

JURISDICTION ADVISORY COMMITTEE

HB4086

EXECUTIVE SUMMARY

HB 4086 Scope of Jurisdiction Study

Findings and Recommendations

Produced by
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Executive Summary

Background

Oregon House Bill 4086, which passed in the 2024 82nd Legislative Assembly, commissioned "a study on the scope of child abuse investigations in this state". Two consultants with extensive child welfare experience—Sylvia Deporto and Leslie Ann Hay—were asked by Aprille Flint-Gerner, former Oregon Department of Human Services- Child Welfare Director, to carry out the study, facilitate an advisory committee, and produce a report with facilitators' findings and recommendations designed to improve child abuse investigation practice and processes.

Jurisdiction Advisory Committee

The HB 4086 Steering Committee used a rigorous selection process to assemble an advisory group consisting of agency professionals, organization leadership, and individuals with lived experience, from every corner of Oregon. Called the Jurisdiction Advisory Committee, or JAC, this group advised the facilitators in the development of findings and recommendations about the numerous topics relevant to the HB 4086 Jurisdiction Study's scope of work. Guiding the work of the JAC were several core documents and principles that provided direction and maintained focus, including community agreements, mission, and values.

Focus of Study & Methodology

Four significant domains of investigation were studied: Definitions, Scope of Jurisdiction, Investigation Process, and Due Process. In order to manage such a wide span of study topics, the facilitators implemented a comprehensive approach that offered a sequential process of information gathering and refinement. This methodology ensured that each issue received adequate attention, and also that JAC members could contribute their support or concern about emerging content. With each topic, the facilitators followed this overall sequence:

1. Define the Issue
2. Get Informed About the Issue
3. Settle on Findings
4. Craft Recommendations

Throughout the study, a vast network of people, organizations, and information sources were tapped using a variety of approaches to gathering stakeholder input. This

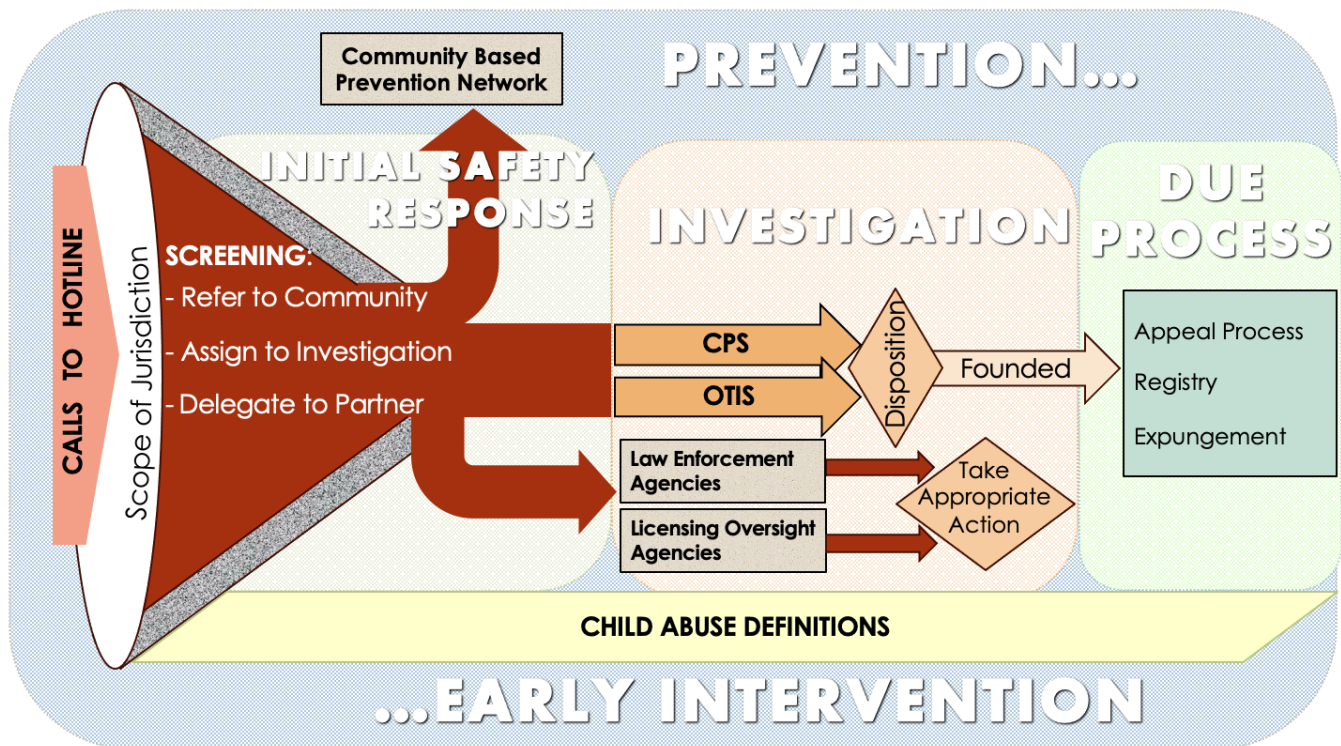
effort provided invaluable insight into a wide span of issues being studied. Out of this exploration and analysis, the facilitators charted a comprehensive, system-wide vision of a safety response system organized to more effectively address the needs of Oregon's children and families during child abuse investigations.

