

A-Engrossed House Bill 4112

Ordered by the House February 12
Including House Amendments dated February 12

Sponsored by Representatives WILLIAMS, NOBLE, Senator KNOPP, Representatives KENY-GUYER, NERON, Senator WAGNER; Representatives CLEM, FAHEY, HELT, LEIF, LEWIS, MARSH, MEEK, MITCHELL, NOSSE, PILUSO, PRUSAK, SANCHEZ, SCHOUTEN, SMITH DB, STARK, WILDE, WITT, ZIKA, Senators BEYER, BOLES, GELSER, GOLDEN, HEARD, MANNING JR, MONNES ANDERSON, ROBLAN (Presession filed.)

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.

Modifies allocation formula for grants to children's advocacy centers. Establishes Child Abuse Assessment Account within State Treasury for purpose of grant program for children's advocacy centers. Appropriates moneys from General Fund to Department of Justice for purpose of funding program. Limits biennial expenditures by department for grant program from Child Abuse Assessment Account.

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

Permits Department of Justice to use moneys from Criminal Injuries Compensation Account to pay for medical services provided by children's advocacy center in cases of suspected child sexual abuse or child physical abuse.

Directs University of Oregon to conduct Oregon child abuse prevalence study and to submit report regarding study to interim committees of Legislative Assembly related to human services. Appropriates moneys from General Fund to Higher Education Coordinating Commission for study.

Appropriates moneys from General Fund to Department of Education for purposes of developing curricula and providing educator training for instructional requirements that relate to child sexual abuse prevention, human sexuality education, teen dating violence and domestic violence, and similar instructional requirements that relate to child safety.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to child safety; creating new provisions; amending ORS 147.225, 147.390, 147.391, 418.746,
3 418.786, 418.788 and 418.796; and declaring an emergency.

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

CHILDREN'S ADVOCACY CENTERS

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8 **SECTION 1. Section 2 of this 2020 Act is added to and made a part of ORS 418.746 to**
9 **418.796.**

10 **SECTION 2. The Child Abuse Assessment Account is established in the State Treasury,**
11 **separate and distinct from the General Fund. Interest earned by the account shall be cred-**
12 **ited to the account. The account consists of moneys deposited into the account under ORS**
13 **418.796 and may include moneys appropriated, allocated, deposited or transferred to the ac-**
14 **count by the Legislative Assembly or otherwise. The moneys in the account are continuously**
15 **appropriated to the Department of Justice for the purposes specified in ORS 418.786.**

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

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.

1 418.746. (1) The Child Abuse Multidisciplinary Intervention Account is established separate and
2 distinct from the General Fund. Interest earned, if any, shall inure to the benefit of the account.
3 **The account consists of moneys deposited into the account under ORS 418.796 and may in-**
4 **clude moneys appropriated, allocated, deposited or transferred to the account by the Legis-**
5 **lative Assembly or otherwise.** All moneys deposited in the account are continuously appropriated
6 to the Department of Justice for the purposes of ORS 418.751 and this section.

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

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

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

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

21 (c) Deny funding.

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

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

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

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

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

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

33 (f) Whether there is a children's advocacy center or similar advocacy center in existence or
34 proposed for the county; and

35 (g) The extent to which funding a children's advocacy center is given priority in the intervention
36 plan as required under subsection (5) of this section.

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

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

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

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

3 (D) Describe how the intervention plan gives priority to funding a children's advocacy center
4 and how the funding supports the center.

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

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

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

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

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

18 (b) Describe how the services further the goals and purposes of ORS 418.747, 418.790 and
19 418.792.

20 (7)(a) A designated entity providing services according to a coordinated child abuse multidisciplinary
21 intervention plan funded with moneys from the Child Abuse Multidisciplinary Intervention
22 Program shall submit an annual report to the county child abuse multidisciplinary team. A county
23 child abuse multidisciplinary team shall submit an annual report to the Child Abuse Multidisciplinary
24 Intervention Program.

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

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

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

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

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

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

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

41 (a) Notices and time limits for applications;

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

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

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

45 418.786. (1) To accomplish the purpose described in ORS 418.780, with the assistance of the

1 Advisory Council on Child Abuse Assessment, the administrator of the Child Abuse Multidiscipli-
2 nary Intervention Program shall develop and administer a grant program, **separate from the grant**
3 **program described in ORS 418.746**, to establish and maintain children’s advocacy centers and re-
4 gional children’s advocacy centers, to support training and technical assistance efforts for county
5 child abuse multidisciplinary teams and children’s advocacy centers and to provide coordination and
6 support for the work of regional children’s advocacy centers.

7 **(2) The Child Abuse Multidisciplinary Intervention Program shall allocate moneys from**
8 **the Child Abuse Assessment Account established by section 2 of this 2020 Act to eligible**
9 **children’s advocacy centers under ORS 418.746 to 418.796. The moneys shall be allocated by**
10 **using the same formula as, or a formula similar to, the formula used by the Attorney Gen-**
11 **eral for equitable distribution of the account for victims’ assistance programs under ORS**
12 **147.227 (1), taking into consideration the size of each children’s advocacy center’s service**
13 **area and the associated increased cost of equitably providing services to all victims within**
14 **that area. Moneys allocated under this subsection may not be used as replacement revenues**
15 **for currently available funds previously allocated by the county for children’s advocacy cen-**
16 **ters.**

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

18 418.788. (1) Subject to the availability of funds under the provisions of ORS **418.786 and** 418.796,
19 the administrator of the Child Abuse Multidisciplinary Intervention Program shall make grants for
20 the establishment and maintenance of children’s advocacy centers or regional children’s advocacy
21 centers.

