

LC 266
2026 Regular Session
1/5/26 (LAS/ps)

D R A F T

SUMMARY

Digest: The Act changes what “threatened harm” means when talking about hurting a child. It says that DHS can only look into some reports of child abuse. It also makes a rule for how certain reports of child abuse are resolved.

It is an emergency law and starts right away. (Flesch Readability Score: 77.9).

Modifies the definition of “threatened harm” for purposes of determining whether a child has been abused.

Limits the investigative jurisdiction of the Department of Human Services to investigate certain reports of child abuse.

Creates a statutory substantiation standard for certain reports of alleged child abuse.

Declares an emergency, effective on passage.

1 A BILL FOR AN ACT

2 Relating to child abuse; creating new provisions; amending ORS 339.389,
3 409.185, 419B.005, 419B.015, 419B.020, 419B.026 and 419B.030; and declaring
4 an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 7 THREATENED HARM 8

9 **SECTION 1.** ORS 419B.005 is amended to read:

10 419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
11 quires otherwise:

12 (1)(a) “Abuse” means:

13 (A) Any assault, as defined in ORS chapter 163, of a child and any phys-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 ical injury to a child that has been caused by other than accidental means,
2 including any injury that appears to be at variance with the explanation
3 given of the injury.

4 (B) Any mental injury to a child, which shall include only cruel or
5 unconscionable acts or statements made, or threatened to be made, to a child
6 if the acts, statements or threats result in severe harm, **as defined in ORS**
7 **419B.150**, to the child's psychological, cognitive, emotional or social well-
8 being and functioning.

9 (C) Rape of a child, which includes but is not limited to rape, sodomy,
10 unlawful sexual penetration and incest, as those acts are described in ORS
11 chapter 163.

12 (D) Sexual abuse, as described in ORS chapter 163.

13 (E) Sexual exploitation, including but not limited to:

14 (i) Contributing to the sexual delinquency of a minor, as defined in ORS
15 chapter 163, and any other conduct that allows, employs, authorizes, permits,
16 induces or encourages a child to engage in the performing for people to ob-
17 serve or the photographing, filming, tape recording or other exhibition that,
18 in whole or in part, depicts sexual conduct or contact, as defined in ORS
19 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
20 child or rape of a child, but not including any conduct that is part of any
21 investigation conducted pursuant to ORS 419B.020 or that is designed to
22 serve educational or other legitimate purposes; and

23 (ii) Allowing, permitting, encouraging or hiring a child to engage in
24 prostitution as described in ORS 167.007 or a commercial sex act as defined
25 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
26 or to engage in commercial sexual solicitation as described in ORS 167.008.

27 (F) Negligent treatment or maltreatment of a child, including but not
28 limited to the failure to provide adequate food, clothing, shelter or medical
29 care that is likely to endanger the health or welfare of the child.

30 *[(G) Threatened harm to a child, which means subjecting a child to a
31 substantial risk of harm to the child's health or welfare.]*

1 **(G) Threatened harm to a child, which means subjecting a child to**
2 **an imminent risk of severe harm, as defined in ORS 419B.150, to the**
3 **child's health or welfare.**

4 (H) Buying or selling a person under 18 years of age as described in ORS
5 163.537.

6 (I) Permitting a person under 18 years of age to enter or remain in or
7 upon premises where methamphetamines are being manufactured.

8 (J) Unlawful exposure to a controlled substance, as defined in ORS
9 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
10 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
11 the child's health or safety.

12 (K) The restraint or seclusion of a child in violation of ORS 339.285,
13 339.288, 339.291, 339.303 or 339.308.

14 (L) The infliction of corporal punishment on a child in violation of ORS
15 339.250 (9).

16 (b) "Abuse" does not include reasonable discipline unless the discipline
17 results in one of the conditions described in paragraph (a) of this subsection.

18 (2) "Child" means an unmarried person who:

19 (a) Is under 18 years of age; or
20 (b) Is a child in care, as defined in ORS 418.257.

21 (3) "Higher education institution" means:

22 (a) A community college as defined in ORS 341.005;
23 (b) A public university listed in ORS 352.002;
24 (c) The Oregon Health and Science University; and
25 (d) A private institution of higher education located in Oregon.

