

# Senate Bill 691

Sponsored by Senator STEINER HAYWARD, Representative HARKER

## 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 adopt rules regarding child abuse investigations, determinations, notice and requests for review of determinations.

## 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) **"Health care professional" means a person licensed by a health professional regula-**  
11 **tory board who is practicing within the scope of practice of that licensure.**

12 (c) **"Unable to be determined" means a determination at the conclusion of an investi-**  
13 **gation under ORS 419B.020 that there is insufficient information to conclude that there is**  
14 **reasonable cause to believe that child abuse or neglect has occurred.**

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

18 (2) **The Department of Human Services shall adopt rules:**

19 (a) **For the conduct of investigations made under ORS 419B.020.**

20 (b) **For the making of a determination at the conclusion of an investigation under ORS**  
21 **419B.020 as to whether a report of child abuse is a founded determination, an unfounded de-**  
22 **termination or unable to be determined.**

23 (c) **To provide notice regarding a determination that is made at the conclusion of an in-**  
24 **vestigation under ORS 419B.020, as required under ORS 419B.005 to 419B.050, to the child's**  
25 **parents or guardian and to the alleged perpetrator.**

26 (d) **To provide the child's parents or guardian and the alleged perpetrator with an op-**  
27 **portunity to request a review of a founded determination.**

28 (3) **The rules adopted under this section shall include rules that accomplish but are not**  
29 **limited to the following:**

30 (a) **When an investigation results in a founded determination but the perpetrator of the**  
31 **abuse or neglect cannot be identified or is unknown, the department shall notify the child's**

**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 **parents or guardian of the determination and that the perpetrator cannot be identified or is**  
2 **unknown, and shall provide the child's parents or guardian with an opportunity to request**  
3 **a review of the determination.**

4 **(b) A copy of a request for review of a determination made by a parent, guardian or al-**  
5 **leged perpetrator must be delivered to the local office of the department within 60 days after**  
6 **receipt of the request.**

7 **(c) The department may conduct a review of a founded determination if a health care**  
8 **professional examines a child and makes a diagnosis that includes a finding that would mit-**  
9 **igate the responsibility of the alleged perpetrator with respect to the founded determination.**

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

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