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

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

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

CHILDREN'S ADVOCACY CENTERS

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

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

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

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

(3) The Child Abuse Multidisciplinary Intervention Program shall determine eligibility of the
applicants and:
   (a) Allocate funds if the applicant is deemed eligible;
   (b) Conditionally allocate funds, with appropriate conditions, when necessary to establish eligi-
bility; or
   (c) Deny funding.

(4) In making the eligibility determination, the Child Abuse Multidisciplinary Intervention Pro-
gram shall consider the following nonexclusive list of factors:
   (a) Whether the services offered by an applicant substantially further the goals and purposes
of ORS 418.747, 418.790 and 418.792;
   (b) Whether the county child abuse multidisciplinary team or the entity designated by the team
has properly allocated other available funds;
   (c) Any evaluations of previously funded services as required by subsection (7) of this section;
   (d) The extent to which the county’s coordinated child abuse multidisciplinary intervention plan
provides for comprehensive services to the victims of child abuse;
   (e) Whether the funds are being used as replacement revenues as prohibited by subsection (2)
of this section;
   (f) Whether there is a children’s advocacy center or similar advocacy center in existence or
proposed for the county; and
   (g) The extent to which funding a children’s advocacy center is given priority in the intervention
plan as required under subsection (5) of this section.

(5)(a) At least once a biennium, the county child abuse multidisciplinary team shall submit to
the Child Abuse Multidisciplinary Intervention Program a coordinated child abuse multidisciplinary
intervention plan. The intervention plan must:
   (A) Describe all sources of funding, other than moneys that may be allocated from the Child
Abuse Multidisciplinary Intervention Account, including in-kind contributions that are available for
the intervention plan;
   (B) Describe the critical needs of victims of child abuse in the county, including but not limited
to child abuse assessment, advocacy and treatment, and how the intervention plan addresses those
needs in a comprehensive manner;
(C) Include the county's written protocol and agreements required by ORS 418.747 (2) and 418.785; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Notices and time limits for applications;

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

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

SECTION 4. ORS 418.786 is amended to read:

418.786. (1) To accomplish the purpose described in ORS 418.780, with the assistance of the
Advisory Council on Child Abuse Assessment, the administrator of the Child Abuse Multidisciplinary Intervention Program shall develop and administer a grant program, separate from the grant program described in ORS 418.746, to establish and maintain children's advocacy centers and regional children's advocacy centers, to support training and technical assistance efforts for county child abuse multidisciplinary teams and children's advocacy centers and to provide coordination and support for the work of regional children's advocacy centers.

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

SECTION 5. ORS 418.788 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Minimum forensic interview training standards that are consistent with national forensic interview training standards, evidence-based and supported by current forensic interview research; and
(f) For a regional children’s advocacy center, the extent to which the applicant’s proposal meets
the documented needs of the communities, children’s advocacy centers and county child abuse
multidisciplinary teams in the region or regions to be served by the center.

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

SECTION 6, ORS 418.796 is amended to read:
418.796. The Advisory Council on Child Abuse Assessment may solicit and accept contributions
of funds and assistance from the United States, its agencies or from other sources, public or private,
and agree to conditions not inconsistent with the purposes of ORS 418.746 to 418.796. All funds re-
ceived are to aid in financing the functions of the advisory council and the purposes of ORS 418.746
to 418.796. [and shall be deposited in the General Fund of the State Treasury to the credit of a separate
account and are continuously appropriated to the Child Abuse Multidisciplinary Intervention Program
established by ORS 418.783 for the purposes of ORS 418.746 to 418.796.] The advisory council may
deposit moneys the advisory council collects under this section into the Child Abuse Multi-
disciplinary Intervention Account under ORS 418.746 or the Child Abuse Assessment Account
under section 2 of this 2020 Act.

SECTION 7, ORS 147.225 is amended to read:
147.225. There is established the Criminal Injuries Compensation Account. All moneys in the
account are continuously appropriated for and may be used by the Department of Justice for the
purposes authorized in ORS 147.005 to 147.367, 147.390 and 147.397.

SECTION 8, ORS 147.390 is amended to read:
147.390. [(1) Notwithstanding that a child is not a victim under ORS 147.015 (1)(a), in cases of
suspected child sexual abuse as described in ORS 419B.005 (1)(a)(C), (D) or (E), or child physical
abuse by an adult or caretaker as otherwise described in ORS 419B.005 (1)(a)(A), compensation may
be made on behalf of the child for services provided by a children’s advocacy center, including a child
abuse assessment, a medical assessment or a forensic interview, if:]

[(a) The expenses are actually paid or incurred by the applicant; and]
[(b) A claim is filed on behalf of the child in the manner provided in ORS 147.015.]

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

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

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

(3) As used in this section, “child abuse assessment,” “children’s advocacy center,” “forensic
interview” and “medical assessment” have the meanings given those terms in ORS 418.782.
SECTION 9. ORS 147.391 is amended to read:
147.391. Notwithstanding ORS 147.390, when the moneys provided from the Criminal Injuries Compensation Account for the purposes of ORS 147.390 are expended for any cumulative time period within any biennium, the Criminal Injuries Compensation Account shall have no further obligations under ORS 147.390 for that time period. However, if [the Criminal Injuries Compensation Account has unexpended moneys provided for at the end of any biennium, the balance shall be transferred to the account created by] at the end of the biennium there are unexpended moneys in the account and those unexpended moneys were allocated to the account for the purposes of ORS 147.390, the balance of those unexpended moneys may be deposited as provided by ORS 418.796.

SECTION 10. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Justice, for the biennium ending June 30, 2021, out of the General Fund, the amount of $3,000,000 for deposit in the Child Abuse Assessment Account established by section 2 of this 2020 Act.

SECTION 10a. Notwithstanding any other law limiting expenditures, the amount of $3,000,000 is established for the biennium ending June 30, 2021, as the maximum limit for payment of expenses by the Department of Justice for the grant program established under ORS 418.786 from the Child Abuse Assessment Account established by section 2 of this 2020 Act.

SECTION 10b. The amendments to ORS 147.225 and 147.390 by sections 7 and 8 of this 2020 Act apply to payments for services provided by children’s advocacy centers before, on or after the effective date of this 2020 Act.

CHILD ABUSE PREVALENCE STUDY

SECTION 11. (1) The University of Oregon shall conduct an Oregon child abuse prevalence study.

(2) No later than September 15 of each even-numbered year, the university shall submit a report on the Oregon child abuse prevalence study to the interim committees of the Legislative Assembly related to human services.

SECTION 12. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium ending June 30, 2021, out of the General Fund, the amount of $700,000, for the purposes specified in section 11 (1) of this 2020 Act.

(2) Moneys distributed by the Higher Education Coordinating Commission to implement the University of Oregon’s duties under section 11 of this 2020 Act may not be used to pay the university for facilities and administrative costs not directly related to the Oregon child abuse prevalence study described in section 11 of this 2020 Act.

SECTION 13. The report described in section 11 of this 2020 Act is first due no later than September 15, 2022.

SECTION 14. Section 11 of this 2020 Act is repealed on July 1, 2022.

ERIN’S LAW TRAINING

SECTION 15. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium ending June 30, 2021, out of the
General Fund, the amount of $______, which shall be expended for the purposes of developing curricula and providing educator training related to ORS 336.059, 336.455 and 339.366 and similar instructional requirements that relate to child safety.

CAPTIONS

SECTION 16. The unit captions used in this 2020 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2020 Act.

EMERGENCY CLAUSE

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