

Senate Bill 1159

Sponsored by Senators GELSER BLOUIN, MANNING JR; Senators BROADMAN, WEBER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act moves the office of Children's Advocate from DHS to the LTCO, changes how the CA is appointed and moves oversight of the CIRTs from DHS to the CA. (Flesch Readability Score: 66.4).

Transfers the office of Children's Advocate from the Department of Human Services to the office of the Long Term Care Ombudsman. Establishes the Children's Advocacy Advisory Board to nominate candidates for the Governor to select from when appointing the Children's Advocate. Expands the duties and authority of the Children's Advocate. Transfers oversight of the Critical Incident Review Teams from the Director of Human Services to the Children's Advocate.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the Children's Advocate; creating new provisions; amending ORS 21.007, 409.185, 417.805,
3 417.810, 417.815, 417.825, 418.201, 418.811, 418.813, 418.816, 419B.005 and 419B.035; and prescrib-
4 ing an effective date.

5 **Be It Enacted by the People of the State of Oregon:**

CHILDREN'S ADVOCATE

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9 **SECTION 1. ORS 417.805, 417.810, 417.815 and 417.825 are added to and made a part of**
10 **sections 3 to 10 of this 2025 Act.**

11 **SECTION 2. Definitions. As used in sections 3 to 10 of this 2025 Act:**

12 (1) "Child" means an individual under 21 years of age who is receiving child welfare ser-
13 vices or juvenile justice services.

14 (2) "Child-caring agency" has the meaning given that term in ORS 418.205.

15 **SECTION 3. Children's Advocate Account. The Children's Advocate Account is estab-**
16 **lished in the State Treasury, separate and distinct from the General Fund. The Children's**
17 **Advocate Account consists of moneys deposited in the account under ORS 417.825 and may**
18 **include miscellaneous receipts, gifts and federal and other grants received by the Children's**
19 **Advocate and deposited to the account. The moneys in the account are continuously appro-**
20 **priated to the office of Children's Advocate for carrying out the responsibilities of the office**
21 **of Children's Advocate.**

22 **SECTION 4. Investigations. (1) The Children's Advocate may, in response to a complaint**
23 **or on the Children's Advocate's own initiative, investigate an administrative act affecting**
24 **children that the Children's Advocate reasonably believes may be:**

25 (a) **Contrary to law;**

26 (b) **Based on mistaken facts or irrelevant considerations;**

27 (c) **Unsupported by an adequate statement of reasons;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (d) Performed in an inefficient manner;

2 (e) Unreasonable, unfair or otherwise objectionable, even though in accordance with law;

3 (f) A risk to the health, safety, welfare or rights of a child; or

4 (g) Otherwise erroneous.

5 (2) The Children's Advocate may decline to investigate a complaint if:

6 (a) The Children's Advocate reasonably believes the complaint can be resolved through
7 a different remedy or process;

8 (b) The Children's Advocate has reasonable cause to believe the complaint is trivial,
9 frivolous, vexatious or not made in good faith;

10 (c) The complaint was delayed too long to justify examination or the information received
11 by the Children's Advocate is insufficient to initiate an investigation; or

12 (d) The Children's Advocate lacks sufficient resources to conduct a full investigation.

13 (3) When the Children's Advocate declines to investigate a complaint, the Children's Ad-
14 vocate is not precluded from proceeding, on the Children's Advocate's own initiative, to in-
15 vestigate an administrative act or circumstance regardless of whether it is included in a
16 complaint.

17 (4) When the Children's advocate reasonably believes there is an imminent risk of harm
18 to a child, the Children's Advocate shall immediately report the circumstances to the ap-
19 propriate authority that can provide for the child's safety, regardless of whether the
20 Children's Advocate chooses to investigate the circumstances surrounding the imminent risk
21 of harm to the child.

22 (5)(a) The Department of Human Services, Oregon Youth Authority, county juvenile de-
23 partment or other entity that is the subject of a complaint, or a person acting in the inter-
24 ests of the department, authority, county juvenile department or other entity, may not
25 retaliate against a person who in good faith files a complaint or participates in an investi-
26 gation under this section, including retaliation by:

27 (A) The imposition of penalties, sanctions or restrictions against the person;

28 (B) Taking adverse actions connected with the person's employment or placement; or

29 (C) The denial of a right, privilege or benefit otherwise available to the person.

30 (b) A person who alleges retaliation as described in this subsection may commence a civil
31 action for appropriate injunctive relief, damages or other appropriate relief. Upon prevailing
32 in an action brought under this paragraph, the plaintiff may recover special, general and
33 punitive damages. In addition, the court shall award reasonable attorney fees to the pre-
34 vailing plaintiff.

35 (c) The remedies provided by this subsection to a person who is an employee are in ad-
36 dition to any remedy provided to an employee under ORS 659A.199.

37 **SECTION 5. Obstructing a Children's Advocate investigation.** (1) A person commits the
38 crime of obstructing a Children's Advocate investigation if the person knowingly and
39 willfully:

40 (a) Misleads or attempts to mislead the Children's Advocate or a designee of the
41 Children's Advocate in the course of an investigation under section 4 of this 2025 Act; or

42 (b) Obstructs or hinders the proper and lawful exercise of the Children's Advocate's
43 powers in the course of an investigation under section 4 of this 2025 Act.

44 (2) Obstructing a Children's Advocate investigation is a Class A misdemeanor.

45 **SECTION 6. Procedures to maintain confidentiality.** The Children's Advocate shall es-

1 **establish procedures to maintain the confidentiality of children's records and files. These pro-**
 2 **cedures must meet the following requirements:**

3 (1) **The Children's Advocate or a designee of the Children's Advocate may not disclose**
 4 **the identity of any child unless the child or the child's legal representative consents in**
 5 **writing to the disclosure and specifies to whom the disclosure may be made.**

6 (2) **The identity of any complainant or child on whose behalf a complaint is made, or in-**
 7 **dividual providing information on behalf of the complainant or the child, shall be confidential**
 8 **and is not subject to disclosure under ORS 192.311 to 192.478. If the complaint becomes the**
 9 **subject of judicial proceedings, at the request of the court, the Children's Advocate may**
 10 **disclose the investigative information held by the Children's Advocate or the designee.**

11 **SECTION 7. Right of entry into facilities and access to records. (1) The Children's Ad-**
 12 **vocate and each designee of the Children's Advocate has the right of entry into any premises**
 13 **or facility at which a child is being served or housed under the authorization, request or di-**
 14 **rection of the Department of Human Services, the Oregon Youth Authority or a county ju-**
 15 **venile department. The Children's Advocate or designee may enter the premises or facility**
 16 **at any time considered necessary and reasonable by the Children's Advocate or the designee**
 17 **if the entry is for the purpose of:**

18 (a) **Investigating and resolving complaints made by children or on behalf of children in**
 19 **the care or custody of the Department of Human Services, the Oregon Youth Authority or**
 20 **a county juvenile department or in the care or custody of a person, organization, program**
 21 **or facility licensed, certified or otherwise authorized or contracted with to provide care or**
 22 **services to children by the Department of Human Services, the Oregon Youth Authority or**
 23 **a county juvenile department;**

24 (b) **Interviewing children, with their consent, in private;**

25 (c) **Offering the services of the Children's Advocate to any eligible child, in private;**

26 (d) **Interviewing employees or agents of the facility, agency, program, person or organ-**
 27 **ization;**

28 (e) **Consulting regularly with the administrators of the facility, agency, program or or-**
 29 **ganization; and**

30 (f) **Providing Children's Advocate services authorized by law or by rule.**

31 (2) **The Children's Advocate shall have access to a child's records and to records of a**
 32 **public agency as necessary to carry out the duties of the Children's Advocate, including re-**
 33 **records on reports of abuse, use of restraint or seclusion or licensing or contract violations.**
 34 **The provisions of ORS 192.553 to 192.581 are not intended to limit the access of the Children's**
 35 **Advocate to a child's medical records. If necessary to investigate a complaint, designees of**
 36 **the Children's Advocate shall have access to a child's records, including medical records as**
 37 **authorized by the child or the child's legal representative.**

38 (3) **The Children's Advocate shall enter into confidentiality agreements with the Depart-**
 39 **ment of Human Services, Oregon Youth Authority, Department of Education, Oregon Health**
 40 **Authority, county juvenile departments and public school districts, permitting the Children's**
 41 **Advocate to have access to electronic records as necessary to carry out the duties of the**
 42 **Children's Advocate. The agreement must ensure that records obtained by the Children's**
 43 **Advocate that are confidential, privileged or otherwise protected from disclosure are not**
 44 **further disclosed, except as permitted by state or federal law.**

45 (4) **The Children's Advocate or designee shall ensure that entry into a facility or premises**

1 as authorized by this section be done in a manner that does not significantly disrupt the
2 providing of services to children.

