

SENATE AMENDMENTS TO SENATE BILL 1515

By COMMITTEE ON HUMAN SERVICES AND EARLY CHILDHOOD

February 5

- 1 On page 1 of the printed bill, line 6, delete “419B.100,”.
- 2 In line 17, restore the bracketed material.
- 3 On page 2, delete lines 23 and 24.
- 4 In line 25, delete “(5)” and insert “(4)”.
- 5 In line 26, delete “(6)(a)” and insert “(5)(a)”.
- 6 In line 34, delete “(7)” and insert “(6)”.
- 7 In line 36, delete “(8)” and insert “(7)”.
- 8 After line 42, insert:
- 9 “(8) ‘Proctor foster home’ means a foster home certified by a child-caring agency under section
- 10 6 of this 2016 Act that is not subject to ORS 418.625 to 418.645.”.
- 11 On page 3, line 2, delete “family” and insert “proctor”.
- 12 After line 16, insert:
- 13 “(7) Any governmental entity that is a provider of care or services for children, including but
- 14 not limited to the Oregon Youth Authority.”.
- 15 In line 28, delete “that is not committed”.
- 16 In line 29, delete “to the custody of the department”.
- 17 In line 39, delete “certification” and insert “certificate”.
- 18 In line 41, delete “certification” and insert “certificate”.
- 19 On page 4, line 13, delete “certification” and insert “certificate”.
- 20 In line 31, delete “certification” and insert “certificate”.
- 21 In line 35, after “(c)” delete the rest of the line.
- 22 In line 36, delete “compliance, and” and insert “In the following circumstances,”.
- 23 In line 38, delete “certification” and insert “certificate”.
- 24 On page 5, line 2, delete “reports or”.
- 25 In line 3, delete “and 418.265”.
- 26 In line 5, delete “certification” and insert “certificate” and after “if” insert “the department
- 27 becomes aware that”.
- 28 In line 8, delete “certification” and insert “certificate”.
- 29 In line 12, after the period insert “The department shall immediately notify any governmental
- 30 agency or unit that has a contract with the child-caring agency to provide care or services to a
- 31 child of conditions placed by the department on the child-caring agency’s license, certificate or au-
- 32 thorization under this section.”.
- 33 In line 20, delete “certification” and insert “certificate”.
- 34 On page 6, line 4, delete “, Department of Revenue”.
- 35 In line 6, delete “, Department of Revenue”.

1 In line 8, delete “department” and insert “Department of Human Services”.

2 Delete lines 18 through 38 and insert:

3 **“SECTION 6. (1) A child-caring agency may certify a proctor foster home as a provider**
4 **of care or services for children. The child-caring agency may not certify a proctor foster**
5 **home under this section unless the child-caring agency determines that the proctor foster**
6 **home meets minimum standards as established by rules adopted by the Department of Hu-**
7 **man Services or the Oregon Youth Authority, as applicable. The determination that a**
8 **proctor foster home meets minimum standards and the certification by the child-caring**
9 **agency must take place before placement of a child in the proctor foster home.**

10 **“(2)(a) Prior to certification as a proctor foster home, an applicant shall provide the de-**
11 **partment or the youth authority, as applicable, and the child-caring agency with a release**
12 **of information or other authorization sufficient to enable the department or the youth au-**
13 **thority to release to the child-caring agency information about whether there is an ongoing**
14 **investigation involving the applicant, or a finding of substantiated allegations of abuse or**
15 **neglect by the applicant, related to a vulnerable person, including but not limited to a child,**
16 **elderly person, person with a disability or person residing in a long term care facility as de-**
17 **defined in ORS 442.015, a residential facility as defined in ORS 443.400, including but not limited**
18 **to an assisted living facility, or an adult foster home as defined in ORS 443.705. Within 30**
19 **days of receipt of a release or authorization under this paragraph, the department or the**
20 **youth authority shall provide the child-caring agency with information regarding ongoing**
21 **investigations involving, or substantiated allegations of abuse or neglect against, the appli-**
22 **cant.**

23 **“(b) In addition to the requirements of paragraph (a) of this subsection, an applicant**
24 **must disclose in writing to the department or the youth authority, as applicable, and the**
25 **child-caring agency any criminal conviction, imposition of a restraining or protective order**
26 **against the applicant or abuse or neglect investigation of the applicant related to a vulner-**
27 **able person as described in paragraph (a) of this subsection.**

