

Senate Bill 210

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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**.

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 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 411.320 and
3 412.074.

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

5 **SECTION 1. The Department of Human Services shall study necessary exceptions to**
6 **mandatory abuse reporting requirements of department employees who provide assistance**
7 **to victims of domestic abuse. The department shall submit a report in the manner provided**
8 **by ORS 192.245, and may include recommendations for legislation, to the interim committees**
9 **of the Legislative Assembly related to human services no later than September 15, 2024.**

10 **SECTION 2.** ORS 411.320 is amended to read:

11 411.320. (1) For the protection of applicants for and recipients of public assistance, except as
12 otherwise provided in this section, the Department of Human Services may not disclose or use the
13 contents of any public assistance records, files, papers or communications for purposes other than
14 those directly connected with the administration of the public assistance programs or necessary to
15 assist public assistance applicants and recipients in accessing and receiving other governmental or
16 private nonprofit services, and these records, files, papers and communications are considered con-
17 fidential subject to the rules of the department. In any judicial or administrative proceeding, except
18 proceedings directly connected with the administration of public assistance or child support
19 enforcement laws, their contents are considered privileged communications.

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

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

- 27 (a) Is fleeing to avoid prosecution, custody or confinement after conviction for a felony;
28 (b) Is violating a condition of probation or parole; or

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

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

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

7 **SECTION 3.** ORS 412.074 is amended to read:

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

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

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

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

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

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

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

31 **SECTION 4. Section 1 of this 2023 Act is repealed on January 2, 2025.**

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