

## SENATE AMENDMENTS TO SENATE BILL 1534

By COMMITTEE ON HUMAN SERVICES

February 17

1 On page 1 of the printed bill, line 3, delete “418.255.”

2 In line 4, delete “418.992.”

3 Delete lines 12 through 27 and delete pages 2 through 5.

4 On page 6, delete lines 1 through 16 and insert:

5 **“SECTION 2. (1) A child-caring agency, developmental disabilities residential facility,**  
6 **proctor foster home, certified foster home, caretaker or other person with a duty of care to**  
7 **a child in care abuses the child in care if the child-caring agency, developmental disabilities**  
8 **residential facility, proctor foster home, certified foster home, caretaker or other person**  
9 **fails to make a reasonable effort to protect the child in care from abuse as described in this**  
10 **section or ORS 419B.005.**

11 **“(2) An individual abuses a child in care if the individual is an employee, operator, con-**  
12 **tractor, agent or volunteer of a child-caring agency, developmental disabilities residential**  
13 **facility, proctor foster home, certified foster home or is any other person who, due to the**  
14 **child’s status as a child in care, is responsible for the provision of care or services to the**  
15 **child in care and the individual:**

16 **“(a) Neglects the child in care by:**

17 **“(A) Failing to provide the care, supervision or services that a person has a duty to**  
18 **provide to the child in care that is necessary to maintain the physical and mental health of**  
19 **the child in care; or**

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

22 **“(b) Abandons the child in care, including deserting or willfully forsaking the child in care**  
23 **or withdrawing or neglecting duties and obligations owed to the child in care by the individ-**  
24 **ual.**

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

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

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

28 **“(c) The individual:**

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

31 **“(B) Is an operator of a child-caring agency, a developmental disabilities residential fa-**  
32 **ility, a proctor foster home or a certified foster home; or**

33 **“(C) Resides in the same child-caring agency, developmental disabilities residential facil-**  
34 **ity, proctor foster home or certified foster home; and**

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

1           “(A) Assaults the child in care.

2           “(B) Commits an act that causes physical injury to the child in care and the act is non-  
3 accidental or the injury appears at variance with the individual’s explanation of the act  
4 causing the injury.

5           “(C) Imposes a restraint or involuntary seclusion on the child in care in violation of ORS  
6 418.521 or 418.523.

7           “(D) Willfully inflicts physical pain or injury upon the child in care.

8           “(E) Commits an act involving the child in care that constitutes a crime under ORS  
9 163.263, 163.264, 163.266, 163.413, 163.465, 163.467, 163.535, 163.537, 163.547, 163.575, 163.670,  
10 163.700 or 163.701.

11           “(F) Verbally abuses the child in care by threatening significant physical or emotional  
12 harm to the child in care through any means, including:

13           “(i) The use of derogatory or inappropriate names, insults, verbal assaults, profanity or  
14 ridicule;

15           “(ii) Harassment, coercion, humiliation, mental cruelty or inappropriate sexual com-  
16 ments; or

17           “(iii) Intimidation, including compelling or deterring conduct by threat.

18           “(G) Engages in financial exploitation of the child in care by:

19           “(i) Wrongfully taking the assets, funds or property belonging to or intended for the use  
20 of the child in care;

21           “(ii) Alarming the child in care by conveying a threat to wrongfully take or appropriate  
22 moneys or property of the child in care if the child in care would reasonably believe that the  
23 threat conveyed would be carried out;

24           “(iii) Misappropriating, misusing or transferring without authorization any moneys from  
25 any account held jointly or singly by a child in care; or

26           “(iv) Failing to use the income or assets of the child in care effectively for the support  
27 and maintenance of the child in care.