28 **“(3) If a decision is made not to certify a proctor foster home under this section for**
29 **reasons related to an ongoing investigation involving the applicant, or findings of substanti-**
30 **ated allegations of abuse or neglect by an applicant, the child-caring agency shall disclose to**
31 **the applicant the reasons for the denial of certification.**

32 **“(4) The department and the youth authority shall adopt rules to implement the pro-**
33 **visions of this section.”.**

34 In line 39, after “7.” insert “(1)”.

35 After line 44, insert:

36 **“(2) The department shall adopt rules to develop workload models to measure the adequacy of**
37 **staff to workload under subsection (1) of this section.”.**

38 On page 8, line 7, after the period delete the rest of the line and lines 8 and 9 and insert “In-
39 spections under this subsection shall be limited to premises where children reside and receive care
40 or services from employees or staff who do not reside on the premises.”.

41 In line 10, after “(a)” insert “Beginning January 1, 2017,”.

42 In line 13, before the period insert “and a tax compliance certificate issued by the Department
43 of Revenue”.

44 In line 18, before the period insert “and a tax compliance certificate issued by the Department
45 of Revenue”.

1 In line 19, after “statements” insert “and tax compliance certificates”.

2 After line 20, insert:

3 “(d) The Department of Revenue shall adopt rules to implement the provisions of this section
4 pertaining to tax compliance certificates.”.

5 Delete lines 27 through 31 and insert:

6 “(5) Failure to permit an inspection, whether of the premises or of the books and records of the
7 child-caring agency, or failure to provide the financial statements, as required by this section is
8 grounds for the immediate suspension or revocation of a license, certificate or authorization under
9 ORS 418.240 and for the denial of issuance of a license, certificate or other authorization by the
10 department.”.

11 Delete lines 44 and 45 and delete page 9.

12 On page 10, delete lines 1 through 17 and insert:

13 “**SECTION 11.** ORS 418.260 is amended to read:

14 “418.260. *[If any abuses, derelictions or deficiencies are made known to the Department of Human*
15 *Services or its agents during their inspection of any child-caring agency or institution, or at any time*
16 *are reported to the department, the department shall at once carefully investigate the reports or rumors*
17 *and take such action as the matters require. If any abuses, derelictions or deficiencies are found in any*
18 *state child-caring institution or agency, they shall be reported at once in writing to the responsible state*
19 *agency. If any such abuses, derelictions or deficiencies are found in any other public institution, they*
20 *shall be reported in like manner to the proper authority or governing board. In either case, if such*
21 *abuses, derelictions or deficiencies are not corrected in a reasonable time, the same shall be reported*
22 *in writing to the legislature or the appropriate interim committee if the legislature is not in session. If*
23 *any such abuses, derelictions or deficiencies are found in any private child-caring agency, they shall*
24 *be brought at once to the attention of its trustees or managers. If they are not corrected in a reasonable*
25 *time, the department shall suspend or revoke its approval of such agency. However, if the abuses, der-*
26 *elictions or deficiencies found in a private child-caring agency are determined by the department to be*
27 *or threaten a serious danger to any child or to the public, the department may immediately suspend*
28 *or revoke the agency’s license, subject to the provisions of ORS 183.430.]*

29 “**(1) If the Department of Human Services becomes aware that any suspected or founded**
30 **abuses, deficiencies, violations or failures to comply with the full compliance requirements**
31 **described in ORS 418.240 are occurring in a child-caring agency, whether as a part of the**
32 **inspections undertaken pursuant to ORS 418.255 or otherwise, the department shall imme-**
33 **diately investigate and take appropriate action, with primary concern given to the health,**
34 **safety and welfare of the children for whom the child-caring agency is responsible. The de-**
35 **partment shall immediately report the alleged abuses, deficiencies or violations to the state**
36 **or governmental agency or unit, governing board, trustees, owners, managers or operators**
37 **or other appropriate authorities responsible for the child-caring agency. The department**
38 **shall immediately notify any governmental agency or unit that has a contract with the**
39 **child-caring agency to provide care or services to a child of the alleged abuses, deficiencies,**
40 **violations or failures to comply. The department may notify law enforcement agencies as**
41 **necessary to coordinate and assist in the investigation and enforcement of corrective actions**
42 **undertaken by the department.**

