

SB 209 -4 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 2/15, 3/27

WHAT THE MEASURE DOES:

Requires the Department of Human Services (DHS) to study options for protecting from disclosure information regarding the sexual orientation, gender identity, and gender expression of children during juvenile dependency and termination of parental rights proceedings. Requires DHS to report to the Legislative Assembly no later than September 15, 2024.

Sunsets January 2, 2025.

ISSUES DISCUSSED:

- HB 3159 (2021) requires to add data collection on gender identity and sexual orientation
- Collected data can be disclosed in specific circumstances
- Keeping confidential information of children in care of the Department of Human Services

EFFECT OF AMENDMENT:

-4 Replaces the measure. Defines “record of sexual orientation, gender identity or gender expression”. Makes records of sexual orientation, gender identity or gender expression exempt from disclosure unless the failure to disclose the record is reasonably likely to jeopardize the child’s safety or well-being, the record is necessary to provide services to the child or the child’s family, or the child consents to the disclosure. Permits child’s attorney to consent to the disclosure in specific circumstances.

BACKGROUND:

The Department of Human Services (DHS) is prohibited from disclosing or using the contents of any child welfare records, files, papers, or communications that contain any information about an individual child, family, or other recipient of services for purposes other than those directly connected with the administration of child welfare laws or unless required or authorized (ORS 409.225). The records, files, papers, and communications are confidential and are not available for public inspection. General information, policy statements, statistical reports, or similar compilations of data are not confidential unless such information is identified with an individual child, family, or other recipient of services or protected by law. DHS must disclose a child's client record to the juvenile court in juvenile proceedings, including tribal proceedings regarding the child (OAR 413-010-0045). Under existing law, the sexual orientation and gender identity/expression information of children and young adults in foster care can be disclosed in certain kinds of court proceedings.

Senate Bill 209 requires DHS to study options for protecting from disclosure information regarding the sexual orientation, gender identity, and gender expression of children during juvenile dependency and termination of parental rights proceedings.