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

29           “(i) Sexual harassment of the child in care;

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

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

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

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

37           “(ii) Contributing to the sexual delinquency of the child in care, as described in ORS  
38 163.435;

39           “(iii) Engaging in other conduct that allows, employs, authorizes, permits, induces or  
40 encourages a child in care to engage in performing for people to observe or the photograph-  
41 ing, filming, tape recording or other exhibition that, in whole or in part, depicts sexual con-  
42 duct or sexual contact, as those terms are defined in ORS 167.002, or sexually explicit  
43 conduct as described in ORS 163.665 and 163.670, or sexual abuse involving the child in care  
44 or rape of the child in care, other than conduct that is part of any investigation conducted  
45 pursuant to ORS 418.258, 418.259 or 419B.020, or that is designed to serve educational or other

1 legitimate purposes; or

2 “(iv) Allowing, permitting, encouraging or hiring the child in care to engage in  
3 prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266,  
4 to purchase sex with a minor as described in ORS 163.413 or to engage in commercial sexual  
5 solicitation as described in ORS 167.008.

6 “(4) As used in this section:

7 “(a) ‘Financial exploitation’ does not include age-appropriate discipline that may involve  
8 the threat to withhold, or the withholding of, privileges.

9 “(b) ‘Intimidation’ does not include age-appropriate discipline that may involve the threat  
10 to withhold privileges.

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

14 “(a) The child in care’s parent;

15 “(b) An employee of the Department of Human Services if the employee is acting within  
16 the scope of the employee’s employment and is providing care or supervision of the child in  
17 care unless the employee is alleged to have sexually abused the child in care, as described  
18 in section 2 (3)(d)(H) of this 2026 Act; or

19 “(c) If the child in care is a runaway or is living in a location that is not authorized by  
20 the department, a person not authorized by the department to provide care or services to  
21 the child in care.

22 “(2) The provisions of ORS 418.521 and 418.523 do not apply to the restraint or involuntary  
23 seclusion of a child in care if the child in care is placed in the restraint or involuntary se-  
24 clusion by the parent of the child in care or by an employee of the department when the  
25 employee is transporting the child in care as part of the employee’s assigned duties or when  
26 the employee is providing care or supervision in a temporary location to a child in care who  
27 is awaiting placement.

28 “(3) Nothing in this section affects the department’s duty under ORS 419B.020 to inves-  
29 tigate reports of child abuse as defined in ORS 419B.005.

30 “(4) As used in this section, ‘child in care,’ ‘involuntary seclusion’ and ‘restraint’ have  
31 the meanings given those terms in ORS 418.519.

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

33 “418.257. As used in ORS 418.257 to 418.259:

34 “[*(1) ‘Abuse’ means one or more of the following:*]

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

37 “[*(b) Neglect of a child in care.*]

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

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

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

44 “[*(f) Verbal abuse.*]

45 “[*(g) Financial exploitation.*]

1       “[(h) *Sexual abuse.*]

2       “[(i) *The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521*

3 *or 418.523.*]

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

5       “[(2) *‘Certified foster home’ means a foster home certified by the Department of Human Services*

6 *and subject to ORS 418.625 to 418.645.*]

7       “[(3)] (2)(a) ‘Child in care’ means a person under 21 years of age who is:

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

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

10       “[(A)] (i) A Child-caring agency or proctor foster home subject to ORS 418.205 to 418.327,

11 **418.241, 418.470, 418.475 or 418.950 to 418.970;**

12       “[(B)] (ii) A certified foster home; or

13       “[(C)] (iii) A developmental disabilities residential facility.

14       “(b) ‘Child in care’ does not include a person under 21 years of age who is residing in any of

15 the entities listed in paragraph (a)(B) of this subsection when the care provided is in the home of

16 the child by the child’s parent.

