INVESTIGATION OF CHILD ABUSE, RAPE AND SUICIDE

**418.746 Child Abuse Multidisciplinary Intervention Account; uses; eligibility determination; plans; rules.** (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 Child Abuse Multidisciplinary Intervention Program, with the advice of the Advisory Council on Child Abuse Assessment, created by ORS 418.784, shall allocate moneys from the Child Abuse Multidisciplinary Intervention Account to eligible county multidisciplinary child abuse teams formed under ORS 418.747, or entities designated by the teams, serving the counties from which the moneys were collected. The program may award only one grant per county. 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 Child Abuse Multidisciplinary Intervention Program shall determine eligibility of the applicants and:

(a) Allocate funds if the applicant 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 Child Abuse Multidisciplinary Intervention Program shall consider the following nonexclusive list of factors:

(a) Whether the services offered by an applicant substantially further the goals and purposes of ORS 418.747, 418.790 and 418.792;

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

(c) Any evaluations of previously funded services 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;

(f) Whether there is a community assessment center or advocacy center in existence or planned in the county; and

(g) The extent to which funding a community assessment center is given priority in the intervention plan as required under subsection (5) of this section.

(5)(a) At least once a biennium, the county multidisciplinary child abuse team shall submit to the Child Abuse Multidisciplinary Intervention Program a coordinated child abuse multidisciplinary intervention plan. The intervention plan must:

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

(B) Describe the critical needs of victims of child abuse in the county, including but not limited to assessment, advocacy and treatment, and how the intervention plan addresses those needs in a comprehensive manner;

(C) Include the county’s written protocol and agreements required by ORS 418.747 (2) and 418.785; and

(D) Describe how the intervention plan gives priority to funding a community assessment center and how the funding supports the center.

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

(A) Those applications for funding received from entities 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 Program, an application setting forth the information required by rule of the program.

(6) An entity wishing to apply for funding from the Child Abuse Multidisciplinary Intervention Program shall submit an application to the county multidisciplinary child abuse team for the county in which the entity proposes to provide services. The application shall:

(a) Describe the services to be funded with moneys from the Child Abuse Multidisciplinary Intervention Program according to the coordinated child abuse multidisciplinary intervention plan and the anticipated outcomes in terms of benefits to children and families; and

(b) Describe how the services further the goals and purposes of ORS 418.747, 418.790 and 418.792.

(7)(a) A designated entity providing services according to a coordinated child abuse multidisciplinary intervention plan funded with moneys from the Child Abuse Multidisciplinary Intervention Program shall submit an annual report to the county multidisciplinary child abuse team. A multidisciplinary child abuse team shall submit an annual report to the Child Abuse Multidisciplinary Intervention Program.

(b) The annual report filed by the county multidisciplinary child abuse team must:

(A) Document how the moneys were utilized and describe to what extent the services were able to meet anticipated outcomes in terms of benefits to children and families.

(B) Include local and state issues and recommendations relating to the prevention of child fatalities identified in the fatality review process under ORS 418.785.

(c) A county multidisciplinary child abuse team receiving a report from a designated entity shall review the report and take into account success of the entity at meeting service outcomes before making future recommendations regarding allocation of moneys.

(d) The Child Abuse Multidisciplinary Intervention Program shall review reports received under this section before making future eligibility and allocation decisions and when evaluating 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 intervention plans shall be submitted as provided in subsection (5) of this section.

(9) The Child Abuse Multidisciplinary Intervention Program may adopt rules 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. [1993 c.637 §§3,7; 1997 c.872 §31; 2001 c.624 §4; 2001 c.829 §8; 2003 c.354 §1; 2005 c.562 §5]

**Note:** 418.746 to 418.796 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**418.747 County teams for investigation; 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 657A.250, 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 (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 to 192.505.

(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, 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.

(10) If photographs are taken pursuant to ORS 419B.028, 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. 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.

**418.748 Statewide team on child abuse and suicide.** (1) The Department of Human Services shall form a statewide interdisciplinary team to meet twice a year to review child fatality cases where child abuse or suicide is suspected, identify trends, make recommendations and take actions involving statewide issues.

(2) The statewide interdisciplinary team may recommend specific cases to a child fatality review team for its review under ORS 418.785.

