

A-Engrossed
Senate Bill 1534

Ordered by the Senate February 17
Including Senate Amendments dated February 17

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Human Services)

SUMMARY

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

Digest: The Act makes changes to laws about children in care and CCA regulation. (Flesch Readability Score: 69.9).

Modifies provisions regarding abuse of children in care.

Modifies provisions regarding licensing of child-caring agencies.

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

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the welfare of young people; creating new provisions; amending ORS 329A.030, 329A.275,
3 418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248, 418.257, 418.258, 418.259, 418.260,
4 418.322, 418.327, 418.330, 418.500, 418.519, 418.625, 419B.005, 419C.620 and 704.023; and declaring
5 an emergency.

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

7
8 **CHILDREN IN CARE**

9
10 **SECTION 1. Section 2 of this 2026 Act is added to and made a part of ORS 418.257 to**
11 **418.259.**

12 **SECTION 2. (1) A child-caring agency, developmental disabilities residential facility,**
13 **proctor foster home, certified foster home, caretaker or other person with a duty of care to**
14 **a child in care abuses the child in care if the child-caring agency, developmental disabilities**
15 **residential facility, proctor foster home, certified foster home, caretaker or other person**
16 **fails to make a reasonable effort to protect the child in care from abuse as described in this**
17 **section or ORS 419B.005.**

18 **(2) An individual abuses a child in care if the individual is an employee, operator, con-**
19 **tractor, agent or volunteer of a child-caring agency, developmental disabilities residential**
20 **facility, proctor foster home, certified foster home or is any other person who, due to the**
21 **child's status as a child in care, is responsible for the provision of care or services to the**
22 **child in care and the individual:**

23 **(a) Neglects the child in care by:**

24 **(A) Failing to provide the care, supervision or services that a person has a duty to pro-**
25 **vide to the child in care that is necessary to maintain the physical and mental health of the**

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 **child in care; or**

2 **(B) Failing to make a reasonable effort to protect the child in care from abuse as de-**
3 **scribed in this section or ORS 419B.005.**

4 **(b) Abandons the child in care, including deserting or willfully forsaking the child in care**
5 **or withdrawing or neglecting duties and obligations owed to the child in care by the individ-**
6 **ual.**

7 **(3) An individual abuses a child in care if:**

8 **(a) The individual is at least 18 years of age;**

9 **(b) The individual is not a child in care;**

10 **(c) The individual:**

11 **(A) Is an employee, volunteer or contractor of a child-caring agency, a developmental**
12 **disabilities residential facility, a proctor foster home or a certified foster home;**

13 **(B) Is an operator of a child-caring agency, a developmental disabilities residential facil-**
14 **ity, a proctor foster home or a certified foster home; or**

15 **(C) Resides in the same child-caring agency, developmental disabilities residential facility,**
16 **proctor foster home or certified foster home; and**

17 **(d) The individual does one or more of the following:**

18 **(A) Assaults the child in care.**

19 **(B) Commits an act that causes physical injury to the child in care and the act is non-**
20 **accidental or the injury appears at variance with the individual's explanation of the act**
21 **causing the injury.**

22 **(C) Imposes a restraint or involuntary seclusion on the child in care in violation of ORS**
23 **418.521 or 418.523.**

24 **(D) Willfully inflicts physical pain or injury upon the child in care.**

25 **(E) Commits an act involving the child in care that constitutes a crime under ORS**
26 **163.263, 163.264, 163.266, 163.413, 163.465, 163.467, 163.535, 163.537, 163.547, 163.575, 163.670,**
27 **163.700 or 163.701.**

28 **(F) Verbally abuses the child in care by threatening significant physical or emotional**
29 **harm to the child in care through any means, including:**

30 **(i) The use of derogatory or inappropriate names, insults, verbal assaults, profanity or**
31 **ridicule;**

32 **(ii) Harassment, coercion, humiliation, mental cruelty or inappropriate sexual comments;**
33 **or**

34 **(iii) Intimidation, including compelling or deterring conduct by threat.**

35 **(G) Engages in financial exploitation of the child in care by:**

36 **(i) Wrongfully taking the assets, funds or property belonging to or intended for the use**
37 **of the child in care;**

38 **(ii) Alarming the child in care by conveying a threat to wrongfully take or appropriate**
39 **moneys or property of the child in care if the child in care would reasonably believe that the**
40 **threat conveyed would be carried out;**

41 **(iii) Misappropriating, misusing or transferring without authorization any moneys from**
42 **any account held jointly or singly by a child in care; or**

43 **(iv) Failing to use the income or assets of the child in care effectively for the support**
44 **and maintenance of the child in care.**

45 **(H) Engages in sexual abuse of the child in care by committing an act that constitutes:**

1 (i) Sexual harassment of the child in care;

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

3 or

4 (iii) Sexual contact, as defined in ORS 163.305, with the child in care, regardless of
5 whether the sexual contact constitutes a crime under ORS chapter 163.

6 (I) Sexually exploits the child in care by any means, including:

7 (i) Directing or encouraging another person to engage in sexual contact, as defined in
8 ORS 163.305, with the child in care;

9 (ii) Contributing to the sexual delinquency of the child in care, as described in ORS
10 163.435;

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

19 (iv) Allowing, permitting, encouraging or hiring the child in care to engage in prostitution
20 as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase
21 sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation
22 as described in ORS 167.008.

23 (4) As used in this section:

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

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

28 **SECTION 3.** (1) The provisions of section 2 of this 2026 Act and ORS 418.257 do not apply
29 to investigations of reports of suspected abuse of a child in care if the suspected abuse is
30 committed by:

31 (a) The child in care's parent;

32 (b) An employee of the Department of Human Services if the employee is acting within
33 the scope of the employee's employment and is providing care or supervision of the child in
34 care unless the employee is alleged to have sexually abused the child in care, as described
35 in section 2 (3)(d)(H) of this 2026 Act; or

36 (c) If the child in care is a runaway or is living in a location that is not authorized by
37 the department, a person not authorized by the department to provide care or services to
38 the child in care.

39 (2) The provisions of ORS 418.521 and 418.523 do not apply to the restraint or involuntary
40 seclusion of a child in care if the child in care is placed in the restraint or involuntary se-
41 clusion by the parent of the child in care or by an employee of the department when the
42 employee is transporting the child in care as part of the employee's assigned duties or when
43 the employee is providing care or supervision in a temporary location to a child in care who
44 is awaiting placement.

45 (3) Nothing in this section affects the department's duty under ORS 419B.020 to investi-

1 **gate reports of child abuse as defined in ORS 419B.005.**

2 **(4) As used in this section, “child in care,” “involuntary seclusion” and “restraint” have**
3 **the meanings given those terms in ORS 418.519.**

4 **SECTION 4.** ORS 418.257 is amended to read:

5 418.257. As used in ORS 418.257 to 418.259:

6 [(1) “Abuse” means one or more of the following:]

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

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

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

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

14 [(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
15 163.465, 163.467 or 163.525.]

16 [(f) Verbal abuse.]

17 [(g) Financial exploitation.]

18 [(h) Sexual abuse.]

19 [(i) The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521 or
20 418.523.]

21 **(1) “Abuse” means abuse as described in section 2 of this 2026 Act or ORS 419B.005.**

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

24 [(3)] **(2)(a)** “Child in care” means a person under 21 years of age who is:

25 **(A) In the physical or legal custody of the Department of Human Services; or**

26 **(B) Is** residing in or receiving care or services from:

27 [(A)] **(i)** A Child-caring agency or proctor foster home subject to ORS 418.205 to 418.327, **418.241,**
28 418.470, 418.475 or 418.950 to 418.970;

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

30 [(C)] **(iii)** A developmental disabilities residential facility.

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

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

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

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

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

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

45 [(D) Failing to use the income or assets of a child in care effectively for the support and mainte-

1 nance of the child in care.]

2 [(b) "Financial exploitation" does not include age-appropriate discipline that may involve the threat
3 to withhold, or the withholding of, privileges.]

