

OREGON TRIAL LAWYERS ASSOCIATION

812 SW Washington Street, #900

Portland, OR 97205

www.oregontriallawyers.org

503-799-1017

Testimony of Arthur Towers

OTLA Political Director

In opposition to House Bill 2479

Before the House Committee on Early Childhood and Human Services

January 18, 2023

Chair Reynolds, Vice-Chairs Nguyen and Scharf, thank you for the opportunity to testify in opposition to HB 2479.

Our members are lawyers who fight for underdogs. In this case, those underdogs are abused children. We are extremely concerned that HB 2479 as currently drafted would limit those children's rights to hold children's advocacy centers accountable if their negligence caused the harm of a child.

Be clear that we appreciate the important work of CAC's. They play a very valuable role. However, the proposal is extremely broad and would undermine accountability in the system to protect children by shielding wrongdoers with blanket immunity.

As mentioned in the proposed language, this bill would be "made part of ORS 418.746 to 418.796."

Recognizing that "[p]rotection of the child is of primary important," the Legislature enacted this section to "establish and maintain...[s]ufficient children's advocacy centers and regional children's advocacy centers in Oregon to *ensure that every child referred to a center for concerns of neglect or abuse receives a skilled, complete and forensically sound child abuse assessment.*" ORS 418.780(1),(2).

Now, through HB 2479, the CACs seek to immunize themselves "[f]rom any civil liability that might otherwise be incurred or imposed with respect to participating in such assessment." This means that when the CACs do not provide appropriately "skilled, complete and forensically sound child abuse assessments," as contemplated in the statute, they cannot be held liable by those they harm.

The shield from responsibility proposed in the bill is much, much broader than anything enjoyed by DHS, law enforcement, or school officials to name a few.

The language on page 2 lines 14-15 applies the provisions of the bill to acts occurring on after or **BEFORE** the effective date. That begs the question of what harm have they already caused for which they are seeking to shirk responsibility.

We urge you not to follow the lead of states like Louisiana, Oklahoma, Arizona, and Utah when it comes to protecting children's rights. As has been made abundantly clear in other venues, states like Utah are notoriously weak when it comes to protecting kids.

We urge a NO vote on HB 2479. But we are extremely willing to talk to proponents to figure how best to go forward on keeping kids safe and holding those who harm them accountable.