26 (4)(a) "Investigation" means a detailed inquiry into or assessment of the
27 safety of a child alleged to have experienced abuse.

28 (b) "Investigation" does not include screening activities conducted upon
29 the receipt of a report.

30 (5) "Law enforcement agency" means:

31 (a) A city or municipal police department.

- 1 (b) A county sheriff's office.
- 2 (c) The Oregon State Police.
- 3 (d) A police department established by a university under ORS 352.121 or
- 4 353.125.
- 5 (e) A county juvenile department.
- 6 (6) "Public or private official" means:
 - 7 (a) Physician or physician associate licensed under ORS chapter 677 or
 - 8 naturopathic physician, including any intern or resident.
 - 9 (b) Dentist.
 - 10 (c) School employee, including an employee of a higher education insti-
 - 11 tution.
 - 12 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's
 - 13 aide, home health aide or employee of an in-home health service.
 - 14 (e) Employee of the Department of Human Services, Oregon Health Au-
 - 15 thority, Department of Early Learning and Care, Department of Education,
 - 16 Youth Development Division, the Oregon Youth Authority, a local health
 - 17 department, a community mental health program, a community develop-
 - 18 mental disabilities program, a county juvenile department, a child-caring
 - 19 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
 - 20 ment program.
- 21 (f) Peace officer.
- 22 (g) Psychologist.
- 23 (h) Member of the clergy.
- 24 (i) Regulated social worker.
- 25 (j) Optometrist.
- 26 (k) Chiropractor.
- 27 (l) Certified provider of foster care, or an employee thereof.
- 28 (m) Attorney.
- 29 (n) Licensed professional counselor.
- 30 (o) Licensed marriage and family therapist.
- 31 (p) Firefighter or emergency medical services provider.

- 1 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 2 (r) Child care provider registered or certified under ORS 329A.250 to
- 3 329A.450.
- 4 (s) Elected official of a branch of government of this state or a state
- 5 agency, board, commission or department of a branch of government of this
- 6 state or of a city, county or other political subdivision in this state.
- 7 (t) Physical, speech or occupational therapist.
- 8 (u) Audiologist.
- 9 (v) Speech-language pathologist.
- 10 (w) Employee of the Teacher Standards and Practices Commission directly
- 11 involved in investigations or discipline by the commission.
- 12 (x) Pharmacist.
- 13 (y) Operator of a preschool recorded program under ORS 329A.255.
- 14 (z) Operator of a school-age recorded program under ORS 329A.255.
- 15 (aa) Employee of a private agency or organization facilitating the pro-
- 16 vision of respite services, as defined in ORS 418.205, for parents pursuant to
- 17 a properly executed power of attorney under ORS 109.056.
- 18 (bb) Employee of a public or private organization providing child-related
- 19 services or activities:
 - 20 (A) Including but not limited to an employee of a:
 - 21 (i) Youth group or center;
 - 22 (ii) Scout group or camp;
 - 23 (iii) Summer or day camp;
 - 24 (iv) Survival camp; or
 - 25 (v) Group, center or camp that is operated under the guidance, super-
 - 26 vision or auspices of a religious, public or private educational system or a
 - 27 community service organization; and
- 28 (B) Excluding an employee of a qualified victim services program as de-
- 29 fined in ORS 147.600 that provides confidential, direct services to victims of
- 30 domestic violence, sexual assault, stalking or human trafficking.
- 31 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or

- 1 professional athlete, if compensated and if the athlete is a child.
- 2 (dd) Personal support worker, as defined in ORS 410.600.
- 3 (ee) Home care worker, as defined in ORS 410.600.
- 4 (ff) Animal control officer, as defined in ORS 609.500.
- 5 (gg) Member of a school district board, an education service district board
- 6 or a public charter school governing body.
- 7 (hh) Individual who is paid by a public body, in accordance with ORS
- 8 430.215, to provide a service identified in an individualized service plan of a
- 9 child with a developmental disability.
- 10 (ii) Referral agent, as defined in ORS 418.351.
- 11 (jj) Parole and probation officer, as defined in ORS 181A.355.
- 12 (kk) Behavior analyst or assistant behavior analyst licensed under ORS
- 13 676.810 or behavior analysis interventionist registered by the Health Licens-
- 14 ing Office under ORS 676.815.
- 15 (LL) Massage therapist, as defined in ORS 687.011.

