Enrolled
Senate Bill 112

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CHAPTER .....

AN ACT

Relating to child abuse multidisciplinary intervention; amending ORS 418.746, 418.747, 418.784, 418.788 and 418.790.

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

SECTION 1. ORS 418.746 is amended to read:

418.746. (1) The Child Abuse Multidisciplinary Intervention Account is established separate and distinct from the General Fund. Interest earned, if any, shall inure to the benefit of the account. All moneys deposited in the account are continuously appropriated to the Department of Justice for the purposes of ORS 418.751 and this section.

(2) The department, with the advice of the Advisory Council on Child Abuse Assessment, created by ORS 418.784, shall disburse moneys from the Child Abuse Multidisciplinary Intervention Account to eligible county multidisciplinary child abuse teams formed under ORS 418.747 and public and private agencies serving the counties from which the moneys were collected. **The department may award only one grant per county.** The Attorney General or the Attorney General's designee is the administrator of the Child Abuse Multidisciplinary Intervention Account. The moneys shall be allocated by the same formula as, or a formula similar to, the formula used by the Attorney General for equitable distribution of the fund for victim's assistance programs under ORS 147.227 (1). Moneys allocated under this subsection may not be used as replacement revenues for currently available funds previously allocated by the county for child abuse intervention.

(3) The department shall determine eligibility of the applicants and:

(a) Allocate funds if the program is deemed eligible;

(b) Conditionally allocate funds, with appropriate conditions, when necessary to establish eligibility; or

(c) Deny funding.

(4) In making the eligibility determination, the department shall consider the following nonexclusive list of factors:

(a) Whether the program substantially furthers the goals and purposes of ORS 418.747, 418.790 and 418.792;

(b) Whether the county multidisciplinary child abuse team has properly allocated other available funds;

(c) Any evaluations of previously funded programs as required by subsection (7) of this section;

(d) The extent to which the county's coordinated child abuse multidisciplinary intervention plan provides for comprehensive services to the victims of child abuse;

(e) Whether the funds are being used as replacement revenues as prohibited by subsection (2) of this section; and

(f) Whether there is a child abuse intervention, assessment or advocacy center in existence or planned in the county and whether the funds are given priority to support such center-based programs if needed.

(5)(a) [*Each year*] **At least once a biennium**, the county multidisciplinary child abuse team shall submit to the department a coordinated child abuse multidisciplinary intervention plan. The plan must:

(A) Describe all sources of funding, other than moneys that may be distributed from the Child Abuse Multidisciplinary Intervention Account, [*and*] including in-kind contributions that are available for the intervention plan;

(B) Describe how the plan provides for comprehensive services to the victims of child abuse, including assessment, advocacy and treatment; and

(C) Include the county's written protocol and agreements required by ORS 418.747 (2).

(b) When submitting the intervention plan, the county multidisciplinary child abuse team shall also submit:

(A) Those applications for funding received from public and private agencies under subsection (6) of this section that the team determines best meet the needs of the county's intervention plan and a recommendation that the applications for funding be granted; and

(B) If the team is seeking funding from the Child Abuse Multidisciplinary Intervention Account, an application setting forth such information as is required by rule of the department.

(6) A public or private agency wishing to apply for funding from the Child Abuse Multidisciplinary Intervention Account shall submit an application to the county multidisciplinary child abuse team for the county in which the public or private agency proposes to provide services. The application shall:

(a) Describe [*the program offered by the agency*] **the programs and services to be funded with moneys from the Child Abuse Multidisciplinary Intervention Account according to the intervention plan** and the anticipated outcomes in terms of benefits to children and families; and

(b) [*Indicate how the program furthers*] **Describe how the programs and services further** the goals and purposes of ORS 418.747, 418.790 and 418.792.

