

**For purposes of these documents, “covered entity” includes a CCA, a DD residential facility, a proctor foster home, a certified foster home or an adjudicated youth foster home.**

**Who can be investigated, by allegation type**

Allegation type	SB 1534	HB 3835 (2025)	What's different
<b>Neglect</b>	A person with a duty of care to the child <b><i>due to the child's status as a child in care</i></b>	<ul style="list-style-type: none"> <li>• An employee, operator, contractor, agent or volunteer of a covered entity (excluding an adjudicated youth foster home)</li> <li>• A caretaker who is responsible for provision of care or services to a child in care</li> <li>• Any other person responsible for provision of care or services to a child in care</li> </ul>	
<b>Failure to protect</b>	A covered entity or a person that is the employee, contractor or volunteer of the covered entity	<ul style="list-style-type: none"> <li>• A covered entity (excluding an adjudicated youth foster home)</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Other person with a duty of care</li> </ul>	<ul style="list-style-type: none"> <li>• Caretaker</li> <li>• Other person</li> </ul>	
<b>Physical abuse (assault or physical injury)</b>	<p>Subject person must be at least 18 years old, NOT a child in care and one of the following:</p> <ul style="list-style-type: none"> <li>• An employee, volunteer or contractor of a covered entity;</li> <li>• Operator of a covered entity; or</li> <li>• A person that resides in the same covered entity; or</li> <li>• Has access to the child in care due to the individual's relationship with one of the individuals described above</li> </ul>	<ul style="list-style-type: none"> <li>• An employee, operator, contractor, agent or volunteer of a covered entity (excluding an adjudicated youth foster home)</li> <li>• A caretaker who is responsible for provision of care or services to a child in care</li> </ul> <p>Any other person responsible for provision of care or services to a child in care</p>	<p>SB 1534 includes individuals over 18 that live in the same household or facility of the child in care, or that have access to the child in care due to the person's relationship with a person that is otherwise covered.</p> <p>SB 1534 explicitly excludes investigations of individuals under 18, but HB 3835 functionally did the same thing</p> <p>SB 1534 excludes ALL children in care (including over 18) from investigation under 418.257.</p> <p>Summary: Both narrow scope of who can be investigated for abuse and exclude minors from investigation. HB 3835 narrows only to those with a specific duty of care for investigations of physical abuse, SB 1534 is slightly broader to include those who live in the</p>

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			same household as the child in care or have access to the child in care due to their status as a child in care.
<b>Wrongful restraint or seclusion, generally</b>	<p>Subject person must be at least 18 years old, NOT a child in care and one of the following:</p> <ul style="list-style-type: none"> <li>• An employee, volunteer or contractor of a covered entity;</li> <li>• Operator of a covered entity; or</li> <li>• A person that resides in the same covered entity; or</li> </ul> <p>Has access to the child in care due to the individual's relationship with one of the individuals described above</p>	<p>Wrongful restraint is not an allegation in HB 3835</p>	<p>Not Applicable: Wrongful restraint is not an allegation in HB 3835</p>
<b>Abandonment</b>	<p>A person that is the employee, contractor or volunteer of the covered entity or any other person with a duty of care due to the child's status as a child in care</p>	<ul style="list-style-type: none"> <li>• An employee, operator, contractor, agent or volunteer of a covered entity (excluding an adjudicated youth foster home)</li> </ul>	

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		<ul style="list-style-type: none"> <li>• A caretaker who is responsible for provision of care or services to a child in care</li> <li>• Any other person responsible for provision of care or services to a child in care</li> </ul>	
<b>Willful infliction of pain</b>	<p>Subject person must be at least 18 years old, NOT a child in care and one of the following:</p> <ul style="list-style-type: none"> <li>• An employee, volunteer or contractor of a covered entity;</li> <li>• Operator of a covered entity; or</li> <li>• A person that resides in the same covered entity; or</li> </ul> <p>Has access to the child in care due to the individual's relationship with one of the individuals described above</p>	<ul style="list-style-type: none"> <li>• An employee, operator, contractor, agent or volunteer of a covered entity (excluding an adjudicated youth foster home)</li> <li>• A caretaker who is responsible for provision of care or services to a child in care</li> </ul> <p>Any other person responsible for provision of care or services to a child in care</p>	<p>Summary: Both bills narrow scope of who can be investigated for abuse and exclude minors from investigation. HB 3835 narrows only to those with a specific duty of care for investigations of willful infliction of pain, SB 1534 is slightly broader to include those who live in the same household as the child in care or have access to the child in care due to their status as a child in care as covered subject for willful infliction of pain.</p>
<b>Criminal action involving a child in care</b>	Subject person must be at least 18 years old, NOT a child in	<ul style="list-style-type: none"> <li>• An employee, operator, contractor,</li> </ul>	<p>Summary: Both bills narrow scope of who can be investigated</p>

