

# House Bill 2554

Sponsored by Representative KRUMMEL (at the request of Keith and Kathi Stotts)

## 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**.

Prohibits Department of Human Services from disclosing records from child welfare cases in which no evidence of child abuse is identified or disclosed.

## A BILL FOR AN ACT

1  
2 Relating to disclosure of child welfare records; amending ORS 409.225.

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

4 **SECTION 1.** ORS 409.225 is amended to read:

5 409.225. (1) In the interest of family privacy and for the protection of children, families and other  
6 recipients of services, the Department of Human Services [*shall*] **may** not disclose or use the con-  
7 tents of any child welfare records, files, papers or communications that contain any information  
8 about an individual child, family or other recipient of services for purposes other than those directly  
9 connected with the administration of child welfare laws or unless required or authorized by ORS  
10 419A.255 or 419B.035. The records, files, papers and communications are confidential and are not  
11 available for public inspection. General information, policy statements, statistical reports or similar  
12 compilations of data are not confidential unless such information is identified with an individual  
13 child, family or other recipient of services or protected by other provision of law.

14 (2) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS  
15 chapter 192, the department shall disclose child welfare records:

16 (a) About a recipient of services, to the recipient if the recipient is 18 years of age or older or  
17 is legally emancipated, unless prohibited by court order;

18 (b) Regarding a specific individual if the individual gives written authorization to release confi-  
19 dential information;

20 (c) Concerning a child receiving services on a voluntary basis, to the child's parent or legal  
21 guardian;

22 (d) To the juvenile court in proceedings regarding the child; and

23 (e) Concerning a child who is or has been in the custody of the department, to the child's parent  
24 or legal guardian except:

25 (A) When the child objects; or

26 (B) If disclosure would be contrary to the best interests of any child or could be harmful to the  
27 person caring for the child.

28 (3)(a) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS  
29 chapter 192, the department shall disclose child welfare records, if in the best interests of the child,  
30 to:

31 [(a)] (A) Treatment providers, foster parents, adoptive parents, school officials or other persons

**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 providing services to the child or family to the extent that such disclosure is necessary to provide  
2 services to the child or family; or

3 [(b)] (B) A person designated as a member of a sensitive review committee convened by the  
4 Director of Human Services when the purpose of the committee is to determine whether the de-  
5 partment acted appropriately and to make recommendations to the department regarding policy and  
6 practice.

7 (b) **Child welfare records may not be disclosed under this subsection regarding a child**  
8 **protective services assessment in which no evidence of child abuse is identified or disclosed**  
9 **by the department.**

10 (4) Any record disclosed under subsection (1), (2) or (3) of this section shall be kept confidential  
11 by the person or entity to whom the record is disclosed and shall be used only for the purpose for  
12 which disclosure was made.

13 (5) Unless exempt from disclosure under ORS chapter 192, when an adult who is the subject of  
14 information made confidential by subsection (1) of this section publicly reveals or causes to be re-  
15 vealed any significant part of the confidential matter or information, the protections afforded by  
16 subsection (1) of this section are presumed voluntarily waived and confidential information about the  
17 person making or causing the public disclosure, not already disclosed but related to the information  
18 made public, may be disclosed if disclosure is in the best interests of the child or necessary to the  
19 administration of the child welfare laws.

20 (6) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS  
21 chapter 192, the department shall disclose information related to the department's activities and  
22 responsibilities in a case where child abuse or neglect has resulted in a child fatality or near fatality  
23 or where an adult has been charged with a crime related to child abuse or neglect.

24 (7) Notwithstanding subsections (2), (3), (5) and (6) of this section, ORS 192.501 (3) shall apply  
25 to investigatory information compiled for criminal law purposes that may be in the possession of the  
26 department.

27 (8) As used in this section, "adult" means a person who is 18 years of age or older.

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