

# Senate Bill 730

Sponsored by Senator GELSER BLOUIN (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act allows certain children to receive direct support, to keep in touch with their siblings and to know their life history. (Flesch Readability Score: 65.2).

Modifies provisions regarding subsidies for adoptive parents and guardians. Authorizes the Department of Human Services to redirect subsidy payments for the benefit of a child who no longer receives direct support from an adoptive parent or guardian.

Creates a rebuttable presumption that continuing contact with biological siblings is in the best interest of children of parents whose parental rights have been terminated. Directs the court to make a determination regarding a child's continuing contact with the child's biological siblings when parental rights are terminated.

Directs the department to disclose records regarding a child's life history, at the request of the child, if the child's parent's parental rights to the child were surrendered or terminated.

## A BILL FOR AN ACT

1  
2 Relating to rights of recipients of child welfare services; creating new provisions; and amending ORS  
3 109.268, 409.225, 418.205, 418.330, 418.335, 419B.521 and 419B.527.

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

## ADOPTION SUBSIDIES

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8 **SECTION 1.** ORS 418.330 is amended to read:

9 418.330. (1) As used in this section:

10 (a) "Child" means **an unemancipated, unmarried person who has not joined the military**  
11 **and who is:**

12 (A) [A *person*] Under 18 years of age;

13 (B) [A *person*] Under 21 years of age if the Department of Human Services determines that the  
14 person has a mental or physical disability that warrants the continuation of assistance; or

15 (C) [A *person who has attained*] **At least** 18 years of age and:

16 (i) On whose behalf payments under this section were received prior to the person attaining 18  
17 years of age, provided the person was at least 16 years of age at the time the payments commenced;

18 (ii) Has not attained 21 years of age; and

19 (iii)(I) Is completing secondary education or a program leading to an equivalent credential;

20 (II) Is enrolled in an institution or program that provides post-secondary or vocational educa-  
21 tion;

22 (III) Is participating in a program or activity designed to promote, or remove barriers to, em-  
23 ployment;

24 (IV) Is employed for at least 80 hours per month; or

25 (V) Is incapable of doing any of the activities described in sub-sub-subparagraphs (I) to (IV) of

**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.

1 this sub-subparagraph due to a medical condition, which incapability is supported by regularly up-  
 2 dated documentation.

3 (b) “Nonrecurring adoption or guardianship expenses” means reasonable and necessary adoption  
 4 or guardianship fees, court costs, attorney fees and other expenses that are directly related to the  
 5 adoption of, or establishment of a guardianship for, a child with special needs and that are not in-  
 6 curred in violation of state or federal law.

7 (2) The department may make payments to adoptive parents or guardians on behalf of a child  
 8 placed for adoption or establishment of a guardianship by the department, or placed for adoption  
 9 by an approved child-caring agency, when the department determines:

10 (a) The child has special needs because of an impediment to adoptive placement or establishment  
 11 of a guardianship by reason of the child’s physical or mental condition, race, age, or membership in  
 12 a sibling group; or

13 (b) The adoptive family or guardian is capable of providing the permanent family relationships  
 14 needed by the child in all respects other than financial, and the needs of the child are beyond the  
 15 economic ability and resources of the family.

16 (3) Payments to subsidize adoptions or guardianships made under subsection (2) of this section:

17 (a) Shall include payment of nonrecurring adoption or guardianship expenses incurred by or on  
 18 behalf of adoptive parents or guardians in connection with the adoption of, or establishment of a  
 19 guardianship for, a child with special needs;

20 (b) May include, but are not limited to, the maintenance costs, medical and surgical expenses,  
 21 and other costs incidental to the care, training and education of the child;

22 (c) May not exceed the cost of providing comparable assistance in foster care; and

23 (d) May not be made:

24 (A) For a child who has not attained 18 years of age, when the adoptive parents or guardians  
 25 are no longer legally responsible for the support of the child; or

26 (B) When the child is no longer receiving any support from the adoptive parents or guardians.