SECTION 2. ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, section 65, chapter 73, Oregon Laws 2024, and section 10, chapter 308, Oregon Laws 2025, is amended to read:

419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
quires otherwise:

(1)(a) “Abuse” means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that has been caused by other than accidental means, including any injury that appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only cruel or unconscionable acts or statements made, or threatened to be made, to a child if the acts, statements or threats result in severe harm, **as defined in ORS 419B.150**, to the child’s psychological, cognitive, emotional or social well-being and functioning.

(C) Rape of a child, which includes but is not limited to rape, sodomy,

1 unlawful sexual penetration and incest, as those acts are described in ORS
2 chapter 163.

3 (D) Sexual abuse, as described in ORS chapter 163.

4 (E) Sexual exploitation, including but not limited to:

5 (i) Contributing to the sexual delinquency of a minor, as defined in ORS
6 chapter 163, and any other conduct that allows, employs, authorizes, permits,
7 induces or encourages a child to engage in the performing for people to ob-
8 serve or the photographing, filming, tape recording or other exhibition that,
9 in whole or in part, depicts sexual conduct or contact, as defined in ORS
10 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
11 child or rape of a child, but not including any conduct that is part of any
12 investigation conducted pursuant to ORS 419B.020 or that is designed to
13 serve educational or other legitimate purposes; and

14 (ii) Allowing, permitting, encouraging or hiring a child to engage in
15 prostitution as described in ORS 167.007 or a commercial sex act as defined
16 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
17 or to engage in commercial sexual solicitation as described in ORS 167.008.

18 (F) Negligent treatment or maltreatment of a child, including but not
19 limited to the failure to provide adequate food, clothing, shelter or medical
20 care that is likely to endanger the health or welfare of the child.

21 *[(G) Threatened harm to a child, which means subjecting a child to a
22 substantial risk of harm to the child's health or welfare.]*

23 **(G) Threatened harm to a child, which means subjecting a child to
24 an imminent risk of severe harm, as defined in ORS 419B.150, to the
25 child's health or welfare.**

26 (H) Buying or selling a person under 18 years of age as described in ORS
27 163.537.

28 (I) Permitting a person under 18 years of age to enter or remain in or
29 upon premises where methamphetamines are being manufactured.

30 (J) Unlawful exposure to a controlled substance, as defined in ORS
31 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-

1 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
2 the child's health or safety.

3 (K) The infliction of corporal punishment on a child in violation of ORS
4 339.250 (9).

5 (b) "Abuse" does not include reasonable discipline unless the discipline
6 results in one of the conditions described in paragraph (a) of this subsection.

7 (2) "Child" means an unmarried person who:

8 (a) Is under 18 years of age; or

9 (b) Is a child in care, as defined in ORS 418.257.

10 (3) "Higher education institution" means:

11 (a) A community college as defined in ORS 341.005;

12 (b) A public university listed in ORS 352.002;

13 (c) The Oregon Health and Science University; and

14 (d) A private institution of higher education located in Oregon.

15 (4)(a) "Investigation" means a detailed inquiry into or assessment of the
16 safety of a child alleged to have experienced abuse.

17 (b) "Investigation" does not include screening activities conducted upon
18 the receipt of a report.

19 (5) "Law enforcement agency" means:

20 (a) A city or municipal police department.

21 (b) A county sheriff's office.

22 (c) The Oregon State Police.

23 (d) A police department established by a university under ORS 352.121 or
24 353.125.

25 (e) A county juvenile department.

26 (6) "Public or private official" means:

27 (a) Physician or physician associate licensed under ORS chapter 677 or
28 naturopathic physician, including any intern or resident.

29 (b) Dentist.

30 (c) School employee, including an employee of a higher education insti-
31 tution.

1 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's
2 aide, home health aide or employee of an in-home health service.

3 (e) Employee of the Department of Human Services, Oregon Health Au-
4 thority, Department of Early Learning and Care, Department of Education,
5 Youth Development Division, the Oregon Youth Authority, a local health
6 department, a community mental health program, a community develop-
7 mental disabilities program, a county juvenile department, a child-caring
8 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
9 ment program.

10 (f) Peace officer.

