

# DRAFT

## SUMMARY

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

Modifies provisions regarding the restraint and seclusion of children by certain providers of care or services to children.

Prohibits the Department of Human Services from making a child abuse determination based solely on a certain status of a parent or child.

Modifies provisions regulating child-caring agencies.

Creates exceptions regarding out-of-state placements of children by the department.

Removes the requirement that children in independent residence facilities pay a portion of the housing expenses.

Authorizes the department to exempt certain individuals from criminal records check requirements.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the welfare of young people; creating new provisions; amending  
3 ORS 339.285, 339.288, 339.291, 339.296, 418.016, 418.190, 418.205, 418.215,  
4 418.240, 418.241, 418.255, 418.256, 418.257, 418.258, 418.259, 418.260, 418.321,  
5 418.322, 418.475, 418.500, 418.519, 418.521, 418.523, 418.526, 418.529, 418.532,  
6 418.992, 418.995, 419B.005, 419B.035, 419B.150, 419B.335 and 430.735 and  
7 section 8, chapter 581, Oregon Laws 2023; and declaring an emergency.

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

## CHILD ABUSE

### (Use of Restraint and Seclusion on Children)

1       **SECTION 1.** (1) As used in this section:

2       (a) “Chemical restraint” means a drug or medication that is ad-  
3 ministered to a child to control the child’s behavior and restrict the  
4 child’s freedom of movement unless the drug or medication is:

5       (A) Prescribed by a licensed physician or other qualified health  
6 professional acting under the professional’s scope of practice for  
7 standard treatment of the child’s medical or psychiatric condition; and

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

11       (b) “Child” has the meaning given that term in ORS 419B.005.

12       (c) “Child-caring agency” has the meaning given that term in ORS  
13 418.205.

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

15       (e)(A) “Corporal punishment” means the willful infliction of, or  
16 willfully causing the infliction of, physical pain on a child.

17       (B) “Corporal punishment” does not include:

18       (i) The use of physical force authorized by ORS 161.205 for the rea-  
19 sons specified therein; or

20       (ii) Physical pain or discomfort resulting from or caused by partic-  
21 ipation in athletic competition or other such recreational activity,  
22 voluntarily engaged in by a child.

23       (f) “Developmental disabilities residential facility” means a resi-  
24 dential facility subject to ORS 443.400 to 443.455 for children who are  
25 under 18 years of age and receiving developmental disabilities services.

26       (g) “Foster parent” means an individual operating:

27       (A) An adjudicated youth foster home certified by the Oregon Youth  
28 Authority under ORS 420.888 to 420.892;

29       (B) A foster home certified by the Department of Human Services  
30 and subject to ORS 418.625 to 418.645;

31       (C) A foster home certified by a child-caring agency under ORS

1 418.248 that is not subject to ORS 418.625 to 418.645; or

2 (D) A developmental disability child foster home certified by the  
3 department under ORS 443.830 and 443.835.

4 (h) “Individual” means an individual who may have direct, unsu-  
5 pervised contact with a child or a child in care as a result of the  
6 individual’s position as:

7 (A) A foster parent;

8 (B) An employee, a contractor or a volunteer of a foster parent, a  
9 child-caring agency or a developmental disabilities residential facility;  
10 or

11 (C) An agent, an employee, a contractor or a volunteer of a public  
12 education program or of a school district.

13 (i) “Involuntary seclusion” means the confinement of a child alone  
14 in a room or an enclosed space from which the child is prevented from  
15 leaving by any means.

16 (j) “Public education program” has the meaning given that term in  
17 ORS 339.285.

18 (k) “Restraint” means the physical restriction of a child’s actions  
19 or movements by holding the child or using pressure or other means.

20 (2)(a) An individual places a child or a child in care in wrongful  
21 seclusion if, except as provided in paragraph (b) of this subsection, the  
22 individual places the child or child in care in involuntary seclusion and  
23 the involuntary seclusion is intended to be a form of punishment or  
24 retaliation or for the convenience of one or more individuals described  
25 in subsection (1)(h) of this section.

26 (b) Involuntary seclusion of a child or a child in care is not  
27 wrongful seclusion under this subsection if the involuntary seclusion  
28 is an age-appropriate form of discipline, including but not limited to  
29 a time-out or reasonable action, as defined by the department by rule,  
30 that aligns with the developmental stage and individualized needs of  
31 the child or child in care.

1       **(3)(a) Except as provided in paragraphs (b) and (c) of this sub-**  
2 **section, an individual places a child or child in care in a wrongful re-**  
3 **straint if:**

4       **(A) The individual places or directs the placement of the child or**  
5 **child in care in a restraint and the restraint is used as a form of dis-**  
6 **cipline, punishment, retaliation or convenience or was used with no**  
7 **reasonable justification;**

8       **(B) The individual administers or directs to be administered a**  
9 **chemical restraint to the child or child in care; or**

10       **(C) The individual restrains or directs the restraint of the freedom**  
11 **of movement of the child or child in care through the excessive or**  
12 **reckless use of force that results in, or is likely to result in, severe**  
13 **harm to the child or child in care.**

14       **(b) The restraint of a child or child in care is not wrongful under**  
15 **this subsection if the individual restricts the freedom of movement of**  
16 **the child or child in care using reasonable action, as defined by the**  
17 **department by rule, that align with the developmental stage and indi-**  
18 **vidualized needs of the child or child in care including, but not limited**  
19 **to, physical contact, physical deescalation or physical redirection and**  
20 **guidance that is intended to support the healthy development and**  
21 **well-being of the child or child in care.**

22       **(4) An individual may not inflict corporal punishment on a child.**

23       **SECTION 2.** ORS 339.285 is amended to read:

24       339.285. As used in ORS 339.285 to 339.303:

25       (1) “Public education program” means a program in this state that:

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

28       (b) Is under the jurisdiction of a school district, an education service  
29 district or another educational institution or program; and

30       (c) Receives, or serves students who receive, support in any form from any  
31 program supported, directly or indirectly, with funds appropriated to the

1 Department of Education.

2 (2)(a) "Restraint" means the restriction of a student's actions or move-  
3 ments by holding the student or using pressure or other means.

4 (b) "Restraint" does not include:

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

7 (B) Assisting a student to complete a task if the student does not resist  
8 the physical contact; or

9 (C) Providing reasonable intervention with the minimal exertion of force  
10 necessary if the intervention does not include a restraint prohibited under  
11 ORS 339.288 and the intervention is necessary to:

12 (i) Break up a physical fight;

13 (ii) Interrupt a student's impulsive behavior that threatens the student's  
14 immediate safety, including running in front of a vehicle or climbing on  
15 unsafe structures or objects; or

16 (iii) Effectively protect oneself or another from an assault, injury or sex-  
17 ual contact with the minimum physical contact necessary for protection.

18 (3)(a) "Seclusion" means the involuntary confinement of a student alone  
19 in a room from which the student is physically prevented from leaving.

20 (b) "Seclusion" does not include the removal of a student for a short pe-  
21 riod of time to provide the student with an opportunity to regain self-control  
22 if the student is in a setting from which the student is not physically pre-  
23 vented from leaving.

24 (4) "Serious bodily injury" means any significant impairment of the  
25 physical condition of a person, as determined by qualified medical personnel,  
26 whether self-inflicted or inflicted by someone else.

27 (5) "Severe harm" has the meaning given that term in ORS  
28 419B.005.

29 **SECTION 3.** ORS 339.288 is amended to read:

30 339.288. (1) The use of the following types of restraint on a student in a  
31 public education program is prohibited:

1 (a) Chemical restraint.

2 (b) Mechanical restraint.

3 (c) Prone restraint.

4 (d) Supine restraint.

5 (e) Any restraint that involves the intentional and nonincidental use of  
6 a solid object, including a wall or the floor, to impede a student's movement,  
7 unless the restraint is necessary to prevent an imminent life-threatening in-  
8 jury or to gain control of a weapon.

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

11 (g) Any restraint that places, or creates a risk of placing, pressure on a  
12 student's mouth, unless the restraint is necessary for the purpose of ex-  
13 tracting a body part from a bite.

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

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

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

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

22 **(L) A wrongful restraint of a child, as described in section 1 of this**  
23 **2025 Act.**

24 (2) As used in this section:

25 (a) "Chemical restraint" means a drug or medication that is used on a  
26 student to control behavior [*or*] **and** restrict freedom of movement [*and that*  
27 *is not*], **unless the drug or medication is:**

28 (A) Prescribed by a licensed physician or other qualified health profes-  
29 sional acting under the professional's scope of practice for standard treat-  
30 ment of the student's medical or psychiatric condition; and

31 (B) Administered as prescribed by a licensed physician or other qualified

1 health professional acting under the professional’s scope of practice.

2 (b)(A) “Mechanical restraint” means a device used to restrict the move-  
3 ment of a student or the movement or normal function of a portion of the  
4 body of a student.

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

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

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

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

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

13 **SECTION 4.** ORS 339.291 is amended to read:

14 339.291. (1) Restraint or seclusion may not be used for discipline, punish-  
15 ment, retaliation or convenience of personnel, contractors or volunteers of  
16 a public education program.

17 (2)(a) Restraint may be used on a student in a public education program  
18 only under the following circumstances:

19 (A) The student’s behavior imposes a reasonable risk of imminent and  
20 substantial physical or bodily injury to the student or others; and

21 (B) Less restrictive interventions would not be effective.

22 (b) Seclusion may be used on a student in a public education program  
23 only under the following circumstances:

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

26 (B) Less restrictive interventions would not be effective; **and**

27 (C) **The seclusion is not wrongful seclusion, as described in section**  
28 **1 of this 2025 Act.**

29 (3) If restraint or seclusion is used on a student, the restraint or seclusion  
30 must be:

31 (a) Used only for as long as the student’s behavior poses a reasonable risk

1 as described in subsection (2) of this section;

2 (b) Imposed by personnel of the public education program who are:

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

5 (B) Otherwise available in the case of an emergency circumstance when  
6 personnel described in subparagraph (A) of this paragraph are not imme-  
7 diately available due to the unforeseeable nature of the emergency circum-  
8 stance; and

9 (c) Continuously monitored by personnel of the public education program  
10 for the duration of the restraint or seclusion.

11 (4) In addition to the requirements described in subsection (3) of this  
12 section, if restraint or seclusion continues for more than 30 minutes:

13 (a) The student must be provided with adequate access to the bathroom  
14 and water every 30 minutes;

15 (b) Personnel of the public education program must immediately attempt  
16 to verbally or electronically notify a parent or guardian of the student; and

17 (c) Every 15 minutes after the first 30 minutes of the restraint or seclu-  
18 sion, an administrator for the public education program must provide written  
19 authorization for the continuation of the restraint or seclusion, including  
20 providing documentation for the reason the restraint or seclusion must be  
21 continued.

22 **SECTION 5.** ORS 339.296 is amended to read:

23 339.296. (1) As used in this section:

24 (a) “Behavior intervention plan” has the meaning given that term in ORS  
25 343.154.

26 (b) “504 Plan” means an education plan developed for a student in ac-  
27 cordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

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

30 (d) **“Wrongful restraint” has the meaning described in section 1 of**  
31 **this 2025 Act.**



1 (e) “Wrongful seclusion” has the meaning described in section 1 of  
2 this 2025 Act.

3 (2) When the Department of Human Services conducts an investigation  
4 under ORS 419B.019 of a report of suspected abuse of a student in a public  
5 education program and the department finds that the report of abuse is  
6 founded, the department shall determine that the public education program  
7 is responsible for the abuse if **the abuse was committed by an individual**  
8 **working for or volunteering in the public education program setting**  
9 **in a manner that required the person to have direct, unsupervised**  
10 **contact with students and the individual:**

11 (a) Neglected the student and the public education program failed  
12 to provide the individual with adequate training to appropriately per-  
13 form health-related or personal care tasks;

14 [(a)] (b) [*The abuse involved the use of restraint or seclusion*] **Imposed**  
15 **wrongful restraint or wrongful seclusion on the student** and the public  
16 education program failed to ensure that a sufficient number of personnel,  
17 appropriately trained in the use of restraint and seclusion, were available to  
18 comply with the individualized education programs, 504 Plans and behavior  
19 intervention plans of the students who were present in the setting where the  
20 abuse occurred at the time the abuse occurred;

21 [(b)(A)] (c)(A) [*The abuse involved the use of restraint, seclusion or*  
22 *neglect*] **Imposed wrongful restraint or wrongful seclusion on the stu-**  
23 **dent** and the public education program failed to provide the [*personnel in-*  
24 *volved with the restraint, seclusion or neglect*] **individual** with access to the  
25 student’s individualized education program, 504 Plan or behavior inter-  
26 vention program [*or failed to provide the personnel with adequate training to*  
27 *appropriately perform health-related or personal care tasks*]; and

28 (B) [*The personnel were*] **Was** not aware of, and failed to provide the  
29 services and supports in the manner required by, the student’s individualized  
30 education program, 504 Plan or behavior plan;

31 [(c)] (d) [*The abuse involved the use of restraint or seclusion,*] **Imposed**

1 **wrongful restraint or wrongful seclusion on the student**, a superior or-  
2 dered personnel to impose the **wrongful** restraint or **wrongful** seclusion, and  
3 the [*personnel who imposed the restraint or seclusion*] **individual** reasonably  
4 believed that failure to comply with the order would result in termination  
5 or discipline; or

6 [(d)(A)] (e)(A) [*The abuse involved the use of restraint or seclusion*] **Im-**  
7 **posed wrongful restraint or wrongful seclusion on the student** and the  
8 public education program failed to ensure that the [*personnel who imposed*  
9 *the restraint or seclusion were*] **individual was** appropriately trained in the  
10 use of restraint and seclusion;

11 (B) [*The personnel who imposed the restraint or seclusion*] Reasonably be-  
12 lieved that failure to impose the **wrongful** restraint or **wrongful** seclusion  
13 would lead to [*serious bodily injury*] **severe harm** of the student or others;  
14 and

15 (C) [*If the personnel imposed a restraint, it was not*] **Did not impose** a  
16 type of restraint prohibited under ORS 339.288 (1)(a) to (k).

17 **SECTION 6.** ORS 418.241 is amended to read:

18 418.241. (1) As used in this section:

19 (a) “Certified foster home” means a foster home certified by the Depart-  
20 ment of Human Services and subject to ORS 418.625 to 418.645.

21 (b) “Child-caring agency” has the meaning given that term under ORS  
22 418.205.

23 (c) “Developmental disabilities residential facility” means a residential  
24 facility or foster home for children who are 17 years of age or younger and  
25 receiving developmental disability services that is subject to ORS 443.400 to  
26 443.455, 443.830 and 443.835.

27 (d) “Secure escort” means escort services for a child who poses a risk of  
28 elopement or where restraint or seclusion may be utilized if [*the child poses*  
29 *a risk of injury to self or others*] **necessary for the health or safety of the**  
30 **child to be transported to an approved placement or a secure**  
31 **location**, and as further defined by the department by rule.

1       [(e) “Secure nonemergency medical transportation provider” means a private  
2 organization or person that provides nonemergency medical secure transporta-  
3 tion services subject to rules adopted by the Oregon Health Authority.]

4       [(f)] (e) “Secure transportation” means the **nonmedical** transport of a  
5 child in a vehicle specifically equipped to prevent a passenger from exiting,  
6 eloping or interfering with the operator of the vehicle, and as further defined  
7 by the department by rule.

8       [(g)] (f) “Secure transportation services” means the secure transportation  
9 or secure escort of children.

10       (2) The department shall adopt rules consistent with this section for the  
11 issuance, under ORS 418.215 and 418.240, of licenses to provide secure  
12 transportation services to providers that are child-caring agencies solely as  
13 the result of providing secure transportation services as described in ORS  
14 418.205 (2)(a)(B) and for the issuance of supplemental licenses to child-caring  
15 agencies described in ORS 418.205 (2)(a)(A) that also provide secure trans-  
16 portation services as described in ORS 418.205 (2)(a)(B).

17       (3)(a) The following secure transportation services providers are exempt  
18 from the requirements under ORS 418.215 and 418.240 to obtain from the de-  
19 partment a license or a supplemental license to provide secure transportation  
20 services:

21       [(A) A secure nonemergency medical transportation provider.]

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

25       (i) The agency is not primarily engaged in the provision of secure trans-  
26 portation services;

27       (ii) The child being transported or escorted resides in or is otherwise re-  
28 ceiving services from the agency; and

29       (iii) The transportation or escort is provided consistent with the rules  
30 adopted by the department under this section.