27 (4) Adoptive parents or guardians receiving payments under subsection (2) of this section shall:

28 (a) **Respond to the department’s annual certification notice no later than 30 days follow-**  
 29 **ing receipt of the notice; and**

30 (b) **Immediately** inform the department of circumstances that would make the adoptive parents  
 31 or guardians:

32 [(a)] (A) Ineligible to receive the payments; or

33 [(b)] (B) Eligible to receive the payments in a different amount.

34 **SECTION 2.** ORS 418.335 is amended to read:

35 418.335. (1) Qualification for payments under ORS 418.330 must be determined by the Depart-  
 36 ment of Human Services prior to the completion of the adoption or guardianship proceeding.

37 (2) The department shall set the amount of payments under ORS 418.330 through negotiations  
 38 with the prospective adoptive parents or guardians, taking into consideration the circumstances of  
 39 the prospective adoptive parents or guardians and the needs of the child.

40 (3)(a) **Prior to the completion of the adoption or guardianship proceeding the department**  
 41 **shall enter into a subsidy agreement with qualified adoptive parents or guardians.**

42 (b) **The subsidy agreement must describe at a minimum the adoptive parent or guardian’s**  
 43 **duties to:**

44 (A) **Provide for the support of the child;**

45 (B) **Notify the department if the adoptive parent or guardian is no longer providing for**

1 **the support of the child or is no longer legally responsible for the support of the child; and**

2 **(C) Notify the department if another person has been granted physical custody of the**  
 3 **child, if another person has been appointed guardian for the child or if the child no longer**  
 4 **resides with the adoptive parents or guardian.**

5 [(3)] **(4)** The department may change the amount of payments under ORS 418.330:

6 (a) Through renegotiation with the adoptive parents or guardians, based upon a showing that  
 7 there has been a change in the circumstances of the adoptive parents or guardians or the needs of  
 8 the child; or

9 (b) When the department has reduced or increased the amount of comparable assistance in foster  
 10 care under ORS 418.647.

11 **(5)(a) The department shall require subsidy recipients to certify annually that the recip-**  
 12 **ient is in compliance with the subsidy agreement.**

13 **(b) If a subsidy recipient fails to respond to an annual certification notice within 30 days**  
 14 **after receipt of the notice or if the department has reasonable cause to believe that a subsidy**  
 15 **recipient is no longer in compliance with the subsidy agreement, the department shall con-**  
 16 **duct a review to determine whether the subsidy recipient continues to be eligible to receive**  
 17 **the payments or whether the amount of the payments must be adjusted.**

18 [(4)] **(6)** The department may suspend or terminate payments when one or more of the following  
 19 conditions exist:

20 (a) The child no longer meets the definition of “child” under ORS 418.330[.];

21 (b) The adoptive parents or guardians are no longer legally responsible for the support of the  
 22 child[.]; or

23 (c) [*The child is no longer receiving any support from*] The adoptive parents or guardians **are**  
 24 **no longer providing the child with support that directly benefits the child, including to meet**  
 25 **the child’s food, clothing, education, medical and shelter needs, and that has an identifiable**  
 26 **value.**

27 [(5)] **(7)** If a payment under ORS 418.330 is suspended or terminated for a reason not related to  
 28 the age of the child or because a guardianship has been vacated by the court, the adoptive parents  
 29 or guardians of the child may petition the department for a review of the case. The department shall  
 30 afford the petitioner an opportunity for a hearing, which must be held in the county the petitioner  
 31 elects.

