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Bill keeps abusers from working in child care

SB 490: Protects children by ensuring in-home childcare providers meet requirements

SALEM – Parents should have reasonable certainty that their children are safe when they leave them in the care of an in-home child care provider.

[Senate Bill 490](#) – which passed with a 28-0 vote on the Senate floor today – will prevent individuals with a history of abusing children in their care from advertising their services without regulation by the Child Care Division.

The bill originates with the death of AJ Swearingin, an infant boy who died at a Lane County childcare. AJ was 10 months old when he passed away from injuries sustained from abuse. At first, AJ's mother, Caroline Swearingin, assumed it was Sudden Infant Death Syndrome. Later, she learned that AJ had been subjected to repeated abuse in care prior to his death. One of the other three infants in the care of the provider was severely injured and diagnosed with Shaken Baby Syndrome just months earlier.

"AJ was close to taking his first step and tragically he was robbed of that joy," Caroline Swearingin testified in a committee hearing in support of the bill. "My baby boy was taken from this world by people, by a system that did not protect him."

Swearingin's grief was compounded by disbelief when she learned that despite a fatality and near-fatality in her care, the provider still was advertising her services as an in-home childcare provider. When she learned there was nothing state officials could do to stop the provider from

advertising her services, she contacted Sen. Sara Gelser (D-Corvallis), upon the recommendation of a child welfare worker.

After learning of AJ's story, Gelser introduced Senate Bill 490. It requires that currently unlicensed childcare providers with histories of abuse must pass background checks with the childcare division to provide care. The bill also prohibits individuals required to register as sex offenders and those who have been convicted of a crime that led to the death or serious injury of a child from providing unlicensed childcare services.

All licensed and registered childcare staff who may have unsupervised access to children already must enroll in the Central Background Registry administered by the Oregon Office of Child Care. However, under current law, individuals providing care to fewer than four children are not covered by this requirement.

Senate Bill 490 changes this by requiring unlicensed childcare providers with histories of abuse to enroll in the Central Background Registry. If their abuse histories disqualify them from the registry, they will no longer be able to provide childcare. The bill also prohibits individuals required to register as sex offenders and those who have been convicted of crimes that led to deaths or serious injuries of children from providing childcare services. The bill bans childcare providers who have suspended certifications, registrations or enrollments showing up in the registry – and those whose certification or registration has been revoked or denied under certain circumstances – from providing childcare for five years.

“Senate Bill 490 is really quite simple. Individuals who have caused serious injury or death to a child through abuse should not be permitted to make a living as child care providers in Oregon,” Gelser said. “This bill is a common-sense way to keep our kids safe and ensure parents have the information they need when choosing childcare providers they can trust.”

Senate Bill 490 now goes to the House of Representatives for consideration.

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