

**SB 769 A -A4, -A6, -A7 STAFF MEASURE SUMMARY**

**House Committee On Early Childhood and Human Services**

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**Meeting Dates:** 4/26, 5/17

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**WHAT THE MEASURE DOES:**

Prohibits Department of Human Services (DHS) from finding an individual 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 that occurred before the individual was age 18. Exempts individual from requirement to enroll in Central Background Registry if the individual was under age 18 at the time of the incident that resulted in the child abuse finding. Defines "qualified subject" for the purposes of child abuse investigations. Requires DHS or law enforcement agency to only investigate reports of suspected child abuse perpetrated by qualified subject. Modifies definition of "child" for the purpose of child abuse investigations to include children in care at child-caring agency, proctor or certified foster home, or developmental disabilities residential facility. Adds parole and probation officers to definition of "public or private official" for the purpose of child abuse investigations. Applies to background checks and acts occurring on or after effective date. Declares emergency, effective on passage.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

*SENATE VOTE: Ayes, 21; Nays, 8; Excused, 1*

**ISSUES DISCUSSED:**

- Consequences for founded or substantiated allegations of abuse
- Comparison with juvenile court records
- Interaction with law enforcement investigations
- Availability of restorative case management services
- Causes of problematic behavior of minors
- Criminal offenses eligible for expungement

**EFFECT OF AMENDMENT:**

-A4 Clarifies requirement for DHS or law enforcement agency to only investigate reports of suspected child abuse perpetrated by qualified subject.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

-A6 Clarifies ability of DHS to disclose founded or substantiated abuse allegation to Central Background Registry or professional licensing board. Replaces "child abuse finding" with "child abuse determination." Expands definition of "qualified subject" to include child's caregiver or other person temporarily responsible for the child. Clarifies requirement for DHS or law enforcement agency to investigate reports of abuse allegedly committed by qualified subject. Establishes process for DHS to respond when receiving report of certain types of sexual abuse allegedly committed by person under age 18.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

## SB 769 A -A4, -A6, -A7 STAFF MEASURE SUMMARY

-A7 Modifies prohibition on DHS finding an individual unfit to serve solely on the basis of a substantiated or founded allegation of abuse. Provides that fitness may not be denied based on incident that occurs before age 18, does not involve sexual or physical injury, and occurs at least seven years prior or the person was not a qualified subject at that time. Clarifies that DHS may disclose substantiated or founded allegation to Central Background Registry or professional licensing board. Removes exemption from requirement to enroll in Central Background Registry. Expands definition of "qualified subject" to include child's caregiver or other person temporarily responsible for the child and any other person described by DHS by rule. Clarifies requirement for DHS or law enforcement agency to investigate reports of abuse allegedly committed by qualified subject. Establishes process for DHS to respond when receiving report of certain types of sexual abuse allegedly committed by person under age 18. Applies to fitness determinations made on or after effective date.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

### **BACKGROUND:**

Oregon's child abuse reporting laws, compiled in ORS 419B.005 to 419B.050, were enacted in 1993 and have been amended several times, most recently in 2022. Under the current process, DHS and law enforcement agencies have a shared legal responsibility for receiving and responding to reports of suspected abuse. When a report of suspected child abuse is received by a law enforcement agency or the Department of Human Services (DHS), the law requires either agency to immediately begin an investigation to determine the nature and cause of the abuse of the child and notify all relevant entities based on the nature and cause. The agencies collaborate with other state agencies, including the Office of Child Care and the Oregon Department of Education, and other service providers including school officials and local health and mental health departments to develop specific procedures and guidelines for investigating suspected child abuse. DHS staff work closely with law enforcement agencies and other members of multidisciplinary teams in each county to assess and issue findings on reports of suspected abuse. Investigations are resolved by DHS issuing a finding that the report is either substantiated, unsubstantiated, or inconclusive. While this is an administrative process rather than a criminal investigation, it does not preclude a criminal investigation or prosecution that may occur in tandem or as a result of the findings.

After the legislature enacted Senate Bill 155 (2019), the role of DHS was expanded to investigate acts of suspected abuse by "third parties" in addition to parents and caregivers, including incidents that occur at schools and other state-authorized facilities. The department's Office of Training, Investigations, and Safety (OTIS) conducts these investigations. In 2022, OTIS conducted investigations of 1,458 individuals and found substantiated allegations of 336 of those individuals, about 23 percent, according to the office's [interactive data tracking tool](#). The three most common types of alleged abuse were sexual abuse, neglect, and physical abuse.

Under current law, individuals who have been the subject of a founded or substantiated report of child abuse that occurred within specified time frames must apply to be enrolled in the Central Background Registry (CBR), managed by the Office of Child Care, prior to providing child care, unless more than seven years have elapsed (ORS 329A.250(2)(b) and (c)). A child care facility may not hire or employ an individual until the person is enrolled in the CBR. Before enrolling a person, the Office of Child Care performs a series of checks on the person's criminal history and records of child abuse investigations conducted by DHS, which includes a determination of the person's fitness to hold the position (ORS 181A.195).

Senate Bill 769 A creates exceptions for persons who were the subject of a founded or substantiated finding of child abuse that occurred before the person turned 18 and modifies processes for conducting background checks, child abuse investigations, and enrollment in the CBR for such persons.