

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1534**

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

2 Delete lines 12 through 27 and delete pages 2 through 4.

3 On page 5, delete lines 1 through 28 and insert:

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

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

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

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

21 **“(B) Failing to make a reasonable effort to protect the child in care**

1 from abuse as described in this section or ORS 419B.005.

2 “(b) Abandons the child in care, including deserting or willfully
3 forsaking the child in care or withdrawing or neglecting duties and
4 obligations owed to the child in care by the individual.

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

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

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

8 “(c) The individual:

9 “(A) Is an employee, volunteer or contractor of a child-caring
10 agency, a developmental disabilities residential facility, a proctor fos-
11 ter home or a certified foster home;

12 “(B) Is an operator of a child-caring agency, a developmental disa-
13 bilities residential facility, a proctor foster home or a certified foster
14 home;

15 “(C) Resides in the same child-caring agency, developmental disa-
16 bilities residential facility, proctor foster home or certified foster
17 home; or

18 “(D) Has access to the child in care due to the individual’s re-
19 lationship with a person described in subparagraphs (A) to (C) of this
20 paragraph; and

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

22 “(A) Assaults the child in care.

23 “(B) Commits an act that causes physical injury to the child in care
24 and the act is nonaccidental or the injury appears at variance with the
25 individual’s explanation of the act causing the injury.

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

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

29 “(E) Commits an act involving the child in care that constitutes a
30 crime under ORS 163.263, 163.264, 163.266, 163.413, 163.465, 163.467,

1 163.535, 163.537, 163.547, 163.575, 163.670, 163.700 or 163.701.

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

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

7 “(ii) Harassment, coercion, humiliation, mental cruelty or inappro-
8 priate sexual comments; or

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

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

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

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

18 “(iii) Misappropriating, misusing or transferring without authori-
19 zation any moneys from any account held jointly or singly by a child
20 in care; or

21 “(iv) Failing to use the income or assets of the child in care effec-
22 tively for the support and maintenance of the child in care.

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

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

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

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

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

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

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

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

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

21 “(4) As used in this section:

22 “(a) ‘Financial exploitation’ does not include age-appropriate disci-
23 pline that may involve the threat to withhold, or the withholding of,
24 privileges.

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

27 “SECTION 3. ORS 418.257 is amended to read:

28 “418.257. As used in ORS 418.257 to 418.259:

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

30 “[(a) Any physical injury to a child in care caused by other than accidental

1 *means, or that appears to be at variance with the explanation given of the in-*
2 *jury.]*

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

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

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

9 *“[(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,*
10 *163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.]*

11 *“[(f) Verbal abuse.]*

12 *“[(g) Financial exploitation.]*

13 *“[(h) Sexual abuse.]*

14 *“[(i) The use of restraint or involuntary seclusion of a child in care in vi-*
15 *olation of ORS 418.521 or 418.523.]*

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

18 *“[(2) ‘Certified foster home’ means a foster home certified by the Department*
19 *of Human Services and subject to ORS 418.625 to 418.645.]*

20 *“[(3)] (2)(a) ‘Child in care’ means a person under 21 years of age who is:*

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

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

24 *“[(A)] (i) A Child-caring agency or proctor foster home subject to ORS*
25 *418.205 to 418.327, **418.241**, 418.470, 418.475 or 418.950 to 418.970;*

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

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

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

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

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

6 *“(A) Wrongfully taking the assets, funds or property belonging to or in-*
7 *tended for the use of a child in care.]*

8 *“(B) Alarming a child in care by conveying a threat to wrongfully take or*
9 *appropriate moneys or property of the child in care if the child would reason-*
10 *ably believe that the threat conveyed would be carried out.]*

11 *“(C) Misappropriating, misusing or transferring without authorization any*
12 *moneys from any account held jointly or singly by a child in care.]*

13 *“(D) Failing to use the income or assets of a child in care effectively for*
14 *the support and maintenance of the child in care.]*

15 *“(b) ‘Financial exploitation’ does not include age-appropriate discipline*
16 *that may involve the threat to withhold, or the withholding of, privileges.]*

17 *“(6) ‘Intimidation’ means compelling or deterring conduct by threat. ‘In-*
18 *timidation’ does not include age-appropriate discipline that may involve the*
19 *threat to withhold privileges.]*

