supervision by the department; (f) Requiring additional training for the employees or agents of the child-caring agency; or (g) Imposing fines or civil penalties.</p>	<p>subject to an intent to revoke or limitation of operations subject to correction of violations as specified in a plan of correction. If the department imposes a plan of correction, and the corrections are not made within 45 days from the effective date of the plan of correction, the department may immediately suspend or revoke the license, certificate or authorization of the child-caring agency. The department shall immediately notify any governmental agency that has a contract with the child-caring agency to provide care or services to a child of any suspension or revocation of, or conditions placed on, the license, certificate or other authorization of the child-caring agency.</p>
	<p>(4) When determining the action to take in response to noncompliance of a child-caring agency, the department shall: (a) Ensure all necessary actions are taken to protect the health, safety, rights and</p>	

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	welfare of children in care and the general public; (b) Consider whether the violation is temporary or systemic; (c) Consider whether this is a repeat violation or part of a pattern of frequent or ongoing violations; (d) Consider the timeliness and thoroughness of the child-caring agency's cooperation with the department in its thorough assessment of the concerns; and (e) Consider any unique circumstances, other than system capacity, that impact the noncompliance.	
	(5) If the department imposes a plan of correction, and the corrections are not made within 45 days from the effective date of the plan of correction, the department may immediately take appropriate action on the child-caring agency's license, certificate or other authorization.	
	(6) The department may not take action to suspend or revoke a child-caring agency's license, certification or authorization unless: (a) The violation or violations pose an imminent risk to the health, safety, rights or welfare of children in care, the general public or staff of the facility; (b) The violation or violations are part of a pattern of frequent or repeated noncompliance; (c) The	

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	department first took less punitive actions and the child-caring agency failed to comply or failed to maintain compliance; or (d) The suspension or revocation is otherwise authorized or required by state or federal law.	
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ORS 418.248

Current Law	SB 1534	HB 2825 (2025)
A child-caring agency may certify a proctor foster home as a provider of care or services for children.	A child-caring agency may certify a proctor foster home as a provider of care or services for children, regardless of whether the children are in the custody of the Department of Human Services, provided the proctor foster home is not required to be licensed by the department under ORS 418.215	A child-caring agency may certify a proctor foster home as a provider of care or services for children, regardless of whether the children are in the custody of the Department of Human Services, provided the proctor foster home is not required to be licensed by the department under ORS 418.215

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