



HB 4059: FAMILY JUSTICE & CHILD WELFARE REFORM ACT

THURSDAY, FEBRUARY 5,
HOUSE COMMITTEE ON EARLY CHILDHOOD & HUMAN SERVICES

OFFICE OF REPRESENTATIVE ANNESSA HARTMAN, HD 40

PUBLIC HEARING SCHEDULE

TODAY: Thursday, February 5

Narrowing the Scope of DHS Investigations

- Adult third parties without caregiving roles
- Minors accused of abuse (with exceptions)
- System capacity and safety outcomes

NEXT WEEK: Tuesday, February 10

Threatened Harm & Substantiation Standards

- Changes to “threatened harm” definition
- New “exposure to domestic violence” category
- Raising substantiation standard to preponderance

Today's Focus: How the -2 Amendment changes the scope of CPS investigations to align Oregon with national best practices and increase child safety.



CHANGES IN THE -2 AMENDMENT

SCOPE OF INVESTIGATIONS (2/5/26)

Base Bill: Removed minors entirely from investigation scope

-2 Amendment: DHS still investigates minors who:

- Are the child's parent or caretaker
- Are alleged to have caused severe injury
- Are alleged to have sexually abused the child

Findings required only when minor is parent/caretaker; optional for sexual abuse or severe injury if in interest of public safety.

THREATENED HARM (2/10/26)

Base Bill: "Imminent risk of severe harm"

-2 Amendment: "Risk of severe harm... reasonably likely to occur in the near future"

- No longer uses "imminent"
- Adds "exposure to domestic violence" category
- Adds "risk of" sexual abuse to cover grooming

SUBSTANTIATION (2/10/26)

Base Bill: Preponderance for all dispositions

-2 Amendment: Preponderance only for founded determinations reported to the central registry

- "More likely than not" for founded dispositions
- Reasonable cause still for unfounded and unable to determine
- Findings under ORS 418 will still be reported to child abuse registry

TECHNICAL FIXES & REPORT BACK (2/5/26)

-2 Amendment Additions:

- Covers legal guardians, legal custodians, and Indian custodians
- Allows rulemaking prior to operative date
- Requires DHS report back on training, staff consistency, and documentation quality



WORK GROUP DEVELOPMENT

Chair Hartman convened the Work Group to support the Committee's oversight of Child Welfare and family justice and dependency systems, with the goals of:

- Building upon unresolved issues identified over the past three years, and
- Developing implementation-ready legislation for the 2026 Session without the need for additional funding.

We began with individual meetings with stakeholders to identify the issues most important to them and feasible for the Short Session.

The full Work Group has since convened ten times between October 2025 and January 2026, narrowing its focus to the four issues addressed by HB 4059.



WORK GROUP MEMBERSHIP HAS INCLUDED:

- Legislators: Rep. Hartman (Chair),
Rep. Scharf, Rep. Chotzen, Rep. Walters
- DHS Representatives
 - Child Welfare Leadership
 - OTIS
- Youth, Rights & Justice
- Disability Rights Oregon
- Oregon Association of Chiefs of Police
- Project Family First
- OJD Representatives & Family Law Judges
- Prevent Child Abuse Oregon
- Oregon Child Abuse Solutions
- Oregon Criminal Defense Lawyers Association
- Sexual Assault Task Force
- Oregon Coalition Against Domestic and Sexual Violence
- Oregon Law Center
- Greater Oregon Behavioral Health Inc.
- Oregon District Attorneys Association



TODAY: OREGON'S UNIQUE REQUIREMENT

Unlike most states in our research, ORS 419B.005 does not specify that child abuse only occurs where there is a caregiving nexus.

The Core Problem

Oregon law requires DHS to investigate and make findings about people CPS has no authority to:

Require participation in services from
Monitor for compliance
Support through child welfare services

What This Means in Practice

DHS must investigate even when law enforcement is the appropriate responder
Must make a founded/unfounded disposition even with no ability to address the perpetrator
Creates registry entries that serve no child protection purpose

Who This Captures

Adults: Strangers, non-household members, perpetrators of drive-by shootings, internet crimes, random assaults

Minors: Children with harmful behaviors who need treatment, fights and domestic violence between minors, gang violence

Historical Context

Until 2021, DHS had discretion over who was assessed. SB 155 (2019) required DHS to investigate all reports not investigated by law enforcement, expanding CPS scope dramatically.



SECTION 1:

**CHILD WELFARE AUTHORITY
& DECISION POINTS**



DHS AUTHORITY & DECISION POINTS

Understanding when DHS intervention is appropriate vs. when other systems should respond

HB 4086 Scope of Jurisdiction Report (September 2025, p. 34)

“A third party with no family relationship or caregiving responsibility for the child is the responsibility of law enforcement.”