4 [(6) "Intimidation" means compelling or deterring conduct by threat. "Intimidation" does not in-
5 clude age-appropriate discipline that may involve the threat to withhold privileges.]

6 [(7) "Involuntary seclusion" has the meaning given that term in ORS 418.519.]

7 [(8)] (3) "Law enforcement agency" means:

8 (a) Any city or municipal police department.

9 (b) Any county sheriff's office.

10 (c) The Oregon State Police.

11 (d) Any district attorney.

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

13 [(9) "Neglect" means:]

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

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

19 [(10) "Restraint" has the meaning given that term in ORS 418.519.]

20 [(11)] (4) "Services" includes but is not limited to the provision of food, clothing, medicine,
21 housing, medical services, assistance with bathing or personal hygiene or any other service essential
22 to the well-being of a child in care.

23 [(12) "Sexual abuse" means:]

24 [(a) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material
25 or language;]

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

29 [(c) Any sexual contact between a person and a child in care that is unlawful under ORS chapter
30 163 and not subject to a defense under that chapter; or]

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

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

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

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

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

37 [(b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual
38 comments.]

39
40 **CHILD-CARING AGENCY REGULATION**

41
42 **SECTION 5.** ORS 418.205 is amended to read:

43 418.205. As used in ORS 418.205 to 418.327, [418.330,] 418.470, 418.475, 418.950 to 418.970 and
44 418.992 to 418.998, unless the context requires otherwise:

45 (1) "Certified foster home" means a foster home certified by the Department of Human

1 **Services and subject to ORS 418.625 to 418.645.**

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

4 [(2)(a) “Child-caring agency” means:]

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

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

7 [(ii) Adoption placement services;]

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

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

12 [(v) Outdoor youth programs; or]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (3) “Child-caring agency” means a children’s care or services provider that is required
41 under ORS 418.215 to be licensed, certified or otherwise authorized by the Department of
42 Human Services under ORS 418.240.

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

44 [(4)(a) “County program” means any county operated program that provides care or services to
45 children.]

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

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

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

5 (4) **“Developmental disabilities residential facility” means a residential facility or foster**
6 **home that is subject to ORS 443.400 to 443.455 or 443.830 and 443.835 for children who are**
7 **under 18 years of age and receiving developmental disability services.**

8 (5) *“Governmental agency” means an executive, legislative or judicial agency, department,*
9 *board, commission, authority, institution or instrumentality of this state or of a county, municipality*
10 *or other political subdivision of this state.*

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

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

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

16 [(A) *Operated by a governmental entity;*]

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

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

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

20 [(8)] (6) *“Private” means not owned, operated or administered by any governmental agency or*
21 *unit.*

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

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

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

28 [(10)] (7) *“Proctor foster home” means a foster home certified by a child-caring agency under*
29 *ORS 418.248 that is [not subject to ORS 418.625 to 418.645] **not a certified foster home.***

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

35 [(12)] (8) *“Qualified residential treatment program” means a program described in ORS 418.323.*

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

37 **SECTION 6.** ORS 418.210 is amended to read:

38 418.210. ORS 418.205 to 418.327 [shall] **and 418.241 do** not apply to:

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

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

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

45 (4) [Any] **An** individual, or home of an individual, providing respite services, as defined in ORS

1 [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power of attorney under ORS
2 109.056;

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

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

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

9 **(6) Except as specifically provided in ORS 418.257 to 418.259, a governmental entity, in-
10 cluding the Oregon Youth Authority, that provides care or services to children, regardless
11 of whether the children are in the custody of the Department of Human Services, if:**

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

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

14 **SECTION 7.** ORS 418.215 is amended to read:

15 418.215. [(1) A child-caring agency may not provide or engage in any care or services described in
16 ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970 unless the agency is licensed, certified
17 or otherwise authorized to provide or engage in the provision of care or services to a child by the
18 Department of Human Services under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to
19 418.970.]

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

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

24 [(b) Is a county program.]

25 **(1) The following children's care or services providers must be licensed, certified or oth-
26 erwise authorized by the Department of Human Services under ORS 418.240 to provide or
27 engage in the provision of care or services described in ORS 418.205 to 418.327, 418.241,
28 418.470, 418.475 or 418.950 to 418.970:**

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

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

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

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

34 **(D) A provider of residential care in combination with academic education and
35 therapeutic care, including but not limited to treatment for emotional, behavioral, develop-
36 mental or mental health conditions;**

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

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

39 **(b) Any private organization or person that provides secure nonmedical transportation
40 services as defined in ORS 418.241 during any segment of a child's trip to or from a child-
41 caring agency, certified foster home or developmental disabilities residential facility, if the
42 route of the child's trip begins or ends in this state;**

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

44 **(d) An independent residence facility as described in ORS 418.475 that meets the stan-
45 dards established by the department by rule to be considered a provider described in this**

1 section;

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

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

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

6 (a) A developmental disabilities residential facility;

7 (b) Any private agency or organization facilitating the provision of respite services for
8 parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes
9 of this paragraph, "respite services" means the voluntary assumption of short-term care and
10 control of a minor child without compensation or reimbursement of expenses for the purpose
11 of providing a parent in crisis with relief from the demands of ongoing care of the parent's
12 child;

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

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

15 (e) A certified foster home;

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

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

19 (h) An ambulance service as defined in ORS 682.025; or

20 (i) A host home described in ORS 417.803.

21 (3) As used in this section:

22 (a) "County program" means any county-operated program that provides care or services
23 to children:

24 (A) In the custody of the department or the Oregon Youth Authority; or

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

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

28 **SECTION 8.** ORS 418.240 is amended to read:

29 418.240. (1) *[All child-caring agencies shall obtain from the Department of Human Services a li-*
30 *cence, certificate or other authorization to provide]* **The Department of Human Services shall adopt**
31 **rules, consistent with this section, for the licensing, certification or authorization of pro-**
32 **viders described in ORS 418.215 of care or services to children under ORS 418.205 to 418.327,**
33 **418.241, 418.470, 418.475 or 418.950 to 418.970. The rules must set forth, at a minimum, the fol-**
34 **lowing** criteria for issuance, renewal, suspension or revocation of, or for placing conditions on, a
35 license, certificate or authorization under this section *[must]* **and:**

36 *[(a) Be set forth in rules adopted by the department;]*

37 (a) **Require that the child-caring agency be:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (E) The agency provides appropriate food services.

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

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

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

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

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

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

26 **(L) The agency complies with ORS 418.519 to 418.532 regarding the use of restraint and**
27 **involuntary seclusion on children in care and incident reporting requirements.**

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

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

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

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

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

41 (C) The agency failed to cooperate fully with any local, state or federal regulatory entity's in-
42 vestigation of the agency or of the agency's operations or employees.

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

44 **(d) The department shall take immediate steps to place conditions on or suspend or re-**
45 **voke the license, certificate or other authorization of a child-caring agency, if any of the**

1 following are found to exist:

2 (A) The agency failed to provide financial statements as required by ORS 418.255; or

3 (B) The agency failed to provide reasonable access to a child in the agency's care or
4 custody as required by ORS 418.305.

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

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

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

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

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

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

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

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

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

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

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

42 (A) The Governor; [*and*]

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

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

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

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

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

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

14 [(7)] (6) Except as provided in subsection (3) of this section, a license, certificate or authori-
 15 zation issued by the department **to a child-caring agency** under this section shall be valid for a
 16 period of two years, unless suspended or revoked sooner by the department. However, the depart-
 17 ment at any time may require amendments to an existing license, certificate or authorization to
 18 accommodate changes in the factors upon which the issuance was based.

