

B-Engrossed
Senate Bill 210

Ordered by the House May 8
Including Senate Amendments dated March 8 and House Amendments
dated May 8

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Department of Human Services)

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.

[Requires Department of Human Services to study exceptions to mandatory abuse reporting requirements of department employees who provide assistance to domestic violence victims. Directs department to submit findings to interim committees of Legislative Assembly related to human services not later than September 15, 2024.]

Creates exception to certain confidentiality protections to authorize Department of **Human Services** employees to comply with mandatory abuse reporting requirements.

A BILL FOR AN ACT

1
2 Relating to mandatory abuse reporting; creating new provisions; and amending ORS 411.117, 411.320
3 and 412.074.

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

5 **SECTION 1.** ORS 411.117 is amended to read:

6 411.117. (1) The Department of Human Services shall:

7 (a) Identify applicants for and recipients of assistance under the temporary assistance for needy
8 families program who are currently victims of domestic violence, have been victims of domestic vi-
9 olence or are at risk of victimization by domestic violence.

10 (b) Ensure that appropriate individuals on the local level who provide assistance to domestic
11 violence victims participate in individualized case management with the department.

12 (c) Refer individuals identified under this subsection to appropriate counseling and support ser-
13 vices.

14 (d) Waive or modify any temporary assistance for needy families program requirements that may
15 make it more difficult for individuals identified under this subsection to escape domestic violence
16 or place those individuals at risk of further or future domestic violence, including but not limited
17 to:

18 (A) Time limits on receipt of benefits;

19 (B) Work requirements;

20 (C) Paternity establishment and child support cooperation requirements;

21 (D) Residency requirements;

22 (E) Family cap provisions; and

23 (F) Penalties for failure to comply with a program requirement.

24 (e) Maintain emergency assistance eligibility and payment limits for victims of domestic violence

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 or persons at risk of victimization by domestic violence identified under this section at no less than
2 the levels in effect on January 1, 1997.

3 (f) Allow eligibility for temporary assistance for needy families for persons identified under this
4 section as victims of domestic violence or persons identified as at risk of victimization by domestic
5 violence who would otherwise be eligible except for the fact that they are noncitizens.

6 (2) All information received by the department in identifying the individuals described in sub-
7 section (1) of this section shall remain confidential.

8 (3) For purposes of this section, "domestic violence" means the occurrence of one or more of the
9 following acts between family members, intimate partners or household members:

10 (a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury or
11 emotional, mental or verbal abuse;

12 (b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical
13 injury;

14 (c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427; or

15 (d) Using coercive or controlling behavior.

16 (4) **Nothing in this section prohibits disclosure of information for the purposes of making**
17 **a report of suspected abuse as required under ORS 124.060, 419B.010, 430.765 or 441.640.**

18 **SECTION 2. Notwithstanding any other provision of law, ORS 411.117 shall not be con-**
19 **sidered to have been added to or made a part of ORS chapter 411 for the purpose of statutory**
20 **compilation or for the application of definitions, penalties or administrative provisions ap-**
21 **licable to statute sections in that series.**

22 **SECTION 3.** ORS 411.320 is amended to read:

23 411.320. (1) For the protection of applicants for and recipients of public assistance, except as
24 otherwise provided in this section, the Department of Human Services may not disclose or use the
25 contents of any public assistance records, files, papers or communications for purposes other than
26 those directly connected with the administration of the public assistance programs or necessary to
27 assist public assistance applicants and recipients in accessing and receiving other governmental or
28 private nonprofit services, and these records, files, papers and communications are considered con-
29 fidential subject to the rules of the department. In any judicial or administrative proceeding, except
30 proceedings directly connected with the administration of public assistance or child support
31 enforcement laws, their contents are considered privileged communications.

32 (2) Nothing in this section prohibits the disclosure or use of contents of records, files, papers
33 or communications for purposes directly connected with the establishment and enforcement of sup-
34 port obligations pursuant to the Title IV-D program.

35 (3) Nothing in this section prohibits the disclosure of the address, Social Security number and
36 photograph of any applicant or recipient to a law enforcement officer at the request of the officer.
37 To receive information pursuant to this section, the officer must furnish the agency the name of the
38 applicant or recipient and advise that the applicant or recipient:

39 (a) Is fleeing to avoid prosecution, custody or confinement after conviction for a felony;

40 (b) Is violating a condition of probation or parole; or

41 (c) Has information that is necessary for the officer to conduct the official duties of the officer
42 and the location or apprehension of the applicant or recipient is within such official duties.

43 (4) Nothing in this section prohibits disclosure of information between the department and the
44 Oregon Health Authority for the purpose of administering public assistance programs.

45 (5) **Nothing in this section prohibits disclosure of information for the purposes of making**

1 **a report of suspected abuse as required under ORS 124.060, 419B.010, 430.765 or 441.640.**

2 **SECTION 4.** ORS 412.074 is amended to read:

3 412.074. (1) Except as otherwise provided in this section and except for purposes directly con-
4 nected with the administration of the temporary assistance for needy families program, delivery or
5 administration of programs and services the Department of Human Services is authorized to deliver
6 and administer pursuant to ORS 409.010 or as necessary to assist public assistance applicants and
7 recipients in accessing and receiving other governmental or private nonprofit services and in ac-
8 cordance with the rules of the department, a person may not solicit, disclose, receive, make use of,
9 or authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of,
10 or any information concerning, persons applying for or receiving such aid, directly or indirectly
11 derived from the records, papers, files or communications of the department or acquired in the
12 course of the performance of official duties.

13 (2) Nothing in this section prohibits the disclosure and use of information about applicants and
14 recipients as is necessary to carry out the child support enforcement laws of this state and of the
15 United States.

16 (3) Nothing in this section prohibits the disclosure of the address of any applicant or recipient
17 to a law enforcement official at the request of such official. To receive information pursuant to this
18 section, the official must furnish the agency the name of the applicant or recipient and advise that
19 the applicant or recipient:

20 (a) Is fleeing to avoid prosecution, custody or confinement after conviction for a felony;

21 (b) Is violating a condition of probation or parole; or

22 (c) Has information that is necessary for the official to conduct the official duties of the official
23 and the location or apprehension of the applicant or recipient is within such official duties.

24 **(4) Nothing in this section prohibits disclosure of information for the purposes of making**
25 **a report of suspected abuse as required under ORS 124.060, 419B.010, 430.765 or 441.640.**

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