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	<p>care and one of the following:</p> <ul style="list-style-type: none"> <li>• An employee, volunteer or contractor of a covered entity;</li> <li>• Operator of a covered entity; or</li> <li>• A person that resides in the same covered entity; or</li> </ul> <p>Has access to the child in care due to the individual's relationship with one of the individuals described above</p>	<p>agent or volunteer of a covered entity (excluding an adjudicated youth foster home)</p> <p>• A caretaker who is responsible for provision of care or services to a child in care</p> <p>Any other person responsible for provision of care or services to a child in care</p>	<p>for abuse and exclude minors from investigation. HB 3835 narrows only to those with a specific duty of care for investigations of allegations that include person crimes, SB 1534 is slightly broader to include those who live in the same household as the child in care or have access to the child in care due to their status as a child in care as covered subject for allegations that include person crimes against a child in care.</p>
<b>Verbal abuse</b>	<p>Subject person must be at least 18 years old, NOT a child in care and one of the following:</p> <ul style="list-style-type: none"> <li>• An employee, volunteer or contractor of a covered entity;</li> <li>• Operator of a covered entity; or</li> <li>• A person that resides in the same covered entity; or</li> </ul> <p>Has access to the child in care due to</p>	<p>• An employee, operator, contractor, agent or volunteer of a covered entity (excluding an adjudicated youth foster home)</p> <p>• A caretaker who is responsible for provision of care or services to a child in care</p>	<p>Summary: Both bills narrow scope of who can be investigated for abuse and exclude minors from investigation. HB 3835 narrows only to those with a specific duty of care for investigations of verbal abuse, SB 1534 is slightly broader to include those who live in the same household as the child in care or have access to the child in care due to their status as a child in care as covered</p>

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	the individual's relationship with one of the individuals described above	Any other person responsible for provision of care or services to a child in care	subject for verbal abuse.
<b>Financial exploitation</b>	Subject person must be at least 18 years old, NOT a child in care and one of the following: <ul style="list-style-type: none"> <li>• An employee, volunteer or contractor of a covered entity;</li> <li>• Operator of a covered entity; or</li> <li>• A person that resides in the same covered entity; or</li> </ul> Has access to the child in care due to the individual's relationship with one of the individuals described above	<ul style="list-style-type: none"> <li>• An employee, operator, contractor, agent or volunteer of a covered entity (excluding an adjudicated youth foster home)</li> <li>• A caretaker who is responsible for provision of care or services to a child in care</li> </ul> Any other person responsible for provision of care or services to a child in care	Summary: Both bills narrow scope of who can be investigated for abuse and exclude minors from investigation. HB 3835 narrows only to those with a specific duty of care for investigations of financial exploitation, SB 1534 is slightly broader to include those who live in the same household as the child in care or have access to the child in care due to their status as a child in care as covered subject for willful financial exploitation.
<b>Sexual abuse</b>	Subject person must be at least 18 years old, NOT a child in care and one of the following: <ul style="list-style-type: none"> <li>• An employee, volunteer or contractor of a covered entity;</li> <li>• Operator of a covered entity; or</li> </ul>	<ul style="list-style-type: none"> <li>• An employee, operator, contractor, agent or volunteer of a covered entity (excluding an adjudicated youth foster home)</li> </ul>	Summary: Both bills narrow scope of who can be investigated for abuse and exclude minors from investigation. HB 3835 narrows only to those with a specific duty of care for investigations of sexual abuse, SB 1534 is slightly broader to include

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	<ul style="list-style-type: none"> <li>• A person that resides in the same covered entity; or</li> </ul> <p>Has access to the child in care due to the individual's relationship with one of the individuals described above</p>	<ul style="list-style-type: none"> <li>• A caretaker who is responsible for provision of care or services to a child in care</li> </ul> <p>Any other person responsible for provision of care or services to a child in care</p>	those who live in the same household as the child in care or have access to the child in care due to their status as a child in care as covered subject for sexual abuse.
<b>Sexual exploitation</b>	<p>Subject person must be at least 18 years old, NOT a child in care and one of the following:</p> <ul style="list-style-type: none"> <li>• An employee, volunteer or contractor of a covered entity;</li> <li>• Operator of a covered entity; or</li> <li>• A person that resides in the same covered entity; or</li> </ul> <p>Has access to the child in care due to the individual's relationship with one of the individuals described above</p>	<ul style="list-style-type: none"> <li>• An employee, operator, contractor, agent or volunteer of a covered entity (excluding an adjudicated youth foster home)</li> <li>• A caretaker who is responsible for provision of care or services to a child in care</li> </ul> <p>Any other person responsible for provision of care or services to a child in care</p>	<p>Summary: Both bills narrow scope of who can be investigated for abuse and exclude minors from investigation. HB 3835 narrows only to those with a specific duty of care for investigations of sexual exploitation, SB 1534 is slightly broader to include those who live in the same household as the child in care or have access to the child in care due to their status as a child in care as covered subject for sexual exploitation.</p>

