

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 823**

1 On page 1 of the printed bill, delete lines 5 through 30.

2 On page 2, delete lines 1 through 12 and insert:

3 **“SECTION 1. (1) As used in this section:**

4 **“(a) ‘Abuse investigation’ means an investigation by the Depart-**
5 **ment of Human Services under ORS 418.257 to 418.259 and 419B.010 to**
6 **419B.050 of an allegation of child abuse occurring at a state-authorized**
7 **program.**

8 **“(b) ‘State-authorized program’ means:**

9 **“(A) A child-caring agency, as defined in ORS 418.205, except that**
10 **‘state-authorized program’ does not include a proctor foster home, as**
11 **defined in ORS 418.205;**

12 **“(B) An education provider, as defined in ORS 339.370;**

13 **“(C) A child care facility, as described in ORS 329A.250; or**

14 **“(D) A developmental disabilities residential facility, as defined in**
15 **ORS 418.257.**

16 **“(2) The Legislative Assembly finds that it is in the interest of the**
17 **public and of children who are receiving services from state-authorized**
18 **programs to ensure the effective oversight, regulation and improve-**
19 **ment of state-authorized programs by, upon written request, making**
20 **completed abuse investigation reports described in subsection (3) of**
21 **this section available for inspection as provided in subsection (4) of**

1 **this section.**

2 **“(3)(a) At the conclusion of an abuse investigation, the department**
3 **shall prepare a completed abuse investigation report.**

4 **“(b) The completed abuse investigation report must reflect the**
5 **department’s investigation activities and abuse findings or determi-**
6 **nations and include, at a minimum, all of the following:**

7 **“(A) A description of the allegation of abuse that was investigated,**
8 **including the date and location of the act or acts of alleged abuse, if**
9 **known.**

10 **“(B) An outline of the department’s steps taken and information**
11 **gathered in the investigation, including but not limited to a list of all**
12 **witnesses interviewed and a summary of information obtained from**
13 **those interviews, and a list of sources of information reviewed, in-**
14 **cluding records, documents and reports, and a summary of informa-**
15 **tion obtained from those information sources.**

16 **“(C) A specific determination of whether the abuse allegation is**
17 **founded or substantiated, unfounded or unsubstantiated or unable to**
18 **be determined or inconclusive, and the basis for that determination.**

19 **“(D) A list of every entity to which the department provided notice**
20 **of the investigation outcome.**

21 **“(E) The name and title of the individual who prepared the com-**
22 **pleted abuse investigation report.**

23 **“(4)(a) Except as provided in paragraph (b) of this subsection, a**
24 **completed abuse investigation report described in subsection (3) of this**
25 **section is exempt from disclosure under ORS 192.314.**

26 **“(b) If the department has issued a final order after the applicable**
27 **administrative or contested case process is complete for each type of**
28 **finding, the department may allow the following persons to inspect the**
29 **completed abuse investigation report:**

30 **“(A) Members of the Legislative Assembly and other officers or**

1 employees of a public body, as defined in ORS 174.109, if the duties of
2 the officers or employees include policy development, regulation,
3 funding and oversight of a state-authorized program.

4 “(B) Board members who exercise authority over a state-authorized
5 program.

6 “(C) A person who received or is receiving services at the state-
7 authorized program at which the alleged abuse occurred.

8 “(D) Parents or guardians of minor children who received or are
9 receiving services from the state-authorized program at which the al-
10 leged abuse occurred.

11 “(E) The Secretary of State or a designee of the Secretary of State
12 for the purposes of an audit.

13 “(F) A professional licensing board for the purpose of assessing
14 compliance with rules and standards adopted by the licensing board.

15 “(G) If the request is to inspect a completed abuse investigation
16 report that was prepared within 18 months before or 18 months fol-
17 lowing the death or serious injury of a child at the state-authorized
18 program, any person.

19 “(H) Any other appropriate person, as determined by the depart-
20 ment by rule, for purposes of effective oversight, regulation and im-
21 provement of state-authorized programs.

22 “(c) The department shall redact the following information from a
23 completed abuse investigation report before permitting inspection of
24 the report:

25 “(A) The name, contact information and any other personally
26 identifying information of a child alleged to be the victim of abuse,
27 including information that could cause a reasonable inference to be
28 made about the child’s identity by the general public.

29 “(B) The name, contact information and any other personally
30 identifying information of a person who reported or witnessed the al-

1 **leged abuse if the person is not alleged to have committed the abuse.**

2 **“(C) The name, contact information and any other personally**
3 **identifying information of a person alleged to have committed the**
4 **abuse.**

5 **“(D) Any documents or records gathered as evidence or supporting**
6 **documentation during the investigation that may be referenced in the**
7 **completed abuse investigation report.**

8 **“(E) Any individually identifiable health information, as defined in**
9 **ORS 192.556.**

10 **“(d) Paragraph (c)(C) of this subsection does not apply if:**

11 **“(i) The person inspecting the report is the alleged victim or the**
12 **alleged victim’s representative; or**

13 **“(ii) The department found that the allegation of abuse is substan-**
14 **tiated or founded and the abuse resulted in the death, sexual abuse**
15 **or serious physical injury of a child.**

16 **“(e) Paragraph (c)(D) of this subsection does not apply if the person**
17 **inspecting the report is the alleged victim or the alleged victim’s rep-**
18 **resentative.**

19 **“(f) A person who is permitted to inspect a completed abuse inves-**
20 **tigation report under this subsection shall maintain the confidentiality**
21 **of any privileged or confidential information or records contained in**
22 **the report and may use the information or records only for the pur-**
23 **poses of the oversight, regulation and improvement of state-authorized**
24 **programs.”.**

25 On page 3, delete line 6.

26 In line 7, delete the period and insert “; and

27 **“(n) A national nonprofit organization designated by the Department of**
28 **Human Services that provides assistance with locating, recovering or pro-**
29 **viding services to children or youth are determined by the department to be**
30 **missing.”.**