3 (5) When seeking entry to a facility or premises under this section, the Children's Ad-
4 vocate or designee shall show identification to the person in charge.

5 (6) A child may refuse to communicate with the Children's Advocate or designee, pro-
6 vided the refusal be made directly to the Children's Advocate or designee and not through
7 an intermediary.

8 (7) Unless declined by the child, the Children's Advocate or designee shall include the
9 child in planning any course of action to be taken on the child's behalf.

10 **SECTION 8. Report after investigation; referral to other agencies.** (1) Following an in-
11 vestigation, the Children's Advocate or a designee of the Children's Advocate shall report
12 opinions or recommendations to the party or parties affected and, if appropriate, shall at-
13 tempt to resolve the complaint using informal techniques of mediation, conciliation and
14 persuasion. The Children's Advocate shall refer to an appropriate state agency complaints
15 of conditions adversely affecting children or complaints of conditions threatening the safety
16 or well-being of children that cannot be resolved in the manner described in this section.

17 (2) The Children's Advocate or designee shall promote and publicize programs that pro-
18 mote the safety or emotional or physical well-being and full expression of children's rights.

19 **SECTION 9. Notice of complaint procedures; posting.** (1) The Children's Advocate shall
20 prepare and distribute to the Department of Human Services, Oregon Youth Authority,
21 county juvenile departments and any other program deemed appropriate by the Children's
22 Advocate a written notice describing the procedures to follow in making a complaint, in-
23 cluding the address and telephone number of the Children's Advocate and local designee, if
24 any, and a poster describing the Children's Advocate and providing contact information.

25 (2) The Department of Human Services, Oregon Youth Authority, county juvenile de-
26 partments and any other program shall ensure that each facility, program or premises pro-
27 viding services to children posts the written notice and poster as required by this section in
28 conspicuous places in the facility, program or premises in accordance with procedures pro-
29 vided by the Children's Advocate.

30 (3) The Department of Human Services, Oregon Youth Authority, county juvenile de-
31 partments and any other program shall ensure that the written notice is provided to each
32 child receiving services and to each child's legal representative upon entry to service, at each
33 placement change and at other appropriate times and places such that the notice is provided
34 no less often than once each quarter.

35 **SECTION 10. Rules.** In accordance with applicable provisions of ORS chapter 183, the
36 office of the Children's Advocate may adopt rules necessary for the administration of
37 sections 3 to 10 of this 2025 Act.

38 **SECTION 11.** ORS 417.810 is amended to read:

39 417.810. (1) The [Office] office of Children's Advocate is established in the [Department of Human
40 Services] office of the Long Term Care Ombudsman. The Children's Advocate shall function
41 separately and independently from any other state agency. The Governor shall appoint the
42 Children's Advocate for a four-year term from a list of three nominees nominated by the
43 Children's Advocacy Advisory Board established under section 21 of this 2025 Act. The ap-
44 pointment of the Children's Advocate is subject to Senate confirmation in the manner pro-
45 vided in ORS 171.562 and 171.565. A vacancy shall be filled in the same manner as an

1 **appointment is made.** *[The office is under the supervision and control of the Children’s Advocate,*
 2 *who is responsible for the performance of the duties, functions and powers of the office. With the*
 3 *concurrence of the Governor, the Director of Human Services shall appoint the Children’s Advocate and*
 4 *may terminate the Children’s Advocate.]*

5 *[(2) Subject to available funds and the applicable provisions of ORS chapter 240, the Children’s*
 6 *Advocate may hire staff to carry out the duties, functions and powers of the office and shall prescribe*
 7 *their duties and fix their compensation.]*

8 *[(3) The Children’s Advocate shall be a person who has background and experience in:]*

9 *[(a) Law enforcement with particular emphasis on crimes involving child victims; or]*

10 *[(b) Social work with particular emphasis on child abuse.]*

11 **(2) The Children’s Advocate may be removed for just cause, upon recommendation to the**
 12 **Governor by the Children’s Advocacy Advisory Board.**

13 **(3) The Children’s Advocate must:**

14 **(a) Be a resident of the state of Oregon;**

15 **(b) Have demonstrated ability to communicate with, gain trust of and advocate for the**
 16 **interests of children and youth engaged in the child welfare system or receiving services**
 17 **from child-caring agencies;**

18 **(c) Have knowledge of the procedures, policies, regulations and statutes governing the**
 19 **provision of services to children and youth engaged in the child welfare system or the juve-**
 20 **nile justice system or receiving services from child-caring agencies;**

21 **(d) Have demonstrated knowledge of and a commitment to the protection of the rights,**
 22 **safety and well-being of children and youth; and**

23 **(e) Have demonstrated skills in advocacy, communication, investigation and policy de-**
 24 **velopment.**

25 **(4) The Children’s Advocate may not:**

26 **(a) Be a current provider of services to children or youth in the child welfare system or**
 27 **the juvenile justice system;**

28 **(b) Be a family member of a current provider of services to children or youth in the child**
 29 **welfare system or the juvenile justice system; or**

30 **(c) Have a financial interest in any program, facility, agency or entity that provides ser-**
 31 **vices to children or youth in the child welfare system or the juvenile justice system.**

32 **(5) The Children’s Advocate may:**

33 **(a) Subject to ORS chapter 240, appoint all subordinate officers and employees of the of-**
 34 **fice of Children’s Advocate and fix their compensation; and**

35 **(b) Appoint volunteer advocate designees.**

36 **SECTION 12.** ORS 417.815 is amended to read:

37 417.815. (1) The *[Office]* **office** of Children’s Advocate shall:

38 **(a) Be accessible to the public through the state toll-free telephone line maintained pursuant to**
 39 **ORS 417.805 and through other electronic and written forms of communication[. *The office shall:*];**

40 *[(a) Disseminate information and educate the public about the detection and prevention of child*
 41 *abuse and about the prosecution of persons accused of child abuse;]*

42 *[(b) Cooperate with other units within the Department of Human Services and law enforcement of-*
 43 *ficials in performing duties under ORS 418.747 and 418.748 and 419B.005 to 419B.050 when the in-*
 44 *vestigation involves alleged child abuse;]*

45 *[(c) Provide technical assistance in the development and implementation of state and local programs*

1 *that relate to child abuse;]*

2 *[(d) In cooperation with the department, objectively review the department's systems for handling*
3 *child abuse cases; and]*

4 *[(e) Analyze data collected by the office to discern general patterns and trends, chronic problems*
5 *and other systemic difficulties in the detection, reporting, investigation, prosecution and resolution of*
6 *cases of child abuse.]*

7 *[(2) In addition to the duties required under subsection (1) of this section, the office shall:]*

8 *[(a) Review any complaint regarding the department's involvement in a specific child abuse case,*
9 *unless the office determines there is an adequate remedy for the complaint;]*

10 *[(b) Make any appropriate referrals of the complaint or complainant at the time the office receives*
11 *the complaint or during the office's review process;]*

12 *[(c) Inform the complainant of the referral of the complaint or any other action taken by the office*
13 *on the complaint;]*

14 *[(d) Inform the department of the office's intention to review the department's action, unless the*
15 *office determines that advance notice will unduly hinder the review; and]*

16 *[(e) Conduct a review of the department's action when appropriate, and inform the department of*
17 *the results of the review, including any recommendation the Children's Advocate believes would resolve*
18 *any case or any systemic issues identified in the review.]*

19 *[(3) If the office has knowledge of confidential information relating to a child involved or allegedly*
20 *involved in child abuse, the office shall keep the information confidential from public disclosure. How-*
21 *ever, the office is subject to legal mandates in ORS 418.747 and 418.748 and 419B.005 to 419B.050.]*

