

**SB 1540 B STAFF MEASURE SUMMARY**

**Carrier:** Rep. Keny-Guyer

**House Committee On Rules**

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**Action Date:** 02/28/18

**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

**Vote:** 9-0-0-0

**Yeas:** 9 - Barreto, Holvey, Kennemer, McLane, Nosse, Rayfield, Smith Warner, Williamson, Wilson

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Adam Crawford, LPRO Analyst

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**WHAT THE MEASURE DOES:**

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

Requires Department of Human Services (DHS) or law enforcement agency conducting child abuse investigations on school premises to present adequate identification to school personnel. Requires school personnel to cooperate with investigation and, at a minimum, allow access to subject children in a private interview space. Prohibits school personnel from disclosing the investigation outside DHS, law enforcement, and other school personnel necessary to enable the investigation. Clarifies that information obtained during the investigation is not part of the child's school record. Includes persons receiving mental health treatment in a community program or facility, or treatment of substance use disorders or mental illness at a state hospital within mandatory reporting requirements that apply to adults with mental illness or developmental disabilities. Includes providers whose services are paid for by the Oregon Health Authority within the definition of "community program." Clarifies that the definition of "sexual abuse" applies to sexual contact between a recipient of mental health or substance use disorder treatment and the provider of the treatment.

Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Age of consent and mandatory reporting
- DHS and law enforcement resources
- Proposed work group to continue during the interim

**EFFECT OF AMENDMENT:**

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-B clarifies the authority DHS and law enforcement agencies have to conduct child abuse investigations on school premises. The measure requires school personnel to cooperate with investigations by allowing investigators to have access to children who are the subject of the investigation as well as a private space to conduct interviews. Senate Bill 1540-B also prohibits school personnel from disclosing the investigation to anyone other than DHS, law enforcement, or other school employees necessary to enable the investigation. The measure further clarifies that information obtained during the investigation is not part of the child's school record.

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The Oregon Health Authority receives complaints of abuse within adult residential treatment programs but lacks civil or criminal investigatory authority (only regulatory). Adults receiving treatment for severe and persistent mental health illnesses and adults receiving treatment for substance use disorders are not explicitly included within mandatory reporting abuse statutes in Oregon that apply to adults with mental illness or development disabilities. Senate Bill 1540-B includes adults with persistent and severe mental illnesses and adults 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-B also clarifies that sexual contact between a recipient of mental health or substance use disorder treatment and the provider of the treatment is included in the definition of "sexual abuse."

**FISCAL IMPACT OF PROPOSED LEGISLATION**

79th Oregon Legislative Assembly – 2018 Regular Session  
Legislative Fiscal Office

**Measure: SB 1540 - B**

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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Prepared by: Kim To  
Reviewed by: Laurie Byerly, Ken Rocco, Julie Neburka, Doug Wilson, Linda Ames, John Borden  
Date: 3/1/2018

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**Measure Description:**

Modifies definition of child abuse for purpose of mandatory reporting.

**Government Unit(s) Affected:**

Department of Human Services (DHS), Department of Justice (DOJ), Oregon Health Authority (OHA), Oregon State Police (OSP), Department of Education (ODE), School Districts, Community Colleges, Public Universities, Higher Education Coordinating Commission (HECC), Oregon Youth Authority (OYA), counties

**Summary of Expenditure Impact:**

Costs related to the measure are indeterminate at this time - See explanatory analysis.

**Analysis:**

SB 1540 with the -A10 specifies that: (1) when investigating a report of child abuse on school premises, DHS and law enforcement must present adequate identification to school staff; and (2) school staff must cooperate with the investigation by providing access to the child who is the suspected victim of abuse, and providing a private space to conduct the interview. The bill also specifies that information obtained during an investigation is not part of the child's school records. These provisions of the bill are anticipated to have minimal impact on affected agencies listed above.

In addition, the bill expands the scope of investigations for persons with mental illness or substance use disorders that may be conducted by Department of Human Services (DHS) and the Oregon Health Authority (OHA) by modifying, for the purpose of investigation of abuse, the definition of:

1. "adult" to include a person who is receiving services for a substance use disorder or a mental illness in a facility or a state hospital.
2. "community program" to include a provider that is paid directly or indirectly by OHA to provide mental health treatment in the community.
3. "sexual abuse" to include any sexual contact between an individual receiving mental health or substance abuse treatment and the individual providing the treatment.

The fiscal impact of this provision of the bill on DHS and community programs is indeterminate because at this time, the effect of this bill on the investigation caseload cannot be predicted. DHS Office of Adult Abuse Prevention and Investigation (OAAPI) is a shared service between DHS and OHA. If passage of this bill results in an increase in investigations caseload, DHS may need additional resources to address this increase.