(7)(a) An agency [*that is awarded money*] **providing programs and services according to a coordinated child abuse multidisciplinary intervention plan funded with moneys from the Child Abuse Multidisciplinary Intervention Account** [*under this section*] shall submit an annual report to the county multidisciplinary child abuse team and to the department. **A multidisciplinary child abuse team** [*a county multidisciplinary child abuse team that is awarded money*] **receiving moneys from the Child Abuse Multidisciplinary Intervention Account** [*under this section*] shall submit an annual report to the department.

(b) The reports must document how the [*money was*] **moneys were** utilized and describe to what extent the [*program was*] **programs and services were** able to meet anticipated outcomes in terms of benefits to children and families.

(c) A county multidisciplinary child abuse team receiving a report from an agency [*under this section*] shall [*use*] **review** the report [*in*] **and take into account success of the program at meeting service outcomes before** making future recommendations regarding allocation of moneys.

(d) The department shall [*use*] **review** reports received under this section **before** [*to make*] **making** future eligibility and allocation decisions and [*to evaluate programs*] **when evaluating programs and services** funded under this section.

(8) Two or more county multidisciplinary child abuse teams may join together to develop joint child abuse multidisciplinary intervention plans. The joint plans shall be submitted as provided in subsection (5) of this section.

(9) The department may adopt rules necessary to carry out the provisions of ORS 418.751 and this section including, but not limited to, the following:

(a) Notices and time limits for applications;

(b) Method of review and the role of advisory bodies; and

(c) Reallocation of moneys not applied for or disbursed.

SECTION 2. ORS 418.747 is amended to read:

418.747. (1) The district attorney in each county shall be responsible for developing interagency and multidisciplinary teams to consist of but not be limited to law enforcement personnel, Department of Human Services child protective service workers, [*Child Care Division personnel, school officials, health departments and courts,*] **school officials, county health department personnel, child abuse intervention center workers, if available, and juvenile department representatives,** as well as others specially trained in child abuse, child sexual abuse and rape of children investigation.

(2) The teams shall develop a written protocol for immediate investigation of and notification procedures for child abuse cases and for interviewing child abuse victims. Each team also shall develop written agreements signed by member agencies that specify:

(a) The role of each agency;

(b) Procedures to be followed to assess risks to the child;

(c) Guidelines for timely communication between member agencies;

(d) Guidelines for completion of responsibilities by member agencies;

(e) **That** upon clear disclosure that the alleged child abuse occurred in a child care facility as defined in ORS 657A.250, [*that*] immediate notification of parents or guardians of children attending the child care facility is required regarding any abuse allegation and pending investigation; and

(f) Criteria and procedures to be followed when removal of the child is necessary for the child's safety.

(3) Each team member and those conducting child abuse investigations and interviews of child abuse victims shall be trained in risk assessment, dynamics of child abuse, child sexual abuse and rape of children[,] **and** legally sound and age appropriate interview and investigatory techniques.

(4) All investigations of child abuse and interviews of child abuse victims shall be carried out by appropriate personnel using the protocols and procedures called for in this section. If trained personnel are not available in a timely fashion and, in the judgment of a law enforcement officer or department child welfare worker, there is reasonable cause to believe a delay in investigation or interview of the child abuse victim could place the child in jeopardy of physical harm, the investigation [*can*] **may** proceed without full participation of all personnel. This authority applies only for as long as reasonable danger to the child exists. A reasonable effort to find and provide a trained investigator or interviewer shall be made.

(5) Protection of the child is of primary importance. To ensure the safe placement of a child, the department may request that local multidisciplinary team members obtain criminal history information on any person who is part of the household where the department may place or has placed a child who is in the department's custody. All information obtained by the local team members and the department in the exercise of their duties is confidential and may only be disclosed as necessary to [*assure*] **ensure** the safe placement of a child.

(6) Each team shall classify, assess and review cases under investigation.

(7) Each multidisciplinary team shall develop policies that provide for an independent review of investigation procedures of sensitive cases after completion of court actions on particular cases. The policies shall include independent citizen input. Parents of child abuse victims shall be notified of the review procedure.

