

# JURISDICTION ADVISORY COMMITTEE

**HB4086**

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## **Scope of Jurisdiction**

## **Presentation to Legislature**

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September 29, 2025

# Our Mission

Strengthen Oregon's child abuse investigation process with a focus on child safety and collaboratively develop specific recommendations that prioritize the protection and well-being of children while also:

- Reflecting the desires of the community, Tribes, child welfare staff, system partners and child and family serving providers
- Incorporating the latest trauma-informed research on safety, equity and family support to promote resilient children and families
- Ensuring Oregon's investigation system is aligned across systems, and is strength-based and culturally responsive to children, families, communities and Tribes

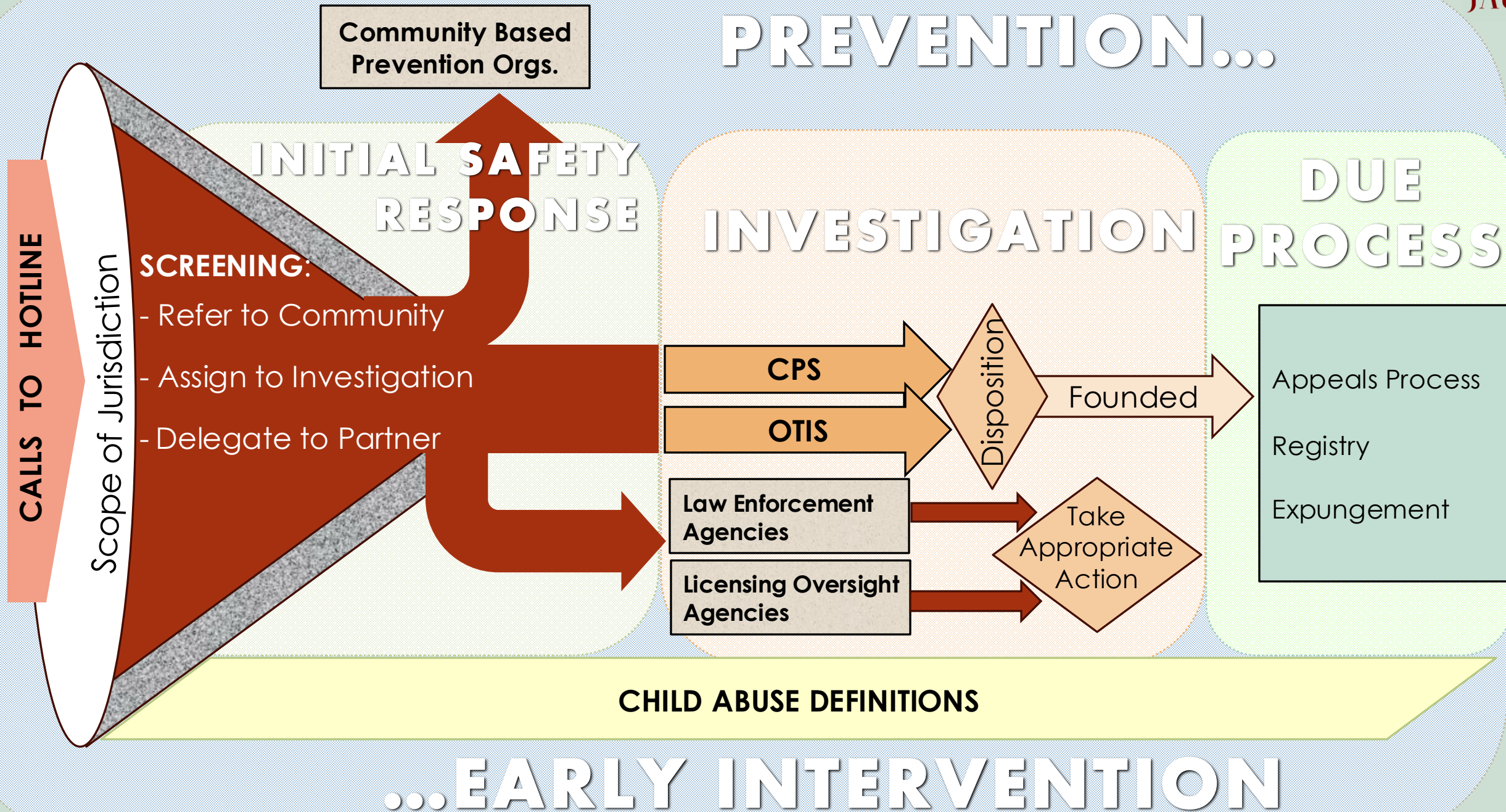
# Methodology

## FOUR DOMAINS OF EXPLORATION

Definitions	Investigation Process
Scope of Jurisdiction	Due Process

## SEQUENCE OF INFORMATION GATHERING





# Prevention & Early Intervention

RECOMMENDATION	DESCRIPTION
<b>Bring alternative pathways to scale</b>	<ul style="list-style-type: none"><li>• Expand community-based prevention network to formally respond to families in need of assistance.</li><li>• Expand availability of alternative response resources and services for families not requiring full scope CW intervention.</li></ul>

# Initial Safety Response

RECOMMENDATION	DESCRIPTION
<b>Modify Scope of Jurisdiction for Child Welfare</b>	
<b>Narrow span of child welfare scope of jurisdiction</b>	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</b>	Clarify in statute who can be the subject of an allegation of child abuse to match the scope of jurisdiction.
<b>Address child on child abuse</b>	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.

# Initial Safety Response, con't

RECOMMENDATION	DESCRIPTION
<b>Share Responsibility for Investigations</b>	
<b>Share responsibility for safety concerns</b>	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</b>	Under specific conditions, ODHS has the discretion to defer investigations to LEA or appropriate licensing entities without completing a CPS investigation.
