

A-Engrossed Senate Bill 1587

Ordered by the Senate February 20
Including Senate Amendments dated February 20

Sponsored by Senators HANSELL, GELSER BLOUIN, Representatives LEVY B, WALLAN; Senator ANDERSON, Representative REYNOLDS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act protects a children's advocacy center from legal action for looking into the abuse of a child if a nationwide group says that the center meets certain standards. The Act protects the center's employees, too. The Act does not protect a center from legal action based on its employees' adverse treatment of a person on the basis of a protected class. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 61.6).

Grants certain immunities to children's advocacy centers and to employees and designated agents of children's advocacy centers.

Requires applicants for funds to establish and maintain a children's advocacy center to include evidence of the center's accreditation with a nationally recognized organization.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to children's advocacy centers; and declaring an emergency.

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

4 **SECTION 1. Sections 2 and 3 of this 2024 Act are added to and made a part of ORS 418.746**
5 **to 418.796.**

6 **SECTION 2. The Legislative Assembly finds that children's advocacy centers rely upon**
7 **state funding and it is necessary and in the public interest to provide children's advocacy**
8 **centers and employees of children's advocacy centers with certain immunities from civil li-**
9 **ability arising out of children's advocacy centers' good faith participation in conducting**
10 **statutorily mandated child abuse assessments.**

11 **SECTION 3. (1) If a children's advocacy center provides evidence that it is a member in**
12 **good standing of, or is actively working toward accreditation by, a national organization that**
13 **provides accreditation based on nationally recognized standards and on evidence-based**
14 **measures, an employee or designated agent of the children's advocacy center who is partic-**
15 **ipating in good faith in a child abuse assessment and who has reasonable grounds for that**
16 **participation and for the conclusions or diagnoses made in that assessment shall have im-**
17 **munity:**

18 **(a) From any civil liability that might otherwise be incurred or imposed with respect to**
19 **participating in the assessment; and**

20 **(b) With respect to participating in any judicial proceeding resulting from the assess-**
21 **ment.**

22 **(2) A children's advocacy center shall have the same immunity from any civil liability**
23 **that might otherwise be incurred with respect to its employees' or designated agents' par-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **icipation in a child abuse assessment as described in subsection (1) of this section.**

2 **(3) Nothing in this section provides a children’s advocacy center with immunity from li-**
3 **ability for discrimination by its employees or designated agents if the discrimination is on**
4 **the basis of a protected class, as defined in ORS 652.210.**

5 **(4) Nothing in this section may be construed to limit or otherwise affect the liability of**
6 **any person for damages resulting from the person’s:**

7 **(a) Gross negligence;**

8 **(b) Reckless, wanton or intentional misconduct;**

9 **(c) Abuse or neglect of the child who is the subject of the child abuse assessment; or**

10 **(d) Medical malpractice.**

11 **(5) As used in this section, “designated agent” means a person contracted by a children’s**
12 **advocacy center to conduct child abuse assessments.**

13 **SECTION 4. Section 3 of this 2024 Act applies to acts occurring on or after the effective**
14 **date of this 2024 Act.**

15 **SECTION 5. This 2024 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**
17 **on its passage.**

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