

SB 912 -1 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 3/6, 4/3

WHAT THE MEASURE DOES:

The measure prescribes the duties of a child's parent or guardian to protect a child from abuse by another person and to provide for a child's basic needs. The measure specifies the actions that constitute chronic or extreme neglect of a child. The measure modifies the statutory definitions of abuse of a child and abuse of a child in care to incorporate the provisions.

Detailed Summary:

Duty to Protect a Child from Abuse by Another Person

- Prescribes a duty of a child's parent or guardian to protect the child from abuse by another person that include:
 - Taking action to prevent, end, or remedy the abuse of the child by another person;
 - Report suspected abuse to the Department of Human Services or law enforcement; and
 - Cooperate in an investigation of abuse by disclosing the other person's identity.

Duty to Provide for a Child's Basic Needs

- Defines "basic needs" as adequate food, clothing, shelter, supervision, protection, education, guidance, and medical care.
- Prescribes a duty of a child's parent or guardian to provide for a child's basic needs to the extent that they are financially able to do so, including by accepting any public or community services or resources that are available.

Actions that Constitute Chronic or Extreme Neglect

- Specifies the actions that consist of chronic or extreme neglect of a child by a parent, guardian, custodian, or caregiver as the following:
 - A persistent pattern of deprivation of or failure to provide for a child's basic needs that results in serious harm to the child;
 - A collective pattern of deprivation of or failure to provide for a child's basic needs that has the potential to lead to serious harm, impede a child's development, or impose a significant long term impairment; or
 - Conduct, behavior, or inaction that contributes to the sexual abuse, sexual exploitation, death, near death, or serious harm to a child or child's sibling; presents an imminent risk of serious harm to a child; or demonstrates a disregard of the consequences of actions on the child's health, welfare, or safety.

Statutory Definition of Abuse

- Modifies the statutory definition of abuse of a child to redefine negligent treatment and threatened harm based on the above provisions.

REVENUE: No revenue impact

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

- Consequences of a child welfare assessment based on a finding of neglect rather than abuse
- Importance of specifying the duties of a parent or guardian

This summary has not been adopted or officially endorsed by action of the committee.

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- Provisions and construction of the measure and proposed amendments
- Ability of a parent or guardian to provide for a child's basic needs based on financial resources
- Assessments based on a perceived threat of harm to a child
- Requirement to provide medical care for children

EFFECT OF AMENDMENT:

-1 The amendment modifies the prescribed duties of a parent or guardian to protect a child from abuse by another person. The amendment modifies the prescribed duty of a parent or guardian to accept resources and services to provide for a child's basic needs. The amendment replaces references to "serious harm" and "significant harm" with "severe harm" as defined in statute.

Detailed Summary:

Duty to Protect a Child from Abuse by Another Person

- Removes the provision that a parent or guardian has a duty to report suspected abuse by another person to the Department of Human Services or law enforcement.
- Removes the provision that a parent or guardian has a duty to cooperate in an investigation of suspected abuse by another person.
- Adds an exception that a parent or guardian who is a victim of domestic violence is not required to take action if doing so would likely elevate the safety risk of a parent or guardian and child.

Duty to Provide for a Child's Basic Needs

- Replaces the duty of a parent or guardian to accept public or community services or resources to provide for a child's basic needs with a duty to accept appropriate services or resources through public or private organizations.

Actions that Constitute Chronic or Extreme Neglect

- Replaces references to "serious harm" and "significant harm" with "severe harm."
- Inserts a reference to the statutory definition of "severe harm."

REVENUE: No revenue impact

FISCAL: May have fiscal impact, but no statement yet issued

BACKGROUND:

The Oregon Department of Human Services (ODHS), alongside law enforcement, is responsible for investigating reports of suspected child abuse. Reports of suspected abuse involving a child's family are investigated by [Child Protective Services](#), an arm of ODHS' Child Welfare division. These investigations are the impetus for opening a child welfare case involving a child and family and may result in provision of in-home support services, out-of-home placement in foster care, termination of parental rights, or further actions in juvenile dependency court ([ORS 419B.005 et seq.](#)). Within the statutory definition of abuse of a child that forms the basis of an investigation's disposition, Oregon law defines "negligent treatment or maltreatment" as, "the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child," while "threatened harm" means "subjecting a child to a substantial risk of harm to the child's health or welfare" ([ORS 419B.005\(1\)\(a\)\(F-G\)](#)). Under federal law, the [Child Abuse Prevention and Treatment Act, as amended](#), prescribes a minimum definition for "child abuse and neglect" as, "any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents an imminent risk of serious harm" ([42 U.S.C.A. § 5106g](#)).