17       “[(4) *‘Developmental disabilities residential facility’ means a residential facility or foster home for*

18 *children who are 17 years of age or younger and receiving developmental disability services that is*

19 *subject to ORS 443.400 to 443.455, 443.830 and 443.835.*]

20       “[(5)(a) *‘Financial exploitation’ means:*]

21       “[(A) *Wrongfully taking the assets, funds or property belonging to or intended for the use of a child*

22 *in care.*]

23       “[(B) *Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys or*

24 *property of the child in care if the child would reasonably believe that the threat conveyed would be*

25 *carried out.*]

26       “[(C) *Misappropriating, misusing or transferring without authorization any moneys from any ac-*

27 *count held jointly or singly by a child in care.*]

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

29 *nance of the child in care.*]

30       “[(b) *‘Financial exploitation’ does not include age-appropriate discipline that may involve the threat*

31 *to withhold, or the withholding of, privileges.*]

32       “[(6) *‘Intimidation’ means compelling or deterring conduct by threat. ‘Intimidation’ does not include*

33 *age-appropriate discipline that may involve the threat to withhold privileges.*]

34       “[(7) *‘Involuntary seclusion’ has the meaning given that term in ORS 418.519.*]

35       “[(8)] (3) ‘Law enforcement agency’ means:

36       “(a) Any city or municipal police department.

37       “(b) Any county sheriff’s office.

38       “(c) The Oregon State Police.

39       “(d) Any district attorney.

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

41       “[(9) *‘Neglect’ means:*]

42       “[(a) *Failure to provide the care, supervision or services necessary to maintain the physical and*

43 *mental health of a child in care; or]*

44       “[(b) *The failure of a child-caring agency, proctor foster home, certified foster home, developmental*

45 *disabilities residential facility, caretaker or other person to make a reasonable effort to protect a child*

1 *in care from abuse.]*  
2 *“(10) ‘Restraint’ has the meaning given that term in ORS 418.519.]*  
3 *“(11) (4) ‘Services’ includes but is not limited to the provision of food, clothing, medicine,*  
4 *housing, medical services, assistance with bathing or personal hygiene or any other service essential*  
5 *to the well-being of a child in care.*  
6 *“(12) ‘Sexual abuse’ means:]*  
7 *“(a) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material*  
8 *or language;]*  
9 *“(b) Any sexual contact between a child in care and an employee of a child-caring agency, proctor*  
10 *foster home, certified foster home, developmental disabilities residential facility, caretaker or other*  
11 *person responsible for the provision of care or services to a child in care;]*  
12 *“(c) Any sexual contact between a person and a child in care that is unlawful under ORS chapter*  
13 *163 and not subject to a defense under that chapter; or]*  
14 *“(d) Any sexual contact that is achieved through force, trickery, threat or coercion.]*  
15 *“(13) ‘Sexual contact’ has the meaning given that term in ORS 163.305.]*  
16 *“(14) ‘Sexual exploitation’ means sexual exploitation as described in ORS 419B.005 (1)(a)(E).]*  
17 *“(15) ‘Verbal abuse’ means to threaten significant physical or emotional harm to a child in care*  
18 *through the use of:]*  
19 *“(a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or]*  
20 *“(b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sex-*  
21 *ual comments.].”*  
22 On page 7, line 31, restore the bracketed material and delete the boldfaced material.  
23 Delete lines 35 through 37.  
24 On page 8, line 1, delete “(7)” and insert “(6)”.  
25 In line 9, delete “(8)” and insert “(7)”.  
26 In line 16, delete “(9)” and insert “(8)”.  
27 On page 9, delete lines 15 through 17 and insert:  
28 “(D) A provider of residential care in combination with academic education and therapeutic  
29 care, including but not limited to treatment for emotional, behavioral, developmental or mental  
30 health conditions;”.  
31 In line 20, after “secure” insert “nonmedical”.  
32 Delete lines 32 through 34 and insert:  
33 “(a) A developmental disabilities residential facility;”.  
34 On page 11, lines 2 through 8, restore the bracketed material and delete the boldfaced material.  
35 In line 11, delete “(M)” and insert “(L)”.  
36 In lines 26 and 27, restore the bracketed material and delete the boldfaced material.  
37 In line 28, delete “tigation or assessment”.  
38 Delete lines 33 through 36 and insert:  
39 “(A) The agency failed to provide financial statements as required by ORS 418.255; or  
40 “(B) The agency failed to provide reasonable access to a child in the agency’s care or custody  
41 as required by ORS 418.305.”.  
42 In line 43, restore the bracketed material and delete the boldfaced material.  
43 On page 12, lines 16 through 21, delete the boldfaced material.  
44 On page 13, lines 21 through 36, restore the bracketed material and delete the boldfaced mate-  
45 rial.

