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Neglectful parents shouldn't benefit from a child's death

SB 474: Prohibits neglectful parents from receiving wrongful death damages

SALEM – The Oregon State Senate voted today to stop parents from collecting money from wrongful death lawsuits involving those children when their actions contributed to the death or they abandoned their children. Instead, money awarded to the estate would be preserved for surviving siblings or their heirs.

[Senate Bill 474](#) – which passed by a 26-0 vote on the Senate floor – will ensure no one experiences a windfall for the death of a child they failed to care for.

“This bill is important for one simple reason: Parents who have severely abused and neglected or abandoned their children should not benefit financially from the death of that child,” said Sen. Sara Gelser (D-Corvallis), chief co-sponsor of the bill, who carried it on the Senate floor. “There should be no award for failing your child.”

The bill requires proof that the parents willfully deserted or neglected the child by a preponderance of the evidence. It also prevents parents from receiving damages from wrongful death actions when:

- The child died as an adult and the parents had – in the year before the child became an adult – deserted or neglected to provide proper care to that child;
- The child died before reaching adulthood and the parents had deserted or neglected to provide proper care for the year before the child's death; or
- Parental rights had been terminated.

Currently, a judge would need to find that the parents had neglected or abandoned their children for 10 years to preclude the parents from receiving payments in these cases. The bill lowers that timeframe to one year.

The bill was brought forward in response to the tragic case of Gloria Joya. The 15-year-old Albany girl died in 2016, while she was in foster care. Joya's mother, Magan McDermott, was awarded \$130,000 as part of the wrongful death, despite overwhelming evidence that Gloria suffered from chronic neglect and abuse in her mother's care, leading Oregon Department of Human Services to take protective action. Shortly after the settlement was announced, McDermott was charged with administering methadone to her 3-month-old son, leading to his near death. She remains in the Benton County Jail.

"Gloria was a talented, beautiful young woman who needlessly lost her life. Her mother's chronic neglect caused Gloria great suffering over the course of her short lifetime. The physical consequences of that trauma eventually led to Gloria's death," Gelser said. "No parent should ever receive a financial benefit for setting in motion the horrific events that lead to a child's death and suffering."

Senate Bill 474 now goes to the House of Representatives for consideration.

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