43 “**(2) If the department finds, after investigation by the department or law enforcement**
44 **agencies, that the abuses, deficiencies, violations or failures to comply are founded, the de-**
45 **partment may suspend, revoke or place conditions on the license, certificate or other au-**

1 **thorization of the child-caring agency. The conditions placed on a license, certificate or**
2 **authorization may include, but are not limited to, placing full or partial restrictions on ad-**
3 **mission of children, temporary suspension, limitation of operations subject to an intent to**
4 **revoke or limitation of operations subject to correction of violations as specified in a plan**
5 **of correction. If the department imposes a plan of correction, and the corrections are not**
6 **made within 45 days from the effective date of the plan of correction, the department may**
7 **immediately suspend or revoke the license, certificate or authorization of the child-caring**
8 **agency. The department shall immediately notify any governmental agency or unit that has**
9 **a contract with the child-caring agency to provide care or services to a child of any suspen-**
10 **sion or revocation of, or conditions placed on, the license, certificate or other authorization**
11 **of the child-caring agency.**

12 **“(3) If the department determines at any time during or after an investigation that the**
13 **abuses, deficiencies, violations or failures to comply are or threaten a serious danger to any**
14 **child or to the public, or place a child at risk with respect to the child’s health, safety or**
15 **welfare, the department may immediately suspend or revoke the child-caring agency’s li-**
16 **cence, certificate or authorization, subject to the provisions of ORS chapter 183. The de-**
17 **partment shall immediately notify any governmental agency or unit that has a contract with**
18 **the child-caring agency to provide care or services to a child of any suspension or revocation**
19 **of the license, certificate or other authorization of the child-caring agency.**

20 **“(4) If the department determines that the abuses, deficiencies, violations or failures to**
21 **comply are founded and the department imposes a plan of correction that the child-caring**
22 **agency does not comply with in the time allotted for correction, the department shall im-**
23 **mediately notify the following of the failure of the child-caring agency to comply with the**
24 **plan of correction:**

25 **“(a) The Legislative Assembly or the interim committees of the Legislative Assembly**
26 **relating to child welfare.**

27 **“(b) The state or governmental agency or unit, governing board, trustees, owners, man-**
28 **agers or operators or other appropriate authorities responsible for the child-caring agency.**

29 **“(c) Any governmental agency or unit that has a contract with the child-caring agency**
30 **to provide care or services to a child.**

31 **“(5) Any employee of the department that has reasonable cause to believe that a child-**
32 **caring agency has committed an abuse or incurred a deficiency or violation, or that grounds**
33 **for immediate suspension or revocation of a license, certificate or authorization exist under**
34 **ORS 418.240, and that such abuse, deficiency, violation or grounds is or threatens a danger**
35 **to any child at the child-caring agency or to the public, or places a child at risk with respect**
36 **to the child’s health, safety or welfare, is required to immediately inform the Director of**
37 **Human Services, the director’s designee or such other personnel in the department desig-**
38 **ated to receive such information. Upon receipt of an employee report under this subsection,**
39 **the director and department personnel shall immediately commence an investigation and**
40 **take all reasonably prudent and necessary actions to ensure the health, safety and welfare**
41 **of children at the child-caring agency. Failure to commence an investigation and take actions**
42 **as required by this subsection constitutes official misconduct in the second degree under**
43 **ORS 162.405.”.**

44 Delete lines 26 through 45.

45 On page 11, delete lines 1 through 11 and insert:

1 “**SECTION 13.** ORS 418.265 is amended to read:

2 “418.265. [(1) *At the request of the Department of Human Services, each public or private child-*
3 *caring agency or institution within this state shall make a report of its work to the department in such*
4 *form and detail as the department prescribes.*]

5 “[(2) *The reports may include detailed statistics of all children served, financial statements of the*
6 *expense of their care, the number and kind of workers employed, the value and conditions of the plant*
7 *owned or used, the amount of the endowment or invested funds and any other essential matters that*
8 *may be indicated by the requirements of the department.*]

9 “[(3) *The department shall prepare and supply to the various child-caring agencies and institutions*
10 *the necessary printed blanks to record the desired information. Within any year, the department may*
11 *require such further detailed information and audit of the financial affairs of such agency or institution*
12 *as it deems to be in the public interest and may make such inspection of the books and records of such*
13 *agency or institution as it deems necessary. Such audit and inspection of books and records of such*
14 *agencies and institutions shall be at the expense of the department.*]

