

A-Engrossed
Senate Bill 804

Ordered by the Senate March 25
Including Senate Amendments dated March 25

Sponsored by COMMITTEE ON HUMAN SERVICES

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.

[Modifies child abuse reporting requirements to require Department of Human Services to notify law enforcement agency within county where alleged child abuse occurred.]

Directs Department of Human Services, after receiving report of alleged child abuse, to notify law enforcement agency where alleged abuse occurred, if county is known. If county is unknown, prescribes which law enforcement agencies department is required to notify.

[Directs department to adopt rules requiring certain notifications of child abuse reports to be made within five days after receipt.] Modifies department's rulemaking authority regarding cross-reporting requirements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to cross-reporting of child abuse; amending ORS 419B.015 and 419B.017; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 419B.015 is amended to read:

6 419B.015. (1)(a) A person making a report of child abuse, whether the report is made voluntarily
7 or is required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local
8 office of the Department of Human Services, to the designee of the department or to a law
9 enforcement agency within the county where the person making the report is located at the time
10 of the contact. The report shall contain, if known, the names and addresses of the child and the
11 parents of the child or other persons responsible for care of the child, the child's age, the nature
12 and extent of the abuse, including any evidence of previous abuse, the explanation given for the
13 abuse and any other information that the person making the report believes might be helpful in es-
14 tablishing the cause of the abuse and the identity of the perpetrator.

15 (b)(A) When a report of **alleged** child abuse is received by the department, the department shall
16 notify a law enforcement agency within the county where the *[report was made]* **alleged abuse oc-**
17 **curred or, if that county is unknown, the county where the child resides or, if that county**
18 **is unknown, the county where the reporter came into contact with the child or the alleged**
19 **perpetrator of the abuse.**

20 (B) When a report of **alleged** child abuse is received by a designee of the department, the
21 designee shall notify, according to the contract, either the department or a law enforcement agency
22 within the county where the *[report was made]* **alleged abuse occurred or, if that county is un-**
23 **known, the county where the child resides or, if that county is unknown, the county where**
24 **the reporter came into contact with the child or the alleged perpetrator of 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 (C) When a report of **alleged** child abuse is received by a law enforcement agency, the agency
2 shall notify *[the local office of]* the department *[within the county where the report was made]* **by**
3 **making a report of the alleged child abuse to the child abuse reporting hotline.**

4 (c) When a report of **alleged** child abuse is received by the department or by a law enforcement
5 agency, the department or law enforcement agency, or both, may collect information concerning the
6 military status of the parent or guardian of the child who is the subject of the report and may share
7 the information with the appropriate military authorities. Disclosure of information under this par-
8 agraph is subject to ORS 419B.035 (7).

9 (2) When a report of **alleged** child abuse is received under subsection (1)(a) of this section, the
10 entity receiving the report shall make the notification required by subsection (1)(b) of this section
11 according to rules adopted by the department under ORS 419B.017.

12 (3)(a) When a report alleging that a child or ward in substitute care may have been subjected
13 to abuse is received by the department, the department shall notify the attorney for the child or
14 ward, the child's or ward's court appointed special advocate, the parents of the child or ward and
15 any attorney representing a parent of the child or ward that a report has been received.

16 (b) The name and address of and other identifying information about the person who made the
17 report may not be disclosed under this subsection. Any person or entity to whom notification is
18 made under this subsection may not release any information not authorized by this subsection.

19 (c) The department shall make the notification required by this subsection within three business
20 days of receiving the report of **alleged child** abuse.

21 (d) Notwithstanding the obligation imposed by this subsection, the department is not required
22 under this subsection to notify the parent or parent's attorney that a report of **alleged child** abuse
23 has been received if the notification may interfere with an investigation or assessment or jeopardize
24 the child's or ward's safety.

25 **SECTION 2.** ORS 419B.017 is amended to read:

26 419B.017. (1) The Department of Human Services shall adopt rules establishing:

27 (a) The time within which the notification required by ORS 419B.015 *[(1)(a)]* **(1)(b)** must be made.
28 At a minimum, the rules shall:

29 (A) Establish which reports of child abuse require notification within 24 hours after receipt;

30 (B) Provide that all other reports of child abuse require notification within 10 days after receipt;
31 and

32 (C) Establish criteria that enable the department, the designee of the department or a law
33 enforcement agency to quickly and easily identify reports that require notification within 24 hours
34 after receipt.

35 (b) How the notification is to be made.

36 (2) The department shall appoint an advisory committee to advise the department in adopting
37 rules required by this section. The department shall include as members of the advisory committee
38 representatives of law enforcement agencies and multidisciplinary teams formed pursuant to ORS
39 418.747 and other interested parties.

40 *[(3) In adopting rules required by this section, the department shall balance the need for providing*
41 *other entities with the information contained in a report received under ORS 419B.015 with the re-*
42 *sources required to make the notification.]*

43 *[(4)]* **(3)** The department may recommend practices and procedures to local law enforcement
44 agencies to meet the requirements of rules adopted under this section.

45 **SECTION 3.** This 2019 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
2 **on its passage.**

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