(3) The statewide interdisciplinary team shall provide recommendations to child fatality review teams in the development of protocols. The recommendations shall address investigation, training, case selection and fatality review of child deaths, including but not limited to child abuse and youth suicide cases. [1989 c.998 §5; 1991 c.451 §4; 1997 c.714 §2; 2005 c.562 §7]

**Note:** See note under 418.746.

**418.749** [1989 c.998 §6; 1993 c.546 §104; 1993 c.622 §6; renumbered 418.702 in 2005]

**418.750** [1971 c.451 §3; 1973 c.110 §2; 1975 c.644 §4; 1981 c.892 §94; repealed by 1993 c.546 §141]

**418.751 Training and education for persons investigating child abuse.** (1) The Department of Human Services, as provided in ORS 418.702, and the Department of Justice shall ensure that training and education are provided for persons, other than law enforcement officers, who are required to investigate allegations of child abuse. The Department of Human Services and the Department of Justice shall consult with the State Commission on Children and Families in assessing the grant funding that might be distributed to enhance and support training and continuing education for the county multidisciplinary child abuse teams.

(2) The Department of Human Services and the Department of Justice shall work with the Board on Public Safety Standards and Training to ensure that the training that is offered to persons under subsection (1) of this section and ORS 418.702 is coordinated with the training given to law enforcement officers. [1993 c.637 §§6,12; 2001 c.624 §5; 2005 c.562 §8]

**Note:** See note under 418.746.

**418.753** [1995 c.757 §1; 1997 c.714 §3; 2005 c.562 §9; renumbered 418.706 in 2005]

**418.755** [1971 c.451 §4; 1975 c.644 §7; 1977 c.741 §1; repealed by 1993 c.546 §141]

**418.756** [1997 c.714 §1; renumbered 418.704 in 2005]

**418.760** [1971 c.451 §5; 1975 c.644 §8; 1977 c.741 §2; 1983 c.815 §13; 1985 c.723 §2; 1989 c.998 §2; repealed by 1993 c.546 §141]

**418.762** [1975 c.644 §6; repealed by 1993 c.546 §141]

**418.764** [1977 c.97 §2; repealed by 1993 c.546 §141]

**418.765** [1971 c.451 §6; 1973 c.306 §1; 1975 c.644 §9; 1977 c.741 §3; 1989 c.371 §1; repealed by 1993 c.546 §141]

**418.770** [1971 c.451 §7; 1973 c.306 §2; 1975 c.644 §10; 1977 c.741 §4; 1983 c.153 §1; 1985 c.601 §1; 1987 c.906 §8; 1993 c.33 §330; repealed by 1993 c.546 §141]

**418.775** [Formerly 146.770; 1973 c.110 §1; 1975 c.644 §11; 1981 c.892 §95; repealed by 1993 c.546 §141]

REGIONAL ASSESSMENT CENTERS AND COMMUNITY ASSESSMENT SERVICES

**418.780 Purpose.** (1) The Legislative Assembly recognizes that:

(a) Protection of the child is of primary importance.

(b) A serious need exists for a coordinated multidisciplinary approach to the prevention and investigation of child abuse, for intervention and for the treatment of children who are victims of child abuse in a manner that is sensitive to the needs of children. No child in this state should be denied access to a child abuse medical assessment because of an inability to pay. The cost of not assessing and treating abused children with the aid of specially trained personnel is too high.

(2) The purpose of ORS 418.746 to 418.796 is to establish and maintain:

(a) Sufficient county multidisciplinary child abuse teams to conduct timely investigations of allegations of child abuse and provide comprehensive services to victims of child abuse through coordinated child abuse multidisciplinary intervention plans.

(b) Sufficient regional assessment centers and community assessment centers in Oregon to ensure that every child reasonably suspected to have been subjected to child abuse receives a skilled, complete and therapeutic child abuse medical assessment. [1991 c.898 §1; 1993 c.33 §331; 1997 c.872 §32; 2001 c.624 §6; 2005 c.562 §4]

**Note:** See note under 418.746.

**418.782 Definitions for ORS 418.746 to 418.796.** As used in ORS 418.746 to 418.796:

(1) “Child abuse” means “abuse” as defined by ORS 419B.005.

(2) “Child abuse medical assessment” means an assessment by or under the direction of a licensed physician or other licensed health care professional trained in the evaluation, diagnosis and treatment of child abuse. “Child abuse medical assessment” includes the taking of a thorough medical history, a complete physical examination and an interview for the purpose of making a medical diagnosis, determining whether or not the child has been abused and identifying the appropriate treatment or referral for follow-up for the child.

(3) “Community assessment center” means a neutral, child-sensitive community-based facility or service provider to which a child from the community may be referred to receive a thorough child abuse medical assessment for the purpose of determining whether the child has been abused or neglected.