31       [(C) An ambulance service, as defined in ORS 682.025, that is transporting

1 *a child in an ambulance for the purpose of obtaining medical care for the*  
2 *child.]*

3 [(D)] **(B)** A developmental disabilities residential facility if:

4 (i) The facility is not primarily engaged in the provision of secure trans-  
5 portation services;

6 (ii) The child being transported or escorted resides in or is otherwise re-  
7 ceiving services from the facility; and

8 (iii) The transportation or escort is provided consistent with the rules  
9 adopted by the department under this section.

10 (b) The licensing exemptions under paragraph [(a)(B) and (D)] **(a)(A) and**  
11 **(B)** of this subsection do not apply if the child-caring agency or develop-  
12 mental disabilities residential facility is transporting the child for the pur-  
13 poses of placing the child in a facility that is not licensed by the department  
14 or in a hospital that is not licensed by the authority.

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

20 (A) The provider is not licensed by the department under ORS 418.215 or  
21 418.240 to provide secure transportation services; and

22 (B) The provider holds itself out as being an Oregon provider of secure  
23 transportation services, including by registering in this state the vehicles it  
24 uses in the provision of its secure transportation services or representing or  
25 otherwise indicating in advertisements or promotional materials that the  
26 provider is based in this state, maintains a mailing address in this state or  
27 is licensed, certified or otherwise authorized by the department or the au-  
28 thority to provide secure transportation services or similar services in this  
29 state.

30 (b) The disclosure under paragraph (a) of this subsection must also indi-  
31 cate that the secure transportation services provider is not licensed by the

1 department under ORS 418.215 or 418.240 to provide secure transportation  
2 services and, if applicable, the reason for the provider’s licensing exemption  
3 under subsection (3) of this section.

4 (c) If a provider that is required to make a disclosure under this sub-  
5 section is authorized by the authority to provide secure transportation ser-  
6 vices, the provider’s disclosure under this subsection may, consistent with  
7 rules adopted by the authority, also include a statement that the provider is  
8 authorized by the authority to provide secure transportation services.

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

12 **SECTION 7.** ORS 418.257 is amended to read:

13 418.257. As used in ORS 418.257 to 418.259:

14 (1) “Abuse” means one or more of the following:

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

18 (b) Neglect of a child in care.

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

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

24 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,  
25 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.

26 (f) Verbal abuse.

27 (g) Financial exploitation.

28 (h) Sexual abuse.

29 [*i) The use of restraint or involuntary seclusion of a child in care in vio-*  
30 *lation of ORS 418.521 or 418.523.*]

31 **(2) “Adjudicated youth foster home” means a foster home certified**

1 **by the Oregon Youth Authority under ORS 420.888 to 420.892.**

2 [(2)] (3) “Certified foster home” means a foster home certified by the De-  
3 partment of Human Services and subject to ORS 418.625 to 418.645.

4 [(3)(a)] (4)(a) “Child in care” means a person under 21 years of age who  
5 is residing in or receiving care or services from:

6 (A) A child-caring agency or proctor foster home subject to ORS 418.205  
7 to 418.327, 418.470, 418.475 or 418.950 to 418.970;

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

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

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

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

14 [(4)] (5) “Developmental disabilities residential facility” means a residen-  
15 tial facility or foster home for children who are [17 years of age or younger]  
16 **under 18 years of age** and receiving developmental disability services that  
17 is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

18 [(5)(a)] (6)(a) “Financial exploitation” means:

19 (A) Wrongfully taking the assets, funds or property belonging to or in-  
20 tended for the use of a child in care.

21 (B) Alarming a child in care by conveying a threat to wrongfully take or  
22 appropriate moneys or property of the child in care if the child would rea-  
23 sonably believe that the threat conveyed would be carried out.

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

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

28 (b) “Financial exploitation” does not include age-appropriate discipline  
29 that may involve the threat to withhold, or the withholding of, privileges.

30 [(6)] (7) “Intimidation” means compelling or deterring conduct by threat.  
31 “Intimidation” does not include age-appropriate discipline that may involve

1 the threat to withhold privileges.

2 [(7) “Involuntary seclusion” has the meaning given that term in ORS  
3 418.519.]

4 (8) “Law enforcement agency” means:

5 (a) Any city or municipal police department.

6 (b) Any county sheriff’s office.

7 (c) The Oregon State Police.

8 (d) Any district attorney.

9 (e) A police department established by a university under ORS 352.121 or  
10 353.125.

11 (9) “Neglect” means:

12 (a) Failure to provide the care, supervision or services necessary to  
13 maintain the physical and mental health of a child in care; or

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

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

18 [(11)] (10) “Services” includes but is not limited to the provision of food,  
19 clothing, medicine, housing, medical services, assistance with bathing or  
20 personal hygiene or any other service essential to the well-being of a child  
21 in care.

22 [(12)] (11) “Sexual abuse” means:

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

25 (b) Any sexual contact between a child in care and [*an employee of a*  
26 *child-caring agency, proctor foster home, certified foster home, developmental*  
27 *disabilities residential facility, caretaker or other person responsible for the*  
28 *provision of care or services to a child in care*] **an employee of a child-**  
29 **caring agency, developmental disabilities residential facility, proctor**  
30 **foster home, certified foster home or adjudicated youth foster home,**  
31 **or an individual who operates a proctor foster home, a certified foster**

1 **home or an adjudicated youth foster home;**

2 (c) Any sexual contact between a person and a child in care that is un-  
3 lawful under ORS chapter 163 and not subject to a defense under that  
4 chapter; or

5 (d) Any sexual contact that is achieved through force, trickery, threat or  
6 coercion.

7 [(13)] **(12)** “Sexual contact” has the meaning given that term in ORS  
8 163.305.

9 [(14)] **(13)** “Sexual exploitation” means sexual exploitation as described  
10 in ORS 419B.005 (1)(a)(E).

11 [(15)] **(14)** “Verbal abuse” means to threaten significant physical or emo-  
12 tional harm to a child in care through the use of:

13 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity  
14 or ridicule; or

15 (b) Harassment, coercion, threats, intimidation, humiliation, mental cru-  
16 elty or inappropriate sexual comments.

17 **SECTION 8.** ORS 418.519 is amended to read:

18 418.519. As used in ORS 418.519 to 418.532:

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

21 (2) “Chemical restraint” means a drug or medication that is administered  
22 to a child in care to control behavior [*or*] **and** restrict freedom of  
23 movement, **unless the drug or medication is:**

24 **(a) Prescribed by a licensed physician or other qualified health**  
25 **professional acting under the professional’s scope of practice for**  
26 **standard treatment of the child’s medical or psychiatric condition; and**

27 **(b) Administered as prescribed by a licensed physician or other**  
28 **qualified health professional acting under the professional’s scope of**  
29 **practice.**

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

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



1 (5) “Children’s emergency safety intervention specialist” means a quali-  
2 fied mental health professional licensed to order, monitor and evaluate the  
3 use of seclusion and restraint in accredited and certified facilities that pro-  
4 vide intensive mental health treatment services to individuals under 21 years  
5 of age.

6 (6) “Developmental disabilities residential facility” has the meaning given  
7 that term in ORS 418.257.

8 (7)(a) “Involuntary seclusion” means the confinement of a child in care  
9 alone in a room or an enclosed space from which the child in care is pre-  
10 vented from leaving by any means.

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

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

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

19 (10) “Program” means:

20 (a) A child-caring agency;

21 (b) A proctor foster home; or

22 (c) A developmental disabilities residential facility that is a residential  
23 training home or facility licensed under ORS 443.415 to serve children under  
24 18 years of age.

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

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

31 (13) “Restraint” means the physical restriction of a child in care’s actions

1 or movements by holding the child in care or using pressure or other means.

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

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

12 (16) “Serious bodily injury” means any significant impairment of the  
13 physical condition of an individual, as determined by qualified medical per-  
14 sonnel, whether self-inflicted or inflicted by someone else.

15 (17) “Severe harm” has the meaning given that term in ORS  
16 419B.005.

17 [(17)] (18) “Supine restraint” means a restraint in which a child in care  
18 is held face up on the floor.

19 **SECTION 9.** ORS 418.521 is amended to read:

20 418.521. (1) A child-caring agency, proctor foster home, certified foster  
21 home or developmental disabilities residential facility may not place a child  
22 in care in a restraint or involuntary seclusion as a form of discipline, pun-  
23 ishment or retaliation or for the convenience of staff, contractors or volun-  
24 teers of the child-caring agency, proctor foster home, certified foster home  
25 or developmental disabilities residential facility.

26 (2) Except as provided in ORS 418.523 [(4)] (5), the use of the following  
27 types of restraint of a child in care are prohibited:

28 (a) Chemical restraint.

29 (b) Mechanical restraint.

30 (c) Prone restraint.

31 (d) Supine restraint.

1 (e) Any restraint that includes the intentional and nonincidental use of  
2 a solid object, including the ground, a wall or the floor, to impede a child  
3 in care's movement.

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

6 (g) Any restraint that places, or creates a risk of placing, pressure on a  
7 child in care's mouth.

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

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

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

16 (k) Any other action, the primary purpose of which is to inflict pain.

17 **(L) A wrongful restraint or wrongful seclusion as described in sec-**  
18 **tion 1 of this 2025 Act.**

19 **SECTION 10.** ORS 418.523 is amended to read:

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

26 **(2) Notwithstanding ORS 419A.245, a provider of secure transporta-**  
27 **tion services, as defined in ORS 418.241, may place a child in care in**  
28 **a restraint only when it is necessary for the health or safety of the**  
29 **child in care to be transported to an approved placement or a secure**  
30 **location.**

31 [(2)] **(3) An adjudicated youth foster home, as defined in ORS 418.257,**

1 **or** a certified foster home may not place a child in care in a restraint or  
2 involuntary seclusion.

3 [(3)] (4) Notwithstanding subsection (1) [*or (2)*], (2) **or (3)** of this section,  
4 a child-caring agency, proctor foster home, certified foster home or develop-  
5 mental disabilities residential facility may use [*the following types of re-*  
6 *straints*] **physical interventions** on a child in care **if**:

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

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

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

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

15 [(B)] (b) The intervention uses the least amount of physical force and  
16 contact possible; and

17 [(C)] (c) The intervention is not a prohibited restraint described in ORS  
18 418.521 (2).

19 [(4)] (5) Notwithstanding ORS 418.521 (2):

20 (a) The restraint described in ORS 418.521 (2)(e) may be used if the re-  
21 straint is necessary to gain control of a weapon.

22 (b) The restraint described in ORS 418.521 (2)(g) may be used if the re-  
23 straint is necessary for the purpose of extracting a body part from a bite.

24 (c) **A program may use a restraint described in ORS 418.521 (2) as**  
25 **necessary to administer an intramuscular injection of a medication if:**

26 (A) **The medication is necessary to treat the child's underlying**  
27 **health condition;**

28 (B) **The individual administers the medication in a facility that**  
29 **provides nursing care 24 hours per day;**

30 (C) **The restraint is ordered by a licensed physician following a**  
31 **completed and documented consultation with a third-party psychia-**

1 **trist who provides services to children and adolescents; and**

2 **(D) The restraint is authorized by the child's legal guardian.**

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

6 (A) The child in care is currently admitted to the program;

7 (B) The restraint is authorized by an order written at the time of and  
8 specifically for the current situation by a licensed medical practitioner or a  
9 licensed children's emergency safety intervention specialist;

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

13 (D) A licensed medical practitioner, children's emergency safety inter-  
14 vention specialist or qualified mental health professional, who is certified in  
15 the use of the type of restraint used, continuously monitors the use of the  
16 restraint and the physical and psychological well-being of the child in care  
17 at all times while the restraint is being used;

18 (E) Each individual placing the child in care in the restraint is certified  
19 as described in ORS 418.529 in the use of the type of restraint used and the  
20 individual's training is current;

21 (F) One or more individuals with current cardiopulmonary resuscitation  
22 training are present for the duration of the restraint;

23 (G) The program has written policies that require a licensed children's  
24 emergency safety intervention specialist or other licensed practitioner to  
25 evaluate and document the physical, psychological and emotional well-being  
26 of the child in care immediately following the use of the restraint; and

27 (H) The program is in compliance with any other requirements under ORS  
28 418.519 to 418.532, and the use of the restraint does not otherwise violate any  
29 applicable contract requirements or any state or federal law related to the  
30 use of restraints.

31 [(5)] **(6)** In addition to the [*restraints*] **physical interventions** described

1 in subsection [(3)] (4) of this section, a program may place a child in care  
2 in a restraint or involuntary seclusion if:

3 (a) The restraint or involuntary seclusion is used only for as long as the  
4 child in care's behavior poses a reasonable risk of imminent [*serious bodily*  
5 *injury*] **severe harm**;

6 (b) The individuals placing the child in care in the restraint or involun-  
7 tary seclusion are certified as described in ORS 418.529 in the use of the type  
8 of restraint used or are trained, as required by the department by rule, in  
9 the use of the involuntary seclusion used;

10 (c) The program staff continuously monitor the child in care for the du-  
11 ration of the restraint or involuntary seclusion; and

12 (d) The restraint or involuntary seclusion is performed in a manner that  
13 is safe, proportionate and appropriate, taking into consideration the child in  
14 care's chronological and developmental age, size, gender identity, physical,  
15 medical and psychiatric condition and personal history, including any history  
16 of physical or sexual abuse.

17 [(6)] (7) In addition to the requirements described in subsection [(5)] (6)  
18 of this section, if a program places a child in care in a restraint or invol-  
19 untary seclusion for more than 10 minutes:

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

22 (b)(A) Every five minutes after the first 10 minutes of the restraint or  
23 involuntary seclusion, a program supervisor who is certified as described in  
24 ORS 418.529 in the use of the type of restraint being used or trained, as re-  
25 quired by the department by rule, in the use of the involuntary seclusion  
26 being used must provide written authorization for the continuation of the  
27 restraint or involuntary seclusion.

28 (B) If the supervisor is not on-site at the time the restraint is used, the  
29 supervisor may provide the written authorization electronically.

30 (C) The written authorization must document why the restraint or invol-  
31 untary seclusion continues to be the least restrictive intervention to reduce

1 the risk of imminent [*serious bodily injury*] **severe harm** in the given cir-  
2 cumstances.

3 **SECTION 11.** ORS 418.526 is amended to read:

4 418.526. (1) A program shall establish procedures for the program to fol-  
5 low when a child in care is placed in a restraint or involuntary seclusion.  
6 The procedures must be consistent with the provisions of this section and  
7 ORS 418.521 and 418.523.

8 (2)(a) A program shall maintain a record of each incident in which a re-  
9 portable injury arises from the use of a restraint or involuntary seclusion.  
10 The record under this subsection must include any photographs, audio re-  
11 cordings or video recordings immediately preceding, during and following the  
12 incident. The record may not be destroyed, edited, concealed or altered in  
13 any way.

14 (b) The program shall immediately provide the Department of Human  
15 Services with written notification of the incident and true copies of any re-  
16 cord maintained under this subsection.

17 (c) Upon the request of the attorney, court appointed special advocate,  
18 parents or guardians of a child in care on whom the restraint or involuntary  
19 seclusion was used, the department shall provide the child in care's attorney,  
20 court appointed special advocate, parents or guardians with [*copies of*] **an**  
21 **opportunity to review** the records described in this subsection **if:**

22 **(A) The child consents to the disclosure; or**

23 **(B) The department is otherwise required by law to disclose the re-**  
24 **ords.**

25 (3)(a) If a program places a child in care in a restraint [*except as provided*  
26 *in ORS 418.523 (3)(a) or (b),*] or involuntary seclusion, the program shall  
27 provide the child in care's case manager, attorney, court appointed special  
28 advocate and parents or guardians with:

29 (A) Verbal or electronic notice that the restraint or involuntary seclusion  
30 was used as soon as practicable following the incident but not later than the  
31 end of the next business day; and

1 (B) Written notice that the restraint or involuntary seclusion was used  
2 as soon as practicable following the incident but not later than the end of  
3 the next business day.

4 (b) The written notice must include:

5 (A) A description of the restraint or involuntary seclusion, the date of the  
6 restraint or involuntary seclusion, the times when the restraint or involun-  
7 tary seclusion began and ended and the location of the restraint or invol-  
8 untary seclusion.

9 (B) A description of the child in care's activity that necessitated the use  
10 of restraint or involuntary seclusion.

11 (C) The efforts the program used to de-escalate the situation and the al-  
12 ternatives to restraint or involuntary seclusion the program attempted before  
13 placing the child in care in the restraint or involuntary seclusion.

14 (D)(i) The names of each individual who placed the child in care in the  
15 restraint or involuntary seclusion or who monitored or approved the place-  
16 ment of the child in care in the restraint or involuntary seclusion.