32 **(8) If the department suspends or terminates payments as provided in this section and**  
 33 **the adoptive parent or guardian does not successfully challenge the suspension or termi-**  
 34 **nation:**

35 **(a) The department may redirect the subsidy payments to another person if:**

36 **(A) The other person has been granted physical custody or appointed as guardian of the**  
 37 **child;**

38 **(B) The other person enters into a subsidy agreement as provided in this section; and**

39 **(C) The other person has not previously surrendered the person’s parental rights to the**  
 40 **child or had the person’s parental rights to the child terminated; or**

41 **(b) The department shall redirect the subsidy payments to the child if:**

42 **(A) No other person has been granted physical custody or appointed as guardian of the**  
 43 **child; and**

44 **(B) The child has attained 18 years of age but is under 21 years of age.**

45 **(9)(a) If the department redirects subsidy payments as described in subsection (8)(a) of**

1 **this section, the department shall make the payments retroactive from the date the depart-**  
 2 **ment suspended or terminated the subsidy payments to the child’s adoptive parent or**  
 3 **guardian.**

4 **(b) If the department redirects subsidy payments to the child as provided in subsection**  
 5 **(8)(b) of this section, the department shall make the payments:**

6 **(A) Through direct payments to the child if the department determines that the child**  
 7 **demonstrates the ability to manage the payments; or**

8 **(B) To a representative payee.**

9 **SECTION 3.** ORS 418.205 is amended to read:

10 418.205. As used in ORS 418.205 to 418.327, [418.330,] 418.470, 418.475, 418.950 to 418.970 and  
 11 418.992 to 418.998, unless the context requires otherwise:

12 (1) “Child” means an unmarried person under 21 years of age who resides in or receives care  
 13 or services from a child-caring agency.

14 (2)(a) “Child-caring agency” means:

15 (A) Any private school, private agency, private organization or county program providing:

16 (i) Day treatment for children with emotional disturbances;

17 (ii) Adoption placement services;

18 (iii) Residential care, including but not limited to foster care or residential treatment for chil-  
 19 dren;

20 (iv) Residential care in combination with academic education and therapeutic care, including but  
 21 not limited to treatment for emotional, behavioral or mental health disturbances;

22 (v) Outdoor youth programs; or

23 (vi) Other similar care or services for children.

24 (B) Any private organization or person that provides secure transportation services as defined  
 25 in ORS 418.241 during any segment of a child’s trip to or from a child-caring agency, certified foster  
 26 home as defined in ORS 418.241 or developmental disabilities residential facility as defined in ORS  
 27 418.241, if the route of the child’s trip begins or ends in this state.

28 (b) “Child-caring agency” includes the following:

29 (A) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;

30 (B) An independent residence facility as described in ORS 418.475 that meets the standards es-  
 31 tablished by the Department of Human Services by rule to be considered a child-caring agency;

32 (C) A private residential boarding school;

33 (D) A child-caring facility as defined in ORS 418.950; and

34 (E) A secure nonemergency medical transportation provider, as defined in ORS 418.241.

35 (c) “Child-caring agency” does not include:

36 (A) Residential facilities or foster care homes certified or licensed by the Department of Human  
 37 Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental  
 38 disability services;

39 (B) Any private agency or organization facilitating the provision of respite services for parents  
 40 pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subpar-  
 41 agraph, “respite services” means the voluntary assumption of short-term care and control of a minor  
 42 child without compensation or reimbursement of expenses for the purpose of providing a parent in  
 43 crisis with relief from the demands of ongoing care of the parent’s child;

44 (C) A youth job development organization as defined in ORS 344.415;

45 (D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645;

1 (E) A foster home subject to ORS 418.625 to 418.645;

2 (F) A facility that exclusively serves individuals 18 years of age and older; or

3 (G) A facility that primarily serves both adults and children but requires that any child must  
4 be accompanied at all times by at least one custodial parent or guardian.

5 (3) "Child-caring facility" has the meaning given that term in ORS 418.950.

6 (4)(a) "County program" means any county operated program that provides care or services to  
7 children:

8 (A) In the custody of the Department of Human Services or the Oregon Youth Authority; or

9 (B) Under a contract with the Oregon Health Authority.

10 (b) "County program" does not include any local juvenile detention facility that receives state  
11 services provided and coordinated by the Department of Corrections under ORS 169.070.

