

SB 1521-3
(LC 78)
2/2/24 (LAS/ps)

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1521**

1 On page 1 of the printed bill, line 2, after “individuals;” insert “creating
2 new provisions;” and delete “418.257” and insert “418.205, 418.210, 418.322.”

3 Delete pages 3 and 4 and insert:

4 **“SECTION 2.** ORS 418.205 is amended to read:

5 “418.205. As used in ORS 418.205 to 418.327, 418.330, 418.470, 418.475,
6 418.950 to 418.970 and 418.992 to 418.998, unless the context requires other-
7 wise:

8 “(1) ‘Child’ means an unmarried person under 21 years of age who resides
9 in or receives care or services from a child-caring agency.

10 “(2)(a) ‘Child-caring agency’ means:

11 “(A) Any private school, private agency, private organization or county
12 program providing:

13 “(i) Day treatment for children with emotional disturbances;

14 “(ii) Adoption placement services;

15 “(iii) Residential care, including but not limited to foster care or resi-
16 dential treatment for children;

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

20 “(v) Outdoor youth programs; [or]

21 **“(vi) Placement safety, stability or crisis services for children who**

1 are in the protective, temporary or legal custody of the Department
2 of Human Services under ORS chapter 419B or 419C, including:

3 “(I) Overnight care and supervision, including respite care, tempo-
4 rary care following a placement disruption, temporary care during
5 implementation of a safety plan or temporary care in an emergency
6 situation where a placement has not been identified or is unavailable
7 for the child;

8 “(II) Supervision and support to enhance placement stability, pre-
9 vent placement disruption or ensure the safety of the child and others;
10 or

11 “(III) Services to help a substitute care provider manage the needs
12 of the child, including coordination of services, accompanying the
13 child to medical or mental health appointments, transportation to
14 school, to treatments or to activities, or supporting or training the
15 provider to implement the child’s treatment plans, behavior support
16 plans or school support plans; or

17 “[*vi*] (vii) Other similar care or services for children.

18 “(B) Any private organization or person that provides secure transporta-
19 tion services as defined in ORS 418.241 during any segment of a child’s trip
20 to or from a child-caring agency, certified foster home as defined in ORS
21 418.241 or developmental disabilities residential facility as defined in ORS
22 418.241, if the route of the child’s trip begins or ends in this state.

23 “(b) ‘Child-caring agency’ includes the following:

24 “(A) A shelter-care home that is not a foster home subject to ORS 418.625
25 to 418.645;

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

29 “(C) A private residential boarding school;

30 “(D) A child-caring facility as defined in ORS 418.950; and

1 “(E) A secure nonemergency medical transportation provider, as defined
2 in ORS 418.241.

3 “(c) ‘Child-caring agency’ does not include:

4 “(A) Residential facilities or foster care homes certified or licensed by the
5 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
6 443.835 for children receiving developmental disability services;

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

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

15 “(D) A shelter-care home that is a foster home subject to ORS 418.625 to
16 418.645;

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

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

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

23 **“(H) A private school, private agency, private organization or**
24 **county program that provides, subject to rules adopted by the depart-**
25 **ment, in-home services to children with intellectual or developmental**
26 **disabilities.**

27 “(3) ‘Child-caring facility’ has the meaning given that term in ORS
28 418.950.

29 “(4)(a) ‘County program’ means any county operated program that pro-
30 vides care or services to children:

1 “(A) In the custody of the Department of Human Services or the Oregon
2 Youth Authority; or

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

4 “(b) ‘County program’ does not include any local juvenile detention fa-
5 cility that receives state services provided and coordinated by the Depart-
6 ment of Corrections under ORS 169.070.

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

11 “(6) ‘Independent residence facility’ means a facility as described in ORS
12 418.475.

13 “(7)(a) ‘Outdoor youth program’ means a program that provides, in an
14 outdoor living setting, services to children who have behavioral problems,
15 mental health problems or problems with abuse of alcohol or drugs.

16 “(b) ‘Outdoor youth program’ does not include any program, facility or
17 activity:

18 “(A) Operated by a governmental entity;

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

20 “(C) Licensed by the Department of Human Services under other author-
21 ity of the department; or

22 “(D) Operated by a youth job development organization as defined in ORS
23 344.415.

24 “(8) ‘Private’ means not owned, operated or administered by any govern-
25 mental agency or unit.

26 “(9) ‘Private residential boarding school’ means either of the following
27 as the context requires:

28 “(a) A child-caring agency that is a private school that provides residen-
29 tial care in combination with academic education and therapeutic care, in-
30 cluding but not limited to treatment for emotional, behavioral or mental

1 health disturbances; or

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

4 “(10) ‘Proctor foster home’ means a foster home certified by a child-caring
5 agency under ORS 418.248 that is not subject to ORS 418.625 to 418.645.

6 “(11) ‘Provider of care or services for children’ means a person, entity or
7 organization that provides care or services to children, regardless of whether
8 the child is in the custody of the Department of Human Services, and that
9 does not otherwise meet the definition of, or requirements for, a child-caring
10 agency. ‘Provider of care or services for children’ includes a proctor foster
11 home certified by a child-caring agency under ORS 418.248.

12 “(12) ‘Qualified residential treatment program’ means a program described
13 in ORS 418.323.

14 “(13) ‘Shelter-care home’ has the meaning given that term in ORS 418.470.

