

House Bill 2994

Sponsored by Representative HOLVEY

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**.

Requires Department of Human Services to disclose child welfare records, prior to or after completing investigation of complaint, to treatment providers and others if in best interests of child and necessary to provide services to child or family.

A BILL FOR AN ACT

1
2 Relating to 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 not disclose or use the contents of
7 any child welfare records, files, papers or communications that contain any information about an
8 individual child, family or other recipient of services for purposes other than those directly con-
9 nected 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) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS
29 chapter 192, the department shall disclose child welfare records **prior to or after completion of**
30 **an investigation of a complaint**, if in the best interests of the child, to:

31 (a) Treatment providers, foster parents, adoptive parents, school officials or other persons pro-

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 viding 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) A person designated as a member of a sensitive review committee convened by the Director
4 of Human Services when the purpose of the committee is to determine whether the department acted
5 appropriately and to make recommendations to the department regarding policy and practice.

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

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

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

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

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