

## SENATE AMENDMENTS TO SENATE BILL 823

By COMMITTEE ON HUMAN SERVICES

April 11

1 On page 1 of the printed bill, delete lines 5 through 30.

2 On page 2, delete lines 1 through 12 and insert:

3 **“SECTION 1. (1) As used in this section:**

4 **“(a) ‘Abuse investigation’ means an investigation by the Department of Human Services**  
5 **under ORS 418.257 to 418.259 and 419B.010 to 419B.050 of an allegation of child abuse occur-**  
6 **ring at a state-authorized program.**

7 **“(b) ‘State-authorized program’ means:**

8 **“(A) A child-caring agency, as defined in ORS 418.205, except that ‘state-authorized pro-**  
9 **gram’ does not include a proctor foster home, as defined in ORS 418.205;**

10 **“(B) An education provider, as defined in ORS 339.370;**

11 **“(C) A child care facility, as described in ORS 329A.250; or**

12 **“(D) A developmental disabilities residential facility, as defined in ORS 418.257.**

13 **“(2) The Legislative Assembly finds that it is in the interest of the public and of children**  
14 **who are receiving services from state-authorized programs to ensure the effective oversight,**  
15 **regulation and improvement of state-authorized programs by, upon written request, making**  
16 **completed abuse investigation reports described in subsection (3) of this section available for**  
17 **inspection as provided in subsection (4) of this section.**

18 **“(3)(a) At the conclusion of an abuse investigation, the department shall prepare a com-**  
19 **pleted abuse investigation report.**

20 **“(b) The completed abuse investigation report must reflect the department’s investi-**  
21 **gation activities and abuse findings or determinations and include, at a minimum, all of the**  
22 **following:**

23 **“(A) A description of the allegation of abuse that was investigated, including the date and**  
24 **location of the act or acts of alleged abuse, if known.**

25 **“(B) An outline of the department’s steps taken and information gathered in the inves-**  
26 **tigation, including but not limited to a list of all witnesses interviewed and a summary of**  
27 **information obtained from those interviews, and a list of sources of information reviewed,**  
28 **including records, documents and reports, and a summary of information obtained from**  
29 **those information sources.**

30 **“(C) A specific determination of whether the abuse allegation is founded or substantiated,**  
31 **unfounded or unsubstantiated or unable to be determined or inconclusive, and the basis for**  
32 **that determination.**

33 **“(D) A list of every entity to which the department provided notice of the investigation**  
34 **outcome.**

35 **“(E) The name and title of the individual who prepared the completed abuse investigation**

1 report.

2 “(4)(a) Except as provided in paragraph (b) of this subsection, a completed abuse inves-  
3 tigation report described in subsection (3) of this section is exempt from disclosure under  
4 ORS 192.314.

5 “(b) If the department has issued a final order after the applicable administrative or  
6 contested case process is complete for each type of finding, the department may allow the  
7 following persons to inspect the completed abuse investigation report:

8 “(A) Members of the Legislative Assembly and other officers or employees of a public  
9 body, as defined in ORS 174.109, if the duties of the officers or employees include policy de-  
10 velopment, regulation, funding and oversight of a state-authorized program.

11 “(B) Board members who exercise authority over a state-authorized program.

12 “(C) A person who received or is receiving services at the state-authorized program at  
13 which the alleged abuse occurred.

14 “(D) Parents or guardians of minor children who received or are receiving services from  
15 the state-authorized program at which the alleged abuse occurred.

16 “(E) The Secretary of State or a designee of the Secretary of State for the purposes of  
17 an audit.

18 “(F) A professional licensing board for the purpose of assessing compliance with rules  
19 and standards adopted by the licensing board.

20 “(G) If the request is to inspect a completed abuse investigation report that was prepared  
21 within 18 months before or 18 months following the death or serious injury of a child at the  
22 state-authorized program, any person.

23 “(H) Any other appropriate person, as determined by the department by rule, for pur-  
24 poses of effective oversight, regulation and improvement of state-authorized programs.

25 “(c) The department shall redact the following information from a completed abuse in-  
26 vestigation report before permitting inspection of the report:

27 “(A) The name, contact information and any other personally identifying information of  
28 a child alleged to be the victim of abuse, including information that could cause a reasonable  
29 inference to be made about the child’s identity by the general public.

30 “(B) The name, contact information and any other personally identifying information of  
31 a person who reported or witnessed the alleged abuse if the person is not alleged to have  
32 committed the abuse.

33 “(C) The name, contact information and any other personally identifying information of  
34 a person alleged to have committed the abuse.

35 “(D) Any documents or records gathered as evidence or supporting documentation during  
36 the investigation that may be referenced in the completed abuse investigation report.

37 “(E) Any individually identifiable health information, as defined in ORS 192.556.

38 “(d) Paragraph (c)(C) of this subsection does not apply if:

39 “(A) The person inspecting the report is the alleged victim or the alleged victim’s repre-  
40 sentative; or

41 “(B) The department found that the allegation of abuse is substantiated or founded and  
42 the abuse resulted in the death, sexual abuse or serious physical injury of a child.

43 “(e) Paragraph (c)(D) of this subsection does not apply if the person inspecting the report  
44 is the alleged victim or the alleged victim’s representative.

45 “(f) A person who is permitted to inspect a completed abuse investigation report under

1 **this subsection shall maintain the confidentiality of any privileged or confidential information**  
2 **or records contained in the report and may use the information or records only for the**  
3 **purposes of the oversight, regulation and improvement of state-authorized programs.”.**

4 On page 3, delete line 6.

5 In line 7, delete the period and insert “; and

6 “(n) A national nonprofit organization designated by the Department of Human Services that  
7 provides assistance with locating, recovering or providing services to children or youth who are  
8 determined by the department to be missing.”.

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