

Senate Bill 849

Sponsored by Senator STARR; Senators ATKINSON, G GEORGE, L GEORGE, WHITSETT, Representative FLORES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Human Services to provide continuing education curriculum for child abuse investigators on constitutional and statutory rights of children and families undergoing investigation.

Requires department at time of initial contact with individual under investigation to inform individual about allegations made against individual.

A BILL FOR AN ACT

1
2 Relating to child abuse investigators; creating new provisions; and amending ORS 418.702 and
3 419B.020.

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

5 **SECTION 1.** ORS 418.702 is amended to read:

6 418.702. (1) The Department of Human Services shall implement a training and continuing edu-
7 cation curriculum for persons other than law enforcement officers required by law to investigate
8 allegations of child abuse. The curriculum shall address the areas of training and education neces-
9 sary to facilitate the skills necessary to investigate reports of child abuse and shall include but not
10 be limited to:

11 (a) Assessment of risk to the child;

12 (b) Dynamics of child abuse, child sexual abuse and rape of children; and

13 (c) Legally sound and age appropriate interview and investigatory techniques.

14 **(2) The continuing education curriculum under subsection (1) of this section shall also**
15 **include instruction about:**

16 **(a) The constitutional and statutory rights of children and families during all phases of**
17 **an investigation into allegations of child abuse; and**

18 **(b) The requirements of section 9, Article I of the Oregon Constitution, and the Fourth**
19 **Amendment to the United States Constitution that are relevant to investigations into**
20 **allegations of child abuse.**

21 [(2)] **(3)** The Oregon State Bar and each board that licenses, certifies or registers public and
22 private officials required to report child abuse under ORS 419B.010 shall identify those persons
23 regulated by the board who in their official capacity have regular and on-going contact with chil-
24 dren and shall notify those persons every two years of their duty to report child abuse. Such notice
25 shall contain what the person is required to report and where such report shall be made and also
26 advise of the symptoms to look for and provide a contact number for further information.

27 [(3)] **(4)** The department shall develop content of the notice for such a mailing. The cost of dis-
28 tribution shall be paid by the board.

29 [(4)] **(5)** The department shall develop and make available, at cost, training materials that may
30 be used at training conferences and other similar events involving such public and private officials,

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 as defined in ORS 419B.005.

2 **SECTION 2.** ORS 419B.020 is amended to read:

3 419B.020. (1) Upon receipt of an oral report of child abuse, the Department of Human Services
4 or the law enforcement agency shall immediately:

5 (a) Cause an investigation to be made to determine the nature and cause of the abuse of the
6 child; and

7 (b) Notify the Child Care Division if the alleged child abuse occurred in a child care facility as
8 defined in ORS 657A.250.

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

14 **(3) The department shall, at the time of initial contact with a person under investigation**
15 **under subsection (1) of this section, inform the person of the specific allegations made**
16 **against the person.**

17 [(3)] (4) If a child is taken into protective custody by the department, the department shall
18 promptly make reasonable efforts to ascertain the name and address of the child's parents or
19 guardian.

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

26 (b) Notice may be given by any means reasonably certain of notifying the parents or guardian,
27 including but not limited to written, telephonic or in-person oral notification. If the initial notifica-
28 tion is not in writing, the information required by paragraph (a) of this subsection also shall be
29 provided to the parents or guardian in writing as soon as possible.

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

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

35 [(5)] (6) If a law enforcement officer or the department, when taking a child into protective
36 custody, has reasonable cause to believe that the child has been affected by sexual abuse and rape
37 of a child as defined in ORS 419B.005 (1)(a)(C) and that physical evidence of the abuse exists and
38 is likely to disappear, the court may authorize a physical examination for the purposes of preserving
39 evidence if the court finds that it is in the best interest of the child to have such an examination.
40 Nothing in this section affects the authority of the department to consent to physical examinations
41 of the child at other times.

42 [(6)] (7) A minor child of 12 years of age or older may refuse to consent to the examination
43 described in subsection [(5)] (6) of this section. The examination shall be conducted by or under the
44 supervision of a physician licensed under ORS chapter 677 or a nurse practitioner licensed under
45 ORS chapter 678 and, whenever practicable, trained in conducting such examinations.

1 **SECTION 3.** The amendments to ORS 419B.020 by section 2 of this 2007 Act apply to in-
2 vestigations commenced on or after the effective date of this 2007 Act.
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