JAC members were given two opportunities to review and provide input regarding report contents. Facilitators utilized the input to revise and improve report narratives and recommendations. In addition, facilitators chose to move forward with viable recommendations without seeking unanimous agreement by all JAC members.

Child Abuse Investigation Landscape

Several critical findings emerged that required a modified context in which recommendations can be placed. Graphic 1 represents a possible future landscape for child abuse investigations:

Graphic 1: Child Abuse Investigation Landscape



In this environment, as with all Child Welfare child abuse investigations, the process begins with a call to the hotline, which starts the **initial safety response**. This marks the **scope of jurisdiction** which is filtered through a screening process that discerns the appropriate action. Four options are possible for reports where families may need assistance:

1. Close at screening and refer to community-based prevention organizations for services
2. Delegate to a relevant partner (as determined by case specifics) for appropriate action and either close at screening or assign/refer (if the allegations also constitute child abuse/neglect)
3. Assign to CPS for assessment, investigation, disposition and safety decision, or
4. Refer to OTIS (based on type of alleged perpetrator) for screening decision, investigation, and disposition

The **investigation** phase involves either CPS or OTIS determining a disposition (and safety decision in the CPS assessment process), and/or safety partners (i.e., law enforcement agencies or licensing oversight agencies) taking appropriate action. Finally, in the **due process** phase, persons exercise their right to file an appeal, while a balance between community safety and individual rights is maintained through registry and expungement considerations.

Recommendations

All of the recommendations resulting from the jurisdiction study have a home in this graphical representation of a possible child abuse investigation landscape. Recommendations are numbered and described below in Table 3.