(4) “Regional assessment center” means a facility operated by a community assessment center that provides child abuse medical assessments, assistance with difficult or complex child abuse medical assessments, education, training, consultation, technical assistance and referral services for community assessment centers or county multidisciplinary child abuse teams in a region or regions designated by the administrator of the Child Abuse Multidisciplinary Intervention Program. [1991 c.898 §2; 1993 c.546 §105; 1993 c.622 §8; 1997 c.872 §33; 1997 c.873 §32; 2005 c.562 §10]

**Note:** See note under 418.746.

**418.783 Child Abuse Multidisciplinary Intervention Program.** (1) The Child Abuse Multidisciplinary Intervention Program is established in the Department of Justice. The purpose of the program is to:

(a) Establish and maintain a coordinated multidisciplinary community-based system for responding to allegations of child abuse that is sensitive to the needs of children;

(b) Ensure the safety and health of children who are victims of child abuse to the greatest extent possible; and

(c) Administer the grant programs established under ORS 418.746 and 418.786.

(2) The Attorney General or the Attorney General’s designee is the administrator of the Child Abuse Multidisciplinary Intervention Program and of the Child Abuse Multidisciplinary Intervention Account established in ORS 418.746. [2005 c.562 §2]

**Note:** See note under 418.746.

**418.784 Advisory Council on Child Abuse Assessment; membership; officers; meetings; quorum.** (1) There is created the Advisory Council on Child Abuse Assessment, consisting of at least nine members appointed by the Attorney General. The Attorney General shall serve as an ex officio member of the council. The council shall direct the administrator of the Child Abuse Multidisciplinary Intervention Program on the administration of funds to establish and maintain regional assessment centers or community assessment centers under ORS 418.746 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 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) 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.

(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.

(6) The council shall meet at least four times per year at a place, day and hour determined by the council.

(7) A majority of the members of the council constitutes a quorum for the transaction of business. [1991 c.898 §3; 1993 c.33 §332; 1997 c.872 §34; 1999 c.59 §115; 2001 c.624 §7; 2003 c.354 §3; 2005 c.562 §25]

**Note:** See note under 418.746.

**418.785 Child Fatality Review Teams.** (1) Each county multidisciplinary child abuse team shall establish a child fatality review team to conduct child fatality reviews. The purpose of the review process is to help prevent severe and fatal child abuse and neglect by:

(a) Identifying local and state issues related to preventable child fatalities; and

(b) Promoting implementation of recommendations at the county level.

(2) In establishing the review process and carrying out reviews, the child fatality review team shall be assisted by the county medical examiner or county health officer as well as other professionals who are specially trained in areas relevant to the purpose of the team.

(3) The categories of fatalities reviewed by the child fatality review team include:

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

(b) Any category established by the county multidisciplinary child abuse 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.

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

(5) Within the guidelines, and in a format, established by the statewide interdisciplinary team established under ORS 418.748, the child fatality review team shall provide the statewide interdisciplinary team with information regarding the categories of child fatalities described under subsection (3) of this section.

(6) Upon the conclusion of a criminal case involving a child fatality, or upon the conclusion of a direct appeal if one is taken, the district attorney may submit a letter to the Governor and the Director of Human Services outlining recommendations for the systemic improvement of child abuse investigations. [2005 c.562 §20; 2007 c.674 §8]

**Note:** See note under 418.746.

**418.786 Grant program.** To accomplish the purpose described in ORS 418.780, with the assistance of the Advisory Council on Child Abuse Assessment, the administrator of the Child Abuse Multidisciplinary Intervention Program shall develop and administer a grant program to establish and maintain regional assessment centers and community assessment centers under ORS 418.746 to 418.796. [1991 c.898 §4; 1993 c.33 §333; 1997 c.872 §35; 2001 c.624 §8; 2005 c.562 §11]

**Note:** See note under 418.746.

**418.788 Grant application; criteria for awarding grants; rules.** (1) Subject to the availability of funds under the provisions of ORS 418.796, the administrator of the Child Abuse Multidisciplinary Intervention Program shall make grants for the establishment and maintenance of regional assessment centers or community assessment centers.

(2) A public or private agency may apply to the administrator for a grant to establish and maintain a regional assessment center or community assessment center under ORS 418.746 to 418.796. The administrator may consolidate applications from more than one public or private agency or may return the application with the recommendation that the application be consolidated.

(3) The administrator shall by rule establish criteria for awarding grants to establish and maintain regional assessment centers or community assessment centers under ORS 418.746 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 418.746 to 418.796;

(c) The extent to which an applicant meets criteria for receiving a grant to establish and maintain a regional assessment center or community assessment center; and

(d) For a regional assessment center, the extent to which the applicant’s proposed assessment center meets the documented needs of the communities, community assessment centers and county multidisciplinary child abuse teams in the region or regions to be served by the center.

