

**HB 4086 A STAFF MEASURE SUMMARY**

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

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**Action Date:** 02/19/24

**Action:** Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

**Vote:** 6-3-1-0

**Yeas:** 6 - Andersen, Hartman, Nelson, Neron, Nguyen H, Reynolds

**Nays:** 3 - Elmer, Hieb, Scharf

**Exc:** 1 - Cramer

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

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

**Meeting Dates:** 2/12, 2/19

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**WHAT THE MEASURE DOES:**

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

Detailed Summary

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

- Directs ODHS 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 ODHS and gaps or duplication of work in the state's response to child abuse;
  - determination of national best practices; and
  - recommendations for jurisdiction of child abuse investigations, amendments to child abuse definitions, other recommended national best practices, and interdisciplinary oversight of implementation of such changes.
- Requires ODHS to appoint an advisory committee to guide the study by advising the facilitator and specifies committee membership.
- Requires facilitator 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 ODHS to commission a study through a private facilitator of Oregon's response to children exhibiting problematic sexual behavior.
- 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.

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- Requires ODHS to appoint an advisory committee to guide the study and specifies committee membership.
- Requires facilitator 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.

### ISSUES DISCUSSED:

- Provisions of amendments
- Responsibility of various public agencies to investigate reports of abuse and neglect
- Role of outside facilitator
- Composition of advisory committees
- Timeline for study recommendations

### EFFECT OF AMENDMENT:

The amendment replaces the measure.

### BACKGROUND:

Under Oregon's child abuse reporting laws, compiled in ORS 419B.005 to 419B.050, the Department of Human Services (ODHS) 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 ODHS 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. ODHS 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 ODHS must conduct an investigation if law enforcement declines to investigate. The bill also expanded the role of ODHS 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 ODHS 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.