

SB 1587 A STAFF MEASURE SUMMARY

Carrier: Sen. Hansell, Sen. Gelser
Blouin

Senate Committee On Judiciary

Action Date: 02/15/24

Action: Do pass with amendments and requesting subsequent referral to Ways and Means be rescinded. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Gelser Blouin, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Conner Egan, LPRO Analyst

Meeting Dates: 2/8, 2/15

WHAT THE MEASURE DOES:

This measure provides certain civil liability immunities for children’s advocacy centers, their employees, and designated agents.

Detailed Summary:

Provides that children’s advocacy centers and their employees or designated agents who are participating in good faith and have reasonable grounds for their participation in a child abuse assessment shall have immunity to civil liability regarding their participation in the assessment or participation in any judicial proceeding from the assessment. Maintains liability for damages resulting from an employee’s or designated agent’s gross negligence, reckless, wanton or intentional misconduct, abuse or neglect of the child who is the subject of the abuse assessment, medical malpractice, or discrimination on the basis of a protected class. Requires the children’s advocacy center to be in good standing, or actively working towards accreditation, by a national organization that provides accreditation based on recognized standards. Defines designated agents. Declares that children’s advocacy centers rely upon state funding and provide statutorily-mandated services. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- The services provided by children’s advocacy centers (CAC)
- The goal for providing immunities for CACs is to protect them from frivolous lawsuits that use their limited resources
- Changes from last year’s CAC immunities bill (HB 2479 (2023))
- Doctors and nurses who are state employees have immunity under the Tort Claims Act
- Merit-based lawsuits and the importance of having access to the civil court system
- The Maya Kowalski case

EFFECT OF AMENDMENT:

Declares children’s advocacy centers rely upon state funding and provide statutorily-mandated services.

BACKGROUND:

The Child Abuse Multidisciplinary Intervention Program, established in the Oregon Department of Justice, exists to maintain a coordinated multidisciplinary community-based system for responding to allegations of child abuse and ensuring the safety and health of children who are victims of child abuse. Children’s advocacy centers are a core feature of this system and are partially funded by grants administered by the Child Abuse Multidisciplinary Intervention Program. Children’s advocacy centers perform medical assessments, forensic interviews, and other support services as part of their child abuse assessment. ORS 418.780 requires that all children have access to a

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skilled, competent, and medically sound medical assessment completed at a children's advocacy center. Only licensed physicians, physician assistants, or nurse practitioners are permitted to perform the medical assessment of a child at a children's advocacy center (ORS 418.782).