

Senate Bill 288

Sponsored by Senator FERRIOLI (Pre-session filed.)

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**.

Authorizes limited disclosure of child welfare records to specified individuals if purpose of disclosure is to determine if Department of Human Services acted within scope of department's authority.

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*]
17 **an adult** or 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*] **If** 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[, *if in the best interests of the child,*
30 *to*]:

31 (a) **If it is in the best interests of the child**, to treatment providers, foster parents, adoptive

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 parents, school officials or other persons providing services to the child or family to the extent that
 2 such disclosure is necessary to provide services to the child or family; [or]

3 (b) [A person designated as a member of a sensitive review committee convened by the Director of
 4 Human Services When] **If the purpose [of the committee] of the disclosure is to determine whether**
 5 **the department acted appropriately and to make recommendations to the department regarding pol-**
 6 **icy and practice, to a person designated as a member of a sensitive review committee con-**
 7 **vened by the Director of Human Services; or**

8 (c) **If the purpose of the disclosure is to determine if the department acted within the**
 9 **scope of its authority, to:**

10 (A) **An elected official;**

11 (B) **A treatment provider;**

12 (C) **A foster parent;**

13 (D) **An adoptive parent; or**

14 (E) **A school administrator.**

15 (4) **Any records disclosed under subsection (3)(c) of this section shall contain only the**
 16 **facts of the case. The department shall redact from any records disclosed the name of the**
 17 **child, the names of family members and references to the relationships between the child**
 18 **and family members involved in the case.**

19 [(4)] (5) Any record disclosed under subsection (1), (2) or (3) of this section shall be kept confi-
 20 dential by the person or entity to whom the record is disclosed and shall be used only for the pur-
 21 pose for which disclosure was made.

22 [(5)] (6) Unless exempt from disclosure under ORS chapter 192, when an adult who is the subject
 23 of information made confidential by subsection (1) of this section publicly reveals or causes to be
 24 revealed any significant part of the confidential matter or information, the protections afforded by
 25 subsection (1) of this section are presumed voluntarily waived and confidential information about the
 26 person making or causing the public disclosure, not already disclosed but related to the information
 27 made public, may be disclosed if disclosure is in the best interests of the child or necessary to the
 28 administration of the child welfare laws.

29 [(6)] (7) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS
 30 chapter 192, the department shall disclose information related to the department's activities and
 31 responsibilities in a case where child abuse or neglect has resulted in a child fatality or near fatality
 32 or where an adult has been charged with a crime related to child abuse or neglect.

33 [(7)] (8) Notwithstanding subsections (2), (3), [(5)] (6) and [(6)] (7) of this section, ORS 192.501
 34 (3) shall apply to investigatory information compiled for criminal law purposes that may be in the
 35 possession of the department.

36 [(8)] (9) As used in this section, "adult" means a person who is 18 years of age or older.

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