11 (g) Psychologist.

12 (h) Member of the clergy.

13 (i) Regulated social worker.

14 (j) Optometrist.

15 (k) Chiropractor.

16 (L) Certified provider of foster care, or an employee thereof.

17 (m) Attorney.

18 (n) Licensed professional counselor.

19 (o) Licensed marriage and family therapist.

20 (p) Firefighter or emergency medical services provider.

21 (q) Court appointed special advocate, as defined in ORS 419A.004.

22 (r) Child care provider registered or certified under ORS 329A.250 to
23 329A.450.

24 (s) Elected official of a branch of government of this state or a state
25 agency, board, commission or department of a branch of government of this
26 state or of a city, county or other political subdivision in this state.

27 (t) Physical, speech or occupational therapist.

28 (u) Audiologist.

29 (v) Speech-language pathologist.

30 (w) Employee of the Teacher Standards and Practices Commission directly
31 involved in investigations or discipline by the commission.

- 1 (x) Pharmacist.
- 2 (y) Operator of a preschool recorded program under ORS 329A.255.
- 3 (z) Operator of a school-age recorded program under ORS 329A.255.
- 4 (aa) Employee of a private agency or organization facilitating the pro-
5 vision of respite services, as defined in ORS 418.205, for parents pursuant to
6 a properly executed power of attorney under ORS 109.056.
- 7 (bb) Employee of a public or private organization providing child-related
8 services or activities:
 - 9 (A) Including but not limited to an employee of a:
 - 10 (i) Youth group or center;
 - 11 (ii) Scout group or camp;
 - 12 (iii) Summer or day camp;
 - 13 (iv) Survival camp; or
 - 14 (v) Group, center or camp that is operated under the guidance, super-
15 vision or auspices of a religious, public or private educational system or a
16 community service organization; and
- 17 (B) Excluding an employee of a qualified victim services program as de-
18 fined in ORS 147.600 that provides confidential, direct services to victims of
19 domestic violence, sexual assault, stalking or human trafficking.
- 20 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or
21 professional athlete, if compensated and if the athlete is a child.
- 22 (dd) Personal support worker, as defined in ORS 410.600.
- 23 (ee) Home care worker, as defined in ORS 410.600.
- 24 (ff) Animal control officer, as defined in ORS 609.500.
- 25 (gg) Member of a school district board, an education service district board
26 or a public charter school governing body.
- 27 (hh) Individual who is paid by a public body, in accordance with ORS
28 430.215, to provide a service identified in an individualized service plan of a
29 child with a developmental disability.
- 30 (ii) Referral agent, as defined in ORS 418.351.
- 31 (jj) Parole and probation officer, as defined in ORS 181A.355.

1 (kk) Behavior analyst or assistant behavior analyst licensed under ORS
2 676.810 or behavior analysis interventionist registered by the Health Licens-
3 ing Office under ORS 676.815.

4 (LL) Massage therapist, as defined in ORS 687.011.

5

INVESTIGATIVE JURISDICTION

7

8 **SECTION 3.** ORS 419B.015 is amended to read:

9 419B.015. (1)(a) A person making a voluntary report of child abuse shall
10 make an oral report to the Department of Human Services by telephone to
11 the child abuse reporting hotline described in ORS 418.190 or to a law
12 enforcement agency within the county where the person making the report
13 is located at the time of the contact. A person making a report of child abuse
14 that is required by ORS 419B.010 shall make the report to the department
15 through the centralized child abuse reporting system described in ORS
16 418.190 or to a law enforcement agency within the county where the person
17 making the report is located at the time of the contact. The report must
18 contain, if known, the names and addresses of the child and the parents of
19 the child or other persons responsible for care of the child, the child's age,
20 the nature and extent of the abuse, including any evidence of previous abuse,
21 the explanation given for the abuse and any other information that the per-
22 son making the report believes might be helpful in establishing the cause of
23 the abuse and the identity of the perpetrator.

24 (b)(A) When a report of alleged child abuse is received by the department,
25 the department shall notify a law enforcement agency within the county
26 where the alleged abuse occurred or, if that county is unknown, the county
27 where the child resides or, if that county is unknown, the county where the
28 reporter came into contact with the child or the alleged perpetrator of the
29 abuse.