22 *[(4) A person who files a complaint under this section or ORS 417.805 or participates in any in-*
23 *vestigation under this section may not be, because of that action:]*

24 *[(a) Subject to any penalties, sanctions or restrictions imposed by the department;]*

25 *[(b) Subject to any penalties, sanctions or restrictions connected with the person's employment; or]*

26 *[(c) Denied any right, privilege or benefit.]*

27 **(b) Widely publicize the services of the Children's Advocate, purpose and mode of opera-**
28 **tion;**

29 **(c) Remain separate and distinct from the Department of Human Services, Oregon Youth**
30 **Authority, System of Care Advisory Council, Oregon Health Authority, county juvenile de-**
31 **partments and any advocacy office of the Governor;**

32 **(d) Vigorously advocate for the systemic improvement of services for children and youth**
33 **receiving child welfare services or services from child-caring agencies;**

34 **(e) Work closely with cooperative associations and citizen groups in this state that cen-**
35 **ter the rights of children and youth and the state protection and advocacy system under ORS**
36 **192.517;**

37 **(f) Investigate and resolve, in response to complaints made by or on behalf of youth or**
38 **children, or on the Children's Advocate's own initiative, any act of the Department of Human**
39 **Services or any person or provider of services to children and youth who is licensed, con-**
40 **tracted, certified or otherwise authorized to provide services on behalf of or at the direction**
41 **of the department or the Oregon Youth Authority that may adversely affect children's**
42 **health, safety, welfare or rights;**

43 **(g) Respond to concerns or reports made by a child or any person on behalf of a child**
44 **regarding the safety, well-being or the full exercise of child's rights in the child welfare or**
45 **juvenile justice systems, whether on an individual basis or a systemic basis;**

1 **(h) Inform the department of the results of any investigation, including any recommen-**
2 **ation the Children’s Advocate believes would resolve any case or any systemic issues iden-**
3 **tified in the investigation;**

4 **(i) Publish the recommendations and results described in paragraph (h) of this subsection**
5 **on a website maintained by the Children’s Advocate in a manner that is accessible to the**
6 **public with redactions that are necessary to protect all personally identifiable information**
7 **about a child;**

8 **(j) Provide timely and constructive information to the Legislative Assembly, Department**
9 **of Human Services, System of Care Advisory Council and other relevant organizations about**
10 **the problems experienced by children receiving supports or services funded or regulated by**
11 **the Legislative Assembly, Department of Human Services, System of Care Advisory Council**
12 **or other relevant organizations;**

13 **(k) Administer and oversee the Critical Incident Review Team process, consistent with**
14 **ORS 418.806 to 418.816;**

15 **(L) Annually submit a report to the relevant interim committees of the Legislative As-**
16 **sembly, the department and the Governor regarding recommendations from Critical Incident**
17 **Review Teams conducted during the prior year, with specific attention to those recommen-**
18 **dations that may require legislative or budgetary action;**

19 **(m) Notify an appropriate committee or interim committee of the Legislative Assembly**
20 **and the agency of desirable statutory or regulatory change if the Children’s Advocate be-**
21 **lieves an action has been dictated by laws or regulations leading to unfair or otherwise**
22 **objectionable outcomes and could be revised by legislative action;**

23 **(n) If the Children’s Advocate believes any agency official or employee has acted in a**
24 **manner warranting criminal or disciplinary proceedings, refer the matter to the appropriate**
25 **authorities without notice to that person;**

26 **(o) Immediately report licensing, contracting and certification violations and concerns**
27 **to the Department of Human Services and other relevant authorities in the manner provided**
28 **by state or federal law;**

29 **(p) Analyze data collected by the office to discern general patterns and trends, chronic**
30 **problems and other systemic difficulties in safeguarding the well-being of children who have**
31 **contact with the child welfare system, child-caring agencies or the juvenile justice system**
32 **and the full exercise of the rights of those children;**

33 **(q) Objectively review the efforts of the Department of Human Services, Oregon Youth**
34 **Authority and county juvenile departments to ensure children’s safety, rights and well-being,**
35 **including the:**

36 **(A) Response to child abuse;**

37 **(B) Appropriate regulation of substitute care settings for compliance with license, certi-**
38 **fication and contract requirements;**

39 **(C) Appropriate oversight of facilities licensed by the Department of Human Services or**
40 **Oregon Youth Authority to provide care and services to children; and**

41 **(D) Compliance with the rights of children in care; and**

42 **(r) Submit an annual report of the activities of the office of Children’s Advocate to the**
43 **Governor and to the committees or interim committees of the Legislative Assembly related**
44 **to human services.**

45 **(2) The Children’s Advocate may:**

1 (a) File supplemental information with the court regarding a specific child if the
 2 Children’s Advocate determines it is in the child’s best interests;

3 (b) Access confidential records held by the Department of Human Services, Oregon Youth
 4 Authority or county juvenile department for the purpose of carrying out the duties of the
 5 Children’s Advocate;

6 [(5)] (c) If deemed necessary by the Children’s Advocate for the purposes of carrying out the
 7 duties of the office, [the office may] conduct criminal records checks pursuant to ORS 181A.200 on
 8 a person through the Law Enforcement Data System maintained by the Department of State
 9 Police[.];

10 (d) Request and obtain assistance and information from any agency or person the Child
 11 Advocate requires to carry out the duties of the office;

12 (e) Have access to and examine or copy, without payment of a fee, any agency records,
 13 including records that are confidential under state or federal law;

14 (f) Enter and inspect without prior notice the premises of a provider contracted, licensed,
 15 certified or otherwise authorized by the Department of Human Services or Oregon Youth
 16 Authority to provide services to children;

17 (g) Compel by subpoena any person to appear, give sworn testimony or to produce docu-
 18 mentary or other evidence that is reasonably relevant to the matters under investigation;

19 (h) Maintain confidential any matter related to complaints and investigations, including
 20 the identities of the complainants and witnesses, except as the Children’s Advocate deems
 21 necessary to carry out the duties of the Children’s Advocate;

22 (i) Bring suit in the circuit court of Marion County to compel the cooperation of any
 23 state or private entity;

24 (j) Adopt by rule procedures for receiving and processing complaints, conducting inves-
 25 tigation and reporting findings, conclusions and recommendations; and

26 (k) Make recommendations to the Legislative Assembly for policy and legislation re-
 27 garding implementation, improvement and expansion of Children’s Advocate services in this
 28 state.

29 (3) The Children’s Advocate may not impose any fees for the submission or investigations
 30 of complaints.

31 (4) All agencies shall cooperate with and assist the Children’s Advocate in the perform-
 32 ance of its duties and functions.

33 **SECTION 13.** ORS 417.825 is amended to read:

34 417.825. (1) In addition to any other fees provided by law, the appropriate agency:

35 (a) When records of live birth are registered with the state, shall pay a \$1 fee on each record
 36 of live birth registered with the agency.

37 (b) That issues certified copies of records of live birth for the state or a county, shall collect a
 38 \$1 fee on each certified copy of a record of live birth issued by the agency.

39 (2) The agencies paying or collecting the fees described in subsection (1) of this section shall
 40 transfer moneys from the fees imposed by this section to the State Treasurer for deposit in the
 41 [Department of Human Services Account established under ORS 409.060] **Children’s Advocate Ac-**
 42 **count established under section 3 of this 2025 Act.** The moneys deposited under this section are
 43 appropriated continuously to the [Department of Human Services for use by the Office] **office** of
 44 Children’s Advocate for the administration of [ORS 417.805, 417.810 and 417.815] **sections 3 to 10**
 45 **of this 2025 Act.**

SECTION 14. ORS 409.185 is amended to read:

409.185. (1) The Director of Human Services shall oversee the development of standards and procedures for assessment, investigation and enforcement of child protective services.

(2)(a) The Department of Human Services shall take action to implement the provision of child protective services as outlined in ORS 417.705 to 417.800 and based on the recommendations in the 1992 “Oregon Child Protective Services Performance Study” published by the University of Southern Maine.

(b) In all substantiated cases of child abuse and neglect, the role of the department is to complete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs and provide immediate protective services as necessary.

(c) The department shall provide remedial services needed to ensure the safety of the child.