20 *“(7) ‘Involuntary seclusion’ has the meaning given that term in ORS*
21 *418.519.]*

22 *“(8) (3) ‘Law enforcement agency’ means:*

23 *“(a) Any city or municipal police department.*

24 *“(b) Any county sheriff’s office.*

25 *“(c) The Oregon State Police.*

26 *“(d) Any district attorney.*

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

29 *“(9) ‘Neglect’ means:*

30 *“(a) Failure to provide the care, supervision or services necessary to*

1 *maintain the physical and mental health of a child in care; or]*

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

5 *“[(10) ‘Restraint’ has the meaning given that term in ORS 418.519.]*

6 *“[(11)] (4) ‘Services’ includes but is not limited to the provision of food,*
7 *clothing, medicine, housing, medical services, assistance with bathing or*
8 *personal hygiene or any other service essential to the well-being of a child*
9 *in care.*

10 *“[(12) ‘Sexual abuse’ means:]*

11 *“[(a) Sexual harassment, sexual exploitation or inappropriate exposure to*
12 *sexually explicit material or language;]*

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

17 *“[(c) Any sexual contact between a person and a child in care that is un-*
18 *lawful under ORS chapter 163 and not subject to a defense under that chapter;*
19 *or]*

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

22 *“[(13) ‘Sexual contact’ has the meaning given that term in ORS 163.305.]*

23 *“[(14) ‘Sexual exploitation’ means sexual exploitation as described in ORS*
24 *419B.005 (1)(a)(E).]*

25 *“[(15) ‘Verbal abuse’ means to threaten significant physical or emotional*
26 *harm to a child in care through the use of:]*

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

29 *“[(b) Harassment, coercion, threats, intimidation, humiliation, mental cru-*
30 *elty or inappropriate sexual comments.]”.*

On page 7, line 31, restore the bracketed material and delete the boldfaced material.

On page 9, delete lines 15 through 17 and insert:

“(D) A provider of residential care in combination with academic education and therapeutic care or disability-related supports, including but not limited to treatment for emotional, behavioral, developmental or mental health conditions;”.

In line 20, after “secure” insert “nonmedical”.

On page 14, delete lines 36 through 45 and delete pages 15 through 20.

On page 21, delete lines 1 through 16 and insert:

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

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

“418.258. [(1) When the Department of Human Services becomes aware of a report of suspected child abuse of a child in care, whether in the form of an allegation, complaint or formal report made under this section, and whether made directly to the Director of Human Services, the department or an employee of the department, to the centralized child abuse reporting system described in ORS 418.190, through the mandatory abuse reporting process set forth in ORS 419B.005 to 419B.050 or otherwise, the department shall immediately:]

“(1)(a) For purposes of this subsection, the Department of Human Services becomes aware of allegations or concerns of suspected abuse of a child in care when the department learns of the allegations or concerns through any means, including but not limited to the centralized child abuse reporting system described in ORS 418.190, through a report made directly to the Director of Human Services or any employee of the department or during a public meeting.

“(b) When the department becomes aware of allegations or concerns of suspected abuse of a child in care, the department shall imme-

1 **diately:**

2 “[(a)] **(A)** Notify appropriate personnel within the department, including
3 but not limited to employees responsible for licensing, certifying or author-
4 izing child-caring agencies, certified foster homes and developmental disa-
5 bilities residential facilities.

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

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

13 “[(d)] **(D)** Commence an investigation to determine whether the report of
14 suspected abuse is substantiated, unsubstantiated or inconclusive under ORS
15 418.259 if:

16 “[(A)] **(i)** The reported abuse occurred in this state;

17 “[(B)] **(ii)** The reported abuse occurred in any other state and involves a
18 child in care placed by the department in an out-of-state child-caring agency;
19 or

20 “[(C)] **(iii)** The reported abuse occurred in any other state and the de-
21 partment reasonably believes that the reported abuse poses a danger to the
22 health, safety or wellness of a child in care placed by the department in an
23 out-of-state child-caring agency.

24 “[(e)] **(E)** Report to a law enforcement agency any crime that the depart-
25 ment has reason to believe has occurred with respect to a child in care or
26 at a child-caring agency, proctor foster home, certified foster home or de-
27 velopmental disabilities residential facility even if the suspected crime is not
28 related to a report of abuse made under this section.

