

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, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Counsel
Meeting Dates:	3/10, 4/12, 4/14

WHAT THE MEASURE DOES: Creates evidentiary privilege to protect confidential communications between minors and parents. Allows either parent or child to claim privilege, or guardian, conservator, or personal representative of either. Applies to communications between parent and child even if siblings or grandparents in same household are present. Provides for express and implied waiver. Precludes application of privilege to the following civil and criminal proceedings: Parent against parent; parent against child; commitment proceedings; protective proceedings; crime alleged by parent against child, child's property, other parent, or another child of either parent; crime or act of delinquency alleged by child against parent, parent's property, or another child of either parent; dependency proceedings; termination of parental rights; civil action with child as a party or that allege injury to the child or the child's property; and any case of child abuse, child neglect, abandonment or nonsupport. Applies prospectively only.

ISSUES DISCUSSED:

- Encouraging confidence between parents and children
- Comparison to development of other statutory privileges
- Rules of evidence
- Proceedings where application of privilege precluded

EFFECT OF COMMITTEE AMENDMENT: Adds civil actions involving the child as a party, or that allege injury to the child or the child's property, to the list of proceedings to which the privilege does not apply. Makes application explicitly prospective.

BACKGROUND: Statutory privileges currently protect disclosure of communications between a person and their attorney, social worker, psychotherapist, counselor, doctor, nurse, spouse, clergy, and interpreter. (ORS 40.225, 40.230, 40.262, 40.235, 40.240, 40.272, and 40.237.) Senate Bill 450 adds communications between parent and child.