

SB 823 -3 STAFF MEASURE SUMMARY

Senate Committee On Human Services

Prepared By: Iva Sokolovska, LPRO Analyst

Meeting Dates: 3/27, 4/3

WHAT THE MEASURE DOES:

Requires reports of allegations of child abuse in state-authorized programs to be available for public inspection and be made public records, specifies content that exempts reports from disclosure. Prohibits disclosure unless an investigation concludes with a finding that the allegation of abuse is unsubstantiated or could not be determined or the Department of Human Services has issued a final order after opportunity for a contested case hearing for a substantiated finding.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Removes requirement for disclosure of reports of investigations of child abuse occurring at specified state-authorized programs in response to public records request. Requires completed abuse investigation reports to be available for inspection upon written request. Requires completed abuse investigation report to reflect the investigation activities and abuse findings or determinations and specifies required content. Makes complete abuse investigation reports confidential, specifies exemptions. Specifies information to be redacted from a completed abuse investigation report before permitting inspection. Directs Department of Human Services (DHS) to make child abuse reports and records available to national nonprofits providing assistance to DHS to locate, recover, or provide services to children and youth determined missing.

BACKGROUND:

The Department of Human Services (DHS) is only authorized to release child abuse and medical records under specific circumstances (ORS 419B.035): to a law enforcement agency or a child abuse; to any medical personnel that is examining, caring or treating a child; attorneys of record for the child or child's parent or guardian; citizen review boards established by the Judicial Department; the Office of Child Care; the Office of Children's Advocate; the Teacher Standards and Practices Commission; Disability Rights Oregon; the Department of Education. DHS can choose to not disclose the addresses and other identifying information about other children, witnesses, victims, or other persons named in the report or record. DHS can also make certain reports and records (ORS 419B.010 to 419B.050) available to entities when it is determined that it is necessary to administer its child welfare services; is in the best interests of the affected child; is necessary to investigate, prevent or treat child abuse and neglect.

Senate Bill 823 requires DHS to disclose reports of investigations of child abuse occurring at state-authorized programs when a public records request is made.