

Health and Human Services Committee – Jurisdiction Advisory Committee

Question 1: Scope of the legislation and scope of child abuse investigations- did this study have to be so extensive?

The first page of HB 4086 is specific to the jurisdiction study and outlines what should be explored in the study:

“The study must at a minimum:

- (a) Identify the current scope of mandatory child abuse investigations that must be conducted by the Department of Human Services.
- (b) Identify gaps or duplication of work in the state’s response to concerns of child abuse.
- (c) Determine the national best practices on trauma-informed child abuse jurisdiction, child abuse definitions, child abuse investigations, child abuse multidisciplinary teams and due process”.

“The facilitator’s recommendations must at a minimum describe or propose:

- (a) Recommended jurisdiction of child abuse investigations conducted by the department.
- (b) Recommended amendments to child abuse definitions.
- (c) Other recommended national best practices for investigations of child abuse by the department.
- (d) Recommendations for the ongoing interdisciplinary oversight of the facilitator’s findings and implementation of the facilitator’s recommendations”.

Question 2: Recommendation 2A-Where would abuse by a teacher fall?

Teachers are included in a caregiver role so they would be included in responsibility for ODHS child abuse investigations. These investigations of individuals in caregiving roles would be the responsibility of ODHS and law enforcement jointly as appropriate. This information can be found on page 34 of the report.

The recommendation is to remove the responsibility of non-caregiver “third party” investigations from ODHS responsibility and have those be the responsibility of law enforcement.

Question 3: How did law enforcement feel about this recommendation?

The law enforcement representatives that were part of the JAC agreed with this recommendation, however that is not to conclude that they speak for all LEAs.

Question 4: “Concern about the impact in changing the standard of proof and law enforcement would have a different standard of proof”.

The recommendation is to raise the standard of proof for **disposition** from “Reasonable Cause to Believe” to “Preponderance of Evidence”. Page 45 of the report. The Bipartisan Policy Center stated in their report titled: [Statutory Analysis Pursuant to Oregon HB4086 Regarding ODHS Jurisdiction](#), that Oregon is one of only six states to use the standard of “reasonable cause to believe” for **disposition**. Twenty-seven states require a preponderance of the evidence standard and eight states use credible or substantial evidence as a standard for **disposition**”.

The standard of “reasonable cause to believe” is applicable when making a report to child welfare to begin an investigation. Law enforcement uses the reasonable cause to believe standard for initiating reports and investigations into child abuse cases. This would also be the same standard that is used by mandated reporters. To clarify, we are not recommending changing the standard at the point of making a report to child welfare by law enforcement or mandated reporters.

The recommendation is to change the standard of proof for dispositional findings by ODHS for all child abuse investigations. Raising the standard for founding of dispositions would also align with the burden of proof required for dependency jurisdiction which requires the facts alleged in the petition, unless admitted, must be established by a preponderance of competent evidence or, if the child is an Indian child, by clear and convincing competent evidence (ORS 418B.310 (3)).

Raising the standard of proof for ODHS child abuse dispositional findings does not impact law enforcement’s use of the reasonable cause to believe standard to report to child welfare a suspected child abuse case.

The request for data associated with states that have recently changed their standard of proof, how that has impacted their substantiation and appeal rates and their outcomes for children is an ask that is not easy to obtain. There is no publicly available information regarding which states have, within a recent time period, changed the standard of proof and then captured the data on changes to substantiation or appeal rates or child outcomes.

Health and Human Services Committee – CECSB Committee

Question 1: On Slide 3 of your presentation, you included a statistic that 1/3 to 1/2 of child sexual abuse cases are child-initiated. Is this a national statistic, or Oregon specific? If it is national, do you have that statistic at the state level? If not, could you provide the number of child-initiated sexual abuse cases in Oregon, and a description of the data limitations you mentioned in committee?

