

House Bill 3178

Sponsored by Representatives KENY-GUYER, NOBLE, WILLIAMS; Representatives MEEK, SANCHEZ, WILDE, Senators HEARD, KNOPP, MANNING JR, MONNES ANDERSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies allocation formula for grants to regional assessment centers and community assessment centers. Establishes Child Abuse Assessment Account within State Treasury for purpose of grant program for assessment centers. Appropriates moneys from General Fund to Department of Justice for purpose of funding program.

Modifies authority of Advisory Council on Child Abuse Assessment to deposit contributions to Child Abuse Multidisciplinary Intervention Account and Child Abuse Assessment Account.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to child abuse; creating new provisions; amending ORS 147.391, 418.746, 418.786, 418.788
3 and 418.796; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 418.746 to**
6 **418.796.**

7 **SECTION 2. The Child Abuse Assessment Account is established in the State Treasury,**
8 **separate and distinct from the General Fund. Interest earned by the account shall be cred-**
9 **ited to the account. The account consists of moneys deposited into the account under ORS**
10 **418.796 and may include moneys appropriated, allocated, deposited or transferred to the ac-**
11 **count by the Legislative Assembly or otherwise. The moneys in the account are continuously**
12 **appropriated to the Department of Justice for the purposes specified in ORS 418.786.**

13 **SECTION 3. ORS 418.746 is amended to read:**

14 418.746. (1) The Child Abuse Multidisciplinary Intervention Account is established separate and
15 distinct from the General Fund. Interest earned, if any, shall inure to the benefit of the account.
16 **The Child Abuse Multidisciplinary Intervention Account consists of moneys deposited into**
17 **the account under ORS 418.796 and may include moneys appropriated, allocated, deposited**
18 **or transferred to the account by the Legislative Assembly or otherwise.** All moneys deposited
19 in the account are continuously appropriated to the Department of Justice for the purposes of ORS
20 418.751 and this section.

21 (2) The Child Abuse Multidisciplinary Intervention Program, with the advice of the Advisory
22 Council on Child Abuse Assessment, created by ORS 418.784, shall allocate moneys from the Child
23 Abuse Multidisciplinary Intervention Account to eligible county multidisciplinary child abuse teams
24 formed under ORS 418.747, or entities designated by the teams, serving the counties from which the
25 moneys were collected. The program may award only one grant per county. The moneys shall be
26 allocated by the same formula as, or a formula similar to, the formula used by the Attorney General
27 for equitable distribution of the fund for victim's assistance programs under ORS 147.227 (1). Moneys
28 allocated under this subsection may not be used as replacement revenues for currently available

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 funds previously allocated by the county for child abuse intervention.

2 (3) The Child Abuse Multidisciplinary Intervention Program shall determine eligibility of the
3 applicants and:

4 (a) Allocate funds if the applicant is deemed eligible;

5 (b) Conditionally allocate funds, with appropriate conditions, when necessary to establish eligi-
6 bility; or

7 (c) Deny funding.

8 (4) In making the eligibility determination, the Child Abuse Multidisciplinary Intervention Pro-
9 gram shall consider the following nonexclusive list of factors:

10 (a) Whether the services offered by an applicant substantially further the goals and purposes
11 of ORS 418.747, 418.790 and 418.792;

12 (b) Whether the county multidisciplinary child abuse team or the entity designated by the team
13 has properly allocated other available funds;

14 (c) Any evaluations of previously funded services as required by subsection (7) of this section;

15 (d) The extent to which the county's coordinated child abuse multidisciplinary intervention plan
16 provides for comprehensive services to the victims of child abuse;

17 (e) Whether the funds are being used as replacement revenues as prohibited by subsection (2)
18 of this section;

19 (f) Whether there is a community assessment center or advocacy center in existence or planned
20 in the county; and

21 (g) The extent to which funding a community assessment center is given priority in the inter-
22 vention plan as required under subsection (5) of this section.

