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To: Senate Committee on Human Services
From: Lisa Kay Williams, Supervising Attorney
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Re: Support for SB 736

Dear Chair Gelser Blouin, Vice-Chair Linthicum, Members of the Committee:

Youth, Rights & Justice (YRJ), a non-profit public defense provider, has been dedicated exclusively to juvenile law for 50 years. Each year, we provide holistic, client-centered representation to hundreds of children, youth, and parents in Oregon's juvenile court system.

Through our advocacy for Oregon's children, youth, and parents, we often see the same systemic problems and we work to change the policies that contribute to these problems. One glaring systemic problem is that Black and Indigenous children are overrepresented in child protective services investigations and overrepresented in the foster care population to an even greater extent.

YRJ Supports Senate Bill 736 because it gives needed guidance about an existing and vital child protective service obligation to give parents notice of their rights.

Longstanding Legislative Mandate of Informing Parents of Their Rights

For 20 years, the Legislature has required "[i]n all cases of child abuse for which an investigation is conducted," the Department of Human Services to "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." ORS 409.185(2)(h); HB 2335 (2005).

Current Information Provided Parents is Confusing and Misleading

DHS's ["What you need to know about a Child Protective Services Assessment"](#) does not fulfill this legislative mandate as it fails to adequately explain the investigation process and rights of parents and guardians. Yet, this is often the only piece of information about rights parents are given at the start of an investigation.

The DHS pamphlet lists only a limited number of parental rights, despite claiming to answer the question, “**What are my rights?**” The pamphlet advises parents to “**Cooperate**,” “**Participate**,” “**Stay in Touch**” and “**Ask Questions**” but these are suggestions, not rights. This is confusing and misleading.

SB 736 Provides Needed Guidance to DHS while Maintaining CPS’s Authority to Intervene

SB 736 clearly and accurately explains the investigation process and the rights that federal and state law currently grant parents and guardians. Rights are meaningless without knowledge of them.

SB 736 does not change the authority DHS has to intervene in a family when needed.

Each Year, Thousands of Children and Families Experience a CPS Investigation

According to the [2023 Child Welfare Data Book](#), in 2023, DHS completed 38,397 child protective services assessments.

Of the 38,397 CPS assessments, DHS designated 7,861 as founded for abuse, which is governed by a legal standard lower than “probable cause” but has serious collateral consequences.

These 38,397 CPS assessments resulted in 1,995 children being removed from their homes and entering foster care.

Lack of Information about Parental Rights Can Lead to Coercion and Negative Effects

Research shows that CPS is an inherently coercive system because family participation is often mandatory or strongly encouraged through threats of negative consequences, such as child removal. Despite their intended purpose of protecting children, these systems are built on a history of racial and socioeconomic discrimination. Failing to inform parents of all their rights can lead to coercion, where parents comply out of fear. This can involve misrepresentation of authority and implicit threats of child removal. Such tactics can have lasting negative effects on children, including emotional distress, attachment issues, and long-term trauma, especially when family separations occur based on fear rather than real safety concerns. Darcey H. Merritt, *How Do Families Experience and Interact with CPS?*, 692 Ann. Am. Acad. Pol. Soc. Sci. 203, 205 (2020); Darcey H. Merritt, *Documenting experiences and interactions with Child Protective Services*, 37 FOCUS (MADISON) 3, 3 (2021).

CPS should foster cooperative, respectful relationships with families. This can only happen when CPS accurately informs parents of their rights during an investigation.

YRJ urges the committee to support SB 736.