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Testimony of Arthur Towers
OTLA Political Director
In Opposition to HB 2479
Before the House Committee on Judiciary
March 1, 2023

Chair Kropf, Vice-Chairs Wallen and Andersen, and members of the committee, thank you for the opportunity to submit testimony in adamant opposition to HB 2479.

HB 2479 would shield from responsibility those who engage in or cover up child abuse or discrimination.

The language in Section 2 is so broad that victims of abuse, discrimination, or medical malpractice at the hands of a child advocacy center, its employees, or designated agents would be denied the right to be compensated for the harm. In fact, the victims or their surviving loved ones would be denied the opportunity to even tell their story to a jury.

If the HR department of a child advocacy center failed to screen known abusers from employment and contact with children, the CAC would be immune from responsibility for the ensuing tragedies under the language in Section 2(3).

Discrimination Against Parents with Disabilities is a Recognized Problem

In discussions on this topic, advocates for people with disabilities report that discrimination against parents with disabilities is a significant problem. CACs that perpetuate this sort of discrimination should be held accountable.

To quote from a directive issued by the US Department of Health and Human Services and the Civil Rights Division of the US Department of Justice:

[Protecting the Rights of Parents and Prospective Parents with Disabilities \(ada.gov\)](https://www.ada.gov/)

Both the HHS Office for Civil Rights (OCR) and DOJ Civil Rights Division have received numerous complaints of discrimination from individuals with disabilities involved with the child welfare system, and the frequency of such complaints is rising. In the course of their civil rights enforcement activities, OCR and DOJ have found that child welfare agencies and courts vary in the extent to which they have implemented policies, practices, and procedures to prevent discrimination against parents and prospective parents with disabilities in the child welfare system.

For example, in a recent joint investigation by OCR and DOJ of practices of a State child welfare agency, OCR and DOJ determined that the State agency engaged in discrimination against a parent with a disability.⁵ The investigation arose from a complaint that a mother with a developmental disability was subject to discrimination on the basis of her disability because the State did not provide her with supports and services following the removal of her two-day-old infant. The supports and services provided and made available to nondisabled parents were not provided to this parent, and she was denied reasonable modifications to accommodate her disability. As a result, this family was separated for more than two years.

These issues are long-standing and widespread.

{Emphasis added}

We listened carefully to the testimony from proponents when the bill was heard in the Early Childhood and Human Services Committee. The witnesses spoke about defamation suits brought by people accused of abusing children. The proponents reported that there has never been a successful suit of this type (and there was no testimony regarding any other types of lawsuits). We do not see why there should be legislation to address the four or five unsuccessful lawsuits that have been filed in the last couple of decades.

That said, we have offered a compromise amendment that would make it even more difficult for those bringing defamation suits against CACs to prevail.

We also take issue with the language in Section 4 which would make the law apply retroactively to actions taken by CACs that may not yet have been disclosed or discovered.

Finally, please do not believe that the language in Section 2(3) will protect victims' rights. The legal standards related to gross negligence, recklessness, or misconduct that is wanton or intentional are so extraordinarily difficult to prove in abuse or discrimination cases that this language is virtually meaningless in this context.

We urge a no vote on HB 2479.