Graphic 2: Child Abuse Investigation Landscape with Recommendations

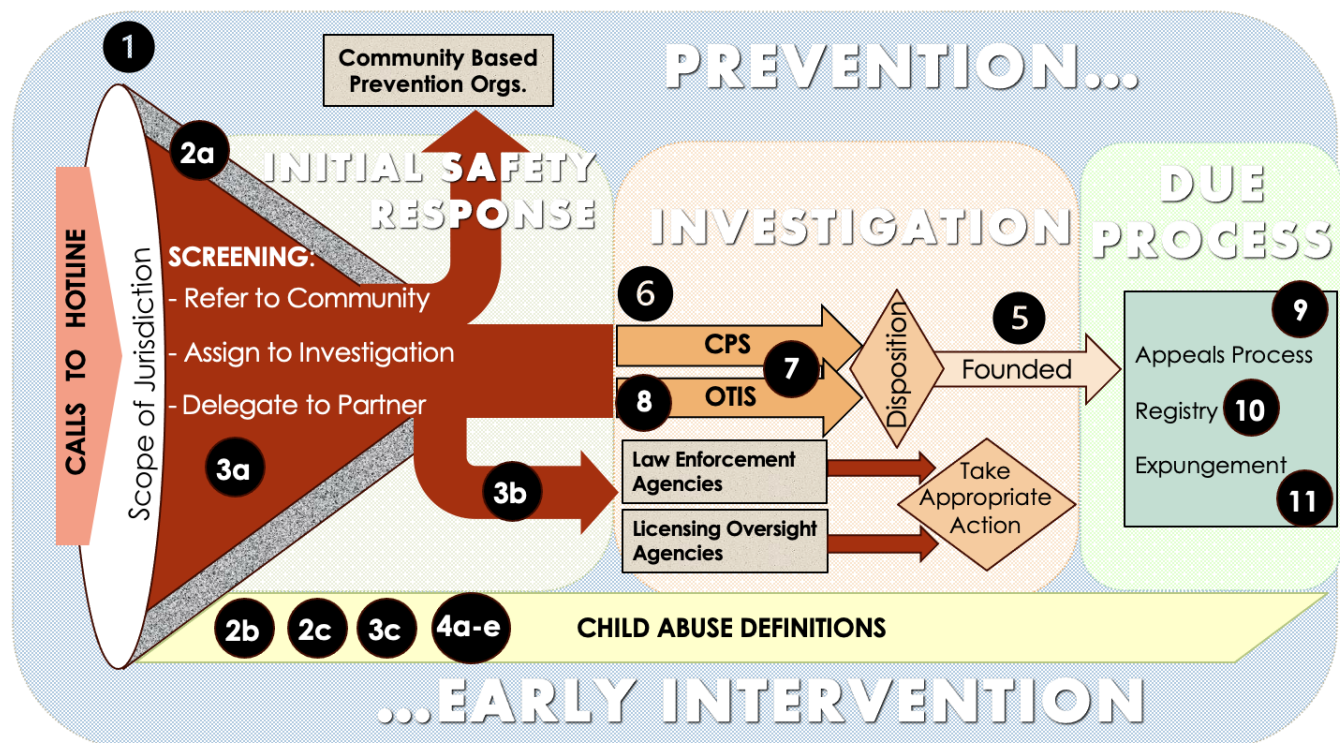


Table 3: Scope of Jurisdiction Recommendations

Recommendation	Description
1. Bring alternative pathways to scale	Expand community-based prevention network to formally respond to families in need of assistance.
2. Modify Scope of Jurisdiction for Child Welfare	
a. Narrow span of child welfare scope of jurisdiction	Allegations involving persons who do not have a caregiving role or any familiarity with the child would only be investigated by law enforcement.
b. Name perpetrators in statute	Clarify in statute who can be the subject of an allegation of child abuse to match the scope of jurisdiction.
c. Address child on child abuse	Children would no longer be alleged perpetrators of child abuse unless they are acting in a parental capacity, above a certain age acting in a caretaking role or under specific circumstances related to child trafficking.
3. Share Responsibility for Investigations	
a. Share responsibility for safety concerns	Lift statutory requirement that ODHS must issue dispositions on all screened in child abuse allegations
b. Allow certain investigations to be performed by other safety partners	Under specific conditions, ODHS has the discretion to defer investigations to LEA or appropriate licensing entities without completing a CPS investigation.
c. Use single terminology for dispositional findings	Both CPS and OTIS would use the terms “founded”, “unfounded”, and “unable to determine”.
4. Modify Child Abuse Definitions	
a. Account for 418 definitions in 419B	Streamline child abuse definitions into a single set.
b. Reclassify threat of harm definition	Include imminent risk language and distribute threat of harm content to standard child abuse categories.
c. Refine neglect definition	Amend neglect definition to include caregiver’s failure to provide adequate supervision and failure to provide adequate protection.
d. Add poverty exception to neglect definition	Add poverty exception language to the Neglect definition.
e. Remove seclusion & restraint as abuse types	Define wrongful restraint and involuntary seclusion as licensing violations, rather than child abuse in all settings.
5. Raise standard of proof for concluding child abuse investigations	Change the standard from reasonable cause to believe to preponderance of evidence.
6. Enhance client rights notification	Convene a work group to explore what rights should be provided to individuals at the beginning of a child welfare investigation.
7. Strengthen implementation of MDT best practices	Improve the consistency of MDT practice statewide by leveraging national best practices.
8. Extend SDM model to CPS & OTIS investigations	Promote more consistent and accurate investigation outcomes with the use of SDM tools. Explore possibility of SDM tools for OTIS.
9. Streamline appeal process	Simplify and consolidate the appeal process used for CPS and OTIS cases.
10. Establish child abuse registry	Create a more transparent and formalized repository of founded child abuse allegations.
11. Establish expungement protocol	Develop criteria and procedures for when expungement of founded allegations can occur.

Implementation Considerations

