

# House Bill 2438

Sponsored by Representative SCHARF (Presession 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**.

Directs Department of Human Services to notify court of decisions made on behalf of child or ward in department's care or custody that contradict recommendations of child's or ward's mental health care provider.

## A BILL FOR AN ACT

1  
2 Relating to decision-making on behalf of children by Department of Human Services.

3 **Be It Enacted by the People of the State of Oregon:**

4       **SECTION 1. (1) As used in this section, "mental health care provider" means a physician**  
5 **or physician assistant licensed by the Oregon Medical Board, psychologist licensed by the**  
6 **Oregon Board of Psychology, nurse practitioner registered by the Oregon State Board of**  
7 **Nursing, clinical social worker licensed under ORS 675.530, professional counselor or mar-**  
8 **riage and family therapist licensed by the Oregon Board of Licensed Professional Counselors**  
9 **and Therapists, naturopathic physician licensed under ORS chapter 685 or community mental**  
10 **health program established and operated pursuant to ORS 430.620 when approved to do so**  
11 **by the Oregon Health Authority pursuant to rule.**

12       **(2) If the Department of Human Services engages a mental health care provider to eval-**  
13 **uate or provide services to a child or ward in the care or custody of the department, the**  
14 **department shall take the mental health care provider's recommendations into consideration**  
15 **when making decisions relating to the child or ward. If the department makes a decision**  
16 **relating to the child or ward that directly contradicts the recommendations of the mental**  
17 **health care provider, the department must notify the court of the contrary decision and**  
18 **provide documentation to the court supporting the department's decision and explaining why**  
19 **the decision contrary to the recommendations of the mental health care provider is in the**  
20 **best interests of the child or ward.**

21       **SECTION 2. Section 1 of this 2023 Act applies to decisions made by the Department of**  
22 **Human Services on or after the effective date of this 2023 Act.**

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**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.