(8) Each team shall establish a local multidisciplinary fatality review process. The purposes of the review process are to:

(a) Coordinate various agencies and specialists to review a fatality caused by child abuse or neglect;

(b) Identify local and state issues related to preventable deaths; and

(c) Promote implementation of recommendations on the local level.

(9) In establishing the review process and carrying out reviews, the members of the local multidisciplinary team shall be assisted by the local medical examiner or county health officer as well as others specially trained in areas relevant to the purpose of the local team.

(10) The categories of fatalities reviewed by the multidisciplinary team include:

(a) Child fatalities in which child abuse or neglect may have occurred at any time prior to death or have been a factor in the fatality;

(b) Any category established by the local multidisciplinary team;

(c) All child fatalities where the child is less than 18 years of age and there is an autopsy performed by the medical examiner; and

(d) Any specific cases recommended for local review by the statewide interdisciplinary team established under ORS 418.748.

(11) The local multidisciplinary team shall develop a written protocol for review of child fatalities. The protocol shall be designed to facilitate communication and information between persons who perform autopsies and those professionals and agencies concerned with the prevention, investigation and treatment of child abuse and neglect.

(12) Within the guidelines, and in a format, established by the statewide interdisciplinary team established under ORS 418.748, the local team shall provide the statewide team with information regarding child fatalities under subsection (10) of this section.

(13) The local multidisciplinary team shall have access to and subpoena power to obtain all medical records, hospital records and records maintained by any state, county or local agency, including, but not limited to, police investigations data, coroner or medical examiner investigative data and social services records, as necessary to complete the review of a specific fatality under subsection (8)(a) of this section. All meetings of the local team relating to the fatality review process required by subsections (8) to (13) of this section shall be exempt from the provisions of ORS 192.610 to 192.690. All information and records acquired by the local team in the exercise of its duties are confidential and may only be disclosed as necessary to carry out the purposes of the local fatality review process.

SECTION 3. ORS 418.784 is amended to read:

418.784. (1) There is created the Advisory Council on Child Abuse Assessment, consisting of at least nine members appointed by the [*Director of Human Services*] **Attorney General**, who shall serve as an ex officio member of the council. The council shall direct the administrator of the Child Abuse Multidisciplinary Intervention Account on administering funds to establish and maintain regional assessment centers or community assessment services under ORS 418.780 to 418.796.

(2) Of the members appointed to the council:

(a) One member shall be an employee of the Department of Human Services **with duties related to child protective services**;

(b) One member shall be a physician licensed to practice medicine in Oregon [*and*] who specializes in children and families;

(c) One member shall be a person having experience dealing with child abuse;

(d) One member shall be a district attorney or the designee of a district attorney;

(e) One member shall be an employee of a law enforcement agency, in addition to the member who is a district attorney or the designee of a district attorney;

(f) One member shall be from an operating regional assessment center; and

(g) At least three members shall be citizens with appropriate interest in advocating for the medical interest of abused children.

[*(3) The members of the council are not entitled to compensation or expenses.*]

(3) Members of the council who are not state employees:

(a) Are not entitled to compensation; and

(b) Are entitled to reimbursement for actual and necessary travel expenses incurred by them in the performance of their official duties as members of the council if there are sufficient funds available in the Child Abuse Multidisciplinary Intervention Account established in ORS 418.746.

(4) Members of the council who are state employees carrying out their state employment functions are entitled to compensation and reimbursement by their employing agencies for actual and necessary travel and other expenses incurred by them in the performance of their official duties as members of the council.

[*(4)*] **(5)** The council shall elect one of its members to serve as chairperson, for such terms and with such duties and powers as the council determines.

[*(5)*] **(6)** The council shall meet at least [*once every three months*] **four times per year** at a place, day and hour determined by the council.

[*(6)*] **(7)** A majority of the members of the council constitutes a quorum for the transaction of business.

SECTION 4. ORS 418.788 is amended to read:

418.788. (1) Subject to the availability of funds under the provisions of ORS 418.796, the administrator of the Child Abuse Multidisciplinary Intervention Account shall make grants for the establishment and maintenance of community or regional assessment centers.

