

**A-Engrossed**  
**House Bill 3208**

Ordered by the House April 15  
Including House Amendments dated April 15

Sponsored by Representative NATHANSON, Senator PROZANSKI, Representative STARK; Representatives BARKER, HELT, MCKEOWN, MEEK, NOBLE, ZIKA

**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.

Directs Department of Human Services to study and develop two-year and five-year plans for department to provide comprehensive funding for child welfare services, ensure adequate in-state services for children's therapeutic care and request sufficient funding for high level staff. Requires department to submit draft plans by September 15, 2019, and final plans by September 15, 2020, to interim committee of Legislative Assembly.

**Directs department to study state law relating to investigations of abuse of children in care and make recommendations for legislation necessary to permit department to adopt, by rule, certain child in care abuse investigation framework.**

Directs department, beginning January 1, 2020, to provide investigation assistance to child abuse investigators. Directs department to report annually to Legislative Assembly on implementation of investigation assistance and recommendations to further minimize trauma to child victims and child abuse investigators.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to child welfare; creating new provisions; amending ORS 418.751; and declaring an emer-  
3 gency.

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

5 **SECTION 1. (1) The Department of Human Services, in consultation with the Oregon**  
6 **Health Authority and the Oregon Youth Authority, shall study and develop two-year and**  
7 **five-year plans that will require the department, the Oregon Health Authority and the**  
8 **Oregon Youth Authority to:**

9 (a) **Provide comprehensive cost of care funding for child welfare services, based on the**  
10 **true and accurate costs of providing services;**

11 (b) **Ensure that adequate in-state services are available to children requiring therapeutic**  
12 **care;**

13 (c) **Request sufficient funding to enable providers to attract, hire, train and retain high**  
14 **level staff; and**

15 (d) **Meet all state and federal regulatory and statutory child welfare requirements.**

16 (2)(a) **The department shall submit the initial drafts of the two-year and five-year plans**  
17 **to an appropriate interim committee of the Legislative Assembly no later than September**  
18 **15, 2019.**

19 (b) **The department shall submit the final two-year and five-year plans, with proposals for**  
20 **legislation to accomplish the plans, to an appropriate interim committee of the Legislative**  
21 **Assembly no later than September 15, 2020.**

**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        **SECTION 2.** ORS 418.751 is amended to read:

2        418.751. (1) The Department of Human Services, as provided in ORS 418.702, and the Department  
3 of Justice shall ensure that training and education are provided for persons, other than law  
4 enforcement officers, who are required to investigate allegations of child abuse.

5        (2)(a) The Department of Human Services shall provide trauma-informed training for employees  
6 within the department who are responsible for licensing, certifying or otherwise authorizing child-  
7 caring agencies and foster homes and for employees who investigate such agencies and homes. The  
8 training provided under this subsection must include the following:

9        (A) Interview models and practices that are informed by policy, research and practice guidelines,  
10 with an emphasis on avoiding retraumatization by interview;

11        (B) Recognizing characteristic signs and symptoms of child traumatic stress in children of dif-  
12 ferent developmental ages and cultural backgrounds;

13        (C) The impact of trauma on a child's safety, permanency and well-being;

14        (D) Using and administering trauma-informed assessment tools, instruments and practice strate-  
15 gies;

16        (E) Collection of information on a child's trauma history;

17        (F) Techniques that promote children's recovery and resiliency; and

18        (G) Methods for improving placement stability by reducing the number of placements, shortening  
19 length of stays in care and reducing the number of placement moves.

20        (b) Subject to the availability of funds, the Director of Human Services may extend trauma-  
21 informed training to other persons in the child welfare system including caseworkers, foster parents,  
22 parents, medical examiners and educators.

23        (3)(a) The Department of Human Services shall work to develop a written set of guidelines for  
24 trauma-informed practices for department employees who work with programs for children that can  
25 be shared with other entities, including but not limited to the Oregon Health Authority, the Oregon  
26 Youth Authority and the Board on Public Safety Standards and Training.

