

## SB 106 -2 STAFF MEASURE SUMMARY

### Senate Committee On Rules

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**Meeting Dates:** 4/13

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#### **WHAT THE MEASURE DOES:**

Requires Department of Human Services to study disposition rates of child abuse investigations and report to the Legislative Assembly by September 15, 2024.

#### **ISSUES DISCUSSED:**

- Provisions of measure

#### **EFFECT OF AMENDMENT:**

-2 Replaces the measure.

Exempts employees at youth correction facilities or a juvenile detention facilities from prohibitions for restraint and seclusion. Defines “bodily injury”. Modifies definition of “serious bodily injury”. Clarifies definitions of “restraint” and “seclusion”. Clarifies which restraints are prohibited in public education programs, child-caring agencies, proctor foster homes, certified foster homes, and developmental disabilities residential facilities. Prohibits restraint and seclusion on students and children unless the student’s behavior poses an imminent risk of serious bodily injury. Requires that restraint or seclusion is imposed in a manner that is safe, proportionate, appropriate, and taking into consideration the student’s: age, size, gender, condition, and personal history. Clarifies that a child abuse finding is unsubstantiated when the evidence does not provide reasonable cause to believe that the abuse occurred after an investigation has been conducted. Requires information on whether abuse resulted in a reportable injury, pain, sexual abuse, or death to be included in quarterly reports by DHS to the Legislative Assembly for the purposes of public review and oversight of the quality and safety of child-caring agencies, certified foster homes, and developmental disabilities residential facilities. Permits child-caring agencies, proctor foster homes, certified foster homes, and developmental disabilities residential facilities to restrain a child in care in specific circumstances. Modifies reporting requirements for programs that reports quarterly to DHS to include additional information on restraint, involuntary seclusion, and demographic data. Modifies definition of mental injury of a child and “child” for the purposes of child abuse. Adds parole and probation officers, behavior analysts, assistant behavior analysts, and behavior analysis interventionists to the definition of “public or private official” for the purposes of child abuse investigations. Permits DHS to make records of child abuse investigations available to national nonprofit organizations designated by DHS to provide assistance with locating, recovering, or providing services to children or youth determined to be missing. Expands the definition of adult abuse. Adds the Behavior Analysis Regulatory Board to list of board to which unprofessional conduct can be reported to. Directs DHS to establish processes for investigations of child abuse in nonfamily settings, specifies requirements. Takes effect on 91st day following adjournment sine die.

#### **BACKGROUND:**

The Department of Human Services Office of Child Protective Services (CPS) responds to child abuse reports. CPS-trained caseworkers across the state listen to reports of abuse, assess the situations, and prepare safety plans to assist children and families. CPS staff work closely with law enforcement agencies and other members of multidisciplinary teams in each county to assess child abuse reports (ORS 419B.005 to 419B.05D). The dispositional process begins with a determination by the investigating agency of the validity of a child abuse report. Every report is handled by a CPS-trained worker who will make an initial determination of whether a

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report meets the guidelines that require ODHS to conduct an assessment of the family. Those reports that are possible abuse are further analyzed to determine whether an immediate response is needed. After an assessment is completed, the information is reviewed to determine whether abuse occurred and whether the child is safe. If a child has been abused or neglected, CPS and law enforcement staff decide, with family help if possible, whether the child can be safely left at home. ODHS and law enforcement have the authority to remove a child from the home if they are in immediate danger of abuse. A court order also can authorize ODHS or law enforcement to place a child in protective custody.

Senate Bill 106 requires the Department of Human Services to study disposition rates of child abuse investigations and report to the Legislative Assembly by September 15, 2024.