

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO  
SENATE BILL 832**

1 On page 1 of the printed bill, line 2, delete the first “and” and after  
2 “419B.024” insert “; and declaring an emergency”.

3 Delete lines 5 through 21 and insert:

4 **“SECTION 2. Definition. As used in sections 2 to 5 of this 2019 Act,**  
5 **‘critical incident’ means an incident that resulted in the death of a**  
6 **child if the Department of Human Services reasonably believes the**  
7 **death was the result of child abuse and:**

8 **“(1) The child was in the custody of the department at the time of**  
9 **death;**

10 **“(2) The child, the child’s sibling or any other child living in the**  
11 **household with the child was the subject of a child protective services**  
12 **assessment by the department within the 12 months preceding the**  
13 **fatality;**

14 **“(3) The child, the child’s sibling or any other child living in the**  
15 **household with the child had a pending child welfare or adoption case**  
16 **with the department within the 12 months preceding the fatality; or**

17 **“(4) The child, the child’s sibling or any other child living in the**  
18 **household with the child was the subject of a report of abuse or neg-**  
19 **lect made to the department or a law enforcement agency within the**  
20 **12 months preceding the fatality, whether or not the report was closed**  
21 **at screening without an investigation being commenced.”.**

1 On page 2, delete lines 7 through 45.

2 On page 3, delete lines 1 through 30 and insert:

3 **“SECTION 4. Final report. (1) Subject to subsection (2)(b) of this**  
4 **section, each Critical Incident Review Team assigned under ORS**  
5 **419B.024 shall submit a detailed, written final report to the Department**  
6 **of Human Services no later than the 100th day following the date the**  
7 **department assigned the team.**

8 **“(2)(a) Prior to publishing a final report under this section, the de-**  
9 **partment shall take into consideration the following:**

10 **“(A) Whether publication of the report is likely to compromise an**  
11 **ongoing investigation of a law enforcement agency, after the team has**  
12 **communicated with and obtained agreement of appropriate law**  
13 **enforcement agency representatives and the district attorney;**

14 **“(B) Whether the report can be modified so as to permit publication**  
15 **of the report without compromising a law enforcement agency inves-**  
16 **tigation; and**

17 **“(C) Whether, as determined by the team with the advice and con-**  
18 **sultation of the Director of Human Services, the public interest out-**  
19 **weighs the potential consequences to a law enforcement agency**  
20 **investigation as provided in ORS 192.345 (3).**

21 **“(b) The director may extend the deadline for publication of the**  
22 **final report if the director determines that the report, even if modified,**  
23 **will compromise a law enforcement agency investigation and the pub-**  
24 **lic interest does not outweigh the potential consequences.**

25 **“(3) Each final report must include, to the extent determined, at a**  
26 **minimum:**

27 **“(a) A description of the critical incident.**

28 **“(b) The date of the critical incident.**

29 **“(c) The date the department first became aware of the fatality.**

30 **“(d) The date the department or a law enforcement agency caused**

1 an investigation to be made under ORS 419B.020 to determine the na-  
2 ture and cause of the fatality.

3 “(e) The date the findings in the case were entered under ORS  
4 419B.026.

5 “(f) The date the department assigned the team.

6 “(g) The dates of, and number of members in attendance at, each  
7 meeting of the team.

8 “(h) Whether the director appointed members of the public to the  
9 team.

10 “(i) The date the team submitted the final report to the department.

11 “(j) A description of all department contacts with the deceased child  
12 regarding the critical incident, including contacts with the deceased  
13 child’s siblings or the deceased child’s parents, foster parents or other  
14 caretakers. The description of the department’s contacts under this  
15 paragraph must include a description of any relevant prior reports of  
16 abuse the department received involving the individuals identified in  
17 this paragraph. The description of relevant prior reports of abuse  
18 must include:

19 “(A) A summary of the specific nature of any allegations of abuse;

20 “(B) A summary of the assessment or investigation activities re-  
21 lated to any allegations of abuse; and

22 “(C) The disposition of the reports, including whether the reports  
23 were assigned for assessment or investigation.

