

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	8 - 0 - 1
Yeas:	Barker, Bonamici, Cameron, Flores, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	Komp
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	5/2

WHAT THE MEASURE DOES: Requires the Department of Human Services (DHS), when it receives a report that a child in substitute care may have been abused, to notify the child's attorney, the child's parents, the court-appointed special advocate (CASA) to a child, and the parents' attorneys unless notification may interfere with an investigation or would jeopardize the child's safety. Requires DHS not to disclose the name or address of the person making the report of abuse.

ISSUES DISCUSSED:

- Need for notification
- Protection of children in foster care

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 419B.015 sets forth the process after someone has filed a complaint of child abuse to either DHS or local law enforcement. The process includes DHS notifying local law enforcement and local law enforcement notifying DHS.

When a person under the age of 18 years is living in conditions that endanger the welfare of the child or, among other reasons, the child has been abandoned, is being subjected to cruelty, depravity or unexplained physical injuries or is not being provided with the care and education the law requires, the State of Oregon will assume responsibility for protecting the child. The child comes under the jurisdiction of a juvenile court. If the child is removed from the home, the court usually awards custody to the Children, Adults and Families Division of the Department of Human Services.

The child is often placed in foster care. Nonetheless, the child is still under the jurisdiction of the juvenile court. Children in foster care have been abused and do make complaints about abuse, which is important for the juvenile court to know. Those best suited to notify the court is the child's advocates – his or her attorney, court-appointed special advocate or attorneys for the parents.