

Submitter: Samantha Fenner, MS
On Behalf Of: Klamath-Lake CARES
Committee: Senate Committee On Judiciary
Measure: SB1587

Dear Members of the Committee,

I am the Clinical Manager with Klamath-Lake CARES, the children's advocacy center serving Klamath and Lake Counties in Southern Oregon. I support SB 1587.

When a family receives services at a CAC, they are participating in a child abuse investigation, which is always a very emotional and difficult experience for everyone involved. Because the outcome of such an investigation may include changes in custody and legal guardianship, estrangement within families, and criminal charges, every organization and professional involved with these cases operates in an emotionally charged space.

Recognizing this, many of our community partners have some level of liability protection when performing their job duties in good faith. Schools, law enforcement, DAs and even CASAs have some level of protection. CACs currently do not have any such protections, and therefore our organizations are uniquely vulnerable to lawsuits from many sides, such as a guardian who may be upset when abuse is founded and DHS relies on that information to make a decision that the guardian does not like, or when abuse is not founded despite a thorough investigation, but abuse is actually occurring and something happens to the child later on, or when CACs find instances of abuse and the alleged offender is subsequently exonerated through a court proceeding. All these examples could result in a CAC being subject to an extremely costly lawsuit which can drain our limited resources, severely hampering our ability to provide critical services in a timely manner and at the scale necessary for our communities. CACs in 19 other states do have some level of protections currently.

SB 1587 would provide a clear and narrow layer of protection for CACs like Klamath-Lake CARES. This bill would ensure that an employee or designated agent of a CAC participating in good faith in a child abuse assessment shall have immunity from any civil liability that may be incurred or imposed related to the assessment, or judicial proceeding resulting from the assessment. This does not apply in cases of gross negligence or reckless, wanton, or intentional misconduct. Additionally, in order to receive these protections, the CAC must be accredited and in good standing with the National Children's Alliance, or actively working towards accreditation.

It is our job as CACs to faithfully follow our best practices and our national standards as we objectively evaluate each child served by our centers. Reducing the level of risk and legal exposure that CACs currently face for doing our jobs in good faith will

help ensure we can dedicate our limited resources to providing services so we can effectively respond to child abuse cases across Oregon.

I hope you will join me in supporting SB 1587 for all these reasons. Thank you for your time spent evaluating this bill and for your service as representatives in our state legislature.

Sincerely,

Samantha Fenner, MS
Clinical Manager
Klamath-Lake CARES
Klamath Falls, Oregon