

HB 4059 -2 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 2/5

WHAT THE MEASURE DOES:

The measure modifies the definition of child abuse, requires the Oregon Department of Human Services (ODHS) to investigate a report of child abuse only when the alleged perpetrator is a specified individual, and raises the standard to substantiate a finding of child abuse. The measure declares an emergency and is effective on passage.

Detailed Summary:

Definition of Abuse

- Modifies the definition of threatened harm to a child by requiring that the threat of harm be imminent and severe.
- Operative January 1, 2027.

Investigative Jurisdiction

- Requires the Oregon Department of Human Services (ODHS) to investigate a report of child abuse only when the alleged perpetrator is
 - The child's parent, guardian, or custodian,
 - An adult who lives in the child's home,
 - An adult who has access to the child due to the adult's role, position, occupation, or relationship with another person,
 - An adult who has been accused with subjecting the child to involuntary servitude or trafficking,
 - Another adult when ODHS has determined the child can be safeguarded against further abuse through intervention by the department,
 - A provider of child care, or
 - An education provider.

Substantiation Standard

- Raises the standard to substantiate a finding of child abuse from a reasonable cause to believe to a preponderance of the evidence.
- Operative January 1, 2027.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 The amendment replaces the measure. The amendment modifies the definition of child abuse, requires the Oregon Department of Human Services (ODHS) to investigate individuals under the age of 18 for allegations of child abuse in certain circumstances, modifies situations under which ODHS is required to make a dispositional determination, and requires ODHS to make reports to the central state registry. The amendment declares an emergency and is effective on passage.

Detailed Summary:

Definition of Abuse

This summary has not been adopted or officially endorsed by action of the committee.

- Modifies the definition of threatened harm to a child by requiring the threat of harm to be a severe risk to the child's health or welfare and the harm is reasonably likely to occur in the near future.
- Modifies the definition of sexual abuse for purposes of the definition of child abuse.
- Establishes that causing a child to witness abuse of the child's family or household members is included in the definition of child abuse.

Investigative Jurisdiction

- Requires ODHS to investigate a report of child abuse if the alleged perpetrator is under 18 years of age and
 - Is in a role, position, or occupation where they have access to, responsibility for, power over, or trust of the child, or
 - Has been accused of subjecting the child to sexual abuse or severe harm.
- Makes changes to ODHS' investigative jurisdiction operative on July 1, 2026.

Substantiation of Reports of Child Abuse

- Allows, but does not require, ODHS to make a dispositional determination at the conclusion of an abuse investigation when the alleged perpetrator is a person under 18 years of age who has been accused of subjecting a child to severe harm or sexual abuse.
- Requires ODHS to report to the central state registry when investigations of abuse of a child in care show that there is reasonable cause to believe the child in care's condition was the result of abuse.

Report

- Requires ODHS to submit a report to the Legislative Assembly by September 15, 2028, on the implementation of the measure.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

BACKGROUND:

When a report of alleged child abuse is made to the Oregon Child Abuse Hotline (ORCAH), ORCAH screeners determine if the report constitutes an abuse report as defined in ORS 419B.005 and if the case will be assigned for investigation. Under Oregon law, the Oregon Department of Human Services (ODHS) and law enforcement agencies have a shared responsibility to receive and respond to reports of alleged child abuse and neglect. Oregon law requires ODHS and law enforcement agencies to notify each other of reports of suspected child abuse.

In 2019, the legislature passed [Senate Bill 155](#) which required ODHS to conduct an investigation into a report of alleged child abuse if law enforcement declined to investigate. The bill also expanded the role of ODHS to investigate reports of abuse by "third parties" in addition to parents and caregivers. The department's Office of Training, Investigations, and Safety (OTIS) conducts these investigations.

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 subjects," including parents, caregivers, and other specified adults. [House Bill 4086](#) (2024) directed ODHS to commission studies through private facilitators on the scope of child abuse investigations and the response to children exhibiting problematic sexual behavior. The resulting [Jurisdiction Committee](#) and [Children Exhibiting Complex Sexual Behavior Committee](#) released their final reports and recommendations in the fall of 2025.