

Analysis

Item 22: Department of Human Services

Third Party Child Abuse Investigations

Analyst: Laurie Byerly

Request: Increase General Fund by \$7,796,505 and establish 46 full-time permanent positions (34.50 FTE) to complete third party child abuse investigations.

Analysis: The 2019 Legislature passed SB 155, which requires the Department of Human Services (DHS) to investigate reports of child abuse tied to school-related settings. In addition, regardless of setting, the bill makes DHS responsible for investigating all third-party reports of child abuse that are not investigated by a law enforcement agency. For DHS, the bill authorized \$2.5 million General Fund (\$3.7 million total funds) and 13 positions (9.75 FTE) to carry out this work. The fiscal impact associated with this funding level was based on an assumption that there would be 500 referrals per year. Since the session, DHS has received some clarification on bill requirements and now estimates an additional 5,000 investigations may be required.

The agency's request supports staffing to cover the higher number of investigations, which were required starting January 1, 2020, when the law took effect. Additional resources are also needed to update systems to tracking investigations, which will be handled by the Department's Office of Training, Investigations and Safety (OTIS).

To ensure successful implementation of the new law, this request should be considered for action during the 2020 legislative session. A specific funding recommendation will need to be developed based on the availability of and legislative priorities for General Fund resources.

In addition, by the 2020 legislative session, there may be new information to help inform a recommendation. Even with an updated number around the number of investigations required, there is still uncertainty around that estimate and the level of effort investigations will take, since this is a body of new work. With a month of experience completed by session, DHS may have some additional insight regarding the bill's workload. There has also been some discussion around potential 2020 legislation that would postpone implementation of a section of the law to allow more time for data collection; this type of change would likely influence agency funding and position needs.

Legislative Fiscal Office Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means defer action on the request to the 2020 legislative session.

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Department of Human Services
Webb

Request: Acknowledge receipt of the report and recommend an increase of \$7,796,505 General Fund and the establishment of 46 positions (34.50 FTE) for the implementation of Senate Bill 155 (2019).

Recommendation: Acknowledge receipt of the report and consider the request during the 2020 Legislative Session.

Discussion: Senate Bill 155 (2019) requires the Department of Human Services (DHS) to investigate all reports of child abuse. Previously, DHS was not required to investigate a report of abuse in cases that met three criteria: 1) the case was referred to law enforcement for investigation, 2) the alleged perpetrator was a non-familial party, and 3) the parents were protective. Senate Bill 942 (2017) mandated all child abuse investigations, conducted by either DHS or law enforcement, include a finding of founded, unfounded, or unable to be determined. Senate Bill 942 (2017) resulted in a change to the Department's investigation methodology by requiring DHS to make a determination in every case. Senate Bill 155 (2019) expanded the agency's scope of work by increasing the number of investigations in DHS' jurisdiction and expanded the depth of investigations by defining an investigation as a detailed inquiry or assessment, rather than a screening activity.

Effective January 1, 2020, all third party child abuse allegations will be referred to the Office of Training, Investigation and Safety (OTIS). OTIS is within the DHS Shared Services Division and supports both DHS and the Oregon Health Authority (OHA). OTIS will prioritize and investigate all child abuse allegations. During the 2019 Legislative Session, Senate Bill 155 (2019) provided DHS with 13 positions (9.75 FTE) based on a projected workload of 500 investigations. After session, the Department was provided additional guidance on how to comply with Senate Bill 155 (2019). As a result, DHS revised its estimated workload upwards by 5,000 investigations. In addition to a significantly increased number of cases, OTIS is also faced with an increased workload related to updating the Child Abuse Management (CAM) System to ensure child abuse data is tracked effectively.

To address the additional workload associated with third party child abuse investigations, DHS requests an increase of \$7,796,505 General Fund and the establishment of 46 positions (34.50 FTE). DHS will coordinate approval of the position classifications and compensation with the Department of Administrative Services Chief Human Resources Office. Without the additional positions, the Department will not be able to complete timely investigations of third party child abuse allegations as required by Senate Bill 155 (2019), potentially resulting in a backlog of investigations or service reductions in the Child Welfare program.



