

House Bill 2826

Sponsored by Representative WILLIAMS (Presession filed.)

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 allocation formula for grants to children's advocacy centers. Establishes Child Abuse Assessment Account within State Treasury for purpose of grant program for children's advocacy centers. Appropriates moneys from General Fund to Department of Justice for purpose of funding program. Limits biennial expenditures by department for grant program from Child Abuse Assessment Account.

Modifies authority of Advisory Council on Child Abuse Assessment to deposit contributions to Child Abuse Multidisciplinary Intervention Account and Child Abuse Assessment Account.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to child safety; creating new provisions; amending ORS 147.391, 418.746, 418.786, 418.788
3 and 418.796; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 418.746 to**
6 **418.796.**

7 **SECTION 2. The Child Abuse Assessment Account is established in the State Treasury,**
8 **separate and distinct from the General Fund. Interest earned by the account shall be cred-**
9 **ited to the account. The account consists of moneys deposited into the account under ORS**
10 **418.796 and may include moneys appropriated, allocated, deposited or transferred to the ac-**
11 **count by the Legislative Assembly or otherwise. The moneys in the account are continuously**
12 **appropriated to the Department of Justice for the purposes specified in ORS 418.786.**

13 **SECTION 3. ORS 418.746 is amended to read:**

14 418.746. (1) The Child Abuse Multidisciplinary Intervention Account is established separate and
15 distinct from the General Fund. Interest earned, if any, shall inure to the benefit of the account.
16 **The account consists of moneys deposited into the account under ORS 418.796 and may in-**
17 **clude moneys appropriated, allocated, deposited or transferred to the account by the Legis-**
18 **lative Assembly or otherwise.** All moneys deposited in the account are continuously appropriated
19 to the Department of Justice for the purposes of ORS 418.751 and this section.

20 (2) The Child Abuse Multidisciplinary Intervention Program, with the advice of the Advisory
21 Council on Child Abuse Assessment, created by ORS 418.784, shall allocate moneys from the Child
22 Abuse Multidisciplinary Intervention Account to eligible county child abuse multidisciplinary teams
23 formed under ORS 418.747, or entities designated by the teams, serving the counties from which the
24 moneys were collected. The program may award only one grant per county. The moneys shall be
25 allocated by the same formula as, or a formula similar to, the formula used by the Attorney General
26 for equitable distribution of the fund for victim's assistance programs under ORS 147.227 (1). Moneys
27 allocated under this subsection may not be used as replacement revenues for currently available
28 funds previously allocated by the county for child abuse intervention.

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 (3) The Child Abuse Multidisciplinary Intervention Program shall determine eligibility of the
2 applicants and:

3 (a) Allocate funds if the applicant is deemed eligible;

4 (b) Conditionally allocate funds, with appropriate conditions, when necessary to establish eligi-
5 bility; or

6 (c) Deny funding.

7 (4) In making the eligibility determination, the Child Abuse Multidisciplinary Intervention Pro-
8 gram shall consider the following nonexclusive list of factors:

9 (a) Whether the services offered by an applicant substantially further the goals and purposes
10 of ORS 418.747, 418.790 and 418.792;

11 (b) Whether the county child abuse multidisciplinary team or the entity designated by the team
12 has properly allocated other available funds;

13 (c) Any evaluations of previously funded services as required by subsection (7) of this section;

14 (d) The extent to which the county's coordinated child abuse multidisciplinary intervention plan
15 provides for comprehensive services to the victims of child abuse;

16 (e) Whether the funds are being used as replacement revenues as prohibited by subsection (2)
17 of this section;

18 (f) Whether there is a children's advocacy center or similar advocacy center in existence or
19 proposed for the county; and

20 (g) The extent to which funding a children's advocacy center is given priority in the intervention
21 plan as required under subsection (5) of this section.

22 (5)(a) At least once a biennium, the county child abuse multidisciplinary team shall submit to
23 the Child Abuse Multidisciplinary Intervention Program a coordinated child abuse multidisciplinary
24 intervention plan. The intervention plan must:

25 (A) Describe all sources of funding, other than moneys that may be allocated from the Child
26 Abuse Multidisciplinary Intervention Account, including in-kind contributions that are available for
27 the intervention plan;

28 (B) Describe the critical needs of victims of child abuse in the county, including but not limited
29 to child abuse assessment, advocacy and treatment, and how the intervention plan addresses those
30 needs in a comprehensive manner;

31 (C) Include the county's written protocol and agreements required by ORS 418.747 (2) and
32 418.785; and

33 (D) Describe how the intervention plan gives priority to funding a children's advocacy center
34 and how the funding supports the center.