27        **(b) In addition to the written guidelines described in paragraph (a) of this subsection, the**  
28 **department shall provide investigation assistance to persons, including law enforcement of-**  
29 **ficers, who are required to investigate allegations of child abuse. The department shall en-**  
30 **sure that persons providing investigation assistance under this paragraph are subject matter**  
31 **experts with knowledge about evidence-based models and best practices in child abuse in-**  
32 **vestigations. As used in this paragraph, "investigation assistance" includes advising investi-**  
33 **gators during a child abuse investigation regarding standards of care, child development and**  
34 **trauma behaviors.**

35        (4) The Department of Human Services and the Department of Justice shall work with the Board  
36 on Public Safety Standards and Training to ensure that the training that is offered to persons under  
37 subsection (1) of this section and ORS 418.702 is coordinated with the training given to law  
38 enforcement officers.

39        **SECTION 3.** (1) **The Department of Human Services shall study provisions of state law**  
40 **relating to investigations of abuse of a child in care, as defined in ORS 418.257, and make**  
41 **recommendations, in both narrative form and in the form of requested draft statutory lan-**  
42 **guage, for the enactment of statutes or for the amendment or repeal of statutes or session**  
43 **laws as necessary to allow the department to adopt, by rule, a child in care abuse investi-**  
44 **gation framework that is consistent with national models for child safety investigations.**

45        (2) **The recommendations under subsection (1) of this section must emphasize:**

1 (a) Utilization of a graduated process of review and accountability in lieu of findings that  
2 reports of abuse are substantiated, unsubstantiated or inconclusive;

3 (b) Implementation of a learning culture that is constantly improving and oriented to-  
4 ward child safety, workforce skills development and retention of high quality employees;

5 (c) Improvements in child safety by empowering employees to proactively monitor the  
6 workplace and participate in safety efforts in the work environment; and

7 (d) The establishment of rules and benchmarks so that both the organization providing  
8 services to a child in care, as defined in ORS 418.257, and its people are held accountable  
9 while focusing on risk, systems design, human behavior and child safety.

10 (3) The recommendations under subsection (1) of this section may incorporate a  
11 graduated system of enforcement, including escalating enforcement based on the following  
12 criteria:

13 (a) Abuse resulting from an inadvertent action based on human error;

14 (b) Abuse resulting from a behavioral choice that caused risk with lack of intent;

15 (c) Abuse resulting from a behavioral choice to consciously disregard policies and prac-  
16 tices, creating a substantial and unjustifiable risk; and

17 (d) Abuse resulting from egregious at-risk behavior or intentional choice to harm.

18 (4) The department shall submit a report on its findings to an appropriate interim com-  
19 mittee of the Legislative Assembly no later than September 15, 2019.

20 **SECTION 4.** The Department of Human Services shall study the implementation of the  
21 child abuse investigation assistance under ORS 418.751 (3)(b) and annually report to the ap-  
22 propriate interim committees of the Legislative Assembly no later than September 15 of each  
23 year, and include recommendations on further methods to provide assistance in child abuse  
24 investigations to minimize any negative impact on child victims and unnecessary trauma on  
25 child abuse investigators.

26 **SECTION 5.** The report described in section 4 of this 2019 Act is first due no later than  
27 September 15, 2020.

28 **SECTION 6.** (1) The amendments to ORS 418.751 by section 2 of this 2019 Act become  
29 operative on January 1, 2020.

30 (2) The Department of Human Services may take any action before the operative date  
31 specified in subsection (1) of this section that is necessary to enable the department to ex-  
32 ercise, on and after the operative date specified in subsection (1) of this section, all of the  
33 duties, functions and powers conferred on the department by the amendments to ORS 418.751  
34 by section 2 of this 2019 Act.

35 **SECTION 7.** This 2019 Act being necessary for the immediate preservation of the public  
36 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect  
37 on its passage.

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