

Senate Bill 736

Sponsored by Senators GELSER BLOUIN, MANNING JR, HAYDEN; Senators GORSEK, PATTERSON, REYNOLDS, 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 **as introduced**. 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 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.

A BILL FOR AN ACT

1
2 Relating to investigations of child abuse involving the child's parent; creating new provisions; and
3 amending ORS 409.185.

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

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

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

10 **SECTION 2.** Section 3 of this 2025 Act is added to and made a part of ORS chapter 419B.

11 **SECTION 3.** (1) **Upon receiving a report of abuse of a child, the Department of Human**
12 **Services, before a face-to-face meeting with the child's parent or guardian, shall provide the**
13 **child's parent or guardian with notice as described in this section.**

14 (2) **The notice must be in writing, be provided in a format and language that is accessible**
15 **to the parent or guardian and be verbally reviewed with the parent or guardian. The inves-**
16 **tigator shall request that the parent or guardian sign and date an acknowledgment of receipt**
17 **of the notice. If the parent or guardian refuses to sign and date the acknowledgment, the**
18 **investigator shall sign a declaration, under penalty of perjury as described in ORCP 1 E,**
19 **stating that the investigator provided the notice to the parent or guardian and that the**
20 **child's parent or guardian refused to sign the acknowledgment of receipt of the notice. The**
21 **department shall provide the parent or guardian with a copy of the notice and the acknowl-**
22 **edgment if signed by the parent or guardian or the declaration of the investigator that the**
23 **parent or guardian refused to sign the acknowledgment.**

24 (3) **The notice provided under this section must be in plain language and include, at a**
25 **minimum:**

26 (a) **A warning that any statement or admission made by the parent or guardian may be**
27 **used:**

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 **(A) Against the parent or guardian in an administrative, juvenile court or criminal court**
 2 **proceeding;**

3 **(B) As a basis to remove the child who is the subject of the investigation or any other**
 4 **child from the care, custody or control of the parent or guardian; or**

5 **(C) As a basis to terminate the relationship of the parent or guardian with the child who**
 6 **is the subject of the investigation or any other child in the care, custody or control of the**
 7 **parent or guardian;**

8 **(b) A statement that, as the subject of an abuse investigation, the parent or guardian**
 9 **has the right to:**

10 **(A) Be informed of the basis for the child welfare assessment;**

11 **(B) Seek the representation of an attorney and to have an attorney present when the**
 12 **parent or guardian is interviewed by the department, including at any meeting conducted to**
 13 **determine whether a child should be removed from the home of the parent or guardian;**

14 **(C) Have the court appoint an attorney for the parent or guardian if the parent or**
 15 **guardian cannot afford an attorney and the department moves the court to remove the child**
 16 **or to require the parent or guardian to participate in services;**

17 **(D) Refuse to allow an investigator to enter the home of the parent or guardian without**
 18 **a court order;**

19 **(E) Withhold consent to the release of any medical or mental health records of the par-**
 20 **ent or guardian;**

21 **(F) Refuse to submit to a drug test;**

22 **(G) Be advised in writing of the outcome of the investigation; and**

23 **(H) Request an administrative review of the outcome of the investigation; and**

24 **(c) A disclosure that the representative of the department is not an attorney and cannot**
 25 **provide legal advice to the parent or guardian.**

26 **SECTION 4.** ORS 409.185 is amended to read:

27 409.185. (1) The Director of Human Services shall oversee the development of standards and
 28 procedures for assessment, investigation and enforcement of child protective services.

29 (2)(a) The Department of Human Services shall take action to implement the provision of child
 30 protective services as outlined in ORS 417.705 to 417.800 and based on the recommendations in the
 31 1992 "Oregon Child Protective Services Performance Study" published by the University of Southern
 32 Maine.

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

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

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

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

44 (f) When the department and law enforcement agencies conduct a joint investigation and as-
 45 sessment, the activities of the department and agencies are to be clearly differentiated by the pro-

1 tocols of the county child abuse multidisciplinary team.

2 (g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and
3 418.748 and ORS chapter 419B.

4 (h) In all cases of child abuse for which an investigation is conducted, the department shall
5 provide a child's parent, guardian or caregiver with a clear written explanation of the investigation
6 process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse
7 investigation and in the court proceedings related to the abuse investigation. **When the depart-**
8 **ment provides the written explanation under this paragraph to a child's parent or guardian,**
9 **the department shall include the notice required under section 3 of this 2025 Act.**

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

13 **SECTION 5. (1) Section 1 of this 2025 Act applies to investigations of abuse arising from**
14 **actions committed on or after the effective date of this 2025 Act.**

15 **(2) Section 3 of this 2025 Act applies to meetings with a child's parent or guardian oc-**
16 **curring on or after the effective date of this 2025 Act.**

17 **(3) The amendments to ORS 409.185 by section 4 of this 2025 Act apply to child abuse**
18 **investigations pending on the effective date of this 2025 Act and to child abuse investigations**
19 **initiated on or after the effective date of this 2025 Act.**

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