

House Bill 4112

Sponsored by Representatives WILLIAMS, NOBLE, Senator KNOPP, Representatives KENY-GUYER, NERON, Senator WAGNER; Representatives CLEM, HELT, LEIF, 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 **as introduced**.

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.

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 147.105, 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:**

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

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

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

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

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

15 (c) Deny funding.

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

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

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

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

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

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

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

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

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

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

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

40 (C) Include the county's written protocol and agreements required by ORS 418.747 (2) and
 41 418.785; and

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

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

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

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

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

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

12 (b) Describe how the services further the goals and purposes of ORS 418.747, 418.790 and
 13 418.792.

14 (7)(a) A designated entity providing services according to a coordinated child abuse multidisci-
 15 plinary intervention plan funded with moneys from the Child Abuse Multidisciplinary Intervention
 16 Program shall submit an annual report to the county child abuse multidisciplinary team. A county
 17 child abuse multidisciplinary team shall submit an annual report to the Child Abuse Multidiscipli-
 18 nary Intervention Program.

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

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

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

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

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

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

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

35 (a) Notices and time limits for applications;

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

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

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

39 418.786. (1) To accomplish the purpose described in ORS 418.780, with the assistance of the
 40 Advisory Council on Child Abuse Assessment, the administrator of the Child Abuse Multidiscipli-
 41 nary Intervention Program shall develop and administer a grant program, **separate from the grant**
 42 **program described in ORS 418.746**, to establish and maintain children's advocacy centers and re-
 43 gional children's advocacy centers, to support training and technical assistance efforts for county
 44 child abuse multidisciplinary teams and children's advocacy centers and to provide coordination and
 45 support for the work of regional children's advocacy centers.

1 **(2) The Child Abuse Multidisciplinary Intervention Program shall allocate moneys from**
 2 **the Child Abuse Assessment Account established by section 2 of this 2020 Act to eligible**
 3 **children’s advocacy centers under ORS 418.746 to 418.796. The moneys shall be allocated by**
 4 **using the same formula as, or a formula similar to, the formula used by the Attorney Gen-**
 5 **eral for equitable distribution of the account for victims’ assistance programs under ORS**
 6 **147.227 (1), taking into consideration the size of each children’s advocacy center’s service**
 7 **area and the associated increased cost of equitably providing services to all victims within**
 8 **that area. Moneys allocated under this subsection may not be used as replacement revenues**
 9 **for currently available funds previously allocated by the county for children’s advocacy cen-**
 10 **ters.**

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

12 418.788. (1) Subject to the availability of funds under the provisions of ORS **418.786 and** 418.796,
 13 the administrator of the Child Abuse Multidisciplinary Intervention Program shall make grants for
 14 the establishment and maintenance of children’s advocacy centers or regional children’s advocacy
 15 centers.

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

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

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

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

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

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

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

27 (b) The extent to which the applicant’s proposal will best accomplish the purposes of ORS
 28 418.746 to 418.796;

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

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

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

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

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

37 (e) Minimum forensic interview training standards that are consistent with national forensic
 38 interview training standards, evidence-based and supported by current forensic interview research;
 39 and

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

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

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

1 418.796. The Advisory Council on Child Abuse Assessment may solicit and accept contributions
 2 of funds and assistance from the United States, its agencies or from other sources, public or private,
 3 and agree to conditions not inconsistent with the purposes of ORS 418.746 to 418.796. All funds re-
 4 ceived are to aid in financing the functions of the advisory council and the purposes of ORS 418.746
 5 to 418.796. *[and shall be deposited in the General Fund of the State Treasury to the credit of a separate*
 6 *account and are continuously appropriated to the Child Abuse Multidisciplinary Intervention Program*
 7 *established by ORS 418.783 for the purposes of ORS 418.746 to 418.796.]* **The advisory council may**
 8 **deposit moneys the advisory council collects under this section into the Child Abuse Multi-**
 9 **disciplinary Intervention Account under ORS 418.746 or the Child Abuse Assessment Account**
 10 **under section 2 of this 2020 Act.**

11 **SECTION 7.** ORS 147.105 is amended to read:

12 147.105. (1) An applicant for compensation under ORS 147.005 to 147.367 must file an application
 13 under oath on a form furnished by the Department of Justice. **Except as provided in ORS 147.390**
 14 **(2),** the application *[shall]* **must** include:

15 (a) The name and address of the victim;

16 (b) If the victim is deceased, the name and address of the applicant and relationship to the vic-
 17 tim, the names and addresses of the victim's dependents and the extent to which each is so de-
 18 pendent;

19 (c) The date and nature of the crime or attempted crime on which the application for compen-
 20 sation is based;

21 (d) The date and place where, and the law enforcement officials to whom, notification of the
 22 crime was given;

23 (e) The nature and extent of the injuries sustained by the victim, the names and addresses of
 24 those giving medical and hospital treatment to the victim and whether death resulted;

25 (f) The loss to the applicant and to such other persons as are specified under paragraph (b) of
 26 this subsection, resulting from the injury or death;

27 (g) The amount of benefits, payments or awards, if any, payable from any source, which the ap-
 28 plicant or other person, listed under paragraph (b) of this subsection, has received or for which the
 29 applicant or other person is eligible as a result of the injury or death;

30 (h) Releases authorizing the surrender to the department of reports, documents and other in-
 31 formation relating to the matters specified under this subsection; and

32 (i) Such other information as the department determines is necessary.