30 (B) When a report of alleged child abuse is received by a law enforcement
31 agency, the agency shall notify the department by making a report of the

1 alleged child abuse to the centralized child abuse reporting system described
2 in ORS 418.190.

3 (c) When a report of alleged child abuse is received by the department
4 or by a law enforcement agency, the department or law enforcement agency,
5 or both, may collect information concerning the military status of the parent
6 or guardian of the child who is the subject of the report and may share the
7 information with the appropriate military authorities. Disclosure of infor-
8 mation under this paragraph is subject to ORS 419B.035 (7).

9 **(d) When a report of alleged child abuse is received by the depart-
10 ment or by a law enforcement agency, the department or law
11 enforcement agency, or both, shall make the following notifications:**

12 **(A) To the Department of Early Learning and Care if the alleged
13 child abuse occurred in a child care facility as defined in ORS 329A.250;
14 or**

15 **(B) To the Department of Education if the alleged child abuse oc-
16 curred in a school, was related to a school-sponsored activity or was
17 conduct that may be subject to actions taken by the Department of
18 Education under ORS 339.370 to 339.400.**

19 (2) When a report of alleged child abuse is received under subsection
20 (1)(a) of this section, the entity receiving the report shall make the notifi-
21 cation required by subsection (1)(b) of this section according to rules adopted
22 by the **Department of Human Services** under ORS 419B.017.

23 (3)(a) When a report alleging that a child or ward in substitute care may
24 have been subjected to abuse is received by the department, the department
25 shall notify the attorney for the child or ward, the child's or ward's court
26 appointed special advocate, the parents of the child or ward and any attorney
27 representing a parent of the child or ward that a report has been received.

28 (b) The name and address of and other identifying information about the
29 person who made the report may not be disclosed under this subsection. Any
30 person or entity to whom notification is made under this subsection may not
31 release any information not authorized by this subsection.

1 (c) The department shall make the notification required by this subsection
2 within three business days of receiving the report of alleged child abuse.

3 (d) Notwithstanding the obligation imposed by this subsection, the de-
4 partment is not required under this subsection to notify the parent or
5 parent's attorney that a report of alleged child abuse has been received if the
6 notification may interfere with an investigation or assessment or jeopardize
7 the child's or ward's safety.

8 **SECTION 4.** ORS 419B.020 is amended to read:

9 419B.020. (1) If the Department of Human Services or a law enforcement
10 agency receives a report of child abuse, the department or the agency shall
11 immediately[:]

12 [(a)] cause an investigation to be made to determine the nature and cause
13 of the abuse of the child. [; and]

14 [(b) *Make the following notifications:*]

15 [(A) *To the Department of Early Learning and Care if the alleged child*
16 *abuse occurred in a child care facility as defined in ORS 329A.250; or*]

17 [(B) *To the Department of Education if the alleged child abuse occurred in*
18 *a school, was related to a school-sponsored activity or was conduct that may*
19 *be subject to actions taken by the Department of Education under ORS 339.370*
20 *to 339.400.]*

21 (2) The department [of Human Services] shall ensure that an investigation
22 required by subsection (1) of this section is completed if the report is not
23 investigated by a law enforcement agency.

24 (3) If the alleged child abuse [reported] **described** in subsection (1) of this
25 section occurred at a child care facility or in a school, was related to a
26 school-sponsored activity or was conduct that may be subject to actions
27 taken by the Department of Education under ORS 339.370 to 339.400:

28 (a) The Department of Human Services and the law enforcement agency
29 shall jointly determine the roles and responsibilities of the Department of
30 Human Services and the agency in their respective investigations; and

31 (b) The Department of Human Services and the agency shall each report

1 the outcomes of their investigations:

2 (A) To the Department of Early Learning and Care if the alleged child
3 abuse occurred in a child care facility as defined in ORS 329A.250; or

4 (B) To the Department of Education if the alleged child abuse:

5 (i) Occurred in a school;

6 (ii) Was related to a school-sponsored activity; or

7 (iii) Was conduct that may be subject to actions taken by the Department
8 of Education under ORS 339.370 to 339.400.