(d) In all cases of child abuse and neglect for which a criminal investigation is conducted, the role of law enforcement agencies is to provide a legally sound, child sensitive investigation of whether abuse or neglect or both have occurred and to gather other evidence and perform other responsibilities in accordance with interagency agreements.

(e) The department and law enforcement agencies shall conduct the investigation and assessment concurrently, based upon the protocols and procedures of the county child abuse multidisciplinary team in each jurisdiction.

(f) When the department and law enforcement agencies conduct a joint investigation and assessment, the activities of the department and agencies are to be clearly differentiated by the protocols of the county child abuse multidisciplinary team.

(g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and 418.748 and ORS chapter 419B.

(h) In all cases of child abuse for which an investigation is conducted, the department shall provide a child’s parent, guardian or caregiver with a clear written explanation of the investigation process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse investigation and in the court proceedings related to the abuse investigation.

(3) Upon receipt of a recommendation of the Children’s Advocate under ORS 417.815 [(2)(e)] **(1)(h) or section 8 of this 2025 Act**, the department shall implement the recommendation or give the Children’s Advocate written notice of an intent not to implement the recommendation.

SECTION 15. ORS 418.201 is amended to read:

418.201. It is the intent of the Legislative Assembly that each foster child have certain essential rights, including but not limited to the following:

(1) To have the ability to make oral and written complaints about care, placement or services that are unsatisfactory or inappropriate, and to be provided with information about a formal process for making complaints without fear of retaliation, harassment or punishment.

(2) To be notified of, and provided with transportation to, court hearings and reviews by local citizen review boards pertaining to the foster child’s case when the matters to be considered or decided upon at the hearings and reviews are appropriate for the foster child, taking into account the age and developmental stage of the foster child.

(3) To be provided with written contact information of specific individuals, **including the Children’s Advocate**, whom the foster child may contact regarding complaints, concerns or violations of rights, that is updated as necessary and kept current.

(4) When a foster child is 14 years of age or older, to be provided with written information within 60 days of the date of any placement or any change in placement, regarding:

- 1 (a) How to establish a bank account in the foster child’s name as allowed under state law;
- 2 (b) How to acquire a driver license as allowed under state law;
- 3 (c) How to remain in foster care after reaching 18 years of age;
- 4 (d) The availability of a tuition and fee waiver for a current or former foster child under ORS
- 5 350.300;
- 6 (e) How to obtain a copy of the foster child’s credit report, if any;
- 7 (f) How to obtain medical, dental, vision, mental health services or other treatment, including
- 8 services and treatments available without parental consent under state law; and
- 9 (g) A transition toolkit, including a comprehensive transition plan.
- 10 (5) With respect to a foster child’s rights under the federal and state constitutions, laws, in-
- 11 cluding case law, rules and regulations:
 - 12 (a) To receive a document setting forth such rights that is age-appropriate and developmentally
 - 13 appropriate within 60 days of the date of any placement or any change in placement;
 - 14 (b) To have a document setting forth such rights that is age-appropriate and developmentally
 - 15 appropriate posted at the residences of all foster parents, child-caring agencies and independent
 - 16 resident facilities;
 - 17 (c) To have an annual review of such rights that is age-appropriate and developmentally appro-
 - 18 priate while the foster child is in substitute care; and
 - 19 (d) When the foster child is 14 years of age or older:
 - 20 (A) To receive a document setting forth such rights that is age-appropriate and developmentally
 - 21 appropriate; and
 - 22 (B) To acknowledge in writing receipt of the document and that the rights contained in the
 - 23 document were explained in an age-appropriate manner.
 - 24 (6) To be provided with current and updated contact information for adults who are responsible
 - 25 for the care of the foster child and who are involved in the foster child’s case, including but not
 - 26 limited to caseworkers, caseworker supervisors, attorneys, foster youth advocates and supporters,
 - 27 court appointed special advocates, local citizen review boards and employees of the Department of
 - 28 Human Services that provide certification of foster parents, child-caring agencies and independent
 - 29 resident facilities.
 - 30 (7) To have a hotline phone number that is available to the foster child at all times for the
 - 31 purposes of enabling the foster child to make complaints and assert grievances regarding the foster
 - 32 child’s care, safety or well-being.

33 **SECTION 16.** ORS 419B.005, as amended by section 64, chapter 73, Oregon Laws 2024, is

34 amended to read:

- 35 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:
- 36 (1)(a) “Abuse” means:
 - 37 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
 - 38 has been caused by other than accidental means, including any injury that appears to be at variance
 - 39 with the explanation given of the injury.
 - 40 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
 - 41 statements made, or threatened to be made, to a child if the acts, statements or threats result in
 - 42 severe harm to the child’s psychological, cognitive, emotional or social well-being and functioning.
 - 43 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
 - 44 tration and incest, as those acts are described in ORS chapter 163.
 - 45 (D) Sexual abuse, as described in ORS chapter 163.

- 1 (E) Sexual exploitation, including but not limited to:
- 2 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
- 3 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
- 4 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
- 5 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
- 6 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
- 7 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
- 8 is designed to serve educational or other legitimate purposes; and
- 9 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
- 10 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
- 11 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.
- 12 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
- 13 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
- 14 welfare of the child.
- 15 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
- 16 to the child's health or welfare.
- 17 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.
- 18 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
- 19 methamphetamines are being manufactured.
- 20 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
- 21 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
- 22 stantial risk of harm to the child's health or safety.
- 23 (K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303
- 24 or 339.308.
- 25 (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).
- 26 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
- 27 conditions described in paragraph (a) of this subsection.
- 28 (2) "Child" means an unmarried person who:
- 29 (a) Is under 18 years of age; or
- 30 (b) Is a child in care, as defined in ORS 418.257.
- 31 (3) "Higher education institution" means:
- 32 (a) A community college as defined in ORS 341.005;
- 33 (b) A public university listed in ORS 352.002;
- 34 (c) The Oregon Health and Science University; and
- 35 (d) A private institution of higher education located in Oregon.
- 36 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
- 37 to have experienced abuse.
- 38 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.
- 39 (5) "Law enforcement agency" means:
- 40 (a) A city or municipal police department.
- 41 (b) A county sheriff's office.
- 42 (c) The Oregon State Police.
- 43 (d) A police department established by a university under ORS 352.121 or 353.125.
- 44 (e) A county juvenile department.
- 45 (6) "Public or private official" means:

- 1 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
 2 including any intern or resident.
- 3 (b) Dentist.
- 4 (c) School employee, including an employee of a higher education institution.
- 5 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
 6 or employee of an in-home health service.
- 7 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
 8 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
 9 Authority, a local health department, a community mental health program, a community develop-
 10 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
 11 fined in ORS 418.205 or an alcohol and drug treatment program.
- 12 (f) Peace officer.
- 13 (g) Psychologist.
- 14 (h) Member of the clergy.
- 15 (i) Regulated social worker.
- 16 (j) Optometrist.
- 17 (k) Chiropractor.
- 18 (L) Certified provider of foster care, or an employee thereof.
- 19 (m) Attorney.
- 20 (n) Licensed professional counselor.
- 21 (o) Licensed marriage and family therapist.
- 22 (p) Firefighter or emergency medical services provider.
- 23 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 24 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 25 (s) Elected official of a branch of government of this state or a state agency, board, commission
 26 or department of a branch of government of this state or of a city, county or other political subdi-
 27 vision in this state.
- 28 (t) Physical, speech or occupational therapist.
- 29 (u) Audiologist.
- 30 (v) Speech-language pathologist.
- 31 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
 32 gations or discipline by the commission.
- 33 (x) Pharmacist.
- 34 (y) Operator of a preschool recorded program under ORS 329A.255.
- 35 (z) Operator of a school-age recorded program under ORS 329A.255.
- 36 (aa) Employee of a private agency or organization facilitating the provision of respite services,
 37 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
 38 109.056.
- 39 (bb) Employee of a public or private organization providing child-related services or activities:
 40 (A) Including but not limited to an employee of a:
- 41 (i) Youth group or center;
- 42 (ii) Scout group or camp;
- 43 (iii) Summer or day camp;
- 44 (iv) Survival camp; or
- 45 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-

1 religious, public or private educational system or a community service organization; and

2 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
 3 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
 4 man trafficking.