17 (ii) For each individual identified in this subparagraph, whether the in-  
18 dividual was certified as described in ORS 418.529 in the use of the type of  
19 restraint used or trained, as required by the Department of Human Services  
20 by rule, in the use of the involuntary seclusion used, the date of the  
21 individual's most recent certification or training and a description of the  
22 types of restraint the individual is certified to use, if any.

23 (iii) If an individual identified in this subparagraph was not certified or  
24 trained in the type of restraint or involuntary seclusion used, or if the  
25 individual's certification or training was not current, a description of the  
26 individual's certification or training deficiency and the reason an individual  
27 without the proper certification or training was involved in the restraint or  
28 involuntary seclusion.

29 (E) If the child in care suffered a reportable injury arising from the in-  
30 cident, a description of any photographs, audio recordings or video re-  
31 cordings related to the incident that are maintained by the program under



1 subsection (2) of this section.

2 (4) If an incident requires notice under subsection (3) of this section, not  
3 later than two business days following the date of the restraint or involun-  
4 tary seclusion, the program shall hold a debriefing meeting with each indi-  
5 vidual who was involved in the incident and with any other appropriate  
6 program staff, shall take written notes of the debriefing meeting and shall  
7 provide copies of the written notes to the child in care's case manager, at-  
8 torney, court appointed special advocate and parents or guardians.

9 (5) If serious bodily injury or the death of staff personnel occurs in con-  
10 nection to the use of the restraint or involuntary seclusion, the program  
11 shall provide the department with written notification of the incident not  
12 later than 24 hours following the incident.

13 (6) The department shall adopt rules regarding the installation and use  
14 of video recording equipment in a program.

15 **SECTION 12.** ORS 418.529 is amended to read:

16 418.529. (1)(a) The Department of Human Services shall adopt by rule  
17 training standards and certification requirements regarding the placement  
18 of a child in care in a restraint or involuntary seclusion, consistent with this  
19 section.

20 (b) The department shall designate [*two or three*] **not more than six** na-  
21 tionally recognized providers of crisis intervention training that meet the  
22 department's training standards and whose certifications issued upon com-  
23 pletion of the training programs the department will recognize as satisfying  
24 the department's certification requirements.

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

26 (a) Ensure consistency of training and professional development across  
27 all programs;

28 (b) Require the teaching of techniques for nonviolent crisis intervention  
29 that do not require restraint;

30 (c) Focus on de-escalation and trauma-informed behavioral support as the  
31 core of a training program;

1 (d) Offer options for certification in skills that do not include the use of  
2 restraint to improve agency-wide safety, culture and trauma-informed prac-  
3 tices;

4 (e) Prioritize the reduction or elimination of the use of restraint and in-  
5 voluntary seclusion;

6 (f) Ensure that any physical intervention skills taught are trauma-  
7 informed, age-appropriate and developmentally appropriate for children in  
8 care, reduce the risk of physical or emotional harm and are consistent with  
9 all state and federal laws;

10 (g) Include training to identify the physical, psychological and emotional  
11 risks for children and program staff related to the use of restraint and in-  
12 voluntary seclusion;

13 (h) Ensure fidelity of training through the publication of consistent  
14 training materials and resources for certified instructors and certified pro-  
15 gram staff;

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

17 (j) Require regular, ongoing support to certified instructors, including  
18 quality control, monitoring of outcomes and provision of information re-  
19 garding networks for professional collaboration and support.

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

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

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

25 (c) Complete a minimum of 12 hours of continuing education every two  
26 years;

27 (d) Be recertified at least once every two years; and

28 (e) Demonstrate written and physical competency before receiving certi-  
29 fication or recertification.

30 (4) The department's rules must provide that an individual who places a  
31 child in care in a program in a restraint must be certified in the use of the

1 specific type of restraint used. The department's rules must describe the  
2 minimum certification requirements, including:

3 (a) Completion of a minimum of 12 hours of initial training in person from  
4 an instructor certified as provided in subsection (3) of this section, including  
5 at least six hours of training in positive behavior support, nonviolent crisis  
6 intervention and other methods of nonphysical intervention to support chil-  
7 dren in care in crisis;

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

9 (c) Demonstration of a mastery of the training program material both in  
10 writing and by physical competency before receiving certification.

11 (5) A certification issued under this section:

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

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

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

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

16 (e) Must be portable between employers; and

17 (f) Must include:

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

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

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

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

22 (E) The level of training; and

23 (F) The name of the certified instructor who conducted the training and  
24 administered the assessment of proficiency.

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

28 **SECTION 13.** ORS 418.532 is amended to read:

29 418.532. (1) Each child in care receiving services from a child-caring  
30 agency must be provided with information that:

31 (a) Explains the **restraint and involuntary seclusion** provisions [of]

1 **under ORS 418.519 to 418.532 and the abuse provisions under ORS 418.257**  
2 **and 419B.005;**

3 (b) Provides instruction regarding how a child in care may report sus-  
4 pected [*inappropriate use of restraint or involuntary seclusion*] **use of**  
5 **wrongful restraint or wrongful seclusion, as described in section 1 of**  
6 **this 2025 Act;**

7 (c) Assures the child in care that the child will not experience retaliation  
8 for reporting suspected [*inappropriate uses of restraint or involuntary seclu-*  
9 *sion*] **use of wrongful restraint or wrongful seclusion, as described in**  
10 **section 1 of this 2025 Act;** and

11 (d) Includes the telephone number for the toll-free child abuse hotline  
12 described in ORS 417.805, information regarding the centralized child abuse  
13 reporting system described in ORS 418.190 and the telephone numbers and  
14 electronic mail addresses for the program’s licensing or certification agency,  
15 the child in care’s caseworker and attorney, the child in care’s court ap-  
16 pointed special advocate and Disability Rights Oregon.

17 (2) The information described in subsection (1) of this section must be  
18 provided by:

19 (a) The Department of Human Services if the department placed the child  
20 in care in the child-caring agency;

21 (b) The Oregon Youth Authority if the child in care has been committed  
22 to the custody of the authority; or

23 (c) The child-caring agency, as required by the department by rule, for  
24 all other children in care.

25

26 **(Abuse Reports and Investigations)**

27

28 **SECTION 14.** ORS 418.190 is amended to read:

29 418.190. (1) As used in this section, “abuse reporting hotline” means a  
30 statewide toll-free telephone number operated by the Department of Human  
31 Services for reporting suspected abuse.

1 (2) The department shall develop and maintain a centralized child abuse  
2 reporting system. The system must include *[the]* **an** abuse reporting hotline  
3 for oral reports of suspected abuse and *[a]* **may include a** website for elec-  
4 tronic reports of suspected child abuse.

5 **SECTION 15.** Section 8, chapter 581, Oregon Laws 2023, is amended to  
6 read:

7 **Sec. 8.** (1) Notwithstanding ORS 419B.005 *[(1)(a)(K)]* **(1)(a)(L)**, at the  
8 conclusion of an investigation under ORS 419B.020, the Department of Hu-  
9 man Services may not *[substantiate]* **find that** an allegation of abuse **based**  
10 **on imposition of a wrongful restraint on a student is founded** against  
11 *[personnel of]* **an individual working or volunteering in** a public education  
12 program *[who have]* **if the individual has** not been trained to the standard  
13 established in ORS 339.300 *[but who impose a restraint on a student if]* **and:**

14 (a) The **wrongful** restraint *[is]* **was** imposed in response to an imminent  
15 risk of *[serious bodily injury]* **severe harm** of any person;

16 (b) The person *[imposing]* **who imposed** the **wrongful** restraint *[does]*  
17 **did** not act with reckless disregard for student safety; and

18 (c) The **wrongful** restraint *[does]* **did** not impose a significant risk of  
19 impeding the student's breathing.

20 (2) Nothing in this section prohibits the department from finding that the  
21 public education program is responsible under *[section 2 of this 2023 Act]*  
22 **ORS 339.296** for abuse arising from the *[untrained personnel's inappropriate*  
23 *use of restraint]* **use of the wrongful restraint by the untrained worker**  
24 **or volunteer.**

25 (3) As used in this section[,]:

26 (a) "Public education program" *[and "restraint" have the meanings given*  
27 *those terms]* **has the meaning given that term** in ORS 339.285.

28 (b) "Severe harm" **has the meaning given that term in ORS**  
29 **419B.005.**

30 (c) "Wrongful restraint" **has the meaning described in section 1 of**  
31 **this 2025 Act.**

1       **SECTION 16.** ORS 419B.005, as amended by section 64, chapter 73,  
2 Oregon Laws 2024, is amended to read:

3       419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-  
4 quires otherwise:

5       (1)(a) “Abuse” means:

6       (A) Any assault, as defined in ORS chapter 163, of a child and any phys-  
7 ical injury to a child that has been caused by other than accidental means,  
8 including any injury that appears to be at variance with the explanation  
9 given of the injury.

10       (B) Any mental injury to a child, which shall include only cruel or  
11 unconscionable acts or statements made, or threatened to be made, to a child  
12 if the acts, statements or threats result in severe harm to the child’s psy-  
13 chological, cognitive, emotional or social well-being [*and*] **or** functioning.

14       (C) Rape of a child, which includes but is not limited to rape, sodomy,  
15 unlawful sexual penetration and incest, as those acts are described in ORS  
16 chapter 163.

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

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

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

28       (ii) Allowing, permitting, encouraging or hiring a child to engage in  
29 prostitution as described in ORS 167.007 or a commercial sex act as defined  
30 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413  
31 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  
2 limited to the failure to provide adequate food, clothing, shelter or medical  
3 care that is likely to endanger the health or welfare of the child.

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

6 (H) Buying or selling a person under 18 years of age as described in ORS  
7 163.537.

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

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

14 *[(K) The restraint or seclusion of a child in violation of ORS 339.285,*  
15 *339.288, 339.291, 339.303 or 339.308.]*

16 *[(L)]* **(K)** The infliction of corporal punishment on a child in violation of  
17 *[ORS 339.250 (9)]* **section 1 of this 2025 Act.**

18 **(L) Wrongful restraint or wrongful seclusion, as described in sec-**  
19 **tion 1 of this 2025 Act, of a child by an individual, as defined in section**  
20 **1 of this 2025 Act.**

21 **(m) Subjecting a child to involuntary servitude or trafficking as**  
22 **described in ORS 163.263, 163.264 or 163.266.**

23 (b) "Abuse" does not include **the** reasonable discipline **of a child** unless  
24 the discipline results in one of the conditions described in paragraph (a) of  
25 this subsection.

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

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

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

29 (3) "Higher education institution" means:

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

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

- 1 (c) The Oregon Health and Science University; and  
2 (d) A private institution of higher education located in Oregon.
- 3 (4)(a) “Investigation” means a detailed inquiry into or assessment of the  
4 safety of a child alleged to have experienced abuse.
- 5 (b) “Investigation” does not include screening activities conducted upon  
6 the receipt of a report.
- 7 (5) “Law enforcement agency” means:
- 8 (a) A city or municipal police department.  
9 (b) A county sheriff’s office.  
10 (c) The Oregon State Police.  
11 (d) A police department established by a university under ORS 352.121 or  
12 353.125.  
13 (e) A county juvenile department.
- 14 (6) “Public or private official” means:
- 15 (a) Physician or physician associate licensed under ORS chapter 677 or  
16 naturopathic physician, including any intern or resident.  
17 (b) Dentist.  
18 (c) School employee, including an employee of a higher education insti-  
19 tution.  
20 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s  
21 aide, home health aide or employee of an in-home health service.  
22 (e) Employee of the Department of Human Services, Oregon Health Au-  
23 thority, Department of Early Learning and Care, Department of Education,  
24 Youth Development Division, the Oregon Youth Authority, a local health  
25 department, a community mental health program, a community develop-  
26 mental disabilities program, a county juvenile department, a child-caring  
27 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-  
28 ment program.
- 29 (f) Peace officer.  
30 (g) Psychologist.  
31 (h) Member of the clergy.



- 1 (i) Regulated social worker.
- 2 (j) Optometrist.
- 3 (k) Chiropractor.
- 4 (L) Certified provider of foster care, or an employee thereof.
- 5 (m) Attorney.
- 6 (n) Licensed professional counselor.
- 7 (o) Licensed marriage and family therapist.
- 8 (p) Firefighter or emergency medical services provider.
- 9 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 10 (r) Child care provider registered or certified under ORS 329A.250 to
- 11 329A.450.
- 12 (s) Elected official of a branch of government of this state or a state
- 13 agency, board, commission or department of a branch of government of this
- 14 state or of a city, county or other political subdivision in this state.
- 15 (t) Physical, speech or occupational therapist.
- 16 (u) Audiologist.
- 17 (v) Speech-language pathologist.
- 18 (w) Employee of the Teacher Standards and Practices Commission directly
- 19 involved in investigations or discipline by the commission.
- 20 (x) Pharmacist.
- 21 (y) Operator of a preschool recorded program under ORS 329A.255.
- 22 (z) Operator of a school-age recorded program under ORS 329A.255.
- 23 (aa) Employee of a private agency or organization facilitating the pro-
- 24 vision of respite services, as defined in ORS 418.205, for parents pursuant to
- 25 a properly executed power of attorney under ORS 109.056.
- 26 (bb) Employee of a public or private organization providing child-related
- 27 services or activities:
  - 28 (A) Including but not limited to an employee of a:
    - 29 (i) Youth group or center;
    - 30 (ii) Scout group or camp;
    - 31 (iii) Summer or day camp;

1 (iv) Survival camp; or

2 (v) Group, center or camp that is operated under the guidance, super-  
3 vision or auspices of a religious, public or private educational system or a  
4 community service organization; and

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

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

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

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

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

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

15 (hh) Individual who is paid by a public body, in accordance with ORS  
16 430.215, to provide a service identified in an individualized service plan of a  
17 child with a developmental disability.

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

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

20 (kk) Behavior analyst or assistant behavior analyst licensed under ORS  
21 676.810 or behavior analysis interventionist registered by the Health Licens-  
22 ing Office under ORS 676.815.

23 **(7) “Severe harm” means:**

24 **(a) Life-threatening damage; or**

25 **(b) Significant or acute injury to a person’s physical, sexual or**  
26 **psychological functioning.**

27 **SECTION 17.** ORS 419B.005, as amended by section 6, chapter 581,  
28 Oregon Laws 2023, and section 65, chapter 73, Oregon Laws 2024, is amended  
29 to read:

30 419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-  
31 quires otherwise:

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

2 (A) Any assault, as defined in ORS chapter 163, of a child and any phys-  
3 ical injury to a child that has been caused by other than accidental means,  
4 including any injury that appears to be at variance with the explanation  
5 given of the injury.

6 (B) Any mental injury to a child, which shall include only cruel or  
7 unconscionable acts or statements made, or threatened to be made, to a child  
8 if the acts, statements or threats result in severe harm to the child's psy-  
9 chological, cognitive, emotional or social well-being [*and*] **or** functioning.

10 (C) Rape of a child, which includes but is not limited to rape, sodomy,  
11 unlawful sexual penetration and incest, as those acts are described in ORS  
12 chapter 163.

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

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

15 (i) Contributing to the sexual delinquency of a minor, as defined in ORS  
16 chapter 163, and any other conduct that allows, employs, authorizes, permits,  
17 induces or encourages a child to engage in the performing for people to ob-  
18 serve or the photographing, filming, tape recording or other exhibition that,  
19 in whole or in part, depicts sexual conduct or contact, as defined in ORS  
20 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a  
21 child or rape of a child, but not including any conduct that is part of any  
22 investigation conducted pursuant to ORS 419B.020 or that is designed to  
23 serve educational or other legitimate purposes; and

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

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

31 (G) Threatened harm to a child, which means subjecting a child to a

1 substantial risk of harm to the child’s health or welfare.

2 (H) Buying or selling a person under 18 years of age as described in ORS  
3 163.537.

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

6 (J) Unlawful exposure to a controlled substance, as defined in ORS  
7 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-  
8 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to  
9 the child’s health or safety.

10 (K) The infliction of corporal punishment on a child in violation of [*ORS*  
11 *339.250 (9)*] **section 1 of this 2025 Act.**

12 **(L) Wrongful restraint or wrongful seclusion, as described in sec-**  
13 **tion 1 of this 2025 Act, of a child by an individual, as defined in section**  
14 **1 of this 2025 Act.**

15 **(m) Subjecting a child to involuntary servitude or trafficking as**  
16 **described in ORS 163.263, 163.264 or 163.266.**

17 (b) “Abuse” does not include **the** reasonable discipline **of a child** unless  
18 the discipline results in one of the conditions described in paragraph (a) of  
19 this subsection.

20 (2) “Child” means an unmarried person who:

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

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

23 (3) “Higher education institution” means:

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

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

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

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

28 (4)(a) “Investigation” means a detailed inquiry into or assessment of the  
29 safety of a child alleged to have experienced abuse.