9 **(4) Notwithstanding subsections (1) to (3) of this section, the De-**
10 **partment of Human Services is required under this section to investi-**
11 **gate a report of child abuse only if the alleged perpetrator of the**
12 **abuse:**

13 (a) **Is a parent, guardian or custodian of the child;**

14 (b) **Has attained 18 years of age and:**

15 (A) **Lives in the child's home;**

16 (B) **Has access to the child based on the person's relationship to the**
17 **child's parent, guardian, custodian, household member or caregiver**
18 **or to any other person who may have authority or control over the**
19 **child;**

20 (C) **Is in a role, position or occupation in which the person has ac-**
21 **cess to, responsibility for, power over or the trust of the child;**

22 (D) **Has been accused of subjecting the child to involuntary**
23 **servitude, as described in ORS 163.263 or 163.264, or trafficking, as de-**
24 **scribed in ORS 163.266; or**

25 (E) **Is determined by the department to be an individual from whom**
26 **the department can, consistent with ORS 409.185, safeguard the child**
27 **against further abuse through the provision of child protective ser-**
28 **vices;**

29 (c) **Is a child care facility, as defined in ORS 329A.250; or**

30 (d) **Is an education provider, as defined in ORS 339.370.**

31 [(4)] (5) *[If the law enforcement agency conducting the investigation]* If a

1 **law enforcement agency conducting an investigation under this sec-**
2 **tion** finds reasonable cause to believe that abuse has occurred, the law
3 enforcement agency shall notify the Department of Human Services by mak-
4 ing an oral report followed by a written report to the centralized child abuse
5 reporting system described in ORS 418.190. The department shall provide
6 protective social services of its own or of other available social agencies if
7 necessary to prevent further abuses to the child or to safeguard the child's
8 welfare.

9 [(5)] **(6)** If a child is taken into protective custody by the Department of
10 Human Services, the department shall promptly make reasonable efforts to
11 ascertain the name and address of the child's parents or guardian.

12 [(6)(a)] **(7)(a)** If a child is taken into protective custody by the Depart-
13 ment of Human Services or a law enforcement official, the department or law
14 enforcement official shall, if possible, make reasonable efforts to advise the
15 parents or guardian immediately, regardless of the time of day, that the child
16 has been taken into custody, the reasons the child has been taken into cus-
17 tody and general information about the child's placement, and the telephone
18 number of the local office of the department and any after-hours telephone
19 numbers.

20 (b) Notice may be given by any means reasonably certain of notifying the
21 parents or guardian, including but not limited to written, telephonic or in-
22 person oral notification. If the initial notification is not in writing, the in-
23 formation required by paragraph (a) of this subsection also shall be provided
24 to the parents or guardian in writing as soon as possible.

25 (c) The department also shall make a reasonable effort to notify the
26 noncustodial parent of the information required by paragraph (a) of this
27 subsection in a timely manner.

28 (d) If a child is taken into custody while under the care and supervision
29 of a person or organization other than the parent, the department, if possible,
30 shall immediately notify the person or organization that the child has been
31 taken into protective custody.

1 [(7)] **(8)(a)** If a law enforcement officer or the Department of Human
2 Services, when taking a child into protective custody, has reasonable cause
3 to believe that the child has been affected by *[sexual abuse and]* rape **or**
4 **sexual abuse** of a child as defined in ORS 419B.005 (1)(a)(C) **or (D)** and that
5 physical evidence of the abuse exists and is likely to disappear, the court
6 may authorize a physical examination for the purposes of preserving evidence
7 if the court finds that it is in the best interest of the child to have such an
8 examination.

9 **(b)** Nothing in this *[section]* **subsection** affects the authority of the de-
10 partment to consent to physical examinations of the child at other times.

11 [(8)] **(c)** *[A minor child of 12 years of age or older]* **If the child has at-**
12 **tained 12 years of age, the child** may refuse to consent to the examination
13 described in **this** subsection [(7) of this section].

14 **(d)** The examination shall be conducted by or under the supervision of
15 **an individual who is** a physician licensed under ORS chapter 677, a physi-
16 cian associate licensed under ORS 677.505 to 677.525 or a nurse practitioner
17 licensed under ORS chapter 678 and, whenever practicable, **who is** trained
18 in conducting such examinations.