5 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
 6 if compensated and if the athlete is a child.

7 (dd) Personal support worker, as defined in ORS 410.600.

8 (ee) Home care worker, as defined in ORS 410.600.

9 (ff) Animal control officer, as defined in ORS 609.500.

10 (gg) Member of a school district board, an education service district board or a public charter
 11 school governing body.

12 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
 13 vice identified in an individualized service plan of a child with a developmental disability.

14 (ii) Referral agent, as defined in ORS 418.351.

15 (jj) Parole and probation officer, as defined in ORS 181A.355.

16 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
 17 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

18 **(LL) Children’s Advocate.**

19 **SECTION 17.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, and
 20 section 65, chapter 73, Oregon Laws 2024, is amended to read:

21 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

22 (1)(a) “Abuse” means:

23 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
 24 has been caused by other than accidental means, including any injury that appears to be at variance
 25 with the explanation given of the injury.

26 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
 27 statements made, or threatened to be made, to a child if the acts, statements or threats result in
 28 severe harm to the child’s psychological, cognitive, emotional or social well-being and functioning.

29 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
 30 tration and incest, as those acts are described in ORS chapter 163.

31 (D) Sexual abuse, as described in ORS chapter 163.

32 (E) Sexual exploitation, including but not limited to:

33 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
 34 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
 35 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
 36 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
 37 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
 38 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
 39 is designed to serve educational or other legitimate purposes; and

40 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
 41 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
 42 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

43 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
 44 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
 45 welfare of the child.

1 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
2 to the child's health or welfare.

3 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

4 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
5 methamphetamines are being manufactured.

6 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
7 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
8 stantial risk of harm to the child's health or safety.

9 (K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

10 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
11 conditions described in paragraph (a) of this subsection.

12 (2) "Child" means an unmarried person who:

13 (a) Is under 18 years of age; or

14 (b) Is a child in care, as defined in ORS 418.257.

15 (3) "Higher education institution" means:

16 (a) A community college as defined in ORS 341.005;

17 (b) A public university listed in ORS 352.002;

18 (c) The Oregon Health and Science University; and

19 (d) A private institution of higher education located in Oregon.

20 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
21 to have experienced abuse.

22 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

23 (5) "Law enforcement agency" means:

24 (a) A city or municipal police department.

25 (b) A county sheriff's office.

26 (c) The Oregon State Police.

27 (d) A police department established by a university under ORS 352.121 or 353.125.

28 (e) A county juvenile department.

29 (6) "Public or private official" means:

30 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
31 including any intern or resident.

32 (b) Dentist.

33 (c) School employee, including an employee of a higher education institution.

34 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
35 or employee of an in-home health service.

36 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
37 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
38 Authority, a local health department, a community mental health program, a community develop-
39 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
40 fined in ORS 418.205 or an alcohol and drug treatment program.

41 (f) Peace officer.

42 (g) Psychologist.

43 (h) Member of the clergy.

44 (i) Regulated social worker.

45 (j) Optometrist.

- 1 (k) Chiropractor.
- 2 (L) Certified provider of foster care, or an employee thereof.
- 3 (m) Attorney.
- 4 (n) Licensed professional counselor.
- 5 (o) Licensed marriage and family therapist.
- 6 (p) Firefighter or emergency medical services provider.
- 7 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 8 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 9 (s) Elected official of a branch of government of this state or a state agency, board, commission
10 or department of a branch of government of this state or of a city, county or other political subdi-
11 vision in this state.
- 12 (t) Physical, speech or occupational therapist.
- 13 (u) Audiologist.
- 14 (v) Speech-language pathologist.
- 15 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
16 gations or discipline by the commission.
- 17 (x) Pharmacist.
- 18 (y) Operator of a preschool recorded program under ORS 329A.255.
- 19 (z) Operator of a school-age recorded program under ORS 329A.255.
- 20 (aa) Employee of a private agency or organization facilitating the provision of respite services,
21 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
22 109.056.
- 23 (bb) Employee of a public or private organization providing child-related services or activities:
24 (A) Including but not limited to an employee of a:
25 (i) Youth group or center;
26 (ii) Scout group or camp;
27 (iii) Summer or day camp;
28 (iv) Survival camp; or
29 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
30 ligious, public or private educational system or a community service organization; and
31 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
32 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
33 man trafficking.
- 34 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
35 if compensated and if the athlete is a child.
- 36 (dd) Personal support worker, as defined in ORS 410.600.
- 37 (ee) Home care worker, as defined in ORS 410.600.
- 38 (ff) Animal control officer, as defined in ORS 609.500.
- 39 (gg) Member of a school district board, an education service district board or a public charter
40 school governing body.
- 41 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
42 vice identified in an individualized service plan of a child with a developmental disability.
- 43 (ii) Referral agent, as defined in ORS 418.351.
- 44 (jj) Parole and probation officer, as defined in ORS 181A.355.
- 45 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior

1 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

2 **(LL) Children’s Advocate.**

3
4 **CRITICAL INCIDENT REVIEW TEAMS**

5
6 **SECTION 18.** ORS 418.811 is amended to read:

7 418.811. (1) *[When the Department of Human Services becomes aware of a critical incident, the*
8 *department shall]* **The Department of Human Services shall immediately notify the Children’s**
9 **Advocate when the department causes an investigation under ORS 419B.020 to be made into**
10 **the nature and cause of a fatality that the department reasonably believes is the result of**
11 **child abuse.**

12 **(2) The Children’s Advocate shall** assign a Critical Incident Review Team[.]

13 *[(2) The department shall assign the team required under subsection (1) of this section]* no later
14 than the earlier of:

15 (a) Ten days after the *[department]* **Children’s Advocate** becomes aware of a fatality that the
16 *[department]* **Children’s Advocate** reasonably believes is the result of child abuse; or

17 (b) Seven days after the department *[causes an investigation under ORS 419B.020 to be made into*
18 *the nature and cause of a fatality when]* **notifies the Children’s Advocate about a fatality that** the
19 department reasonably believes *[the fatality]* is the result of child abuse.

20 (3)(a) Members of the team shall include, at a minimum, the following:

21 (A) The *[Director of Human Services or a deputy director of the department]* **Children’s Advocate**
22 **or a designee of the Children’s Advocate;**

23 (B) The lead department personnel responsible for the administration and oversight of the child
24 welfare system within the department or the lead personnel’s deputy; and

25 (C) The department personnel responsible for media and communications.

26 (b) Members of the team may include:

27 (A) Members of the public, appointed by the *[director]* **Children’s Advocate**, as appropriate;

28 (B) A juvenile court judge appointed by the Chief Justice of the Supreme Court;

29 (C) A member of a local citizen review board established under ORS 419A.090 whose service
30 area does not include the location where the critical incident occurred; or

31 (D) If the *[director]* **Children’s Advocate** determines it is appropriate to include one or more
32 legislators as members of the team, up to one state Senator appointed by the President of the Senate
33 and one state Representative appointed by the Speaker of the House of Representatives. A person
34 is ineligible for appointment to a team under this subparagraph if *[the critical incident occurred in*
35 *the person’s district, the person had prior contact with or knowledge of the deceased child or the de-*
36 *ceased child’s family, or]* the person is a family member of any person associated with the case.

37 (4)(a) During the course of its review of the case, the team may include or consult with the
38 district attorney from the county in which the critical incident occurred.

39 (b) All members of the team must attend meetings of the team in person, by telephone or by
40 other two-way electronic communication device. A team member may not send a delegate to
41 meetings of the team to appear on the member’s behalf. Notwithstanding the provisions of this
42 paragraph, a meeting of the team may be convened and held even if one or more members are unable
43 to attend the meeting.

44 (5)(a) All information and records available to the department regarding the critical incident
45 shall be provided to team members. Information and records under this subsection include, but are

1 not limited to, medical records, hospital records, records maintained by any state, county or local
2 agency, police investigative data, coroner or medical examiner investigative data and social services
3 records, as necessary to complete a case review under this section.

4 (b) Information and records provided to team members are confidential and may be disclosed
5 only as necessary to carry out the purposes of the team's case review.

6 (6) In reviewing the case to which the team has been assigned, the team shall, with the assist-
7 ance and cooperation of the department:

8 (a) Review the case with the primary focus on the history of the safety and well-being of the
9 child who was involved in the critical incident and any other children who may be impacted by the
10 circumstances surrounding the critical incident.