*Definition of Abuse*

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Allegation type	Current Law (ORS 418.357)	HB 3835	SB 1534 with proposed amendments	What's different?
<b>Neglect</b>	<p>Failure to provide the care, supervision or services necessary to maintain the physical and mental health of a child in care; or</p> <p>The failure of a covered entity, caretaker or other person to make a reasonable effort to protect a child in care from abuse.</p>	<p>Failing to provide the care, supervision or services necessary to maintain the physical and mental health of the child in care; or</p> <p>Failing to make reasonable efforts to protect the child in care from abuse as described in this section or ORS 419B.005.</p>	<p>Failing to provide care, supervision or services <b>that the person has a duty to provide to the child in care</b> and the care, supervision or services are necessary to maintain the physical, <b>developmental</b> and mental health of the child in care</p> <p>Failing to make a reasonable effort to make a reasonable effort to protect the child in care from abuse as described in this section or ORS 419B.005</p>	All three are substantially similar.
<b>Failure to protect</b>	Failure of a covered entity, caretaker or other person to make a reasonable effort to protect a child in care from abuse	Failure to make a reasonable effort to protect a child in care from abuse as described in this section or ORS 419B.005	Failing to make a reasonable effort to protect the child in care from abuse as described in this section or ORS 419B.005	All three are substantially similar.
<b>Physical abuse (assault or physical injury)</b>	Any physical injury to a child in care caused by other than accidental means, or that appears to be at	Commits an act that causes physical injury to the child in care if the act is	<p>Assaults the child in care.</p> <p>Commits an act that causes</p>	SB 1534 adds assault of the child in care, consistent with the language in

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	variance with the explanation given of the injury	nonaccidental or if the injury appears to be at variance with the individual's explanation of the act causing the injury.	physical injury to the child in care and the act is nonaccidental or the injury appears at variance with the individual's explanation of the act causing the injury.	ORS 419B. This is necessary to ensure this applies to children in care 18 and older.
<b>Wrongful restraint or seclusion</b>	The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521 or 418.523	Not included as an allegation.	Imposes a restraint or involuntary seclusion on the child in care in violation of ORS 418.521 or 418.523.	HB 3835 removed wrongful restraint or seclusion as an allegation type; SB 1534 retains the current statutory language.
<b>Abandonment</b>	Abandonment, including desertion or willful forsaking of a child in care or the withdrawal or neglect of duties and obligations owed a child in care	Abandons the child in care, including by deserting or willfully forsaking the child in care or withdrawing or neglecting duties and obligations owed to the child in care by the individual.	Abandons the child in care, including deserting or willfully forsaking the child in care or withdrawing or neglecting duties and obligations owed to the child in care by the individual.	All three are substantially similar.
<b>Willful infliction of pain</b>	Willful infliction of physical pain or injury upon a child in care	Willfully inflicts physical pain or injury upon the child in care.	Willfully inflicts physical pain or injury upon the child in care.	All three are substantially similar.
<b>Criminal action involving a child in care</b>	An act that constitutes a crime under (various crimes from Chapter 163)	An act that constitutes a crime under (various crimes from Chapter 163)	An act that constitutes a crime under (various crimes from Chapter 163)	All three are substantially similar.

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<b>Verbal abuse</b>	To threaten significant physical or emotional harm to a child in care through the use of derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.	Threatening significant physical or emotional harm to the child in care including the use of derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; harassment, coercion, humiliation, mental cruelty or inappropriate sexual comments; or intimidation, including by compelling or deterring conduct by threat.	Threatening significant physical or emotional harm to the child in care through any means, including the use of derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; harassment, coercion, humiliation, mental cruelty or inappropriate sexual comments; or intimidation, including compelling or deterring conduct by threat.	All three are substantially similar
<b>Financial exploitation</b>	Wrongfully taking the assets, funds or property belonging to or intended for the use of a child in care  Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys or property of the child in care if the child would reasonably believe that the threat conveyed would be carried out	Wrongfully taking the assets, funds or property belonging to or intended for the use of the child in care  Alarming the child in care by conveying a threat to wrongfully take or appropriate moneys or property of the child in care if the	Wrongfully taking the assets, funds or property belonging to or intended for the use of a child in care  Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys or property of the child in care if the	All three are substantially similar.

