

House Bill 2438

Sponsored by Representatives BAILEY, DOHERTY, SPRENGER; Representatives BARKER, BUCKLEY, DEMBROW, FREDERICK, READ (Pre-session filed.)

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**.

Directs school district board to adopt policy related to teen dating violence.

Directs Department of Justice to use moneys in Oregon Domestic and Sexual Violence Services Fund to provide state and local services related to teen dating violence and to conduct study related to teen dating violence.

Allows Director of Human Services to make grants for prevention, identification and treatment related to teen dating violence.

Directs Director of Human Services to conduct survey of teens related to teen dating violence.

Requires collection of fee at time of filing of petition for marital annulment, dissolution or separation to be paid into Teen Dating Violence Prevention Account and Teen Dating Violence Services Account.

Establishes Teen Dating Violence Prevention Account and Teen Dating Violence Services Account. Continuously appropriates moneys in accounts to fund teen dating violence services.

A BILL FOR AN ACT

1
2 Relating to violence involving teens; creating new provisions; amending ORS 21.111, 147.450, 147.453,
3 409.290, 409.292 and 409.296; appropriating money; and providing for revenue raising that re-
4 quires approval by a three-fifths majority.

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

6 **SECTION 1. (1) As used in this section, "teen dating violence" means a pattern of be-**
7 **havior in which a person uses or threatens to use physical, mental or emotional abuse to**
8 **control another person who is in a dating relationship with the person, where one or both**
9 **persons are 13 to 19 years of age.**

10 (2) Each school district board shall adopt a policy that:

11 (a) States that teen dating violence is unacceptable and will not be tolerated;

12 (b) Incorporates age-appropriate education about teen dating violence in the curriculum
13 of students in grades 7 to 12;

14 (c) Establishes procedures for the manner in which employees of a school are to respond
15 to, investigate and impose discipline and make reports related to any incidents of teen dating
16 violence that take place at the school, on school grounds, at school-sponsored activities, on
17 school-provided transportation or at any official school bus stop;

18 (d) Identifies by job title the school officials responsible for receiving reports related to
19 teen dating violence and available to address concerns regarding relationships that may have
20 the potential for resulting in teen dating violence; and

21 (e) Notifies students and parents of the teen dating violence policy adopted by the board.

22 **SECTION 2.** ORS 147.450 is amended to read:

23 147.450. As used in ORS 147.450 to 147.471:

24 (1) "Domestic violence" has the meaning given that term in ORS 135.230, **and includes teen**
25 **dating violence.**[; and]

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 (2) "Sexual assault" means any unwanted sexual contact as defined in ORS 163.305.

2 (3) **"Teen dating violence" means a pattern of behavior in which a person uses or**
 3 **threatens to use physical, mental or emotional abuse to control another person who is in a**
 4 **dating relationship with the person, where one or both persons are 13 to 19 years of age.**

5 **SECTION 3.** ORS 147.453 is amended to read:

6 147.453. There is established in the State Treasury, separate and distinct from the General Fund,
 7 the Oregon Domestic and Sexual Violence Services Fund. All moneys in the fund are continuously
 8 appropriated to the Department of Justice and shall be used by the department to carry out a pro-
 9 gram of domestic and sexual violence services that:

10 (1) Provides safety for and assists victims of domestic violence and sexual assault, promotes ef-
 11 fective intervention and reduces the incidence of domestic violence and sexual assault;

12 (2) Advocates for victims and for domestic violence and sexual assault services; *[and]*

13 (3) Promotes and facilitates interagency and interdepartmental cooperation among state agen-
 14 cies, including the Department of Human Services, and among different levels of government in this
 15 state in the delivery and funding of services[.]; **and**

16 (4) **Encourages and supports state and local services, programs and curricula to educate**
 17 **and inform teens in grades 7 to 12 about teen dating violence, to provide assistance to vic-**
 18 **tims of teen dating violence and to prevent and reduce the incidence of teen dating violence.**

19 **SECTION 4.** Section 5 of this 2011 Act is added to and made a part of ORS 147.450 to
 20 147.471.

21 **SECTION 5.** (1) **The Department of Justice, in consultation with the Director of Human**
 22 **Services, shall conduct a longitudinal study of dating violence among teens in grades 7 to 12.**
 23 **The study shall compile information and data about the incidence of teen dating violence and**
 24 **the existence and effectiveness of teen dating violence services and programs for teens in**
 25 **Oregon.**

26 (2) **The study described in subsection (1) of this section shall use evidence-based practice**
 27 **methodology and shall maintain the confidentiality of victims of teen dating violence.**

28 (3) **Following completion of the study described in subsection (1) of this section, the At-**
 29 **torney General and the Director of Human Services shall prepare a report containing the**
 30 **following:**

31 (a) **The findings, conclusions and recommendations regarding the incidence of teen dating**
 32 **violence;**

33 (b) **A description of services available for victims of teen dating violence and an expla-**
 34 **nation of the need for those services and any other additional services; and**

