

Please file this vote explanation in the official register with regard to my “No” vote on SB 93-A.

On the A-engrossed version of Senate Bill 93-A, Page 1, lines 19-21 reads:

(G) The Department of Human Services or other child-caring agency if the **department has taken the child or ward into protective custody or if the department or agency has temporary custody of the child or ward; and**

Last week during testimony on the Senate Floor, we heard that nearly 90% of all child custody allegations against parents are either, unfounded or false. Therefore, the blatant disregard for verifiable evidence of abuse or wrong-doing by a parent or guardian is a weakness that cannot be justified. The “has taken the child” language should set off alarms for all parents, grandparents and legal guardians. Was this “taking” warranted? justified? Appropriate?

Typically, in order to grant temporary custody, the court must find by a fair preponderance of the evidence that because the parent or guardian has performed acts of omission or commission, the child is suffering from serious physical illness or injury or is in immediate physical danger.

A legitimate grant for “temporary custody” would simply follow existing procedures (as seen in existing language.) However, the new language, “**department has taken the child or ward into protective custody,**” cannot be justified as it fails to provide due process rights for parents and legal guardians.

Hence, my vote **against** SB 93-A.

Sincerely,



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