



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

HB 2155: Domestic Violence and Sexual Assault Program Confidentiality

Background:

Oregon law requires all public employees, certain licensed professionals, and employees of certain nonprofit and private employers to report suspected cases of child abuse to state authorities. In order to lower barriers to services for victims of domestic violence and sexual assault, the law contains an exemption for non-profits whose primary purpose is to provide confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking. This exemption is crucial to the success of these programs, because confidentiality enhances survivor safety and increases the likelihood that survivors feel safe coming forward to seek the help they need and deserve.

However, several domestic violence and sexual assault victim services programs are housed within non-profits whose primary purpose is a broader range of services to the community. As the law is currently written, there is some ambiguity about whether domestic violence and sexual assault programs which are housed in a larger organization meet the terms of the mandatory reporting exemption. This uncertainty means that some Oregonians continue to face barriers to services that the mandatory reporting exemption was intended to remove.

Solution:

HB 2155 modifies the child abuse mandatory reporting statute to clarify that domestic violence and sexual assault programs which are housed in larger organizations with a broader purpose are provided with the same mandatory reporting exemption that applies to standalone domestic violence and sexual assault service providers. Our understanding is that this was always the intent of the exemption, meaning that HB 2155 is simply a clarification of the original intent of the legislature.

HB 2155 accomplishes this goal by replacing the “primary purpose” language found in ORS 419B.005(5)(bb) with “qualified victim services program.” Qualified victim services programs (or QVSPs) are defined in ORS 147.600, as:

A nongovernmental, nonprofit, community-based program receiving moneys administered by the state Department of Human Services or the Oregon or United States Department of Justice, or a program administered by a tribal government, that offers safety planning, counseling, support or advocacy services to victims of domestic violence, sexual assault or stalking; or

A sexual assault center, victim advocacy office, women's center, student affairs center, health center or other program providing safety planning, counseling, support or advocacy services to victims that is on the campus of or affiliated with a two-year or four-year post-secondary institution that enrolls one or more students who receive an Oregon Opportunity Grant.

This simple change in Oregon law will ensure that survivors of domestic violence and sexual assault can access the services and help they need and deserve.

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