19 [(8)] (7) When a condition exists that seriously endangers or places at risk the health, safety or
 20 welfare of a child who is receiving care or services at a child-caring agency:

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

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

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

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

31 [(9)] (8) If the director, the director's designee or the department becomes aware through any
 32 means that a child-caring agency, or an owner, operator or employee of a child-caring agency, is the
 33 subject of an investigation by another state agency, law enforcement agency or federal agency, the
 34 director or director's designee shall take immediate steps to cause an investigation to take place
 35 into the circumstances surrounding the investigation and whether there is a threat to a child, or
 36 whether a child is at risk, at the child-caring agency. Upon determination of the level of threat or
 37 risk to children at the agency, the director shall take appropriate steps to protect and ensure the
 38 health, safety and welfare of children as necessary under the circumstances. Failure to comply with
 39 the requirements of this subsection constitutes grounds for a charge of official misconduct in the
 40 second degree under ORS 162.405.

41 [(10)] (9) If the Department of Justice or Bureau of Labor and Industries commences an inves-
 42 tigation of a child-caring agency or an owner, operator or employee of a child-caring agency, the
 43 Department of Justice or Bureau of Labor and Industries shall notify, inform and regularly update
 44 the director, the director's designee or such other personnel in the Department of Human Services
 45 designated to receive such information regarding the investigation. The director and the department

1 shall immediately undertake the responsive action required by subsection [(9)] (8) of this section
 2 upon receiving such notification. Interference with, discouragement of or impediment to the receipt
 3 of the notification, information and updates required under this subsection constitutes official mis-
 4 conduct in the second degree under ORS 162.405.

5 [(11)] (10) The Department of Human Services shall adopt rules to implement the provisions of
 6 this section.

7 **SECTION 9.** ORS 418.248 is amended to read:

8 418.248. (1) A child-caring agency may certify a proctor foster home as a provider of care or
 9 services for children, **regardless of whether the children are in the custody of the Department**
 10 **of Human Services, provided the proctor foster home is not required to be licensed by the**
 11 **department under ORS 418.215.** The child-caring agency may not certify a proctor foster home
 12 under this section unless the child-caring agency determines that the proctor foster home meets
 13 minimum standards as established by rules adopted by the Department of Human Services or the
 14 Oregon Youth Authority, as applicable. The determination that a proctor foster home meets mini-
 15 mum standards and the certification by the child-caring agency must take place before placement
 16 of a child in the proctor foster home.

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

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

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

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

40 **NOTE:** Section 10 was deleted by amendment. Subsequent sections were not renumbered.

41 **SECTION 11.** ORS 418.258 is amended to read:

42 418.258. (1) When the Department of Human Services becomes aware of a report of suspected
 43 child abuse of a child in care, whether in the form of an allegation, complaint or formal report made
 44 under this section, and whether made directly to the Director of Human Services, the department
 45 or an employee of the department, to the centralized child abuse reporting system described in ORS

1 418.190, through the mandatory abuse reporting process set forth in ORS 419B.005 to 419B.050 or
2 otherwise, the department shall immediately:

3 (a) Notify appropriate personnel within the department, including but not limited to employees
4 responsible for licensing, certifying or authorizing child-caring agencies, certified foster homes and
5 developmental disabilities residential facilities.

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

9 (c) Notify the placement authorities of any other state that retains jurisdiction over a child in
10 care receiving care or services from the child-caring agency, certified foster home or developmental
11 disabilities residential facility.

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

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

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

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

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

24 (2)(a) As a condition for issuance or renewal of a license, certificate or authorization to a
25 child-caring agency, certified foster home or developmental disabilities residential facility, the de-
26 partment shall require and verify that the child-caring agency, certified foster home or develop-
27 mental disabilities residential facility has **adopted, follows and enforces** procedures and protocols
28 that:

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

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

41 (C) Inform employees of child-caring agencies, proctor foster homes, certified foster homes and
42 developmental disabilities residential facilities that the duty to report abuse of a child in care is
43 personal to the employee and that the duty is not fulfilled by reporting the abuse to the owner, op-
44 erator or any other employee of the child-caring agency, proctor foster home, certified foster home
45 or developmental disabilities residential facility even if the owner, operator or other employee re-

1 ports the abuse of a child in care to the director, the director's designee or the department.

2 (b) A child-caring agency, certified foster home or developmental disabilities residential facility
3 need not develop and maintain procedures and protocols or provide an annual training and written
4 materials under paragraph (a) of this subsection if the agency, home or facility does not have any
5 employees, staff or volunteers.

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

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

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

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

22 (C) With respect to participating in any judicial proceeding resulting from or involving the re-
23 port **or expression of concern.**

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

28 **SECTION 12.** ORS 418.259 is amended to read:

29 418.259. (1) The investigation conducted by the Department of Human Services under ORS
30 418.258 must result in one of the following findings:

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

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

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

38 (2) When a report is received under ORS 418.258 alleging that a child in care may have been
39 subjected to abuse, the department shall [*notify the case managers for the child, the attorney for the*
40 *child, the child's court appointed special advocate, the parents or guardians of the child,*] **notify the**
41 **child's case managers, attorney, court appointed special advocate, developmental disabilities**
42 **coordinator, parents or guardians,** any attorney representing a parent or guardian of the child
43 and any governmental agency that has a contract with the child-caring agency or developmental
44 disabilities residential facility to provide care or services to the child that a report has been re-
45 ceived. **The department shall make the notification under this subsection without undue delay**

1 **and in no event more than three calendar days after receiving the report.**

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

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

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

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

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

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

20 (E) Review the training records related to all of the individuals who were involved in the use
21 of restraint or involuntary seclusion **to determine whether each individual that imposed the**
22 **restraint was currently certified in a program approved by the department;** [and]

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

27 **(G) If a child who experienced or witnessed the suspected abuse is not interviewed, make**
28 **a specific note about the reason why the interview was not conducted and what reasonable**
29 **efforts were made to interview the child.**

30 (c) **The department may not substantiate an allegation of abuse by an individual who was**
31 **involved in the use of a restraint solely because the individual did not possess a current**
32 **certification to impose the restraint.**

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

34 (a) The Director of Human Services.

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

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

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

44 (e) The parents or guardians of the child in care who is the subject of the abuse report and in-
45 vestigation if the child in care has not been committed to the custody of the department [*or the*

1 youth authority. Notification under this paragraph may not include any details or information other
2 than that a report of abuse has been substantiated].

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

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

6 **(h) The Children's Advocate.**

7 (5) The department shall report on a quarterly basis to the interim legislative committees on
8 child welfare for the purposes of public review and oversight of the quality and safety of child-caring
9 agencies, certified foster homes and developmental disabilities residential facilities that are licensed,
10 certified or authorized by the department in this state, [and] of proctor foster homes that are cer-
11 tified by the child-caring agencies[.]**land of out-of-state child-caring agencies in which the de-**
12 **partment has placed any children.** Information provided in reports under this subsection may not
13 contain the name or any identifying information of a child in care but must contain all of the fol-
14 lowing:

15 **(a) If the department conducted an investigation pursuant to ORS 418.258 that resulted**
16 **in a finding during that quarter that a report of abuse was substantiated:**

17 **(A) If the investigation involved a proctor foster home, developmental disabilities resi-**
18 **dential facility or child-caring agency, including an out-of-state child-caring agency, the**
19 **name of the proctor foster home, developmental disabilities residential facility or child-caring**
20 **agency; and**

21 [(a)] **(B)** [The name of any child-caring agency, including an out-of-state child-caring agency,
22 proctor foster home or developmental disabilities residential facility, or,] **If the investigation involved**
23 **a certified foster home,** provided there are five or more certified foster homes in the county, the
24 name of the county where a certified foster home is located[, where the department conducted an
25 investigation pursuant to ORS 418.258 that resulted in a finding that the report of abuse was sub-
26 stantiated during that quarter];

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

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

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

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

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

35 (6) The department's quarterly report under subsection (5) of this section must also contain all
36 of the following, **including incidents occurring in out-of-state facilities:**

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

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

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

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

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

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

1 **(f) The total number of individuals who restrained children in care in the incidents de-**
2 **scribed in paragraph (e) of this subsection who were not appropriately trained in the types**
3 **of restraint used;**