Family Unit → Child Welfare

Parent, guardian, or person with care responsibility for the child

Outside Family → OTIS

Teachers, coaches, child care providers, foster care, residential treatment staff

Third Party → Law Enforcement

No family relationship or caregiving responsibility for the child

DHS is most effective when it can assess ongoing risk, influence the child's environment, engage caregivers, or seek court oversight. Those tools are designed for cases involving caregiving roles, authority, or access—not for every allegation involving a third party with no ongoing relationship to the child.



SECTION 2:

**THIRD-PARTY ADULTS:
WHEN DHS IS INEFFECTIVE**



THIRD-PARTY ADULTS: WHEN DHS IS INEFFECTIVE

The Problem

In adult non-caretaker cases, the harm is often criminal in nature, episodic rather than ongoing caregiving risk, and better addressed through law enforcement + victim services, not CPS family investigation.

Common CPS Referrals

- Gang violence between minors
- Intimate partner violence between minors

Common OTIS Referrals

- Teen sexually assaulted by adult peer at a party
- Online solicitation of a minor

CPS and OTIS add value when there is a question about parental/professional protection or capacity. When that's not the issue, investigation can actually delay appropriate responses, leading to:

Increased potential for legal challenges to ODHS authority

ODHS staff uncertainty around roles and responsibilities

Estimated workload increase of 3,500 investigations a year

Duplicative efforts with law enforcement and at times interference with criminal investigation

SECTION 3: **INVESTIGATIONS INTO MINORS: WHEN KIDS ARE TREATED AS CHILD ABUSERS**



INVESTIGATIONS INTO MINORS: WHEN KIDS ARE TREATED AS CHILD ABUSERS

HB 4086 CECSB Committee Final Report (August 2025, p. 7):

Under ORS 419B.005, children may be classified as 'perpetrators' of child abuse. This framework was designed primarily for adults, and its application to children leads to founded abuse reports against minors. Oregon is increasingly isolated in allowing full substantiation and registry placement of minors without statutory carve-outs for developmental status or non-caretaker harm.

Our Work Group looked at what other states do, and found that

- Many do not require CPS investigations into minors (23)
- Of those that do, many limit investigations to cases of sexual abuse (13) or severe injury (5)



RESEARCH ON CHILDREN WITH HARMFUL SEXUAL BEHAVIORS

What Works

Family-based, voluntary treatment produces excellent outcomes. Multisystemic Therapy and similar approaches that address the family system

What Causes Harm

Labeling minors as abusers has no effect on recidivism

Registration increases suicide risk by 4x

Creates lifelong barriers without improving safety

KEY FINDING

95-97%

of youth with sexual offenses
never re-offend

With family-based treatment,
reoffense rates drop to 2-3%

Professional Consensus

Organizations opposed to juvenile registration: American Academy of Child and Adolescent Psychiatry, Association for Treatment of Sexual Abusers, Human Rights Watch, National Juvenile Defender Center

SECTION 4: SYSTEM IMPACT AND SAFETY OUTCOMES



IMPACTS OF THIS REQUIREMENT

48%

reports screened in
vs. 33% national average

5-10%

of assessments involve
non-caregiver perpetrators

~3,000

additional investigations/year
from minor perpetrators alone

45.8%

CPS assessments overdue
as of Oct 2025

Consequences - Adult Third Parties

Duplicative investigations with law enforcement

Staff uncertainty about roles and responsibilities

Resources diverted from cases CPS can actually help

Consequences - Minor Third Parties

Children labeled as abusers for up to 30 years

No Differential Response available

No distinction between developmentally expected behavior and coercive or severe conduct

Treatment needs addressed through punishment, not support

SECTION 5:

**BILL & 2 AMENDMENT
EXPLANATION**



HB 4059-2 SOLUTION: REQUIRE A CAREGIVING NEXUS FOR ADULTS AND ALLOW AN ALTERNATIVE RESPONSE FOR MINORS

HB 4086 JAC Recommendation (p. 36)

"Children who are reported for abuse be screened as part of a family system in which there needs to be an assessment regarding the parents' ability to supervise and protect the other children in the home, as well as secure appropriate services to address the issues."

ADULT THIRD PARTIES

Limits DHS jurisdiction to persons responsible for the child's welfare and people with ongoing access
Parents, caregivers, those with ongoing access
Refers actions by other individuals to law enforcement

MINOR THIRD PARTIES

Allows CPS to assess children without making a determination of whether child abuse occurred
Focus on parental supervision and access to services
Exceptions for minor parents, sexual abuse, and severe injury

What These Changes Accomplish

Focuses CPS on cases where it can take action.
Eliminate duplicative investigations with law enforcement.

Connects families with treatment instead of labeling children.
Aligns Oregon with national standards and research.





OREGON STATE REPRESENTATIVE - HD40