

Senate Bill 268

Sponsored by Senator GELSER (Pre-session filed.)

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 agencies to investigate reports of abuse that occurred at school or in educational setting or that are made by school employees.

Establishes requirements for investigations of reports of alleged abuse occurring in nonfamily setting. Requires investigators of reports of abuse occurring in nonfamily setting to have training specific to unique circumstances of nonfamily settings.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to investigation of reports of child abuse; creating new provisions; amending ORS 419B.020;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 419B.020 is 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, **including but not limited to a report of abuse that occurred at a school**
8 **or in an educational setting or a report made by a school employee under ORS 339.388**, the
9 department or the agency shall immediately:

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

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

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 and the law enforcement agency shall jointly determine the roles and re-
17 sponsibilities of the department and the agency in their respective investigations; and

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

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

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

27 (5)(a) If a child is taken into protective custody by the department or a law enforcement official,
28 the department or law enforcement official shall, if possible, make reasonable efforts to advise the
29 parents or guardian immediately, regardless of the time of day, that the child has been taken into

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 custody, the reasons the child has been taken into custody and general information about the child's
2 placement, and the telephone number of the local office of the department and any after-hours tele-
3 phone numbers.

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

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

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

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

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

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

31 **SECTION 2. Section 3 of this 2017 Act is added to and made a part of ORS 419B.005 to**
32 **419B.050.**

33 **SECTION 3. (1) For purposes of this section, "nonfamily setting" means a location other**
34 **than the child's family home where the child and the child's parents or guardians reside.**
35 **"Nonfamily setting" includes, but is not limited to, substitute care placements outside of the**
36 **family home including placements in foster homes and in child-caring facilities, residential**
37 **treatment homes, residential care facilities, crisis respite facilities, community programs or**
38 **facilities, schools, child care facilities, day care facilities and other institutional facilities.**

39 **(2)(a) When investigating abuse as required under ORS 419B.020 that is alleged to have**
40 **occurred in a nonfamily setting, the Department of Human Services shall ensure that in-**
41 **vestigations are conducted in a timely manner with due consideration given to the safety of**
42 **all children residing or receiving services in the nonfamily setting.**

43 **(b) Persons conducting investigations or providing assessments of reports of abuse that**
44 **is alleged to have occurred in a nonfamily setting must complete special training that is**
45 **specific to the unique circumstances of abuse that occurs in a nonfamily setting. The train-**

1 ing must include, but is not limited to:

2 (A) Trauma-informed and age-appropriate investigation and interview practices and
3 techniques;

4 (B) Appropriate interview and investigation techniques for working with children with
5 intellectual disabilities, developmental disabilities and mental illness; and

6 (C) Recognition of the challenges and risks inherent in residential settings, congregate
7 care settings and school settings.

8 (3) Parents of children who are alleged victims of abuse that is alleged to have occurred
9 in a nonfamily setting shall have access to reports and documents relevant to their
10 children's health, welfare and safety. The department shall inform the parents in a timely
11 manner regarding the investigation process, the progress of the investigation and the out-
12 come of the investigation.

13 SECTION 4. Section 3 of this 2017 Act and the amendments to ORS 419B.020 by section
14 1 of this 2017 Act apply to reports of abuse made on or after the effective date of this 2017
15 Act.

16 SECTION 5. This 2017 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
18 on its passage.
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