

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO  
SENATE BILL 994**

1 In line 2 of the printed bill, after “juveniles” insert “; creating new pro-  
2 visions; and amending ORS 419B.021, 419B.055 and 419B.165”.

3 Delete lines 4 through 7 and insert:

4 **“SECTION 1.** ORS 419B.165 is amended to read:

5 **“419B.165. (1) Subject to subsection (2) of this section,** the person  
6 taking the child into custody shall release the child to the custody of the  
7 child’s parent or other responsible person in this state, except in the fol-  
8 lowing cases:

9 **“[(1)] (a)** Where the court has issued an order directing that the child be  
10 taken into protective custody.

11 **“[(2)] (b)** Where the person taking the child into custody has probable  
12 cause to believe that the welfare of the child or others may be immediately  
13 endangered by the release of the child.

14 **“(2)(a) Prior to releasing a child to the custody of the child’s non-**  
15 **custodial parent, a person who has taken a child into custody shall**  
16 **request the Department of Human Services to conduct a criminal re-**  
17 **records check on:**

18 **“(A) The noncustodial parent; and**

19 **“(B) All adults in the same home as the noncustodial parent.**

20 **“(b) The department shall conduct a criminal records check under**  
21 **ORS 181A.200 (3) based on a request received under paragraph (a) of**

1 **this subsection.**

2 **“(c) The department shall adopt rules consistent with this sub-**  
3 **section and the requirements of the Department of State Police for**  
4 **use of the Law Enforcement Data System.**

5 **“SECTION 2. The amendments to ORS 419B.165 by section 1 of this**  
6 **2019 Act apply to any release of a child that occurs on or after the**  
7 **effective date of this 2019 Act.**

8 **“SECTION 3. ORS 419B.021 is amended to read:**

9 **“419B.021. (1) Except as provided in subsection (2) of this section, the**  
10 **following persons must possess a bachelor’s, master’s or doctoral degree from**  
11 **an accredited institution of higher education:**

12 **“(a) A person who conducts an investigation under ORS 419B.020; and**

13 **“(b) A person who makes the following determinations:**

14 **“(A) That a child must be taken into protective custody under ORS**  
15 **419B.150; and**

16 **“(B) That the child should not be released to the child’s parent or other**  
17 **responsible person under ORS 419B.165 [(2)] (1)(b).**

18 **“(2) Subsection (1) of this section does not apply to:**

19 **“(a) A person who was employed or otherwise engaged by the Department**  
20 **of Human Services for the purpose of conducting investigations or making**  
21 **determinations before January 1, 2012, provided the person’s employment or**  
22 **engagement for these purposes has been continuous and uninterrupted.**

23 **“(b) A law enforcement official as that term is defined in ORS 147.005.**

24 **“SECTION 4. ORS 419B.055 is amended to read:**

25 **“419B.055. (1) The Attorney General may bring an action in a circuit**  
26 **court for a citation or a stalking protective order under ORS 30.866 or**  
27 **163.730 to 163.750 on behalf of an employee of the Department of Human**  
28 **Services who, because of being involved in the conduct described in sub-**  
29 **section (3) of this section, is the subject of repeated and unwanted contact**  
30 **by another person that causes alarm or coercion to the employee. The At-**

1 torney General’s responsibility under this subsection is limited to circum-  
2 stances in which an employee of the department submits a written request  
3 to the Attorney General that:

4 “(a) Has been approved in writing by the Director of Human Services or  
5 the director’s designee;

6 “(b) Sets forth sufficient facts and evidence, the truth of which has been  
7 affirmed by the employee; and

8 “(c) Based solely upon the opinion of the Attorney General, is an action  
9 that is likely to succeed.

10 “(2) The action brought under this section may not include a request for:

11 “(a) Special and general damages, including damages for emotional dis-  
12 tress;

13 “(b) Economic or noneconomic damages;

14 “(c) Punitive damages; or

15 “(d) Attorney fees and costs.

16 “(3) Departmental employees on whose behalf the citation or stalking  
17 protective order may be obtained under subsection (1) of this section include  
18 employees who:

19 “(a) Conduct a child abuse investigation under ORS 419B.020;

20 “(b) Make a determination that a child must be taken into protective  
21 custody under ORS 419B.150;

22 “(c) Make a determination that a child should not be released to the  
23 child’s parent or other responsible person under ORS 419B.165 [(2)] **(1)(b)**;  
24 and

25 “(d) Are involved in developing a case plan or making a placement deci-  
26 sion for a child in the legal custody of the department.”.

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