

SB 769 -1 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 3/1, 3/20, 3/22

WHAT THE MEASURE DOES:

Requires the Department of Human Services (DHS) to use any information arising from an investigation of abuse committed by a child in care to assess the safety of the child in care and any other individuals receiving services from the same child-caring agency, the appropriateness of the child in care's placement, the quality of supervision and support provided to the child in care, the need for any additional services or supports for individuals involved in the incident, and the consideration of the behaviors and needs identified for making safe and appropriate placements in the future. Prohibits DHS from finding that the report is substantiated or founded except under specified circumstances. Prohibits DHS from finding an individual is unfit to serve as a volunteer, intern, employee, or licensee of any entity solely on the basis of a substantiated or founded allegation of abuse if the incident occurred before the individual attained 18 years of age, provides exemptions.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Effect of amendment on number and types of investigations by Child Protective Services
- Procedures and steps of screening reports to the hotline
- Threshold of qualified subject that can be investigated for child abuse in Oregon
- Cross-reporting and independent investigations
- Expungement of records in non-delinquency procedures

EFFECT OF AMENDMENT:

-1 Removes requirement of the Department of Human Services (DHS) to use any information arising from an investigation of abuse committed by a child in care to assess the safety of the child in care and any other individuals. Defines qualified subject for the purposes of child abuse investigations. Removes exceptions for the determination of fitness to serve as volunteer, intern, employee, or licensee.

BACKGROUND:

The Oregon Child Abuse Reporting Law, ORS 419B.005 to 419B.05D, was first enacted in 1971. In the Department of Human Services, the Child Protective Services (CPS) office responds to child abuse reports. CPS caseworkers across the state receive reports of abuse, assess the situations along with law enforcement officials, and prepare safety plans to assist children and families. The process for determining the safety of the child takes into account the type of abuse, age of the child, family history, protective capacity of the family and the potential for re-abuse. [Data](#) from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention reports that juveniles account for more than one-third (35.6 percent) of those known to law enforcement to have committed sex offenses against other minors. Child on child sexual abuse most often occurs in the home (68 percent of the time), and about 1 out of every 8 juvenile offenders is under the age of 12. Individuals who have been the subject of a founded or substantiated report of child abuse are enrolled in the Central Background Registry prior to providing child care. A child care facility cannot hire or employ an individual if the individual is not enrolled in the Central Background Registry.

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Senate Bill 769 requires the Department of Human Services (DHS) to use information from an investigation of abuse committed by a child in care to assess the safety of the child in care and any other individuals and the child's placement. It prohibits DHS to find an individual is unfit to serve as a volunteer, intern, employee, or licensee of any entity solely on the basis of a substantiated or founded allegation of abuse if the incident occurred before the individual was 18 years of age.