(4) The administrator is not required to fund any grant in the total amount requested in the application. [1991 c.898 §5; 1993 c.33 §334; 1997 c.872 §36; 2001 c.624 §9; 2003 c.354 §4; 2005 c.562 §12]

**Note:** See note under 418.746.

**418.790 Application contents for regional centers; rules.** Each application for funds to establish or maintain a regional assessment center shall include information required by the rules of the Department of Justice and any other information requested by the department. [1991 c.898 §§6,8; 1993 c.33 §335; 1997 c.872 §37; 2001 c.104 §147; 2001 c.624 §14; 2003 c.354 §5; 2005 c.562 §13; 2009 c.296 §2]

**Note:** See note under 418.746.

**418.792 Application contents for community assessment center.** Each application for funds to provide a community assessment center shall include:

(1) Evidence indicating that the applicant has at least one medical practitioner trained in the evaluation, diagnosis and treatment of child abuse and neglect.

(2) A commitment by the medical practitioner:

(a) To attend annual continuing education courses regarding evaluation and diagnosis of child abuse and neglect; and

(b) To refer complex cases, as defined by the Advisory Council on Child Abuse Assessment by rule, to a regional assessment center.

(3) Evidence indicating the proposed community assessment center has access to special equipment used in the evaluation of child abuse.

(4) A description of where the community assessment center is to be located, including but not limited to a hospital, medical clinic or other appropriate public or private agency. However, the proposed center shall not be located in an office of the Department of Human Services or in the office of any law enforcement agency.

(5) The level of support available to the proposed community assessment center through in-kind contributions from the community.

(6) A description of procedures to be followed by the proposed community assessment center, including the availability of personnel from the community assessment center to testify in cases involving alleged abuse of children evaluated by the center. [1991 c.898 §7; 1997 c.130 §10; 1997 c.872 §38; 2005 c.562 §14]

**Note:** See note under 418.746.

**418.793 Report to Child Abuse Multidisciplinary Intervention Program; rules.** Once each year, a regional assessment center or community assessment center established under ORS 418.746 to 418.796 shall submit a report to the Child Abuse Multidisciplinary Intervention Program describing how the assessment center has met the purposes of ORS 418.746 to 418.796. The program may prescribe by rule a form for the report. [2001 c.624 §12; 2005 c.562 §15]

**Note:** See note under 418.746.

**418.794 Confidentiality of video recordings.** Video recordings produced pursuant to ORS 418.746 to 418.796 shall remain in the custody of the regional assessment center or the community assessment center and shall remain confidential and not subject to public disclosure except under a lawfully issued subpoena and protective order. [1991 c.898 §9; 1993 c.33 §336; 2005 c.562 §16]

**Note:** See note under 418.746.

**418.795 Confidentiality of information and records.** (1) All information and records acquired by a county multidisciplinary child abuse team established under ORS 418.747 or a child fatality review team established under ORS 418.785 in the exercise of its duties are confidential and may be disclosed only when necessary to carry out the purposes of the child abuse investigation or the child fatality review process.

(2) A member agency of a county multidisciplinary child abuse team or a member of the team may use or disclose protected health information without obtaining an authorization from an individual or a personal representative of the individual if use or disclosure is necessary for public health purposes, including the prevention, investigation and treatment of child abuse.

(3) A child fatality review 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 investigative data, coroner or medical examiner investigative data and social services records, as necessary to complete a child abuse investigation or a review of a specific fatality under ORS 418.785.

(4) As used in this section, “personal representative” and “protected health information” have the meanings given those terms in ORS 192.556. [2005 c.562 §19]

**Note:** See note under 418.746.

**418.796 Authority of council to solicit and accept contributions.** The Advisory Council on Child Abuse Assessment may solicit and accept contributions of funds and assistance from the United States, its agencies or from other sources, public or private, and agree to conditions not inconsistent with the purposes of ORS 418.746 to 418.796. All funds received are to aid in financing the functions of the advisory council and the purposes of ORS 418.746 to 418.796 and shall be deposited in the General Fund of the State Treasury to the credit of a separate account and are continuously appropriated to the Child Abuse Multidisciplinary Intervention Program established by ORS 418.783 for the purposes of ORS 418.746 to 418.796. [1991 c.898 §10; 1993 c.33 §337; 1997 c.872 §39; 2001 c.624 §10; 2005 c.562 §17]

**Note:** See note under 418.746.

**418.800 Review of certain cases by county multidisciplinary child abuse team.** (1) If, in a case of alleged child sexual abuse as described in ORS 419B.005 (1)(a)(C), (D) or (E) by a parent, guardian or caregiver living in the child’s home, the Department of Human Services asks the parent, guardian or caregiver to move from the family home during the investigation and the parent, guardian or caregiver consents to leave the family home, the department shall notify the district attorney responsible for the county multidisciplinary child abuse team for the county in which the child resides about the case. The notification shall be in writing and be given no later than three business days after the departure of the parent, guardian or caregiver from the family home.

