

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass with Amendments to the A-Eng. Measure (Printed B-Eng.)

**Vote:** 5 - 0 - 0

**Yeas:** Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

**Nays:** 0

**Exc.:** 0

**Prepared By:** Anna Braun, Counsel

**Meeting Dates:** 5/18

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**WHAT THE MEASURE DOES:** Allows the Department of Human Service to petition courts for protective orders and share information regarding health, mental health, financial, substantiated abuse and legal information of elderly or disabled individuals with court in protective proceedings. Allows disclosure by department if made in good faith and is reasonably necessary to prevent or lessen a serious and imminent threat to the health and safety of the person subject to the protective order. Requires confidential information to be sealed by the court and to be only available to parties to the proceedings and their attorneys. Clarifies that application of the Oregon Rules of Civil Procedure and the evidence code related to protective proceedings is not limited by the bill. Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

- Application is broader than physical abuse

**EFFECT OF COMMITTEE AMENDMENT:** Adds emergency clause. Adds language to Section 2 (2) to make it consistent with Section 2(1). Rewrites Section 3 which prohibits disclosure of information except to the person who is subject to the order, a fiduciary or pursuant to a court order. The section is rewritten to allow records to be marked as confidential and only available to parties to the proceedings and to their attorneys. States that application of ORS 125.050, and use of the evidence code and Oregon Rules of Civil Procedure in protective proceedings, is not limited by the bill.

**BACKGROUND:** According to the Department of Human Services (DHS), national data indicates a substantial increase in cases of financial abuse of seniors and people with disabilities. Current statutes limit the ability of DHS staff to share investigation results with courts. HB 2137B allows the department to work more closely with the court system in situations where perpetrators of abuse or neglect have been identified in departmental investigations.