11 (b) Document and make a part of the record of the case review all team conclusions and deci-
12 sions.

13 (c) Complete the case review even if:

14 (A) The team concludes that the critical incident was the result of the actions of one or more
15 department employees or staff and that such actions were inconsistent with department policy or
16 administrative rule; or

17 (B) The department's investigation into the critical incident results in a finding that the report
18 of child abuse is unfounded or cannot be determined, as described in ORS 419B.026.

19 (d) Prepare and submit the final report required under ORS 418.813 **and any appropriate sup-**
20 **plemental reports.**

21 (7) If the team concludes that the critical incident involves personnel matters relevant to the
22 department, the department shall refer the matters to the human resources or personnel divisions
23 of the department.

24 (8) The team may meet, upon conclusion of a criminal investigation or prosecution arising out
25 of a child fatality to which the team was assigned for review, with members of law enforcement that
26 investigated the child fatality or with the prosecuting attorneys who prosecuted the case for the
27 purpose of reviewing the conclusions and recommendations of the team and the reports prepared and
28 submitted by the team.

29 (9) The [department] **Children's Advocate** shall adopt rules necessary to carry out the pro-
30 visions of ORS 418.806 to 418.816. The rules adopted by the [department] **Children's Advocate** shall
31 substantially conform with the department's child welfare protocol regarding Notification and Re-
32 view of Critical Incidents.

33 **SECTION 19.** ORS 418.813 is amended to read:

34 418.813. (1) Subject to subsection (2)(b) of this section, each Critical Incident Review Team as-
35 signed under ORS 418.811 shall submit a detailed, written final report to the Department of Human
36 Services **and the Children's Advocate** no later than the 100th day following the date the [depart-
37 ment] **Children's Advocate** assigned the team. **If appropriate, a Critical Incident Review Team**
38 **may submit a supplement to the final report to the department and the Children's Advocate,**
39 **reflecting any subsequent changes to the Critical Incident Review Team's recommendations**
40 **or conclusions based on feedback from law enforcement or prosecuting authorities.**

41 (2)(a) Prior to publishing a final report **and, if applicable, any supplements to the final report**
42 under this section, the [department] **Children's Advocate** shall take into consideration the following:

43 (A) Whether publication of the report is likely to compromise an ongoing investigation of a law
44 enforcement agency, after the team has communicated with and obtained agreement of appropriate
45 law enforcement agency representatives and the district attorney;

1 (B) Whether the report can be modified so as to permit publication of the report without com-
 2 promising a law enforcement agency investigation; and

3 (C) Whether, as determined by the *[team with the advice and consultation of the Director of Hu-*
 4 *man Services]* **Children’s Advocate**, the public interest outweighs the potential consequences to a
 5 law enforcement agency investigation as provided in ORS 192.345 (3).

6 (b) The *[director]* **Children’s Advocate** may extend the deadline for publication of the final re-
 7 port *[if the director determines that the report, even if modified, will compromise a law enforcement*
 8 *agency investigation and the public interest does not outweigh the potential consequences.]* **by not**
 9 **more than 12 months if a law enforcement agency asserts that publication of the report is**
 10 **reasonably likely to compromise the agency’s investigation and the Children’s Advocate de-**
 11 **termines the public interest does not outweigh the potential consequences.**

12 (3) Each final report must include, to the extent determined, at a minimum:

13 (a) A description of the critical incident.

14 (b) The date of the critical incident.

15 (c) The date the department first became aware of the fatality.

16 (d) The date the department or a law enforcement agency caused an investigation to be made
 17 under ORS 419B.020 to determine the nature and cause of the fatality.

18 (e) The date the findings in the case were entered under ORS 419B.026.

19 **(f) The date the department notified the Children’s Advocate of the fatality.**

20 **(g) The date the Children’s Advocate first became aware of the fatality.**

21 *[(f)]* **(h)** The date the *[department]* **Children’s Advocate** assigned the team.

22 *[(g)]* **(i)** The dates of, and number of members in attendance at, each meeting of the team.

23 *[(h)]* **(j)** Whether the *[director]* **Children’s Advocate** appointed members of the public to the
 24 team.

25 *[(i)]* **(k)** The date the team submitted the final report to the department **and the Children’s**
 26 **Advocate.**

27 *[(j)]* **(L)** A description of all department contacts with the deceased child regarding the critical
 28 incident, including contacts with the deceased child’s siblings or the deceased child’s parents, foster
 29 parents or other caretakers. The description of the department’s contacts under this paragraph must
 30 include a description of any relevant prior reports of abuse the department received involving the
 31 individuals identified in this paragraph. The description of relevant prior reports of abuse must in-
 32 clude:

33 (A) A summary of the specific nature of any allegations of abuse;

34 (B) A summary of the assessment or investigation activities related to any allegations of abuse;
 35 and

36 (C) The disposition of the reports, including whether the reports were assigned for assessment
 37 or investigation.

38 *[(k)]* **(m)** A description of any concerns the team has regarding actions taken or not taken by
 39 the department or law enforcement agencies in response to the critical incident or to the events that
 40 led to the critical incident.

41 *[(L)]* **(n)** Any recommendations for improvements in the administration and oversight of the child
 42 welfare system that are specific to the critical incident and any historical information reviewed by
 43 the team.

44 (4) A final report under this section may include the team’s recommendations regarding training
 45 and intervention to support the department personnel involved in responding to critical incidents.

1 (5) Each final report, **including any supplement to the final report**, shall be written in a
 2 manner that respects the dignity of the child, the child's family and those involved in the critical
 3 incident case. Details about individuals involved in the case may not be included in the report unless
 4 the details are relevant to:

5 (a) The history of alleged abuse and neglect of the deceased child and the history of relevant
 6 alleged abuse and neglect of other children in the deceased child's home at the time of the critical
 7 incident and the deceased child's siblings.

8 (b) The exposure of the deceased child or any other children in the deceased child's home at the
 9 time of the critical incident to domestic violence or substance abuse.

10 (c) The history of the department's involvement with the family.

11 (d) The goal of constructively informing public policy related to child welfare, which may in-
 12 clude public policies related to health care coordination, public health, suicide prevention, mental
 13 health and addiction services, poverty, law enforcement, chronic neglect, prevention services or
 14 other issues that affect the safety and well-being of Oregon families.

15 (6) A final report **and any supplement to a final report** may not include the names of any
 16 person assigned to the team or any personally identifiable information regarding any person in-
 17 volved in the critical incident case, including but not limited to employees of the department, the
 18 Oregon Health Authority or law enforcement.

19 (7) Any statements contained in a final report, **including any supplement to the final report**,
 20 or document created solely for the critical incident review process that are or may be construed as
 21 an admission of error, liability or violation of law, policy or practice are not admissible as evidence
 22 in any civil or administrative proceeding. This restriction does not apply to any document that ex-
 23 isted prior to its use and consideration in a critical incident review or that is created independently
 24 of the critical incident review process.

25 **(8) If a Critical Incident Review Team submits a supplement to a final report, the**
 26 **Children's Advocate must publish both the final report, in its original version, and the sup-**
 27 **plement.**

28 **SECTION 20.** ORS 418.816 is amended to read:

29 418.816. (1) After assigning a Critical Incident Review Team under ORS 418.811, the [*Department*
 30 *of Human Services*] **Children's Advocate** shall immediately make the following information regard-
 31 ing the critical incident available on the [*department's*] **Children's Advocate's** website:

32 (a) The date of the critical incident and the age of the deceased child.

33 (b) Whether the child was in the custody of the Department of **Human Services** at the time of
 34 the critical incident or the fatality.

35 (c) Whether there was an open abuse investigation under ORS 419B.020 regarding the child at
 36 the time of the critical incident or the fatality.

37 (d) The date the [*department*] **Children's Advocate** assigned the team.

38 (e) The due date for the team's final report under ORS 418.813.

39 (2)(a) The [*department*] **Children's Advocate** shall publish the final report **and any supplement**
 40 **to the final report** on the [*department's*] **Children's Advocate's** website no later than 10 days after
 41 the [*department*] **Children's Advocate** receives the report **or supplement** from the team.

