

ORS 418.747¹ County Teams for Investigation

<http://www.oregonlaws.org/ors/418.747>

- duties
- training
- method of investigation
- designated medical professional

(1) The district attorney in each county shall be responsible for developing county multidisciplinary child abuse teams to consist of but not be limited to law enforcement personnel, Department of Human Services child protective service workers, school officials, county health department personnel, county mental health department personnel who have experience with children and family mental health issues, 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 are represented on the team 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 329A.250 (Definitions for ORS 329A.030 and 329A.250 to 329A.450), 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 the personnel 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 child protective services 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 may proceed without full participation of all personnel. This authority applies only for as long as reasonable danger to the child exists. A law enforcement officer or child protective services worker shall make a reasonable effort to find and provide a trained investigator or interviewer.

(5) To ensure the protection and safe placement of a child, the Department of Human Services may request that 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 team members and the department in the exercise of their duties is confidential and may be disclosed only when necessary to ensure the safe placement of a child.

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

(7)(a) Each team shall develop and implement procedures for evaluating and reporting compliance of member agencies with the protocols and procedures required under this section. Each team shall submit to the administrator of the Child Abuse Multidisciplinary Intervention Program copies of the protocols and procedures required under this section and the results of the evaluation as requested.

(b) The administrator may:

(A) Consider the evaluation results when making eligibility determinations under ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) (3);

(B) If requested by the Advisory Council on Child Abuse Assessment, ask a team to revise the protocols and procedures being used by the team based on the evaluation results; or

(C) Ask a team to evaluate the team's compliance with the protocols and procedures in a particular case.

(c) The information and records compiled under this subsection are exempt from ORS 192.410 (Definitions for ORS 192.410 to 192.505) to 192.505 (Exempt and nonexempt public record to be separated).

(8) Each 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.

(9) Each team shall designate at least one physician, physician assistant or nurse practitioner who has been trained to conduct child abuse medical assessments, as defined in ORS 418.782 (Definitions for ORS 418.746 to 418.796), and who is, or who may designate another physician, physician assistant or nurse practitioner who is, regularly available to conduct the medical assessment described in ORS 419B.023 (Duties of person conducting investigation under ORS 419B.020).

(10) If photographs are taken pursuant to ORS 419B.028 (Photographing child during investigation), and if the team meets to discuss the case, the photographs shall be made available to each member of the team at the first meeting regarding the child's case following the taking of the photographs.

(11) No later than September 1, 2008, each team shall submit to the Department of Justice a written summary identifying the designated medical professional described in subsection (9) of

this section. After that date, this information shall be included in each regular report to the Department of Justice.

(12) If, after reasonable effort, the team is not able to identify a designated medical professional described in subsection (9) of this section, the team shall develop a written plan outlining the necessary steps, recruitment and training needed to make such a medical professional available to the children of the county. The team shall also develop a written strategy to ensure that each child in the county who is a suspected victim of child abuse will receive a medical assessment in compliance with ORS 419B.023 (Duties of person conducting investigation under ORS 419B.020). This strategy, and the estimated fiscal impact of any necessary recruitment and training, shall be submitted to the Department of Justice no later than September 1, 2008. This information shall be included in each regular report to the Department of Justice for each reporting period in which a team is not able to identify a designated medical professional described in subsection (9) of this section. [1989 c.998 §4; 1991 c.451 §1; 1993 c.622 §5; 1995 c.134 §1; 1997 c.703 §2; 2001 c.900 §121; 2003 c.354 §2; 2005 c.562 §6; 2007 c.674 §6] Note: See note under 418.746 (Child Abuse Multidisciplinary Intervention Account).

ANNOTATIONS

Notes of Decisions

Requirement of trained investigators is not designed to benefit or give rights to defendant. *State v. Kitzman*, 323 Or 589, 920 P2d 134 (1996)

§§ 418.740 to 418.770

Atty. Gen. Opinions

Inspection of child abuse records by Governor and Attorney General, (1979) Vol 40, p 96

Law Review Citations

25 WLR 230 (1989)

Chapter 418

Notes of Decisions

Where plaintiffs brought action under 42 U.S.C. 1983 alleging violation of federal civil rights after defendant Childrens Services Division employees removed plaintiffs child from home following reports of abuse, CSD workers entitled to absolute immunity in investigation, taking child into custody and keeping plaintiffs from visiting child. *Tennyson v. Childrens Services Division*, 308 Or 80, 775 P2d 1365 (1989)

Related Statutes³

ORS 147.401	Sexual assault response teams
ORS 181.548	Confidentiality of some records
ORS 192.690	Exceptions to ORS 192.610 to 192.690
ORS 409.185	Standards and procedures for child protective services
ORS 417.815	Duties of office
ORS 418.746	Child Abuse Multidisciplinary Intervention Account
ORS 418.795	Confidentiality of information and records
ORS 419B.017	Time limits for notification between law enforcement agencies and Department of Human Services
ORS 419B.023	Duties of person conducting investigation under ORS 419B.020
ORS 419B.028	Photographing child during investigation

1. Legislative Counsel Committee, CHAPTER 418—Child Welfare Services, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors418.html External_link_icon(2013) (last accessed Apr. 27, 2014)

2 Legislative Counsel Committee, Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2013, Chapter 418, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ano418.html External_link_icon(2013) (last accessed Apr. 27, 2014).

3 OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.