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

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

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

(A) Whether the investigation should continue;

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

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

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

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

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

(c) The act of reviewing a case or failing to review a case referred to the team under subsection (2) of this section or providing or failing to provide a summary to the person who requested the review may not be used by a defendant in any subsequent criminal prosecution or juvenile proceeding. [2005 c.499 §2]

**Note:** 418.800 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 418 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**418.805** [1969 c.641 §1; 1977 c.717 §20; 1979 c.745 §1; 1987 c.794 §1; renumbered 657A.250 in 1993]

**418.810** [1969 c.641 §2; 1971 c.401 §48; 1975 c.311 §1; 1987 c.794 §4; 1993 c.344 §31; 1993 c.469 §6; renumbered 657A.280 in 1993]

**418.815** [1969 c.641 §3; 1971 c.401 §49; 1985 c.792 §2; 1991 c.390 §3; 1993 c.344 §32; renumbered 657A.290 in 1993]

**418.817** [1987 c.621 §12; 1987 c.794 §3; renumbered 657A.440 in 1993]

**418.820** [1969 c.641 §4; 1975 c.268 §1; 1985 c.792 §3; 1989 c.439 §2; 1991 c.390 §2; 1993 c.344 §33; renumbered 657A.260 in 1993]

**418.825** [1969 c.641 §5; 1971 c.401 §50; 1993 c.344 §34; renumbered 657A.300 in 1993]

**418.830** [1969 c.641 §6; 1971 c.401 §51; 1975 c.311 §2; 1993 c.344 §35; renumbered 657A.310 in 1993]

**418.835** [1969 c.641 §7; 1971 c.401 §52; 1993 c.344 §36; 1993 c.733 §4; renumbered 657A.270 in 1993]

**418.840** [1969 c.641 §8; 1975 c.268 §2; 1993 c.344 §37; 1993 c.733 §5; renumbered 657A.350 in 1993]

**418.845** [1969 c.641 §9; 1971 c.401 §53; 1973 c.612 §19; 1993 c.344 §38; 1993 c.733 §6; renumbered 657A.360 in 1993]

**418.850** [1969 c.641 §11; 1971 c.401 §54; 1975 c.311 §3; 1993 c.344 §39; renumbered 657A.390 in 1993]

**418.855** [1969 c.641 §12; 1971 c.401 §55; 1987 c.794 §6; 1993 c.344 §40; renumbered 657A.400 in 1993]

**418.860** [1969 c.641 §13; 1971 c.401 §56; 1993 c.344 §41; renumbered 657A.410 in 1993]

**418.865** [1969 c.641 §15; 1971 c.401 §57; 1993 c.344 §42; renumbered 657A.420 in 1993]

**418.870** [1969 c.641 §14; 1971 c.401 §58; 1993 c.344 §43; renumbered 657A.370 in 1993]

**418.875** [1969 c.641 §4a; 1971 c.401 §59; repealed by 1975 c.352 §2]

**418.880** [1969 c.641 §§4b,4c; 1971 c.401 §60; repealed by 1975 c.352 §2]

**418.885** [1969 c.641 §10; 1971 c.401 §61; 1993 c.344 §44; renumbered 657A.450 in 1993]

**418.890** [1979 c.745 §2; renumbered 657A.460 in 1993]

**418.900** [1979 c.524 §1; 1989 c.302 §1; renumbered 657A.500 in 1993]

**418.905** [1979 c.524 §2; 1985 c.650 §1; 1987 c.585 §2; 1989 c.302 §2; 1993 c.344 §45; renumbered 657A.510 in 1993]

**418.910** [1979 c.524 §3; 1989 c.302 §3; 1993 c.344 §46; renumbered 657A.520 in 1993]

**418.915** [1979 c.524 §4; 1991 c.67 §109; 1993 c.344 §47; renumbered 657A.530 in 1993]

**418.920** [1979 c.524 §5; 1991 c.67 §110; repealed by 1993 c.344 §49]

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