

SB 769 A STAFF MEASURE SUMMARY**Carrier:** Sen. Gelser Blouin**Senate Committee On Human Services****Action Date:** 03/29/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 4-1-0-0**Yeas:** 4 - Gelser Blouin, Manning Jr, Prozanski, Weber**Nays:** 1 - Robinson**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Iva Sokolovska, LPRO Analyst**Meeting Dates:** 3/1, 3/20, 3/29**WHAT THE MEASURE DOES:**

Prohibits the Department of Human Services (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. 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 finding. Modifies definition of "child" to include children in care for the purpose of child abuse investigations. Adds parole and probation officers to "public or private official" for the purpose of child abuse investigations. Defines "qualified subject" for the purposes of child abuse investigations. 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:

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. 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.050, was first enacted in 1971. In the Department of Human Services (DHS), 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

This summary has not been adopted or officially endorsed by action of the committee.

SB 769 A STAFF MEASURE SUMMARY

for re-abuse. 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 until the person is enrolled in the Central Background Registry.

Senate Bill 769 A 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. The measure defines the term "qualified subject" for the purpose of child abuse investigations.