23 (5)(a) At least once a biennium, the county multidisciplinary child abuse team shall submit to
24 the Child Abuse Multidisciplinary Intervention Program a coordinated child abuse multidisciplinary
25 intervention plan. The intervention plan must:

26 (A) Describe all sources of funding, other than moneys that may be allocated from the Child
27 Abuse Multidisciplinary Intervention Account, including in-kind contributions that are available for
28 the intervention plan;

29 (B) Describe the critical needs of victims of child abuse in the county, including but not limited
30 to assessment, advocacy and treatment, and how the intervention plan addresses those needs in a
31 comprehensive manner;

32 (C) Include the county's written protocol and agreements required by ORS 418.747 (2) and
33 418.785; and

34 (D) Describe how the intervention plan gives priority to funding a community assessment center
35 and how the funding supports the center.

36 (b) When submitting the intervention plan, the county multidisciplinary child abuse team shall
37 also submit:

38 (A) Those applications for funding received from entities under subsection (6) of this section that
39 the team determines best meet the needs of the county's intervention plan and a recommendation
40 that the applications for funding be granted; and

41 (B) If the team is seeking funding from the Child Abuse Multidisciplinary Intervention Program,
42 an application setting forth the information required by rule of the program.

43 (6) An entity wishing to apply for funding from the Child Abuse Multidisciplinary Intervention
44 Program shall submit an application to the county multidisciplinary child abuse team for the county
45 in which the entity proposes to provide services. The application shall:

1 (a) Describe the services to be funded with moneys from the Child Abuse Multidisciplinary
2 Intervention Program according to the coordinated child abuse multidisciplinary intervention plan
3 and the anticipated outcomes in terms of benefits to children and families; and

4 (b) Describe how the services further the goals and purposes of ORS 418.747, 418.790 and
5 418.792.

6 (7)(a) A designated entity providing services according to a coordinated child abuse multidisci-
7 plinary intervention plan funded with moneys from the Child Abuse Multidisciplinary Intervention
8 Program shall submit an annual report to the county multidisciplinary child abuse team. A multi-
9 disciplinary child abuse team shall submit an annual report to the Child Abuse Multidisciplinary
10 Intervention Program.

11 (b) The annual report filed by the county multidisciplinary child abuse team must:

12 (A) Document how the moneys were utilized and describe to what extent the services were able
13 to meet anticipated outcomes in terms of benefits to children and families.

14 (B) Include local and state issues and recommendations relating to the prevention of child
15 fatalities identified in the fatality review process under ORS 418.785.

16 (c) A county multidisciplinary child abuse team receiving a report from a designated entity shall
17 review the report and take into account success of the entity at meeting service outcomes before
18 making future recommendations regarding allocation of moneys.

19 (d) The Child Abuse Multidisciplinary Intervention Program shall review reports received under
20 this section before making future eligibility and allocation decisions and when evaluating services
21 funded under this section.

22 (8) Two or more county multidisciplinary child abuse teams may join together to develop joint
23 child abuse multidisciplinary intervention plans. The joint intervention plans shall be submitted as
24 provided in subsection (5) of this section.

25 (9) The Child Abuse Multidisciplinary Intervention Program may adopt rules to carry out the
26 provisions of ORS 418.751 and this section including, but not limited to, the following:

27 (a) Notices and time limits for applications;

28 (b) Method of review and the role of advisory bodies; and

29 (c) Reallocation of moneys not applied for or disbursed.

30 **SECTION 4.** ORS 418.786 is amended to read:

31 418.786. (1) To accomplish the purpose described in ORS 418.780, with the assistance of the
32 Advisory Council on Child Abuse Assessment, the administrator of the Child Abuse Multidiscipli-
33 nary Intervention Program shall develop and administer a grant program, **separate from the grant**
34 **program described in ORS 418.746**, to establish and maintain regional assessment centers and
35 community assessment centers under ORS 418.746 to 418.796.

