

## **SB 106 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Human Services**

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**Meeting Dates:** 3/29, 4/3

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#### **WHAT THE MEASURE DOES:**

Requires Department of Human Services to study disposition rates of child abuse investigations and report to the Legislative Assembly by September 15, 2024.

#### **ISSUES DISCUSSED:**

- Provisions of measure

#### **EFFECT OF AMENDMENT:**

-1 Replaces the measure.

Defines 'bodily injury'. and modifies definition of 'restraint' and 'seclusion'. Modifies definition of 'serious bodily injury'. Clarifies types of restraint on a student prohibited in public education programs. Modifies conditions of an unsubstantiated finding in child abuse investigations. Directs the Department of Human Services (DHS) to include in child abuse investigation reports to the Legislative Assembly information on whether the abuse resulted in a reportable injury, pain, sexual abuse, or death. Modifies definition of 'involuntary seclusion'. Clarifies types of restraint on a child prohibited in child-caring agencies, proctor foster homes, certified foster homes, and developmental disabilities residential facilities. Prohibits child-caring agencies, proctor foster homes, or developmental disabilities residential facilities to place a child in care in a restraint or involuntary seclusion if the child in care's behavior does not pose an imminent risk serious bodily injury. Adds new reporting requirements in quarterly reports on a program's use of restraint and involuntary seclusion for the preceding three-month period. Modifies child abuse definition and child definition to include children in care of DHS. Adds parole and probation officer, behavior analyst, assistant behavior analyst, and behavior analysis interventionist to the list of public or private officials. Permits DHS to make records of child abuse investigations available to national nonprofit organizations designated by DHS to provide assistance with locating, recovering, or providing services to children or youth determined to be missing. Expands the definition of vulnerable adult abuse. Adds the Behavior Analysis Regulatory Board to list of board to which unprofessional conduct can be reported to. Directs DHS to study prevention of and response to child abuse in correctional settings and report to the Legislative Assembly by December 1, 2023. Specifies reporting requirements. Directs DHS to establish processes for investigations of child abuse in nonfamily settings. Takes effect on 91st day following adjournment sine die.

#### **BACKGROUND:**

The Department of Human Services Office of Child Protective Services (CPS) responds to child abuse reports. CPS-trained caseworkers across the state listen to reports of abuse, assess the situations, and prepare safety plans to assist children and families. CPS staff work closely with law enforcement agencies and other members of multidisciplinary teams in each county to assess child abuse reports (ORS 419B.005 to 419B.05D). The dispositional process begins with a determination by the investigating agency of the validity of a child abuse report. Every report is handled by a CPS-trained worker who will make an initial determination of whether a report meets the guidelines that require ODHS to conduct an assessment of the family. Those reports that are possible abuse are further analyzed to determine whether an immediate response is needed. After an assessment is completed, the information is reviewed to determine whether abuse occurred and whether the child is safe. If a child has been abused or neglected, CPS and law enforcement staff decide, with family help if possible, whether

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the child can be safely left at home. ODHS and law enforcement have the authority to remove a child from the home if they are in immediate danger of abuse. A court order also can authorize ODHS or law enforcement to place a child in protective custody.

Senate Bill 106 requires the Department of Human Services to study disposition rates of child abuse investigations and report to the Legislative Assembly by September 15, 2024.