

A-Engrossed
House Bill 2335

Ordered by the House June 1
Including House Amendments dated June 1

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Representative Jerry Krummel)

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.

[Requires law enforcement agencies to complete investigations of certain cases of alleged child sexual abuse no later than 45 days after commencing investigation.]

Requires Department of Human Services, in all cases of child abuse for which investigation is conducted, to provide child's parent, guardian or caregiver with explanation of investigation and court hearing processes and rights of parent, guardian or caregiver.

Establishes process for investigation and case review of alleged child sexual abuse when department asks parent, guardian or caregiver to move from family home during investigation.

A BILL FOR AN ACT

1
2 Relating to investigations of child abuse; creating new provisions; and amending ORS 409.185.

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

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

5 409.185. (1) The Director of Human Services shall oversee the development of standards and
6 procedures for assessment, investigation and enforcement of child protective services.

7 (2)(a) The Department of Human Services shall take action to implement the provision of child
8 protective services as outlined in ORS 417.705 to 417.797 and 419A.170 and based on the recom-
9 mendations in the 1992 "Oregon Child Protective Services Performance Study" published by the
10 University of Southern Maine.

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

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

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

19 (e) The department and law enforcement agencies shall conduct the investigation and assess-
20 ment concurrently, based upon the protocols and procedures of the multidisciplinary team in each
21 jurisdiction.

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

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 (g) Nothing in this subsection is intended to be inconsistent with ORS 418.747, 418.748 and
2 418.749 and ORS chapter 419B.

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

8 (3) Upon receipt of a recommendation of the Children's Advocate under ORS 417.815 (2)(e), the
9 department shall implement the recommendation or give the Children's Advocate written notice of
10 an intent not to implement the recommendation.

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

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

22 (3) No later than 90 days after receiving a request under subsection (2) of this section,
23 the team shall:

24 (a) Review the case and consider at least the following:

25 (A) Whether the investigation should continue;

26 (B) The welfare of the child and the adults living in the family home; and

27 (C) The proposed timeline for completing the investigation; and

28 (b) Provide to the person who requested the review a summary of the proposed timeline
29 for completing the investigation.

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

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

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

42 **SECTION 3. Section 2 of this 2005 Act and the amendments to ORS 409.185 by section 1
43 of this 2005 Act apply to investigations of child abuse commenced on or after the effective
44 date of this 2005 Act.**