

Enrolled Senate Bill 736

Sponsored by Senators GELSER BLOUIN, MANNING JR, HAYDEN; Senators GORSEK, PATTERSON, REYNOLDS, SMITH DB, SOLLMAN, THATCHER, Representatives CHOTZEN, LEVY E, NELSON, PHAM H (Presession filed.)

CHAPTER

AN ACT

Relating to investigations of child abuse involving the child’s parent; creating new provisions; amending ORS 409.185; and declaring an emergency.

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

SECTION 1. (1) **The provisions of ORS 418.257 to 418.259 and 418.519 to 418.532 do not apply to investigations of reports of suspected abuse committed by the parent of a child in care.**

(2) As used in this section, “abuse” and “child in care” have the meanings given those terms in ORS 418.257.

SECTION 2. ORS 409.185 is amended to read:

409.185. (1) The Director of Human Services shall oversee the development of standards and procedures for assessment, investigation and enforcement of child protective services.

(2)(a) The Department of Human Services shall take action to implement the provision of child protective services as outlined in ORS 417.705 to 417.800 and based on the recommendations in the 1992 “Oregon Child Protective Services Performance Study” published by the University of Southern Maine.

(b) In all substantiated cases of child abuse and neglect, the role of the department is to complete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs and provide immediate protective services as necessary.

(c) The department shall provide remedial services needed to ensure the safety of the child.

(d) In all cases of child abuse and neglect for which a criminal investigation is conducted, the role of law enforcement agencies is to provide a legally sound, child sensitive investigation of whether abuse or neglect or both have occurred and to gather other evidence and perform other responsibilities in accordance with interagency agreements.

(e) The department and law enforcement agencies shall conduct the investigation and assessment concurrently, based upon the protocols and procedures of the county child abuse multidisciplinary team in each jurisdiction.

(f) When the department and law enforcement agencies conduct a joint investigation and assessment, the activities of the department and agencies are to be clearly differentiated by the protocols of the county child abuse multidisciplinary team.

(g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and 418.748 and ORS chapter 419B.

(h) In all cases of child abuse for which an investigation is conducted, the department shall provide a child's parent, guardian or caregiver with a clear written explanation of the investigation process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse investigation and in the court proceedings related to the abuse investigation. **When the department provides the written explanation under this paragraph to a child's parent or guardian, the department shall include a disclosure that the representative of the department is not an attorney and cannot provide legal advice to the parent or guardian.**

(3) Upon receipt of a recommendation of the Children's Advocate under ORS 417.815 (2)(e), the department shall implement the recommendation or give the Children's Advocate written notice of an intent not to implement the recommendation.

SECTION 3. (1) Section 1 of this 2025 Act applies to investigations of abuse arising from actions committed on or after the effective date of this 2025 Act.

(2) The amendments to ORS 409.185 by section 2 of this 2025 Act apply to child abuse investigations pending on the effective date of this 2025 Act and to child abuse investigations initiated on or after the effective date of this 2025 Act.

SECTION 4. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.

Passed by Senate April 10, 2025

Repassed by Senate June 12, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 11, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State