4 **(g) The number of incidents in which a restraint prohibited under ORS 418.521 was used;**

5 **(h) A description of the actions taken by the division of the department responsible for**
6 **licensure or certification in response to regulatory violations related to the use of restraint**
7 **or involuntary seclusion, including the number of licensing complaint investigations initiated**
8 **and any conditions, required trainings or civil penalties that were imposed as a result of**
9 **failure to be in compliance with regulations related to the use of restraint or involuntary**
10 **seclusion;**

11 **(i) The total number of restraints imposed on Oregon children in care at out-of-state**
12 **congregate care facilities in that quarter, including the number of children in care that ex-**
13 **perienced a reportable injury as a result of a physical restraint, disaggregated by facility; and**

14 **(j) The total number of children in care that experienced restraint at an out-of-state**
15 **congregate care facility in that quarter, including the number of children in care that expe-**
16 **rienced a reportable injury as a result of a physical restraint, disaggregated by facility.**

17 (7) In compiling records, reports and other information during an investigation under ORS
18 418.258 (1) and in issuing findings, letters of concern or reprimands, the Director of Human Services
19 or the director's designee and the department may not refer to the employee, person or entity that
20 is the subject of the investigation as an "alleged perpetrator" but must refer to the employee, person
21 or entity as the "respondent."

22 *[(8) As used in this section, "program," "reportable injury" and "restraint" have the meanings*
23 *given those terms in ORS 418.519.]*

24 **(8) As used in this section:**

25 **(a) "Developmental disabilities foster home" means a foster home that is subject to ORS**
26 **443.400 to 443.455 or 443.830 and 443.835 for children who are under 18 years of age and re-**
27 **ceiving developmental disability services.**

28 **(b) "Involuntary seclusion" has the meaning given that term in ORS 418.519.**

29 **(c) "Program" has the meaning given that term in ORS 418.519.**

30 **(d) "Reportable injury" has the meaning given that term in ORS 418.519.**

31 **(e) "Restraint" has the meaning given that term in ORS 418.519.**

32 **SECTION 13.** ORS 418.260 is amended to read:

33 418.260. (1) If the Department of Human Services receives a report or otherwise becomes aware
34 that any suspected or founded abuses, deficiencies, violations or failures to comply with the full
35 compliance requirements described in ORS 418.240 are occurring in a child-caring agency, whether
36 as a part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the department shall
37 immediately notify appropriate personnel within the department, including but not limited to em-
38 ployees responsible for licensing, certifying or authorizing child-caring agencies, who shall investi-
39 gate and take appropriate action without undue delay, with primary concern given to the health,
40 safety and welfare of the children for whom the child-caring agency is responsible. The department
41 may notify law enforcement agencies as necessary to coordinate and assist in the investigation and
42 enforcement of corrective actions undertaken by the department. If the child-caring agency is known
43 or found to serve children also served by the Oregon Youth Authority, county juvenile departments
44 or developmental disabilities services within the department, the department shall notify those en-
45 tities of the report or suspected or founded abuses, deficiencies, violations or failures.

1 (2) If the department finds, after investigation by the department or law enforcement agencies,
 2 that the abuses, deficiencies, violations or failures to comply are founded, the department may sus-
 3 pend, revoke or place conditions on the license, certificate or other authorization of the child-caring
 4 agency. The conditions placed on a license, certificate or authorization may include, but are not
 5 limited to, placing full or partial restrictions on admission of children, temporary suspension, limi-
 6 tation of operations subject to an intent to revoke or limitation of operations subject to correction
 7 of violations as specified in a plan of correction. If the department imposes a plan of correction, and
 8 the corrections are not made within 45 days from the effective date of the plan of correction, the
 9 department may immediately suspend or revoke the license, certificate or authorization of the
 10 child-caring agency. The department shall immediately notify any governmental agency that has a
 11 contract with the child-caring agency to provide care or services to a child of any suspension or
 12 revocation of, or conditions placed on, the license, certificate or other authorization of the child-
 13 caring agency.

14 **(3) The department may not take action to suspend or revoke a child-caring agency's li-**
 15 **cence, certification or authorization unless:**

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

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

20 **(c) The department first took less punitive actions and the child-caring agency failed to**
 21 **comply or failed to maintain compliance; or**

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

24 [(3)] (4) If the department determines at any time during or after an investigation that the
 25 abuses, deficiencies, violations or failures to comply are or threaten a serious danger to any child
 26 or to the public, or place a child at risk with respect to the child's health, safety or welfare, the
 27 department may immediately suspend or revoke the child-caring agency's license, certificate or au-
 28 thorization, subject to the provisions of ORS chapter 183.

29 (5) The department shall immediately notify **the parents or guardians privately obtaining**
 30 **services or care for their children from the child-caring agency and** any governmental agency
 31 that has a contract with the child-caring agency to provide care or services to a child of any sus-
 32 pension or revocation of the license, certificate or other authorization of the child-caring agency
 33 under [this] subsection **(4) of this section** and of any conditions placed on the child-caring agency's
 34 license, certificate or authorization pursuant to ORS 418.240. The department shall immediately re-
 35 port the alleged deficiencies or violations to the governmental agency and the governing board re-
 36 sponsible for the oversight of the child-caring agency.

37 [(4)] (6) If the department determines that the abuses, deficiencies, violations or failures to
 38 comply are founded and the department imposes a plan of correction that the child-caring agency
 39 does not comply with in the time allotted for correction, the department shall immediately notify the
 40 following of the failure of the child-caring agency to comply with the plan of correction:

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

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

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

1 **(d) The parents or guardians of any child in care that is privately placed in the child-**
2 **caring agency by the parents or guardians.**

3 [(5)] (7) Any employee of the department that has reasonable cause to believe that a child-caring
4 agency has [*committed an abuse or*] incurred a deficiency or violation, or that grounds for immediate
5 suspension or revocation of a license, certificate or authorization exist under ORS 418.240, and that
6 such abuse, deficiency, violation or grounds are or threaten a danger to any child at the child-caring
7 agency or to the public, or place a child at risk with respect to the child's health, safety or welfare,
8 [*is required to*] **shall** immediately inform the Director of Human Services, the director's designee or
9 such other personnel in the department designated to receive such information. Upon receipt of an
10 employee report under this subsection, the director and department personnel shall immediately
11 commence an investigation and take all reasonably prudent and necessary actions to ensure the
12 health, safety and welfare of children at the child-caring agency. Failure to commence an investi-
13 gation [*and*] **or** take actions as required by this subsection constitutes official misconduct in the
14 second degree under ORS 162.405.

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

17 **(9) If the noncompliance involved the use of restraint or seclusion at a nonhospital fa-**
18 **ility providing psychiatric inpatient services for individuals under 21 years of age, the de-**
19 **partment shall immediately notify the individual at the Oregon Health Authority responsible**
20 **for conducting health care regulation surveys for the Centers for Medicare and Medicaid**
21 **Services.**

22 **SECTION 14.** ORS 418.327 is amended to read:

23 418.327. (1) Upon finding that the facilities and operation of a private residential boarding school
24 meet the standards of the Department **of Human Services** for the physical health, care and safety
25 of the children, the department shall issue a license to operate the school. The license shall be valid
26 for a period of two years, unless sooner suspended or revoked by the department pursuant to the
27 provisions of ORS 418.240. However, the department at any time may require amendments to an
28 existing license to accommodate changes in the factors upon which the issuance was based.

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

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

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

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

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

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

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

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

9 (a) **A private school providing residential care in combination with academic education**
10 **and therapeutic care, including but not limited to treatment for emotional, behavioral, de-**
11 **velopmental or mental health conditions; or**

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

14
15 **PLACEMENTS OF CHILDREN**

16
17 **SECTION 15.** ORS 418.322 is amended to read:

18 418.322. (1) As used in this section:

19 (a) “Congregate care residential setting” means any setting that cares for more than one child
20 or ward and is not a setting described in [ORS 418.205 (2)(c)(A), (D), (E) or (F) or (10)] **ORS 418.205**
21 **(7) or 418.215 (2)(a), (c), (d), (e), (f) or (g).**

22 (b) “Sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, pa-
23 tronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act,
24 as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of
25 a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex
26 act, as defined in ORS 163.266.

