

SB 901 STAFF MEASURE SUMMARY

Carrier: Rep. Reynolds

House Committee On Early Childhood and Human Services

Action Date: 05/17/23

Action: Do Pass.

Vote: 6-4-0-0

Yeas: 6 - Andersen, Hartman, Nelson, Neron, Nguyen H, Reynolds

Nays: 4 - Cramer, Elmer, Hieb, Scharf

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Matthew Perreault, LPRO Analyst

Meeting Dates: 4/19, 5/17

WHAT THE MEASURE DOES:

Authorizes Director of Human Services to issue subpoena for documents and records in connection with child abuse investigations. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Background of Senate Bill 155 (2019)
- Investigations of reported abuse in schools conducted by the Department of Human Services
- Interaction with federal laws
- Practice of administrative subpoena

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. Senate Bill 155 (2019) expanded the role of the Department of Human Services (DHS) to investigate allegations of child abuse in educational settings and school-sponsored activities. Under the current process, 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 of the child 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.

Senate Bill 901 allows the Director of Human Services to issue subpoenas for documents and records in connection with child abuse investigations, including audio records, video records, photographs, and student records.