

House Bill 2930

Sponsored by Representative BOONE

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 and law enforcement agency to make efforts to determine military status of parents or guardians of child who is subject of report of child abuse. Mandates that department or agency notify Oregon Military Department and Department of Defense family advocacy program that report of child abuse involving child whose parent or guardian is in military was made, or that investigation of report of child abuse involving child whose parent or guardian is in military has been conducted, resulting in reasonable cause to believe that abuse occurred.

A BILL FOR AN ACT

1
2 Relating to required notifications to military regarding certain child abuse reports; creating new
3 provisions; and amending ORS 419B.015 and 419B.020.

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

5 **SECTION 1.** ORS 419B.015 is amended to read:

6 419B.015. (1)(a) A person making a report of child abuse, whether the report is made voluntarily
7 or is required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local
8 office of the Department of Human Services, to the designee of the department or to a law
9 enforcement agency within the county where the person making the report is located at the time
10 of the contact. The report shall contain, if known, the names and addresses of the child and the
11 parents of the child or other persons responsible for care of the child, the child's age, the nature
12 and extent of the abuse, including any evidence of previous abuse, the explanation given for the
13 abuse and any other information that the person making the report believes might be helpful in es-
14 tablishing the cause of the abuse and the identity of the perpetrator.

15 (b) When a report of child abuse is received by the department, the department shall notify a
16 law enforcement agency within the county where the report was made. When a report of child abuse
17 is received by a designee of the department, the designee shall notify, according to the contract,
18 either the department or a law enforcement agency within the county where the report was made.
19 When a report of child abuse is received by a law enforcement agency, the agency shall notify the
20 local office of the department within the county where the report was made.

21 **(c) When a report of child abuse is received by the department or a designee of the de-**
22 **partment, or by a law enforcement agency, the department, designee or agency shall make**
23 **efforts as soon as practicable to determine the military status of the parents or guardians**
24 **of the child who is the subject of the report. If the department, designee or agency deter-**
25 **mines that a parent or guardian is in the military, the department, designee or agency shall**
26 **notify the Oregon Military Department and a Department of Defense family advocacy pro-**
27 **gram, if any has been established in this state, that there has been a report of child abuse**
28 **involving a child whose parent or guardian is in the military. Nothing in this paragraph au-**

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 **thorizes disclosure of reports and records compiled under the provisions of ORS 419B.010 to**
 2 **419B.050, and ORS 419B.035 remains applicable to such reports and records. Information in-**
 3 **cluded in the notice required under this paragraph is limited to the fact that a report of child**
 4 **abuse involving a child whose parent or guardian is in the military was made and the name**
 5 **of the military parent or guardian.**

6 (2) When a report of child abuse is received under subsection (1)(a) of this section, the entity
 7 receiving the report shall make the notification required by subsection (1)(b) of this section accord-
 8 ing to rules adopted by the department under ORS 419B.017.

9 (3)(a) When a report alleging that a child or ward in substitute care may have been subjected
 10 to abuse is received by the department, the department shall notify the attorney for the child or
 11 ward, the child's or ward's court appointed special advocate, the parents of the child or ward and
 12 any attorney representing a parent of the child or ward that a report has been received.

13 (b) The name and address of and other identifying information about the person who made the
 14 report may not be disclosed under this subsection. Any person or entity to whom notification is
 15 made under this subsection may not release any information not authorized by this subsection.

16 (c) The department shall make the notification required by this subsection within three business
 17 days of receiving the report of abuse.

18 (d) Notwithstanding the obligation imposed by this subsection, the department is not required
 19 under this subsection to notify the parent or parent's attorney that a report of abuse has been re-
 20 ceived if the notification may interfere with an investigation or assessment or jeopardize the child's
 21 or ward's safety.

22 **SECTION 2.** ORS 419B.020 is amended to read:

23 419B.020. (1) If the Department of Human Services or a law enforcement agency receives a re-
 24 port of child abuse, the department or the agency shall immediately:

25 (a) Cause an investigation to be made to determine the nature and cause of the abuse of the
 26 child; and

27 (b) Notify the Office of Child Care if the alleged child abuse occurred in a child care facility
 28 as defined in ORS 329A.250.

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

31 (a) The department and the law enforcement agency shall jointly determine the roles and re-
 32 sponsibilities of the department and the agency in their respective investigations; and

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

35 (3) If the law enforcement agency conducting the investigation finds reasonable cause to believe
 36 that abuse has occurred, the law enforcement agency shall notify by oral report followed by written
 37 report the local office of the department. The department shall provide protective social services
 38 of its own or of other available social agencies if necessary to prevent further abuses to the child
 39 or to safeguard the child's welfare.

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

42 (5)(a) If a child is taken into protective custody by the department or a law enforcement official,
 43 the department or law enforcement official shall, if possible, make reasonable efforts to advise the
 44 parents or guardian immediately, regardless of the time of day, that the child has been taken into
 45 custody, the reasons the child has been taken into custody and general information about the child's

1 placement, and the telephone number of the local office of the department and any after-hours tele-
 2 phone numbers.

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

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

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

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

19 (7) A minor child of 12 years of age or older may refuse to consent to the examination described
 20 in subsection (6) of this section. The examination shall be conducted by or under the supervision
 21 of a physician licensed under ORS chapter 677, a physician assistant licensed under ORS 677.505 to
 22 677.525 or a nurse practitioner licensed under ORS chapter 678 and, whenever practicable, trained
 23 in conducting such examinations.

24 (8) When the department completes an investigation under this section, if the person who made
 25 the report of child abuse provided contact information to the department, the department shall no-
 26 tify the person about whether contact with the child was made, whether the department determined
 27 that child abuse occurred and whether services will be provided. The department is not required to
 28 disclose information under this subsection if the department determines that disclosure is not per-
 29 mitted under ORS 419B.035.

30 **(9) If the department or law enforcement agency conducting the investigation under this**
 31 **section finds reasonable cause to believe that abuse has occurred and it has been determined**
 32 **that the parent or guardian of the child who is the subject of the investigation is in the**
 33 **military, the department or agency shall notify the Oregon Military Department and a De-**
 34 **partment of Defense family advocacy program, if any has been established in this state, that**
 35 **an investigation of a report of child abuse involving a child whose parent or guardian is in**
 36 **the military has been conducted, resulting in reasonable cause to believe that abuse oc-**
 37 **curred. Nothing in this subsection authorizes disclosure of reports and records compiled**
 38 **under the provisions of ORS 419B.010 to 419B.050, and ORS 419B.035 remains applicable to**
 39 **such reports and records. Information included in the notice required under this paragraph**
 40 **is limited to the fact that an investigation of a report of child abuse involving a child whose**
 41 **parent or guardian is in the military has been conducted, resulting in reasonable cause to**
 42 **believe that abuse occurred, and the name of the military parent or guardian.**

43 **SECTION 3. The amendments to ORS 419B.015 and 419B.020 by sections 1 and 2 of this**
 44 **2017 Act apply to reports of child abuse made on or after the effective date of this 2017 Act.**