30 (b) “Investigation” does not include screening activities conducted upon  
31 the receipt of a report.

- 1 (5) “Law enforcement agency” means:
- 2 (a) A city or municipal police department.
- 3 (b) A county sheriff’s office.
- 4 (c) The Oregon State Police.
- 5 (d) A police department established by a university under ORS 352.121 or
- 6 353.125.
- 7 (e) A county juvenile department.
- 8 (6) “Public or private official” means:
- 9 (a) Physician or physician associate licensed under ORS chapter 677 or
- 10 naturopathic physician, including any intern or resident.
- 11 (b) Dentist.
- 12 (c) School employee, including an employee of a higher education insti-
- 13 tution.
- 14 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s
- 15 aide, home health aide or employee of an in-home health service.
- 16 (e) Employee of the Department of Human Services, Oregon Health Au-
- 17 thority, Department of Early Learning and Care, Department of Education,
- 18 Youth Development Division, the Oregon Youth Authority, a local health
- 19 department, a community mental health program, a community develop-
- 20 mental disabilities program, a county juvenile department, a child-caring
- 21 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
- 22 ment program.
- 23 (f) Peace officer.
- 24 (g) Psychologist.
- 25 (h) Member of the clergy.
- 26 (i) Regulated social worker.
- 27 (j) Optometrist.
- 28 (k) Chiropractor.
- 29 (L) Certified provider of foster care, or an employee thereof.
- 30 (m) Attorney.
- 31 (n) Licensed professional counselor.

- 1 (o) Licensed marriage and family therapist.
- 2 (p) Firefighter or emergency medical services provider.
- 3 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 4 (r) Child care provider registered or certified under ORS 329A.250 to  
5 329A.450.
- 6 (s) Elected official of a branch of government of this state or a state  
7 agency, board, commission or department of a branch of government of this  
8 state or of a city, county or other political subdivision in this state.
- 9 (t) Physical, speech or occupational therapist.
- 10 (u) Audiologist.
- 11 (v) Speech-language pathologist.
- 12 (w) Employee of the Teacher Standards and Practices Commission directly  
13 involved in investigations or discipline by the commission.
- 14 (x) Pharmacist.
- 15 (y) Operator of a preschool recorded program under ORS 329A.255.
- 16 (z) Operator of a school-age recorded program under ORS 329A.255.
- 17 (aa) Employee of a private agency or organization facilitating the pro-  
18 vision of respite services, as defined in ORS 418.205, for parents pursuant to  
19 a properly executed power of attorney under ORS 109.056.
- 20 (bb) Employee of a public or private organization providing child-related  
21 services or activities:
  - 22 (A) Including but not limited to an employee of a:
    - 23 (i) Youth group or center;
    - 24 (ii) Scout group or camp;
    - 25 (iii) Summer or day camp;
    - 26 (iv) Survival camp; or
    - 27 (v) Group, center or camp that is operated under the guidance, super-  
28 vision or auspices of a religious, public or private educational system or a  
29 community service organization; and
  - 30 (B) Excluding an employee of a qualified victim services program as de-  
31 fined in ORS 147.600 that provides confidential, direct services to victims of

1 domestic violence, sexual assault, stalking or human trafficking.

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

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

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

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

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

9 (hh) Individual who is paid by a public body, in accordance with ORS  
10 430.215, to provide a service identified in an individualized service plan of a  
11 child with a developmental disability.

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

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

14 (kk) Behavior analyst or assistant behavior analyst licensed under ORS  
15 676.810 or behavior analysis interventionist registered by the Health Licens-  
16 ing Office under ORS 676.815.

17 **(7) “Severe harm” means:**

18 **(a) Life-threatening damage; or**

19 **(b) Significant or acute injury to a person’s physical, sexual or**  
20 **psychological functioning.**

21 **SECTION 18.** ORS 419B.035, as amended by section 68, chapter 73,  
22 Oregon Laws 2024, is amended to read:

23 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170,  
24 192.210 to 192.478 and 192.610 to 192.810 relating to confidentiality and ac-  
25 cessibility for public inspection of public records and public documents, re-  
26 ports and records compiled under the provisions of ORS 419B.010 to 419B.050  
27 are confidential and may not be disclosed except as provided in this section.

28 The Department of Human Services shall make the records available to:

29 (a) Any law enforcement agency or a child abuse registry in any other  
30 state for the purpose of subsequent investigation of child abuse;

31 (b) Any physician, physician associate licensed under ORS 677.505 to

1 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390, at the  
2 request of the physician, physician associate or nurse practitioner, regarding  
3 any child brought to the physician, physician associate or nurse practitioner  
4 or coming before the physician, physician associate or nurse practitioner for  
5 examination, care or treatment;

6 (c) Attorneys of record for the child or child's parent or guardian in any  
7 juvenile court proceeding;

8 (d) Citizen review boards established by the Judicial Department for the  
9 purpose of periodically reviewing the status of children, youths and adjudi-  
10 cated youths under the jurisdiction of the juvenile court under ORS 419B.100  
11 and 419C.005. Citizen review boards may make such records available to  
12 participants in case reviews;

13 (e) A court appointed special advocate in any juvenile court proceeding  
14 in which it is alleged that a child has been subjected to child abuse or neg-  
15 lect;

16 (f) The Department of Early Learning and Care for the purpose of carry-  
17 ing out the functions of the department, including the certification, regis-  
18 tration or regulation of child care facilities and child care providers and the  
19 administration of enrollment in the Central Background Registry;

20 (g) The Office of Children's Advocate;

21 (h) The Teacher Standards and Practices Commission for investigations  
22 conducted under ORS 339.390 or 342.176 involving any child or any student;

23 (i) Any person, upon request to the Department of Human Services, if the  
24 reports or records requested regard an incident in which a child, as the re-  
25 sult of abuse, died or suffered serious physical injury as defined in ORS  
26 161.015. Reports or records disclosed under this paragraph must be disclosed  
27 in accordance with ORS 192.311 to 192.478;

28 (j) The Department of Early Learning and Care for purposes of applica-  
29 tions described in ORS 329A.030 (11)(c)(G) to (J);

30 (k) With respect to a report of abuse occurring at a school or in an edu-  
31 cational setting that involves a child with a disability, Disability Rights



1 Oregon;

2 (L) The Department of Education for purposes of investigations conducted  
3 under ORS 339.391;

4 (m) An education provider for the purpose of making determinations un-  
5 der ORS 339.388; and

6 (n) A national nonprofit organization designated by the Department of  
7 Human Services that provides assistance with locating, recovering or pro-  
8 viding services to children or youth determined by the department to be  
9 missing.

10 (2)(a) When disclosing reports and records pursuant to subsection (1)(i)  
11 of this section, the Department of Human Services may exempt from disclo-  
12 sure the names, addresses and other identifying information about other  
13 children, witnesses, victims or other persons named in the report or record  
14 if the department determines, in written findings, that the safety or well-  
15 being of a person named in the report or record may be jeopardized by dis-  
16 closure of the names, addresses or other identifying information, and if that  
17 concern outweighs the public's interest in the disclosure of that information.

18 (b) If the Department of Human Services does not have a report or record  
19 of abuse regarding a child who, as the result of abuse, died or suffered seri-  
20 ous physical injury as defined in ORS 161.015, the department may disclose  
21 that information.

22 (3) The Department of Human Services may make reports and records  
23 compiled under the provisions of ORS 419B.010 to 419B.050 available to any  
24 person, administrative hearings officer, court, agency, organization or other  
25 entity when the department determines that such disclosure is necessary to  
26 administer its child welfare services and is in the best interests of the af-  
27 fected child, or that such disclosure is necessary to investigate, prevent or  
28 treat child abuse and neglect, to protect children from abuse and neglect or  
29 for research when the Director of Human Services gives prior written ap-  
30 proval. The Department of Human Services shall adopt rules setting forth the  
31 procedures by which it will make the disclosures authorized under this sub-

1 section or subsection (1) or (2) of this section. The name, address and other  
2 identifying information about the person who made the report may not be  
3 disclosed pursuant to this subsection and subsection (1) of this section.

4 (4) A law enforcement agency may make reports and records compiled  
5 under the provisions of ORS 419B.010 to 419B.050 available to other law  
6 enforcement agencies, district attorneys, city attorneys with criminal  
7 prosecutorial functions and the Attorney General when the law enforcement  
8 agency determines that disclosure is necessary for the investigation or  
9 enforcement of laws relating to child abuse and neglect or necessary to de-  
10 termine a claim for crime victim compensation under ORS 147.005 to 147.367.

11 (5)(a) A law enforcement agency, upon completing an investigation and  
12 closing the file in a specific case relating to child abuse or neglect, shall  
13 make reports and records in the case available upon request to:

14 (A) Any law enforcement agency or community corrections agency in this  
15 state, to the Department of Corrections, to the Oregon Youth Authority or  
16 to the State Board of Parole and Post-Prison Supervision for the purpose of  
17 managing and supervising offenders in custody or on probation, parole,  
18 post-prison supervision or other form of conditional or supervised release;  
19 and

20 (B) The Teacher Standards and Practices Commission for investigations  
21 conducted under ORS 339.390 and 342.176.

22 (b) A law enforcement agency may make reports and records compiled  
23 under the provisions of ORS 419B.010 to 419B.050 available to the Oregon  
24 Youth Authority, the Teacher Standards and Practices Commission for in-  
25 vestigations conducted under ORS 339.390 and 342.176, law enforcement,  
26 community corrections, corrections or parole agencies in an open case when  
27 the law enforcement agency determines that the disclosure will not interfere  
28 with an ongoing investigation in the case.

29 (c) The name, address and other identifying information about the person  
30 who made the report may not be disclosed under this subsection or sub-  
31 section (6)(b) of this section.

1 (6)(a) Any record made available to a law enforcement agency or com-  
2 munity corrections agency in this state, to the Department of Corrections,  
3 the Oregon Youth Authority, the State Board of Parole and Post-Prison  
4 Supervision or the Teacher Standards and Practices Commission or to a  
5 physician, physician associate or nurse practitioner in this state, as author-  
6 ized by subsections (1) to (5) of this section, shall be kept confidential by the  
7 agency, department, board, commission, physician, physician associate or  
8 nurse practitioner. Any record or report disclosed by the Department of  
9 Human Services to other persons or entities pursuant to subsections (1) and  
10 (3) of this section shall be kept confidential.

11 (b) Notwithstanding paragraph (a) of this subsection:

12 (A) A law enforcement agency, a community corrections agency, the De-  
13 partment of Corrections, the Oregon Youth Authority and the State Board  
14 of Parole and Post-Prison Supervision may disclose records made available  
15 to them under subsection (5) of this section to each other, to law enforce-  
16 ment, community corrections, corrections and parole agencies of other states  
17 and to authorized treatment providers for the purpose of managing and  
18 supervising offenders in custody or on probation, parole, post-prison super-  
19 vision or other form of conditional or supervised release.

20 (B) The Department of Corrections and the Oregon Youth Authority may  
21 disclose records made available to them under subsection (5) of this section  
22 regarding a person in the custody of the Department of Corrections or the  
23 Oregon Youth Authority to each other, to the court, to the district attorney  
24 and to the person's attorney for the purpose of the person's hearing under  
25 ORS 420A.200 to 420A.206.

26 (C) A person may disclose records made available to the person under  
27 subsection (1)(i) of this section if the records are disclosed for the purpose  
28 of advancing the public interest.

29 (7) Except as provided by ORS 339.389, an officer or employee of the De-  
30 partment of Human Services or of a law enforcement agency or any person  
31 or entity to whom disclosure is made pursuant to subsections (1) to (6) of this

1 section may not release any information not authorized by subsections (1) to  
2 (6) of this section.

3 (8) A record of sexual orientation, gender identity or gender expression,  
4 as defined in ORS 409.225, is exempt from disclosure under subsection (1) of  
5 this section unless:

6 (a) The department determines, in written findings, that failure to disclose  
7 the record is reasonably likely to jeopardize the child's safety or well-being;

8 (b) The department determines, in written findings, that disclosure of the  
9 record is necessary to provide services to the child or the child's family; or

10 (c) The child consents to the disclosure.

11 (9) As used in this section, "law enforcement agency" has the meaning  
12 given that term in ORS 181A.010.

13 (10) A person who violates subsection (6)(a) or (7) of this section commits  
14 a Class A violation.

15 **SECTION 19.** ORS 419B.150 is amended to read:

16 419B.150. (1) As used in this section:

17 (a) "Abuse" has the meaning given that term in ORS 419B.005.

18 (b) "Reasonable cause" means a subjectively and objectively reasonable  
19 belief, given all of the circumstances and based on specific and articulable  
20 facts.

21 (c) "Severe harm" [*means:*]

22 [*(A) Life-threatening damage; or*]

23 [*(B) Significant or acute injury to a person's physical, sexual or psycho-*  
24 *logical functioning.*] **has the meaning given that term in ORS 419B.005.**

25 (2) The following persons are authorized to take a child into protective  
26 custody under this section:

27 (a) A peace officer, as defined in ORS 420.905;

28 (b) A counselor; or

29 (c) An employee of the Department of Human Services.

30 (3)(a) Prior to taking a child into protective custody under this section,  
31 the person taking the child into protective custody shall conduct the inquiry

1 described in ORS 419B.636 to determine whether the person has reason to  
2 know that the child is an Indian child.

3 (b) If the person has reason to know that the child is an Indian child, the  
4 person taking the child into protective custody shall provide the emergency  
5 notification under ORS 419B.639 (1) before taking the child into protective  
6 custody.

7 (4)(a) Except as provided in paragraph (b) of this subsection, a child may  
8 be taken into protective custody without a court order only when there is  
9 reasonable cause to believe that:

10 (A) There is an imminent threat of severe harm to the child;

11 (B) The child poses an imminent threat of severe harm to self or others;

12 or

13 (C) There is an imminent threat that the child's parent or guardian will  
14 cause the child to be beyond the reach of the juvenile court before the court  
15 can order that the child be taken into protective custody under subsection  
16 (7) of this section.

17 (b) If the person has reason to know that the child is an Indian child, the  
18 child may be taken into protective custody without a court order only when  
19 it is necessary to prevent imminent physical damage or harm to the child.

20 (5) A person authorized to take a child into protective custody shall apply  
21 for a protective custody order, as described in subsection (7) of this section,  
22 by submitting a declaration based on information and belief that sets forth  
23 with particularity:

24 (a) Why protective custody is necessary and the least restrictive means  
25 available to:

26 (A) Protect the child from abuse;

27 (B) Prevent the child from inflicting harm on self or others;

28 (C) Ensure that the child remains within the reach of the juvenile court  
29 to protect the child from abuse or to prevent the child from inflicting harm  
30 on self or others; or

31 (D) If the department has reason to know that the child is an Indian

1 child, prevent imminent physical damage or harm to the child.

2 (b) Why protective custody is in the best interests of the child.

3 (6)(a) The applicant under subsection (5) of this section shall deliver the  
4 declaration described in subsection (5) of this section to the juvenile court.

5 (b) At the applicant's request, instead of the declaration described in  
6 subsection (5) of this section, the judge may take an oral statement under  
7 oath. If the applicant makes the oral statement to the judge out of court, the  
8 applicant shall record the oral statement and retain a copy of the recording.  
9 The recording constitutes a declaration for the purposes of subsection (5) of  
10 this section.

11 (7) The juvenile court may order that a child be taken into protective  
12 custody if, after reviewing the declaration described in subsection (5) of this  
13 section, the court:

14 (a) Determines that the person complied with the inquiry requirements  
15 under ORS 419B.636;

16 (b) Makes a finding, subject to the procedures under ORS 419B.636 (4),  
17 regarding whether there is reason to know that the child is an Indian child;

18 (c) If the court finds that there is reason to know that the child is an  
19 Indian child, determines that the person complied with the notice require-  
20 ments under ORS 419B.639 (1);

21 (d) Determines that protective custody is necessary and the least restric-  
22 tive means available to:

23 (A) Protect the child from abuse;

24 (B) Prevent the child from inflicting harm on self or others;

25 (C) Ensure that the child remains within the reach of the juvenile court  
26 to protect the child from abuse or prevent the child from inflicting harm on  
27 self or others;

28 (D) Ensure the safety of a child who has run away from home; or

29 (E) If the court finds that there is reason to know that the child is an  
30 Indian child, prevent imminent physical damage or harm to the child; and

31 (e) Determines that protective custody is in the best interests of the child.

1 (8) When the court issues a protective custody order under subsection (7)  
2 of this section, the court may transmit the signed order to the applicant by  
3 a form of electronic communication approved by the court that delivers a  
4 complete printable image of the signed order. The court shall file the original  
5 order in the court record.

