

SB 736 B STAFF MEASURE SUMMARY

Carrier: Rep. Hartman

House Committee On Early Childhood and Human Services

Action Date: 05/22/25

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 8-0-1-0

Yeas: 8 - Hartman, Javadi, McIntire, Nelson, Nosse, Ruiz, Scharf, Walters

Exc: 1 - Elmer

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 5/1, 5/22

WHAT THE MEASURE DOES:

The measure creates an exception to provisions regarding investigations of reports of suspected abuse of a child in care if the suspected abuse was committed by the child's parent. The measure requires the Department of Human Services (DHS) to include a disclosure that the representative of the department is not an attorney and cannot provide legal advice to a parent or guardian in written materials provided during a child abuse investigation.

Detailed Summary:

Abuse of a Child in Care

- Creates an exception to provisions regarding abuse and involuntary restraint and seclusion of a child in care if the suspected abuse was committed by the parent of the child in care.
- Applies to investigations of abuse that occur based on actions committed on or after the measure's effective date.

Written Materials Provided during Child Abuse Investigations

- Requires DHS to include a disclosure stating that the representative of the department is not an attorney and cannot provide legal advice to the parent or guardian in the written materials provided during a child abuse investigation.
- Applies to child abuse investigations pending on or initiated on or after the measure's effective date.

Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Methods to ensure the safety of children during investigations of child abuse
- Current authority for a law enforcement agency or the Department of Human Services (DHS) to enter a family's home
- Rights of parents during investigations of child abuse
- Existing notices and information provided by DHS
- Medical rights of children and parents
- Ability of a Child Protective Services (CPS) worker who is an attorney to provide a disclosure to families

EFFECT OF AMENDMENT:

The amendment removes sections of the measure requiring the Department of Human Services (DHS) to provide a parent or guardian with specified written notices prior to the first face-to-face meeting during an investigation of child abuse. It adds the requirement that DHS include the disclosure in the written materials provided during a child abuse investigation to a child's parent or guardian.

BACKGROUND:

The Oregon Department of Human Services (ODHS), alongside law enforcement, is responsible for investigating reports of suspected child abuse. Under current law and practices, investigation of reports of suspected child abuse that occur in a child's home and when a child is with a care provider are investigated differently and by different entities. 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.](#)). In these cases, under current law, the department is required to provide a parent, guardian, or caregiver with an explanation of the investigation and court processes and their rights during those processes ([ORS 409.185](#)). In 2023, the legislature enacted [Senate Bill 757](#), which required that a founded disposition of an abuse investigation be provided to a perpetrator's attorney in addition to a perpetrator of abuse.

Investigations involving children and youth under 21 who are currently under the care of professional caregivers in child-caring agencies, certified foster homes, and developmental disabilities residential facilities, are handled differently both in practice and in law. For these "children in care," investigations of abuse, including improper use of restraint and seclusion, are handled by the ODHS' [Office of Trainings, Investigations, and Safety \(OTIS\)](#) and consequences resulting from the investigation may result in civil penalties, licensing restrictions, and legal actions taken against the entities providing the care ([ORS 418.257 to 418.259](#); [ORS 418.519 to 418.532](#)). OTIS is also responsible for investigating abuse that occurs in child care and educational settings and abuse by third parties that are not a child's parent or family member ([OAR 413-015-0215](#)).