42 (b) The [*department*] **Children's Advocate** may redact the final report, **including any supple-**
 43 **ment to the final report**, for purposes of publication only as necessary to remove any confidential
 44 information or records that may not be disclosed under state or federal law.

45 (c) If the [*Director of Human Services*] **Children's Advocate** delays the publication of a final

1 report under ORS 418.813 (2)(b), the [department] **Children’s Advocate** shall publish on the
 2 [department’s] **Children’s Advocate’s** website:

- 3 (A) The status of and expected publication date for the report.
- 4 (B) [Any] **All** information in the report that the [department] **Children’s Advocate** determines:
 - 5 (i) Will not compromise a law enforcement agency investigation.
 - 6 (ii) Does not require redaction under paragraph (b) of this subsection.

7
 8 **CHILDREN’S ADVOCACY ADVISORY BOARD**

9
 10 **SECTION 21. Establishment; membership.** (1) **There is established a Children’s Advocacy**
 11 **Advisory Board of 15 members to be appointed in the following manner:**

- 12 (a) **One person appointed by the Senate Majority Leader, who is under 26 years of age**
 13 **with current or previous experience in the foster care system;**
- 14 (b) **One person appointed by the Senate Minority Leader, who is under 26 years of age**
 15 **with current or previous experience in the foster care system;**
- 16 (c) **One person appointed by the House Majority Leader, who is under 26 years of age with**
 17 **current or previous experience in the juvenile justice system;**
- 18 (d) **One person appointed by the House Minority Leader, who is under 26 years of age**
 19 **with current or previous experience in the juvenile justice system;**
- 20 (e) **One member appointed by the Chief Justice of the Supreme Court, representing a**
 21 **citizen review board;**
- 22 (f) **One member appointed by the Governor who is a member of a federally recognized**
 23 **tribe with lived experience as a child or youth in the child welfare or juvenile justice system;**
 24 **and**
- 25 (g) **Nine members appointed by the Governor as follows:**
 - 26 (A) **One person, from among persons recommended by the Oregon Public Defense Com-**
 27 **mission, who is from an organization that provides legal services to children and youth in**
 28 **the child welfare system or the juvenile justice system;**
 - 29 (B) **One person, from among persons recommended by the Oregon Public Defense Com-**
 30 **mission, who is an attorney representing children or youth in dependency proceedings;**
 - 31 (C) **Two persons, from among persons recommended by the CASA Volunteer Program,**
 32 **who are court appointed special advocates;**
 - 33 (D) **One person representing Disability Rights Oregon;**
 - 34 (E) **Two persons, from among two persons recommended by each of the Commission on**
 35 **Black Affairs, the Commission on Hispanic Affairs and the Commission on Asian and Pacific**
 36 **Islander Affairs, both of whom must represent an organization advocating with and for youth**
 37 **and children of color in the child welfare or juvenile justice systems, with preference for in-**
 38 **dividuals with lived experience as children or youth of color in the child welfare or juvenile**
 39 **justice systems;**
 - 40 (F) **One person, from among persons recommended by the children’s advocacy center**
 41 **network; and**
 - 42 (G) **One person representing a state parent training and information center for special**
 43 **education.**

- 44 (2) **Members of the board may not:**
 - 45 (a) **Be state employees, employees of county juvenile justice programs, members of the**

1 System of Care Advisory Council or persons contracted, licensed, certified or otherwise au-
 2 thorized by the Department of Human Services, Oregon Youth Authority, Oregon Health
 3 Authority, System of Care Advisory Council or county juvenile departments to provide ser-
 4 vices, care or supervision to children; or

5 (b) Have any current role in the licensing or certification of residential facilities, pro-
 6 grams or agencies serving children.

7 (3) The term of office of each member is four years. Before the expiration of the term
 8 of a member, the appointing authority shall appoint a successor whose term begins on July
 9 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause,
 10 the appointing authority shall make an appointment to become immediately effective for the
 11 unexpired term.

12 (4) The board shall select one of its members as chairperson and another as vice chair-
 13 person, for such terms and with duties and powers necessary for the performance of the
 14 functions of such offices as the board determines.

15 (5) A majority of the members of the board constitutes a quorum for the transaction of
 16 business. Decisions may be made by a majority of the quorum.

17 (6) The board shall meet at least once each month at a place, day and hour determined
 18 by the board. The board also shall meet at other times and places specified by the call of the
 19 chairperson or of a majority of the members of the board. The board shall confer each month
 20 with the Children’s Advocate. All meetings are subject to ORS 192.610 to 192.705.

21 (7) A member of the board is entitled to compensation and expenses as provided in ORS
 22 292.495.

23 **SECTION 22. Staggered initial term.** Notwithstanding the term of office specified in sec-
 24 tion 21 of this 2025 Act, of the 15 members appointed to the Children’s Advocacy Advisory
 25 Board under section 21 of this 2025 Act, seven members shall serve for terms ending June
 26 30, 2028.

27 **SECTION 23. Duties.** The Children’s Advocacy Advisory Board shall:

28 (1) Monitor the Children’s Advocate; and

29 (2) Nominate, after interviews and according to prescribed criteria, three persons for
 30 appointment by the Governor to fill the Children’s Advocate position or to fill a vacancy in
 31 the position.

32
 33 **CONFORMING AMENDMENTS**
 34

35 **SECTION 24.** ORS 21.007 is amended to read:

36 21.007. It is the intent of the Legislative Assembly that funding be provided to the following
 37 entities by appropriations each biennium to fund programs, services and activities that were funded
 38 through court fees before the 2011-2013 biennium:

39 (1) To the counties of this state for the purposes of funding mediation services, conciliation
 40 services and other services in domestic relations cases.

41 (2) To the counties of this state for the purposes of funding the operation of law libraries or of
 42 providing law library services.

43 (3) To Portland State University and the University of Oregon to fund the programs and ex-
 44 penses of the Mark O. Hatfield School of Government and the University of Oregon School of Law
 45 under ORS 36.100 to 36.238 and 183.502.

1 (4) To the Higher Education Coordinating Commission to fund clinical legal education programs
2 at accredited institutions of higher education that provide civil legal services to victims of domestic
3 violence, stalking or sexual assault.

4 (5) To the State Department of Agriculture for the purpose of funding mediation programs es-
5 tablished by the department, other than individual farm credit mediations.

6 (6) To the Judicial Department for the purposes of funding the appellate settlement program
7 established under ORS 2.560.

8 (7) To the [Department of Human Services] **office of the Long Term Care Ombudsman** for the
9 funding of the [Office] **office** of Children's Advocate.

10 **SECTION 25.** ORS 417.805 is amended to read:

11 417.805. The [Office] **office** of Children's Advocate shall maintain a state toll-free telephone line
12 to allow the public to:

13 (1) Access information and be referred to the appropriate services in matters of child abuse.

14 (2) Voice concerns regarding the actions and conduct of the Department of Human Services re-
15 lating to child abuse.

16 (3) Have a single place to file complaints concerning the actions and conduct of the Department
17 of Human Services relating to child abuse.

18 **SECTION 26.** ORS 419B.035, as amended by section 68, chapter 73, Oregon Laws 2024, is
19 amended to read:

20 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and
21 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records
22 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
23 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-
24 ment of Human Services shall make the records available to:

25 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of
26 subsequent investigation of child abuse;

27 (b) Any physician, physician associate licensed under ORS 677.505 to 677.525 or nurse practi-
28 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician associate
29 or nurse practitioner, regarding any child brought to the physician, physician associate or nurse
30 practitioner or coming before the physician, physician associate or nurse practitioner for examina-
31 tion, care or treatment;

32 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-
33 ceeding;

34 (d) Citizen review boards established by the Judicial Department for the purpose of periodically
35 reviewing the status of children, youths and adjudicated youths under the jurisdiction of the juvenile
36 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to
37 participants in case reviews;

38 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged
39 that a child has been subjected to child abuse or neglect;

40 (f) The Department of Early Learning and Care for the purpose of carrying out the functions
41 of the department, including the certification, registration or regulation of child care facilities and
42 child care providers and the administration of enrollment in the Central Background Registry;

43 (g) The [Office] **office** of Children's Advocate;

44 (h) The Teacher Standards and Practices Commission for investigations conducted under ORS
45 339.390 or 342.176 involving any child or any student;

1 (i) Any person, upon request to the Department of Human Services, if the reports or records
2 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-
3 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be
4 disclosed in accordance with ORS 192.311 to 192.478;

5 (j) The Department of Early Learning and Care for purposes of applications described in ORS
6 329A.030 (11)(c)(G) to (J);

7 (k) With respect to a report of abuse occurring at a school or in an educational setting that
8 involves a child with a disability, Disability Rights Oregon;

9 (L) The Department of Education for purposes of investigations conducted under ORS 339.391;

10 (m) An education provider for the purpose of making determinations under ORS 339.388; and

11 (n) A national nonprofit organization designated by the Department of Human Services that
12 provides assistance with locating, recovering or providing services to children or youth determined
13 by the department to be missing.