24 “(k) A description of any concerns the team has regarding actions  
25 taken or not taken by the department or law enforcement agencies in  
26 response to the critical incident or to the events that led to the critical  
27 incident.

28 “(L) Any recommendations for improvements in the administration  
29 and oversight of the child welfare system that are specific to the  
30 critical incident and any historical information reviewed by the team.

1       “(4) A final report under this section may include the team’s rec-  
2 ommendations regarding training and intervention to support the de-  
3 partment personnel involved in responding to critical incidents.

4       “(5) Each final report shall be written in a manner that respects the  
5 dignity of the child, the child’s family and those involved in the crit-  
6 ical incident case. Details about individuals involved in the case may  
7 not be included in the report unless the details are relevant to:

8       “(a) The history of alleged abuse and neglect of the deceased child  
9 and the history of relevant alleged abuse and neglect of other children  
10 in the deceased child’s home at the time of the critical incident and  
11 the deceased child’s siblings.

12       “(b) The exposure of the deceased child or any other children in the  
13 deceased child’s home at the time of the critical incident to domestic  
14 violence or substance abuse.

15       “(c) The history of the department’s involvement with the family.

16       “(d) The goal of constructively informing public policy related to  
17 child welfare, which may include public policies related to health care  
18 coordination, public health, suicide prevention, mental health and ad-  
19 diction services, poverty, law enforcement, chronic neglect, prevention  
20 services or other issues that affect the safety and well-being of Oregon  
21 families.

22       “(6) A final report may not include the names of any person as-  
23 signed to the team or any personally identifiable information regard-  
24 ing any person involved in the critical incident case, including but not  
25 limited to employees of the department, the Oregon Health Authority  
26 or law enforcement.

27       “(7) Any statements contained in a final report or document created  
28 solely for the critical incident review process that are or may be con-  
29 strued as an admission of error, liability or violation of law, policy or  
30 practice are not admissible as evidence in any civil or administrative

1 **proceeding. This restriction does not apply to any document that ex-**  
2 **isted prior to its use and consideration in a critical incident review or**  
3 **that is created independently of the critical incident review process.”.**

4 In line 34, delete “fatality” and insert “critical incident”.

5 In line 35, delete “care” and insert “custody”.

6 In line 42, delete “24 hours” and insert “10 days”.

7 On page 4, line 1, delete “submission” and insert “publication”.

8 In line 3, delete “submission” and insert “publication”.

9 Delete lines 25 through 27 and insert:

10 “(a) Ten days after the department becomes aware of a fatality that the  
11 department reasonably believes is the result of child abuse; or

12 “(b) Seven days after the department causes an investigation under ORS  
13 419B.020 to be made into the nature and cause of a fatality when the de-  
14 partment reasonably believes the fatality is the result of child abuse.”.

15 On page 5, line 14, delete “and the fatality”.

16 In line 23, delete “and investigate”.

17 In line 25, before “incident” insert “critical”.

18 On page 6, line 31, delete “team” and insert “department”.

19 On page 7, after line 5, insert:

20 **“SECTION 10. (1) Sections 2 to 5 of this 2019 Act and the amend-**  
21 **ments to ORS 419B.022 and 419B.024 by sections 6 and 7 of this 2019**  
22 **Act become operative on October 1, 2019.**

23 **“(2) The Department of Human Services may take any action before**  
24 **the operative date specified in subsection (1) of this section that is**  
25 **necessary for the department to exercise, on and after the operative**  
26 **date specified in subsection (1) of this section, all of the duties, func-**  
27 **tions and powers conferred on the department by sections 2 to 5 of this**  
28 **2019 Act and the amendments to ORS 419B.022 and 419B.024 by sections**  
29 **6 and 7 of this 2019 Act.**

30 **“SECTION 11. This 2019 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**  
2 **declared to exist, and this 2019 Act takes effect on its passage.”.**

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