

# Senate Bill 1030

Sponsored by Senator THATCHER; Representative HIEB

## 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**.

Requires Judicial Department, in collaboration with Public Defense Services Commission, to study child welfare investigations and improvements necessary to align rights and procedural protections of parents and children involved in child welfare investigations with those afforded to defendants in criminal proceedings. Directs department, in collaboration with Public Defense Services Commission, to submit findings to interim committees of Legislative Assembly related to judiciary not later than September 15, 2024.

Modifies offense of making false report of child abuse. Punishes first offense by maximum of 364 days' imprisonment, \$6,250 fine, or both. Punishes second or subsequent offense by maximum of five years' imprisonment, \$125,000 fine, or both. Creates civil cause of action for false report of child abuse.

## A BILL FOR AN ACT

1 Relating to child welfare investigations; creating new provisions; and amending ORS 419B.016.

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

3 **SECTION 1. The Judicial Department, in collaboration with the Public Defense Services**  
4 **Commission, shall conduct a study of child welfare investigations and procedural improve-**  
5 **ments that would be necessary to ensure that parents and children involved in the child**  
6 **welfare investigations have similar rights and procedural protections as are afforded to de-**  
7 **fendants in the criminal justice system. The department, in collaboration with the Public**  
8 **Defense Services Commission, shall submit a report in the manner provided by ORS 192.245,**  
9 **and may include recommendations for legislation, to the interim committees of the Legisla-**  
10 **tive Assembly related to the judiciary no later than September 15, 2024.**

11 **SECTION 2. ORS 419B.016 is amended to read:**

12 419B.016. (1) A person commits the offense of making a false report of child abuse if, with the  
13 intent to influence a custody, parenting time, visitation or child support decision, the person:

14 (a) Makes a false report of child abuse to the Department of Human Services or a law enforce-  
15 ment agency, knowing that the report is false; or

16 (b) With the intent that a public or private official make a report of child abuse to the Depart-  
17 ment of Human Services or a law enforcement agency, makes a false report of child abuse to the  
18 public or private official, knowing that the report is false.

19 (2) Making a false report of child abuse is a Class A [*violation*] **misdemeanor for a first of-**  
20 **fense, and a Class C felony for a second or subsequent offense.**

21 (3) **Any person about whom a false report of child abuse is made in violation of subsection**  
22 **(1) of this section may bring a civil cause of action against the person who made the false**  
23 **report of child abuse.**

24 **SECTION 3. The amendments to ORS 419B.016 by section 2 of this 2023 Act apply to false**  
25 **reports of child abuse made on or after the effective date of this 2023 Act.**

26 **SECTION 4. Section 1 of this 2023 Act is repealed on January 2, 2025.**

27 **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.