35 (b) When submitting the intervention plan, the county child abuse multidisciplinary team shall
36 also submit:

37 (A) Those applications for funding received from entities under subsection (6) of this section that
38 the team determines best meet the needs of the county's intervention plan and a recommendation
39 that the applications for funding be granted; and

40 (B) If the team is seeking funding from the Child Abuse Multidisciplinary Intervention Program,
41 an application setting forth the information required by rule of the program.

42 (6) An entity wishing to apply for funding from the Child Abuse Multidisciplinary Intervention
43 Program shall submit an application to the county child abuse multidisciplinary team for the county
44 in which the entity proposes to provide services. The application shall:

45 (a) Describe the services to be funded with moneys from the Child Abuse Multidisciplinary

1 Intervention Program according to the coordinated child abuse multidisciplinary intervention plan
 2 and the anticipated outcomes in terms of benefits to children and families; and

3 (b) Describe how the services further the goals and purposes of ORS 418.747, 418.790 and
 4 418.792.

5 (7)(a) A designated entity providing services according to a coordinated child abuse multidisci-
 6 plinary intervention plan funded with moneys from the Child Abuse Multidisciplinary Intervention
 7 Program shall submit an annual report to the county child abuse multidisciplinary team. A county
 8 child abuse multidisciplinary team shall submit an annual report to the Child Abuse Multidiscipli-
 9 nary Intervention Program.

10 (b) The annual report filed by the county child abuse multidisciplinary team must:

11 (A) Document how the moneys were utilized and describe to what extent the services were able
 12 to meet anticipated outcomes in terms of benefits to children and families.

13 (B) Include local and state issues and recommendations relating to the prevention of child
 14 fatalities identified in the fatality review process under ORS 418.785.

15 (c) A county child abuse multidisciplinary team receiving a report from a designated entity shall
 16 review the report and take into account success of the entity at meeting service outcomes before
 17 making future recommendations regarding allocation of moneys.

18 (d) The Child Abuse Multidisciplinary Intervention Program shall review reports received under
 19 this section before making future eligibility and allocation decisions and when evaluating services
 20 funded under this section.

21 (8) Two or more county child abuse multidisciplinary teams may join together to develop joint
 22 child abuse multidisciplinary intervention plans. The joint intervention plans shall be submitted as
 23 provided in subsection (5) of this section.

24 (9) The Child Abuse Multidisciplinary Intervention Program may adopt rules to carry out the
 25 provisions of ORS 418.751 and this section including, but not limited to, the following:

26 (a) Notices and time limits for applications;

27 (b) Method of review and the role of advisory bodies; and

28 (c) Reallocation of moneys not applied for or disbursed.

29 **SECTION 4.** ORS 418.786 is amended to read:

30 418.786. (1) To accomplish the purpose described in ORS 418.780, with the assistance of the
 31 Advisory Council on Child Abuse Assessment, the administrator of the Child Abuse Multidiscipli-
 32 nary Intervention Program shall develop and administer a grant program, **separate from the grant**
 33 **program described in ORS 418.746**, to establish and maintain children’s advocacy centers and re-
 34 gional children’s advocacy centers, to support training and technical assistance efforts for county
 35 child abuse multidisciplinary teams and children’s advocacy centers and to provide coordination and
 36 support for the work of regional children’s advocacy centers.

37 (2) **The Child Abuse Multidisciplinary Intervention Program shall allocate moneys from**
 38 **the Child Abuse Assessment Account established by section 2 of this 2021 Act to eligible**
 39 **children’s advocacy centers under ORS 418.746 to 418.796. The moneys shall be allocated by**
 40 **using the same formula as, or a formula similar to, the formula used by the Attorney Gen-**
 41 **eral for equitable distribution of the account for victims’ assistance programs under ORS**
 42 **147.227 (1), taking into consideration the size of each children’s advocacy center’s service**
 43 **area and the associated increased cost of equitably providing services to all victims within**
 44 **that area. Moneys allocated under this subsection may not be used as replacement revenues**
 45 **for currently available funds previously allocated by the county for children’s advocacy cen-**

1 **ters.**

2 **SECTION 5.** ORS 418.788 is amended to read:

3 418.788. (1) Subject to the availability of funds under the provisions of ORS **418.786 and** 418.796,
4 the administrator of the Child Abuse Multidisciplinary Intervention Program shall make grants for
5 the establishment and maintenance of children’s advocacy centers or regional children’s advocacy
6 centers.