The recommendations on their own each point to a desired outcome: the route to achieving these outcomes is a well-crafted, strategically designed implementation plan. While it is beyond the scope of this report to create this plan, we've gleaned many insights about implementation through the course of the jurisdiction study and feel these fit well within a framework built on several principles of implementation science. This includes the following four distinct components of implementation planning:

1. Implementation Stages
2. Fidelity and Adaptation
3. Implementation Drivers
4. Continuous Improvement

Implementation considerations gathered throughout the scope of the jurisdiction study include those relevant to the overall implementation process as well as to individual recommendations. General implementation considerations that apply to the entirety of the jurisdiction recommendations include:

- Launching a work group to develop a comprehensive implementation plan to present at the 2027-29 long session.
- Involving JAC members and other committed partners and stakeholders in implementation work groups and committees.
- Incorporating timeframe (short, medium, or long-term efforts), cost, partnerships and efforts already underway when prioritizing implementation goals and timelines.

JAC members contributed many excellent suggestions when it comes to implementing specific recommendations. The broad range of perspectives among JAC members—from law enforcement to education, to behavioral health and community agency partners, and of course child welfare—led to a rich and insightful list of elements to keep front of mind when detailing out the steps to implement any of the recommendations. Among many specifics, there was a call for consistent and targeted training; coordination between law enforcement and child welfare; specific stipulations for licensing; and several areas needing robust exploration by collaborative effort before implementation can be planned.

Conclusion

The HB 4086 Jurisdiction Advisory Committee (JAC) has undertaken a comprehensive study to strengthen Oregon's child welfare/OTIS child abuse investigation processes, with a core focus on child safety. Through rigorous analysis and collaboration with a diverse group of stakeholders, the JAC has developed a set of recommendations aimed at improving the effectiveness and efficiency of child abuse investigations in Oregon.

Key recommendations include expanding community-based prevention networks, narrowing the scope of jurisdiction for child welfare, and sharing responsibility for safety concerns with law enforcement and other relevant agencies. The JAC also emphasizes the importance of using a single set of dispositional findings, modifying child abuse definitions to include imminent risk language, and enhancing client rights notification.

The implementation of these recommendations will require careful planning and collaboration among various agencies and community partners. By adopting these changes, Oregon can create a more responsive and effective child protection system that prioritizes the safety and well-being of children and families.

The JAC's work reflects a commitment to continuous improvement and a dedication to ensuring that all children in Oregon are protected from harm. The recommendations provided in this report offer a clear path forward for enhancing the state's child abuse investigation processes and ultimately achieving better outcomes for children and families.