Oregon

Kate Brown, Governor

Department of Human Services

Office of the Director

500 Summer St. NE, E-15

Salem, OR 97301

Voice: 503-945-5600

Fax: 503-581-6198

December 9, 2019



The Honorable Senator Elizabeth Steiner Hayward, Co-Chair

The Honorable Senator Betsy Johnson, Co-Chair

The Honorable Representative Dan Rayfield, Co-Chair

Interim Joint Committee on Ways and Means on Human Services

900 Court Street NE

H-178 State Capitol

Salem, OR 97301-4048

Re: Third Party Investigations Related to Child Abuse

Dear Co-Chairpersons:

Nature of the Request

The purpose of this letter is to request funding and positions to implement Senate Bill (SB) 155 (2019). The agency requests the Committee acknowledge receipt of the and recommend and increase of \$7,796,505 in General Fund and the establishment of 46 positions (34.50 FTE.)

Agency Action

SB 155 requires the DHS to investigate all reports of child abuse. Historically, DHS would not complete an abuse investigation where the alleged perpetrator was a third party (non-familial), when the parents were protective, and the allegation was referred to law enforcement. This was consistent with the statutory scheme prior to 2017. In 2017, the legislature enacted a new statute (ORS 419B.026) which provided that every child abuse investigation must conclude with a disposition of founded, unfounded or unable to determine. This applies to DHS or any law enforcement agency conducting an investigation. One intended consequence of the new statute was to restrict DHS's use of its Differential Response practice which did not require a disposition in every investigation. SB 155 changed the landscape in two significant ways: first, by putting the ultimate responsibility to complete an investigation on DHS should law enforcement decide not to investigate; and second, by defining what constitutes an investigation and ensuring that it is a detailed inquiry.

As of January 2020, all allegations of this nature are to be sent to the Office of Training, Investigation and Safety (OTIS) for disposition. OTIS is a shared service between DHS and the Oregon Health Authority. OTIS will triage and investigate the

highest priority allegations as DHS builds capability. Ultimately, OTIS requires additional resources to both address the increase in the number of investigations and to update the Child Abuse Management (CAM) System to track this data. These resources are necessary to address the approximately 5,000 allegations per year now estimated to be forwarded to OTIS for investigation. This is new work and therefore new resources will be required to avoid service level reduction in other Child Welfare program areas.

During the 2019 legislative session, discussions of SB 155 included a fiscal estimate from Child Welfare to meet the bill's mandate. In the fiscal submitted by the DHS it was indicated that *"While this is based on the best information available as of the date of this FIS's preparation, the full impact cannot be determined until work begins to satisfy the requirements of the bill, as written. As such, the full fiscal impact is indeterminate. Should this proposed legislation pass and OTIS determines that additional resources are necessary to complete the body of work required by the legislation, an ask will be put forward at a future rebalance."* DHS was provided 13 positions and 9.75 FTE based on the assumption that there would only be 500 referrals per year.

Subsequent to the close of session, DHS was provided with additional clarification on what is required of DHS to be compliant regarding third party abuse investigations. Analysis of this input identified the need for DHS to conduct an additional 5,000 investigations not previously thought to be at issue. A decision was also recently made to have OTIS conduct these new investigations.

DHS has completed the Child Welfare rules directing OTIS to complete third party abuse allegations, where the parent is still considered protective. In order to address the anticipated workload quickly, OTIS has likewise drafted temporary rules awaiting filing. OTIS is also ready to start bringing on staff to phase in investigations as those staff are hired.

Action Requested

DHS is requesting the Committee recommend an increase of \$7,796,505 General Fund and the establishment of 46 permanent positions (34.50 FTE) to implement the provisions of Senate Bill 155.

Legislation Affected

Central Services/State Assessments and Enterprise-wide Costs (SAEC) - Ch. 668 1(1)
General \$7,796,505

If you have questions, please contact Eric Moore at 503-884-4701.

Sincerely,



Eric Luther Moore
DHS Chief Financial Officer

cc: Laurie Byerly, Legislative Fiscal Office
Ken Rocco, Legislative Fiscal Office
George Naughton, Department of Administrative Services
Tamara Brickman, Department of Administrative Services
Ali Webb, Department of Administrative Services
Mike Streepey, Department of Administrative Services