(2) [*The governing body of a county*] **A public or private entity** may apply to the administrator of the Child Abuse Multidisciplinary Intervention Account for a grant to establish and maintain a community or regional assessment center under ORS 418.780 to 418.796. [*In the absence of an application by the governing body of the county, application may be made by any public or private entity in the county.*] The administrator of the Child Abuse Multidisciplinary Intervention Account may consolidate applications from more than one [*county*] **public or private entity** or may return the application with the recommendation that the application be consolidated.

(3) The administrator of the Child Abuse Multidisciplinary Intervention Account shall by rule establish criteria for awarding grants to establish and maintain community or regional assessment centers under ORS 418.780 to 418.796, including but not limited to:

(a) Expenses eligible for reimbursement from funds under ORS 418.796;

(b) The extent to which the applicant's proposed assessment center will best accomplish the purposes of ORS 418.780 to 418.796; **and**

(c) The extent to which an applicant meets criteria for receiving a grant to establish and maintain community or regional assessment centers[*;*]**.**

[*(d) For regional assessment centers, geography, population and proximity to major transportation routes; and*]

[*(e) Availability of sufficiently trained staff and state-of-the-art equipment to complete child abuse assessments.*]

(4) The administrator of the Child Abuse Multidisciplinary Intervention Account [*shall not be*] **is not** required to fund any grant in the total amount requested in the application.

SECTION 5. ORS 418.790 is amended to read:

418.790. Each application for funds to establish or maintain a regional assessment center shall include:

(1) A description of how the services of the proposed regional assessment center are to be delivered, including but not limited to:

(a) A coordinated investigation of child abuse allegations;

(b) A child abuse medical assessment;

(c) A neutral, nonintrusive videotaped interview pursuant to interviewing guidelines adopted by the Advisory Council on Child Abuse Assessment;

(d) Mental health treatment or referral for mental health treatment, if indicated as necessary by the assessments; and

(e) A complete written report of the assessment results.

(2) A description of any interagency agreements, as required by ORS 418.747, with the Department of Human Services, local law enforcement agencies, other regional assessment centers or other agencies involved in child abuse cases.

(3) A description of procedures to be followed in the proposed regional assessment center, including but not limited to:

(a) The contents, availability and distribution of written reports for each assessment;

(b) The availability of regional assessment center staff to testify in cases involving alleged abuse of children evaluated by the assessment center or service;

(c) Coordination with child witness programs and other child advocacy groups; [*and*]

(d) The level of support available to the regional assessment center through in-kind contributions from the community[*.*]**; and**

(e) A plan for providing training, education, consultation, technical assistance and referral services to community assessment or intervention services in the region.

(4) Evidence indicating that the applicant has state-of-the-art equipment and adequately trained staff to perform child abuse medical assessments and interviews, including but not limited to:

(a) A [*medical examiner*] **physician** who is trained in the evaluation, diagnosis and treatment of child abuse and who is [*a physician*] licensed to practice medicine in Oregon by the Board of Medical Examiners for the State of Oregon; and

(b) An interviewer who has an advanced academic degree in human services or who has comparable training and experience.

(5) A description of where the regional assessment center is to be **physically** located, including but not limited to a hospital, medical clinic or other appropriate public or private entity. [*However,*] The proposed center [*shall*] **may** not be located in an office of the Department of Human Services or in the office of any law enforcement agency.

(6) If the applicant is to receive funding as a regional assessment center:

(a) [*Evidence*] **A description** of the region to be served**;** [*and that*]

(b) A description of where the center is to be **geographically** located so as to be reasonably accessible to community assessment services in the region; and

[*(b)*] **(c)** Evidence that the applicant has a sufficiently trained staff to provide education, training, consultation, technical assistance and referral services for community assessment services in the region.

Passed by Senate March 27, 2003

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Secretary of Senate

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President of Senate

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Speaker of House

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