

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/16, 3/10

WHAT THE MEASURE DOES: Creates an evidentiary privilege for parents and children that would not force a parent to testify against his or her child. Applies when the child is under eighteen. Applies if the communication is made out of the presence of all other persons except the child's siblings who are under eighteen years of age and living in the same household. Allows the child, parent to whom the communication was made, a guardian or conservator of the child or parent to whom the communication was made, or the personal representative of a deceased child or parent to claim the privilege. Allows the parent to whom the communication was made or the child to expressly waive the privilege. Privilege is also waived if the child or parent fails to object to disclosure of the communication. Does not apply to a civil action by one parent against the other, a civil action by a parent against child or the child against the parent, a civil commitment action against either the child or parent, a guardianship proceeding, a criminal action if the parent is charged with a crime against the child, or the child against the parent, a juvenile dependency proceeding, or a civil or criminal action alleging child abuse or nonsupport. Defines parent by reference to ORS 416.400.

ISSUES DISCUSSED:

- Extent of the privilege
- Need to protect the child-parent relationship
- Other privileges that exist

EFFECT OF COMMITTEE AMENDMENT: Applies if the communication is made out of the presence of all other persons except the child's siblings under the age of eighteen. Defines parent by reference to ORS 416.400.

BACKGROUND: We have a privilege for clients with their lawyers, ORS 40.225. We have a privilege for patients with their psychotherapists, ORS 40.230. We have a privilege for patients with their doctors, ORS 40.235. We have a privilege for patients and their nurses, ORS 40.240. We have a privilege for clients with their clinical social workers. We have a privilege for husbands and wives with each other, ORS 40.255. We have a privilege for parishioners with their clergy. We have a privilege for clients with their counselors, ORS 40.262. We have a privilege for disabled persons and their interpreter, ORS 40.272. We have a privilege for non-English-speaking persons with their interpreter, ORS 40.273. We have no privilege for parents with their minor children or for minor children and their parents.