

## **SB 1159 -1, -2, -3, -4 STAFF MEASURE SUMMARY**

### **Senate Committee On Human Services**

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**Meeting Dates:** 3/20, 4/3, 4/8, 4/9

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#### **WHAT THE MEASURE DOES:**

The measure moves the office of the Children's Advocate from the Department of Human Services (ODHS) to the office of the Long-Term Care Ombudsman (LTCO), states that the Children's advocate functions independently from any other state agency, and expands the authority of the Children's Advocate. The measure transfers the oversight of Critical Incident Review Teams from DHS to the Children's Advocate and establishes the Children's Advocacy Advisory Board.

#### Detailed Summary:

##### **Office of Children's Advocate (Sections 1 to 17)**

- Moves the office of the Children's Advocate from ODHS to LTCO and states the Children's Advocate functions separately from any other state agency.
- Establishes a process for appointment and removal of the Children's Advocate and outlines the position's required qualifications and responsibilities.
- Adds the Children's Advocate to the list of mandatory reporters of child abuse and requires the Children's Advocate to immediately make a report to the appropriate authority if the Advocate reasonably believes there is an imminent risk of harm to a child.
- Expands the authority of the Children's Advocate to conduct independent investigations of administrative acts affecting children.
- Prohibits retaliation against a person who files a complaint or participates in an investigation and establishes the crime of obstructing a Children's Advocate investigation as a class A misdemeanor.
- Establishes a right of entry for the Children's Advocate and designees into any premises or facility where a child is being served or housed under the direction of certain entities, grants the Children's Advocate access to records as necessary, and requires the Children's Advocate to enter into confidentiality agreements.
- Clarifies that a child may refuse to communicate with the Children's Advocate and requires that the child be included in the planning of actions on their behalf, unless the child declines.
- Requires the Children's Advocate to issue reports following investigations, provide notices on procedures in making a complaint, and adopt rules.
- Requires certain entities and programs to provide written notice to children receiving services and their legal representatives on the process of making complaints to the Children's Advocate.
- Establishes the Children's Advocate Account in the State Treasury.

##### **Critical Incident Review Teams (Sections 18 to 20)**

- Requires ODHS to immediately notify the Children's Advocate when initiating an investigation into a fatality that may be a result of child abuse.
- Transfers responsibility for convening Critical Incident Review Teams (CIRT) from ODHS to the Children's Advocate.
- Eliminates a prohibition on a legislator's ability to serve on a CIRT if the fatality occurred in the legislator's district or the legislator knew the child or the child's family.
- Authorizes the Children's Advocate to issue a supplemental report following a final CIRT report.
- Limits the ability for the Children's Advocate to extend the deadline for the publication of the CIRT final report by no more than 12 months under specific circumstances and adds information that must be included in the report.

**Children's Advocacy Advisory Board (Sections 21 to 23)**

- Establishes the Children's Advocacy Advisory Board to monitor the Children's Advocate and make nominations for the position of Children's Advocate.
- Prescribes the membership, structure, term length, and appointment process of the advisory board.

**Conforming Amendments (Sections 24 to 26)**

- Makes conforming amendments.

**Transition Provisions (Sections 27 to 29)**

- Allows a new Children's Advocate to be appointed prior to the operative date of the act.
- Clarifies that transfers of duties under the act do not become operative until the new Children's Advocate is appointed and confirmed.
- Becomes operative on January 1, 2026 unless otherwise specified.

**Miscellaneous (Sections 30 to 32)**

- Requires that appointments to the Children's Advocacy Advisory Board be completed by December 1, 2025.
- Requires the advisory board to submit its nominees for the Children's Advocate position by July 1, 2026.
- States that the Children's Advocate assumes responsibility for CIRTs no later than January 1, 2027.
- Takes effect on the 91st day following adjournment sine die.

*REVENUE: No revenue impact*

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

**ISSUES DISCUSSED:**

- Independence of ombuds positions within the Department of Human Services
- Comparison to powers and duties of Long Term Care Ombudsman and Residential Facilities Ombudsman
- Ability of youth in custody of Oregon Youth Authority to access an ombuds
- Provisions of amendment
- Role of proposed advisory board
- Implications of proposed change to role and organizational structure of Children's Advocate
- Connection between role of Children's Advocate and Foster Care Ombuds

**EFFECT OF AMENDMENT:**

-1 The amendment removes the responsibility of the Children's Advocate to administer the Critical Incident Review Team process and makes changes to the Children's Advocate Account in the State Treasury.

Detailed Summary

- Specifies that interest earned by the Children's Advocate Account in the State Treasury is credited to that account.
- Clarifies that the Children's Advocate may be removed only for just cause.
- Removes the responsibility of the Children's Advocate to administer the Critical Incident Review Team process and submit reports to legislative committees.
- Requires that civil penalties imposed on child-caring agencies or a secure transportation providers be deposited in the Children's Advocate Account.

*REVENUE: No revenue impact*

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

-2 The amendment adds a nonvoting, advisory member to the Children's Advocacy Advisory Board to be appointed by the Chief Justice of the Supreme Court.

*REVENUE: No revenue impact*

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

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

-3 The amendment removes references to juvenile justice, the Oregon Youth Authority, and county juvenile departments with regard to the authority of the Children's Advocate.

*REVENUE: May have revenue impact, but no statement yet issued*

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

-4 The amendment replaces provisions establishing investigative authority for the Children's Advocate.

Detailed Summary:

- Establishes the authority for the Children's Advocate to conduct investigations in response to complaints or on its own initiative.
- Requires the Children's Advocate to immediately report to appropriate authorities when there is imminent risk of harm to a child, regardless of whether an investigation is initiated.
- Prohibits the Department of Human Services, Oregon Youth Authority, county juvenile department, or other entity that is the subject of a complaint from retaliating against a person who files a complaint or participates in an investigation in good faith, including by taking certain actions.

*REVENUE: May have revenue impact, but no statement yet issued*

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

**BACKGROUND:**

The primary responsibility of the Children's Advocate is to review complaints about Oregon Department of Human Services (ODHS) involvement in a child abuse investigation, as well as to coordinate with ODHS and other entities to spread information about the detection and prevention of child abuse ([ORS 417.815](#)). The office of the Children's Advocate is currently housed in the [Governor's Advocacy Office \(GAO\)](#) within ODHS, having moved there in 1996 through an agreement with the Commission on Children and Families and formally by legislative action in 2003 ([Department of Human Services, n.d.](#)). GAO serves as the ombuds venue for responding to complaints about all ODHS programs and services. [Senate Bill 123 \(2013\)](#) established the Foster Care Ombuds position, housed within GAO, to enforce the Foster Children's Bill of Rights. According to a quarterly [report](#) issued in 2023, cases involving child welfare complaints were the most frequent category of cases handled by GAO.

The process for Critical Incident Review Teams (CIRT) to investigate child fatalities was originally established under [House Bill 3328 \(2007\)](#), also known as [Karly's Law](#), and was later modified by [Senate Bill 832 \(2019\)](#). CIRTs are designated committees convened by ODHS to investigate and issue reports to determine the cause of a child's death, whether it could have been prevented, and make recommendations on systemic change to prevent future child fatalities ([ORS 418.806 to 418.816](#)).