

## **HB 4086 -1, -2, -4 STAFF MEASURE SUMMARY**

### **House Committee On Early Childhood and Human Services**

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**Prepared By:** Matthew Perreault, LPRO Analyst

**Meeting Dates:** 2/12, 2/14

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#### **WHAT THE MEASURE DOES:**

The measure limits the duty of the Department of Human Services (DHS) to investigate a report of child abuse only if the suspected individual is a child's parent, caregiver, guardian, child care provider, or other specified position of authority or responsibility over the child. The measure also directs the System of Care Advisory Council (SOCAC) to study and make recommendations regarding the statewide response to children exhibiting problematic sexual behavior. The measure requires DHS and SOCAC to report to interim legislative committees by September 15, 2024. The measure declares an emergency and is effective on passage.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

#### Detailed Summary

#### **Investigations of Reported Child Abuse (Sections 1, 2, and 4)**

- Limits the duty of the Department of Human Services to investigate a report of child abuse only if the person suspected of abuse is:
  - the child's parent, caregiver, guardian, child care or education provider, or other person with authority over or responsibility for the child;
  - a person in the child's home or who has access to the home through a relationship with a household member;
  - a person suspected of trafficking; or
  - a person involved with the Oregon Youth Authority or a county juvenile department under certain circumstances.
- Guarantees the ability of a law enforcement agency to conduct a criminal investigation into the report of child abuse.
- Specifies that only investigations conducted by the department must result in certain findings and dispositions.

#### **Study on Children Exhibiting Problematic Sexual Behavior (Sections 3 and 5)**

- Directs the System of Care Advisory Council (SOCAC) to study and make recommendations regarding the statewide response to children exhibiting problematic sexual behavior.
- Prescribes the scope of the study and recommendations.
- Requires SOCAC to convene an advisory council to be consulted for the study and specifies council membership.
- Requires SOCAC to report to interim legislative committees by September 15, 2024.
- Sunsets on January 2, 2026.

#### **Effective Date (Section 6)**

- Declares emergency, effective on passage.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

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-1 The amendment replaces the measure. The amendment requires the Department of Human Services (DHS) to commission studies through a private facilitator on the scope of child abuse investigations and the response to children exhibiting problematic sexual behavior. The amendment requires both studies to involve advisory committees and reports to interim legislative committees by September of 2025.

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*FISCAL: May have fiscal impact, but no statement yet issued*

### Detailed Summary

#### **Study on Child Abuse Investigations (Section 1)**

- Directs DHS to commission a study through a private facilitator on the scope of child abuse investigations.
- Prescribes the scope of the study and recommendations to include:
  - identification of the scope of mandatory child abuse investigations conducted by DHS and gaps or duplication of work in the state's response to child abuse;
  - determination of national best practices; and
  - recommendations for interdisciplinary oversight of implementation of recommended changes.
- Requires DHS to appoint an advisory committee to guide the study and specifies committee membership.
- Requires DHS to submit a report to interim legislative committees by September 15, 2024 and present to committees by September 30, 2024.

#### **Study on Children Exhibiting Problematic Sexual Behavior (Section 2)**

- Directs the Department of Human Services to commission a study through a private facilitator
- Prescribes the scope of the study and recommendations to include:
  - identification of the services and resources available to children, and families of children, who exhibit problematic sexual behavior, with an emphasis on those available to children under age 12;
  - identification of gaps in the response and services available to such children;
  - determination of national best practices;
  - analysis of solutions to identify and provide support, treatment, and resources to such children and their families;
  - methods to ensure children are not identified as exhibiting problematic sexual behavior based on sexual orientation, gender identity, disability, or consensual sexual activity; and
  - strategies to prevent and minimize out-of-home placement or incarceration of such children.
- Requires DHS to appoint an advisory committee to guide the study and specifies committee membership.
- Requires DHS to submit a report to interim legislative committees by September 15, 2024 and present to committees by September 30, 2024.

#### **Sunset and Effective Dates (Sections 3 and 4)**

- Sunsets on January 2, 2026.
- Declares emergency, effective on passage.

-2 The amendment replaces the measure. The amendment is identical to the -1 amendment except that school administrators are now included in the advisory committee described in Section 1.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

-4 The amendment replaces the measure. The amendment is similar to the -2 amendment but makes changes to the membership of the advisory committees described in Sections 1 and 2.

*REVENUE: May have revenue impact, but no statement yet issued*

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*FISCAL: May have fiscal impact, but no statement yet issued*

### Detailed Summary

- Requires both advisory committees to include at least one person from each group listed.
- Adds school administrators to the membership of both advisory committees.
- Replaces "representatives of Oregon Indian tribes" on both advisory committees with "representatives with extensive experience of the federal Indian Child Welfare Act and Oregon Indian tribes and a deep understanding of rural and urban tribal populations."

### **BACKGROUND:**

Under Oregon's child abuse reporting laws, compiled in ORS 419B.005 to 419B.050, the Department of Human Services (DHS) and law enforcement agencies have a shared responsibility for receiving and responding to reports of suspected child abuse and neglect. When a report of suspected child abuse is received by DHS or a law enforcement agency, the law requires either agency to immediately begin an investigation to determine the nature and cause of the abuse of the child and notify all relevant entities based on the nature and cause. DHS is also required to investigate reports of abuse of children in care of child-caring agencies, foster homes, and developmental disabilities residential facilities under ORS 418.257 to 418.260.

[Senate Bill 155 \(2019\)](#) added a requirement that DHS must conduct an investigation if law enforcement declines to investigate. The bill also expanded the role of DHS to investigate reports of suspected abuse by "third parties" in addition to parents and caregivers, including incidents that occur at schools and other state-authorized facilities. The department's Office of Training, Investigations, and Safety (OTIS) conducts these investigations. In 2023, OTIS conducted investigations of 1,652 individuals and found substantiated allegations of 581 of those individuals, about 35 percent, according to the office's [interactive data tracking tool](#). Most of these investigations involved "third party, non-familial" individuals rather than professional caregivers.

In 2023, the legislature considered, but did not enact, [Senate Bill 769 A](#), which would have restricted DHS jurisdiction of child abuse investigations to certain "qualified subject" individuals, such as parents, caregivers, or certain individuals over age 18. During consideration of the bill, committee members discussed the relationship between child abuse investigations and youth under age 18 who may exhibit problematic sexual behavior.

House Bill 4086 limits the duty of DHS to investigate reports of suspected child abuse to certain individuals and directs the System of Care Advisory Council to study the statewide response to children exhibiting problematic sexual behavior.