35 (c) **Any other recommendations for prevention or reduction of teen dating violence in**
 36 **this state.**

37 (4) **The report prepared under subsection (3) of this section shall be presented to the in-**
 38 **terim committees of the Legislative Assembly with authority over the subject areas of edu-**
 39 **cation and domestic violence no later than October 1, 2012.**

40 (5) **Notwithstanding ORS 147.453, moneys in the Oregon Domestic and Sexual Violence**
 41 **Services Fund shall be used by the Department of Justice to conduct the study about teen**
 42 **dating violence in Oregon required under this section.**

43 (6) **Notwithstanding section 13 of this 2011 Act, moneys not exceeding 20 percent of the**
 44 **total funds in the Teen Dating Violence Prevention Account shall be used to conduct the**
 45 **study under this section.**

SECTION 6. Section 5 of this 2011 Act is repealed on February 1, 2013.

SECTION 7. ORS 409.290 is amended to read:

409.290. As used in ORS 409.290 to 409.300, unless the context requires otherwise:

(1) "Crisis line" means an emergency telephone service staffed by persons who are trained to provide emergency peer counseling, information, referral and advocacy to victims of [*domestic*] **family or teen dating** violence and their families.

(2) "Director" means the Director of Human Services.

(3) "Family violence" means the physical injury, sexual abuse or forced imprisonment, or threat thereof, of a person by another who is related by blood, marriage or intimate cohabitation at the present or has been related at some time in the past, to the extent that the person's health or welfare is harmed or threatened thereby, as determined in accordance with rules prescribed by the director.

(4) "Safe house" means a place of temporary refuge, offered on an "as needed" basis to victims of [*domestic*] **family** violence and their families.

(5) "Shelter home" means a place of temporary refuge, offered on a 24-hour, seven-day per week basis to victims of [*domestic*] **family** violence and their children.

(6) "Teen dating violence" means a pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

SECTION 8. ORS 409.292 is amended to read:

409.292. (1) The Director of Human Services may make grants to and enter into contracts with nonprofit private organizations or public agencies for programs and projects designed to prevent, identify and treat family **and teen dating** violence. Grants or contracts under this subsection may be:

(a) For the funding of shelter homes for spouses and children who are or have experienced family violence including acquisition and maintenance of shelter homes;

(b) For the funding of crisis lines providing services to victims of [*domestic*] **family or teen dating** violence and their families;

(c) For the funding of safe houses for victims of [*domestic*] **family** violence and their families; [*and*]

(d) For the funding of state and local services, programs and curricula to educate and inform teens in grades 7 to 12 about teen dating violence, to provide assistance to victims of teen dating violence and to prevent and reduce the incidence of teen dating violence; and

[(d)] (e) For the development and establishment of programs for professional and paraprofessional personnel in the fields of social work, law enforcement, education, law, medicine and other relevant fields who are engaged in the field of the prevention, identification and treatment of family **and teen dating** violence and training programs in methods of preventing family **and teen dating** violence.

(2) The director shall not make a grant to any organization or agency under this section except on the condition that a local governmental unit or community organization provide matching moneys equal to 25 percent of the amount of the grant. **Funds available under section 14 of this 2011 Act may be used for matching moneys required to be paid by a local governmental unit or community organization.** The applying organization itself may contribute to or provide the required local matching funds. The value of in kind contributions and volunteer labor from the community may be computed and included as a part of the local matching requirement imposed by this sub-

1 section.

2 (3) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and 192.610 to
3 192.990:

4 (a) The director may by rule provide that the locations of premises utilized for shelter homes
5 or other physical facilities in family violence programs and projects shall be kept confidential.

6 (b) All information maintained by the shelter home, safe house or crisis line relating to clients
7 is confidential. However, crisis lines specifically funded to provide services for victims of child abuse
8 are subject to the requirements of ORS 419B.005 to 419B.050. Except for the names of clients, nec-
9 essary information may be disclosed to the director.

10 **SECTION 9.** ORS 409.296 is amended to read:

11 409.296. (1) A public agency or nonprofit private organization [*operating a shelter home or safe*
12 *house*] may apply to the Director of Human Services for a grant under ORS 409.292. The agency or
13 organization must submit to the director, at the time of application:

- 14 (a) A statement of services provided;
- 15 (b) Proof of maintenance of accurate and complete financial records;
- 16 (c) Assurance of compliance with local building, fire and health codes for existing structures;
- 17 (d) Clearly defined written intake and referral policies and procedures; and
- 18 (e) If operated by a private organization, a list of members of the governing board.

19 (2) The director shall approve or reject applications within 60 days after receipt. The director
20 shall mail written notification to the applicant no later than five working days following final action
21 taken on the application.

22 (3) The director shall consider the geographic area of the state from which an application is
23 submitted to the end that all areas of the state develop programs to deal with [*domestic*] **family and**
24 **teen dating** violence.

25 **SECTION 10.** Section 11 of this 2011 Act is added to and made a part of ORS 409.290 to
26 409.300.