36 (2) **The Child Abuse Multidisciplinary Intervention Program, with the advice of the Ad-**
37 **visory Council on Child Abuse Assessment created by ORS 418.784, shall allocate moneys**
38 **from the Child Abuse Assessment Account established in section 2 of this 2019 Act to eligible**
39 **regional assessment centers and community assessment centers under ORS 418.746 to**
40 **418.796. The moneys shall be allocated by the same formula as, or a formula similar to, the**
41 **formula used by the Attorney General for equitable distribution of the account for victims'**
42 **assistance programs under ORS 147.227 (1). Moneys allocated under this subsection may not**
43 **be used as replacement revenues for currently available funds previously allocated by the**
44 **county for child abuse assessments.**

45 **SECTION 5.** ORS 418.788 is amended to read:

1 418.788. (1) Subject to the availability of funds under the provisions of ORS **418.786 and** 418.796,
 2 The administrator of the Child Abuse Multidisciplinary Intervention Program shall make grants for
 3 the establishment and maintenance of regional assessment centers or community assessment centers.

4 (2) A public or private agency may apply to the administrator for a grant to establish and
 5 maintain a regional assessment center or community assessment center under ORS 418.746 to
 6 418.796. The administrator may consolidate applications from more than one public or private
 7 agency or may return the application with the recommendation that the application be consolidated.

8 (3) The administrator shall by rule establish criteria for awarding grants to establish and
 9 maintain regional assessment centers or community assessment centers under ORS 418.746 to
 10 418.796, including but not limited to:

11 (a) Expenses eligible for reimbursement from funds under ORS **418.786 and** 418.796;

12 (b) The extent to which the applicant's proposed assessment center will best accomplish the
 13 purposes of ORS 418.746 to 418.796;

14 (c) The extent to which an applicant meets criteria for receiving a grant to establish and
 15 maintain a regional assessment center or community assessment center; and

16 (d) For a regional assessment center, the extent to which the applicant's proposed assessment
 17 center meets the documented needs of the communities, community assessment centers and county
 18 multidisciplinary child abuse teams in the region or regions to be served by the center.

19 (4) The administrator is not required to fund any grant in the total amount requested in the
 20 application.

21 **SECTION 6.** ORS 418.796 is amended to read:

22 418.796. The Advisory Council on Child Abuse Assessment may solicit and accept contributions
 23 of funds and assistance from the United States, its agencies or from other sources, public or private,
 24 and agree to conditions not inconsistent with the purposes of ORS 418.746 to 418.796. All funds re-
 25 ceived are to aid in financing the functions of the advisory council and the purposes of ORS 418.746
 26 to 418.796 [*and shall be deposited in the General Fund of the State Treasury to the credit of a separate*
 27 *account and are continuously appropriated to the Child Abuse Multidisciplinary Intervention Program*
 28 *established by ORS 418.783 for the purposes of ORS 418.746 to 418.796*]. **The Advisory Council on**
 29 **Child Abuse Assessment may deposit moneys it collects under this section to the Child Abuse**
 30 **Multidisciplinary Intervention Account under ORS 418.746 or the Child Abuse Assessment**
 31 **Account under section 2 of this 2019 Act.**

32 **SECTION 7.** ORS 147.391 is amended to read:

33 147.391. Notwithstanding ORS 147.390, when the moneys provided from the Criminal Injuries
 34 Compensation Account for the purposes of ORS 147.390 are expended for any cumulative time period
 35 within any biennium, the Criminal Injuries Compensation Account shall have no further obligations
 36 under ORS 147.390 for that time period. However, if the Criminal Injuries Compensation Account
 37 has unexpended moneys provided for at the end of any biennium, the balance shall be transferred
 38 to the [*account created by*] **Department of Justice for deposit by the Advisory Council on Child**
 39 **Abuse Assessment under ORS 418.796.**

40 **SECTION 8. In addition to and not in lieu of any other appropriation, there is appropri-**
 41 **ated to the Department of Justice, for the biennium beginning July 1, 2019, out of the Gen-**
 42 **eral Fund, the amount of \$6,000,000 for deposit in the Child Abuse Assessment Account**
 43 **established in section 2 of this 2019 Act.**

44 **SECTION 9. This 2019 Act being necessary for the immediate preservation of the public**
 45 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**

1 **July 1, 2019.**

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