1 On page 14, delete lines 36 through 45 and delete pages 15 through 26.  
2 On page 27, delete lines 1 through 8 and insert:  
3 “**NOTE:** Section 10 was deleted by amendment. Subsequent sections were not renumbered.  
4 “**SECTION 11.** ORS 418.258 is amended to read:  
5 “418.258. (1) When the Department of Human Services becomes aware of a report of suspected  
6 child abuse of a child in care, whether in the form of an allegation, complaint or formal report made  
7 under this section, and whether made directly to the Director of Human Services, the department  
8 or an employee of the department, to the centralized child abuse reporting system described in ORS  
9 418.190, through the mandatory abuse reporting process set forth in ORS 419B.005 to 419B.050 or  
10 otherwise, the department shall immediately:  
11 “(a) Notify appropriate personnel within the department, including but not limited to employees  
12 responsible for licensing, certifying or authorizing child-caring agencies, certified foster homes and  
13 developmental disabilities residential facilities.  
14 “(b) Notify any governmental agency that has a contract with the child-caring agency, certified  
15 foster home or developmental disabilities residential facility to provide care or services to the child  
16 in care.  
17 “(c) Notify the placement authorities of any other state that retains jurisdiction over a child in  
18 care receiving care or services from the child-caring agency, certified foster home or developmental  
19 disabilities residential facility.  
20 “(d) Commence an investigation to determine whether the report of suspected abuse is substan-  
21 tiated, unsubstantiated or inconclusive under ORS 418.259 if:  
22 “(A) The reported abuse occurred in this state;  
23 “(B) The reported abuse occurred in any other state and involves a child in care placed by the  
24 department in an out-of-state child-caring agency; or  
25 “(C) The reported abuse occurred in any other state and the department reasonably believes  
26 that the reported abuse poses a danger to the health, safety or wellness of a child in care placed  
27 by the department in an out-of-state child-caring agency.  
28 “(e) Report to a law enforcement agency any crime that the department has reason to believe  
29 has occurred with respect to a child in care or at a child-caring agency, proctor foster home, cer-  
30 tified foster home or developmental disabilities residential facility even if the suspected crime is not  
31 related to a report of abuse made under this section.  
32 “(2)(a) As a condition for issuance or renewal of a license, certificate or authorization to a  
33 child-caring agency, certified foster home or developmental disabilities residential facility, the de-  
34 partment shall require and verify that the child-caring agency, certified foster home or develop-  
35 mental disabilities residential facility has **adopted, follows and enforces** procedures and protocols  
36 that:  
37 “(A) Require employees of the child-caring agency, a proctor foster home certified by the child-  
38 caring agency, the certified foster home or the developmental disabilities residential facility to im-  
39 mediately report suspected abuse of a child in care to the [*director, the director’s designee or*  
40 *personnel within the department who have been specifically designated to receive reports of abuse of*  
41 *children in care*] **centralized child abuse reporting system described in ORS 418.190;**  
42 “(B) Mandate that the child-caring agency, certified foster home or developmental disabilities  
43 residential facility provide an annual training and written materials that include information about  
44 the centralized child abuse reporting system described in ORS 418.190, and that the agency, home  
45 or facility advise and educate employees of the child-caring agency and any proctor foster home

1 certified by the child-caring agency, of the certified foster home or of the developmental disabilities  
2 residential facility of the duty under this section and ORS 419B.005 to 419B.050 to report abuse of  
3 a child in care; and

4 “(C) Inform employees of child-caring agencies, proctor foster homes, certified foster homes and  
5 developmental disabilities residential facilities that the duty to report abuse of a child in care is  
6 personal to the employee and that the duty is not fulfilled by reporting the abuse to the owner, op-  
7 erator or any other employee of the child-caring agency, proctor foster home, certified foster home  
8 or developmental disabilities residential facility even if the owner, operator or other employee re-  
9 ports the abuse of a child in care to the director, the director’s designee or the department.

