

**TESTIMONY ON SENATE BILL 912
BEFORE SENATE COMMITTEE ON HUMAN SERVICES
MARCH 6, 2025**

**PRESENTED BY: CHANNA NEWELL, SENIOR STAFF COUNSEL FOR
GOVERNMENT RELATIONS
OREGON JUDICIAL DEPARTMENT**

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

Thank you for the opportunity to provide written feedback on Senate Bill (SB) 912 and the -1 amendments. The Oregon Judicial Department (OJD) is neutral on this bill.

Oregon courts work to ensure the safety and well-being of children who have been abused or neglected, promote family reunification, and provide timely court oversight to address the needs of families involved in the child welfare system.

As written, SB 912 makes changes to the definition of abuse found in ORS 419B.005 and creates a new provision, outlining the duties of a parent or guardian to protect the child from abuse by another and to provide for the child's basic needs. The new provision, section 1(3), also defines "chronic or extreme neglect" that can be committed by a parent, guardian, custodian, or caretaker. Current dependency law is governed by ORS chapter 419B, and numerous appellate court decisions have been made interpreting the statutory provisions that lead to court jurisdiction over the child. With the additions from SB 912, OJD has a great interest in learning more about the intention of the new definitions and the circumstances in which they may apply.

Section 1(1) places a duty on parents to protect children from abuse by another, including by taking reasonable actions to remedy, prevent, or end abuse by another. With the -1 amendment, these actions are not required if the parent or guardian is a victim of domestic violence and the action would be reasonably likely to increase the safety risk to the child or the parent or guardian.

A second duty is found in section 1(2), and the -1 amendment, which is a duty to provide for the child's basic needs to the extent that the parent or guardian is financially able to do so, and to accept public or community resources to provide for the child's unmet needs if the parent is not financially able to do so. Section 1(3) also creates a new standard for when a parent, guardian, custodian, or caretaker's actions constitute chronic or extreme neglect of a child. OJD would appreciate getting clarification to better understand why custodians and caretakers are included in this subsection, in order to better provide guidance to courts. In addition, "custodian" and "caretaker" are not defined in this new provision, nor are they defined in the juvenile code.

Section 2 amends ORS 419B.005 to update the definition of abuse to include a neglect of the duties described in section 1(1) or (2) and adds a definition of chronic neglect

from section 1(3). The current standards for negligent treatment or maltreatment of a child, or threatening harm to a child, would be repealed. OJD would like to better understand this change, noting that many of the current legal standards rely on risk of harm to a child and that a caretaker or custodian are not currently considered under the juvenile code.

OJD is hoping to hear a robust legislative record developed on these subjects. For example, we note that affirmative duties are limited to parents or guardians of a child, while the chronic or extreme neglect can be inflicted by a parent, guardian, custodian, or caregiver. We would like to see the legislative record reflect the distinction between those entities and provide information on why the distinction exists. The definition of “basic needs” includes education. As such, we would appreciate guidance on how the court should view cases in which a parent or guardian could be abusing a child by chronically failing to provide an education.

Thank you for your consideration.