15 “[(4) *All such agencies or institutions shall conform their records to the statutory fiscal year of the*
16 *state.*]

17 “[(5) *All reports required of agencies and institutions shall be filed with the department not later*
18 *than 60 days from the date of request.*]

19 “**(1) All child-caring agencies subject to ORS 418.205 to 418.327, 418.470, 418.475 and 418.950**
20 **to 418.970 shall report to the Department of Human Services at such times and with such**
21 **information as the department prescribes in rules adopted by the department, including but**
22 **not limited to financial information about the cost to provide care or services for a child.**

23 “**(2) Information submitted in reports under this section is a public record and open for**
24 **inspection by any person without order of a court.”.**

25 On page 12, line 5, delete “family” and insert “proctor”.

26 In line 7, delete “family” and insert “proctor”.

27 Delete lines 11 through 27 and insert:

28 “**SECTION 16.** ORS 418.280 is amended to read:

29 “418.280. [*Private child-caring agencies, in placing children in private families, shall:*]

30 “**(1) A child-caring agency may not place a child with a proctor foster home unless the**
31 **home has been determined by the child-caring agency to meet minimum standards as es-**
32 **tablished by rules adopted by the Department of Human Services or the Oregon Youth Au-**
33 **thority, as applicable, and has been certified by the child-caring agency pursuant to section**
34 **6 of this 2016 Act.**

35 “**(2) In placing a child with a proctor foster home that has been determined to meet**
36 **minimum standards and that has been certified by a child-caring agency under this section**
37 **and section 6 of this 2016 Act, the child-caring agency shall:**

38 “[(1)] **(a)** Safeguard the welfare of the [*children*] **child** by the thorough investigation of each
39 applicant and home and its environment;

40 “[(2)] **(b)** Carefully select the child to suit the new relationship and location;

41 “[(3)] **(c)** Personally and adequately supervise [*each*] **the** home and child until the [*latter*] **child**
42 returns to the direct care of the **child-caring** agency or, if permanently placed, receives legal
43 adoption or attains legal age; and

44 “[(4)] **(d)** So far as practicable, place [*such children in families*] **the child in a family** of the same
45 religious faith as that held by the [*children or their parents*] **child or the child’s parents.**

1 **“(3) A child-caring agency maintains custody, control and responsibility for and, where**
2 **applicable under ORS 418.275, guardianship of a child placed with a proctor foster home by**
3 **the child-caring agency.”.**

4 In line 36, delete “family” and insert “proctor”.

5 On page 13, line 17, delete “department; and” and insert “department or the Oregon Youth Au-
6 thority;

7 “(e) Any governmental agency or unit that has a contract with the child-caring agency to pro-
8 vide care or services to the child; and”.

9 In line 18, delete “(e)” and insert “(f)”.

10 In line 35, restore the bracketed material.

11 On page 14, line 25, delete “guardianship over” and insert “custody of”.

12 On page 20, delete lines 23 through 45 and delete pages 21 and 22.

13 On page 23, delete lines 1 through 37 and insert:

14 **“SECTION 36. As used in sections 36 to 38 of this 2016 Act:**

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

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

18 **“(b) Neglect of a child in care.**

19 **“(c) Abandonment, including desertion or willful forsaking of a child in care or the**
20 **withdrawal or neglect of duties and obligations owed a child in care by a child-caring agency,**
21 **caretaker or other person.**

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

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

25 **“(f) Verbal abuse.**

26 **“(g) Financial exploitation.**

27 **“(h) Sexual abuse.**

28 **“(i) Involuntary seclusion of a child in care for the convenience of a child-caring agency**
29 **or caretaker or to discipline the child in care.**

30 **“(j) A wrongful use of a physical or chemical restraint of a child in care, excluding an**
31 **act of restraint prescribed by a physician licensed under ORS chapter 677 and any treatment**
32 **activities that are consistent with an approved treatment plan or in connection with a court**
33 **order.**

34 **“(2) ‘Child in care’ means a person under 21 years of age who is residing in or receiving**
35 **care or services from a child-caring agency or proctor foster home subject to ORS 418.205**
36 **to 418.327, 418.470, 418.475 or 418.950 to 418.970.**