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

14 “(3) Interference or hindering an investigation of abuse of a child in care, including but not  
15 limited to the intimidation of witnesses, falsification of records or denial or limitation of interviews  
16 with the child in care who is the subject of the investigation or with witnesses, may constitute  
17 grounds for the revocation, suspension or placing of conditions on the license, certificate or other  
18 authorization of a child-caring agency, proctor foster home, certified foster home or developmental  
19 disabilities residential facility.

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

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

29 “(B) From disciplinary action taken by the person’s employer; and

30 “(C) With respect to participating in any judicial proceeding resulting from or involving the  
31 report **or expression of concern.**

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

36 “**SECTION 12.** ORS 418.259 is amended to read:

37 “418.259. (1) The investigation conducted by the Department of Human Services under ORS  
38 418.258 must result in one of the following findings:

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

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

43 “(c) That the report is inconclusive. A report is inconclusive when there is some indication that  
44 the abuse occurred but there is insufficient evidence to conclude that there is reasonable cause to  
45 believe that the abuse occurred.

1 “(2) When a report is received under ORS 418.258 alleging that a child in care may have been  
2 subjected to abuse, the department shall [*notify the case managers for the child, the attorney for the*  
3 *child, the child’s court appointed special advocate, the parents or guardians of the child,*] **notify the**  
4 **child’s case managers, attorney, court appointed special advocate, developmental disabilities**  
5 **coordinator, parents or guardians,** any attorney representing a parent or guardian of the child  
6 and any governmental agency that has a contract with the child-caring agency or developmental  
7 disabilities residential facility to provide care or services to the child that a report has been re-  
8 ceived. **The department shall make the notification under this subsection without undue delay**  
9 **and in no event more than three calendar days after receiving the report.**

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

18 “(b) When investigating an allegation of inappropriate use of restraint or involuntary seclusion,  
19 the department shall:

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

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

23 “(C) Review any audio, video or photographic recordings of the restraint or involuntary seclu-  
24 sion, including the circumstances immediately before and following the incident;

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

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

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

35 “(G) **If a child who experienced or witnessed the suspected abuse is not interviewed,**  
36 **make a specific note about the reason why the interview was not conducted and what rea-**  
37 **sonable efforts were made to interview the child.**

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

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

42 “(a) The Director of Human Services.

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

45 “(c) The department’s lead personnel in that part of the department that is responsible for child

1 welfare generally.

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

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

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

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

14 “(h) **The Children’s Advocate.**

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

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

25 “(A) **If the investigation involved a proctor foster home, developmental disabilities resi-**  
26 **dential facility or child-caring agency, including an out-of-state child-caring agency, the**  
27 **name of the proctor foster home, developmental disabilities residential facility or child-caring**  
28 **agency; and**

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

35 “(b) The approximate date that the abuse occurred;

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

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

38 “(e) Corrective actions taken or ordered by the department and the outcome of the corrective  
39 actions; and

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

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

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

1 “(b) The total number of programs that reported the use of restraints of children in care that  
2 quarter;

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

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

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

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

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

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

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

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

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

25 “(7) In compiling records, reports and other information during an investigation under ORS  
26 418.258 (1) and in issuing findings, letters of concern or reprimands, the Director of Human Services  
27 or the director’s designee and the department may not refer to the employee, person or entity that  
28 is the subject of the investigation as an ‘alleged perpetrator’ but must refer to the employee, person  
29 or entity as the ‘respondent.’