6 **SECTION 20.** ORS 430.735, as amended by section 73, chapter 73, Oregon  
7 Laws 2024, is amended to read:

8 430.735. As used in ORS 430.735 to 430.765:

9 (1) "Abuse" means one or more of the following:

10 (a) Abandonment, including desertion or willful forsaking of an adult or  
11 the withdrawal or neglect of duties and obligations owed an adult by a  
12 caregiver or other person.

13 (b) Any physical injury to an adult caused by other than accidental  
14 means, or that appears to be at variance with the explanation given of the  
15 injury.

16 (c) Willful infliction of physical pain or injury upon an adult.

17 (d) Sexual abuse.

18 (e) Neglect.

19 (f) Verbal abuse of an adult.

20 (g) Financial exploitation of an adult.

21 (h) Involuntary seclusion of an adult for the convenience of the caregiver  
22 or to discipline the adult.

23 (i) A wrongful use of a physical or chemical restraint upon an adult, ex-  
24 cluding an act of restraint prescribed by a physician licensed under ORS  
25 chapter 677, physician associate licensed under ORS 677.505 to 677.525,  
26 naturopathic physician licensed under ORS chapter 685 or nurse practitioner  
27 licensed under ORS 678.375 to 678.390 and any treatment activities that are  
28 consistent with an approved treatment plan or in connection with a court  
29 order.

30 (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,  
31 163.415, 163.425, 163.427, 163.465 or 163.467.

1 (k) Any death of an adult caused by other than accidental or natural  
2 means.

3 *[(L) The restraint or seclusion of an adult with a developmental disability*  
4 *in violation of ORS 339.288, 339.291 or 339.308.]*

5 *[(m) The infliction of corporal punishment on an adult with a develop-*  
6 *mental disability in violation of ORS 339.250 (9).]*

7 (2) "Adult" means a person 18 years of age or older:

8 (a) With a developmental disability who is currently receiving services  
9 from a community program or facility or who was previously determined el-  
10 igible for services as an adult by a community program or facility;

11 (b) With a severe and persistent mental illness who is receiving mental  
12 health treatment from a community program; or

13 (c) Who is receiving services for a substance use disorder or a mental  
14 illness in a facility or a state hospital.

15 (3) "Adult protective services" means the necessary actions taken to pre-  
16 vent abuse or exploitation of an adult, to prevent self-destructive acts and  
17 to safeguard the adult's person, property and funds, including petitioning for  
18 a protective order as defined in ORS 125.005. Any actions taken to protect  
19 an adult shall be undertaken in a manner that is least intrusive to the adult  
20 and provides for the greatest degree of independence.

21 (4) "Caregiver" means an individual, whether paid or unpaid, or a facility  
22 that has assumed responsibility for all or a portion of the care of an adult  
23 as a result of a contract or agreement.

24 (5) "Community program" includes:

25 (a) A community mental health program or a community developmental  
26 disabilities program as established in ORS 430.610 to 430.695; or

27 (b) A provider that is paid directly or indirectly by the Oregon Health  
28 Authority to provide mental health treatment in the community.

29 (6) "Facility" means a residential treatment home or facility, residential  
30 care facility, adult foster home, residential training home or facility or crisis  
31 respite facility.



1 (7) “Financial exploitation” means:

2 (a) Wrongfully taking the assets, funds or property belonging to or in-  
3 tended for the use of an adult.

4 (b) Alarming an adult by conveying a threat to wrongfully take or ap-  
5 propriate money or property of the adult if the adult would reasonably be-  
6 lieve that the threat conveyed would be carried out.

7 (c) Misappropriating, misusing or transferring without authorization any  
8 money from any account held jointly or singly by an adult.

9 (d) Failing to use the income or assets of an adult effectively for the  
10 support and maintenance of the adult.

11 (8) “Intimidation” means compelling or deterring conduct by threat.

12 (9) “Law enforcement agency” means:

13 (a) Any city or municipal police department;

14 (b) A police department established by a university under ORS 352.121 or  
15 353.125;

16 (c) Any county sheriff’s office;

17 (d) The Oregon State Police; or

18 (e) Any district attorney.

19 (10) “Neglect” means:

20 (a) Failure to provide the care, supervision or services necessary to  
21 maintain the physical and mental health of an adult that may result in  
22 physical harm or significant emotional harm to the adult;

23 (b) Failure of a caregiver to make a reasonable effort to protect an adult  
24 from abuse; or

25 (c) Withholding of services necessary to maintain the health and well-  
26 being of an adult that leads to physical harm of the adult.

27 (11) “Public or private official” means:

28 (a) Physician licensed under ORS chapter 677, physician associate li-  
29 censed under ORS 677.505 to 677.525, naturopathic physician, psychologist  
30 or chiropractor, including any intern or resident;

31 (b) Licensed practical nurse, registered nurse, nurse’s aide, home health

1 aide or employee of an in-home health service;

2 (c) Employee of the Department of Human Services or Oregon Health  
3 Authority, local health department, community mental health program or  
4 community developmental disabilities program or private agency contracting  
5 with a public body to provide any community mental health service;

6 (d) Peace officer;

7 (e) Member of the clergy;

8 (f) Regulated social worker;

9 (g) Physical, speech or occupational therapist;

10 (h) Information and referral, outreach or crisis worker;

11 (i) Attorney;

12 (j) Licensed professional counselor or licensed marriage and family ther-  
13 apist;

14 (k) Any public official;

15 (L) Firefighter or emergency medical services provider;

16 (m) Elected official of a branch of government of this state or a state  
17 agency, board, commission or department of a branch of government of this  
18 state or of a city, county or other political subdivision in this state;

19 (n) Personal support worker, as defined in ORS 410.600;

20 (o) Home care worker, as defined in ORS 410.600; or

21 (p) Individual paid by the Department of Human Services to provide a  
22 service identified in an individualized service plan of an adult with a devel-  
23 opmental disability.

24 (12) "Services" includes but is not limited to the provision of food,  
25 clothing, medicine, housing, medical services, assistance with bathing or  
26 personal hygiene or any other service essential to the well-being of an adult.

27 (13)(a) "Sexual abuse" means:

28 (A) Sexual contact with a nonconsenting adult or with an adult consid-  
29 ered incapable of consenting to a sexual act under ORS 163.315;

30 (B) Sexual harassment, sexual exploitation or inappropriate exposure to  
31 sexually explicit material or language;

1 (C) Any sexual contact between an employee of a facility or paid  
2 caregiver and an adult served by the facility or caregiver;

3 (D) Any sexual contact between an adult and a relative of the adult other  
4 than a spouse;

5 (E) Any sexual contact that is achieved through force, trickery, threat  
6 or coercion; or

7 (F) Any sexual contact between an individual receiving mental health or  
8 substance abuse treatment and the individual providing the mental health  
9 or substance abuse treatment.

10 (b) "Sexual abuse" does not mean consensual sexual contact between an  
11 adult and a paid caregiver who is the spouse of the adult.

12 (14) "Sexual contact" has the meaning given that term in ORS 163.305.

13 (15) "Verbal abuse" means to threaten significant physical or emotional  
14 harm to an adult through the use of:

15 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity  
16 or ridicule; or

17 (b) Harassment, coercion, threats, intimidation, humiliation, mental cru-  
18 elty or inappropriate sexual comments.

19

20 **CHILD-CARING AGENCY REGULATION**

21

22 **SECTION 21.** ORS 418.205 is amended to read:

23 418.205. As used in ORS 418.205 to 418.327, 418.330, 418.470, 418.475, 418.950  
24 to 418.970 and 418.992 to 418.998, unless the context requires otherwise:

25 (1) "Child" means an unmarried person under 21 years of age who resides  
26 in or receives care or services from a child-caring agency.

27 (2)(a) "Child-caring agency" means:

28 (A) Any private school, private agency, private organization or county  
29 program providing:

30 (i) **Psychiatric** day treatment for children [*with emotional disturbances*];

31 (ii) Adoption placement services;

1 (iii) Residential care, including but not limited to foster care or residen-  
2 tial treatment for children;

3 (iv) Residential care in combination with academic education and  
4 therapeutic care, including but not limited to treatment for emotional, be-  
5 havioral or mental health disturbances;

6 (v) Outdoor youth programs; or

7 (vi) Other similar care or services for children.

8 (B) Any private organization or person that provides secure transporta-  
9 tion services as defined in ORS 418.241 during any segment of a child's trip  
10 to or from a child-caring agency, certified foster home as defined in ORS  
11 418.241 or developmental disabilities residential facility as defined in ORS  
12 418.241, if the route of the child's trip begins or ends in this state.

13 (b) "Child-caring agency" includes the following:

14 (A) A shelter-care home that is not a foster home subject to ORS 418.625  
15 to 418.645;

16 (B) An independent residence facility as described in ORS 418.475 that  
17 meets the standards established by the Department of Human Services by  
18 rule to be considered a child-caring agency;

19 (C) A private residential boarding school; **and**

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

21 [*E*] *A secure nonemergency medical transportation provider, as defined in*  
22 *ORS 418.241*].

23 (c) "Child-caring agency" does not include:

24 (A) Residential facilities or foster care homes certified or licensed by the  
25 Department of Human Services under ORS 443.400 to 443.455, 443.830 and  
26 443.835 for children receiving developmental disability services;

27 (B) Any private agency or organization facilitating the provision of re-  
28 spite services for parents pursuant to a properly executed power of attorney  
29 under ORS 109.056. For purposes of this subparagraph, "respite services"  
30 means the voluntary assumption of short-term care and control of a minor  
31 child without compensation or reimbursement of expenses for the purpose

1 of providing a parent in crisis with relief from the demands of ongoing care  
2 of the parent's child;

3 (C) A youth job development organization as defined in ORS 344.415;

4 (D) A shelter-care home that is a foster home subject to ORS 418.625 to  
5 418.645;

6 (E) A foster home subject to ORS 418.625 to 418.645;

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

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

12 **(H) A private organization or person that provides nonemergency**  
13 **medical secure transportation services or nonemergency medical**  
14 **transportation services subject to rules adopted by the Oregon Health**  
15 **Authority; or**

16 **(I) An ambulance service as defined in ORS 682.025.**

17 (3) "Child-caring facility" has the meaning given that term in ORS  
18 418.950.

19 (4)(a) "County program" means any county operated program that pro-  
20 vides care or services to children:

21 (A) In the custody of the Department of Human Services or the Oregon  
22 Youth Authority; or

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

24 (b) "County program" does not include any local juvenile detention fa-  
25 cility that receives state services provided and coordinated by the Depart-  
26 ment of Corrections under ORS 169.070.

27 (5) "Governmental agency" means an executive, legislative or judicial  
28 agency, department, board, commission, authority, institution or  
29 instrumentality of this state or of a county, municipality or other political  
30 subdivision of this state.

31 (6) "Independent residence facility" means a facility as described in ORS

1 418.475.

2 **(7) “Management” means the individuals at the highest levels of an**  
3 **organization’s leadership who have significant responsibility for the**  
4 **operations, finances and overall governance of the organization.**

5 [(7)(a)] **(8)(a)** “Outdoor youth program” means a program that provides,  
6 in an outdoor living setting, services to children who have behavioral prob-  
7 lems, mental health problems or problems with abuse of alcohol or drugs.

8 (b) “Outdoor youth program” does not include any program, facility or  
9 activity:

10 (A) Operated by a governmental entity;

11 (B) Operated or affiliated with the Oregon Youth Corps;

12 (C) Licensed by the Department of Human Services under other authority  
13 of the department; or

14 (D) Operated by a youth job development organization as defined in ORS  
15 344.415.

16 [(8)] **(9)** “Private” means not owned, operated or administered by any  
17 governmental agency or unit.

18 [(9)] **(10)** “Private residential boarding school” means either of the fol-  
19 lowing as the context requires:

20 (a) A child-caring agency that is a private school that provides residential  
21 care in combination with academic education and therapeutic care, including  
22 but not limited to treatment for emotional, behavioral or mental health dis-  
23 turbances; or

24 (b) A private school providing residential care that is primarily engaged  
25 in educational work under ORS 418.327.

26 [(10)] **(11)** “Proctor foster home” means a foster home certified by a  
27 child-caring agency under ORS 418.248 that is not subject to ORS 418.625 to  
28 418.645.

29 [(11)] **(12)** “Provider of care or services for children” means a person, en-  
30 tity or organization that provides care or services to children, regardless of  
31 whether the child is in the custody of the Department of Human Services,

1 and that does not otherwise meet the definition of, or requirements for, a  
2 child-caring agency. “Provider of care or services for children” includes a  
3 proctor foster home certified by a child-caring agency under ORS 418.248.

4 [(12)] (13) “Qualified residential treatment program” means a program  
5 described in ORS 418.323.

6 [(13)] (14) “Shelter-care home” has the meaning given that term in ORS  
7 418.470.

8 **SECTION 22.** ORS 418.215 is amended to read:

9 418.215. (1) A child-caring agency may not provide or engage in any care  
10 or services described in ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to  
11 418.970 unless the agency is licensed, certified or otherwise authorized to  
12 provide or engage in the provision of care or services to a child by the De-  
13 partment of Human Services under ORS 418.205 to 418.327, 418.470, 418.475  
14 or 418.950 to 418.970.

15 (2) A child-caring agency that provides care or services to a child may  
16 not be licensed, certified or authorized under ORS 418.205 to 418.327, 418.470,  
17 418.475 or 418.950 to 418.970 unless the agency:

18 (a) Is duly incorporated under the corporation laws of any state;

19 (b) **Is a domestic limited liability company or a foreign limited li-**  
20 **ability company, as those terms are defined in ORS 60.001; or**

21 [(b)] (c) Is a county program.

22 **SECTION 23.** ORS 418.240 is amended to read:

23 418.240. (1) All child-caring agencies shall obtain from the Department of  
24 Human Services a license, certificate or other authorization to provide care  
25 or services to children under ORS 418.205 to 418.327, 418.470, 418.475 or  
26 418.950 to 418.970. The criteria for issuance, renewal, suspension or revoca-  
27 tion of, or for placing conditions on, a license, certificate or authorization  
28 under this section must:

29 (a) Be set forth in rules adopted by the department;

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

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

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

3 (B) The employment of capable, trained or experienced staff that meet  
4 minimum staffing requirements.

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

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

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

9 (F) That the child-caring agency is or will be in compliance with the  
10 standards of care and treatment established in rules adopted by the depart-  
11 ment.

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

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

16 (B) The agency complies with abuse reporting and investigation require-  
17 ments.

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

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

22 (E) The agency provides appropriate food services.

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

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

26 (H) The agency or the agency's employees or agents have not engaged in  
27 financial mismanagement.

28 (I) The agency fully and timely corrects violations and maintains stan-  
29 dards in accordance with any plan of correction imposed by the department.

30 (J) The agency provides access as required under ORS 418.305 to a child  
31 or the agency's premises to the department or the department's employees,



1 investigators, court appointed special advocates, attorneys for a child or  
2 other authorized persons or entities.

3 (K) The agency provides the department with true copies of records re-  
4 lating to incidents involving the restraint or involuntary seclusion of chil-  
5 dren in care as required under ORS 418.526 (2).

6 (b) The department may suspend, revoke or place conditions on a license,  
7 certificate or authorization of a child-caring agency if the department finds  
8 the agency is not in full compliance with any one or more of the full com-  
9 pliance requirements listed in paragraph (a) of this subsection.

10 (c) The department must take immediate steps to **place conditions on**,  
11 suspend or revoke the license, certificate or other authorization of a child-  
12 caring agency, if any of the following are found to exist:

13 (A) There has been the death of a child as a result of abuse or neglect  
14 on the part of the agency or any of the agency's employees or agents.

15 (B) There has been sexual or physical abuse or neglect of a child in the  
16 agency's care or custody that was known to the [*agency and the agency did*  
17 *not take immediate steps to report the abuse or neglect and to ensure the*  
18 *child's safety*] **agency's management and the agency's management**  
19 **failed to take immediate steps to ensure the child's safety and to en-**  
20 **sure that a report of child abuse was made.**

21 (C) The [*agency*] **agency's management** failed to cooperate fully with  
22 any local, state or federal regulatory entity's investigation of the agency or  
23 the agency's operations or employees.

24 (D) The [*agency*] **agency's management** failed to provide financial  
25 statements as required under ORS 418.255.

26 (d) If any of the circumstances described in paragraph (c) of this sub-  
27 section exists, the department may immediately place conditions on the li-  
28 cense, certificate or authorization of the child-caring agency prior to a  
29 hearing if, consistent with ORS 183.430, the department finds there is a se-  
30 rious danger to the public health or safety and sets forth specific reasons for  
31 such findings.

