



# Oregon

Kate Brown, Governor



**Oregon Department of Human Services**

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Senator Gelser, Chair

Senator Anderson, Vice Chair

Members of the Senate Human Services, Mental Health and Recovery Committee

From: Oregon Department of Human Services

Re: Senate Bill (SB) 92 Background and Briefing

As currently written, Oregon law does not protect child abuse investigations conducted solely under Oregon Revised Statute (ORS) Chapter 418 from public disclosure. The Oregon Department of Human Services (ODHS) has introduced [SB 92](#) for several reasons; 1) to protect the rights and privacy of child abuse victims regardless of the setting they reside in, 2) to protect the identity of individuals reporting child abuse under ORS Chapter 418 and 3) to ensure Oregon's child abuse confidentiality protections meet federal requirements.

Frequently the ODHS Office of Training, Investigations and Safety (OTIS) conducts investigations pursuant to both ORS 418 and 419B because the alleged victim meets both the definition of "child" in [ORS 419B.005\(2\)](#) and "child in care" in [ORS 418.257\(3\)](#). This has allowed the department to ensure parity in child abuse records protections.

However, there are instances where only the ORS 418.257 definitions apply, and we are unable to provide this protection. This can occur when the alleged abuse type(s) only fall under ORS 418.257 such as verbal abuse, financial exploitation, involuntary seclusion for convenience, and wrongful use of a physical or chemical restraint. This can also occur when the alleged victim only meets the ORS 418.257 definition of "child in care". For example, 18, 19 or 20 year old's who are in the custody of ODHS Child Welfare and residing in Child Welfare certified foster homes do not meet the ORS 419B.005 definition of child as they are not under 18 and not residing in a Child-Caring Agency. They only meet the child in care definition under ORS 418. Unfortunately, this means that the department does not have statutory authority to provide confidentiality of records protections to these young adults and they are vulnerable to sensitive information about their abuse being exposed.

In addition to leaving the personal details of child abuse victims vulnerable, current statute also does not protect the confidentiality of those reporting child abuse when only ORS 418 applies. This raises concerns of potential retaliation and runs the risk of deterring individuals from reporting suspected abuse and endangering child abuse victims.

In addition to the gaps mentioned above, current statute also places Oregon in violation of federal requirements. The Child Abuse Prevention and Treatment Act (CAPTA) is a piece of federal legislation that provides guidance to states on implementing a child protection system and provides grants to states for prevention, identification, and treatment of child abuse. The

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confidentiality protections in ORS 419B.035 currently meet federal CAPTA requirements, however as illustrated, investigations conducted under ORS 418.257 to 418.259 are not subject to these protections and are severely lacking.

The department is pursuing SB 92 to protect the confidentiality of child abuse victims, protect the identity of those who report suspected child abuse and to ensure compliance with federal CAPTA requirements. We would like to clarify that SB 92 simply applies the existing child abuse records protections in [ORS 419B.035](#) to the investigations conducted under ORS 418 and does not make any modifications to those protections. SB 92 will not impact the transparency or disclosures related to substantiated abuse that are required by ORS 418 or the level of detail provided in the quarterly substantiated abuse reports that the department submits to the legislature and posts to our website.

**For more information please contact:**

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