Nationally, the prevalence of PSB is difficult to quantify due to inconsistent definitions and varied reporting systems. National estimates show that approximately one-third to one-half of all child sexual abuse cases are committed by other youth, with a little under 30 percent of these cases committed by children who are ages twelve years and under. Within Oregon, looking solely at the data provided ODHS by way of Child Welfare, 10-12 % of founded sex

abuse cases in Oregon are against another child. However, it is important to note that this is an underestimation for a few reasons:

1. In regard to younger children demonstrating CSB/PSB, child welfare is more likely assessing the parents lack of supervision vs. the child as a perpetrator of sex abuse.
2. Research on adult survivors indicate that the majority of child sexual abuse victims actually don't disclose the abuse in childhood, or it doesn't result in a formal report and investigation by CPS/LEA.
3. This data point of 10-12% only includes Child welfare and only includes those cases where the founded perpetrator was a minor and the allegation was sex abuse. Currently, there is no statewide system within Oregon that captures data across each system. In a report we developed earlier this year that is linked within the appendix of the final report submitted to the legislatures titled: HB4086 - Children and Adolescents Exhibiting Complex Sexual Behavior: A review of services, interventions, and system responses, a small fraction of the data available across the state was captured by our committee.
 - County Juvenile Departments and Oregon Youth Authority (OYA) serve a small sub population of youth who have charges, and they rarely engage with children under 12.
 - Child Advocacy Centers (CACs) engage more frequently with children ages 12 and under, but also serve youth under age 18. The focus of CACs is on the impacted child of sexual abuse. If the initiating child that has exhibited problematic sexual behaviors is in the home, data is collected on them as well and resources offered, but this is not a complete picture.
 - Of the 36 counties within Oregon, there are only 4 Multidisciplinary teams that focus on PSB, and their data collection measures vary.
 - Also, some Oregon Schools have very active SIRC teams (sexual incident response committees) who can provide data, but others do not have the resources and infrastructure to do so.

The limitations to collecting CSB and PSB data were due to confidentiality barriers around the CECSB facilitators not representing an entity that could be given access to the information, a difference of data collection methodologies across sectors (i.e., the 2 PSB MDTs facilitated by the District Attorney's office are not required to capture data the same way the 2 PSB MDT's facilitated by CACs are), and time barriers, as this report was researched and presented within 3 months to meet the ODHS timelines provided.

To conclude, Oregon would benefit from creating an MOU that allows for data sharing across sectors, a uniform data collection system implemented statewide to better quantify the prevalence of CSB and PSB, and to appoint an oversight or organizing body, such as Oregon Health Authority.

Question 2: You shared some data that you collected from OYA, ODHS, OHA, and CACs. Can you provide a written summary of this data and your data collection methodology?

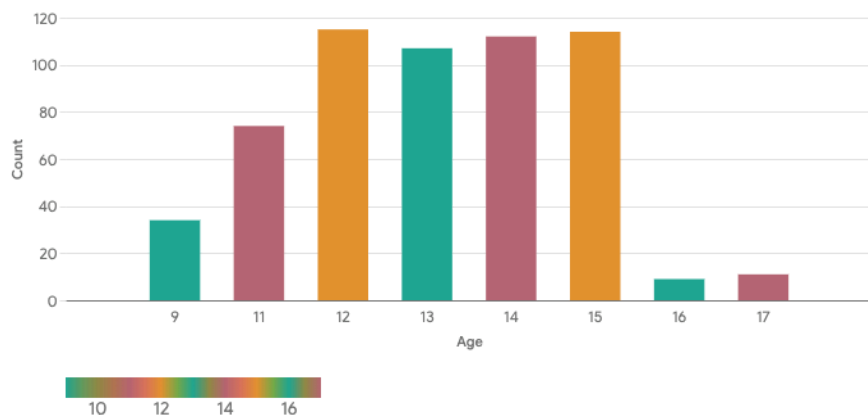
During the presentation we referenced additional data pulled from our earlier [HB4086 Report: Children and Adolescents Exhibiting Complex Sexual Behaviors: A Review of Services](#).