33 (2) The department may require that the applicants submit with the application materials sub-
 34 stantiating the facts stated in the application.

35 (3) If the department finds that an application does not contain the required information or that
 36 the facts stated therein have not been substantiated, it shall notify the applicant in writing of the
 37 specific additional items of information or materials required and that the applicant has 30 days
 38 from the date of mailing in which to furnish those items to the department. Unless an applicant
 39 requests and is granted an extension of time by the department, the department shall reject with
 40 prejudice the claim of the applicant for failure to file the additional information or materials within
 41 the specified time.

42 (4) An applicant may file an amended application or additional substantiating materials to cor-
 43 rect inadvertent errors or omissions at any time before the department has completed its consider-
 44 ation of the original application.

45 (5) The filing of additional information or the amendment of the application pursuant to sub-

1 section (3) or (4) of this section shall be considered for the purposes of ORS 147.005 to 147.367 to
 2 have been filed at the same time as the original application.

3 (6) Unless the department finds good cause exists for the applicant’s failure to satisfy a financial
 4 obligation or unless the interest of justice requires otherwise, the department shall not process an
 5 application filed by or on behalf of a victim who owes a financial obligation ordered or imposed as
 6 a result of a previous criminal conviction until the department receives information or materials
 7 establishing to the satisfaction of the department that the financial obligation has been satisfied. If
 8 the department does not receive the information or materials within one year after the department
 9 notifies the applicant of the need to fulfill this requirement, the application is void.

10 (7)(a) If at the time of application, the applicant is incarcerated as a result of a conviction of
 11 a crime, the application shall be refused and returned to the applicant. The applicant is eligible to
 12 refile the application within six months after the applicant is released from incarceration.

13 (b) At the time the application is refused and returned, the department shall notify the applicant
 14 of the right to refile the claim within six months of release from incarceration.

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

16 147.390. (1) Notwithstanding that a child is not a victim under ORS 147.015 (1)(a), in cases of
 17 suspected child sexual abuse as described in ORS 419B.005 (1)(a)(C), (D) or (E), or child physical
 18 abuse by an adult or caretaker as otherwise described in ORS 419B.005 (1)(a)(A), compensation may
 19 be made on behalf of the child for services provided by a children’s advocacy center, including a
 20 child abuse assessment, a medical assessment or a forensic interview, if:

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

23 (2) The Department of Justice may pay compensation for child abuse assessments or medical
 24 assessments required by ORS 419B.023 regardless of whether a finding of abuse is made and only if
 25 other insurance is unavailable. If the department pays compensation, the department shall pay the
 26 compensation directly to the provider of the services. The medical fee schedules for payment under
 27 this section shall be the schedules adopted under ORS 147.035. **The department shall adopt by**
 28 **rule a claim form, abbreviated from the form required under ORS 147.105, to be used for the**
 29 **submission of claims under this section when a finding of abuse has not been made.**

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

32 **SECTION 9.** 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 has*
 37 *unexpended moneys provided for at the end of any biennium, the balance shall be transferred to the*
 38 *account created by]* **at the end of the biennium there are unexpended moneys in the account**
 39 **and those unexpended moneys were allocated to the account for the purposes of ORS 147.390,**
 40 **the balance of those unexpended moneys may be deposited as provided by ORS 418.796.**

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

45 **SECTION 10a.** Notwithstanding any other law limiting expenditures, the amount of

1 \$3,000,000 is established for the biennium ending June 30, 2021, as the maximum limit for
2 payment of expenses by the Department of Justice for the grant program established under
3 ORS 418.786 from the Child Abuse Assessment Account established by section 2 of this 2020
4 Act.

5
6 **CHILD ABUSE PREVALENCE STUDY**
7

8 **SECTION 11.** (1) The University of Oregon shall conduct an Oregon child abuse preva-
9 lence study.

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

13 **SECTION 12.** (1) In addition to and not in lieu of any other appropriation, there is ap-
14 propriated to the Higher Education Coordinating Commission, for the biennium ending June
15 30, 2021, out of the General Fund, the amount of \$700,000, for the purposes specified in sec-
16 tion 11 (1) of this 2020 Act.

17 (2) Moneys distributed by the Higher Education Coordinating Commission to implement
18 the University of Oregon’s duties under section 11 of this 2020 Act may not be used to pay
19 the university for facilities and administrative costs.

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

22 **SECTION 14.** Section 11 of this 2020 Act is repealed on July 1, 2022.
23

24 **ERIN’S LAW TRAINING**
25

26 **SECTION 15.** In addition to and not in lieu of any other appropriation, there is appro-
27 priated to the Department of Education, for the biennium ending June 30, 2021, out of the
28 General Fund, the amount of \$_____, which shall be expended for the purposes of developing
29 curricula and providing educator training related to ORS 336.059, 336.455 and 339.366 and
30 similar instructional requirements that relate to child safety.
31

32 **CAPTIONS**
33

34 **SECTION 16.** The unit captions used in this 2020 Act are provided only for the conven-
35 ience of the reader and do not become part of the statutory law of this state or express any
36 legislative intent in the enactment of this 2020 Act.
37

38 **EMERGENCY CLAUSE**
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40 **SECTION 17.** This 2020 Act being necessary for the immediate preservation of the public
41 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
42 on its passage.
43