

SB 101 A STAFF MEASURE SUMMARY

Senate Committee On Human Services

Action Date: 02/22/17

Action: Do pass with amendments. Refer to Judiciary by prior reference. (Printed A-Eng).

Vote: 4-0-1-0

Yeas: 4 - Gelser, Knopp, Monnes Anderson, Olsen

Exc: 1 - Dembrow

Fiscal: No fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Clarifies child abuse investigation authority extends to any school grounds. Authorizes investigators to refuse to disclose information to school personnel. Requires school to advise investigators of subject child's debilitating conditions. Prohibits school personnel from disclosing information about investigation or bare fact of investigation except to Department of Human Services or law enforcement.

ISSUES DISCUSSED:

- Child welfare in interview environment
- Nature and content of interviews at schools
- Best practices for child interviews
- Existing law, DHS and law enforcement procedures, and effect of measure

EFFECT OF AMENDMENT:

Permits investigating authority to withhold investigation details from school. Removes provisions requiring notice to parents or guardians. Modifies limits on disclosure by school.

BACKGROUND:

Oregon law requires law enforcement and the Department of Human Services (DHS) to notify school administrators when child abuse investigations occur on public school premises unless the administrator is the subject of the investigation. Issues arise on private school premises when schools request additional details and attempt to refuse access to the investigating authority. Investigations are also compromised when school personnel disclose information about an ongoing investigation.

Senate Bill 101 A clarifies that child abuse investigations can occur on any school grounds, not just public school grounds. The measure also permits DHS or law enforcement to refuse to reveal information to a school as a condition of conducting an abuse investigation. It also requires schools to inform investigators of a subject child's disabling conditions prior to an interview. Senate Bill 101 A also prohibits school personnel from revealing any information about an investigation, including investigation details or that an investigation is pending. School personnel are permitted to reveal information to DHS, law enforcement, or as part of a court proceeding resulting from the investigation.