29 “(2)(a) As a condition for issuance or renewal of a license, certificate or
30 authorization to a child-caring agency, certified foster home or develop-

1 mental disabilities residential facility, the department shall require and ver-
2 ify that the child-caring agency, certified foster home or developmental
3 disabilities residential facility has **adopted, follows and enforces** proce-
4 dures and protocols that:

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

12 “(B) Mandate that the child-caring agency, certified foster home or de-
13 velopmental disabilities residential facility provide an annual training and
14 written materials that include information about the centralized child abuse
15 reporting system described in ORS 418.190, and that the agency, home or fa-
16 cility advise and educate employees of the child-caring agency and any
17 proctor foster home certified by the child-caring agency, of the certified fos-
18 ter home or of the developmental disabilities residential facility of the duty
19 under this section and ORS 419B.005 to 419B.050 to report abuse of a child
20 in care; and

21 “(C) Inform employees of child-caring agencies, proctor foster homes,
22 certified foster homes and developmental disabilities residential facilities
23 that the duty to report abuse of a child in care is personal to the employee
24 and that the duty is not fulfilled by reporting the abuse to the owner, oper-
25 ator or any other employee of the child-caring agency, proctor foster home,
26 certified foster home or developmental disabilities residential facility even
27 if the owner, operator or other employee reports the abuse of a child in care
28 to the director, the director’s designee or the department.

29 “(b) A child-caring agency, certified foster home or developmental disa-
30 bilities residential facility need not develop and maintain procedures and

1 protocols or provide an annual training and written materials under para-
2 graph (a) of this subsection if the agency, home or facility does not have any
3 employees, staff or volunteers.

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

11 “(4)(a) Anyone, including but not limited to **a child in care or** an em-
12 ployee of a child-caring agency, proctor foster home, certified foster home
13 or developmental disabilities residential facility, who makes a report of sus-
14 pected 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*]
16 under this section **to the centralized child abuse reporting system de-**
17 **scribed in ORS 418.190 or expresses concern about situations involving**
18 **abuse or the department’s response to allegations of abuse** in good faith
19 and who has reasonable grounds for the making of the report shall have
20 immunity:

21 “(A) From any liability, civil or criminal, that might otherwise be in-
22 curred or imposed with respect to the making or content of such report **or**
23 **expression of concern;**

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

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

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

1 the report.

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

3 “418.259. (1) The investigation conducted by the Department of Human
4 Services under ORS 418.258 must result in one of the following findings:

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

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

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

12 “(2) When a report is received under ORS 418.258 alleging that a child in
13 care may have been subjected to abuse, the department shall [*notify the case*
14 *managers for the child, the attorney for the child, the child’s court appointed*
15 *special advocate, the parents or guardians of the child,*] **immediately notify**
16 **the child’s case managers, attorney, court appointed special advocate,**
17 **developmental disabilities coordinator, parents or guardians,** any at-
18 torney representing a parent or guardian of the child and any governmental
19 agency that has a contract with the child-caring agency or developmental
20 disabilities residential facility to provide care or services to the child that
21 a report has been received.

22 “(3)(a) The department may interview the child in care who is the subject
23 of suspected abuse and any witnesses, including other children, without the
24 presence of employees of the child-caring agency, proctor foster home or de-
25 velopmental disabilities residential facility, the provider of services at a
26 certified foster home or department personnel. The department shall inform
27 the child in care that the child may have the child’s parent or guardian, if
28 the child has not been committed to the custody of the department or the
29 Oregon Youth Authority, [*or*] **attorney or court appointed special advo-**
30 **cate** present when participating in an interview conducted in the course of

1 an abuse investigation.

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

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

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

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

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

14 “(E) Review the training records related to all of the individuals who
15 were involved in the use of restraint or involuntary seclusion **to determine**
16 **whether each individual that imposed the restraint was currently cer-**
17 **tified in a program approved by the department;** *[and]*

18 “(F) Make all reasonable efforts to conduct *[trauma-informed]* **trauma-**
19 **responsive** interviews of each child witness, including the child in care who
20 is the subject of suspected abuse *[unless the investigator makes a specific de-*
21 *termination that the interview may significantly traumatize the child and is*
22 *not in the best interests of the child.]; and*

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

27 “(c) **The department may not substantiate an allegation of abuse**
28 **by an individual who was involved in the use of a restraint solely be-**
29 **cause the individual did not possess a current certification to impose**
30 **the restraint.**

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

3 “(a) The Director of Human Services.

