

**SB 209 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Prozanski

**Senate Committee On Human Services**

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**Action Date:** 03/27/23

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 4-1-0-0

**Yeas:** 4 - Gelser Blouin, Manning Jr, Prozanski, Weber

**Nays:** 1 - Robinson

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

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**Meeting Dates:** 2/15, 3/27

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**WHAT THE MEASURE DOES:**

Defines “record of sexual orientation, gender identity or gender expression.” Makes records of sexual orientation, gender identity, or gender expression exempt from disclosure unless the failure to disclose the record is reasonably likely to jeopardize the child’s safety or well-being, the record is necessary to provide services to the child or the child’s family, or the child consents to the disclosure. Permits child’s attorney to consent to the disclosure in specific circumstances.

**ISSUES DISCUSSED:**

- House Bill 3159 (2021) requires to add data collection on gender identity and sexual orientation
- Collected data can be disclosed in specific circumstances
- Keeping confidential information of children in care of the Department of Human Services

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

The Department of Human Services (DHS) is prohibited from disclosing or using the contents of any child welfare records, files, papers, or communications that contain any information about an individual child, family, or other recipient of services for purposes other than those directly connected with the administration of child welfare laws or unless required or authorized (ORS 409.225). The records, files, papers, and communications are confidential and are not available for public inspection. General information, policy statements, statistical reports, or similar compilations of data are not confidential unless such information is identified with an individual child, family, or other recipient of services or protected by law. DHS must disclose a child's client record to the juvenile court in juvenile proceedings, including tribal proceedings regarding the child (OAR 413-010-0045). Under existing law, the sexual orientation and gender identity/expression information of children and young adults in foster care can be disclosed in certain kinds of court proceedings.

Senate Bill 209 A makes records of sexual orientation, gender identity, or gender expression exempt from disclosure unless the failure to disclose the record is reasonably likely to jeopardize the child’s safety or well-being, the record is necessary to provide services to the child or the child’s family, or the child consents to the disclosure.