30 “[*(8) As used in this section, ‘program,’ ‘reportable injury’ and ‘restraint’ have the meanings given*  
31 *those terms in ORS 418.519.*]

32 “(8) **As used in this section:**

33 “(a) **‘Developmental disabilities foster home’ means a foster home that is subject to ORS**  
34 **443.400 to 443.455 or 443.830 and 443.835 for children who are under 18 years of age and re-**  
35 **ceiving developmental disability services.**

36 “(b) **‘Involuntary seclusion’ has the meaning given that term in ORS 418.519.**

37 “(c) **‘Program’ has the meaning given that term in ORS 418.519.**

38 “(d) **‘Reportable injury’ has the meaning given that term in ORS 418.519.**

39 “(e) **‘Restraint’ has the meaning given that term in ORS 418.519.**

40 “**SECTION 13.** ORS 418.260 is amended to read:

41 “418.260. (1) If the Department of Human Services receives a report or otherwise becomes aware  
42 that any suspected or founded abuses, deficiencies, violations or failures to comply with the full  
43 compliance requirements described in ORS 418.240 are occurring in a child-caring agency, whether  
44 as a part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the department shall  
45 immediately notify appropriate personnel within the department, including but not limited to em-

1 ployees responsible for licensing, certifying or authorizing child-caring agencies, who shall investi-  
2 gate and take appropriate action without undue delay, with primary concern given to the health,  
3 safety and welfare of the children for whom the child-caring agency is responsible. The department  
4 may notify law enforcement agencies as necessary to coordinate and assist in the investigation and  
5 enforcement of corrective actions undertaken by the department. If the child-caring agency is known  
6 or found to serve children also served by the Oregon Youth Authority, county juvenile departments  
7 or developmental disabilities services within the department, the department shall notify those en-  
8 tities of the report or suspected or founded abuses, deficiencies, violations or failures.

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

22 “(3) **The department may not take action to suspend or revoke a child-caring agency’s**  
23 **license, certification or authorization unless:**

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

26 “(b) **The violation or violations are part of a pattern of frequent or repeated noncompli-**  
27 **ance;**

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

30 “(d) **The suspension or revocation is otherwise authorized or required by state or federal**  
31 **law.**

32 “[3] (4) If the department determines at any time during or after an investigation that the  
33 abuses, deficiencies, violations or failures to comply are or threaten a serious danger to any child  
34 or to the public, or place a child at risk with respect to the child’s health, safety or welfare, the  
35 department may immediately suspend or revoke the child-caring agency’s license, certificate or au-  
36 thorization, subject to the provisions of ORS chapter 183.

37 “(5) The department shall immediately notify **the parents or guardians privately obtaining**  
38 **services or care for their children from the child-caring agency and** any governmental agency  
39 that has a contract with the child-caring agency to provide care or services to a child of any sus-  
40 pension or revocation of the license, certificate or other authorization of the child-caring agency  
41 under [this] subsection (4) of this section and of any conditions placed on the child-caring agency’s  
42 license, certificate or authorization pursuant to ORS 418.240. The department shall immediately re-  
43 port the alleged deficiencies or violations to the governmental agency and the governing board re-  
44 sponsible for the oversight of the child-caring agency.

45 “[4] (6) If the department determines that the abuses, deficiencies, violations or failures to

1 comply are founded and the department imposes a plan of correction that the child-caring agency  
2 does not comply with in the time allotted for correction, the department shall immediately notify the  
3 following of the failure of the child-caring agency to comply with the plan of correction:

4 “(a) The Legislative Assembly or the interim committees of the Legislative Assembly relating  
5 to child welfare.

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

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

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

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

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

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

30 “**SECTION 14.** ORS 418.327 is amended to read:

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

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

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

45 “(4) No person or organization shall operate a private residential boarding school without hav-

1 ing a current, valid license issued by the department.

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

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

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

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

16 “(9) As used in this section, ‘private residential boarding school’ means:

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

20 “(b) A private school providing residential care that is primarily engaged in educational  
21 work.

## 22 “PLACEMENTS OF CHILDREN

23 “**SECTION 15.** ORS 418.322 is amended to read:

24 “418.322. (1) As used in this section:

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

28 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation, provision, obtaining, pa-  
29 tronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act,  
30 as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of  
31 a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex  
32 act, as defined in ORS 163.266.