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	<p>Misappropriating, misusing or transferring without authorization any moneys from any account held jointly or singly by a child in care</p> <p>Failing to use the income or assets of a child in care effectively for the support and maintenance of the child in care</p>	<p>child would reasonably believe that the threat conveyed would be carried out</p> <p>Misappropriating, misusing or transferring without authorization any moneys from any account held jointly or singly by the child in care</p> <p>Failing to use the income or assets of the child in care effectively for the support and maintenance of the child in care</p>	<p>child would reasonably believe that the threat conveyed would be carried out</p> <p>Misappropriating, misusing or transferring without authorization any moneys from any account held jointly or singly by a child in care</p> <p>Failing to use the income or assets of a child in care effectively for the support and maintenance of the child in care</p>	
<b>Sexual abuse</b>	<p>Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material or language; any sexual contact between a child in care and an employee of a covered entity</p> <p>Any sexual contact between a person and a child in care that is unlawful under ORS chapter 163 and not subject</p>	<p>Committing an act that constitutes sexual harassment to the child in care; inappropriate exposure of the child in care to sexually explicit material or language; or sexual contact, as defined in ORS 163.305, with the child in care, regardless of whether the</p>	<p>Committing an act that constitutes sexual harassment to the child in care; inappropriate exposure of the child in care to sexually explicit material or language; or sexual contact, as defined in ORS 163.305, with the child in care, regardless of whether the</p>	<p>These are substantially similar. However, SB 1534 considers ALL sexual contact between a covered person over the age of 18 and a child in care to be abuse. This removes the need for the language “force, trickery, threat or</p>

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	<p>to a defense under that chapter; or</p> <p>Any sexual contact that is achieved through force, trickery, threat or coercion</p>	<p>sexual contact is unlawful under chapter 163 <b>or is achieved through force, trickery, threat or coercion.</b></p>	<p>sexual contact is unlawful under chapter 163.</p>	<p>coercion" present in the current statute.</p>
<b>Sexual exploitation</b>	<p>Sexual exploitation as described in ORS 419B.005</p>	<p>Contributing to the sexual delinquency of the child in care, as described in ORS 163.435;</p> <p>Engaging in other conduct that allows, employs, authorizes, permits, induces or encourages a child in care to engage in performing for people to observe or the photographing, filming, tape recording or other exhibition that, in whole or in part, depicts sexual conduct or sexual contact, as those terms are defined in ORS 167.002, or sexually explicit conduct as described in ORS 163.665 and 163.670, or sexual abuse involving the</p>	<p>Allowing, permitting, encouraging or hiring the child in care to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008;</p> <p><b>Directing or encouraging another person to engage in sexual contact, as defined in ORS 163.305, with the child in care;</b></p> <p>Contributing to the sexual delinquency of the child in care,</p>	<p>SB 1534 adds language that would allow an investigation of abuse if a covered person (foster parent, CCA staff) brought other people into the setting and coerced the child in care to have sex with that person. When this occurred in the past, it could not be investigated when the child was over 18. That's because sex between two adults is not a crime and the third party was not a covered person. In this case, the abuse allegation would be against the covered person</p>

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		<p>child in care or rape of the child in care, other than conduct that is part of any investigation conducted pursuant to ORS 418.258, 418.259 or 419B.020 or that is designed to serve educational or other legitimate purposes;</p> <p>Allowing, permitting, encouraging or hiring the child in care to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008</p>	<p>as described in ORS 163.435; or</p> <p>Engaging in other conduct that allows, employs, authorizes, permits, induces or encourages the child in care to engage in a performance to be observed, photographed, filmed, tape recorded or otherwise exhibited, if the performance, in whole or in part, depicts sexual conduct or sexual contact, as those terms are defined in ORS 167.002, or sexually explicit conduct as described in ORS 163.665 and 163.670, or sexual abuse involving the child in care or rape of the child in care.</p>	<p>that was facilitating the sexual contact between the child in care and the third party.</p>
<b>Abuse as described in 419B.005</b>	Not explicitly stated	Not explicitly stated	<b>Abuse as described in ORS 419B.005</b>	This includes a specific reference to

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				419B.005 to clarify that ORS 418.257 definitions are in addition to those in ORS 419B.005. With the tightened scope, it also clarifies that when the abuse occurs to a child in care by a subject person per this bill, OTIS investigates (except certified foster care). When it is an investigation by a third party or person without a duty of care, it is assigned as all other cases would be regardless of whether the child was a child in care.  This also ensure that when abuse is investigated under ORS 419B for a child in care, that timely notification is still made to the
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				child's attorney, CASA, etc.
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