37 **“(3) ‘Child-caring agency’ has the meaning given that term in ORS 418.205.**

38 **“(4) ‘Proctor foster home’ has the meaning given that term in ORS 418.205.**

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

40 **“(A) Wrongfully taking the assets, funds or property belonging to or intended for the use**
41 **of a child in care.**

42 **“(B) Alarming a child in care by conveying a threat to wrongfully take or appropriate**
43 **moneys or property of the child in care if the child would reasonably believe that the threat**
44 **conveyed would be carried out.**

45 **“(C) Misappropriating, misusing or transferring without authorization any moneys from**

1 any account held jointly or singly by a child in care.

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

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

6 “(6) ‘Intimidation’ means compelling or deterring conduct by threat. ‘Intimidation’ does
7 not include age-appropriate discipline that may involve the threat to withhold privileges.

8 “(7) ‘Law enforcement agency’ means:

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

10 “(b) Any county sheriff’s office.

11 “(c) The Oregon State Police.

12 “(d) Any district attorney.

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

14 “(8) ‘Neglect’ means:

15 “(a) Failure to provide the care, supervision or services necessary to maintain the phys-
16 ical and mental health of a child in care; or

17 “(b) The failure of a child-caring agency, proctor foster home, caretaker or other person
18 to make a reasonable effort to protect a child in care from abuse.

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

22 “(10) ‘Sexual abuse’ means:

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

25 “(b) Any sexual contact between a child in care and an employee of a child-caring agency
26 or proctor foster home, caretaker or other person responsible for the provision of care or
27 services to a child in care;

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

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

31 “(11) ‘Sexual contact’ has the meaning given that term in ORS 163.305 (1)(a)(E).

32 “(12) ‘Sexual exploitation’ as described in ORS 419B.005 (1)(a)(E).

33 “(13) ‘Verbal abuse’ means to threaten significant physical or emotional harm to a child
34 in care through the use of:

35 “(a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule;
36 or

37 “(b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inap-
38 ropriate sexual comments.

39 “SECTION 37. (1) When the Department of Human Services becomes aware of a report
40 of suspected child abuse of a child in care, whether in the form of an allegation, complaint
41 or formal report made under this section, and whether made directly to the Director of Hu-
42 man Services, the department or an employee of the department, to a hotline operated by
43 the department, through the mandatory abuse reporting process set forth in ORS 419B.005
44 to 419B.050 or otherwise, the department shall immediately:

45 “(a) Notify appropriate personnel within the department, including but not limited to

1 employees responsible for licensing, certifying or authorizing child-care agencies.

2 “(b) Notify any governmental agency or unit that has a contract with the child-caring
3 agency to provide care or services to the child in care.

4 “(c) Commence an investigation to determine whether the report of suspected abuse is
5 substantiated, unsubstantiated or inconclusive under section 38 of this 2016 Act.

6 “(d) Report to a law enforcement agency any crime that the department has reason to
7 believe has occurred with respect to a child in care or at a child-caring agency or proctor
8 foster home, even if the suspected crime is not related to a report of abuse made under this
9 section.

10 “(2) As a condition for issuance or renewal of a license, certificate or authorization to a
11 child-caring agency under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970, the
12 department shall require and verify that the child-caring agency has procedures and proto-
13 cols that:

14 “(a) Require employees of the child-caring agency, or a proctor foster home certified by
15 the child-caring agency, to immediately report suspected abuse of a child in care to the di-
16 rector, the director’s designee or personnel within the department who have been specifically
17 designated to receive reports of abuse of children in care;

18 “(b) Mandate that the child-caring agency provide an annual training and written mate-
19 rials that include information about the child abuse reporting hotline, and that the agency
20 advise and educate employees of the child-caring agency, and employees of any proctor foster
21 home certified by the child-caring agency, of the duty under this section to report abuse of
22 a child in care; and

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

28 “(3) Interference or hindering an investigation of abuse of a child in care, including but
29 not limited to the intimidation of witnesses, falsification of records or denial or limitation
30 of interviews with the child in care who is the subject of the investigation or with witnesses,
31 may constitute grounds for the revocation, suspension or placing of conditions on the li-
32 cense, certificate or other authorization of a child-caring agency or proctor foster home.