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

6 “(c) The department’s lead personnel in that part of the department that
7 is responsible for child welfare generally.

8 “(d) With respect to the child in care who is the subject of the abuse re-
9 port and investigation, the case managers for the child, the attorney for the
10 child, the child’s court appointed special advocate, the parents or guardians
11 of the child, any attorney representing a parent or guardian of the child and
12 any governmental agency that has a contract with the child-caring agency
13 to provide care or services to the child.

14 “(e) The parents or guardians of the child in care who is the subject of
15 the abuse report and investigation if the child in care has not been commit-
16 ted to the custody of the department [*or the youth authority. Notification*
17 *under this paragraph may not include any details or information other than*
18 *that a report of abuse has been substantiated*].

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

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

23 “**(h) The Children’s Advocate.**

24 “(5) The department shall report on a quarterly basis to the interim leg-
25 islative committees on child welfare for the purposes of public review and
26 oversight of the quality and safety of child-caring agencies, certified foster
27 homes and developmental disabilities residential facilities that are licensed,
28 certified or authorized by the department in this state, [*and*] of proctor foster
29 homes that are certified by the child-caring agencies[.], **of out-of-state**
30 **child-caring agencies in which the department has placed any children**

1 and of any location that the department has placed a child on a tem-
2 porary basis, other than a hospital as defined in ORS 442.015 or a ju-
3 venile detention facility that receives state services provided and
4 coordinated by the Department of Corrections under ORS 169.070. In-
5 formation provided in reports under this subsection may not contain the
6 name or any identifying information of a child in care but must contain all
7 of the following:

8 “(a) If the department conducted an investigation pursuant to ORS
9 418.258 that resulted in a finding during that quarter that a report of
10 abuse was substantiated:

11 “(A) If the investigation involved a proctor foster home, develop-
12 mental disabilities residential facility or child-caring agency, including
13 an out-of-state child-caring agency, the name of the proctor foster
14 home, developmental disabilities residential facility or child-caring
15 agency;

16 “(B) If the investigation involved a child awaiting placement, an
17 indication that the abuse occurred at an unspecified location; and

18 “[~~(a)~~] (C) [*The name of any child-caring agency, including an out-of-state*
19 *child-caring agency, proctor foster home or developmental disabilities residen-*
20 *tial facility, or,*] If the investigation involved a certified foster home,
21 provided there are five or more certified foster homes in the county, the
22 name of the county where a certified foster home is located[, *where the de-*
23 *partment conducted an investigation pursuant to ORS 418.258 that resulted in*
24 *a finding that the report of abuse was substantiated during that quarter*];

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

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

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

30 “(e) Corrective actions taken or ordered by the department and the out-

1 come of the corrective actions; and

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

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

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

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

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

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

16 “(e) The number of incidents in which an **at least one** individual who
17 **restrained a child in care in a program** was not appropriately trained in
18 the *[use of the restraint used on a child in care in a program; and]* **type of**
19 **restraint used;**

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

22 “(f) **The total number of individuals who restrained children in care**
23 **in the incidents described in paragraph (e) of this subsection who were**
24 **not appropriately trained in the types of restraint used;**

25 “(g) **The number of incidents that were reported for inappropriate**
26 **use of restraint of a child in care to the centralized child abuse re-**
27 **porting system described in ORS 418.190;**

28 “(h) **The number of incidents in which a restraint prohibited under**
29 **ORS 418.521 was used;**

30 “(i) **A description of the actions taken by the division of the de-**

1 department responsible for licensure or certification in response to reg-
2 ulatory violations related to the use of restraint or involuntary
3 seclusion, including the number of licensing complaint investigations
4 initiated and any conditions, required trainings or civil penalties that
5 were imposed as a result of failure to be in compliance with regu-
6 lations related to the use of restraint or involuntary seclusion;

7 “(j) The total number of allegations of abuse of children in care that
8 had an inconclusive finding in that quarter, disaggregated by setting;

9 “(k) The total number of restraints imposed on Oregon children in
10 care at out-of-state congregate care facilities in that quarter, includ-
11 ing the number of children in care that experienced a reportable injury
12 as a result of a physical restraint, disaggregated by facility; and

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

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

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

25 “(8) As used in this section:

26 “(a) ‘Developmental disabilities foster home’ means a foster home
27 that is subject to ORS 443.400 to 443.455 or 443.830 and 443.835 for chil-
28 dren who are under 18 years of age and receiving developmental disa-
29 bility services.