27 **SECTION 11.** (1) **The Director of Human Services shall create or include in any existing**
28 **survey that is regularly conducted of teens in grades 7 to 12 in this state questions about**
29 **teen dating violence. The questions shall be designed to elicit responses that will assist the**
30 **Department of Human Services to determine, at a minimum:**

- 31 **(a) Whether teens in this state are informed about teen dating violence and, if they are,**
32 **how they have been informed about teen dating violence;**
- 33 **(b) The incidence of teen dating violence;**
- 34 **(c) The type of assistance, if any, available to victims of teen dating violence;**
- 35 **(d) Possible reasons for teen dating violence and suggestions to prevent or reduce the**
36 **incidence of teen dating violence; and**
- 37 **(e) The needs of victims of teen dating violence.**

38 **(2) Information obtained from the survey conducted under subsection (1) of this section**
39 **shall be shared with the Department of Justice.**

40 **SECTION 12.** ORS 21.111 is amended to read:

41 21.111. (1) In the proceedings specified in subsection (2) of this section, the clerk of the circuit
42 court shall collect the sum of \$99 as a flat and uniform filing fee from the petitioner at the time the
43 petition is filed, and shall collect the sum of \$80 as a flat and uniform filing fee from the respondent
44 upon the respondent making an appearance.

45 (2) The filing fees established by subsection (1) of this section shall be collected by the clerk in

1 the following proceedings:

2 (a) Proceedings for dissolution of marriage, annulment of marriage or separation.

3 (b) Filiation proceedings under ORS 109.124 to 109.230.

4 (c) Proceedings to determine custody or support of a child under ORS 109.103.

5 (3) In addition to all other fees collected, the clerk of the circuit court shall collect from the
6 moving party a fee of \$50 at the time of the filing of a motion after entry of a judgment of marital
7 annulment, dissolution or separation. A fee of \$40 shall be charged to the responding party at the
8 time a response is filed to the motion. The fee provided for in this subsection does not apply to any
9 pleading under ORCP 68, 69 or 71.

10 (4) In addition to all other fees collected, the clerk of the circuit court shall collect from the
11 petitioner a fee of \$10 at the time of the filing of a petition for marital annulment, dissolution or
12 separation. A fee of \$10 shall be charged to the respondent upon the respondent making an ap-
13 pearance. Fees collected under this subsection shall be paid into the Domestic Violence Clinical
14 Legal Education Account established under ORS 352.655.

15 **(5) In addition to all other fees collected, the clerk of the circuit court shall collect from**
16 **the petitioner a fee of \$5 at the time of the filing of a petition for marital annulment, dis-**
17 **solution or separation. A fee of \$5 shall be charged to the respondent upon the respondent**
18 **making an appearance. Fees collected under this subsection shall be paid into the Teen**
19 **Dating Violence Prevention Account established by section 13 of this 2011 Act.**

20 **(6) In addition to all other fees collected, the clerk of the circuit court shall collect from**
21 **the petitioner a fee of \$5 at the time of the filing of a petition for marital annulment, dis-**
22 **solution or separation. A fee of \$5 shall be charged to the respondent upon the respondent**
23 **making an appearance. Fees collected under this subsection shall be paid into the Teen**
24 **Dating Violence Services Account established by section 14 of this 2011 Act.**

25 [(5)] (7) A pleading or other document shall be filed by the clerk only if the fee required under
26 this section is paid or if a request for a fee waiver or deferral is granted by the court. No part of
27 any such filing fee shall be refunded to any party. The uniform fee shall cover all services to be
28 performed by the court or clerk in any of the proceedings, except where additional fees are specially
29 authorized by law.

30 [(6)] (8) Any petitioner or respondent that files a petition or appearance that is subject to the
31 filing fees established under subsection (1) of this section must include in the caption of the pleading
32 the following words: "Domestic relations case subject to fee under ORS 21.111."

33 [(7)] (9) The fees described in this section shall not be charged to a district attorney or to the
34 Division of Child Support of the Department of Justice for the filing of any case, motion, document,
35 stipulated order, process or other document relating to the provision of support enforcement ser-
36 vices as described in ORS 25.080.

37 **SECTION 13. The Teen Dating Violence Prevention Account is established within the**
38 **General Fund. The account shall consist of moneys paid into the account under ORS 21.111**
39 **(5). Moneys credited to the account are continuously appropriated to the Department of**
40 **Justice for the purpose of funding teen dating violence services under ORS 147.453 and grants**
41 **made under ORS 147.465. Interest earned by the account shall be credited to the account.**

42 **SECTION 14. The Teen Dating Violence Services Account is established within the Gen-**
43 **eral Fund. The account shall consist of moneys paid into the account under ORS 21.111 (6).**
44 **Moneys credited to the account are continuously appropriated to the Department of Human**
45 **Services for the purpose of funding teen dating violence services and subsidizing local**

1 **matching requirements under ORS 409.292. Interest earned by the account shall be credited**
2 **to the account.**

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