15 **“SECTION 3.** ORS 418.210 is amended to read:

16 **“418.210. Except as otherwise specifically provided by statute, ORS**
17 **418.205 to 418.327 [shall] do not apply to:**

18 “(1) Homes established and maintained by fraternal organizations wherein
19 only members, their spouses and surviving spouses in marriages and children
20 are admitted as residents;

21 “(2) Any foster home that is subject to ORS 418.625 to 418.645;

22 “(3) Any child care facility that is subject to ORS 329A.030 and 329A.250
23 to 329A.450;

24 “(4) Any individual, or home of an individual, providing respite services,
25 as defined in ORS 418.205, for parents pursuant to a properly executed power
26 of attorney under ORS 109.056;

27 “(5) Any private agency or organization facilitating the provision of re-
28 spite services, as defined in ORS 418.205, for parents pursuant to a properly
29 executed power of attorney under ORS 109.056; or

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

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

4 **“SECTION 4.** ORS 418.322 is amended to read:

5 “418.322. (1) As used in this section:

6 “(a) ‘Congregate care residential setting’ means any setting that cares for
7 more than one child or ward and is not a setting described in ORS 418.205
8 (2)(c)(A), (D), (E), [or] (F) **or (H)** or (10).

9 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation,
10 provision, obtaining, patronizing or soliciting of a person under 18 years of
11 age for the purpose of a commercial sex act, as defined in ORS 163.266, or
12 the recruitment, harboring, transportation, provision or obtaining of a person
13 over 18 years of age using force, fraud or coercion for the purpose of a
14 commercial sex act, as defined in ORS 163.266.

15 “(2) The Department of Human Services may place a child or ward in a
16 congregate care residential setting only if the setting is:

17 “(a) A child-caring agency, as defined in ORS 418.205, a hospital, as de-
18 fined in ORS 442.015, or a rural hospital, as defined in ORS 442.470; and

19 “(b) A qualified residential treatment program described in ORS 418.323.

20 “(3) Notwithstanding subsection (2) of this section, the department may
21 place a child or ward in a child-caring agency that is not a qualified resi-
22 dential treatment program if:

23 “(a) The child-caring agency is providing prenatal, postpartum or parent-
24 ing supports to the child or ward.

25 “(b) The child or ward is placed in an independent residence facility de-
26 scribed in ORS 418.475 that is licensed by the department as a child-caring
27 agency.

28 “(c) The child or ward is, or is at risk of becoming, a victim of sex traf-
29 ficking and the child-caring agency is providing high-quality residential care
30 and supportive services to the child or ward.

1 “(d) The Oregon Health Authority has approved the placement as med-
2 ically necessary and the child-caring agency:

3 “(A) Is a residential care facility;

4 “(B) Is licensed by the authority and maintains site-specific accreditation
5 from a nationally recognized organization to provide psychiatric treatment
6 to children; and

7 “(C) Has an active provider agreement with the Oregon Medicaid pro-
8 gram.

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

14 “(f) The placement with the child-caring agency is for the purpose of
15 placing the child or ward in a proctor foster home.

16 “(g) The child-caring agency is a residential care facility licensed by the
17 department that provides short-term assessment and stabilization services.

18 “(h) The child-caring agency is a shelter-care home, as defined in ORS
19 418.470, that provides short-term assessment and stabilization services.

20 “(i) The child-caring agency is a homeless, runaway or transitional living
21 shelter licensed by the department that provides short-term assessment and
22 stabilization services.

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

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

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

1 “(b) If the residential care facility or shelter-care home also serves youths
2 or adjudicated youths served by the county juvenile department or adjudi-
3 cated youths committed to the custody of the Oregon Youth Authority by the
4 court.

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

8 “(6) Calculations of the number of days a child or ward is placed in a
9 shelter-care home under subsection (3)(h) of this section or a homeless, run-
10 away or transitional living shelter under subsection (3)(i) of this section ex-
11 clude the days the child or ward is in the shelter-care home or shelter if the
12 child or ward:

13 “(a) Accessed the shelter-care home or shelter without the support or di-
14 rection of the department; and

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

16 “(7)(a) Nothing in this section prohibits the Oregon Youth Authority from
17 placing an adjudicated youth committed to its custody in a placement that
18 is not a qualified residential treatment program.

19 “(b) Nothing in this section prohibits the Oregon Youth Authority or a
20 county juvenile department from placing an adjudicated youth or a youth
21 served by the Oregon Youth Authority or the county juvenile department in
22 shelter care or detention under ORS chapter 419C.

23 **“SECTION 5. (1) Notwithstanding ORS 418.215, a private school,**
24 **private agency, private organization or county program that is a**
25 **child-caring agency solely because it provides placement safety, sta-**
26 **bility and crisis services described in ORS 418.205 (2)(a)(A)(vi), and that**
27 **is not already a licensed child-caring agency, may continue to provide**
28 **such placement safety, stability and crisis services without a license**
29 **through December 31, 2024. An unlicensed child-caring agency that is**
30 **providing services as authorized in this section is subject to all other**

1 laws applicable to child-caring agencies in this state.

2 **SECTION 6. This 2024 Act being necessary for the immediate**
3 **preservation of the public peace, health and safety, an emergency is**
4 **declared to exist, and this 2024 Act takes effect on its passage.”.**

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