12 (5) "Governmental agency" means an executive, legislative or judicial agency, department,  
13 board, commission, authority, institution or instrumentality of this state or of a county, municipality  
14 or other political subdivision of this state.

15 (6) "Independent residence facility" means a facility as described in ORS 418.475.

16 (7)(a) "Outdoor youth program" means a program that provides, in an outdoor living setting,  
17 services to children who have behavioral problems, mental health problems or problems with abuse  
18 of alcohol or drugs.

19 (b) "Outdoor youth program" does not include any program, facility or activity:

20 (A) Operated by a governmental entity;

21 (B) Operated or affiliated with the Oregon Youth Corps;

22 (C) Licensed by the Department of Human Services under other authority of the department; or

23 (D) Operated by a youth job development organization as defined in ORS 344.415.

24 (8) "Private" means not owned, operated or administered by any governmental agency or unit.

25 (9) "Private residential boarding school" means either of the following as the context requires:

26 (a) A child-caring agency that is a private school that provides residential care in combination  
27 with academic education and therapeutic care, including but not limited to treatment for emotional,  
28 behavioral or mental health disturbances; or

29 (b) A private school providing residential care that is primarily engaged in educational work  
30 under ORS 418.327.

31 (10) "Proctor foster home" means a foster home certified by a child-caring agency under ORS  
32 418.248 that is not subject to ORS 418.625 to 418.645.

33 (11) "Provider of care or services for children" means a person, entity or organization that  
34 provides care or services to children, regardless of whether the child is in the custody of the De-  
35 partment of Human Services, and that does not otherwise meet the definition of, or requirements for,  
36 a child-caring agency. "Provider of care or services for children" includes a proctor foster home  
37 certified by a child-caring agency under ORS 418.248.

38 (12) "Qualified residential treatment program" means a program described in ORS 418.323.

39 (13) "Shelter-care home" has the meaning given that term in ORS 418.470.

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41 **CONTINUING CONTACT WITH SIBLINGS**

42  
43 **SECTION 4.** ORS 419B.521 is amended to read:

44 419B.521. (1) The court shall hold a hearing on the question of terminating the rights of the  
45 parent or parents. The court may not hold the hearing any earlier than 10 days after service or final

1 publication of the summons. The facts on the basis of which the rights of the parents are terminated,  
2 unless admitted, must be established by clear and convincing evidence and a stenographic or other  
3 report authorized by ORS 8.340 shall be taken of the hearing.

4 (2) Not earlier than provided in subsection (1) of this section and not later than six months from  
5 the date on which summons for the petition to terminate parental rights is served, the court before  
6 which the petition is pending shall hold a hearing on the petition except for good cause shown.  
7 When determining whether or not to grant a continuance for good cause, the judge shall take into  
8 consideration the age of the child or ward and the potential adverse effect delay may have on the  
9 child or ward. The court shall make written findings when granting a continuance.

10 (3) The court, on its own motion or upon the motion of a party, may take testimony from any  
11 child appearing as a witness and may exclude the child's parents and other persons if the court finds  
12 such action would be likely to be in the best interests of the child. However, the court may not  
13 exclude the attorney for each party and any testimony taken under this subsection shall be re-  
14 corded.

15 (4)(a) Notwithstanding subsection (1) of this section, the termination of parental rights to an  
16 Indian child must be supported by evidence beyond a reasonable doubt, including testimony of  
17 qualified expert witnesses, that continued custody of the Indian child by the child's parents is likely  
18 to result in serious emotional or physical damage to the child.