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

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

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

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

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

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

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

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

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

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

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

13 “(e) The child-caring agency is an adolescent residential drug and alcohol treatment program  
14 licensed or certified by the State of Oregon to provide residential care, and the court has approved,  
15 or approval is pending for, the placement in the child-caring agency of each child or ward over  
16 whom the department retains jurisdiction[.];

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

19 “(g) The child-caring agency is a residential care facility licensed by the department that pro-  
20 vides short-term assessment and stabilization services[.];

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

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

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

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

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

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

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

37 “(6)(a) **Notwithstanding subsections (4)(a) and (5) of this section, the department may**  
38 **extend the placement of a child or ward that is at least 16 years of age if the child’s or ward’s**  
39 **attorney affirms in writing that, after the child’s or ward’s consultation with the attorney,**  
40 **the child or ward does not object to the extension.**

41 “(b) **An extension under this subsection may last up to 90 cumulative days, and further**  
42 **extensions may be granted if the child’s or ward’s attorney affirms in writing that, after the**  
43 **child’s or ward’s consultation with the attorney, the child or ward does not object to the**  
44 **placement.**

45 “[6)] (7) Calculations of the number of days a child or ward is placed in a shelter-care home

1 under subsection (3)(h) of this section or a homeless, runaway or transitional living shelter under  
2 subsection (3)(i) of this section exclude the days the child or ward is in the shelter-care home or  
3 shelter if the child or ward:

4 “(a) Accessed the shelter-care home or shelter without the support or direction of the depart-  
5 ment; and

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

7 “[~~(7)(a)~~] **(8)(a)** Nothing in this section prohibits the Oregon Youth Authority from placing an  
8 adjudicated youth committed to its custody in a placement that is not a qualified residential treat-  
9 ment program.

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

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

16 On page 31, after line 9, insert:

17 “(f) ‘Secure nonmedical transportation services’ means the secure transportation or secure es-  
18 cort of children by a provider that is not subject to rules adopted by the Oregon Health Authority  
19 while transporting a child to a congregate care residential program, foster home or developmental  
20 disabilities residential facility that is not a hospital or health care facility certified by the  
21 authority.”.

22 In line 10, delete “(f)” and insert “(g)”.

23 In line 13, delete “(g)” and insert “(h)”.

24 In line 16, after “secure” insert “nonmedical”.

25 In line 17, after “secure” insert “nonmedical”.

26 In line 19, after “secure” insert “nonmedical”.

27 On page 35, lines 33 through 45, restore the bracketed material and delete the boldfaced mate-  
28 rial.

29 On page 36, lines 1 through 6, restore the bracketed material and delete the boldfaced material.

30 On page 38, lines 29 through 45, restore the bracketed material and delete the boldfaced mate-  
31 rial.

32 On page 39, lines 1 and 2, restore the bracketed material.

33 On page 41, after line 32, insert:

34 **“SECTION 29. (1) Sections 2 and 3 of this 2026 Act and the amendments to ORS 329A.030,**  
35 **329A.275, 418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248, 418.257, 418.258, 418.259,**  
36 **418.260, 418.322, 418.327, 418.330, 418.500, 418.519, 418.625, 419B.005, 419C.620 and 704.023 by**  
37 **sections 4 to 27 of this 2026 Act become operative on January 1, 2027.**

38 **“(2) The Department of Human Services may take any action before the operative date**  
39 **specified in subsection (1) of this section to enable the department to exercise, on and after**  
40 **the operative date specified in subsection (1) of this section, all of the duties, functions and**  
41 **powers conferred on the department by sections 2 and 3 of this 2026 Act and the amendments**  
42 **to ORS 329A.030, 329A.275, 418.205, 418.210, 418.215, 418.240, 418.241, 418.246, 418.248, 418.257,**  
43 **418.258, 418.259, 418.260, 418.322, 418.327, 418.330, 418.500, 418.519, 418.625, 419B.005, 419C.620**  
44 **and 704.023 by sections 4 to 27 of this 2026 Act.”.**

45 In line 33, delete “29” and insert “30”.