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

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

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

18 (A) The circumstances that led to the notice of intent to suspend or re-  
19 voke;

20 (B) The actions taken by the child-caring agency, the Department of Hu-  
21 man Services, the Attorney General, the Oregon Youth Authority and the  
22 Oregon Health Authority in response to the circumstances leading to the  
23 notice of intent to suspend or revoke;

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

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

31 (c) In making a decision to rescind a notice of intent to suspend or revoke

1 under this subsection, the decision must be based solely on the health and  
2 safety of the children served by the child-caring agency. Systemwide capacity  
3 of the child welfare system may not be considered as an element of the de-  
4 cision.

5 (d) For three years after a notice of intent to suspend or revoke is  
6 rescinded under this subsection, the child-caring agency must apply for a  
7 renewal of the child-caring agency's license, certificate or other authori-  
8 zation on an annual basis.

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

11 (A) The Governor; and

12 (B) The committees of the Legislative Assembly relating to child welfare.

13 (4) The department may immediately place conditions on any license,  
14 certificate or authorization issued under this section, including but not lim-  
15 ited to placing full or partial restrictions on admission of children, tempo-  
16 rary suspension, limitation of operations subject to an intent to revoke and  
17 limitation of operations subject to correction of violations as specified in a  
18 plan of correction imposed by the department. The department shall imme-  
19 diately notify any state or governmental agency or unit that has a contract  
20 with the child-caring agency to provide care or services to a child, and the  
21 governing board, trustees, owners, managers, operators or other appropriate  
22 authorities responsible for the child-caring agency, of conditions placed by  
23 the department on the child-caring agency's license, certificate or authori-  
24 zation under this section.

25 (5) If applicable, an applicant shall submit written proof of compliance  
26 with the notification requirements in ORS 336.575.

27 (6) The department may not charge a fee for inspections leading to deci-  
28 sions regarding, and issuance of, licenses, certifications or authorizations  
29 under this section, but may impose fees to cover costs of related inspections  
30 done for the department by other governmental agencies.

31 (7) Except as provided in subsection (3) of this section, a license, certif-

1 icate or authorization issued by the department under this section shall be  
2 valid for a period of two years, unless suspended or revoked sooner by the  
3 department. However, the department at any time may require amendments  
4 to an existing license, certificate or authorization to accommodate changes  
5 in the factors upon which the issuance was based.

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

9 (a) The director shall issue an interim emergency order without notice,  
10 or with reasonable notice under the circumstances, requiring the agency to  
11 correct the conditions and ensure the safety of children in the care of the  
12 agency. The interim emergency order shall remain in force until a final or-  
13 der, after a hearing, has been entered in accordance with ORS chapter 183.

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

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

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

22 (9) If the director, the director's designee or the department becomes  
23 aware through any means that a child-caring agency, or an owner, operator  
24 or employee of a child-caring agency, is the subject of an investigation by  
25 another state agency, law enforcement agency or federal agency, the director  
26 or director's designee shall [*take immediate steps to cause an investigation to*  
27 *take place into the circumstances surrounding the investigation and whether*  
28 *there is a threat to a child, or whether a child is at risk, at the child-caring*  
29 *agency. Upon determination of the level of threat or risk to children at the*  
30 *agency, the director shall take appropriate steps to protect and ensure the*  
31 *health, safety and welfare of children as necessary under the circumstances.*

1 *Failure to comply with the requirements of this subsection constitutes grounds*  
2 *for a charge of official misconduct in the second degree under ORS 162.405.]*  
3 **take immediate steps to assess the circumstances surrounding the in-**  
4 **vestigation. If the director or the director’s designee determines that**  
5 **a condition exists that seriously endangers the health, safety or wel-**  
6 **fare of a child who is receiving care or services at a child-caring**  
7 **agency, the director or the director’s designee shall take appropriate**  
8 **steps to protect and ensure the health, safety and welfare of children**  
9 **as necessary under the circumstances.**

10 (10) If the Department of Justice or Bureau of Labor and Industries  
11 commences an investigation of a child-caring agency or an owner, operator  
12 or employee of a child-caring agency, the Department of Justice or Bureau  
13 of Labor and Industries shall notify, inform and regularly update the direc-  
14 tor, the director’s designee or such other personnel in the Department of  
15 Human Services designated to receive such information regarding the inves-  
16 tigation. The director and the department shall immediately undertake the  
17 responsive action required by subsection (9) of this section upon receiving  
18 such notification. Interference with, discouragement of or impediment to the  
19 receipt of the notification, information and updates required under this sub-  
20 section constitutes official misconduct in the second degree under ORS  
21 162.405.

22 (11) The Department of Human Services shall adopt rules to implement  
23 the provisions of this section.

24 **SECTION 24.** ORS 418.255 is amended to read:

25 418.255. (1) The Department of Human Services shall inspect and super-  
26 vise all child-caring agencies subject to ORS 418.205 to 418.327, 418.470,  
27 418.475 or 418.950 to 418.970 as provided in this section.

28 (2) Inspections of the premises of a child-caring agency shall occur no less  
29 frequently than once per year and shall be made at unexpected times, with  
30 irregular intervals between inspections and without previous notice to the  
31 agency. Inspections under this subsection shall be limited to premises where

1 children reside and receive care or services from employees or staff who do  
2 not reside on the premises.

3 (3)(a) Except as provided in paragraph (c) of this subsection, a child-  
4 caring agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950  
5 to 418.970 that has annual revenues in excess of \$1 million shall provide the  
6 Department of Human Services, at such times as the department specifies by  
7 rule, with annual financial statements that have been audited by an inde-  
8 pendent certified public accountant and a tax compliance certificate issued  
9 by the Department of Revenue.

10 (b) Except as provided in paragraph (c) of this subsection, a child-caring  
11 agency subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970  
12 that has annual revenues of \$1 million or less shall provide the Department  
13 of Human Services, upon request or at such times as the department specifies  
14 by rule, with financial statements that have been reviewed by an independent  
15 certified public accountant and a tax compliance certificate issued by the  
16 Department of Revenue.

17 (c) A child-caring agency subject to ORS 418.205 to 418.327, 418.470,  
18 418.475 or 418.950 to 418.970 that provides [*adoption placement*] services but  
19 does not provide care to a child and does not receive public funds shall  
20 provide the Department of Human Services, upon request or at such times  
21 as the department specifies by rule, with a tax compliance certificate issued  
22 by the Department of Revenue.

23 (d) Information in financial statements and tax compliance certificates  
24 submitted to the Department of Human Services under this subsection is a  
25 public record and open for inspection by any person without order of a court.

26 (e) The Department of Revenue shall adopt rules to implement the pro-  
27 visions of this subsection pertaining to tax compliance certificates.

28 (4) The Department of Human Services may conduct an audit, including  
29 a forensic audit, of any child-caring agency subject to ORS 418.205 to 418.327,  
30 418.470, 418.475 or 418.950 to 418.970 to determine compliance with ORS  
31 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970. The department may,

1 upon request at any time, inspect and audit the books and records, including  
2 but not limited to financial records, of the agency. An audit or inspection  
3 under this subsection shall be at the expense of the department.

4 (5) Failure to permit an inspection, whether of the premises or of the  
5 books and records of the child-caring agency, or failure to provide the fi-  
6 nancial statements, as required by this section is grounds for the immediate  
7 suspension or revocation of a license, certificate or authorization under ORS  
8 418.240 and for the denial of issuance of a license, certificate or other au-  
9 thorization by the Department of Human Services.

10 (6) The Department of Human Services may advise the operators, owners  
11 and employees of child-caring agencies subject to ORS 418.205 to 418.327,  
12 418.470, 418.475 or 418.950 to 418.970 in regard to approved methods of child  
13 care, recommended housing and equipment and appropriate methods to  
14 maintain adequate records of operations.

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

19 (a) Child-caring agencies;

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

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

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

25 **SECTION 25.** ORS 418.256 is amended to read:

26 418.256. (1) A child-caring [*agency*] **agency's management** may not [*in-*  
27 *terfere with*] **attempt to prevent** the good faith disclosure of information  
28 by an employee or volunteer concerning the abuse [*or mistreatment*] of a  
29 child in the care of the child-caring agency, violations of licensing or certi-  
30 fication requirements, criminal activity at the child-caring agency, violations  
31 of state or federal laws or any practice that threatens the health and safety

1 of a child in the care of the child-caring agency to:

2 (a) The Department of Human Services, a law enforcement agency or  
3 other entity with legal or regulatory authority over the child-caring agency;  
4 or

5 (b) A family member, guardian or other person who is acting on behalf  
6 of the child.

7 (2) A child-caring [*agency interferes with*] **agency's management at-**  
8 **tempts to prevent** the disclosure of the information described in subsection  
9 (1) of this section by:

10 (a) Asking or requiring the employee or volunteer to sign a nondisclosure  
11 or similar agreement prohibiting the employee or volunteer from disclosing  
12 the information;

13 (b) Training [*an*] **the** employee or volunteer not to disclose the informa-  
14 tion; [*or*]

15 (c) Taking actions or communicating to the employee or volunteer that  
16 the employee or volunteer may not disclose the information; **or**

17 (d) **Taking any other action with the intent to dissuade the em-**  
18 **ployee or volunteer from making a good faith disclosure of the infor-**  
19 **mation.**

20 (3) The department may revoke or suspend the license, certification or  
21 authorization of a child-caring agency that is found to have violated sub-  
22 section (1) of this section.

23 (4) The department shall adopt rules to carry out the provisions of this  
24 section.

25 (5) This section does not authorize the disclosure of:

26 (a) Protected health information, as defined in ORS 192.556, other than  
27 as is permitted by the federal Health Insurance Portability and Account-  
28 ability Act privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to  
29 192.581 or by other state or federal laws limiting the disclosure of health  
30 information; or

31 (b) Information protected under ORS 419A.255 and 419A.257.



1        **SECTION 26.** ORS 418.258 is amended to read:

2        418.258. (1) When the Department of Human Services [*becomes aware of*  
3 *a report of suspected child abuse of a child in care, whether in the form of an*  
4 *allegation, complaint or formal report made under this section, and whether*  
5 *made directly to the Director of Human Services, the department or an em-*  
6 *ployee of the department, to the centralized child abuse reporting system de-*  
7 *scribed in ORS 418.190, through the mandatory abuse reporting process set*  
8 *forth in ORS 419B.005 to 419B.050 or otherwise] **receives, through the***

9 **centralized child abuse reporting system described in ORS 418.190, a**  
10 **report of abuse of a child in care by an employee of a child-caring**  
11 **agency, a developmental disabilities residential facility, an adjudicated**  
12 **youth foster home, a certified foster home or a proctor foster home**  
13 **or by an individual who operates an adjudicated youth foster home, a**  
14 **certified foster home or a proctor foster home, the department shall im-**  
15 **mediately:**

16        (a) Notify appropriate personnel within the department, including but not  
17 limited to employees responsible for licensing, certifying or authorizing  
18 child-caring agencies, **adjudicated youth foster homes**, certified foster  
19 homes and developmental disabilities residential facilities.

20        (b) Notify any governmental agency that has a contract with the child-  
21 caring agency, **adjudicated youth foster home**, certified foster home or  
22 developmental disabilities residential facility to provide care or services to  
23 the child in care.

24        (c) Notify the placement authorities of any other state that retains juris-  
25 diction over a child in care receiving care or services from the child-caring  
26 agency, **adjudicated youth foster home**, certified foster home or develop-  
27 mental disabilities residential facility.

28        (d) Commence an investigation to determine whether the report of sus-  
29 pected abuse is substantiated, unsubstantiated or inconclusive under ORS  
30 418.259 if:

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

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

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

7 (e) Report to a law enforcement agency any crime that the department  
8 has reason to believe has occurred with respect to a child in care or at a  
9 child-caring agency, **a proctor foster home, an adjudicated youth foster**  
10 **home, a certified foster home or a developmental disabilities residential fa-**  
11 **cility** even if the suspected crime is not related to a report of abuse made  
12 under this section.

13 (2)(a) As a condition for issuance or renewal of a license, certificate or  
14 authorization to a child-caring agency, **an adjudicated youth foster home,**  
15 **a certified foster home or a developmental disabilities residential facility,**  
16 the department shall require and verify that the child-caring agency, **adju-**  
17 **dicated youth foster home,** certified foster home or developmental disa-  
18 bilities residential facility has procedures and protocols that:

19 (A) Require employees of the child-caring agency, a proctor foster home  
20 certified by the child-caring agency, **the adjudicated youth foster home,**  
21 the certified foster home or the developmental disabilities residential facility  
22 to immediately report suspected abuse of a child in care to the [*director, the*  
23 *director's designee or personnel within the department who have been specif-*  
24 *ically designated to receive reports of abuse of children in care*] **centralized**  
25 **child abuse reporting system described in ORS 418.190;**

26 (B) Mandate that the child-caring agency, **adjudicated youth foster**  
27 **home,** certified foster home or developmental disabilities residential facility  
28 provide an annual training and written materials that include information  
29 about the centralized child abuse reporting system described in ORS 418.190,  
30 and that the agency, home or facility advise and educate employees of the  
31 child-caring agency and any proctor foster home certified by the child-caring

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

4 (C) Inform employees of child-caring agencies, proctor foster homes, **ad-**  
 5 **judicated youth foster homes**, certified foster homes and developmental  
 6 disabilities residential facilities that the duty to report abuse of a child in  
 7 care is personal to the employee and that the duty is not fulfilled by re-  
 8 porting the abuse to the owner, operator or any other employee of the  
 9 child-caring agency, proctor foster home, **adjudicated youth foster home**,  
 10 certified foster home or developmental disabilities residential facility even  
 11 if the owner, operator or other employee reports the abuse of a child in care  
 12 to the director, the director's designee or the department.

13 (b) A child-caring agency, **an adjudicated youth foster home**, a certi-  
 14 fied foster home or a developmental disabilities residential facility need not  
 15 develop and maintain procedures and protocols or provide an annual training  
 16 and written materials under paragraph (a) of this subsection if the agency,  
 17 home or facility does not have any employees, staff or volunteers.

18 (3) Interference or hindering an investigation of abuse of a child in care,  
 19 including but not limited to the intimidation of witnesses, falsification of  
 20 records or denial or limitation of interviews with the child in care who is  
 21 the subject of the investigation or with witnesses, may constitute grounds  
 22 for the revocation, suspension or placing of conditions on the license, cer-  
 23 tificate or other authorization of a child-caring agency, a proctor foster  
 24 home, **an adjudicated youth foster home**, a certified foster home or a de-  
 25 velopmental disabilities residential facility.

26 (4)(a) Anyone, including but not limited to an employee of a child-caring  
 27 agency, a proctor foster home, **an adjudicated youth foster home**, a cer-  
 28 tified foster home or a developmental disabilities residential facility, who  
 29 makes a report of suspected abuse of a child in care [*to the Governor, the*  
 30 *Department of Justice, the Director of Human Services, the director's designee*  
 31 *or the department*] under this section **to the centralized child abuse re-**

1 **porting system described in ORS 418.190** in good faith and who has rea-  
2 sonable grounds for the making of the report shall have immunity:

3 (A) From any liability, civil or criminal, that might otherwise be incurred  
4 or imposed with respect to the making or content of such report;

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

6 (C) With respect to participating in any judicial proceeding resulting from  
7 or involving the report.

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

13 **SECTION 27.** ORS 418.259 is amended to read:

14 418.259. (1) The investigation conducted by the Department of Human  
15 Services under ORS 418.258 must result in one of the following findings:

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

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

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

23 (2) When a report is received under ORS 418.258 alleging that a child in  
24 care may have been subjected to abuse, the department shall notify the case  
25 managers for the child, the attorney for the child, the child's court appointed  
26 special advocate, the parents or guardians of the child, any attorney repre-  
27 senting a parent or guardian of the child and any governmental agency that  
28 has a contract with the child-caring agency or developmental disabilities  
29 residential facility to provide care or services to the child that a report has  
30 been received.

31 (3)(a) The department may interview the child in care who is the subject

1 of suspected abuse and any witnesses, including other children, without the  
2 presence of employees of the child-caring agency, proctor foster home or de-  
3 velopmental disabilities residential facility, the provider of services at a  
4 certified foster home **or an adjudicated youth foster home** or department  
5 personnel. The department shall inform the child in care that the child may  
6 have the child's parent or guardian, if the child has not been committed to  
7 the custody of the department or the Oregon Youth Authority, or attorney  
8 present when participating in an interview conducted in the course of an  
9 abuse investigation.

10 (b) When investigating an allegation of inappropriate use of restraint or  
11 involuntary seclusion, 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  
14 other reports related to the restraint or involuntary seclusion of the child  
15 in care;

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

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

22 (E) Review the training records related to all of the individuals who were  
23 involved in the use of restraint or involuntary seclusion; and

24 (F) Make all reasonable efforts to conduct trauma-informed interviews of  
25 each child witness, including the child in care who is the subject of sus-  
26 pected abuse unless the investigator makes a specific determination that the  
27 interview may significantly traumatize the child and is not in the best in-  
28 terests of the child.