19 (b) The court may not enter an order terminating parental rights to an Indian child unless:

20 (A) The court has offered the parties the opportunity to participate in mediation as required  
21 under ORS 419B.517;

22 (B) If requested by the tribe, and if the Department of Human Services has identified a proposed  
23 adoptive placement, an agreement is in place that requires the proposed adoptive placement to  
24 maintain connection between the Indian child and the Indian child's tribe; and

25 (C) After inquiry as required under ORS 419B.636 and notice as required under ORS 419B.639,  
26 and in addition to any other findings required under ORS 419B.500 to 419B.524, the court deter-  
27 mines:

28 (i) That evidence, including the testimony of one or more qualified expert witnesses under ORS  
29 419B.642, establishes beyond a reasonable doubt that the continued custody of the Indian child by  
30 the child's parent or custody by the child's Indian custodian is likely to result in serious emotional  
31 or physical damage to the Indian child; and

32 (ii) That active efforts under ORS 419B.645 to reunite the Indian family did not eliminate the  
33 necessity for termination based on serious emotional or physical damage to the Indian child.

34 (c) The evidence under this subsection must show a causal relationship between the particular  
35 conditions in the Indian child's home and the likelihood that continued custody of the Indian child  
36 by the child's parents will result in serious emotional or physical damage to the particular Indian  
37 child who is the subject of the child custody proceeding, as defined in ORS 419B.603. Evidence that  
38 shows the existence of community or family poverty, isolation, single parenthood, custodian age,  
39 crowded or inadequate housing, substance abuse or nonconforming social behavior does not, by it-  
40 self, establish a causal relationship as required by this paragraph.

41 (d) As used in this subsection, "custody" and "continued custody" have the meanings described  
42 in ORS 419B.606.

43 **(5) If the child has a biological sibling, the court shall also determine whether the child's**  
44 **continuing contact with the child's sibling is in the child's best interest. There is a rebuttable**  
45 **presumption that a child's continuing contact with the child's biological sibling is in the best**

1 **interest of the child. The presumption may be overcome only if the court determines, by**  
 2 **written findings, that ongoing contact between the child and sibling would threaten the**  
 3 **health, safety or welfare of the child.**

4 **SECTION 5.** ORS 419B.527 is amended to read:

5 419B.527. (1) After the entry of an order terminating the rights of the parent or parents of the  
 6 ward, the court may:

7 (a) Place the ward in the legal custody and guardianship of a public or private institution or  
 8 agency authorized to consent in loco parentis to the adoption of children. An order pursuant to this  
 9 paragraph is a “permanent commitment” for the purposes of ORS 109.118, 109.268, 109.301 to 109.330  
 10 and 109.350 to 109.390; or

11 (b) Make any order directing disposition of the ward that it is empowered to make under this  
 12 chapter.

13 **(2) Unless the court finds under ORS 419B.521 that continuing contact between the ward**  
 14 **and a biological sibling of the ward is not in the ward’s best interest, any disposition of the**  
 15 **ward must include a binding agreement to ensure the continuing contact between the ward**  
 16 **and the ward’s sibling, regardless of whether the siblings have not been living together.**

17 [(2)] (3) If the rights of only one parent have been terminated, the authority to consent to the  
 18 adoption of the ward as provided in subsection (1)(a) of this section is effective only with respect  
 19 to the parent whose rights have been terminated.

20 **SECTION 6.** ORS 109.268 is amended to read:

21 109.268. (1) The rule that statutes in derogation of common law are to be strictly construed does  
 22 not apply to the adoption laws of this state.

23 (2) An adoptive parent and a birth parent may enter into a written agreement, approved by the  
 24 court, to permit continuing contact between the birth relatives and the child or adoptive parents.

25 (3) If the child is within the jurisdiction of the juvenile court under ORS 419B.100[,]:

26 (a) An adoptive parent and a birth relative may enter into a written agreement, approved by  
 27 the court, to permit continuing contact between the birth relatives and the child or adoptive par-  
 28 ents. A birth relative that enters into an agreement under this subsection must have established  
 29 emotional ties creating an ongoing personal relationship, as defined in ORS 109.119, with the child.  
 30 If the child is under one year of age, the ongoing personal relationship between the birth relative  
 31 and the child must have continued for at least half of the child’s life.

