

SB 819 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 3/13, 4/12, 4/17

WHAT THE MEASURE DOES:

Expands duties and responsibilities of Critical Incident Response Team (CIRT) assigned to investigate fatality of child that resulted from abuse. Establishes membership of team. Requires Department of Human Services (DHS) to supply team with all available records and information, and establishes requirements for case review records maintenance. Requires team to submit initial, progress, and final report to DHS within specified timelines. Requires team to recommend to DHS improvements to child welfare system specific to case under review. Declares emergency, effective on passage.

FISCAL: May Have Fiscal Impact, But No Statement Yet Issued

REVENUE: May Have Revenue Impact, But No Statement Yet Issued

ISSUES DISCUSSED:

- Operation of current critical incident response team investigation process
- Provisions of measure
- Membership and consistency on critical incident response teams, and role of legislative oversight
- Parallel investigations by law enforcement
- Compliance with other privacy laws and state liability for tort claims
- Written reports and investigations timelines
- Need for more support services for children and former children-in-care

EFFECT OF AMENDMENT:

-1 Modifies required CIRT members and permits other specified members. Establishes meeting attendance requirements. Modifies case review requirements. Removes provisions pertaining to case review records maintenance. Prohibits examination of CIRT member or person providing information to CIRT case review in civil or administrative proceeding regarding case review. Makes case review record discoverable but inadmissible as evidence. Provides exceptions. Requires CIRT, upon conclusion of related criminal proceeding, to meet with law enforcement for review of CIRT conclusions and recommendations.

FISCAL: Minimal Expenditure Impact

REVENUE: No Revenue Impact

-2 Modifies required CIRT members and permits other specified members. Establishes meeting attendance requirements. Modifies case review requirements. Removes provisions pertaining to case review records maintenance. Prohibits examination of specified "public" CIRT member or person providing information to CIRT case review in civil or administrative proceeding regarding case review. Makes case review record discoverable but inadmissible as evidence. Provides exceptions. Requires CIRT, upon conclusion of related criminal proceeding, to meet with law enforcement for review of CIRT conclusions and recommendations.

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BACKGROUND:

Within 24 hours of the Department of Human Services (DHS) determining that a child's death was a result of child abuse or neglect, Oregon law requires that DHS assign a Critical Incident Response Team (CIRT) to investigate in certain cases. A CIRT's primary goal is to review the case and develop recommendations to improve the child welfare system to prevent future incidences. A CIRT is assigned a case review if the fatality occurred when the child was in DHS custody at the time of incident, or when the child was subject to a recent child protective services assessment.

Senate Bill 819 expands the parameters and responsibilities of Critical Incident Response Teams and requires they be assigned when a deceased child, the child's sibling, or any child in the same household was: subject to a child protective services assessment; subject to a recent child welfare or adoption case; or subject to any report of abuse. The measure sets forth the membership of CIRTs, and requires that DHS provide the CIRT with all available information on the case. Confidential information provided by DHS is required to be properly maintained, and the measure sets forth requirements for the maintenance of a CIRT's case review records. Senate Bill 819 also establishes timelines and requirements for a CIRT to file initial, progress, and final reports with DHS. If a CIRT concludes that DHS personnel matters were involved in the child fatality, the team is required to refer the matter to relevant DHS personnel divisions.