30 “(b) ‘Involuntary seclusion’ has the meaning given that term in

1 **ORS 418.519.**

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

3 **“(d) ‘Reportable injury’ has the meaning given that term in ORS**
4 **418.519.**

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

6 On page 22, delete lines 22 and 23 and insert:

7 “(e) Subjecting the child-caring agency to enhanced oversight;”.

8 On page 24, delete lines 2 through 9 and insert:

9 “(12) If the noncompliance involved the use of restraint or seclusion at
10 a nonhospital facility providing psychiatric inpatient services for individuals
11 under 21 years of age, the department shall immediately notify the individual
12 at the Oregon Health Authority responsible for conducting health care reg-
13 ulation surveys for the Centers for Medicare and Medicaid Services.”.

14 Delete lines 42 through 44 and insert:

15 “(a) A private residential boarding school providing residential care in
16 combination with academic education and therapeutic care or disability-
17 related supports, including but not limited to treatment for emotional, be-
18 havioral, developmental or mental health conditions; or”.

19 On page 25, delete line 3 and insert:

21 **“PLACEMENTS OF CHILDREN”.**

23 On page 31, after line 9, insert:

24 “(f) ‘Secure nonmedical transportation services’ means the secure trans-
25 portation or secure escort of children by a provider that is not subject to
26 rules adopted by the Oregon Health Authority while transporting a child to
27 a congregate care residential program, foster home or developmental disa-
28 bilities residential facility that is not a hospital or health care facility cer-
29 tified by the authority.”.

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

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

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

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

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

5 On page 35, lines 33 through 45, restore the bracketed material and delete
6 the boldfaced material.

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

9 On page 38, lines 29 through 45, restore the bracketed material and delete
10 the boldfaced material.

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

12 On page 41, after line 26, insert:

13
14 **“CHILDREN IN CARE**

15
16 **“SECTION 28. (1) The provisions of section 2 of this 2026 Act and**
17 **ORS 418.257 do not apply to investigations of reports of suspected**
18 **abuse of a child in care if the suspected abuse is committed by the**
19 **child in care’s parent.**

20 **“(2) The provisions of ORS 418.521 and 418.523 do not apply to the**
21 **restraint or involuntary seclusion of a child in care if the child in care**
22 **is placed in the restraint or involuntary seclusion by the parent of the**
23 **child in care.**

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

26 In line 30, delete “28” and insert “29”.

27 After line 32, insert:

28 **“SECTION 30. (1) Section 2 of this 2026 Act and the amendments to**
29 **ORS 329A.030, 329A.275, 418.205, 418.210, 418.215, 418.240, 418.241, 418.246,**
30 **418.248, 418.257, 418.258, 418.259, 418.260, 418.322, 418.327, 418.330, 418.500,**

1 418.519, 418.625, 418.992, 419B.005, 419C.620 and 704.023 by sections 3 to
2 27 of this 2026 Act become operative on January 1, 2027.

3 “(2) The Department of Human Services may take any action before
4 the operative date specified in subsection (1) of this section to enable
5 the department to exercise, on and after the operative date specified
6 in subsection (1) of this section, all of the duties, functions and powers
7 conferred on the department by section 2 of this 2026 Act and the
8 amendments to ORS 329A.030, 329A.275, 418.205, 418.210, 418.215, 418.240,
9 418.241, 418.246, 418.248, 418.257, 418.258, 418.259, 418.260, 418.322, 418.327,
10 418.330, 418.500, 418.519, 418.625, 418.992, 419B.005, 419C.620 and 704.023
11 by sections 3 to 27 of this 2026 Act.”.

12 In line 33, delete “29” and insert “31”.
13 _____