

Enrolled
Senate Bill 994

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER

AN ACT

Relating to juveniles; creating new provisions; and amending ORS 419B.021, 419B.055 and 419B.165.

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

SECTION 1. ORS 419B.165, as amended by section 10, chapter 382, Oregon Laws 2019 (Enrolled Senate Bill 924), is amended to read:

419B.165. (1) **Subject to subsection (2) of this section**, the person taking the child into protective custody shall release the child to the [*protective*] custody of the child’s parent or other responsible person in this state, except in the following cases:

[(1)] (a) Where the court has issued an order directing that the child be taken into protective custody.

[(2)] (b) Where the person taking the child into protective custody has probable cause to believe that the welfare of the child or others may be immediately endangered by the release of the child.

(2)(a) Prior to releasing a child to the custody of the child’s noncustodial parent, a person who has taken a child into protective custody shall request the Department of Human Services to conduct a criminal records check on:

(A) The noncustodial parent; and

(B) All adults in the same home as the noncustodial parent.

(b) The department shall conduct a criminal records check under ORS 181A.200 (3) based on a request received under paragraph (a) of this subsection.

(c) The department shall adopt rules consistent with this subsection and the requirements of the Department of State Police for use of the Law Enforcement Data System.

SECTION 2. The amendments to ORS 419B.165 by section 1 of this 2019 Act apply to any release of a child that occurs on or after the effective date of this 2019 Act.

SECTION 3. ORS 419B.021 is amended to read:

419B.021. (1) Except as provided in subsection (2) of this section, the following persons must possess a bachelor’s, master’s or doctoral degree from an accredited institution of higher education:

(a) A person who conducts an investigation under ORS 419B.020; and

(b) A person who makes the following determinations:

(A) That a child must be taken into protective custody under ORS 419B.150; and

(B) That the child should not be released to the child’s parent or other responsible person under ORS 419B.165 [(2)] **(1)(b)**.

(2) Subsection (1) of this section does not apply to:

(a) A person who was employed or otherwise engaged by the Department of Human Services for the purpose of conducting investigations or making determinations before January 1, 2012, provided the person’s employment or engagement for these purposes has been continuous and uninterrupted.

(b) A law enforcement official as that term is defined in ORS 147.005.

SECTION 4. ORS 419B.055 is amended to read:

419B.055. (1) The Attorney General may bring an action in a circuit court for a citation or a stalking protective order under ORS 30.866 or 163.730 to 163.750 on behalf of an employee of the Department of Human Services who, because of being involved in the conduct described in subsection (3) of this section, is the subject of repeated and unwanted contact by another person that causes alarm or coercion to the employee. The Attorney General's responsibility under this subsection is limited to circumstances in which an employee of the department submits a written request to the Attorney General that:

- (a) Has been approved in writing by the Director of Human Services or the director's designee;
 - (b) Sets forth sufficient facts and evidence, the truth of which has been affirmed by the employee; and
 - (c) Based solely upon the opinion of the Attorney General, is an action that is likely to succeed.
- (2) The action brought under this section may not include a request for:
- (a) Special and general damages, including damages for emotional distress;
 - (b) Economic or noneconomic damages;
 - (c) Punitive damages; or
 - (d) Attorney fees and costs.
- (3) Departmental employees on whose behalf the citation or stalking protective order may be obtained under subsection (1) of this section include employees who:
- (a) Conduct a child abuse investigation under ORS 419B.020;
 - (b) Make a determination that a child must be taken into protective custody under ORS 419B.150;
 - (c) Make a determination that a child should not be released to the child's parent or other responsible person under ORS 419B.165 [(2)] (1)(b); and
 - (d) Are involved in developing a case plan or making a placement decision for a child in the legal custody of the department.

Passed by Senate June 13, 2019

Received by Governor:

Repassed by Senate June 29, 2019

.....M.,....., 2019

Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2019

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House June 26, 2019

Filed in Office of Secretary of State:

.....M.,....., 2019

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Tina Kotek, Speaker of House

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Bev Clarno, Secretary of State