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

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

31 (b) A qualified residential treatment program [described in ORS 418.323].

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

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

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

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

40 (d) The Oregon Health Authority has approved the [placement as medically necessary] **services**
41 **and treatment as medically necessary and medically appropriate** and the child-caring agency:

42 (A) Is a [residential care facility]; **psychiatric residential treatment facility that meets the**
43 **requirements prescribed by the authority by rule, consistent with all federal requirements**
44 **for certification as a facility providing inpatient psychiatric services for persons under 21**
45 **years of age;**

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

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

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

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

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

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

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

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

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

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

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

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

28 **(6)(a) Notwithstanding subsections (4)(a) and (5) of this section, the department may ex-**
29 **tend the placement of a child or ward that is at least 16 years of age if the child's or ward's**
30 **attorney affirms in writing that, after the child's or ward's consultation with the attorney,**
31 **the child or ward does not object to the extension.**

32 **(b) An extension under this subsection may last up to 90 cumulative days, and further**
33 **extensions may be granted if the child's or ward's attorney affirms in writing that, after the**
34 **child's or ward's consultation with the attorney, the child or ward does not object to the**
35 **placement.**

36 [(6)] (7) Calculations of the number of days a child or ward is placed in a shelter-care home
37 under subsection (3)(h) of this section or a homeless, runaway or transitional living shelter under
38 subsection (3)(i) of this section exclude the days the child or ward is in the shelter-care home or
39 shelter if the child or ward:

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

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

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

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

4 **(9) All approvals of the extensions described in subsection (6) of this section must be**
5 **made by the director of the division of the department that administers the state child wel-**
6 **fare program.**

7 **SECTION 16.** ORS 418.500 is amended to read:

8 418.500. (1) **Except as provided in subsection (2) of this section and** subject to ORS 418.322,
9 if the Department of Human Services determines that need exists for care and treatment of a child
10 who is eligible for such care and treatment that is not available through any public or private
11 agency or facility in this state, it may enter into an agreement with a public or private agency
12 outside this state for the purchase of care for the child. Such agreements shall contain the matter
13 described in ORS 418.321 and 418.495 and shall apply to children described therein.

14 **(2)(a) As used in this subsection:**

15 **(A) "Institution for mental disease" means a hospital, nursing facility or other institution**
16 **of more than 16 beds, that is primarily engaged in providing diagnosis, treatment or care of**
17 **persons with mental diseases, including medical attention, nursing care and related services.**

18 **(B) "Institution for mental disease" does not include a psychiatric residential treatment**
19 **facility described in ORS 418.322 (3)(d)(A).**

20 **(b) The department may not place a child or ward in an out-of-state institution for**
21 **mental disease.**

22
23 **CONFORMING AMENDMENTS**
24

25 **SECTION 17.** ORS 329A.030 is amended to read:

26 329A.030. (1) The Department of Early Learning and Care shall establish a Central Background
27 Registry and may maintain information in the registry through electronic records systems.

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

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

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

35 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom
36 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS
37 329A.250 (4)(b)(A), (C), (E), (F) or (G).

38 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)
39 of this subsection is not required to enroll in the Central Background Registry if more than seven
40 years has elapsed since the date of the child abuse determination.

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

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

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

1 (C) A child abuse and neglect records check in accordance with rules adopted by the council;
2 and

3 (D) A foster care certification check and an adult protective services check in accordance with
4 rules adopted by the council.

5 (b) In addition to the information that the department is required to check under paragraph (a)
6 of this subsection, the department may consider any other information obtained by the department
7 that the department, based on rules adopted by the Early Learning Council, determines is relevant
8 to enrollment in the Central Background Registry.

9 (4) The department shall enroll the individual in the Central Background Registry if the indi-
10 vidual:

11 (a) Is determined to have no criminal, child abuse and neglect, negative adult protective services
12 or negative foster home certification history, or to have dealt with the issues and provided adequate
13 evidence of suitability for the registry;

14 (b) Has paid the applicable fee established pursuant to ORS 329A.275; and

15 (c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

16 (5)(a) Notwithstanding subsections (3) and (4) of this section, the department may not enroll an
17 individual in the Central Background Registry if:

18 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

19 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252, unless the
20 individual qualifies for limited enrollment pursuant to rules adopted by the Early Learning Council.

21 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is
22 enrolled in the registry, the department shall remove the individual from the registry.

23 (6)(a) The department may conditionally enroll an individual in the Central Background Registry
24 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-
25 gation if the individual has successfully completed the criminal records check and the child abuse
26 and neglect records check in this state and in the state of the individual's residence, if other than
27 Oregon.

28 (b) The department may enroll an individual in the registry subject to limitations identified in
29 rules adopted by the council.

30 (7) The department may grant limited enrollment in the Central Background Registry to a sub-
31 ject individual who is a relative caretaker of a child for whom care is provided in a subsidized care
32 facility, regardless of whether the individual was previously denied enrollment in the Central
33 Background Registry, if the individual otherwise meets the criteria established in rule by the Early
34 Learning Council.

35 (8) An enrollment in the Central Background Registry may be renewed upon application to the
36 department, payment of the fee established pursuant to ORS 329A.275 and compliance with rules
37 adopted by the Early Learning Council pursuant to this section. However, an individual who is
38 determined to be ineligible for enrollment in the registry after the date of initial enrollment shall
39 be removed or suspended from the registry by the department.

40 (9)(a) A child care facility, preschool recorded program or school-age recorded program may not
41 hire or employ an individual if the individual is not enrolled in the Central Background Registry.

42 (b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded
43 program or school-age recorded program may employ on a probationary basis an individual who is
44 conditionally enrolled in the Central Background Registry.

45 (10) The Early Learning Council may adopt any rules necessary to carry out the purposes of this

1 section, including but not limited to rules regarding expiration and renewal periods and limitations
2 related to the subject individual's enrollment in the Central Background Registry.

3 (11) As used in this section, "subject individual" means:

4 (a) A subject individual as defined by the Early Learning Council by rule;

5 (b) An individual subject to subsection (2)(b) of this section;

6 (c) A person who applies to be:

7 (A) The operator or an employee of a child care or treatment program;

8 (B) The operator or an employee of a provider under the Oregon Prenatal to Kindergarten
9 Program under ORS 329.172 to 329.200;

10 (C) The operator or an employee of a federal Head Start program regulated by the United States
11 Department of Health and Human Services;

12 (D) An individual in a child care facility, preschool recorded program or school-age recorded
13 program who may have unsupervised contact with children, as determined by the council by rule;

14 (E) A contractor or an employee of the contractor who:

15 (i) Provides early childhood special education or early intervention services pursuant to ORS
16 343.455 to 343.534; and

17 (ii) Is not subject to the criminal records check requirements of ORS 326.603 or 342.223;

18 (F) A child care provider who is required to be enrolled in the Central Background Registry by
19 any state agency;

20 (G) A contractor, employee or volunteer of a metropolitan service district organized under ORS
21 chapter 268 who may have unsupervised contact with children and who is required to be enrolled
22 in the Central Background Registry by the metropolitan service district;

23 (H) A provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pur-
24 suant to a properly executed power of attorney under ORS 109.056 who is providing respite services
25 as a volunteer with a private agency or organization that facilitates the provision of such respite
26 services;

27 (I) The operator or an employee of an early learning program as defined in rules adopted by the
28 council; or

29 (J) The operator or an employee of a preschool recorded program or a school-age recorded
30 program; or

31 (d)(A) An individual who operates a subsidized care facility;

32 (B) An individual who has attained 18 years of age and resides in a subsidized care facility; or

33 (C) An individual in a subsidized care facility who has attained 18 years of age and who may
34 have unsupervised contact with children, as determined by the council by rule.

