

# House Bill 3250

Sponsored by Representative KRIEGER, Senators FERRIOLI, KRUSE; Representatives BENTZ, BOONE, CAMERON, CONGER, ESQUIVEL, FREEMAN, GOMBERG, HUFFMAN, JOHNSON, OLSON, RICHARDSON, SMITH, SPRENGER, THATCHER, WEIDNER, WHISNANT, WHITSETT, Senators BAERTSCHIGER JR, JOHNSON, ROBLAN, THOMSEN, WHITSETT, WINTERS

## 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 request court review of founded determination in child abuse investigation if law enforcement agency investigation in same case results in unfounded determination.

## A BILL FOR AN ACT

1  
2 Relating to child abuse investigations.

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 419B.005 to**  
5 **419B.050.**

6 **SECTION 2. (1) For purposes of this section:**

7 (a) **"Founded determination" means a determination at the conclusion of an investigation**  
8 **under ORS 419B.020 that there is reasonable cause to believe that child abuse or neglect has**  
9 **occurred.**

10 (b) **"Unfounded determination" means a determination at the conclusion of an investi-**  
11 **gation under ORS 419B.020 that there is no evidence of child abuse or neglect that was**  
12 **identified or disclosed during an investigation conducted pursuant to ORS 419B.020.**

13 (2) **When an investigation by the Department of Human Services under ORS 419B.020**  
14 **results in a founded determination, but an investigation by a law enforcement agency under**  
15 **ORS 419B.020 based upon the same report of child abuse and the same child as in the inves-**  
16 **tigation made by the department, results in an unfounded determination, the department**  
17 **must, before finalizing the department's founded determination, before taking a child into**  
18 **protective custody under either ORS 419B.020 or 419B.150, and before making a report to the**  
19 **central state registry established and maintained under ORS 419B.030, request that the ju-**  
20 **venile court review and approve the department's founded determination in the investigation.**

21 (3) **The request for review and approval of a founded determination under this section**  
22 **must be filed with the court together with any reports and records compiled, prepared,**  
23 **maintained or received by the department or by a law enforcement agency in the course of**  
24 **the investigation that resulted in the department's founded determination and the law**  
25 **enforcement agency's unfounded determination.**

26 (4) **The department shall serve the request for review and approval, and notice of the**  
27 **date and time of any hearing scheduled by the court in the matter, upon the law enforcement**  
28 **agency that made the unfounded determination, the alleged perpetrator and the parent or**  
29 **guardian of the child who is the subject of the investigation, no later than 14 days before a**

**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 scheduled hearing or no later than 14 days after the department filed its request, whichever  
2 is sooner. The law enforcement agency, alleged perpetrator and parent or guardian of the  
3 child may attend and participate in any hearing or other review proceeding initiated by the  
4 court, at the court's discretion.

5 (5) As part of its review of the department's founded determination, the court may:

6 (a) Contact and interview the person or persons who conducted, supervised, reviewed and  
7 substantiated the investigation and the founded determination on behalf of the department;

8 (b) Contact and interview the parent, guardian or other person responsible for the child  
9 who is the subject of the investigation;

10 (c) Contact and consider information that is provided by or requested from a county  
11 multidisciplinary child abuse team under ORS 418.747 that has undertaken an investigation  
12 of allegations of child abuse involving the child who is the subject of the investigations  
13 undertaken by the department and the law enforcement agency;

14 (d) Contact and interview other individuals with information about the conditions, sur-  
15 roundings and circumstances of the child who is the subject of the investigations; and

16 (e) Review any written information, reports or other documents that contain information  
17 about the conditions, surroundings and circumstances of the child who is the subject of the  
18 investigation.

19 (6) Following the interviews, contacts and review of information under subsection (5) of  
20 this section, the court shall determine whether the final determination made by the depart-  
21 ment is substantiated, and may direct that the child who is the subject of the investigation  
22 be taken into protective custody.

23 (7) (a) Upon the court's finding that the founded determination of the department is  
24 substantiated, the department and local offices of the department may report to the central  
25 state registry in accordance with ORS 419B.030, and may otherwise proceed with the child's  
26 matter as the department deems appropriate.

27 (b) If the court determines that the founded determination of the department is unsub-  
28 substantiated, the department shall change its disposition of the investigation to that of un-  
29 founded determination and shall proceed with the matter in all respects as though the  
30 department had made an unfounded determination in the investigation.

31 **SECTION 3.** Section 2 of this 2013 Act applies to child abuse investigations conducted on  
32 or after the effective date of this 2013 Act.