33 “(4)(a) Anyone, including but not limited to an employee of a child-caring agency or
34 proctor foster home, who makes a report of suspected abuse of a child in care to the Gov-
35 ernor, the Department of Justice, the Director of Human Services, the director’s designee
36 or the department under this section in good faith and who has reasonable grounds for the
37 making of the report shall have immunity:

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

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

41 “(C) With respect to participating in any judicial proceeding resulting from or involving
42 the report.

43 “(b) A person making a report under this section may include references to otherwise
44 confidential information for the sole purpose of making the report, and any such disclosure
45 must be protected from further disclosure to other persons or entities for any other purpose

1 not related to the making of the report.

2 **“SECTION 38.** (1) The investigation conducted by the Department of Human Services
3 under section 37 of this 2016 Act must result in one of the following findings:

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

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

8 **“(c)** That the report is inconclusive. A report is inconclusive when there is some indi-
9 cation that the abuse occurred but there is insufficient evidence to conclude that there is
10 reasonable cause to believe that the abuse occurred.

11 **“(2)** When a report is received under section 37 of this 2016 Act alleging that a child in
12 care may have been subjected to abuse, the department shall notify the attorney for the
13 child, the child’s court appointed special advocate, the parents or guardians of the child, any
14 attorney representing a parent or guardian of the child and any governmental agency or unit
15 that has a contract with the child-caring agency to provide care or services to the child that
16 a report has been received.

17 **“(3)** The department may interview the child in care who is the subject of suspected
18 abuse and witnesses without the presence of child-caring agency or proctor foster home
19 employees or department personnel. The department shall inform the child in care that the
20 child may have the child’s parent or guardian, if the child has not been committed to the
21 custody of the department or the Oregon Youth Authority, or attorney present when par-
22 ticipating in an interview conducted in the course of an abuse investigation.

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

24 **“(a)** The Director of Human Services.

25 **“(b)** Personnel in the department responsible for the licensing, certificate or authori-
26 zation of child-caring agencies.

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

29 **“(d)** With respect to the child in care who is the subject of the abuse report and inves-
30 tigation:

31 **“(A)** Case managers for the child in care;

32 **“(B)** The court appointed special advocate, if any, for the child in care; and

33 **“(C)** The attorney for the child in care, if any.

34 **“(e)** The parents or guardians of the child in care who is the subject of the abuse report
35 and investigation if the child in care has not been committed to the custody of the depart-
36 ment or the youth authority. Notification under this paragraph may not include any details
37 or information other than that a report of abuse has been substantiated.

38 **“(f)** The parents or guardians of each child in care that is residing, or receiving care or
39 services, at the child-caring agency or proctor foster home that is the subject of the report
40 and investigation, if the child in care has not been committed to the custody of the depart-
41 ment or the youth authority. Notification under this paragraph may not include any details
42 or information other than that a report of abuse has been substantiated.

43 **“(g)** Any governmental agency or unit that has a contract with the child-caring agency
44 to provide care or services to a child in care.

45 **“(5)** The department shall report on a quarterly basis to the interim legislative commit-

tees on child welfare for the purposes of public review and oversight of the quality and safety of child-caring agencies that are licensed, certified or authorized by the department in this state and of proctor foster homes that are certified by the child-caring agencies. Information provided in reports under this subsection may not contain the name or any identifying information of a child in care but must contain all of the following:

“(a) The name of any child-caring agency or proctor foster home where the department conducted an investigation pursuant to section 37 of this 2016 Act that resulted in a finding that the report of abuse was substantiated during that quarter;

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

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

“(d) Whether physical injury, sexual abuse or death resulted from the abuse; and

“(e) Corrective actions taken or ordered by the department and the outcome of the corrective actions.”.

On page 34, delete lines 33 through 45.

On page 35, delete lines 1 through 25 and insert:

“**NOTE:** Section 47 was deleted by amendment. Subsequent sections were not renumbered.”.

On page 39, delete lines 14 through 45 and delete page 40 and insert:

“OPERATIVE DATE AND APPLICABILITY

“**SECTION 56.** (1) Sections 6, 7 and 36 to 38 of this 2016 Act and the amendments to statutes by sections 1 to 4, 8 to 34 and 39 to 55 of this 2016 Act become operative on July 1, 2016.