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

31 (a) The Director of Human Services.

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

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

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

11 (e) The parents or guardians of the child in care who is the subject of the  
12 abuse report and investigation if the child in care has not been committed  
13 to the custody of the department or the youth authority. Notification under  
14 this paragraph may not include any details or information other than that  
15 a report of abuse has been substantiated.

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

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

20 (5) The department shall report on a quarterly basis to the interim legis-  
21 lative committees on child welfare for the purposes of public review and  
22 oversight of the quality and safety of child-caring agencies, **adjudicated**  
23 **youth foster homes**, certified foster homes and developmental disabilities  
24 residential facilities that are licensed, certified or authorized by the depart-  
25 ment in this state and of proctor foster homes that are certified by the  
26 child-caring agencies. Information provided in reports under this subsection  
27 may not contain the name or any identifying information of a child in care  
28 but must contain all of the following:

29 (a) *[The name of any child-caring agency, including an out-of-state child-*  
30 *caring agency, proctor foster home or developmental disabilities residential*  
31 *facility, or, provided there are five or more certified foster homes in the county,*

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

5 **(A) The name of any child-caring agency, including an out-of-state**  
6 **child-caring agency, proctor foster home or developmental disabilities**  
7 **residential facility where the investigation was conducted;**

8 **(B) The name of the county in which a certified foster home is lo-**  
9 **cated if the investigation involved the certified foster home and there**  
10 **are five or more certified foster homes in the county; or**

11 **(C) The name of the county in which an adjudicated youth foster**  
12 **home is located if the investigation involved the adjudicated youth**  
13 **foster home and there are five or more adjudicated youth foster homes**  
14 **in the county;**

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

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

18 (d) Whether the abuse resulted in [*a reportable injury, sexual abuse or*  
19 *death*] **the death of a child in care;**

20 **(e) Whether the abuse was known to the agency's management and**  
21 **the agency's management failed to make a reasonable effort to protect**  
22 **the child in care from abuse;**

23 [(e)] (f) Corrective actions taken or ordered by the department and the  
24 outcome of the corrective actions; and

25 [(f)] (g) Information the department received in that quarter regarding  
26 any substantiated allegations of child abuse made by any other state in-  
27 volving a congregate care residential setting, as defined in ORS 418.322, in  
28 which the department has placed Oregon children.

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

31 (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  
2 children in care that quarter;

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

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

7 (e) The number of incidents in which an individual who was not appro-  
8 priately trained in the use of the restraint used on a child in care in a pro-  
9 gram; and

10 (f) The number of incidents that were reported for potential inappropriate  
11 use of restraint.

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

18 (8) As used in this section, "program," "reportable injury" and  
19 "restraint" have the meanings given those terms in ORS 418.519.

20 **SECTION 28.** ORS 418.260 is amended to read:

21 418.260. (1) If the Department of Human Services receives a report or  
22 otherwise becomes aware that any suspected or founded abuses, deficiencies,  
23 violations or failures to comply with the full compliance requirements de-  
24 scribed in ORS 418.240 are occurring in a child-caring agency, whether as a  
25 part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the  
26 department shall immediately notify appropriate personnel within the de-  
27 partment, including but not limited to employees responsible for licensing,  
28 certifying or authorizing child-caring agencies, who shall [*investigate and*]  
29 **assess the circumstances and** take appropriate action without undue de-  
30 lay, with primary concern given to the health, safety and welfare of the  
31 children for whom the child-caring agency is responsible. The department



1 may notify law enforcement agencies as necessary to coordinate and assist  
2 in the investigation and enforcement of corrective actions undertaken by the  
3 department. If the child-caring agency is known or found to serve children  
4 also served by the Oregon Youth Authority, county juvenile departments or  
5 developmental disabilities services within the department, the department  
6 shall notify those entities of the report or suspected or founded abuses, de-  
7 ficiencies, violations or failures.

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

25 (3) If the department determines at any time [*during or after an investi-*  
26 *gation that the abuses, deficiencies, violations or failures to comply are or*  
27 *threaten a serious danger to any child or to the public, or place a child at risk*  
28 *with respect to the child's health, safety or welfare,*] **that the abuses, defi-**  
29 **ciencies, violations or failures to comply seriously endanger the**  
30 **health, safety or welfare of any child or the public, or threaten to do**  
31 **so**, the department may immediately suspend or revoke the child-caring

1 agency's license, certificate or authorization, subject to the provisions of  
2 ORS chapter 183. The department shall immediately notify any governmental  
3 agency that has a contract with the child-caring agency to provide care or  
4 services to a child of any suspension or revocation of the license, certificate  
5 or other authorization of the child-caring agency under this subsection and  
6 of any conditions placed on the child-caring agency's license, certificate or  
7 authorization pursuant to ORS 418.240. The department shall immediately  
8 report the alleged deficiencies or violations to the governmental agency and  
9 the governing board responsible for the oversight of the child-caring agency.

10 (4) If the department determines that the abuses, deficiencies, violations  
11 or failures to comply [*are founded*] **occurred** and the department imposes a  
12 plan of correction that the child-caring agency does not comply with in the  
13 time allotted for correction, the department shall immediately notify the  
14 following of the failure of the child-caring agency to comply with the plan  
15 of correction:

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

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

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

22 (5)(a) Any employee of the department that has reasonable cause to be-  
23 lieve that a child-caring agency has [*committed an abuse or*] incurred a defi-  
24 ciency or violation, or that grounds for immediate suspension or revocation  
25 of a license, certificate or authorization exist under ORS 418.240, and that  
26 such [*abuse,*] deficiency, violation or grounds is or threatens a danger to any  
27 child at the child-caring agency or to the public, or places a child at risk  
28 with respect to the child's health, safety or welfare, is required to imme-  
29 diately inform the [*Director of Human Services, the director's designee or such*  
30 *other personnel in the department designated to receive such information*]  
31 **Department of Human Services employees who are responsible for li-**

1 **censing, certifying or authorizing child-caring agencies.** Upon receipt  
2 of an employee report under this subsection, the director and department  
3 personnel shall immediately [*commence an investigation and*] take all rea-  
4 sonably prudent and necessary actions to ensure the health, safety and wel-  
5 fare of children at the child-caring agency. [*Failure to commence an*  
6 *investigation and take actions as required by this subsection constitutes official*  
7 *misconduct in the second degree under ORS 162.405.*]

8 **(b) An employee’s duty to report under this subsection is in addition**  
9 **to, and not in lieu of, the employee’s duty to report suspected abuse**  
10 **under ORS 419B.010.**

11 **SECTION 29.** ORS 418.992 is amended to read:

12 418.992. (1) In addition to any other liability or penalty provided by law,  
13 the Director of Human Services may impose a civil penalty:

14 (a) On a child-caring agency that is subject to ORS 418.205 to 418.327,  
15 418.470, 418.475 or 418.950 to 418.970 for any of the following:

16 (A) Violation of any of the terms or conditions of a license, certificate  
17 or other authorization issued under ORS 418.205 to 418.327, 418.470, 418.475  
18 or 418.950 to 418.970.

19 (B) Violation of any rule adopted by, or general order of, the Department  
20 of Human Services that pertains to a child-caring agency.

21 (C) Violation of any final order of the director that pertains specifically  
22 to the child-caring agency.

23 (D) Violation of the requirement to have a license, certificate or other  
24 authorization under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to  
25 418.970.

26 (b) On a secure transportation services provider, as defined in ORS  
27 418.241, that violates the disclosure requirement described in ORS 418.241.

28 (2) The director shall impose a civil penalty not to exceed \$500, unless  
29 otherwise required by law, on any child-caring agency for falsifying records,  
30 reports, documents or financial statements or for causing another person to  
31 do so.

1 [(3) *The director shall impose a civil penalty of not less than \$250 nor more*  
2 *than \$500, unless otherwise required by law, on a child-caring facility that*  
3 *assumes care or custody of, or provides care or services to, a child knowing*  
4 *that the child's care needs exceed the license, certificate or authorization clas-*  
5 *sification of the child-caring agency if the assumption of care or custody, or*  
6 *provision of care or services, places that child's health, safety or welfare at*  
7 *risk.*]

8 [(4)] (3) Unless the health, safety or welfare of a child is at risk, the di-  
9 rector in every case shall prescribe a reasonable time for elimination of a  
10 violation:

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

12 (b) In cases where the violation requires more than 45 days to correct,  
13 such time as is specified in a plan of correction found acceptable by the di-  
14 rector.

15 [(5)] (4) A civil penalty imposed under this section may be remitted or  
16 reduced upon such terms and conditions as the director considers proper and  
17 consistent with the public health and safety.

18 [(6)] (5) The department shall adopt rules establishing objective criteria  
19 for the imposition and amount of civil penalties under ORS 418.992 to  
20 418.998.

21 **SECTION 30.** ORS 418.995 is amended to read:

22 418.995. In imposing a penalty pursuant to ORS 418.992, the Director of  
23 Human Services shall consider the following factors:

24 (1) The past history of the child-caring agency incurring a penalty in  
25 taking all feasible steps or procedures necessary or appropriate to correct  
26 any violation.

27 (2) Any prior violations of statutes or rules pertaining to child-caring  
28 agencies.

29 (3) The economic and financial conditions of the child-caring agency in-  
30 ccurring the penalty.

31 (4) The immediacy and extent to which the violation [*threatens or places*

1 *at risk the health, safety and well-being of the children]* **seriously endangers**  
2 **the health, safety or welfare of a child or the public, or threatens to**  
3 **do so.**

4  
5 **OUT-OF-STATE PLACEMENTS OF CHILDREN**

6  
7 **SECTION 31.** ORS 418.321 is amended to read:

8 418.321. (1) **Except as provided in subsection (7) of this section and**  
9 subject to ORS 418.322, the Department of Human Services may place a child  
10 in an out-of-state child-caring agency only if:

11 (a) The out-of-state child-caring agency is licensed to provide or engage  
12 in the provision of care or services by the department under ORS 418.205 to  
13 418.327 and complies with the licensing requirements under ORS 418.215;

14 (b) The department has a current contract with the child-caring agency;  
15 and

16 (c) The department's contract with the child-caring agency meets the cri-  
17 teria under subsection (3) of this section.

18 (2)(a) The department shall license an out-of-state child-caring agency  
19 pursuant to the same licensure requirements the department would impose  
20 if the out-of-state child-caring agency was located in this state.

21 (b) Notwithstanding paragraph (b) of Article V of the Interstate Compact  
22 on the Placement of Children and ORS 417.230, the department may not del-  
23 egate the department's licensing, visitation, inspection, investigation or  
24 supervision of an out-of-state child-caring agency licensed by the department  
25 to provide care or services to an Oregon child **unless the out-of-state**  
26 **child-caring agency is an adoption agency or foster care agency, or a**  
27 **provider of similar services, utilized for the purpose of placements in**  
28 **compliance with paragraph (b) of Article V of the Interstate Compact**  
29 **on the Placement of Children and ORS 417.230.**

30 (3)(a) The department shall review the department's contract with an  
31 out-of-state child-caring agency prior to placing a child with the child-caring

1 agency.

2 (b) The contract must, at a minimum, meet the following criteria:

3 (A) At the time the contract is executed, the child-caring agency must  
4 provide the department with a current list of every entity for which the  
5 child-caring agency is providing placement services.

6 (B) No later than 15 days after accepting placement of a child from a new  
7 entity, the child-caring agency must notify the department in writing of the  
8 child-caring agency's association with the new entity. The notice must in-  
9 clude the name and contact information of the new entity and the name and  
10 contact information of an individual associated with the new entity.

11 (C) The child-caring agency must make mandatory reports of child abuse,  
12 as defined in ORS 418.257 and 419B.005, involving Oregon children both to  
13 the centralized child abuse reporting system described in ORS 418.190 and  
14 as required under the laws of the state in which the child-caring agency is  
15 located.

16 (D) The child-caring agency must allow the department full access to the  
17 child-caring agency's facilities, residents, records and personnel as necessary  
18 for the department to conduct child abuse investigations and licensing ac-  
19 tivities or investigations.

20 (E) The child-caring agency must notify the department in writing no  
21 later than three business days after any state determines that an allegation  
22 of child abuse or a license violation involving the child-caring agency is  
23 founded, regardless of whether the child abuse or violation involves an  
24 Oregon child.

25 (F) The child-caring agency must notify the department in writing no  
26 later than three business days after the child-caring agency receives notice  
27 from any other state imposing a restriction on placement of children with  
28 the child-caring agency, suspending or revoking the child-caring agency's li-  
29 cense with that state or indicating the state's intent to suspend or revoke  
30 the child-caring agency's license with that state.

31 (G) The child-caring agency must notify the department immediately,

1 verbally and in writing:

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

4 (ii) When the child-caring agency becomes aware of any criminal investi-  
5 gation, arrest or criminal charges involving an agency staff member if the  
6 alleged offense involved a child or could have reasonably posed a risk to the  
7 health, safety or welfare of a child.

8 (H) Except with respect to protected information described in ORS 418.256  
9 (5), the child-caring agency may not ask or require an employee or volunteer  
10 to sign a nondisclosure or other agreement prohibiting the employee or vol-  
11 unteer from the good faith disclosure of information concerning the abuse  
12 or mistreatment of a child who is in the care of the child-caring agency, vi-  
13 olations of licensing or certification requirements, criminal activity at the  
14 child-caring agency, violations of state or federal laws or any practice that  
15 threatens the health and safety of a child in the care of the child-caring  
16 agency.

17 (I) The child-caring agency must ensure staffing ratio and staff training  
18 and education requirements that meet, at a minimum, the standards set by  
19 the department by rule for intensive behavioral support services.

20 (J) The child-caring agency must meet all of the program, discipline, be-  
21 havior support, supervision and child rights requirements adopted by the  
22 department by rule for behavioral rehabilitation services provided in this  
23 state.

24 (K) The child-caring agency may not practice conversion therapy, as de-  
25 fined in ORS 675.850.

26 (L) The child-caring agency must identify a child by the child's preferred  
27 name and pronouns and may not implement a dress code that prohibits or  
28 requires clothing on the basis of biological sex.

29 (M) Genetic testing, including testing for psychopharmacological pur-  
30 poses, must be approved by a court and may not be included as a standing  
31 order for a child in care.

1 (N) Neither the child-caring agency nor its contractors or volunteers may  
2 use chemical or mechanical restraints on a child, including during secure  
3 transport.

4 (O) The child-caring agency must ensure that the use of any psychotropic  
5 medications for a child placed with the child-caring agency by the depart-  
6 ment is in compliance with ORS 418.517 and any rules regarding psychotropic  
7 medications adopted by the department.

8 (4) The department shall develop rules outlining a process for review of  
9 the out-of-state placement of a child who is identified as a child with an in-  
10 tellectual or developmental disability or who is suspected of having an in-  
11 tellectual or developmental disability. At a minimum, the rules must:

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

14 (b) Require that a multidisciplinary review team, including administrators  
15 in the developmental disability services program, review the placement be-  
16 fore the child is placed out-of-state.

17 (c) Require that a multidisciplinary team, including administrators in the  
18 developmental disability services program, monitor the progress of the child  
19 in the out-of-state placement.

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

23 (5)(a) A department child welfare services employee must accompany a  
24 child who is placed in an out-of-state child-caring agency any time the child  
25 is transported to an initial out-of-state placement, any time the child is  
26 moved to a new placement and any time the child is moved by secure trans-  
27 port.

28 (b) Notwithstanding paragraph (a) of this subsection, if a child placed in  
29 an out-of-state child-caring agency requires secure transport from the out-  
30 of-state placement due to an emergency, a department child welfare services  
31 employee is not required to accompany the child if the time it would take



1 for the employee to travel to the child's out-of-state location would pose a  
2 risk to the health, safety or welfare of the child. If a department child wel-  
3 fare services employee does not accompany a child transported to an alter-  
4 nate out-of-state placement, as provided in this paragraph, the child welfare  
5 services employee must immediately travel to meet the child at the new  
6 out-of-state facility.

7 (6)(a) As used in this subsection, "juvenile offender" means a person un-  
8 der 18 years of age who has or is alleged to have committed an act that is  
9 a violation, or, if done by an adult, would constitute a violation, of a law  
10 or ordinance of the United States or a county or city in this state.

11 (b) Except as provided in paragraph (c) of this subsection, the department  
12 may not place a child in an out-of-state child-caring agency if the child-  
13 caring agency provides care to juvenile offenders.

