

Enrolled
House Bill 3113

Sponsored by Representatives FLORES, MAURER; Representatives BARKER, BEYER, BOONE, BOQUIST, BUCKLEY, DINGFELDER, C EDWARDS, D EDWARDS, GALIZIO, GELSER, KOMP, RILEY, ROBLAN, ROSENBAUM, SCHAUFLEER, TOMEL, WHISNANT, WITT

CHAPTER

AN ACT

Relating to child abuse investigations; amending ORS 419B.020.

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

SECTION 1. ORS 419B.020 is amended to read:

419B.020. (1) *[Upon receipt of an oral report of child abuse, the Department of Human Services or the law enforcement agency]* **If the Department of Human Services or a law enforcement agency receives a report of child abuse, the department or the agency shall immediately:**

- (a) Cause an investigation to be made to determine the nature and cause of the abuse of the child; and
- (b) Notify the Child Care Division if the alleged child abuse occurred in a child care facility as defined in ORS 657A.250.

(2) If the abuse reported in subsection (1) of this section is alleged to have occurred at a child care facility:

- (a) The department and the law enforcement agency shall jointly determine the roles and responsibilities of the department and the agency in their respective investigations; and**
- (b) The department and the agency shall each report the outcomes of their investigations to the Child Care Division.**

~~[(2)]~~ **(3)** If the law enforcement agency conducting the investigation finds reasonable cause to believe that abuse has occurred, the law enforcement agency shall notify by oral report followed by written report the local office of the department. The department shall provide protective social services of its own or of other available social agencies if necessary to prevent further abuses to the child or to safeguard the child's welfare.

~~[(3)]~~ **(4)** If a child is taken into protective custody by the department, the department shall promptly make reasonable efforts to ascertain the name and address of the child's parents or guardian.

~~[(4)(a)]~~ **(5)(a)** If a child is taken into protective custody by the department or a law enforcement official, the department or law enforcement official shall, if possible, make reasonable efforts to advise the parents or guardian immediately, regardless of the time of day, that the child has been taken into custody, the reasons the child has been taken into custody and general information about the child's placement, and the telephone number of the local office of the department and any after-hours telephone numbers.

(b) Notice may be given by any means reasonably certain of notifying the parents or guardian, including but not limited to written, telephonic or in-person oral notification. If the initial notifica-

tion is not in writing, the information required by paragraph (a) of this subsection also shall be provided to the parents or guardian in writing as soon as possible.

(c) The department also shall make a reasonable effort to notify the noncustodial parent of the information required by paragraph (a) of this subsection in a timely manner.

(d) If a child is taken into custody while under the care and supervision of a person or organization other than the parent, the department, if possible, shall immediately notify the person or organization that the child has been taken into protective custody.

[(5)] (6) If a law enforcement officer or the department, when taking a child into protective custody, has reasonable cause to believe that the child has been affected by sexual abuse and rape of a child as defined in ORS 419B.005 (1)(a)(C) and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purposes of preserving evidence if the court finds that it is in the best interest of the child to have such an examination. Nothing in this section affects the authority of the department to consent to physical examinations of the child at other times.

[(6)] (7) A minor child of 12 years of age or older may refuse to consent to the examination described in subsection [(5)] (6) of this section. The examination shall be conducted by or under the supervision of a physician licensed under ORS chapter 677 or a nurse practitioner licensed under ORS chapter 678 and, whenever practicable, trained in conducting such examinations.

Passed by House May 18, 2007

Received by Governor:

Repassed by House June 19, 2007

.....M.,....., 2007

Approved:

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Chief Clerk of House

.....M.,....., 2007

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Speaker of House

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Governor

Passed by Senate June 15, 2007

Filed in Office of Secretary of State:

.....M.,....., 2007

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President of Senate

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Secretary of State