

House Bill 2360

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

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 child abuse occurring at school.

A BILL FOR AN ACT

1
2 Relating to child abuse investigations; creating new provisions; and amending ORS 419B.020.

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

4 **SECTION 1.** ORS 419B.020, as amended by section 41, chapter 45, Oregon Laws 2014, is
5 amended to read:

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

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

10 (b) Notify the Office of Child Care if the alleged child abuse occurred in a child care facility
11 as defined in ORS 329A.250; **and**

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

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

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

19 (b) The department and the agency shall each report the outcomes of their investigations to the
20 Office of Child Care.

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

23 **(a) The Department of Human Services and the law enforcement agency shall jointly de-**
24 **termine the roles and responsibilities of the department and the agency in their respective**
25 **investigations; and**

26 **(b) The department and the agency shall each report the outcomes of their investigations**
27 **to the school district in which the school is located, the Teacher Standards and Practices**
28 **Commission and the Department of Education.**

29 [(3)] (4) If the law enforcement agency conducting the investigation finds reasonable cause to
30 believe that abuse has occurred, the law enforcement agency shall notify by oral report followed by
31 written report the local office of the Department of **Human Services**. The department shall provide

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 protective social services of its own or of other available social agencies if necessary to prevent
 2 further abuses to the child or to safeguard the child's welfare.

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

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

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

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

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

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

28 [(7)] (8) A minor child of 12 years of age or older may refuse to consent to the examination
 29 described in subsection [(6)] (7) of this section. The examination shall be conducted by or under the
 30 supervision of a physician licensed under ORS chapter 677, a physician assistant licensed under ORS
 31 677.505 to 677.525 or a nurse practitioner licensed under ORS chapter 678 and, whenever practica-
 32 ble, trained in conducting such examinations.

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

39 **SECTION 2. The amendments to ORS 419B.020 by section 1 of this 2015 Act apply to child**
 40 **abuse investigations begun on or after the effective date of this 2015 Act.**