19 (9) When the Department of Human Services completes an investigation
20 under this section, if the person who made the report of child abuse provided
21 contact information to the department, the department shall notify the per-
22 son about whether contact with the child was made, whether the department
23 determined that child abuse occurred and whether services will be provided.
24 The department is not required to disclose information under this subsection
25 if the department determines that disclosure is not permitted under ORS
26 419B.035.

27 (10) When the Department of Education receives a notification under
28 *[subsection (1) of this section]* **ORS 419B.015** or a report on the outcomes of
29 an investigation under subsection (3) of this section, the Department of Ed-
30 ucation shall act under, and is subject to, ORS 339.389.

31 **SECTION 5.** ORS 339.389 is amended to read:

1 339.389. (1) When the Department of Education receives from the Department of Human Services notification of a report of abuse or receives a report
2 on the outcomes of an investigation of abuse, as provided by ORS **419B.015**,
3 419B.019 or 419B.020, and the notification or report involves a child and a
4 person who is a school employee, contractor, agent or volunteer, the Department of Education may notify, as soon as practicable, any education
5 provider that the Department of Education determines must be notified to
6 ensure the safety of children.

9 (2) When providing notice to an education provider under subsection (1)
10 of this section, the Department of Education:

11 (a) Shall include any information the department determines is necessary
12 to ensure the safety of children, including the name of the school and the
13 name of the person who allegedly committed the suspected abuse.

14 (b) May not disclose the name and address of, or any other identifying
15 information about, the person who made the report of suspected abuse.

16 (3) The Department of Education may provide information related to the
17 notification or report received as described in subsection (1) of this section
18 to the Teacher Standards and Practices Commission if the department de-
19 termines that:

20 (a) The commission must be notified to ensure the safety of children; and
21 (b) The notification or report involves a person who is licensed by the
22 commission.

23 (4)(a) Notwithstanding ORS 192.311 to 192.478, any information received
24 as provided by this section is not a public record and is not subject to public
25 inspection.

26 (b) Any person or entity who receives information under this section may
27 not release the information, unless as otherwise provided by law.

28 (5) The State Board of Education may adopt rules for the purposes of
29 implementing this section.

30 **SECTION 6.** ORS 409.185 is amended to read:

31 409.185. (1) The Director of Human Services shall oversee the development

1 of standards and procedures for assessment, investigation and enforcement
2 of child protective services.

3 (2)(a) The Department of Human Services shall take action to implement
4 the provision of child protective services as outlined in ORS 417.705 to
5 417.800 and based on the recommendations in the 1992 "Oregon Child Pro-
6 tective Services Performance Study" published by the University of Southern
7 Maine.

8 (b) In all substantiated cases of child abuse and neglect, the role of the
9 department is to complete a comprehensive family assessment of risk of
10 abuse or neglect, or both, assess service needs and provide immediate pro-
11 tective services as necessary.

12 (c) The department shall provide remedial services needed to ensure the
13 safety of the child.

14 (d) In all cases of child abuse and neglect for which a criminal investi-
15 gation is conducted, the role of law enforcement agencies is to provide a le-
16 gally sound, child sensitive investigation of whether abuse or neglect or both
17 have occurred and to gather other evidence and perform other responsibil-
18 ities in accordance with interagency agreements.

19 (e) **Except as provided in ORS 419B.020**, the department and law
20 enforcement agencies shall conduct the investigation and assessment
21 concurrently[.]. **The investigations must be** based upon the protocols and
22 procedures of the county child abuse multidisciplinary team in each juris-
23 diction.

24 (f) When the department and law enforcement agencies conduct a joint
25 investigation and assessment, the activities of the department and agencies
26 are to be clearly differentiated by the protocols of the county child abuse
27 multidisciplinary team.

28 (g) Nothing in this subsection is intended to be inconsistent with ORS
29 418.702, 418.747 and 418.748 and ORS chapter 419B.

30 (h) In all cases of child abuse for which an investigation is conducted, the
31 department shall provide a child's parent, guardian or caregiver with a clear

1 written explanation of the investigation process, the court hearing process
2 and the rights of the parent, guardian or caregiver in the abuse investigation
3 and in the court proceedings related to the abuse investigation.

4 (3) Upon receipt of a recommendation of the Children's Advocate under
5 ORS 417.815 (2)(e), the department shall implement the recommendation or
6 give the Children's Advocate written notice of an intent not to implement
7 the recommendation.

