

Senate Bill 804

Sponsored by COMMITTEE ON 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 **as introduced**.

Modifies child abuse reporting requirements to require Department of Human Services to notify law enforcement agency within county where alleged child abuse occurred.

Directs department to adopt rules requiring certain notifications of child abuse reports to be made within five days after receipt. Modifies department's rulemaking authority regarding cross-reporting requirements.

A BILL FOR AN ACT

1
2 Relating to cross-reporting of child abuse; amending ORS 419B.015 and 419B.017.

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

4 **SECTION 1.** ORS 419B.015 is amended to read:

5 419B.015. (1)(a) A person making a report of child abuse, whether the report is made voluntarily
6 or is required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local
7 office of the Department of Human Services, to the designee of the department or to a law
8 enforcement agency within the county where the person making the report is located at the time
9 of the contact. The report shall contain, if known, the names and addresses of the child and the
10 parents of the child or other persons responsible for care of the child, the child's age, the nature
11 and extent of the abuse, including any evidence of previous abuse, the explanation given for the
12 abuse and any other information that the person making the report believes might be helpful in es-
13 tablishing the cause of the abuse and the identity of the perpetrator.

14 (b) When a report of child abuse is received by the department, the department shall notify a
15 law enforcement agency within the county where *[the report was made]* **the abuse allegedly oc-**
16 **curred**. When a report of child abuse is received by a designee of the department, the designee shall
17 notify, according to the contract, either the department or a law enforcement agency within the
18 county where *[the report was made]* **the abuse allegedly occurred**. When a report of child abuse is
19 received by a law enforcement agency, the agency shall notify the local office of the department
20 within the county where the report was made.

21 (c) When a report of child abuse is received by the department or by a law enforcement agency,
22 the department or law enforcement agency, or both, may collect information concerning the military
23 status of the parent or guardian of the child who is the subject of the report and may share the
24 information with the appropriate military authorities. Disclosure of information under this para-
25 graph is subject to ORS 419B.035 (7).

26 (2) When a report of child abuse is received under subsection (1)(a) of this section, the entity
27 receiving the report shall make the notification required by subsection (1)(b) of this section accord-
28 ing to rules adopted by the department under ORS 419B.017.

29 (3)(a) When a report alleging that a child or ward in substitute care may have been subjected
30 to abuse is received by the department, the department shall notify the attorney for the child 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 ward, the child’s or ward’s court appointed special advocate, the parents of the child or ward and
 2 any attorney representing a parent of the child or ward that a report has been received.

3 (b) The name and address of and other identifying information about the person who made the
 4 report may not be disclosed under this subsection. Any person or entity to whom notification is
 5 made under this subsection may not release any information not authorized by this subsection.

6 (c) The department shall make the notification required by this subsection within three business
 7 days of receiving the report of abuse.

8 (d) Notwithstanding the obligation imposed by this subsection, the department is not required
 9 under this subsection to notify the parent or parent’s attorney that a report of abuse has been re-
 10 ceived if the notification may interfere with an investigation or assessment or jeopardize the child’s
 11 or ward’s safety.

12 **SECTION 2.** ORS 419B.017 is amended to read:

13 419B.017. (1) The Department of Human Services shall adopt rules establishing:

14 (a) The time within which the notification required by ORS 419B.015 [(1)(a)] **(1)(b)** must be made.
 15 At a minimum, the rules shall:

16 (A) Establish which reports of child abuse require notification within 24 hours after receipt;

17 (B) Provide that all other reports of child abuse require notification within [10] **five** days after
 18 receipt; and

19 (C) Establish criteria that enable the department, the designee of the department or a law
 20 enforcement agency to quickly and easily identify reports that require notification within 24 hours
 21 after receipt.

22 (b) How the notification is to be made.

23 (2) The department shall appoint an advisory committee to advise the department in adopting
 24 rules required by this section. The department shall include as members of the advisory committee
 25 representatives of law enforcement agencies and multidisciplinary teams formed pursuant to ORS
 26 418.747 and other interested parties.

27 [(3) *In adopting rules required by this section, the department shall balance the need for providing*
 28 *other entities with the information contained in a report received under ORS 419B.015 with the re-*
 29 *sources required to make the notification.*]

30 [(4)] **(3)** The department may recommend practices and procedures to local law enforcement
 31 agencies to meet the requirements of rules adopted under this section.

32