

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO  
SENATE BILL 268**

1 On page 1 of the printed bill, line 2, after the second semicolon, delete  
2 the rest of the line and 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,  
6 192.210 to 192.505 and 192.610 to 192.810 relating to confidentiality and ac-  
7 cessibility for public inspection of public records and public documents, re-  
8 ports and records compiled under the provisions of ORS 419B.010 to 419B.050  
9 are confidential and may not be disclosed except as provided in this section.

10 The Department of Human Services shall make the records available to:

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

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

19 “(c) Attorneys of record for the child or child’s parent or guardian in any  
20 juvenile court proceeding;

21 “(d) Citizen review boards established by the Judicial Department for the

1 purpose of periodically reviewing the status of children, youths and youth  
2 offenders under the jurisdiction of the juvenile court under ORS 419B.100  
3 and 419C.005. Citizen review boards may make such records available to  
4 participants in case reviews;

5 “(e) A court appointed special advocate in any juvenile court proceeding  
6 in which it is alleged that a child has been subjected to child abuse or neg-  
7 lect;

8 “(f) The Office of Child Care for certifying, registering or otherwise reg-  
9 ulating child care facilities;

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

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

14 “(i) Any person, upon request to the Department of Human Services, if  
15 the reports or records requested regard an incident in which a child, as the  
16 result of abuse, died or suffered serious physical injury as defined in ORS  
17 161.015. Reports or records disclosed under this paragraph must be disclosed  
18 in accordance with ORS 192.410 to 192.505; *[and]*

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

20 **“(k) With respect to a report of abuse occurring at a school or in**  
21 **an educational setting that involves a child with a disability, Disability**  
22 **Rights Oregon.**

23 “(2)(a) When disclosing reports and records pursuant to subsection (1)(i)  
24 of this section, the Department of Human Services may exempt from disclo-  
25 sure the names, addresses and other identifying information about other  
26 children, witnesses, victims or other persons named in the report or record  
27 if the department determines, in written findings, that the safety or well-  
28 being of a person named in the report or record may be jeopardized by dis-  
29 closure of the names, addresses or other identifying information, and if that  
30 concern outweighs the public’s interest in the disclosure of that information.

1       “(b) If the Department of Human Services does not have a report or re-  
2 cord of abuse regarding a child who, as the result of abuse, died or suffered  
3 serious physical injury as defined in ORS 161.015, the department may dis-  
4 close that information.

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

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

24       “(5) A law enforcement agency, upon completing an investigation and  
25 closing the file in a specific case relating to child abuse or neglect, shall  
26 make reports and records in the case available upon request to any law  
27 enforcement agency or community corrections agency in this state, to the  
28 Department of Corrections or to the State Board of Parole and Post-Prison  
29 Supervision for the purpose of managing and supervising offenders in custody  
30 or on probation, parole, post-prison supervision or other form of conditional

1 or supervised release. A law enforcement agency may make reports and re-  
2 cords compiled under the provisions of ORS 419B.010 to 419B.050 available  
3 to law enforcement, community corrections, corrections or parole agencies  
4 in an open case when the law enforcement agency determines that the dis-  
5 closure will not interfere with an ongoing investigation in the case. The  
6 name, address and other identifying information about the person who made  
7 the report may not be disclosed under this subsection or subsection (6)(b) of  
8 this section.

9 “(6)(a) Any record made available to a law enforcement agency or com-  
10 munity corrections agency in this state, to the Department of Corrections  
11 or the State Board of Parole and Post-Prison Supervision or to a physician,  
12 physician assistant or nurse practitioner in this state, as authorized by sub-  
13 sections (1) to (5) of this section, shall be kept confidential by the agency,  
14 department, board, physician, physician assistant or nurse practitioner. Any  
15 record or report disclosed by the Department of Human Services to other  
16 persons or entities pursuant to subsections (1) and (3) of this section shall  
17 be kept confidential.

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

19 “(A) A law enforcement agency, a community corrections agency, the  
20 Department of Corrections and the State Board of Parole and Post-Prison  
21 Supervision may disclose records made available to them under subsection  
22 (5) of this section to each other, to law enforcement, community corrections,  
23 corrections and parole agencies of other states and to authorized treatment  
24 providers for the purpose of managing and supervising offenders in custody  
25 or on probation, parole, post-prison supervision or other form of conditional  
26 or supervised release.

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

30 “(7) An officer or employee of the Department of Human Services or of

1 a law enforcement agency or any person or entity to whom disclosure is  
2 made pursuant to subsections (1) to (6) of this section may not release any  
3 information not authorized by subsections (1) to (6) of this section.

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

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

8 **“SECTION 2. The amendments to ORS 419B.035 by section 1 of this  
9 2017 Act apply to reports and records compiled under the provisions  
10 of ORS 419B.010 to 419B.050 on or after the effective date of this 2017  
11 Act.”.**

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