

# Senate Bill 939

Sponsored by COMMITTEE ON JUDICIARY (at the request of Laura Grandin)

## 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**.

Creates privilege for confidential communications made by child to parent if child is 20 years of age or younger at time action or proceeding is commenced.

### A BILL FOR AN ACT

1 Relating to confidential communications made by a child.

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

3 **SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS 40.225 to 40.295.**

4 **SECTION 2. (1) As used in this section:**

5 (a) "Child" means a person who is 20 years of age or younger at the time an action or  
6 proceeding is commenced.

7 (b) "Confidential communication" means a communication made by a child to a parent  
8 and not intended to be disclosed to a person not living with the child or parent at the time  
9 the communication is made.

10 (c) "Parent" means a person who is a child's mother or father or who, at the time an  
11 action or proceeding is commenced, is the child's stepparent, adoptive parent, foster parent,  
12 legal guardian or other person whom a court recognizes as having the right to act as a  
13 parent of the child.

14 (2) In any civil action or proceeding involving the rights of a child or any criminal action  
15 or proceeding where a child is the defendant, a child has a privilege to refuse to disclose, and  
16 to prevent a parent from disclosing, any confidential communications.

17 (3) There is no privilege under this section:

18 (a) In any civil action or proceeding in which the child and parent are adverse parties.

19 (b) In any civil action or proceeding in which the child's parents are adverse parties.

20 (c) In any civil action or proceeding contesting the estate of the child or of the child's  
21 parent.

22 (d) In any action or proceeding in which the custody, dependency, deprivation, abandon-  
23 ment, support or nonsupport, abuse or neglect of the child, or the termination of parental  
24 rights with respect to the child, is at issue.

25 (e) In any commitment proceeding involving the child or parent.

26 (f) In any proceeding involving the placement of the child or parent in a state mental  
27 hospital or state hospital and training center or involving payment for the cost of care ren-  
28 dered at a state institution.

29 (g) In any criminal action or proceeding in which the child is charged with an offense  
30 against the parent.  
31

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       **(h) In any criminal action or proceeding in which the child is charged with an offense**  
2 **involving the property of the parent.**

3       **SECTION 3.** **Section 2 of this 2005 Act applies to actions or proceedings commenced on**  
4 **or after the effective date of this 2005 Act.**

5

---