7 (2)(a) A public or private agency may apply to the administrator for a grant to:

8 (A) Establish and maintain a children’s advocacy center or regional children’s advocacy center;

9 (B) Provide training and technical assistance to children’s advocacy centers or county child
10 abuse multidisciplinary teams; or

11 (C) Provide coordination and support to regional children’s advocacy centers.

12 (b) The administrator may consolidate applications from more than one public or private agency
13 or may return the application with the recommendation that the application be consolidated.

14 (3) The administrator shall by rule establish criteria for awarding grants to establish and
15 maintain children’s advocacy centers or regional children’s advocacy centers, including but not
16 limited to:

17 (a) Expenses eligible for reimbursement from funds under ORS **418.786 and** 418.796;

18 (b) The extent to which the applicant’s proposal will best accomplish the purposes of ORS
19 418.746 to 418.796;

20 (c) The extent to which an applicant meets criteria for receiving a grant to:

21 (A) Establish and maintain a children’s advocacy center or regional children’s advocacy center;

22 (B) Provide training and technical assistance to children’s advocacy centers and county child
23 abuse multidisciplinary teams; or

24 (C) Provide coordination and support to regional children’s advocacy centers;

25 (d) Minimum facility standards for children’s advocacy centers and regional children’s advocacy
26 centers consistent with national accreditation standards to ensure that children receive consistent,
27 evidence-based intervention services statewide;

28 (e) Minimum forensic interview training standards that are consistent with national forensic
29 interview training standards, evidence-based and supported by current forensic interview research;
30 and

31 (f) For a regional children’s advocacy center, the extent to which the applicant’s proposal meets
32 the documented needs of the communities, children’s advocacy centers and county child abuse
33 multidisciplinary teams in the region or regions to be served by the center.

34 (4) The administrator is not required to fund any grant in the total amount requested in the
35 application.

36 **SECTION 6.** ORS 418.796 is amended to read:

37 418.796. The Advisory Council on Child Abuse Assessment may solicit and accept contributions
38 of funds and assistance from the United States, its agencies or from other sources, public or private,
39 and agree to conditions not inconsistent with the purposes of ORS 418.746 to 418.796. All funds re-
40 ceived are to aid in financing the functions of the advisory council and the purposes of ORS 418.746
41 to 418.796. *[and shall be deposited in the General Fund of the State Treasury to the credit of a separate*
42 *account and are continuously appropriated to the Child Abuse Multidisciplinary Intervention Program*
43 *established by ORS 418.783 for the purposes of ORS 418.746 to 418.796.]* **The advisory council may**
44 **deposit moneys the advisory council collects under this section into the Child Abuse Multi-**
45 **disciplinary Intervention Account under ORS 418.746 or the Child Abuse Assessment Account**

1 **under section 2 of this 2021 Act.**

2 **SECTION 7.** ORS 147.391 is amended to read:

3 147.391. Notwithstanding ORS 147.390, when the moneys provided from the Criminal Injuries
 4 Compensation Account for the purposes of ORS 147.390 are expended for any cumulative time period
 5 within any biennium, the Criminal Injuries Compensation Account shall have no further obligations
 6 under ORS 147.390 for that time period. However, if [*the Criminal Injuries Compensation Account has*
 7 *unexpended moneys provided for at the end of any biennium, the balance shall be transferred to the*
 8 *account created*] **at the end of the biennium there are unexpended moneys in the account and**
 9 **those unexpended moneys were allocated to the account for the purposes of ORS 147.390, the**
 10 **balance of those unexpended moneys may be deposited as provided by ORS 418.796.**

11 **SECTION 8.** In addition to and not in lieu of any other appropriation, there is appropri-
 12 ated to the Department of Justice, for the biennium beginning July 1, 2021, out of the Gen-
 13 eral Fund, the amount of \$6,000,000 for deposit in the Child Abuse Assessment Account
 14 established by section 2 of this 2021 Act.

15 **SECTION 9.** Notwithstanding any other law limiting expenditures, the amount of
 16 \$6,000,000 is established for the biennium beginning July 1, 2021, as the maximum limit for
 17 payment of expenses by the Department of Justice for the grant program established under
 18 ORS 418.786 from the Child Abuse Assessment Account established by section 2 of this 2021
 19 Act.

20 **SECTION 10.** This 2021 Act takes effect on the 91st day after the date on which the 2021
 21 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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