14 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-
15 partment of Human Services may exempt from disclosure the names, addresses and other identifying
16 information about other children, witnesses, victims or other persons named in the report or record
17 if the department determines, in written findings, that the safety or well-being of a person named in
18 the report or record may be jeopardized by disclosure of the names, addresses or other identifying
19 information, and if that concern outweighs the public's interest in the disclosure of that information.

20 (b) If the Department of Human Services does not have a report or record of abuse regarding
21 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS
22 161.015, the department may disclose that information.

23 (3) The Department of Human Services may make reports and records compiled under the pro-
24 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,
25 agency, organization or other entity when the department determines that such disclosure is neces-
26 sary to administer its child welfare services and is in the best interests of the affected child, or that
27 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect
28 children from abuse and neglect or for research when the Director of Human Services gives prior
29 written approval. The Department of Human Services shall adopt rules setting forth the procedures
30 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this
31 section. The name, address and other identifying information about the person who made the report
32 may not be disclosed pursuant to this subsection and subsection (1) of this section.

33 (4) A law enforcement agency may make reports and records compiled under the provisions of
34 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-
35 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement
36 agency determines that disclosure is necessary for the investigation or enforcement of laws relating
37 to child abuse and neglect or necessary to determine a claim for crime victim compensation under
38 ORS 147.005 to 147.367.

39 (5)(a) A law enforcement agency, upon completing an investigation and closing the file in a
40 specific case relating to child abuse or neglect, shall make reports and records in the case available
41 upon request to:

42 (A) Any law enforcement agency or community corrections agency in this state, to the Depart-
43 ment of Corrections, to the Oregon Youth Authority or to the State Board of Parole and Post-Prison
44 Supervision for the purpose of managing and supervising offenders in custody or on probation,
45 parole, post-prison supervision or other form of conditional or supervised release; and

1 (B) The Teacher Standards and Practices Commission for investigations conducted under ORS
2 339.390 and 342.176.

3 (b) A law enforcement agency may make reports and records compiled under the provisions of
4 ORS 419B.010 to 419B.050 available to the Oregon Youth Authority, the Teacher Standards and
5 Practices Commission for investigations conducted under ORS 339.390 and 342.176, law enforcement,
6 community corrections, corrections or parole agencies in an open case when the law enforcement
7 agency determines that the disclosure will not interfere with an ongoing investigation in the case.

8 (c) The name, address and other identifying information about the person who made the report
9 may not be disclosed under this subsection or subsection (6)(b) of this section.

10 (6)(a) Any record made available to a law enforcement agency or community corrections agency
11 in this state, to the Department of Corrections, the Oregon Youth Authority, the State Board of
12 Parole and Post-Prison Supervision or the Teacher Standards and Practices Commission or to a
13 physician, physician associate or nurse practitioner in this state, as authorized by subsections (1)
14 to (5) of this section, shall be kept confidential by the agency, department, board, commission, phy-
15 sician, physician associate or nurse practitioner. Any record or report disclosed by the Department
16 of Human Services to other persons or entities pursuant to subsections (1) and (3) of this section
17 shall be kept confidential.

18 (b) Notwithstanding paragraph (a) of this subsection:

19 (A) A law enforcement agency, a community corrections agency, the Department of Corrections,
20 the Oregon Youth Authority and the State Board of Parole and Post-Prison Supervision may disclose
21 records made available to them under subsection (5) of this section to each other, to law enforce-
22 ment, community corrections, corrections and parole agencies of other states and to authorized
23 treatment providers for the purpose of managing and supervising offenders in custody or on pro-
24 bation, parole, post-prison supervision or other form of conditional or supervised release.

25 (B) The Department of Corrections and the Oregon Youth Authority may disclose records made
26 available to them under subsection (5) of this section regarding a person in the custody of the De-
27 partment of Corrections or the Oregon Youth Authority to each other, to the court, to the district
28 attorney and to the person's attorney for the purpose of the person's hearing under ORS 420A.200
29 to 420A.206.

30 (C) A person may disclose records made available to the person under subsection (1)(i) of this
31 section if the records are disclosed for the purpose of advancing the public interest.

32 (7) Except as provided by ORS 339.389, an officer or employee of the Department of Human
33 Services or of a law enforcement agency or any person or entity to whom disclosure is made pur-
34 suant to subsections (1) to (6) of this section may not release any information not authorized by
35 subsections (1) to (6) of this section.

36 (8) A record of sexual orientation, gender identity or gender expression, as defined in ORS
37 409.225, is exempt from disclosure under subsection (1) of this section unless:

38 (a) The department determines, in written findings, that failure to disclose the record is rea-
39 sonably likely to jeopardize the child's safety or well-being;

40 (b) The department determines, in written findings, that disclosure of the record is necessary to
41 provide services to the child or the child's family; or

42 (c) The child consents to the disclosure.

43 (9) As used in this section, "law enforcement agency" has the meaning given that term in ORS
44 181A.010.

45 (10) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

TRANSITION PROVISIONS

SECTION 27. New Children’s Advocate. The new Children’s Advocate may be appointed before the operative date specified in section 29 of this 2025 Act and may take any action before that date that is necessary to enable the Children’s Advocate to exercise, on and after the operative date specified in section 29 of this 2025 Act, the duties, functions and powers of the Children’s Advocate as described in sections 1 to 10 of this 2025 Act and the amendments to ORS 21.007, 409.185, 417.805, 417.810, 417.815, 417.825, 418.201, 418.811, 418.813, 418.816, 419B.005 and 419B.035 by sections 11 to 20 and 24 to 26 of this 2025 Act.

SECTION 28. Transitional authority. Any transfer of duties, functions, powers, records, property, employees and moneys by sections 1 to 10 of this 2025 Act and the amendments to ORS 21.007, 409.185, 417.805, 417.810, 417.815, 417.825, 418.201, 418.811, 418.813, 418.816, 419B.005 and 419B.035 by sections 11 to 20 and 24 to 26 of this 2025 Act does not become operative until the new Children’s Advocate has been appointed and confirmed. Until appointment and confirmation of the new Children’s Advocate, the old Children’s Advocate and Director of Human Services shall continue to perform any of their respective duties and functions transferred to the new Children’s Advocate by sections 1 to 10 of this 2025 Act and the amendments to ORS 21.007, 409.185, 417.805, 417.810, 417.815, 417.825, 418.201, 418.811, 418.813, 418.816, 419B.005 and 419B.035 by sections 11 to 20 and 24 to 26 of this 2025 Act.

SECTION 29. Operative date. Except as provided in sections 27 and 28 of this 2025 Act, sections 2 to 10 of this 2025 Act and the amendments to ORS 21.007, 409.185, 417.805, 417.810, 417.815, 417.825, 418.201, 418.811, 418.813, 418.816, 419B.005 and 419B.035 by sections 11 to 20 and 24 to 26 of this 2025 Act become operative on January 1, 2026.

MISCELLANEOUS

SECTION 30. (1) All appointments to the Children’s Advocacy Advisory Board under section 21 of this 2025 Act must be completed by December 1, 2025.

(2) The Children’s Advocacy Advisory Board shall submit its list of three nominees for the Children’s Advocate position to the Governor by July 1, 2026.

(3) The new Children’s Advocate shall assume responsibilities for the Critical Incident Review Teams under ORS 418.806 to 418.816 no later than January 1, 2027.

SECTION 31. Captions. The unit and section captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

SECTION 32. Effective date. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.