

SB 757 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 5/10, 5/15

WHAT THE MEASURE DOES:

Requires Department of Human Services and law enforcement agencies to provide notice of founded disposition of child abuse to the attorney of the person identified as the perpetrator. Applies to notices delivered on or after effective date.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

SENATE VOTE: Ayes, 26; Excused, 4

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon's child abuse reporting laws, compiled in ORS 419B.005 to 419B.050, were enacted in 1993 and have been amended several times, most recently in 2022. Under the current process, the Department of Human Services (DHS) and law enforcement agencies have a shared legal responsibility for receiving and responding to reports of suspected abuse. When a report of suspected child abuse is received by a law enforcement agency or DHS, the law requires either agency to immediately begin an investigation to determine the nature and cause of the abuse and notify all relevant entities based on the nature and cause. The agencies collaborate with other state agencies, including the Office of Child Care and the Oregon Department of Education, and other service providers including school officials and local health and mental health departments to develop specific procedures and guidelines for investigating suspected child abuse. DHS staff work closely with law enforcement agencies and other members of multidisciplinary teams in each county to assess and issue findings on reports of suspected abuse. Investigations are resolved by DHS issuing a finding that the report is either substantiated, unsubstantiated, or inconclusive. While this is an administrative process rather than a criminal investigation, it does not preclude a criminal investigation or prosecution that may occur in tandem or as a result of the findings.

The federal Child Abuse Prevention and Treatment Act (CAPTA) requires child protective service (CPS) agencies, including the DHS Child Welfare division, to provide notice to individuals who have been identified as responsible for child abuse or neglect and to provide those individuals with an opportunity to request and have a review of the disposition. The local DHS Child Welfare office must deliver a "Notice of a CPS Founded Disposition" to the person identified as the perpetrator in the CPS founded disposition (OAR 413-010-0700 to 413-010-0750). If the perpetrator is not a juvenile, the notice must be delivered via certified mail or hand delivery to the perpetrator. If a person believes they are entitled to a "Notice of CPS Founded Disposition" but has not received one, the person may contact any Child Welfare office to inquire about a review of the disposition.

Senate Bill 757 requires a notice of founded disposition of child abuse to be provided to the attorney of the person identified as the perpetrator.