

HB 2479 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/1, 3/30

WHAT THE MEASURE DOES:

Grants immunity from civil liability to employees and agents of Child Advocacy Centers (Centers) for participation in child abuse assessments and related judicial proceedings, when the participation was done in good faith and with reasonable grounds. Extends immunity from vicarious liability to the Center for the same acts. Provides exception for an employee's or agent's gross negligence or reckless, wanton or intentional misconduct. Applies immunity to acts occurring at any time, whether before or after the measure is enacted. Adds requirement to a Center's grant funding application that the Center provide evidence it is accredited by, or actively working towards accreditation with, a national accreditation organization. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Other state actors and Multi-Disciplinary Team members have immunities for official acts relating to child abuse investigations
- Karly's Law, House Bill 3328 (2007), assessments require persons trained in child abuse
- Examples of insurability problems
- 19 states offer children's advocacy centers liability protection
- What may or may not meet a gross negligence or misconduct threshold

EFFECT OF AMENDMENT:

-2 Limits immunity of centers and their employees or agents to centers that provide evidence of accreditation by, or which are actively working towards accreditation with, a national accreditation organization. Clarifies that no immunity from liability is granted for acts of discrimination based on a protected class, or from liability for damages resulting from gross negligence, medical malpractice, abuse or neglect of the subject child, or reckless, wanton or intentional misconduct. Applies to acts occurring on or after the measure's effective date.

BACKGROUND:

Child Advocacy Centers perform medical assessments, forensic interviews, and other assistance to investigations of alleged child abuse or of suspicious physical injuries. In addition to assistance with investigations, Child Advocacy Centers also provide education and training regarding the detection, evaluation, diagnosis and treatment of child abuse or possible child abuse, including peer review of forensic interviews and medical assessments. They also provide technical assistance and referrals for specialized assessment services. The Oregon Department of Justice administers the Child Abuse Multidisciplinary Intervention (CAMI) account, which provides funding for child abuse intervention, assessment, and investigation, both through local multidisciplinary teams and directly to five regional non-profit Child Advocacy Centers.

House Bill 2479 grants civil immunity to Child Advocacy Centers and their employees or agents for good faith participation in child abuse assessments and related judicial proceedings, with exception for gross negligence or reckless, wanton or intentional misconduct, and adds an accreditation requirement for Child Advocacy Center grant funding applications.