

## SENATE AMENDMENTS TO SENATE BILL 268

By COMMITTEE ON HUMAN SERVICES

April 26

1 On page 1 of the printed bill, line 2, after the second semicolon delete the rest of the line and  
2 line 3 and insert “and amending ORS 419B.035.”.

3 Delete lines 5 through 29 and delete pages 2 and 3 and insert:

4 “**SECTION 1.** ORS 419B.035 is amended to read:

5 “419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and  
6 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records  
7 and public documents, reports and records compiled under the provisions of ORS 419B.010 to  
8 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-  
9 ment of Human Services shall make the records available to:

10 “(a) Any law enforcement agency or a child abuse registry in any other state for the purpose  
11 of subsequent investigation of child abuse;

12 “(b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practi-  
13 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant  
14 or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse  
15 practitioner or coming before the physician, physician assistant or nurse practitioner for examina-  
16 tion, care or treatment;

17 “(c) Attorneys of record for the child or child’s parent or guardian in any juvenile court pro-  
18 ceeding;

19 “(d) Citizen review boards established by the Judicial Department for the purpose of periodically  
20 reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile  
21 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to  
22 participants in case reviews;

23 “(e) A court appointed special advocate in any juvenile court proceeding in which it is alleged  
24 that a child has been subjected to child abuse or neglect;

25 “(f) The Office of Child Care for certifying, registering or otherwise regulating child care facil-  
26 ities;

27 “(g) The Office of Children’s Advocate;

28 “(h) The Teacher Standards and Practices Commission for investigations conducted under ORS  
29 342.176 involving any child or any student in grade 12 or below;

30 “(i) Any person, upon request to the Department of Human Services, if the reports or records  
31 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-  
32 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be  
33 disclosed in accordance with ORS 192.410 to 192.505; [and]

34 “(j) The Office of Child Care for purposes of ORS 329A.030 (8)(g); and

35 “(k) **With respect to a report of abuse occurring at a school or in an educational setting**

1 **that involves a child with a disability, Disability Rights Oregon.**

2 “(2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the  
3 Department of Human Services may exempt from disclosure the names, addresses and other identi-  
4 fying information about other children, witnesses, victims or other persons named in the report or  
5 record if the department determines, in written findings, that the safety or well-being of a person  
6 named in the report or record may be jeopardized by disclosure of the names, addresses or other  
7 identifying information, and if that concern outweighs the public’s interest in the disclosure of that  
8 information.

9 “(b) If the Department of Human Services does not have a report or record of abuse regarding  
10 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS  
11 161.015, the department may disclose that information.

12 “(3) The Department of Human Services may make reports and records compiled under the  
13 provisions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer,  
14 court, agency, organization or other entity when the department determines that such disclosure is  
15 necessary to administer its child welfare services and is in the best interests of the affected child,  
16 or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to  
17 protect children from abuse and neglect or for research when the Director of Human Services gives  
18 prior written approval. The Department of Human Services shall adopt rules setting forth the pro-  
19 cedures by which it will make the disclosures authorized under this subsection or subsection (1) or  
20 (2) of this section. The name, address and other identifying information about the person who made  
21 the report may not be disclosed pursuant to this subsection and subsection (1) of this section.

22 “(4) A law enforcement agency may make reports and records compiled under the provisions of  
23 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-  
24 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement  
25 agency determines that disclosure is necessary for the investigation or enforcement of laws relating  
26 to child abuse and neglect.

27 “(5) A law enforcement agency, upon completing an investigation and closing the file in a spe-  
28 cific case relating to child abuse or neglect, shall make reports and records in the case available  
29 upon request to any law enforcement agency or community corrections agency in this state, to the  
30 Department of Corrections or to the State Board of Parole and Post-Prison Supervision for the  
31 purpose of managing and supervising offenders in custody or on probation, parole, post-prison  
32 supervision or other form of conditional or supervised release. A law enforcement agency may make  
33 reports and records compiled under the provisions of ORS 419B.010 to 419B.050 available to law  
34 enforcement, community corrections, corrections or parole agencies in an open case when the law  
35 enforcement agency determines that the disclosure will not interfere with an ongoing investigation  
36 in the case. The name, address and other identifying information about the person who made the  
37 report may not be disclosed under this subsection or subsection (6)(b) of this section.

38 “(6)(a) Any record made available to a law enforcement agency or community corrections  
39 agency in this state, to the Department of Corrections or the State Board of Parole and Post-Prison  
40 Supervision or to a physician, physician assistant or nurse practitioner in this state, as authorized  
41 by subsections (1) to (5) of this section, shall be kept confidential by the agency, department, board,  
42 physician, physician assistant or nurse practitioner. Any record or report disclosed by the Depart-  
43 ment of Human Services to other persons or entities pursuant to subsections (1) and (3) of this sec-  
44 tion shall be kept confidential.

45 “(b) Notwithstanding paragraph (a) of this subsection:

1           “(A) A law enforcement agency, a community corrections agency, the Department of Corrections  
2 and the State Board of Parole and Post-Prison Supervision may disclose records made available to  
3 them under subsection (5) of this section to each other, to law enforcement, community corrections,  
4 corrections and parole agencies of other states and to authorized treatment providers for the pur-  
5 pose of managing and supervising offenders in custody or on probation, parole, post-prison super-  
6 vision or other form of conditional or supervised release.

7           “(B) A person may disclose records made available to the person under subsection (1)(i) of this  
8 section if the records are disclosed for the purpose of advancing the public interest.

9           “(7) An officer or employee of the Department of Human Services or of a law enforcement  
10 agency or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this  
11 section may not release any information not authorized by subsections (1) to (6) of this section.

12           “(8) As used in this section, ‘law enforcement agency’ has the meaning given that term in ORS  
13 181A.010.

14           “(9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

15           “**SECTION 2. The amendments to ORS 419B.035 by section 1 of this 2017 Act apply to**  
16 **reports and records compiled under the provisions of ORS 419B.010 to 419B.050 on or after**  
17 **the effective date of this 2017 Act.”.**