

2023 Presentation to the House Interim on Early Childhood and Human  
Services

# ODHS Child Abuse Investigation Jurisdiction

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# Agenda

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- I. Background
- II. The issue
- III. The impact
- IV. The solution
- V. Questions

# Background: Child abuse and neglect defined

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## Child Abuse Prevention Act (CAPTA)

Sec. 3. GENERAL DEFINITIONS. [42 U.S.C. 5101, Note]  
*2. the term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a **parent or caretaker**, which results in death, serious physical or emotional harm, sexual abuse or exploitation (including sexual abuse as determined under section 111\* [42 U.S.C. 5106g]), or an act or failure to act which presents an imminent risk of serious harm;*

*\*Section 111 is a reference to human trafficking.*

# How do other states define who Child Protective Services investigates for abuse and neglect?

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Oregon is the only state that does not define who can be held responsible for child abuse and neglect.

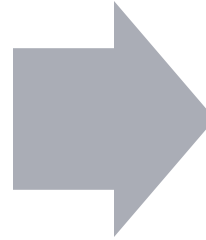
Most states limit their scope to parents, guardians, foster parents, family members, or other caregivers responsible for the child's welfare.

# ODHS determined who was assessed pre-2021

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## **Pre-2021:**

Child Welfare procedure determined “who” was assessed for abuse



## **Post-2021:**

**2019 (SB 155)** added ORS language that ODHS shall ensure an “investigation” of child safety any time a report is not investigated by Law Enforcement

# ODHS now investigates any person regardless of age, relationship or responsibility for a child

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**As of March 1, 2021, SB 155:**

- Changed our statutory obligation to assess child abuse perpetrated by any person regardless of age, relationship or responsibility for the child.
- These are often referred to as “third party” assessments.

# The issue: increased investigations outside of families, and outside ODHS' scope of practice

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## Child Protective Services (CPS)

Scope of practice: families

### Examples:

- Parent, guardian or custodian
- Persons with access to child via family relationships or living situation
- **Any minor or minor at time of incident regardless of relationship to alleged child victim**

## Office of Training, Investigations and Safety (OTIS)

Scope of practice: professionals

### Examples:

- Daycare or childcare provider
- School employee, contractor, volunteer at a school
- ODHS licensed and certified providers
- **Third-party adult (non-professional)**

# Common types of CPS and OTIS referrals

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## Child Protective Services (CPS)

- Gang violence between minors
- Intimate partner violence between minors

## Office of Training, Investigations and Safety (OTIS)

- Teen sexually assaulted by adult peer at a party
- Online solicitation of a minor



# The impact: lack of a clear definition

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- Increased potential for **legal challenges** to ODHS authority
- Estimated **workload increase of 3,500 investigations** a year
- ODHS **staff uncertainty** around roles and responsibilities
- **Duplicative efforts** with law enforcement partners and at times interference with criminal investigation



# The solution

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Define appropriate individuals to be assessed for allegations of abuse or neglect in statute.





Questions?

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# Thank you