32 **(b) If the child is within the jurisdiction of the juvenile court under ORS 419B.100, unless**  
 33 **the court determined under ORS 419B.521 that continuing contact between the child and a**  
 34 **biological sibling of the child is not in the child’s best interest, an adoptive parent shall enter**  
 35 **into a written agreement, approved by the court, to permit continuing contact between the**  
 36 **child and the child’s biological sibling.**

37 (4) If the child is 14 years of age or older, an agreement made under this section may not be  
 38 entered into without the consent of the child.

39 (5) As used in this section, “birth relative” includes a birth parent, grandparent, sibling and  
 40 other member of the child’s birth family.

41 (6) The court may show approval of an agreement made under this section by incorporating the  
 42 agreement by reference and indicating the court’s approval of the agreement in the adoption judg-  
 43 ment.

44 (7) Failure to comply with the terms of an agreement made under this section is not grounds for  
 45 setting aside an adoption judgment or revocation of a written consent to an adoption.

1 (8)(a) An agreement made under this section may be enforced by a civil action. However, before  
 2 a court may enter an order requiring compliance with the agreement, the court must find that the  
 3 party seeking enforcement participated, or attempted to participate, in good faith in mediating the  
 4 dispute giving rise to the action prior to filing the civil action.

5 (b) The court may modify an agreement made under this section if the court finds that the  
 6 modification is necessary to serve the best interests of the adopted child, that the party seeking  
 7 modification participated, or attempted to participate, in good faith in mediation prior to seeking  
 8 modification of the agreement and that:

9 (A) The modification is agreed to by all parties to the original agreement; or

10 (B) Exceptional circumstances have arisen since the parties entered into the agreement that  
 11 justify modification of the agreement.

12 (9) The Department of Human Services is not responsible for any costs associated with an  
 13 agreement described in subsection (3) of this section.

14  
 15 **INFORMATION ABOUT BIOLOGICAL FAMILY**

16  
 17 **SECTION 7.** ORS 409.225 is amended to read:

18 409.225. (1) In the interest of family privacy and for the protection of children, families and other  
 19 recipients of services, the Department of Human Services may not disclose or use the contents of  
 20 any child welfare records, files, papers or communications that contain any information about an  
 21 individual child, family or other recipient of services for purposes other than those directly con-  
 22 nected with the administration of child welfare laws or unless required or authorized by ORS  
 23 419A.255 or 419B.035. The records, files, papers and communications are confidential and are not  
 24 available for public inspection. General information, policy statements, statistical reports or similar  
 25 compilations of data are not confidential unless such information is identified with an individual  
 26 child, family or other recipient of services or protected by other provision of law.

27 (2) Notwithstanding subsection (1) of this section, unless exempt from disclosure under sub-  
 28 section (8) of this section or ORS chapter 192, the department shall disclose child welfare records:

29 (a) **Unless prohibited by court order**, about a recipient of services[,] to the recipient if:

30 (A) The recipient is 18 years of age or older or is legally emancipated[, *unless prohibited by*  
 31 *court order*]; **or**

32 (B) **The recipient is under 18 years of age and:**

33 (i) **The recipient's legal parent, as defined in ORS 109.119, or guardian consents to the**  
 34 **disclosure; and**

35 (ii) **The parental rights of the recipient's birth parent were surrendered under ORS**  
 36 **418.270 or terminated under ORS 419B.500 and 419B.502 to 419B.524.**

37 (b) Regarding a specific individual if the individual gives written authorization to release confi-  
 38 dential information;

39 (c) Concerning a child receiving services on a voluntary basis, to the child's parent or legal  
 40 guardian;

41 (d) To the juvenile court in proceedings regarding the child; and

42 (e) Concerning a child who is or has been in the custody of the department, to the child's parent  
 43 or legal guardian except:

44 (A) When the child objects; or

45 (B) If disclosure would be contrary to the best interests of any child or could be harmful to the



1 person caring for the child.

