

Oregon Child Abuse Solutions

Protect. Heal. Lead.

YES ON SB 1587

Common sense protections for Children's Advocacy Centers

Children's Advocacy Centers (CACs) provide statutorily mandated services for children when child abuse is suspected. 24 CACs across the state work with Multidisciplinary Teams to provide child abuse medical exams, forensic interviews, therapy and family support services to children in every county. Children's Advocacy Centers offer these statutorily mandated services free of charge to families.

SB 1587 offers limited, common sense protections to CACs that are following national best practices.

CACs often care for children at the heart of the most complex and volatile child abuse cases and are being threatened with multiple lawsuits simply for doing their jobs. Every other partner on Oregon's MDTs enjoy liability protections. Children's Advocacy Centers in Oregon currently do not have any liability protections.



Liability Protection

- ✓  Law Enforcement
- ✓  Oregon Department of Human Services
- ✓  School Officials
- ✓  District Attorneys
- ✓  Court Appointed Special Advocates
- ✗  Children's Advocacy Centers

19 other states offer liability protections to CACs. In Oregon, this absence of safeguards hampers CACs' ability to hire essential staff, particularly medical providers, who are reluctant due to the fear of litigation. Many CACs are small, independent nonprofits unable to endure the severe financial consequences of defending against baseless lawsuits.

Children in Oregon have already been impacted by baseless lawsuits.

Lawsuits against Oregon CACs have led to access problems, along with substantial legal expenses. In one example, a CAC in Oregon temporarily shut down due to a baseless lawsuit by an alleged child abuser, targeting a forensic interviewer for courtroom testimony. Although liability insurance partially covers these costs, CACs report that coverage is often unaffordable or otherwise impossible to obtain, especially following the threat of a suit. Reasonable protections will provide assurances to insurers and should help stabilize costs.

CACs have invested in negotiations with the OR Trial Lawyers Association to refine and narrow the proposed liability protection. Those negotiations are reflected in SB 1587 and include:

- **Exclusion** of liability protection for claims of **child abuse or neglect caused by CAC negligence.**
- **Exclusion** for claims of **medical malpractice.**
- **Exclusion** for all instances of "**discrimination on the basis of a protected class.**"
- Protections **limited to "reasonable grounds"** for CAC employee/agent participation in assessments and all conclusions or diagnoses made.
- No immunity is provided for abuse or discrimination cases.
- The bill is prospective only, offering common-sense protection against baseless lawsuits for CACs adhering to best practices outlined by the National Children's Alliance.

SB 1587 provides narrow, but critical, protections to Children's Advocacy Centers. Safeguard Oregon children by enhancing protection for CAC professionals, so that when abuse occurs, those responsible are unable to create further harm and trauma.

SB 1587 is also supported by:

