

# Senate Bill 947

Sponsored by COMMITTEE ON JUDICIARY

## 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**.

Requires Department of Human Services to make records concerning reports of child abuse available to any person if child dies or suffers serious physical injury.

## A BILL FOR AN ACT

1  
2 Relating to child abuse; amending ORS 419B.035.

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

4 **SECTION 1.** ORS 419B.035 is amended to read:

5 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and  
6 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records  
7 and public documents, reports and records compiled under the provisions of ORS 419B.010 to  
8 419B.050 are confidential and are not accessible for public inspection. However, the Department of  
9 Human Services shall make records available to:

10 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of  
11 subsequent investigation of child abuse;

12 (b) Any physician, at the request of the physician, regarding any child brought to the physician  
13 or coming before the physician for examination, care or treatment;

14 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-  
15 ceeding;

16 (d) Citizen review boards established by the Judicial Department for the purpose of periodically  
17 reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile  
18 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to  
19 participants in case reviews;

20 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged  
21 that a child has been subjected to child abuse or neglect;

22 (f) The Child Care Division for certifying, registering or otherwise regulating child care facili-  
23 ties; *[and]*

24 (g) The Office of Children's Advocate; **and**

25 **(h) Any person, if the child who is the subject of the records dies or, as a result of abuse,**  
26 **suffers serious physical injury as defined in ORS 161.015. When records are made available**  
27 **under this paragraph, the department shall delete any information contained in the records**  
28 **that reveals the identity of the child.**

29 (2) The Department of Human Services may make reports and records available to any person,  
30 administrative hearings officer, court, agency, organization or other entity when the department  
31 determines that such disclosure is necessary to administer its child welfare services and is in the

**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 best interests of the affected child, or that such disclosure is necessary to investigate, prevent or  
 2 treat child abuse and neglect, to protect children from abuse and neglect or for research when the  
 3 Director of Human Services gives prior written approval. The Department of Human Services shall  
 4 adopt rules setting forth the procedures by which it will make the disclosures authorized under this  
 5 subsection *[and]* or subsection (1) of this section. The name, address and other identifying informa-  
 6 tion about the person who made the report may not be disclosed pursuant to this subsection and  
 7 subsection (1) of this section.

8 (3) A law enforcement agency may make reports and records available to other law enforcement  
 9 agencies, district attorneys, city attorneys with criminal prosecutorial functions and the Attorney  
 10 General when the law enforcement agency determines that disclosure is necessary for the investi-  
 11 gation or enforcement of laws relating to child abuse and neglect.

12 (4) A law enforcement agency, upon completing an investigation and closing the file in a specific  
 13 case relating to child abuse or neglect, shall make reports and records in the case available upon  
 14 request to any law enforcement agency or community corrections agency in this state, to the De-  
 15 partment of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose  
 16 of managing and supervising offenders in custody or on probation, parole, post-prison supervision  
 17 or other form of conditional or supervised release. A law enforcement agency may make reports and  
 18 records available to law enforcement, community corrections, corrections or parole agencies in an  
 19 open case when the law enforcement agency determines that the disclosure will not interfere with  
 20 an ongoing investigation in the case. The name, address and other identifying information about the  
 21 person who made the report may not be disclosed under this subsection or subsection (5)(b) of this  
 22 section.

23 (5)(a) Any record made available to a law enforcement agency or community corrections agency  
 24 in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Super-  
 25 vision or to a physician in this state, as authorized by subsections (1) to (4) of this section, shall be  
 26 kept confidential by the agency, department, board or physician. Any record or report disclosed by  
 27 the Department of Human Services to other persons or entities pursuant to subsections (1) and (2)  
 28 of this section shall be kept confidential.

29 (b) Notwithstanding paragraph (a) of this subsection[,]:

30 (A) A law enforcement agency, a community corrections agency, the Department of Corrections  
 31 and the State Board of Parole and Post-Prison Supervision may disclose records made available to  
 32 them under subsection (4) of this section to each other and to law enforcement, community cor-  
 33 rections, corrections and parole agencies of other states for the purpose of managing and supervis-  
 34 ing offenders in custody or on probation, parole, post-prison supervision or other form of conditional  
 35 or supervised release.

36 (B) **A person may disclose records made available to the person under subsection (1)(h)**  
 37 **of this section if the records are disclosed for the purpose of advancing the public interest.**

38 (6) An officer or employee of the Department of Human Services or of a law enforcement agency  
 39 or any person or entity to whom disclosure is made pursuant to subsections (1) to (4) of this section  
 40 may not release any information not authorized by subsections (1) to (5) of this section.

41 (7) As used in this section, "law enforcement agency" has the meaning given that term in ORS  
 42 181.010.

43 (8) A person who violates subsection (5)(a) or (6) of this section commits a Class A violation.