“(2) The Director of Human Services, the Director of the Oregon Youth Authority, the Department of Human Services and the Oregon Youth Authority may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the directors and the departments to exercise, on and after the operative date specified in subsection (1) of this section, the duties, functions and powers conferred on the directors or the departments by this 2016 Act.

“**SECTION 57.** (1) Sections 6, 7 and 36 to 38 of this 2016 Act and the amendments to statutes by sections 1 to 4, 8 to 34 and 39 to 55 of this 2016 Act apply to child-caring agencies that are licensed, certified or otherwise authorized by the Department of Human Services or the Oregon Youth Authority and to proctor foster homes that are certified by a child-caring agency on or after the operative date specified in section 56 of this 2016 Act.

“(2) A child-caring agency that was licensed, certified or otherwise authorized by the department or the youth authority, and a proctor foster home that was certified by a child-caring agency, to provide care or services to children in this state pursuant to state law as that law existed on the day immediately preceding the operative date specified in section 56 of this 2016 Act is considered to be licensed, certified or otherwise authorized under, and is subject to, the provisions of this 2016 Act until such license, certificate or authorization expires or is suspended or revoked.

“(3) Notwithstanding subsections (1) and (2) of this section, sections 6, 7 and 36 to 38 of this 2016 Act and the amendments to statutes by sections 1 to 4, 8 to 34 and 39 to 55 of this 2016 Act do not affect a contract or agreement between the department or the youth authority and a child-caring agency that was licensed, certified or otherwise authorized by the

1 department or the youth authority, and does not affect a contract or agreement between a
2 child-caring agency and a proctor foster home to provide care or services to children in this
3 state pursuant to state law as that law existed on the day immediately preceding the opera-
4 tive date specified in section 56 of this 2016 Act. However, sections 6, 7 and 36 to 38 of this
5 2016 Act and the amendments to statutes by sections 1 to 4, 8 to 34 and 39 to 55 of this 2016
6 Act apply to a renewal or extension of any such contract or agreement on or after the op-
7 erative date specified in section 56 of this 2016 Act, as well as to any new contract or
8 agreement made on or after the operative date specified in section 56 of this 2016 Act.

9
10 **“CHILD WELFARE NATIONAL ACCREDITATION**

11
12 **“SECTION 58.** No later than December 1, 2016, the Department of Human Services shall
13 submit a report to the interim legislative committees on child welfare regarding the process
14 and requirements for Oregon to achieve national accreditation in child welfare from a na-
15 tionally recognized organization. The report shall include:

16 **“(1) Recommendations for necessary legislation and budget requirements to obtain na-
17 tional accreditation no later than September 1, 2017; and**

18 **“(2) Information about available accreditation programs, the impact accreditation would
19 have on children’s safety and well-being in this state and how other states have achieved
20 national accreditation.**

21 **“SECTION 59.** Section 58 of this 2016 Act is repealed on January 2, 2017.

22
23 **“CENTER FOR CONTINUOUS IMPROVEMENT**

24
25 **“SECTION 60.** (1) No later than October 1, 2016, the Department of Human Services shall
26 submit a report to the interim legislative committees on child welfare regarding recommen-
27 dations for the development, implementation and oversight of a Center for Continuous Im-
28 provement.

29 **“(2) The report must:**

30 **“(a) Describe how the center may be created and maintained as a collective of child
31 welfare service providers that deliver technical support and make recommendations for the
32 continuous improvement of child-caring agencies and proctor foster homes, as those terms
33 are defined in ORS 418.205, that provide care and services for children in the child welfare
34 system in this state;**

35 **“(b) Include recommendations for how the center may develop peer review services for
36 child-caring agencies and proctor foster homes and conduct research on promising,
37 evidence-based programs and strategies for the provision of care and services to children in
38 the child welfare system in this state; and**

39 **“(c) Include recommendations for needed legislation and budget requirements to enable
40 the center to begin operations no later than July 1, 2017.**

41 **“SECTION 61.** Section 60 of this 2016 Act is repealed on January 2, 2017.

42
43 **“CAPTIONS**

44
45 **“SECTION 62.** The unit captions used in this 2016 Act are provided only for the conven-

1 ience of the reader and do not become part of the statutory law of this state or express any
2 legislative intent in the enactment of this 2016 Act.

3

4

“EMERGENCY CLAUSE

5

6 **“SECTION 63. This 2016 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**
8 **on its passage.”**

9
