

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	7 - 0 - 0
Yeas:	Cowan, Gelser, Gilliam, Kotek, Maurer, Olson, Tomei
Nays:	0
Exc.:	0
Prepared By:	Andy Smith, Administrator
Meeting Dates:	3/19, 4/02, 4/06, 4/09

WHAT THE MEASURE DOES: Modifies procedures involved in child abuse investigations. Requires completion of a medical assessment as part of a child abuse investigation involving suspicious physical injuries. Allows child to see their own family physician or pediatrician if a physician trained in child abuse assessment is not available within 48 hours. Prohibits non-medical personnel from photographing the anal or genital region of children. Creates process for county multi-disciplinary teams (MDT) and the Department of Justice (DOJ) to report back on the progress of the implementation of Karly's Law during the 2008 interim. Mandates a Critical Incident Response Team be convened to review any child fatality due to abuse or neglect when the victim had previously been a subject of a child abuse investigation.

ISSUES DISCUSSED:

- Standard for commencing a child abuse investigation
- Who currently has and who should have legal duty to conduct investigations
- Chain of evidence
- Reasonable certainty standard
- Use of photographs
- Specialized physician training
- Triggers for critical incident response team
- Value of statewide investigation standards
- Whether Karly's case was a unique problem or a system wide problem
- Protocols and training for diagnosing child abuse

EFFECT OF COMMITTEE AMENDMENT: Requires completion of a medical assessment during as part of a child abuse investigation involving suspicious physical injuries. Allows child to see their own family physician or pediatrician if a physician trained in child abuse assessment is not available within 48 hours. Prohibits non-medical personnel from photographing the anal or genital region of children. Creates process for county MDT's and the DOJ to report back on the progress of the implementation of Karly's Law during the 2008 interim. Mandates a Critical Incident Response Team be convened to review any child fatality due to abuse or neglect when the victim had previously been a subject of a child abuse investigation.

BACKGROUND: According to the Department of Human Services, there were 9,447 victims of child abuse and neglect in 2003, a 12.1 percent increase from the previous year. During the same year, there were 45,447 reports made of suspected child abuse and neglect, up 5.5 percent from 2002. The number of reports showed a 60.6 percent increase since 1994 (a ten-year period). Family members account for 94.3 percent of all alleged abusers. More than 44 percent are the child's mother, while more than 28 percent are the father. Children of every age are abused and neglected in Oregon, but the group that is most in danger is from birth to two years old, which constitutes 28.2 percent of all abused and neglected children. Fourteen children were killed by abuse and neglect in Oregon in 2003; five of those deaths resulted from neglect, eight were caused by abuse, and one was caused by both abuse and neglect.

Karly's Law would ensure that any child displaying suspicious physical injuries during a child abuse investigation would be seen by a doctor able to assess the injuries within 48 hours of the time the investigators observe the injuries. Each county MDT will identify physicians, nurse practitioners or physician's assistants who are able to conduct medical assessments of potentially inflicted injuries. House Bill 3328-A outlines procedures for the taking and sharing of photographs during a child abuse investigation, and establishes a process for review of child abuse-related fatalities when the child has been known to the agency.

House Bill 3328-A requires DOJ to report to the appropriate 2008 interim committee outlining the progress in the implementation of Karly's Law. The report is to include any policy or fiscal barriers faced by MDTs in identifying qualified medical professionals to conduct the medical assessments.