35 (12)(a) Information provided to a metropolitan service district organized under ORS chapter 268
36 about the enrollment status of the persons described in subsection (11)(c)(G) of this section shall be
37 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-
38 vide for the recovery of administrative, including direct and indirect, costs incurred by the depart-
39 ment from participation in the agreement. Any moneys collected under this paragraph shall be
40 deposited in the Child Care Fund established under ORS 329A.273.

41 (b) Information provided to a private agency or organization facilitating the provision of respite
42 services, as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed
43 power of attorney under ORS 109.056 about the enrollment status of the persons described in sub-
44 section (11)(c)(H) of this section shall be subject to an agreement with the private agency or or-
45 ganization. The agreement must provide for the recovery of administrative, including direct and

1 indirect, costs incurred by the department from participation in the agreement. Any moneys col-
2 lected under this paragraph shall be deposited in the Child Care Fund established under ORS
3 329A.273.

4 (c) Information provided to a private agency or organization about the enrollment status of the
5 persons described in subsection (11)(c)(I) of this section shall be subject to an agreement with the
6 private agency or organization. The agreement must provide for the recovery of administrative, in-
7 cluding direct and indirect, costs incurred by the department from participation in the agreement.
8 Any moneys collected under this paragraph shall be deposited in the Child Care Fund established
9 under ORS 329A.273.

10 **SECTION 18.** ORS 329A.275 is amended to read:

11 329A.275. (1) The Early Learning Council shall adopt rules establishing fees for certification,
12 registration and recording under ORS 329A.250 to 329A.450.

13 (2) Subject to prior approval of the Oregon Department of Administrative Services and a report
14 to the Legislative Assembly prior to adopting the fees and charges, the fees and charges established
15 under ORS 181A.195, 329A.030 and 329A.250 to 329A.450 may not exceed the cost of administering
16 the program of the Department of Early Learning and Care pertaining to the purpose for which the
17 fee is established, as authorized by the Legislative Assembly within the budget of the Department
18 of Early Learning and Care.

19 (3) Notwithstanding subsection (2) of this section and any other provision of this chapter, the
20 following fees established by the Early Learning Council under ORS 329A.030 and 329A.250 to
21 329A.450 may not exceed:

22 (a) For Certified Family Child Care Home Initial Certification, \$25;

23 (b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;

24 (c) For Child Care Center Initial Certification, \$100;

25 (d) For Child Care Center Annual Fee Per Certified Space, \$2;

26 (e) For Registered Family Child Care Home Registration, \$30;

27 (f) For Preschool Recorded Program Recording, \$20;

28 (g) For School-Age Recorded Program Recording, \$20;

29 (h) For administering a class on child care abuse and neglect issues, \$10; and

30 (i) For enrollment in the Central Background Registry, the cost of administering the program,
31 including fees for:

32 (A) Duplicate enrollment in the Central Background Registry;

33 (B) Law Enforcement Data System criminal records check; and

34 (C) Federal Bureau of Investigation fingerprint check.

35 (4) The Early Learning Council, by rule, shall waive the fees described in subsection (3)(i) of this
36 section for an employee of or volunteer with a private agency or organization that facilitates the
37 provision of respite services, as defined in ORS [418.205 (2)(c)(B)] **418.215 (2)(b)**, for parents pursuant
38 to a properly executed power of attorney under ORS 109.056.

39 **SECTION 19.** ORS 418.241 is amended to read:

40 418.241. (1) As used in this section:

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

43 (b) "Child-caring agency" has the meaning given that term under ORS 418.205.

44 (c) "Developmental disabilities residential facility" means a residential facility or foster home
45 for children who are 17 years of age or younger and receiving developmental disability services that

1 is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

2 (d) "Secure escort" means escort services for a child who poses a risk of elopement or where
3 restraint or seclusion may be utilized if the child poses a risk of injury to self or others, and as
4 further defined by the department by rule.

5 (e) "Secure nonemergency medical transportation provider" means a private organization or
6 person that provides nonemergency medical secure transportation services subject to rules adopted
7 by the Oregon Health Authority.

8 (f) **"Secure nonmedical transportation services" means the secure transportation or se-**
9 **ecure escort of children by a provider that is not subject to rules adopted by the Oregon**
10 **Health Authority while transporting a child to a congregate care residential program, foster**
11 **home or developmental disabilities residential facility that is not a hospital or health care**
12 **facility certified by the authority.**

13 (f) (g) "Secure transportation" means the transport of a child in a vehicle specifically equipped
14 to prevent a passenger from exiting, eloping or interfering with the operator of the vehicle, and as
15 further defined by the department by rule.

16 (g) (h) "Secure transportation services" means the secure transportation or secure escort of
17 children.

18 (2) The department shall adopt rules consistent with this section for the issuance, under ORS
19 418.215 and 418.240, of licenses to provide secure **nonmedical** transportation services to providers
20 that are child-caring agencies solely as the result of providing secure **nonmedical** transportation
21 services as described in ORS [418.205 (2)(a)(B)] **418.215 (1)(b)** and for the issuance of supplemental
22 licenses to child-caring agencies described in ORS [418.205 (2)(a)(A)] **418.215 (1)(a)** that also provide
23 secure **nonmedical** transportation services as described in ORS [418.205 (2)(a)(B)] **418.215 (1)(b)**.

24 (3)(a) The following secure transportation services providers are exempt from the requirements
25 under ORS 418.215 and 418.240 to obtain from the department a license or a supplemental license
26 to provide secure transportation services:

27 (A) A secure nonemergency medical transportation provider.

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

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

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

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

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

37 (D) A developmental disabilities residential facility if:

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

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

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

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

1 that is not licensed by the authority.

2 (4)(a) A secure transportation services provider, including a provider that is described in sub-
3 section (3) of this section, must display the disclosure described in ORS 418.359 (2) in a conspicuous
4 location in any advertisements or promotional materials for its secure transportation services and
5 in each vehicle it uses to provide its secure transportation services if:

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

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

14 (b) The disclosure under paragraph (a) of this subsection must also indicate that the secure
15 transportation services provider is not licensed by the department under ORS 418.215 or 418.240 to
16 provide secure transportation services and, if applicable, the reason for the provider's licensing ex-
17 emption under subsection (3) of this section.

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

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

24 **SECTION 20.** ORS 418.246 is amended to read:

25 418.246. (1) In addition to any requirements for licensure established by the Department of Hu-
26 man Services, each outdoor youth program that is applying for licensure as a child-caring agency
27 shall file with the department a bond in the amount of \$50,000 or 50 percent of the program's yearly
28 budget, whichever amount is less. The bond shall be issued by a surety company or an insured in-
29 stitution, as defined in ORS 706.008, authorized to do business in this state.

30 (2) The bond required under subsection (1) of this section shall be continuous until canceled and
31 shall remain in full force and unimpaired at all times to comply with this section. The surety or
32 insured institution shall give the department at least 30 days' written notice before it cancels or
33 terminates its liability under the bond.

34 (3) An action on the bond may be brought by any person aggrieved by the misconduct of an
35 outdoor youth program required to be licensed under ORS 418.205 to 418.327.

