

DRAFT

SUMMARY

Modifies child abuse reporting requirements to require Department of Human Services to notify law enforcement agency within county where alleged child abuse occurred.

Directs department to adopt rules requiring certain notifications of child abuse reports to be made within five days after receipt. Modifies department's rulemaking authority regarding cross-reporting requirements.

A BILL FOR AN ACT

1
2 Relating to cross-reporting of child abuse; amending ORS 419B.015 and
3 419B.017.

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

5 **SECTION 1.** ORS 419B.015 is amended to read:

6 419B.015. (1)(a) A person making a report of child abuse, whether the re-
7 port is made voluntarily or is required by ORS 419B.010, shall make an oral
8 report by telephone or otherwise to the local office of the Department of
9 Human Services, to the designee of the department or to a law enforcement
10 agency within the county where the person making the report is located at
11 the time of the contact. The report shall contain, if known, the names and
12 addresses of the child and the parents of the child or other persons respon-
13 sible for care of the child, the child's age, the nature and extent of the abuse,
14 including any evidence of previous abuse, the explanation given for the abuse
15 and any other information that the person making the report believes might
16 be helpful in establishing the cause of the abuse and the identity of the
17 perpetrator.

18 (b) When a report of child abuse is received by the department, the de-

1 department shall notify a law enforcement agency within the county where [*the*
2 *report was made*] **the abuse allegedly occurred**. When a report of child
3 abuse is received by a designee of the department, the designee shall notify,
4 according to the contract, either the department or a law enforcement agency
5 within the county where [*the report was made*] **the abuse allegedly oc-**
6 **curred**. When a report of child abuse is received by a law enforcement
7 agency, the agency shall notify the local office of the department within the
8 county where the report was made.

9 (c) When a report of child abuse is received by the department or by a
10 law enforcement agency, the department or law enforcement agency, or both,
11 may collect information concerning the military status of the parent or
12 guardian of the child who is the subject of the report and may share the
13 information with the appropriate military authorities. Disclosure of infor-
14 mation under this paragraph is subject to ORS 419B.035 (7).

15 (2) When a report of child abuse is received under subsection (1)(a) of this
16 section, the entity receiving the report shall make the notification required
17 by subsection (1)(b) of this section according to rules adopted by the de-
18 partment under ORS 419B.017.

19 (3)(a) When a report alleging that a child or ward in substitute care may
20 have been subjected to abuse is received by the department, the department
21 shall notify the attorney for the child or ward, the child's or ward's court
22 appointed special advocate, the parents of the child or ward and any attorney
23 representing a parent of the child or ward that a report has been received.

24 (b) The name and address of and other identifying information about the
25 person who made the report may not be disclosed under this subsection. Any
26 person or entity to whom notification is made under this subsection may not
27 release any information not authorized by this subsection.

28 (c) The department shall make the notification required by this subsection
29 within three business days of receiving the report of abuse.

30 (d) Notwithstanding the obligation imposed by this subsection, the de-
31 partment is not required under this subsection to notify the parent or

1 parent's attorney that a report of abuse has been received if the notification
2 may interfere with an investigation or assessment or jeopardize the child's
3 or ward's safety.

4 **SECTION 2.** ORS 419B.017 is amended to read:

5 419B.017. (1) The Department of Human Services shall adopt rules estab-
6 lishing:

7 (a) The time within which the notification required by ORS 419B.015
8 ~~[(1)(a)]~~ **(1)(b)** must be made. At a minimum, the rules shall:

9 (A) Establish which reports of child abuse require notification within 24
10 hours after receipt;

11 (B) Provide that all other reports of child abuse require notification
12 within ~~[10]~~ **five** days after receipt; and

13 (C) Establish criteria that enable the department, the designee of the de-
14 partment or a law enforcement agency to quickly and easily identify reports
15 that require notification within 24 hours after receipt.

16 (b) How the notification is to be made.

17 (2) The department shall appoint an advisory committee to advise the
18 department in adopting rules required by this section. The department shall
19 include as members of the advisory committee representatives of law
20 enforcement agencies and multidisciplinary teams formed pursuant to ORS
21 418.747 and other interested parties.

22 *[(3) In adopting rules required by this section, the department shall balance*
23 *the need for providing other entities with the information contained in a report*
24 *received under ORS 419B.015 with the resources required to make the notifi-*
25 *cation.]*

26 ~~[(4)]~~ **(3)** The department may recommend practices and procedures to local
27 law enforcement agencies to meet the requirements of rules adopted under
28 this section.

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