

House Bill 3032

Sponsored by COMMITTEE ON EDUCATION

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 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 Relating to child abuse investigations; creating new provisions; and amending ORS 419B.020.

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

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

4 419B.020. (1) If the Department of Human Services or a law enforcement agency receives a re-
5 port of child abuse, the department or the agency shall immediately:

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

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

10 (c) **Notify the appropriate school district, the Teacher Standards and Practices Commis-
11 sion and the Department of Education if the alleged child abuse occurred in a school.**

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

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

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

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

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

23 (b) **The department and the agency shall each report the outcomes of their investigations
24 to the school district wherein the school is located, the Teacher Standards and Practices
25 Commission and the Department of Education.**

26 [(3)] (4) If the law enforcement agency conducting the investigation finds reasonable cause to
27 believe that abuse has occurred, the law enforcement agency shall notify by oral report followed by
28 written report the local office of the Department of **Human Services**. The department shall provide
29 protective social services of its own or of other available social agencies if necessary to prevent
30 further abuses to the child or to safeguard the child's welfare.
31

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

4 [(5)(a)] (6)(a) If a child is taken into protective custody by the department or a law enforcement
 5 official, the department or law enforcement official shall, if possible, make reasonable efforts to ad-
 6 vise the parents or guardian immediately, regardless of the time of day, that the child has been
 7 taken into custody, the reasons the child has been taken into custody and general information about
 8 the child's placement, and the telephone number of the local office of the department and any
 9 after-hours telephone numbers.

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

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

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

19 [(6)] (7) If a law enforcement officer or the department, when taking a child into protective
 20 custody, has reasonable cause to believe that the child has been affected by sexual abuse and rape
 21 of a child as defined in ORS 419B.005 (1)(a)(C) and that physical evidence of the abuse exists and
 22 is likely to disappear, the court may authorize a physical examination for the purposes of preserving
 23 evidence if the court finds that it is in the best interest of the child to have such an examination.
 24 Nothing in this section affects the authority of the department to consent to physical examinations
 25 of the child at other times.

26 [(7)] (8) A minor child of 12 years of age or older may refuse to consent to the examination
 27 described in subsection [(6)] (7) of this section. The examination shall be conducted by or under the
 28 supervision of a physician licensed under ORS chapter 677 or a nurse practitioner licensed under
 29 ORS chapter 678 and, whenever practicable, trained in conducting such examinations.

30 [(8)] (9) When the department completes an investigation under this section, if the person who
 31 made the report of child abuse provided contact information to the department, the department shall
 32 notify the person about whether contact with the child was made, whether the department deter-
 33 mined that child abuse occurred and whether services will be provided. The department is not re-
 34 quired to disclose information under this subsection if the department determines that disclosure is
 35 not permitted under ORS 419B.035.

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