

To: Chair Gelser Blouin, Vice Chair Linthicum, and
Members of the Senate Committee on Human Services

From: Shelly Smith, Executive Director, Oregon Child Abuse Solutions (OCAS)
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Date: March 4, 2025

RE: Neutral on SB 736

Oregon Child Abuse Solutions (OCAS) is the statewide network of Children's Advocacy Centers. There are 24 children's advocacy centers in Oregon serving all 36 counties. The mission of OCAS is to elevate Oregon's child abuse prevention and response by strengthening children's advocacy centers, training first responders, and building public support to ensure children – in all Oregon communities – receive quality, timely, and healing-centered care.

Oregon Child Abuse Solutions has reviewed SB 736 and recognizes there must be a balance between protecting the rights of parents and families, and ensuring that CPS is able to act quickly to protect children who may be in danger. OCAS is neutral on this bill, but wished to provide addition context for the Committee's consideration.

If SB 736 is enacted, several key considerations for Child Protective Services (CPS) investigations will come into play:

- **Notification Requirements:** CPS must provide written and verbal notice to the child's parent or guardian before any face-to-face meeting. This notice must be in plain language and accessible formats, and it must inform the parent or guardian of their rights and the potential consequences of any statements they make
- **Parental Rights:** The bill outlines specific rights for parents or guardians under investigation, including the right to be informed of the basis for the child welfare assessment, the right to legal representation, and the right to refuse entry to their home without a court order
- **Documentation:** Investigators are required to document the delivery of the notice and obtain an acknowledgment of receipt from the parent or guardian. If the parent or guardian refuses to sign, the investigator must sign a declaration under penalty of perjury
- **Concurrent Investigations:** The bill emphasizes the need for concurrent investigations by CPS and law enforcement, with clear differentiation of roles and responsibilities as outlined by county child abuse multidisciplinary team protocols
- **Clear Communication:** CPS must provide a clear written explanation of the investigation process, court hearing process, and the rights of the parent or guardian in both the investigation and related court proceedings.

OCAS recognizes that these considerations aim to ensure transparency, protect the rights of parents or guardians, and maintain the integrity of the investigation process. And, we think it is important to recognize current practices and potential impacts on CPS cases.

Current Practices and Parental Engagement

- **Inviting Parental Participation:** Current CPS practices often emphasize engaging parents as active participants early in the assessment process. This approach aims to build trust and cooperation, which can lead to better outcomes for the child and family
- **Potential Barriers:** SB 736's requirement for advance notice and acknowledgment may lead to parents immediately refusing to allow caseworkers into their homes or to speak with them. This can delay critical assessments and interventions that need to be accomplished swiftly to ensure child safety or cause unnecessary legal action due to parents' initial fear and refusal to speak with CPS caseworkers or participate in the assessment process.
- **Adversarial Relationships:** The formal notification process might create an adversarial relationship from the outset. Parents may feel defensive or mistrustful, viewing CPS as a threat rather than a potential support system.

Legal Considerations

- **Miranda Rights and Civil Cases:** The Miranda ruling primarily applies to criminal cases, ensuring that individuals are aware of their rights during custodial interrogations. Does this still apply in civil cases, such as dependency cases?

Potential Impact on CPS Cases

- **Increased Complexity:** The new requirements could add layers of complexity to an already emotionally charged process, potentially leading to more confusion and resistance from parents.
- **Child Safety Concerns:** Delays in assessments and interventions due to procedural hurdles could compromise child safety. The primary goal of CPS is to ensure the well-being of the child, and any delays can have serious consequences.
- **Balancing Rights and Safety:** While it is crucial to protect the rights of parents, it is equally important to ensure that these protections do not hinder the ability of CPS to act swiftly and effectively in the best interests of the child.

These points highlight the delicate balance between protecting parental rights and ensuring child safety, and the potential challenges that SB 736 bill might introduce. Thank you for your consideration.