

SENATE AMENDMENTS TO SENATE BILL 832

By COMMITTEE ON HUMAN SERVICES

April 24

1 On page 1 of the printed bill, line 2, delete the first “and” and after “419B.024” insert “; and
2 declaring an emergency”.

3 Delete lines 5 through 21 and insert:

4 **“SECTION 2. Definition. As used in sections 2 to 5 of this 2019 Act, ‘critical incident’**
5 **means an incident that resulted in the death of a child if the Department of Human Services**
6 **reasonably believes the death was the result of child abuse and:**

7 **“(1) The child was in the custody of the department at the time of death;**

8 **“(2) The child, the child’s sibling or any other child living in the household with the child**
9 **was the subject of a child protective services assessment by the department within the 12**
10 **months preceding the fatality;**

11 **“(3) The child, the child’s sibling or any other child living in the household with the child**
12 **had a pending child welfare or adoption case with the department within the 12 months**
13 **preceding the fatality; or**

14 **“(4) The child, the child’s sibling or any other child living in the household with the child**
15 **was the subject of a report of abuse or neglect made to the department or a law enforcement**
16 **agency within the 12 months preceding the fatality, whether or not the report was closed at**
17 **screening without an investigation being commenced.”.**

18 On page 2, delete lines 7 through 45.

19 On page 3, delete lines 1 through 30 and insert:

20 **“SECTION 4. Final report. (1) Subject to subsection (2)(b) of this section, each Critical**
21 **Incident Review Team assigned under ORS 419B.024 shall submit a detailed, written final**
22 **report to the Department of Human Services no later than the 100th day following the date**
23 **the department assigned the team.**

24 **“(2)(a) Prior to publishing a final report under this section, the department shall take**
25 **into consideration the following:**

26 **“(A) Whether publication of the report is likely to compromise an ongoing investigation**
27 **of a law enforcement agency, after the team has communicated with and obtained agreement**
28 **of appropriate law enforcement agency representatives and the district attorney;**

29 **“(B) Whether the report can be modified so as to permit publication of the report without**
30 **compromising a law enforcement agency investigation; and**

31 **“(C) Whether, as determined by the team with the advice and consultation of the Direc-**
32 **tor of Human Services, the public interest outweighs the potential consequences to a law**
33 **enforcement agency investigation as provided in ORS 192.345 (3).**

34 **“(b) The director may extend the deadline for publication of the final report if the direc-**
35 **tor determines that the report, even if modified, will compromise a law enforcement agency**

1 investigation and the public interest does not outweigh the potential consequences.

2 **“(3) Each final report must include, to the extent determined, at a minimum:**

3 **“(a) A description of the critical incident.**

4 **“(b) The date of the critical incident.**

5 **“(c) The date the department first became aware of the fatality.**

6 **“(d) The date the department or a law enforcement agency caused an investigation to be**
7 **made under ORS 419B.020 to determine the nature and cause of the fatality.**

8 **“(e) The date the findings in the case were entered under ORS 419B.026.**

9 **“(f) The date the department assigned the team.**

10 **“(g) The dates of, and number of members in attendance at, each meeting of the team.**

11 **“(h) Whether the director appointed members of the public to the team.**

12 **“(i) The date the team submitted the final report to the department.**

13 **“(j) A description of all department contacts with the deceased child regarding the crit-**
14 **ical incident, including contacts with the deceased child’s siblings or the deceased child’s**
15 **parents, foster parents or other caretakers. The description of the department’s contacts**
16 **under this paragraph must include a description of any relevant prior reports of abuse the**
17 **department received involving the individuals identified in this paragraph. The description**
18 **of relevant prior reports of abuse must include:**

19 **“(A) A summary of the specific nature of any allegations of abuse;**

20 **“(B) A summary of the assessment or investigation activities related to any allegations**
21 **of abuse; and**

22 **“(C) The disposition of the reports, including whether the reports were assigned for as-**
23 **essment or investigation.**

24 **“(k) A description of any concerns the team has regarding actions taken or not taken**
25 **by the department or law enforcement agencies in response to the critical incident or to the**
26 **events that led to the critical incident.**

27 **“(L) Any recommendations for improvements in the administration and oversight of the**
28 **child welfare system that are specific to the critical incident and any historical information**
29 **reviewed by the team.**

30 **“(4) A final report under this section may include the team’s recommendations regarding**
31 **training and intervention to support the department personnel involved in responding to**
32 **critical incidents.**

33 **“(5) Each final report shall be written in a manner that respects the dignity of the child,**
34 **the child’s family and those involved in the critical incident case. Details about individuals**
35 **involved in the case may not be included in the report unless the details are relevant to:**

36 **“(a) The history of alleged abuse and neglect of the deceased child and the history of**
37 **relevant alleged abuse and neglect of other children in the deceased child’s home at the time**
38 **of the critical incident and the deceased child’s siblings.**

39 **“(b) The exposure of the deceased child or any other children in the deceased child’s**
40 **home at the time of the critical incident to domestic violence or substance abuse.**

41 **“(c) The history of the department’s involvement with the family.**

42 **“(d) The goal of constructively informing public policy related to child welfare, which may**
43 **include public policies related to health care coordination, public health, suicide prevention,**
44 **mental health and addiction services, poverty, law enforcement, chronic neglect, prevention**
45 **services or other issues that affect the safety and well-being of Oregon families.**

1 **“(6) A final report may not include the names of any person assigned to the team or any**
2 **personally identifiable information regarding any person involved in the critical incident case,**
3 **including but not limited to employees of the department, the Oregon Health Authority or**
4 **law enforcement.**

5 **“(7) Any statements contained in a final report or document created solely for the crit-**
6 **ical incident review process that are or may be construed as an admission of error, liability**
7 **or violation of law, policy or practice are not admissible as evidence in any civil or adminis-**
8 **trative proceeding. This restriction does not apply to any document that existed prior to its**
9 **use and consideration in a critical incident review or that is created independently of the**
10 **critical incident review process.”.**

11 In line 34, delete “fatality” and insert “critical incident”.

12 In line 35, delete “care” and insert “custody”.

13 In line 42, delete “24 hours” and insert “10 days”.

14 On page 4, line 1, delete “submission” and insert “publication”.

15 In line 3, delete “submission” and insert “publication”.

16 Delete lines 25 through 27 and insert:

17 “(a) Ten days after the department becomes aware of a fatality that the department reasonably
18 believes is the result of child abuse; or

19 “(b) Seven days after the department causes an investigation under ORS 419B.020 to be made
20 into the nature and cause of a fatality when the department reasonably believes the fatality is the
21 result of child abuse.”.

22 On page 5, line 14, delete “and the fatality”.

23 In line 23, delete “and investigate”.

24 In line 25, before “incident” insert “critical”.

25 On page 6, line 31, delete “team” and insert “department”.

26 On page 7, after line 5, insert:

27 **“SECTION 10. (1) Sections 2 to 5 of this 2019 Act and the amendments to ORS 419B.022**
28 **and 419B.024 by sections 6 and 7 of this 2019 Act become operative on October 1, 2019.**

29 **“(2) The Department of Human Services may take any action before the operative date**
30 **specified in subsection (1) of this section that is necessary for the department to exercise,**
31 **on and after the operative date specified in subsection (1) of this section, all of the duties,**
32 **functions and powers conferred on the department by sections 2 to 5 of this 2019 Act and the**
33 **amendments to ORS 419B.022 and 419B.024 by sections 6 and 7 of this 2019 Act.**

34 **“SECTION 11. This 2019 Act being necessary for the immediate preservation of the public**
35 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
36 **on its passage.”.**