

House Bill 3000

Sponsored by Representative NELSON, Senator GELSER BLOUIN (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes how the person who the public can call to complain about DHS employees is appointed and what that person does. (Flesch Readability Score: 62.1).

Requires that the Children's Advocate be appointed by the Governor, subject to Senate confirmation. Modifies complaint review duties of the Children's Advocate.

A BILL FOR AN ACT

1
2 Relating to oversight of the child abuse investigation process; creating new provisions; and amend-
3 ing ORS 409.185, 417.810 and 417.815.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 409.185 is amended to read:

6 409.185. (1) The Director of Human Services shall oversee the development of standards and
7 procedures for assessment, investigation and enforcement of child protective services.

8 (2)(a) The Department of Human Services shall take action to implement the provision of child
9 protective services as outlined in ORS 417.705 to 417.800 and based on the recommendations in the
10 1992 "Oregon Child Protective Services Performance Study" published by the University of Southern
11 Maine.

12 (b) In all substantiated cases of child abuse and neglect, the role of the department is to com-
13 plete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs
14 and provide immediate protective services as necessary.

15 (c) The department shall provide remedial services needed to ensure the safety of the child.

16 (d) In all cases of child abuse and neglect for which a criminal investigation is conducted, the
17 role of law enforcement agencies is to provide a legally sound, child sensitive investigation of
18 whether abuse or neglect or both have occurred and to gather other evidence and perform other
19 responsibilities in accordance with interagency agreements.

20 (e) The department and law enforcement agencies shall conduct the investigation and assess-
21 ment concurrently, based upon the protocols and procedures of the county child abuse multidisci-
22 plinary team in each jurisdiction.

23 (f) When the department and law enforcement agencies conduct a joint investigation and as-
24 sessment, the activities of the department and agencies are to be clearly differentiated by the pro-
25 tocols of the county child abuse multidisciplinary team.

26 (g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and
27 418.748 and ORS chapter 419B.

28 (h) In all cases of child abuse for which an investigation is conducted, the department shall
29 provide a child's parent, guardian or caregiver with a clear written explanation of the investigation
30 process, the court hearing process [*and*], the rights of the parent, guardian or caregiver in the abuse

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 investigation and in the court proceedings related to the abuse investigation **and information**
 2 **about the Office of Children’s Advocate toll-free telephone line under ORS 417.805 for sub-**
 3 **mitting complaints concerning the actions and conduct of the department relating to the**
 4 **investigation.**

5 (3) Upon receipt of a recommendation of the Children’s Advocate under ORS 417.815 (2)(e), the
 6 department shall implement the recommendation or give the Children’s Advocate written notice of
 7 an intent not to implement the recommendation **and the reason the department intends not to**
 8 **implement the recommendation.**

9 **SECTION 2.** ORS 417.810 is amended to read:

10 417.810. (1) The Office of Children’s Advocate is established in the Department of Human Ser-
 11 vices. The office is under the supervision and control of the Children’s Advocate, who is responsible
 12 for the performance of the duties, functions and powers of the office. [*With the concurrence of the*
 13 *Governor, the Director of Human Services*] **The Governor** shall appoint the Children’s Advocate [*and*
 14 *may terminate the Children’s Advocate.*], **subject to confirmation by the Senate in the manner**
 15 **prescribed by ORS 171.562 and 171.565, who shall hold office at the pleasure of the Governor.**

16 (2) Subject to available funds and the applicable provisions of ORS chapter 240, the Children’s
 17 Advocate may hire staff to carry out the duties, functions and powers of the office and shall pre-
 18 scribe their duties and fix their compensation.

19 (3) The Children’s Advocate shall be a person who has background and experience in:

- 20 (a) Law enforcement with particular emphasis on crimes involving child victims; or
- 21 (b) Social work with particular emphasis on child abuse.

22 **SECTION 3.** ORS 417.815 is amended to read:

23 417.815. (1) The Office of Children’s Advocate shall be accessible to the public through the state
 24 toll-free telephone line maintained pursuant to ORS 417.805 and through other electronic and writ-
 25 ten forms of communication. The office shall:

- 26 (a) Disseminate information and educate the public about the detection and prevention of child
 27 abuse and about the prosecution of persons accused of child abuse;
- 28 (b) Cooperate with other units within the Department of Human Services and law enforcement
 29 officials in performing duties under ORS 418.747 and 418.748 and 419B.005 to 419B.050 when the in-
 30 vestigation involves alleged child abuse;
- 31 (c) Provide technical assistance in the development and implementation of state and local pro-
 32 grams that relate to child abuse;
- 33 (d) In cooperation with the department, objectively review the department’s systems for handling
 34 child abuse cases; and
- 35 (e) Analyze data collected by the office to discern general patterns and trends, chronic problems
 36 and other systemic difficulties in the detection, reporting, investigation, prosecution and resolution
 37 of cases of child abuse.

38 (2) In addition to the duties required under subsection (1) of this section, the office shall:

- 39 (a) **Conduct a culturally informed, objective review of** any complaint regarding the
 40 department’s involvement in a specific child abuse case, unless the office determines there is an
 41 adequate remedy for the complaint;
- 42 (b) Make any appropriate referrals of the complaint or complainant at the time the office re-
 43 ceives the complaint or during the office’s review process;
- 44 (c) Inform the complainant of the referral of the complaint or any other action taken by the
 45 office on the complaint;

1 (d) Inform the department of the office's intention to review the department's action, unless the
2 office determines that advance notice will unduly hinder the review; and

3 (e) Conduct a review of the department's action [*when appropriate*], **with specific attention**
4 **paid to inequitable application of policies and procedures**, and inform the department of the re-
5 sults of the review, including any recommendation the Children's Advocate believes would resolve
6 any case or any systemic issues identified in the review.

7 (3) If the office has knowledge of confidential information relating to a child involved or
8 allegedly involved in child abuse, the office shall keep the information confidential from public dis-
9 closure. However, the office is subject to legal mandates in ORS 418.747 and 418.748 and 419B.005
10 to 419B.050.

11 (4) A person who files a complaint under this section or ORS 417.805 or participates in any in-
12 vestigation under this section may not be, because of that action:

13 (a) Subject to any penalties, sanctions or restrictions imposed by the department;

14 (b) Subject to any penalties, sanctions or restrictions connected with the person's employment;
15 or

16 (c) Denied any right, privilege or benefit.

17 (5) If deemed necessary by the Children's Advocate for the purposes of carrying out the duties
18 of the office, the office may conduct criminal records checks pursuant to ORS 181A.200 on a person
19 through the Law Enforcement Data System maintained by the Department of State Police.

20 **SECTION 4. The term of the person serving as the Children's Advocate on the effective**
21 **date of this 2025 Act shall expire on January 1, 2026, but the person may be reappointed by**
22 **the Governor as provided in ORS 417.810.**

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