

Senate Bill 915

Sponsored by Senator GELSER BLOUIN

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells DHS that a certain DHS program must handle child abuse reports involving certain children. (Flesch Readability Score: 60.1).

Directs the Director of Human Services to ensure that standards and procedures for the assessment and investigation of reports of child abuse committed by certain persons are investigated by a department program that specializes in training, investigations and safety.

A BILL FOR AN ACT

1
2 Relating to the investigation of child abuse committed by a person who is unrelated to the child;
3 amending ORS 409.185.

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

5 **SECTION 1.** ORS 409.185 is amended to read:

6 409.185. (1)(a) The Director of Human Services shall oversee the development of standards and
7 procedures for assessment, investigation and enforcement of child protective services.

8 **(b) The director shall ensure that the standards and procedures developed under this**
9 **subsection require that assessments and investigations of reports of child abuse conducted**
10 **by the department are conducted by the program that specializes in training, investigations**
11 **and safety, if the reported abuse involves:**

12 **(A) A person under 18 years of age who is residing in a youth correction facility, as de-**
13 **defined in ORS 420.005, a youth care center, as defined in ORS 420.855, or a detention facility**
14 **established under ORS 419A.010 to 419A.020 and 419A.050 and 419A.063; or**

15 **(B) A child residing with a foster family or in a foster home, if the foster family or foster**
16 **home is certified by the department unless the person who is the subject of the assessment**
17 **or investigation is the child's parent.**

18 (2)(a) The Department of Human Services shall take action to implement the provision of child
19 protective services as outlined in ORS 417.705 to 417.800 and based on the recommendations in the
20 1992 "Oregon Child Protective Services Performance Study" published by the University of Southern
21 Maine.

22 (b) In all substantiated cases of child abuse and neglect, the role of the department is to com-
23 plete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs
24 and provide immediate protective services as necessary.

25 (c) The department shall provide remedial services needed to ensure the safety of the child.

26 (d) In all cases of child abuse and neglect for which a criminal investigation is conducted, the
27 role of law enforcement agencies is to provide a legally sound, child sensitive investigation of
28 whether abuse or neglect or both have occurred and to gather other evidence and perform other
29 responsibilities in accordance with interagency agreements.

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 (e) The department and law enforcement agencies shall conduct the investigation and assess-
2 ment concurrently, based upon the protocols and procedures of the county child abuse multidisci-
3 plinary team in each jurisdiction.

4 (f) When the department and law enforcement agencies conduct a joint investigation and as-
5 sessment, the activities of the department and agencies are to be clearly differentiated by the pro-
6 tocols of the county child abuse multidisciplinary team.

7 (g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and
8 418.748 and ORS chapter 419B.

9 (h) In all cases of child abuse for which an investigation is conducted, the department shall
10 provide a child's parent, guardian or caregiver with a clear written explanation of the investigation
11 process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse
12 investigation and in the court proceedings related to the abuse investigation.

13 (3) Upon receipt of a recommendation of the Children's Advocate under ORS 417.815 (2)(e), the
14 department shall implement the recommendation or give the Children's Advocate written notice of
15 an intent not to implement the recommendation.

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