14 (c) The department may place a child in an out-of-state child-caring  
15 agency that provides care to juvenile offenders if:

16 (A) The child-caring agency is a qualified residential treatment program  
17 licensed by the department;

18 (B) The child-caring agency maintains site-specific accreditation from a  
19 nationally recognized organization;

20 (C) The child being placed is a juvenile offender; and

21 (D) Prior to the hearing to approve the placement, the court and all par-  
22 ties to the dependency case have been informed of the nature of the services  
23 offered by the program and of the population served by the program, and the  
24 court, having considered the nature of the services and composition of the  
25 facility population and the report of the qualified individual, has found that  
26 placement in the facility is the least restrictive setting available to appro-  
27 priately meet the child's treatment needs.

28 **(7)(a) Notwithstanding ORS 418.322, the department may place a**  
29 **child in an out-of-state placement that does not meet the licensing or**  
30 **contract requirements under subsection (1) of this section and is not**  
31 **a qualified residential treatment program as described in ORS 418.323**

1 **if:**

2 **(A)(i) The child requires specialized placement and no suitable**  
3 **child-caring agency placements are available in this state;**

4 **(ii) The placement is authorized by the responsible Medicaid entity**  
5 **for coverage by Medicaid or is otherwise medically necessary and ap-**  
6 **propriate for the child; and**

7 **(iii) The child resides in a placement subject to the Interstate**  
8 **Compact on the Placement of Children that is a child-caring agency,**  
9 **is medically necessary and appropriate for the child and is located in**  
10 **the same state as or a neighboring state to the out-of-state placement;**

11 **(B) The out-of-state placement is requested by the child's Tribe or**  
12 **is a youth regional treatment center funded by the Indian Health**  
13 **Service;**

14 **(C) The placement is an out-of-state child-caring agency, the child**  
15 **resides in a placement subject to the Interstate Compact on the**  
16 **Placement of Children that is located in the same state as or a**  
17 **neighboring state to the child-caring agency and the child-caring**  
18 **agency provides the types of inpatient treatment, medical care or**  
19 **services that the child requires; or**

20 **(D) The out-of-state placement is approved by an adoption agency**  
21 **or foster care agency in the state of placement and the adoption**  
22 **agency or foster care agency provides licensing services in compliance**  
23 **with paragraph (b) of Article V of the Interstate Compact on the**  
24 **Placement of Children and ORS 417.230; or**

25 **(E) The nearest medically necessary and appropriate services or**  
26 **placement to the child's community is in a neighboring state and ac-**  
27 **cessing services or placement out of state maintains the child's con-**  
28 **nection to the child's community.**

29 **(b) The out-of-state placement of a child under this subsection is**  
30 **not subject to subsection (4), (5) or (6) of this section or court approval**  
31 **under ORS 419B.351.**

1       **(c) The department may not place a child in an out-of-state place-**  
2 **ment under this subsection unless the department has verified that**  
3 **the placement is in good standing with the licensing authority in the**  
4 **state in which the placement will provide services to the child.**

5       **(d) When the department places a child in an out-of-state place-**  
6 **ment under this subsection, the department shall provide written no-**  
7 **tice of the placement to the office of the Governor and the System of**  
8 **Care Advisory Council within seven days following the date of place-**  
9 **ment.**

10       **SECTION 32.** ORS 418.322 is amended to read:

11       418.322. (1) As used in this section:

12       (a) “Congregate care residential setting” means any setting that cares for  
13 more than one child or ward and is not a setting described in ORS 418.205  
14 (2)(c)(A), (D), (E) or (F) or [(10)] **(11)**.

15       (b) “Sex trafficking” means the recruitment, harboring, transportation,  
16 provision, obtaining, patronizing or soliciting of a person under 18 years of  
17 age for the purpose of a commercial sex act, as defined in ORS 163.266, or  
18 the recruitment, harboring, transportation, provision or obtaining of a person  
19 over 18 years of age using force, fraud or coercion for the purpose of a  
20 commercial sex act, as defined in ORS 163.266.

21       (2) The Department of Human Services may place a child or ward in a  
22 congregate care residential setting only if the setting is:

23       (a) A child-caring agency, as defined in ORS 418.205, a hospital, as defined  
24 in ORS 442.015, or a rural hospital, as defined in ORS 442.470; and

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

26       (3) Notwithstanding subsection (2) of this section, the department may  
27 place a child or ward in a child-caring agency that is not a qualified resi-  
28 dential treatment program if:

29       (a) The child-caring agency is providing prenatal, postpartum or parenting  
30 supports to the child or ward.

31       (b) The child or ward is placed in an independent residence facility de-

1 scribed in ORS 418.475 that is licensed by the department as a child-caring  
2 agency.

3 (c) The child or ward is, or is at risk of becoming, a victim of sex traf-  
4 ficking and the child-caring agency is providing high-quality residential care  
5 and supportive services to the child or ward.

6 (d) The Oregon Health Authority has approved the placement as medically  
7 necessary and the child-caring agency:

8 (A) Is a residential care facility;

9 (B) Is licensed by the authority and maintains site-specific accreditation  
10 from a nationally recognized organization to provide psychiatric treatment  
11 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  
14 treatment program licensed or certified by the State of Oregon to provide  
15 residential care, and the court has approved, or approval is pending for, the  
16 placement in the child-caring agency of each child or ward over whom the  
17 department retains jurisdiction.

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

20 (g) The child-caring agency is a residential care facility licensed by the  
21 department that provides short-term assessment and stabilization services.

22 (h) The child-caring agency is a shelter-care home, as defined in ORS  
23 418.470, that provides short-term assessment and stabilization services.

24 (i) The child-caring agency is a homeless, runaway or transitional living  
25 shelter licensed by the department that provides short-term assessment and  
26 stabilization services.

27 (j) The ward is 18 years of age or older and the child-caring agency is a  
28 residential treatment facility or a residential home licensed or certified by  
29 the department or the Oregon Health Authority.

30 **(k) The responsible Medicaid entity has approved the placement as**  
31 **medically necessary and appropriate.**

1 (4)(a) The department may not place a child or ward in a residential care  
2 facility or shelter-care home described in subsection (3)(g) or (h) of this sec-  
3 tion:

4 [(a)] (A) For more than 60 consecutive days or 90 cumulative days in a  
5 12-month period, **unless the limits for the duration of the placement are**  
6 **extended as provided in paragraph (b) of this subsection;** or

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

11 (b) **The department may extend the limits for the duration of**  
12 **placement of a child or ward under paragraph (a) of this subsection:**

13 (A) **As requested by the child or ward; or**

14 (B) **By up to 30 consecutive and 30 cumulative days in a 12-month**  
15 **period if the department determines that the extension is in the best**  
16 **interest of the child or ward.**

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

20 (6) Calculations of the number of days a child or ward is placed in a  
21 shelter-care home under subsection (3)(h) of this section or a homeless, run-  
22 away or transitional living shelter under subsection (3)(i) of this section ex-  
23 clude the days the child or ward is in the shelter-care home or shelter if the  
24 child or ward:

25 (a) Accessed the shelter-care home or shelter without the support or di-  
26 rection of the department; and

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

28 (7)(a) Nothing in this section prohibits the Oregon Youth Authority from  
29 placing an adjudicated youth committed to its custody in a placement that  
30 is not a qualified residential treatment program.

31 (b) Nothing in this section prohibits the Oregon Youth Authority or a

1 county juvenile department from placing an adjudicated youth or a youth  
2 served by the Oregon Youth Authority or the county juvenile department in  
3 shelter care or detention under ORS chapter 419C.

4 **(8) The Department of Human Services and the Oregon Health Au-**  
5 **thority shall submit quarterly narrative reports to the System of Care**  
6 **Advisory Council describing the circumstances that justify the place-**  
7 **ments in the previous quarter of any children or wards in child-caring**  
8 **agencies that are not qualified residential treatment programs, as**  
9 **permitted under subsection (3)(k) of this section, and any placement**  
10 **extensions authorized under subsection (4)(b) of this section.**

11 **SECTION 33.** ORS 419B.335 is amended to read:

12 419B.335. **(1)** The Department of Human Services shall provide the fol-  
13 lowing information [*regarding out-of-state placements of children and wards*  
14 *on a website maintained by the department and updated monthly*] **on a**  
15 **quarterly basis to the System of Care Advisory Council regarding**  
16 **placements of children or wards in out-of-state facilities:**

17 [(1) *The name of each out-of-state facility in which children or wards placed*  
18 *by the department are currently receiving services;*]

19 [(2)] **(a)** The [*city and*] state in which each facility is located;

20 [(3)] **(b)** The name of any parent organization for each facility;

21 [(4)] **(c)** The name of each facility's accreditation agency;

22 [(5)] **(d)** The **total** number of children or wards placed by the department  
23 [*currently receiving services from*] **in** each facility;

24 [(6) *The total number of children or wards currently receiving services from*  
25 *each facility;*]

26 [(7)] **(e)** The daily rate charged by each facility for each child or ward;  
27 **and**

28 [(8) *The name of the face-to-face contracting agency, including the city and*  
29 *state in which it is located;*]

30 [(9) *Whether each facility provides services to adjudicated youths or the*  
31 *resident state's equivalent of adjudicated youths;*]

1 [(10) Demographic information about all children or wards the department  
2 currently has placed in out-of-state facilities, including but not limited to age,  
3 gender or gender identity, race, ethnicity, tribal status and, if disclosed by the  
4 child or ward, sexual orientation;]

5 [(11) The number of children or wards the department currently has placed  
6 in out-of-state facilities who have autism, intellectual disabilities or develop-  
7 mental disabilities; and]

8 [(12) Aggregate travel costs for the department to support out-of-state  
9 placements during the previous month.]

10 **(f) A brief narrative description of the circumstances in which an**  
11 **out-of-state placement was determined to be in the best interests of a**  
12 **child or ward.**

13 **(2) Information provided in reports under this section may not**  
14 **contain any identifying information of a child or ward, including the**  
15 **name of the child or ward.**

16 **SECTION 34.** ORS 418.500 is amended to read:

17 418.500. Subject to ORS 418.322, if the Department of Human Services  
18 determines that need exists for care and treatment of a child who is eligible  
19 for such care and treatment that is not available through any public or pri-  
20 vate agency or facility in this state, it may enter into an agreement with a  
21 public or private agency outside this state for the purchase of care for the  
22 child. **Except as provided in ORS 418.322**, such agreements shall contain  
23 the matter described in ORS 418.321 and 418.495 and shall apply to children  
24 described therein.

25

26 **OLDER CHILDREN IN CARE**

27

28 **SECTION 35.** ORS 418.475 is amended to read:

29 418.475. (1) Within the limit of moneys appropriated therefor, the De-  
30 partment of Human Services may establish, license, certify or authorize in-  
31 dependent residence facilities for unmarried persons who:

- 1 (a)(A) Are at least 16 years of age and not older than 20 years of age;  
2 (B) Have been placed in at least one substitute care resource;  
3 (C) Have been determined by the department to possess the skills and  
4 level of responsibility required for the transition to adulthood;  
5 (D) Have received permission from the appropriate juvenile court, if they  
6 are wards of the court; and  
7 (E) Have been determined by the department to be suitable for an inde-  
8 pendent living program; or

- 9 (b)(A) Are at least 16 years of age and not older than 24 years of age;  
10 (B) At any time after attaining 14 years of age experienced homelessness  
11 for an aggregate of six months;  
12 (C) While experiencing homelessness as described in subparagraph (B) of  
13 this paragraph, received services from an organization contracted by the de-  
14 partment to provide services to homeless persons or from a host home, as  
15 defined by the department by rule; and  
16 (D) Last received the services described in subparagraph (C) of this par-  
17 agraph after attaining 16 years of age.

18 (2) Independent residence facilities shall provide independent housing ar-  
19 rangements with counseling services and minimal supervision available from  
20 at least one counselor.

21 (3) Each resident shall be required to maintain a department approved  
22 independent living plan consisting of education, employment or volunteer  
23 activities, or a combination thereof, *and shall be required to pay a portion*  
24 *or all of the resident's housing expenses and other support costs. The depart-*  
25 *ment may approve an exception to the requirements of this subsection for rea-*  
26 *sons of temporary loss of employment or of other financial support].*

27 (4) The department may make payment grants directly to persons enrolled  
28 in an independent living program who, at a minimum, meet the requirements  
29 described in subsection (1)(a)(A) to (C) or (b) of this section for food, shelter,  
30 clothing, transportation and incidental expenses. The payment grants shall  
31 be subject to an agreement between the person and the department that es-



1 tablishes a budget of expenses.

2 (5) The department may establish cooperative financial management  
3 agreements with a person enrolled in an independent living program and for  
4 that purpose may enter into joint bank accounts requiring two signatures for  
5 withdrawals. The management agreements or joint accounts may not subject  
6 the department or any counselor involved to any liability for debts or other  
7 responsibilities of the person.

8 (6) The department shall make periodic reports to the juvenile court as  
9 required by the court regarding any ward of the court who is enrolled in an  
10 independent living program.

11 (7) The enrollment of a person in an independent living program in ac-  
12 cordance with the provisions of subsection (1) of this section or making  
13 payment grants under subsection (4) of this section does not remove or limit  
14 in any way the obligation of the parent of the person to pay support as or-  
15 dered by a court under the provisions of ORS 419B.400.

16 **SECTION 36.** ORS 418.016 is amended to read:

17 418.016. (1) To protect the health and safety of children who are in the  
18 custody of the Department of Human Services and who may be placed in a  
19 foster home or adoptive home or with a relative caregiver, the department  
20 shall adopt rules pursuant to ORS 181A.195 and ORS chapter 418 to require  
21 that criminal records checks be conducted under ORS 181A.195 on:

22 (a) All persons who seek to be foster parents, adoptive parents or relative  
23 caregivers; and

24 (b) **Any** other individuals over 18 years of age who will be in the house-  
25 hold of the foster parent, adoptive parent or relative caregiver.

26 (2) Rules adopted under subsection (1) of this section shall include:

27 (a) A requirement that persons who have been convicted of crimes listed  
28 in the rules adopted by the Oregon Department of Administrative Services  
29 under ORS 181A.215 are disqualified from becoming a foster parent, adoptive  
30 parent or relative caregiver; and

31 (b) A provision that the Department of Human Services may approve a

1 person who has been convicted of certain crimes listed in the rules if the  
2 person demonstrates to the department that:

3 (A) The person possesses the qualifications to be a foster parent or  
4 adoptive parent regardless of having been convicted of a listed crime; or

5 (B) The disqualification would create emotional harm to the child for  
6 whom the person is seeking to become a foster parent, adoptive parent or  
7 relative caregiver and placement of the child with the person would be a safe  
8 placement that is in the best interests of the child.

9 **(3) The department by rule may exempt an individual from the**  
10 **criminal records check requirement under subsection (1)(b) of this**  
11 **section if the individual was placed in the household by the depart-**  
12 **ment.**

13

14

## REPORTS

15

16 **SECTION 37. The System of Care Advisory Council shall study the**  
17 **implementation of section 1 of this 2025 Act and the amendments to**  
18 **ORS 339.285, 339.288, 339.291, 339.296, 418.016, 418.190, 418.205, 418.215,**  
19 **418.240, 418.241, 418.255, 418.256, 418.257, 418.258, 418.259, 418.260, 418.321,**  
20 **418.322, 418.475, 418.500, 418.519, 418.521, 418.523, 418.526, 418.529, 418.532,**  
21 **418.992, 418.995, 419B.005, 419B.035, 419B.150, 419B.335 and 430.735 and**  
22 **section 8, chapter 581, Oregon Laws 2023, by sections 2 through 36 of**  
23 **this 2025 Act by the Department of Human Services and the Oregon**  
24 **Youth Authority and analyze the effects of that implementation. The**  
25 **council shall submit a report in the manner provided by ORS 192.245,**  
26 **and may include recommendations for legislation, to the interim**  
27 **committees of the Legislative Assembly related to health care and**  
28 **human services no later than September 15, 2026.**

29 **SECTION 38. (1) The quarterly reports described in ORS 418.322 (8)**  
30 **are first due April 1, 2026.**

31 **(2) The quarterly reports described in ORS 419B.335 are first due**

1 **April 1, 2026.**

2

3

**MISCELLANEOUS**

4

5 **SECTION 39. Section 1 of this 2025 Act is repealed on January 2,**  
6 **2027.**

7 **SECTION 40. The unit captions used in this 2025 Act are provided**  
8 **only for the convenience of the reader and do not become part of the**  
9 **statutory law of this state or express any legislative intent in the**  
10 **enactment of this 2025 Act.**

11 **SECTION 41. This 2025 Act being necessary for the immediate**  
12 **preservation of the public peace, health and safety, an emergency is**  
13 **declared to exist, and this 2025 Act takes effect on passage.**

14

\_\_\_\_\_