



Oregon

Kate Brown, Governor

Department of Human Services

Office of the Director

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December 9, 2019

The Honorable Senator Elizabeth Steiner Hayward, Co-Chair
The Honorable Senator Betsy Johnson, Co-Chair
The Honorable Representative Dan Rayfield, Co-Chair
Interim Joint Committee on Ways and Means on Human Services
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048



Re: Third Party Investigations Related to Child Abuse

Dear Co-Chairpersons:

Nature of the Request

The purpose of this letter is to request funding and positions to implement Senate Bill (SB) 155 (2019). The agency requests the Committee acknowledge receipt of the and recommend an increase of \$7,796,505 in General Fund and the establishment of 46 positions (34.50 FTE.)

Agency Action

SB 155 requires the DHS to investigate all reports of child abuse. Historically, DHS would not complete an abuse investigation where the alleged perpetrator was a third party (non-familial), when the parents were protective, and the allegation was referred to law enforcement. This was consistent with the statutory scheme prior to 2017. In 2017, the legislature enacted a new statute (ORS 419B.026) which provided that every child abuse investigation must conclude with a disposition of founded, unfounded or unable to determine. This applies to DHS or any law enforcement agency conducting an investigation. One intended consequence of the new statute was to restrict DHS's use of its Differential Response practice which did not require a disposition in every investigation. SB 155 changed the landscape in two significant ways: first, by putting the ultimate responsibility to complete an investigation on DHS should law enforcement decide not to investigate; and second, by defining what constitutes an investigation and ensuring that it is a detailed inquiry.

As of January 2020, all allegations of this nature are to be sent to the Office of Training, Investigation and Safety (OTIS) for disposition. OTIS is a shared service between DHS and the Oregon Health Authority. OTIS will triage and investigate the

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highest priority allegations as DHS builds capability. Ultimately, OTIS requires additional resources to both address the increase in the number of investigations and to update the Child Abuse Management (CAM) System to track this data. These resources are necessary to address the approximately 5,000 allegations per year now estimated to be forwarded to OTIS for investigation. This is new work and therefore new resources will be required to avoid service level reduction in other Child Welfare program areas.

During the 2019 legislative session, discussions of SB 155 included a fiscal estimate from Child Welfare to meet the bill's mandate. In the fiscal submitted by the DHS it was indicated that "*While this is based on the best information available as of the date of this FIS's preparation, the full impact cannot be determined until work begins to satisfy the requirements of the bill, as written. As such, the full fiscal impact is indeterminate. Should this proposed legislation pass and OTIS determines that additional resources are necessary to complete the body of work required by the legislation, an ask will be put forward at a future rebalance.*" DHS was provided 13 positions and 9.75 FTE based on the assumption that there would only be 500 referrals per year.

Subsequent to the close of session, DHS was provided with additional clarification on what is required of DHS to be compliant regarding third party abuse investigations. Analysis of this input identified the need for DHS to conduct an additional 5,000 investigations not previously thought to be at issue. A decision was also recently made to have OTIS conduct these new investigations.

DHS has completed the Child Welfare rules directing OTIS to complete third party abuse allegations, where the parent is still considered protective. In order to address the anticipated workload quickly, OTIS has likewise drafted temporary rules awaiting filing. OTIS is also ready to start bringing on staff to phase in investigations as those staff are hired.

Action Requested

DHS is requesting the Committee recommend an increase of \$7,796,505 General Fund and the establishment of 46 permanent positions (34.50 FTE) to implement the provisions of Senate Bill 155.

Legislation Affected

Central Services/State Assessments and Enterprise-wide Costs (SAEC) - Ch. 668 1(1)
General \$7,796,505

If you have questions, please contact Eric Moore at 503-884-4701.

Sincerely,



Eric Luther Moore
DHS Chief Financial Officer

cc: Laurie Byerly, Legislative Fiscal Office
Ken Rocco, Legislative Fiscal Office
George Naughton, Department of Administrative Services
Tamara Brickman, Department of Administrative Services
Ali Webb, Department of Administrative Services
Mike Streepey, Department of Administrative Services