

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 823**

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 under ORS 418.257**
5 **to 418.259 and 419B.010 to 419B.050 of an allegation of child abuse oc-**
6 **curring 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**
9 **‘state-authorized program’ does not include a proctor foster home, as**
10 **defined in ORS 418.205;**

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

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

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

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

1 **“(3)(a) The Department of Human Services shall prepare a com-**
2 **pleted abuse investigation report when:**

3 **“(A) The department finds or determines that the allegation of**
4 **abuse is unsubstantiated, unfounded, inconclusive or could not be de-**
5 **termined; or**

6 **“(B) If the department finds or determines that the allegation of**
7 **abuse is substantiated or founded, the department has issued a final**
8 **order after the applicable administrative or contested case process is**
9 **complete for each type of finding.**

10 **“(b) The completed abuse investigation report must reflect the**
11 **department’s investigation activities and abuse findings or determi-**
12 **nations and include, at a minimum, all of the following:**

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

16 **“(B) An outline of the department’s steps taken and information**
17 **gathered in the investigation, including but not limited to a list of all**
18 **witnesses interviewed and a summary of information obtained from**
19 **those interviews, and a list of sources of information reviewed, in-**
20 **cluding records, documents and reports, and a summary of informa-**
21 **tion obtained from those information sources.**

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

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

27 **“(E) The name and title of the individual who prepared the com-**
28 **pleted abuse investigation report.**

29 **“(4)(a) A completed abuse investigation report described in sub-**
30 **section (3) of this section is exempt from disclosure under ORS 192.314,**

1 except that the department may allow the following persons to inspect
2 the completed abuse investigation report:

3 “(A) Members of the Legislative Assembly and other officers or
4 employees of a public body, as defined in ORS 174.109, if the duties of
5 the officers or employees include policy development, regulation,
6 funding and oversight of a state-authorized program.

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

9 “(C) Individuals, including but not limited to parents, referral
10 agents, medical providers, mental health providers and education
11 consultants, who are considering placement of a child in a state-
12 authorized program or who make referrals or recommendations for
13 children to be placed in a state-authorized program.

14 “(D) A person who received or is receiving services at the state-
15 authorized program at which the alleged abuse occurred.

16 “(E) Parents or guardians of minor children who received or are
17 receiving services from the state-authorized program at which the al-
18 leged abuse occurred.

19 “(F) The Secretary of State or a designee of the Secretary of State
20 for the purposes of an audit.

21 “(G) A professional licensing board for the purpose of assessing
22 compliance with rules and standards adopted by the licensing board.

23 “(H) A person conducting formal research related to safety, com-
24 pliance and regulation of state-authorized programs.

25 “(I) If the request is to inspect a completed abuse investigation re-
26 port regarding an incident that occurred within 18 months before or
27 18 months following the death or serious injury of a child at the
28 state-authorized program, any person.

29 “(J) If the request is to inspect a completed abuse investigation
30 report that was prepared within 18 months before or 18 months fol-

1 **lowing the death or serious injury of a child at the state-authorized**
2 **program, any person.**

3 **“(K) If the completed investigation report was produced more than**
4 **five years prior to the inspection request, any person.**

5 **“(L) Any other appropriate person, as determined by the depart-**
6 **ment by rule, for purposes of effective oversight, regulation and im-**
7 **provement of state-authorized programs.**

8 **“(b) The department shall redact the following information from a**
9 **completed abuse investigation report before permitting inspection of**
10 **the report:**

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

15 **“(B) The name, contact information and any other personally**
16 **identifying information of a person who reported or witnessed the al-**
17 **leged abuse if the person is not alleged to have committed the abuse.**

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

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

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

26 **“(c)(A) Paragraph (b)(B) of this subsection does not apply to the**
27 **redaction of the name, contact information or any other personally**
28 **identifying information of the person who reported the alleged abuse**
29 **if the reporter is a state-authorized program.**

30 **“(B) Paragraph (b)(C) of this subsection does not apply if:**

1 **“(i) The person inspecting the report is the alleged victim, the al-**
2 **leged victim’s representative or a party to the investigation; or**

3 **“(ii) The department found that the allegation of abuse is substan-**
4 **tiated or founded and the abuse resulted in the death, sexual abuse**
5 **or serious physical injury of a child.**

6 **“(C) Paragraph (b)(D) of this subsection does not apply if the person**
7 **inspecting the report is the alleged victim or the alleged victim’s rep-**
8 **resentative.”.**

9 On page 3, delete line 6.

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

11 “(n) A national nonprofit organization designated by the Department of
12 Human Services that provides assistance with locating, recovering or pro-
13 viding services to children or youth are determined by the department to be
14 missing.”.

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