

SB 1540 A -A10 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/28

WHAT THE MEASURE DOES:

Clarifies provisions related to child abuse investigations conducted on school premises and modifies definitions of "adult", "community health program", and "sexual abuse" for the purposes of abuse reporting for adults with mental illnesses or development disabilities.

Authorizes the Department of Human Services (DHS) or law enforcement agency to conduct abuse investigations on school premises. Requires DHS or law enforcement agency conducting the investigation to present adequate identification to school staff members. Requires school staff members to cooperate with investigation and, at a minimum, allow DHS or law enforcement agency conducting the investigation access to the child and a private space to interview the child. Prohibits school administrators and staff from notifying any person of the investigation, other than DHS, law enforcement, and school employees necessary to enable the investigation. Clarifies that information obtained during the investigation is not part of the child's school record.

Expands definition of "adult" within abuse reporting for adults with mental illness or developmental disabilities to include a person who is receiving mental health treatment in a community program, facility, or state hospital for treatment of substance use disorder or mental illness. Includes in the definition of "community program" providers whose services are paid for, directly or indirectly, by the Oregon Health Authority. Clarifies the definition of "sexual abuse" to include any sexual contact between a recipient of mental health or substance use disorder treatment and the provider of the treatment.

Declares emergency, effective upon passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A10 Removes provisions relating to the modifications to the definition of child abuse for the purposes of mandatory reporting.

BACKGROUND:

Senate Bill 101, passed during the 2017 legislative session, made changes to child abuse investigations conducted by DHS and law enforcement agencies on school premises. Senate Bill 1540-A clarifies the authority DHS and law enforcement agencies have to conduct child abuse investigations on school premises. The measure requires school staff members to cooperate with investigations by allowing DHS or the law enforcement agency conducting the investigation access to the child and a private space to interview the child. Senate Bill 1540-A also prohibits school administrators and staff from notifying any person other than DHS, law enforcement, and school employees necessary to enable the investigation. The measure additionally clarifies that information obtained during the investigation is not part of the child's school record.

Oregon Health Authority reports receiving complaints of abuse occurring within residential treatment programs but is unable to investigate specific abuse allegations and only able to examine complaints as licensing violations. Adults receiving treatment for severe and persistent mental health illnesses and adults receiving treatment for substance use disorders lack protections under Oregon law regarding abuse reporting for adults with mental illness or development disabilities. Senate Bill 1540-A includes adults with persistent and severe mental illnesses and adults

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with substance use disorders who are receiving services or treatment within the definition of "adult" for the purpose of mandatory abuse reporting and investigations. Senate Bill 1540-A also clarifies the definition of "sexual abuse" to include any sexual contact between a recipient of mental health or substance use disorder treatment and the provider of the treatment.

PRELIMINARY