[Interventions, and System Responses](#) that is located in the appendix of the HB406 CECSB Committee Final Report submitted to the legislative committee. This earlier report was not a mandate of HB4086, but rather a contractual request by ODHS for the CECSB facilitators to provide an informative tool for the HB4086 CECSB Committee to aid in discussion around recommendations needed to build a trauma informed pathway for children ages 0-17 in Oregon. The data collection process involved securing data internally by CECSB Committee members who provided data presentations to the full committee (e.g., Debbie Martin from OYA, Justine Kovak from Clackamas County CAC, & Jennifer Johnson from ODE). The facilitators inquired from CECSB Committee members who else could contribute data sets and warm introductions were made to other school and CAC partners. OHDS also made connections to Shelly Smith and Pamela Heisler from Oregon Child Abuse Solutions to provide data collected on child sexual abuse investigated by Child Welfare.

Data Excerpts from the report: ODHS plays a key role in advancing child welfare and youth development through its comprehensive efforts to track investigations of child abuse and neglect. Data is provided below over the course of a 5-year period (2018 - 2023) that captures the rate of children/youth ages 11 through 17 that have been substantiated (investigated and legally confirmed by child welfare) to have committed child sexual abuse against another child. There were a total of 2,013 referrals for sexual abuse received and assessed by ODHS over a five year period (2018 - 2023). Of those 2,013 referrals, 547 children (youth under the age of 18) were substantiated against for child sexual abuse.

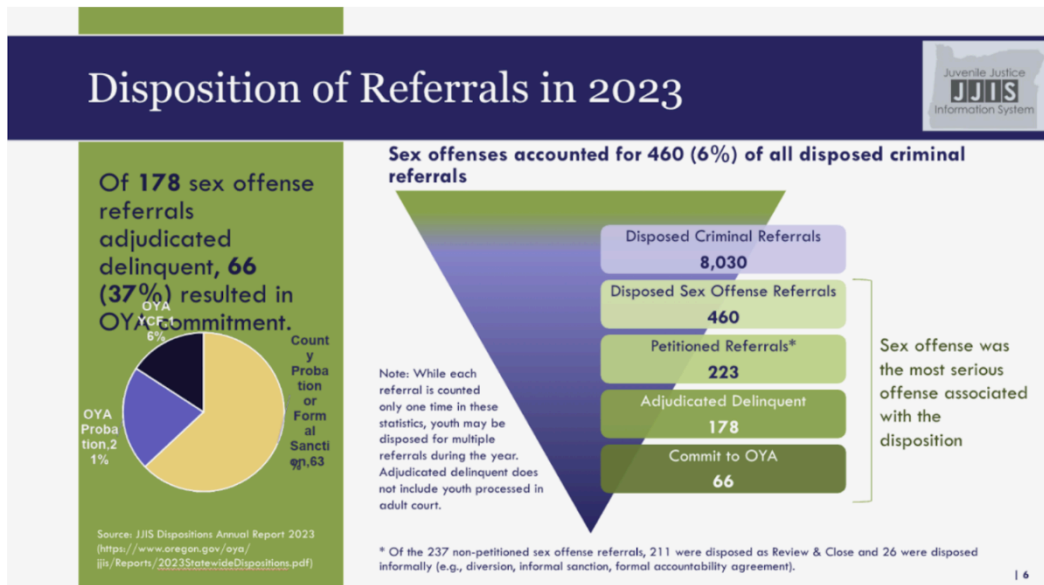
Distinct Count of Children Substantiated as a Perpetrator of at Least One Founded Allegation of Sexual Abuse during 2018-2023 by Age at the Time of the Report (n547)

Distinct Count of Children Identified as a Perpetrator of at Least One Founded Allegation of Sexual Abuse during 2018-2023 by Age at the Time of the Report (n547)



In 2023, there were 8,030 Disposed Criminal Referrals. Sex offenses accounted for 460 or 6% of all disposed criminal referrals. 178 of those youth were adjudicated delinquent for sex offenses and 66 of those youth (37%) were detained within OYA while the remaining youth were served through county level juvenile justice departments.