2 (3) Notwithstanding subsection (1) of this section, unless exempt from disclosure under sub-  
3 section (8) of this section or ORS chapter 192, the department shall disclose child welfare records,  
4 if in the best interests of the child, to:

5 (a) Treatment providers, foster parents, adoptive parents, school officials or other persons pro-  
6 viding services to the child or family to the extent that such disclosure is necessary to provide  
7 services to the child or family; or

8 (b) A person designated as a member of a sensitive review committee convened by the Director  
9 of Human Services when the purpose of the committee is to determine whether the department acted  
10 appropriately and to make recommendations to the department regarding policy and practice.

11 (4) Any record disclosed under subsection (1), (2), (3) or (6) of this section shall be kept confi-  
12 dential by the person or entity to whom the record is disclosed and shall be used only for the pur-  
13 pose for which disclosure was made.

14 (5) Unless exempt from disclosure under ORS chapter 192, when an adult who is the subject of  
15 information made confidential by subsection (1) of this section publicly reveals or causes to be re-  
16 vealed any significant part of the confidential matter or information, the protections afforded by  
17 subsection (1) of this section are presumed voluntarily waived and confidential information about the  
18 person making or causing the public disclosure, not already disclosed but related to the information  
19 made public, may be disclosed if disclosure is in the best interests of the child or necessary to the  
20 administration of the child welfare laws.

21 (6) Notwithstanding subsection (1) of this section, unless exempt from disclosure under sub-  
22 section (8) of this section or ORS chapter 192, the department shall disclose information related to  
23 the department's activities and responsibilities in a case where child abuse or neglect has resulted  
24 in a child fatality or near fatality or where an adult has been charged with a crime related to child  
25 abuse or neglect.

26 (7) Notwithstanding subsections (2), (3), (5) and (6) of this section, ORS 192.345 (3) shall apply  
27 to investigatory information compiled for criminal law purposes that may be in the possession of the  
28 department.

29 (8) A record of sexual orientation, gender identity or gender expression is exempt from disclo-  
30 sure under this section unless:

31 (a) The department determines, in written findings, that failure to disclose the record is rea-  
32 sonably likely to jeopardize the child's safety or well-being;

33 (b) The department determines, in written findings, that disclosure of the record is necessary to  
34 provide services to the child or the child's family; or

35 (c) The child consents to the disclosure.

36 **(9) When the department discloses records as provided in subsection (2)(a) of this section**  
37 **regarding a recipient whose parent's parental rights were surrendered under ORS 418.270 or**  
38 **terminated under ORS 419B.500 and 419B.502 to 419B.524, the records must include all re-**  
39 **records maintained by the department regarding the recipient's biological family and the**  
40 **recipient's life history, including the names of persons with whom the recipient was placed**  
41 **for foster care or guardianship, the recipient's medical records and school records and,**  
42 **notwithstanding ORS 419B.035, all reports and records arising from reports of abuse of the**  
43 **recipient and subsequent investigations thereof.**

44 [(9)] (10) As used in this section:

45 (a) "Adult" means a person who is 18 years of age or older.

1 (b) "Record of sexual orientation, gender identity or gender expression" means a written or re-  
2 corded statement made by a child, memoranda of an oral statement made by a child or any other  
3 documentation in a child's child welfare records of the child's statement, if the statement concerns  
4 the child's sexual orientation, gender expression or gender identity.

5  
6 **MISCELLANEOUS**  
7

8 **SECTION 8. The unit captions used in this 2025 Act are provided only for the convenience**  
9 **of the reader and do not become part of the statutory law of this state or express any leg-**  
10 **islative intent in the enactment of this 2025 Act.**

11 **SECTION 9. The amendments to ORS 109.268, 419B.521 and 419B.527 by sections 4 to 6**  
12 **of this 2025 Act become operative on July 1, 2026.**

13 **SECTION 10. The amendments to ORS 409.225 by section 7 of this 2025 Act applies to**  
14 **individuals who received child welfare services before, on or after the effective date of this**  
15 **2025 Act.**  
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