

B-Engrossed Senate Bill 736

Ordered by the House May 29
Including Senate Amendments dated April 7 and House Amendments
dated May 29

Sponsored by Senators GELSER BLOUIN, MANNING JR, HAYDEN; Senators GORSEK, PATTERSON, REYNOLDS, SMITH DB, SOLLMAN, THATCHER, Representative NELSON (Presession filed.)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act excludes a child's parents from some laws about abuse of a child in care and requires DHS to tell some people that a DHS employee is not a lawyer. (Flesch Readability Score: 66.2).

[Digest: The Act excludes a child's parents from some laws about abuse of a child in care and requires DHS to give a parent notice of rights before meetings in child abuse matters. (Flesch Readability Score: 70.1).]

Creates an exception to abuse of a child in care provisions when the suspected abuse was committed by the parent of the child in care.

[Requires that the Department of Human Services provide parents and guardians with a notice of rights before interviews in child abuse investigations.]

Requires the Department of Human Services to notify a child's parents or guardians that the department representative is not an attorney and cannot give the parent or guardian legal advice.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to investigations of child abuse involving the child's parent; creating new provisions; amending ORS 409.185; and declaring an emergency.

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

SECTION 1. (1) The provisions of ORS 418.257 to 418.259 and 418.519 to 418.532 do not apply to investigations of reports of suspected abuse committed by the parent of a child in care.

(2) As used in this section, "abuse" and "child in care" have the meanings given those terms in ORS 418.257.

SECTION 2. 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.

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

5 (e) The department and law enforcement agencies shall conduct the investigation and assess-
6 ment concurrently, based upon the protocols and procedures of the county child abuse multidisci-
7 plinary team in each jurisdiction.

8 (f) When the department and law enforcement agencies conduct a joint investigation and as-
9 sessment, the activities of the department and agencies are to be clearly differentiated by the pro-
10 tocols of the county child abuse multidisciplinary team.

11 (g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and
12 418.748 and ORS chapter 419B.

13 (h) In all cases of child abuse for which an investigation is conducted, the department shall
14 provide a child's parent, guardian or caregiver with a clear written explanation of the investigation
15 process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse
16 investigation and in the court proceedings related to the abuse investigation. **When the depart-**
17 **ment provides the written explanation under this paragraph to a child's parent or guardian,**
18 **the department shall include a disclosure that the representative of the department is not**
19 **an attorney and cannot provide legal advice to the parent or guardian.**

20 (3) Upon receipt of a recommendation of the Children's Advocate under ORS 417.815 (2)(e), the
21 department shall implement the recommendation or give the Children's Advocate written notice of
22 an intent not to implement the recommendation.

23 **SECTION 3. (1) Section 1 of this 2025 Act applies to investigations of abuse arising from**
24 **actions committed on or after the effective date of this 2025 Act.**

25 **(2) The amendments to ORS 409.185 by section 2 of this 2025 Act apply to child abuse**
26 **investigations pending on the effective date of this 2025 Act and to child abuse investigations**
27 **initiated on or after the effective date of this 2025 Act.**

28 **SECTION 4. This 2025 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
30 **on its passage.**