36 **(4) As used in this section:**

37 **(a) "Outdoor youth program" means a program that provides, in an outdoor living set-**
38 **ting, services to children who have behavioral problems, mental health problems or problems**
39 **with abuse of alcohol or drugs.**

40 **(b) "Outdoor youth program" does not include any program, facility or activity:**

41 **(A) Operated by a governmental entity;**

42 **(B) Operated by or affiliated with the Oregon Youth Corps;**

43 **(C) Licensed by the Department of Human Services under the authority of the depart-**
44 **ment other than ORS 418.205 to 418.327; or**

45 **(D) Operated by a youth job development organization, as defined in ORS 344.415.**

1 **SECTION 21.** ORS 418.330 is amended to read:

2 418.330. (1) As used in this section:

3 (a) “Child” means:

4 (A) A person under 18 years of age;

5 (B) A person under 21 years of age if the Department of Human Services determines that the
6 person has a mental or physical disability that warrants the continuation of assistance; or

7 (C) A person who has attained 18 years of age and:

8 (i) On whose behalf payments under this section were received prior to the person attaining 18
9 years of age, provided the person was at least 16 years of age at the time the payments commenced;

10 (ii) Has not attained 21 years of age; and

11 (iii)(I) Is completing secondary education or a program leading to an equivalent credential;

12 (II) Is enrolled in an institution or program that provides post-secondary or vocational educa-
13 tion;

14 (III) Is participating in a program or activity designed to promote, or remove barriers to, em-
15 ployment;

16 (IV) Is employed for at least 80 hours per month; or

17 (V) Is incapable of doing any of the activities described in sub-sub-subparagraphs (I) to (IV) of
18 this sub-subparagraph due to a medical condition, which incapability is supported by regularly up-
19 dated documentation.

20 (b) “Nonrecurring adoption or guardianship expenses” means reasonable and necessary adoption
21 or guardianship fees, court costs, attorney fees and other expenses that are directly related to the
22 adoption of, or establishment of a guardianship for, a child with special needs and that are not in-
23 curred in violation of state or federal law.

24 (2) The department may make payments to adoptive parents or guardians on behalf of a child
25 placed for adoption or establishment of a guardianship by the department, or placed for adoption
26 by an approved child-caring agency, **as defined in ORS 418.205**, when the department determines:

27 (a) The child has special needs because of an impediment to adoptive placement or establishment
28 of a guardianship by reason of the child’s physical or mental condition, race, age, or membership in
29 a sibling group; or

30 (b) The adoptive family or guardian is capable of providing the permanent family relationships
31 needed by the child in all respects other than financial, and the needs of the child are beyond the
32 economic ability and resources of the family.

33 (3) Payments to subsidize adoptions or guardianships made under subsection (2) of this section:

34 (a) Shall include payment of nonrecurring adoption or guardianship expenses incurred by or on
35 behalf of adoptive parents or guardians in connection with the adoption of, or establishment of a
36 guardianship for, a child with special needs;

37 (b) May include, but are not limited to, the maintenance costs, medical and surgical expenses,
38 and other costs incidental to the care, training and education of the child;

39 (c) May not exceed the cost of providing comparable assistance in foster care; and

40 (d) May not be made:

41 (A) For a child who has not attained 18 years of age, when the adoptive parents or guardians
42 are no longer legally responsible for the support of the child; or

43 (B) When the child is no longer receiving any support from the adoptive parents or guardians.

44 (4) Adoptive parents or guardians receiving payments under subsection (2) of this section shall
45 inform the department of circumstances that would make the adoptive parents or guardians:

- 1 (a) Ineligible to receive the payments; or
- 2 (b) Eligible to receive the payments in a different amount.

3 **SECTION 22.** ORS 418.519 is amended to read:

4 418.519. As used in ORS 418.519 to 418.532:

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

6 (2) “Chemical restraint” means a drug or medication that is administered to a child in care to
7 control behavior or restrict freedom of movement.

8 (3) “Child-caring agency” has the meaning given that term in ORS 418.205.

9 (4) “Child in care” has the meaning given that term in ORS 418.257.

10 (5) “Children’s emergency safety intervention specialist” means a qualified mental health pro-
11 fessional licensed to order, monitor and evaluate the use of seclusion and restraint in accredited and
12 certified facilities that provide intensive mental health treatment services to individuals under 21
13 years of age.

14 (6) “Developmental disabilities residential facility” has the meaning given that term in ORS
15 [418.257] **418.205.**

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

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

21 (8) “Mechanical restraint” means a device used to restrict the movement of a child in care or
22 the movement or normal function of a portion of the body of a child in care.

23 (9) “Proctor foster home” means a foster home certified by a child-caring agency under ORS
24 418.248.

25 (10) “Program” means:

26 (a) A child-caring agency;

27 (b) A proctor foster home; or

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

30 (11) “Prone restraint” means a restraint in which a child in care is held face down on the floor.

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

34 (13) “Restraint” means the physical restriction of a child in care’s actions or movements by
35 holding the child in care or using pressure or other means.

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

40 (15) “Secure children’s inpatient treatment program” means a child-caring agency that is an in-
41 tensive treatment services program, as described by the authority by rule, that provides inpatient
42 psychiatric stabilization and treatment services to children under 14 years of age who require a
43 secure intensive treatment setting.

44 (16) “Serious bodily injury” means any significant impairment of the physical condition of an
45 individual, as determined by qualified medical personnel, whether self-inflicted or inflicted by some-

1 one else.

2 (17) "Supine restraint" means a restraint in which a child in care is held face up on the floor.

3 **SECTION 23.** ORS 418.625 is amended to read:

4 418.625. As used in ORS 418.625 to 418.645:

5 (1) "Certificate" means a written approval to operate a foster home issued by the Department
6 of Human Services on a form prescribed by the department that states the name of the foster parent,
7 the address of the premises to which the certificate applies and the maximum number of children
8 to be maintained or boarded in the foster home at any one time.

9 (2) "Department" means the Department of Human Services.

10 (3)(a) "Foster home" means any home maintained by a person who has under the care of the
11 person in the home any child under the age of 21 years unattended by the child's parent or guardian,
12 for the purpose of providing the child with care, food and lodging[, *but does not include*:].

13 **(b) "Foster home" does not include:**

14 [(a)] (A) Any boarding school that is essentially and primarily engaged in educational work;

15 [(b)] (B) Any home in which a child is provided board and room by a school board;

16 [(c)] (C) Any foster home under the direct supervision of a child-caring agency or institution
17 certified by the department;

18 [(d)] (D) Any home under the direct supervision of a custodial parent for the purpose of pro-
19 viding respite care as defined by rule;

20 [(e)] (E) Any developmental disability child foster home as defined in ORS 443.830; or

21 [(f)] (F) Any home of a provider of respite services, as defined in ORS [418.205] **418.215 (2)(b)**,
22 for parents pursuant to a properly executed power of attorney under ORS 109.056.

23 **SECTION 24.** ORS 419B.005 is amended to read:

24 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

25 (1)(a) "Abuse" means:

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

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

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

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

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

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

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

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

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

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

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

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

12 (K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303
13 or 339.308.

14 (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

15 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
16 conditions described in paragraph (a) of this subsection.

17 (2) "Child" means an unmarried person who:

18 (a) Is under 18 years of age; or

19 (b) Is a child in care, as defined in ORS 418.257.

20 (3) "Higher education institution" means:

21 (a) A community college as defined in ORS 341.005;

22 (b) A public university listed in ORS 352.002;

23 (c) The Oregon Health and Science University; and

24 (d) A private institution of higher education located in Oregon.

25 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
26 to have experienced abuse.

27 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

28 (5) "Law enforcement agency" means:

29 (a) A city or municipal police department.

30 (b) A county sheriff's office.

31 (c) The Oregon State Police.

32 (d) A police department established by a university under ORS 352.121 or 353.125.

33 (e) A county juvenile department.

34 (6) "Public or private official" means:

35 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
36 including any intern or resident.

37 (b) Dentist.

38 (c) School employee, including an employee of a higher education institution.

39 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
40 or employee of an in-home health service.

41 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
42 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
43 Authority, a local health department, a community mental health program, a community develop-
44 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
45 fined in ORS 418.205 or an alcohol and drug treatment program.

