

Legislative Findings: The Legislature finds that children in the care of the state have experienced trauma, and are particularly vulnerable. As a result, it is the policy of this state to be uncompromising in its protection of these children. Through its statutes and administrative rules, the state shall ensure that residential care facilities, foster homes, and shelter care facilities are held to the highest standards of safety and dignity for the children they serve.

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

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

(b) Neglect.

(c) Abandonment, including desertion or willful forsaking of a child in care or the withdrawal or neglect of duties and obligations owed a child in care by a caretaker or other person.

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

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

(f) Verbal abuse.

(g) Financial exploitation.

(h) Sexual abuse.

(i) Involuntary seclusion of a child in care for the convenience of a caregiver or to discipline the person.

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

(2) “A child in care” means any person 20 years of age or younger residing in a home described in 418.625, in a shelter home as described in ORS 418.470, or a residential facility described in ORS 418.205.

(3) “Financial exploitation” means:

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

(b) Alarming a child in care by conveying a threat to wrongfully take or appropriate money or property of the person if the person would reasonably believe that the threat conveyed would be carried out.

(c) Misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by a child in care.

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

(4) "Intimidation" means compelling or deterring conduct by threat.

(5) "Neglect" means:

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

(b) The failure of a caregiver to make a reasonable effort to protect a child in care from abuse.

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

(7)(a) "Sexual abuse" means:

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

(C) Any sexual contact between an employee of a facility, a paid caregiver or their associates and a child in care served by the facility or caregiver;

(D) Any sexual contact between a child in care and a relative of the child in care other than a spouse; or

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

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

(13) "Verbal abuse" means to threaten significant physical or emotional harm to a child in care through the use of:

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

(b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.