22 (2)(a) A public or private agency may apply to the administrator for a grant to:

23 (A) Establish and maintain a children’s advocacy center or regional children’s advocacy center;

24 (B) Provide training and technical assistance to children’s advocacy centers or county child
25 abuse multidisciplinary teams; or

26 (C) Provide coordination and support to regional children’s advocacy centers.

27 (b) The administrator may consolidate applications from more than one public or private agency
28 or may return the application with the recommendation that the application be consolidated.

29 (3) The administrator shall by rule establish criteria for awarding grants to establish and
30 maintain children’s advocacy centers or regional children’s advocacy centers, including but not
31 limited to:

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

33 (b) The extent to which the applicant’s proposal will best accomplish the purposes of ORS
34 418.746 to 418.796;

35 (c) The extent to which an applicant meets criteria for receiving a grant to:

36 (A) Establish and maintain a children’s advocacy center or regional children’s advocacy center;

37 (B) Provide training and technical assistance to children’s advocacy centers and county child
38 abuse multidisciplinary teams; or

39 (C) Provide coordination and support to regional children’s advocacy centers;

40 (d) Minimum facility standards for children’s advocacy centers and regional children’s advocacy
41 centers consistent with national accreditation standards to ensure that children receive consistent,
42 evidence-based intervention services statewide;

43 (e) Minimum forensic interview training standards that are consistent with national forensic
44 interview training standards, evidence-based and supported by current forensic interview research;
45 and

1 (f) For a regional children’s advocacy center, the extent to which the applicant’s proposal meets
2 the documented needs of the communities, children’s advocacy centers and county child abuse
3 multidisciplinary teams in the region or regions to be served by the center.

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

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

7 418.796. The Advisory Council on Child Abuse Assessment may solicit and accept contributions
8 of funds and assistance from the United States, its agencies or from other sources, public or private,
9 and agree to conditions not inconsistent with the purposes of ORS 418.746 to 418.796. All funds re-
10 ceived are to aid in financing the functions of the advisory council and the purposes of ORS 418.746
11 to 418.796. *[and shall be deposited in the General Fund of the State Treasury to the credit of a separate*
12 *account and are continuously appropriated to the Child Abuse Multidisciplinary Intervention Program*
13 *established by ORS 418.783 for the purposes of ORS 418.746 to 418.796.]* **The advisory council may**
14 **deposit moneys the advisory council collects under this section into the Child Abuse Multi-**
15 **disciplinary Intervention Account under ORS 418.746 or the Child Abuse Assessment Account**
16 **under section 2 of this 2020 Act.**

17 **SECTION 7.** ORS 147.225 is amended to read:

18 147.225. There is established the Criminal Injuries Compensation Account. All moneys in the
19 account are continuously appropriated for and may be used by the Department of Justice for the
20 purposes authorized in ORS 147.005 to 147.367, **147.390** and 147.397.

21 **SECTION 8.** ORS 147.390 is amended to read:

22 147.390. *[(1) Notwithstanding that a child is not a victim under ORS 147.015 (1)(a), in cases of*
23 *suspected child sexual abuse as described in ORS 419B.005 (1)(a)(C), (D) or (E), or child physical*
24 *abuse by an adult or caretaker as otherwise described in ORS 419B.005 (1)(a)(A), compensation may*
25 *be made on behalf of the child for services provided by a children’s advocacy center, including a child*
26 *abuse assessment, a medical assessment or a forensic interview, if:]*

27 *[(a) The expenses are actually paid or incurred by the applicant; and]*

28 *[(b) A claim is filed on behalf of the child in the manner provided in ORS 147.015.]*

29 *[(2) The Department of Justice may pay compensation for child abuse assessments or medical as-*
30 *sessments required by ORS 419B.023 regardless of whether a finding of abuse is made and only if*
31 *other insurance is unavailable. If the department pays compensation, the department shall pay the*
32 *compensation directly to the provider of the services. The medical fee schedules for payment under this*
33 *section shall be the schedules adopted under ORS 147.035.]*

34 **(1) In cases of suspected child sexual abuse as described in ORS 419B.005 (1)(a)(C), (D)**
35 **or (E), or child physical abuse by an adult or caretaker as otherwise described in ORS**
36 **419B.005 (1)(a)(A), the Department of Justice may pay for medical services provided by a**
37 **children’s advocacy center, including child abuse assessments, medical assessments and**
38 **forensic interviews required under ORS 419B.023. Payments under this section may be made**
39 **regardless of whether a finding of abuse is made. The department shall make payments un-**
40 **der this section directly to the children’s advocacy center.**

41 **(2) A children’s advocacy center may not charge the department more for medical ser-**
42 **vices than the maximum amounts established in the medical fee schedules adopted under**
43 **ORS 147.035.**

44 **(3) As used in this section, “child abuse assessment,” “children’s advocacy center,” “forensic**
45 **interview” and “medical assessment” have the meanings given those terms in ORS 418.782.**

1 **General Fund, the amount of \$_____, which shall be expended for the purposes of developing**
2 **curricula and providing educator training related to ORS 336.059, 336.455 and 339.366 and**
3 **similar instructional requirements that relate to child safety.**

4
5 **CAPTIONS**
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7 **SECTION 16. The unit captions used in this 2020 Act are provided only for the conven-**
8 **ience of the reader and do not become part of the statutory law of this state or express any**
9 **legislative intent in the enactment of this 2020 Act.**

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11 **EMERGENCY CLAUSE**
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13 **SECTION 17. This 2020 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect**
15 **on its passage.**

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