- 1 (f) Peace officer.
- 2 (g) Psychologist.
- 3 (h) Member of the clergy.
- 4 (i) Regulated social worker.
- 5 (j) Optometrist.
- 6 (k) Chiropractor.
- 7 (L) Certified provider of foster care, or an employee thereof.
- 8 (m) Attorney.
- 9 (n) Licensed professional counselor.
- 10 (o) Licensed marriage and family therapist.
- 11 (p) Firefighter or emergency medical services provider.
- 12 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 13 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 14 (s) Elected official of a branch of government of this state or a state agency, board, commission
15 or department of a branch of government of this state or of a city, county or other political subdi-
16 vision in this state.
- 17 (t) Physical, speech or occupational therapist.
- 18 (u) Audiologist.
- 19 (v) Speech-language pathologist.
- 20 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
21 gations or discipline by the commission.
- 22 (x) Pharmacist.
- 23 (y) Operator of a preschool recorded program under ORS 329A.255.
- 24 (z) Operator of a school-age recorded program under ORS 329A.255.
- 25 (aa) Employee of a private agency or organization facilitating the provision of respite services,
26 as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power of at-
27 torney under ORS 109.056.
- 28 (bb) Employee of a public or private organization providing child-related services or activities:
29 (A) Including but not limited to an employee of a:
30 (i) Youth group or center;
31 (ii) Scout group or camp;
32 (iii) Summer or day camp;
33 (iv) Survival camp; or
34 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
35 ligious, public or private educational system or a community service organization; and
36 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
37 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
38 man trafficking.
- 39 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
40 if compensated and if the athlete is a child.
- 41 (dd) Personal support worker, as defined in ORS 410.600.
- 42 (ee) Home care worker, as defined in ORS 410.600.
- 43 (ff) Animal control officer, as defined in ORS 609.500.
- 44 (gg) Member of a school district board, an education service district board or a public charter
45 school governing body.

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

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

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

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

7 (LL) Massage therapist, as defined in ORS 687.011.

8 **SECTION 25.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, section
9 65, chapter 73, Oregon Laws 2024, and section 10, chapter 308, Oregon Laws 2025, is amended to
10 read:

11 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

12 (1)(a) "Abuse" means:

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

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

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

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

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

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

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

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

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

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

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

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

44 (K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

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

1 conditions described in paragraph (a) of this subsection.

2 (2) "Child" means an unmarried person who:

3 (a) Is under 18 years of age; or

4 (b) Is a child in care, as defined in ORS 418.257.

5 (3) "Higher education institution" means:

6 (a) A community college as defined in ORS 341.005;

7 (b) A public university listed in ORS 352.002;

8 (c) The Oregon Health and Science University; and

9 (d) A private institution of higher education located in Oregon.

10 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
11 to have experienced abuse.

12 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

13 (5) "Law enforcement agency" means:

14 (a) A city or municipal police department.

15 (b) A county sheriff's office.

16 (c) The Oregon State Police.

17 (d) A police department established by a university under ORS 352.121 or 353.125.

18 (e) A county juvenile department.

19 (6) "Public or private official" means:

20 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
21 including any intern or resident.

22 (b) Dentist.

23 (c) School employee, including an employee of a higher education institution.

24 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
25 or employee of an in-home health service.

26 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
27 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
28 Authority, a local health department, a community mental health program, a community develop-
29 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
30 fined in ORS 418.205 or an alcohol and drug treatment program.

31 (f) Peace officer.

32 (g) Psychologist.

33 (h) Member of the clergy.

34 (i) Regulated social worker.

35 (j) Optometrist.

36 (k) Chiropractor.

37 (L) Certified provider of foster care, or an employee thereof.

38 (m) Attorney.

39 (n) Licensed professional counselor.

40 (o) Licensed marriage and family therapist.

41 (p) Firefighter or emergency medical services provider.

42 (q) Court appointed special advocate, as defined in ORS 419A.004.

43 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.

44 (s) Elected official of a branch of government of this state or a state agency, board, commission
45 or department of a branch of government of this state or of a city, county or other political subdi-

- 1 vision in this state.
- 2 (t) Physical, speech or occupational therapist.
- 3 (u) Audiologist.
- 4 (v) Speech-language pathologist.
- 5 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
6 gations or discipline by the commission.
- 7 (x) Pharmacist.
- 8 (y) Operator of a preschool recorded program under ORS 329A.255.
- 9 (z) Operator of a school-age recorded program under ORS 329A.255.
- 10 (aa) Employee of a private agency or organization facilitating the provision of respite services,
11 as defined in ORS [418.205] **418.215 (2)(b)**, for parents pursuant to a properly executed power of at-
12 torney under ORS 109.056.
- 13 (bb) Employee of a public or private organization providing child-related services or activities:
14 (A) Including but not limited to an employee of a:
15 (i) Youth group or center;
16 (ii) Scout group or camp;
17 (iii) Summer or day camp;
18 (iv) Survival camp; or
19 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
20 ligious, public or private educational system or a community service organization; and
21 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
22 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
23 man trafficking.
- 24 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
25 if compensated and if the athlete is a child.
- 26 (dd) Personal support worker, as defined in ORS 410.600.
- 27 (ee) Home care worker, as defined in ORS 410.600.
- 28 (ff) Animal control officer, as defined in ORS 609.500.
- 29 (gg) Member of a school district board, an education service district board or a public charter
30 school governing body.
- 31 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
32 vice identified in an individualized service plan of a child with a developmental disability.
- 33 (ii) Referral agent, as defined in ORS 418.351.
- 34 (jj) Parole and probation officer, as defined in ORS 181A.355.
- 35 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
36 analysis interventionist registered by the Health Licensing Office under ORS 676.815.
- 37 (LL) Massage therapist, as defined in ORS 687.011.

38 **SECTION 26.** ORS 419C.620 is amended to read:

39 419C.620. (1) When required by the court, the Oregon Youth Authority or a private agency
40 having guardianship or legal custody of an adjudicated youth pursuant to court order shall file re-
41 ports on the adjudicated youth with the juvenile court that entered the original order concerning
42 the adjudicated youth.

43 (2) A county juvenile department shall file a report with the juvenile court under this section
44 if an adjudicated youth remains under juvenile department care for six consecutive months from the
45 date of initial placement and:

1 (a) The county juvenile department is a county program, as defined in ORS [418.205] **418.215**;

2 (b) The county juvenile department is participating in programs related to Title IV-E of the So-
3 cial Security Act;

4 (c) The county juvenile department has responsibility for the care and placement of the adjudi-
5 cated youth; and

6 (d) The placement is not a detention facility.

7 **SECTION 27.** ORS 704.023 is amended to read:

8 704.023. In addition to meeting the requirements in ORS 704.020, any person who provides out-
9 fitting and guiding services for outdoor youth programs, as defined in ORS [418.205] **418.246**, shall
10 furnish proof of a current child-caring agency license for outdoor youth programs from the Depart-
11 ment of Human Services prior to being registered as an outfitter and guide.

12
13 **MISCELLANEOUS**
14

15 **SECTION 28.** The unit captions used in this 2026 Act are provided only for the conven-
16 ience of the reader and do not become part of the statutory law of this state or express any
17 legislative intent in the enactment of this 2026 Act.

18 **SECTION 29.** (1) Sections 2 and 3 of this 2026 Act and the amendments to ORS 329A.030,
19 329A.275, 418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248, 418.257, 418.258, 418.259,
20 418.260, 418.322, 418.327, 418.330, 418.500, 418.519, 418.625, 419B.005, 419C.620 and 704.023 by
21 sections 4 to 27 of this 2026 Act become operative on January 1, 2027.

22 (2) The Department of Human Services may take any action before the operative date
23 specified in subsection (1) of this section to enable the department to exercise, on and after
24 the operative date specified in subsection (1) of this section, all of the duties, functions and
25 powers conferred on the department by sections 2 and 3 of this 2026 Act and the amendments
26 to ORS 329A.030, 329A.275, 418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248, 418.257,
27 418.258, 418.259, 418.260, 418.322, 418.327, 418.330, 418.500, 418.519, 418.625, 419B.005, 419C.620
28 and 704.023 by sections 4 to 27 of this 2026 Act.

29 **SECTION 30.** This 2026 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect
31 on its passage.
32