



February 27, 2024

House Judiciary Committee
Oregon State Legislature
900 Court Street NE
Salem, Oregon 97301

Re: Supporting Senate Bill 1587 – common sense liability protections for Children’s Advocacy Centers

Dear Chair Kropf, Co-Chairs Andersen and Wallan, and members of the House Judiciary Committee:

I am the executive director of CARES Northwest, the children’s advocacy center serving Multnomah and Washington counties. I am also an attorney licensed in the State of Oregon and a former children’s lawyer. I am submitting this testimony today in support of Senate Bill 1587, which would grant common sense liability protections for our child abuse professionals at Oregon children’s advocacy centers (CACs). I would like to thank the committee for your time today and for scheduling this hearing. I also want to thank Senator Gelser Blouin and Senator Hansell for their thoughtful comments at the hearing.

I have had the privilege of being the director of an Oregon CAC for more than a decade, first at ABC House serving Linn and Benton counties and now at CARES Northwest. CARES is the oldest and largest CAC in Oregon and provides child abuse evaluation and support services for approximately 1,200 children per year.

CACs provide a constellation of services for the child and family, that can include medical exams, child interviews, family support, trauma therapy and prevention education, to help determine if abuse has occurred and, if so, connect children to what they need to heal.

CACs are often involved in the most complex and volatile child abuse cases. When evaluating for child maltreatment, including screening it out, our CAC professionals such as medical providers and interviewers are called upon to make difficult determinations where the health and wellbeing of children and their families may be at stake. They are fully aware of the potential consequences of their professional judgment, and they hold that responsibility with the utmost respect. They are careful and measured, and their work is grounded in research and best practices.

We are not always popular, and we are frequently threatened with lawsuits, simply for doing our jobs.

CACs are required by law to be part of their county's child abuse multidisciplinary team, which is the body tasked with the investigation and response to child abuse. Despite this, we are the only partner on the team without some form of liability protection – DAs, law enforcement, DHS caseworker, school staff. Even the person who reports child abuse is protected when carrying out their responsibilities in good faith. CACs have no such safeguards. This lack of protections and lack of parity with our multidisciplinary team partners, makes difficult work even harder.

At CARES, we have been sued or threatened with suit five times in the past ten years. Although none have been successful to date, as an attorney I can tell you that anyone can decide to sue, even if they won't win. It does not change the fact that you still need to defend yourself, and that defense can come at a significant cost.

As challenging as it is for us at CARES, most CACs in Oregon are small, standalone nonprofits that cannot withstand the financial impact of defending against frivolous lawsuits. Yes, CACs have liability insurance. However, even if they can maintain affordable coverage, it does not cover the full cost. CACs have reported being dropped by their insurance carriers due to the cost of defending against *any type* of legal issue. There are limited options for liability coverage so the loss of one carrier puts CACs at risk of no longer being able to keep their doors open.

The lack of protections also deeply affects the people doing the work. Being in the child abuse field is already challenging. In addition to the high stress of making the correct judgment call, CAC professionals are also on the receiving end of outpourings of anger, threats, fear, and grief on an almost daily basis, and they carry those emotions for those who cannot. It is a vocation that can feel thankless in the best of times and traumatizing in the worst.

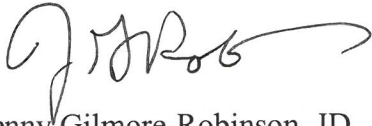
The anxiety and demoralization that comes from being sued or even threatened with suit – simply for doing the job mandated by the state – only adds to the pressure and the questioning of whether it is worth it.

Unsurprisingly, it is challenging to recruit and retain people to work at CACs. Prospective medical providers have expressed reluctance to enter the child abuse field out of fear of being sued. More than one current child abuse professional has told me that they are just one lawsuit away from leaving the field entirely. If these highly skilled, good-hearted people step away with no one to succeed them, who will care for our children?

CAC professionals acting within the scope of their disciplines should be able to do their jobs without fear of baseless retaliation. And their nonprofit organizations should not be forced to bear the financial burden of defending themselves when their government-based partners are already shielded.

I urge you to adopt these limited, common-sense protections, and help us continue to do the important job of caring for vulnerable children. Please feel free to reach out to me directly with any additional questions at (503) 276-9000. Thank you for your kind consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JGR', with a long, sweeping horizontal line extending to the right.

Jenny Gilmore-Robinson, JD
Executive Director, CARES Northwest