

**OTLA opposed HB 2479 (2023) based on a series of gradually changing concerns. Over the 2023 session, the bill’s proponents answered every concern, ultimately filing their proposed changes as the -2 amendments, which are carried forward in SB 1587 (2024).**

Basis for Opposition	Answer
<p><b>OTLA:</b> “We are extremely concerned that HB 2479 as currently drafted would limit [abused] children’s rights to hold children’s advocacy centers accountable if their negligence caused the harm of a child.”</p>	<p>SB 1587 addresses this concern by expressly <u>excluding</u> immunity for all claims of “abuse or neglect of the child who is the subject of the child abuse assessment.”</p>
<p><b>OTLA:</b> Under HB 2479, “victims of ... medical malpractice at the hands of a child advocacy center” would be “denied the right to be compensated for the harm.”</p>	<p>SB 1587 addresses this concern by expressly <u>excluding</u> immunity for claims of medical malpractice.</p>
<p><b>OTLA:</b> “Discrimination against parents with disabilities is a significant problem. CACs that perpetuate this sort of discrimination should be held accountable.” “HB 2479 would shield from responsibility those who engage in or cover up [such] discrimination.”</p>	<p>SB 1587 addresses this concern by expressly <u>excluding</u> immunity for all “discrimination on the basis of a protected class” as defined in ORS Chp 652.210, which includes discrimination on the basis of disability.</p>
<p><b>OTLA:</b> “The legal standards related to gross negligence, recklessness or misconduct that is wanton or intentional are so extraordinarily difficult to prove <u>in abuse or discrimination cases</u> that this language is virtually meaningless in this context.”</p>	<p>SB 1587 addresses this concern by excluding immunity for abuse or discrimination altogether.</p>
<p><b>OTLA:</b> Under HB 2479, “when the CACs do not provide appropriately skilled, complete and forensically sound child abuse assessments, as contemplated in [ORS Chp 418], they cannot be held liable by those they harm.”</p>	<p>Under SB 1587, the bill’s protections apply only if the CAC’s employee/agent had “reasonable grounds” not only for participation in an assessment, but also for all “conclusions or diagnoses made in that assessment.”</p>
<p><b>OTLA:</b> “[HB 2479 applies] to acts occurring on, after or <u>BEFORE</u> the effective date. That begs the question of what harm have they already caused for which they are seeking to shirk responsibility.”</p>	<p>SB 1587 addresses this concern by changing the bill from retroactive to <u>prospective only</u>, applying solely to acts “occurring on or after” the act’s effective date.</p>
<p><b>OTLA</b> also argued that the term “designated agents” is overbroad because it is undefined, allowing a CAC to protect anyone simply by calling them an “agent.”</p>	<p>SB 1587 addresses this concern by defining “designated agent” to mean only “a person contracted by a children’s advocacy center to conduct child abuse assessments.” (“Child abuse assessment” is also a statutorily defined term.)</p>