

Senate Bill 636

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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**.

Defines finding of unsubstantiated report of abuse of child in care.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to findings regarding reports of abuse of child in care; amending section 38, chapter 106,
3 Oregon Laws 2016; and declaring an emergency.

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

5 **SECTION 1.** Section 38, chapter 106, Oregon Laws 2016, is amended to read:

6 **Sec. 38.** (1) The investigation conducted by the Department of Human Services under section
7 37, [*of this 2016 Act*] **chapter 106, Oregon Laws 2016**, must result in one of the following findings:

8 (a) That the report is substantiated. A report is substantiated when there is reasonable cause
9 to believe that the abuse of a child in care occurred.

10 (b) That the report is unsubstantiated. [*A report is unsubstantiated when there is no evidence that*
11 *the abuse of a child in care occurred.*] **A report is unsubstantiated when, after the investigation,**
12 **the evidence does not provide reasonable cause to believe that abuse occurred.**

13 (c) That the report is inconclusive. A report is inconclusive when there is some indication that
14 the abuse occurred but there is insufficient evidence to conclude that there is reasonable cause to
15 believe that the abuse occurred.

16 (2) When a report is received under section 37, [*of this 2016 Act*] **chapter 106, Oregon Laws**
17 **2016**, alleging that a child in care may have been subjected to abuse, the department shall notify the
18 attorney for the child, the child's court appointed special advocate, the parents or guardians of the
19 child, any attorney representing a parent or guardian of the child and any governmental agency or
20 unit that has a contract with the child-caring agency to provide care or services to the child that
21 a report has been received.

22 (3) The department may interview the child in care who is the subject of suspected abuse and
23 witnesses without the presence of child-caring agency or proctor foster home employees or depart-
24 ment personnel. The department shall inform the child in care that the child may have the child's
25 parent or guardian, if the child has not been committed to the custody of the department or the
26 Oregon Youth Authority, or attorney present when participating in an interview conducted in the
27 course of an abuse investigation.

28 (4) The department shall notify the following when a report of abuse is substantiated:

29 (a) The Director of Human Services.

30 (b) Personnel in the department responsible for the licensing, certificate or authorization of

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 child-caring agencies.

2 (c) The department’s lead personnel in that part of the department that is responsible for child
3 welfare generally.

4 (d) With respect to the child in care who is the subject of the abuse report and investigation:

5 (A) Case managers for the child in care;

6 (B) The court appointed special advocate, if any, for the child in care; and

7 (C) The attorney for the child in care, if any.

8 (e) The parents or guardians of the child in care who is the subject of the abuse report and in-
9 vestigation if the child in care has not been committed to the custody of the department or the
10 youth authority. Notification under this paragraph may not include any details or information other
11 than that a report of abuse has been substantiated.

12 (f) The parents or guardians of each child in care that is residing, or receiving care or services,
13 at the child-caring agency or proctor foster home that is the subject of the report and investigation,
14 if the child in care has not been committed to the custody of the department or the youth authority.
15 Notification under this paragraph may not include any details or information other than that a re-
16 port of abuse has been substantiated.

17 (g) Any governmental agency or unit that has a contract with the child-caring agency to provide
18 care or services to a child in care.

19 (5) The department shall report on a quarterly basis to the interim legislative committees on
20 child welfare for the purposes of public review and oversight of the quality and safety of child-caring
21 agencies that are licensed, certified or authorized by the department in this state and of proctor
22 foster homes that are certified by the child-caring agencies. Information provided in reports under
23 this subsection may not contain the name or any identifying information of a child in care but must
24 contain all of the following:

25 (a) The name of any child-caring agency or proctor foster home where the department conducted
26 an investigation pursuant to section 37, [*of this 2016 Act*] **chapter 106, Oregon Laws 2016**, that
27 resulted in a finding that the report of abuse was substantiated during that quarter;

28 (b) The approximate date that the abuse occurred;

29 (c) The nature of the abuse and a brief narrative description of the abuse that occurred;

30 (d) Whether physical injury, sexual abuse or death resulted from the abuse; and

31 (e) Corrective actions taken or ordered by the department and the outcome of the corrective
32 actions.

33 **SECTION 2. This 2017 Act being necessary for the immediate preservation of the public**
34 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
35 **on its passage.**