<b>Use single terminology for dispositional findings</b>	Both CPS and OTIS would use the terms “founded”, “unfounded”, and “unable to determine”.



# Child Abuse Definitions

RECOMMENDATION	DESCRIPTION
<b>Account for 418 definitions in 419B</b>	Streamline child abuse definitions into a single set.
<b>Reclassify threat of harm definition</b>	Include imminent risk language and distribute threat of harm content to standard child abuse categories.
<b>Refine neglect definition</b>	Amend neglect definition to include caregiver's failure to provide adequate supervision and failure to provide adequate protection.
<b>Add poverty exception to neglect definition</b>	Add poverty exception language to the Neglect definition.
<b>Remove seclusion &amp; restraint as abuse types</b>	Define wrongful restraint and involuntary seclusion as licensing violations, rather than child abuse in all settings.



# Investigation

RECOMMENDATION	DESCRIPTION
<b>Raise standard of proof for concluding child abuse investigations</b>	Change the standard from reasonable cause to believe to preponderance of evidence.
<b>Enhance client rights notification</b>	Convene a work group to explore what rights should be provided to individuals at the beginning of a child welfare investigation.
<b>Strengthen implementation of MDT best practices</b>	Improve the consistency of MDT practice statewide by leveraging national best practices.
<b>Extend SDM model to CPS &amp; OTIS investigations</b>	Promote more consistent and accurate investigation outcomes with the use of SDM tools. Explore possibility of SDM tools for OTIS.

# Due Process

RECOMMENDATION	DESCRIPTION
<b>Streamline appeal process</b>	Simplify and consolidate the appeal process used for CPS and OTIS cases.
<b>Establish child abuse registry</b>	Create a more transparent and formalized repository of founded child abuse allegations.
<b>Establish expungement protocol</b>	Develop criteria and procedures for when expungement of founded allegations can occur.

# Implementation Considerations

- ➡ Launching a work group to develop a detailed plan.
- ➡ Ensuring collaboration across agencies and sectors.
- ➡ Prioritizing actions based on cost, partnerships, and existing efforts.
- ➡ Providing targeted training and maintaining strong coordination.

# Q&A