8

9 **SUBSTANTIATION STANDARD**

10

11 **SECTION 7.** ORS 419B.026 is amended to read:

12 419B.026. (1) An investigation conducted under ORS 419B.020 must con-
13 clude in one of the following findings:

14 (a) That the report of child abuse is founded[;]. **A report of child abuse**
15 **is founded when, by a preponderance of the evidence, the abuse of the**
16 **child occurred.**

17 (b) That the report of child abuse is unfounded[; or]. **A report of child**
18 **abuse is unfounded when, by a preponderance of the evidence, the**
19 **abuse of the child did not occur.**

20 (c) That the report of child abuse cannot be determined. **A report of**
21 **child abuse cannot be determined when there is some indication that**
22 **the abuse occurred but there is insufficient evidence to conclude, by**
23 **a preponderance of the evidence, that the abuse occurred or did not**
24 **occur.**

25 (2) All investigations conducted under ORS 419B.020 must be conducted
26 in accordance with ORS 419B.005 to 419B.050 and result in the findings de-
27 scribed in subsection (1) of this section until all of the following criteria
28 have been met:

29 (a) The child welfare workload model for the Department of Human Ser-
30 vices is staffed at 95 percent or greater;

31 (b) A centralized, statewide child abuse hotline has been established and

- 1 in operation for at least six consecutive months;
- 2 (c) The department has completed investigations within timelines man-
- 3 dated by law and rule at least 90 percent of the time for at least six con-
- 4 secutive months;
- 5 (d) The department has conducted in-person contacts with children who
- 6 are the subject of reports of child abuse, as mandated by law and rule, in
- 7 at least 90 percent of the reports of child abuse for at least six consecutive
- 8 months; and
- 9 (e) The reabuse rate for children in this state is below the national av-
- 10 erage.

11 **SECTION 8.** ORS 419B.030 is amended to read:

12 419B.030. (1) A central state registry shall be established and maintained
13 by the Department of Human Services. The local offices of the department
14 shall report to the state registry in writing when an investigation has shown
15 *[reasonable cause to believe]*, **by a preponderance of the evidence**, that a
16 child's condition was the result of abuse even if the cause remains unknown.
17 Each registry shall contain current information from reports cataloged both
18 as to the name of the child and the name of the family.

19 (2) When the department provides specific case information from the
20 central state registry, the department shall include a notice that the infor-
21 mation does not necessarily reflect any subsequent proceedings that are not
22 within the jurisdiction of the department.

23

24 **MISCELLANEOUS**

25

26 **SECTION 9.** (1) The amendments to ORS 419B.005, 419B.026 and
27 419B.030 by sections 1, 2, 7 and 8 of this 2026 Act become operative on
28 January 1, 2027.

29 (2) The Department of Human Services and law enforcement agen-
30 cies may take any action before the operative date specified in sub-
31 section (1) of this section that is necessary to enable the department

1 or law enforcement agencies, on or after the operative date specified
2 in subsection (1) of this section, to undertake and exercise all of the
3 duties, functions and powers conferred on the department or law
4 enforcement agencies by the amendments to ORS 419B.005, 419B.026
5 and 419B.030 by sections 1, 2, 7 and 8 of this 2026 Act.

6 **SECTION 10.** (1) The amendments to ORS 419B.005 by sections 1 and
7 2 of this 2026 Act apply to acts occurring on or after January 1, 2027.

8 (2) The amendments to ORS 339.389, 409.185, 419B.015 and 419B.020
9 by sections 3 to 6 of this 2026 Act apply to investigations of child abuse
10 initiated on or after the effective date of this 2026 Act.

11 (3) The amendments to ORS 419B.026 and 419B.030 by sections 7 and
12 8 of this 2026 Act apply to reports of abuse occurring on or after Jan-
13 uary 1, 2027.

14 **SECTION 11.** The unit captions used in this 2026 Act are provided
15 only for the convenience of the reader and do not become part of the
16 statutory law of this state or express any legislative intent in the
17 enactment of this 2026 Act.

18 **SECTION 12.** This 2026 Act being necessary for the immediate
19 preservation of the public peace, health and safety, an emergency is
20 declared to exist, and this 2026 Act takes effect on its passage.

21