OREGON YOUTH AUTHORITY (OYA) DATA



Over the 5-year period of 2018 - 2023, Oregon Child Advocacy Centers (CACs) received 1,692 total referrals where the alleged perpetrator of sexual abuse was another minor. The majority of these cases were familial related, meaning that the alleged perpetrator was a relative of the child that experienced abuse.

OREGON CHILD ADVOCACY CENTERS

Perpetrators under the age of 18, with abuse type of sexual abuse					
2018	2019	2020	2021	2022	2023
315	301	271	285	257	263

Additionally, within Oregon, there are 36 counties, but only 5 county level PSB MDT's, 4 of which are still active - Yamhill County, Clackamas County, Washington County, and Marion County. Yamhill and Clackamas County provided data sets for our Committee's review as these two counties are required to capture data since they are facilitated by CACs. Below is a snapshot of Yamhill County's PSB MDT data with the notation that it is subset of what is presented above within the larger CAC data.

Youth Initiating Problematic Behavior: Age Demographics (2020 - 2024)

AGE AT REFERRAL	2020	2021	2022	2023	2024	TOTAL
Unknown	0	2	1	3	0	6
0-4	1	0	0	2	0	3
5-6	1	3	5	14	9	32
7-8	3	7	7	10	4	31
9-10	2	2	5	10	8	27
11-12	4	1	6	11	5	27
13-14	2	4	5	6	6	23
15 and over	3	6	8	8	7	32
GRAND TOTAL	16	25	37	64	39	181

Question 3: Did you find that initiating youth or children had also experienced abuse or trauma? Can you share any data related to this question?

Across the literature there is an emphasis for interventions for children and youth exhibiting CSB and PSB to have a trauma-informed lens, and begin during early signs of complex sexual behavior. Research conducted by Vizard and colleagues (2007) determined that difficulties within the family environment were present for all young people in their sample. Concurrent with the data provided by the Oregon Youth Authority below, 92% of children exhibiting PSB through Vizard's research had suffered neglect, witnessed domestic violence, or experienced one form of abuse (sexual, physical, or emotional). In the majority of cases this maltreatment began before they were six years old, and persisted for a number of years before any interventions were made.

Below is a graphic that captures the Adverse Childhood Experience (ACEs) history of the youth detained at OYA [HB4086 Report: Children and Adolescents Exhibiting Complex Sexual Behaviors: A Review of Services, Interventions, and System Responses](#)

OREGON YOUTH AUTHORITY (OYA) DATA



Question 4: You mentioned in your presentation that you had published an earlier initial report. Is that this [report](#)? Were the initial report and the [final report dated August 31, 2025](#), emailed to the legislators? HB 4086 requires the report to be submitted as outlined in ORS 192.245. The report linked is the [HB4086 Report: Children and Adolescents Exhibiting Complex Sexual Behaviors: A Review of Services, Interventions, and System Responses](#) report. It is the informative report cited and linked in the appendix of the [HB4086 final report](#). The informative report was not a part of the HB4086 study mandate. The informative report was prepared and submitted in March 2025 at the request of ODHS for the HB4086 Committee members.

Per HB 4086 and ORS 192.245, we submitted the materials as follows on September 26, 2025:

- Executive Summary (≤2 pages): Emailed to all members of the Legislative Assembly using the member distribution list.
- Full Report: Emailed to the Legislative Administrator at legislative.reports@oregonlegislature.gov for online publication.
- Committee submission (if applicable): Emailed both the summary and the full report to the Chair/Co-Chairs, all committee members, and cc'd current committee staff.

We can also provide the email confirmations showing the September 26, 2025 transmittals if requested.