

HOUSE AMENDMENTS TO HOUSE BILL 2335

By COMMITTEE ON JUDICIARY

June 1

1 On page 1 of the printed bill, line 15, before “abuse” insert “child” and delete “when” and insert
2 “for which” and delete “occurs” and insert “is conducted”.

3 Delete lines 27 through 29 and insert:

4 “(h) In all cases of child abuse for which an investigation is conducted, the department shall
5 provide a child’s parent, guardian or caregiver with a clear written explanation of the investigation
6 process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse
7 investigation and in the court proceedings related to the abuse investigation.”.

8 On page 2, delete lines 2 and 3 and insert:

9 **“SECTION 2. (1) If, in a case of alleged child sexual abuse as described in ORS 419B.005
10 (1)(a)(C), (D) or (E) by a parent, guardian or caregiver living in the child’s home, the De-
11 partment of Human Services asks the parent, guardian or caregiver to move from the family
12 home during the investigation and the parent, guardian or caregiver consents to leave the
13 family home, the department shall notify the district attorney responsible for the county
14 multidisciplinary child abuse team for the county in which the child resides about the case.
15 The notification shall be in writing and be given no later than three business days after the
16 departure of the parent, guardian or caregiver from the family home.**

17 **“(2) A parent, guardian or caregiver who consents to leave the family home as described
18 in subsection (1) of this section or the spouse of the parent, guardian or caregiver may ask
19 the district attorney responsible for the team for a review of the case by the team.**

20 **“(3) No later than 90 days after receiving a request under subsection (2) of this section,
21 the team shall:**

22 **“(a) Review the case and consider at least the following:**

23 **“(A) Whether the investigation should continue;**

24 **“(B) The welfare of the child and the adults living in the family home; and**

25 **“(C) The proposed timeline for completing the investigation; and**

26 **“(b) Provide to the person who requested the review a summary of the proposed timeline
27 for completing the investigation.**

28 **“(4)(a) This section may not be construed to create a new private right of action against
29 a district attorney or any member of a county multidisciplinary child abuse team.**

30 **“(b) A district attorney and members of a county multidisciplinary child abuse team re-
31 viewing a case under subsection (2) of this section are immune from any liability, civil or
32 criminal, that might otherwise be incurred or imposed with respect to reviewing a case,
33 failing to review a case referred to the team under subsection (2) of this section or providing
34 to the person who requested the review a summary of the proposed timeline for completing
35 the investigation.**

1 “(c) The act of reviewing a case or failing to review a case referred to the team under
2 subsection (2) of this section or providing or failing to provide a summary to the person who
3 requested the review may not be used by a defendant in any subsequent criminal prosecution
4 or juvenile proceeding.

5 “SECTION 3. Section 2 of this 2005 Act and the amendments to ORS 409.185 by section
6 1 of this 2005 Act apply to investigations of child abuse commenced on or after the effective
7 date of this 2005 Act.”.

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