

# D R A F T

## SUMMARY

Requires Department of Human Services to notify school district, Teacher Standards and Practices Commission and Department of Education of report of alleged abuse occurring at school.

### A BILL FOR AN ACT

1  
2 Relating to child abuse investigations; creating new provisions; and amend-  
3 ing ORS 419B.020.

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

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

6 419B.020. (1) If the Department of Human Services or a law enforcement  
7 agency receives a report of child abuse, the department or the agency shall  
8 immediately:

9 (a) Cause an investigation to be made to determine the nature and cause  
10 of the abuse of the child; [*and*]

11 (b) Notify the Child Care Division if the alleged child abuse occurred in  
12 a child care facility as defined in ORS 657A.250; **and**

13 **(c) Notify the appropriate school district, the Teacher Standards**  
14 **and Practices Commission and the Department of Education if the al-**  
15 **leged child abuse occurred in a school.**

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

18 (a) The Department **of Human Services** and the law enforcement agency  
19 shall jointly determine the roles and responsibilities of the department and  
20 the agency in their respective investigations; and

1 (b) The department and the agency shall each report the outcomes of their  
2 investigations to the Child Care Division.

3 **(3) If the abuse reported in subsection (1) of this section is alleged**  
4 **to have occurred at a school:**

5 **(a) The department and the law enforcement agency shall jointly**  
6 **determine the roles and responsibilities of the department and the**  
7 **agency in their respective investigations; and**

8 **(b) The department and the agency shall each report the outcomes**  
9 **of their investigations to the school district wherein the school is lo-**  
10 **cated, the Teacher Standards and Practices Commission and the De-**  
11 **partment of Education.**

12 [(3)] (4) If the law enforcement agency conducting the investigation finds  
13 reasonable cause to believe that abuse has occurred, the law enforcement  
14 agency shall notify by oral report followed by written report the local office  
15 of the Department of Human Services. The department shall provide pro-  
16 tective social services of its own or of other available social agencies if  
17 necessary to prevent further abuses to the child or to safeguard the child's  
18 welfare.

19 [(4)] (5) If a child is taken into protective custody by the department, the  
20 department shall promptly make reasonable efforts to ascertain the name and  
21 address of the child's parents or guardian.

22 [(5)(a)] (6)(a) If a child is taken into protective custody by the department  
23 or a law enforcement official, the department or law enforcement official  
24 shall, if possible, make reasonable efforts to advise the parents or guardian  
25 immediately, regardless of the time of day, that the child has been taken into  
26 custody, the reasons the child has been taken into custody and general in-  
27 formation about the child's placement, and the telephone number of the local  
28 office of the department and any after-hours telephone numbers.

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

1 formation required by paragraph (a) of this subsection also shall be provided  
2 to the parents or guardian in writing as soon as possible.

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

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

10 [(6)] (7) If a law enforcement officer or the department, when taking a  
11 child into protective custody, has reasonable cause to believe that the child  
12 has been affected by sexual abuse and rape of a child as defined in ORS  
13 419B.005 (1)(a)(C) and that physical evidence of the abuse exists and is likely  
14 to disappear, the court may authorize a physical examination for the pur-  
15 poses of preserving evidence if the court finds that it is in the best interest  
16 of the child to have such an examination. Nothing in this section affects the  
17 authority of the department to consent to physical examinations of the child  
18 at other times.

19 [(7)] (8) A minor child of 12 years of age or older may refuse to consent  
20 to the examination described in subsection [(6)] (7) of this section. The ex-  
21 amination shall be conducted by or under the supervision of a physician li-  
22 censed under ORS chapter 677 or a nurse practitioner licensed under ORS  
23 chapter 678 and, whenever practicable, trained in conducting such examina-  
24 tions.

25 [(8)] (9) When the department completes an investigation under this sec-  
26 tion, if the person who made the report of child abuse provided contact in-  
27 formation to the department, the department shall notify the person about  
28 whether contact with the child was made, whether the department deter-  
29 mined that child abuse occurred and whether services will be provided. The  
30 department is not required to disclose information under this subsection if  
31 the department determines that disclosure is not permitted under ORS

1 419B.035.

2 **SECTION 2. The amendments to ORS 419B.020 by section 1 of this**  
3 **2013 Act apply to child abuse investigations conducted on or after the**  
4 **effective date of this 2013 Act.**

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