

SB 819 A STAFF MEASURE SUMMARY

Carrier: Sen. Gelser

Senate Committee On Human Services

Action Date: 04/17/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Gelser, Knopp, Monnes Anderson, Olsen

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Expands duties and responsibilities of Critical Incident Response Team (CIRT) assigned to investigate fatality of child resulting 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 and limits availability of records and CIRT members in judicial or administrative proceedings. 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.

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:

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.

BACKGROUND:

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

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Senate Bill 819-A expands the parameters and responsibilities of CIRTs by requiring assignment whenever a deceased child, the child's sibling, or any child in the same household was subject to a child protective services assessment, or a recent child welfare or adoption case, or any report of abuse. The measure sets forth required and permissible members of CIRTs, and directs DHS to provide all available information. Confidential information provided by DHS is required to be properly maintained, and the measure limits the availability of CIRT case review and team members.

Senate Bill 819-A 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.