

SB 769 -3 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 3/1, 3/20, 3/29

WHAT THE MEASURE DOES:

Requires the Department of Human Services (DHS) to use any information arising from an investigation of abuse committed by a child in care to assess the safety of the child in care and any other individuals receiving services from the same child-caring agency, the appropriateness of the child in care's placement, the quality of supervision and support provided to the child in care, the need for any additional services or supports for individuals involved in the incident, and the consideration of the behaviors and needs identified for making safe and appropriate placements in the future. Prohibits DHS from finding that the report is substantiated or founded except if the incident occurred in a situation where the child in care is not the victim's parent but was in a position of responsibility or authority in relation to the victim, including when the child in care is the victim's nanny, child care provider, peer tutor or mentor; the incident constitutes sexual abuse; or the child in care is the victim's parent and the incident resulting in the abuse report involved a willful infliction of physical pain or injury. Requires DHS to notify in writing the child in care and the child in care's attorney of substantiated or founded investigation finding and the child's right to appeal. Prohibits DHS from finding an individual is unfit to serve as a volunteer, intern, employee, or licensee of any entity solely on the basis of a substantiated or founded allegation of abuse if the incident occurred before the individual attained 18 years of age, provides exemptions. Exempts individuals from enrolling in the Central Background Registry if the individual was under 18 years of age at the time of the incident that resulted in the child abuse determination, unless the incident occurred in a situation where the individual was not the victim's parent but was in a position of responsibility or authority in relation to the victim; the incident constituted sexual abuse; or the individual was the victim's parent and the incident involved a willful infliction of physical pain or injury.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Effect of amendment on number and types of investigations by Child Protective Services
- Procedures and steps of screening reports to the hotline
- Threshold of qualified subject that can be investigated for child abuse in Oregon
- Cross-reporting and independent investigations
- Expungement of records in non-delinquency procedures

EFFECT OF AMENDMENT:

-3 Removes requirement of the Department of Human Services (DHS) to use any information arising from an investigation of abuse committed by a child in care to assess the safety of the child in care and any other individuals. Removes prohibition on finding that a report is substantiated or founded except if the incident occurred in a situation where the child in care is not the victim's parent but was in a position of responsibility or authority in relation to the victim, including when the child in care is the victim's nanny, child care provider, peer tutor or mentor; the incident constitutes sexual abuse; or the child in care is the victim's parent and the incident resulting in the abuse report involved a willful infliction of physical pain or injury. Removes requirement for DHS to notify in writing the child in care and the child in care's attorney of substantiated or founded investigation finding and the child's right to appeal. Removes exemptions that allow DHS to find an individual unfit to serve as a volunteer, intern, employee, or licensee of any entity solely on the basis of a substantiated or founded allegation

of abuse if the incident occurred before the individual attained 18 years of age. Removes exemptions that require an individual who was under 18 years of age at the time of an incident that resulted in the child abuse determination to enroll in the Central Background Registry. Modifies definition of 'child' to include children in care. Defines qualified subject for the purposes of child abuse investigations. Applies provisions on background checks and investigations on or after the measure's effective date.

BACKGROUND:

The Oregon Child Abuse Reporting Law, ORS 419B.005 to 419B.05D, was first enacted in 1971. In the Department of Human Services, the Child Protective Services (CPS) office responds to child abuse reports. CPS caseworkers across the state receive reports of abuse, assess the situations along with law enforcement officials, and prepare safety plans to assist children and families. The process for determining the safety of the child takes into account the type of abuse, age of the child, family history, protective capacity of the family and the potential for re-abuse. [Data](#) from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention reports that juveniles account for more than one-third (35.6 percent) of those known to law enforcement to have committed sex offenses against other minors. Child on child sexual abuse most often occurs in the home (68 percent of the time), and about 1 out of every 8 juvenile offenders is under the age of 12. Individuals who have been the subject of a founded or substantiated report of child abuse are enrolled in the Central Background Registry prior to providing child care. A child care facility cannot hire or employ an individual if the individual is not enrolled in the Central Background Registry.

Senate Bill 769 requires the Department of Human Services (DHS) to use information from an investigation of abuse committed by a child in care to assess the safety of the child in care and any other individuals and the child's placement. It prohibits DHS from finding an individual is unfit to serve as a volunteer, intern, employee, or licensee of any entity solely on the basis of a substantiated or founded allegation of abuse if the incident occurred before the individual was 18 years of age.