

HB 4059 -2, -3, -4 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 2/5, 2/10, 2/12

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:

Threatened Harm

- 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.

Miscellaneous

- Declares an emergency, effective on passage.

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

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

ISSUES DISCUSSED:

- The role of law enforcement during investigations of alleged child abuse
- Comparisons between Oregon and other states
- Due process for individuals who are investigated for alleged child abuse
- Differences between counties in capacity to offer services to families and respond to reports of alleged child abuse
- Potential consequences of a child abuse investigation

EFFECT OF AMENDMENT:

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

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-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:

Threatened Harm

- 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.
- Specifies that causing a child to witness abuse of the child's family or household members is child abuse.
- Operative January 1, 2027.

Child Abuse Investigations

- Requires ODHS to investigate a report of child abuse when the alleged perpetrator is an adult and meets other specified criteria.
- 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.
- Operative 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.
- Raises the standard to substantiate a finding of child abuse from a reasonable cause to believe to a preponderance of the evidence.
- 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.
- Operative January 1, 2027.

Report

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

Miscellaneous

- Declares an emergency, effective on passage.

REVENUE: No revenue impact.

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

-3 The amendment replaces the measure. The amendment modifies the definition of child abuse and specifies that causing a child to witness abuse of the child's sibling, another child in the household, or domestic violence involving the child's parent or another household member is child abuse. It outlines when the Oregon Department of Human Services (ODHS) is required to, may, or may not make a dispositional determination at the conclusion of an abuse investigation when the alleged perpetrator is a minor. The amendment declares an emergency and is effective on passage.

Detailed Summary:

Threatened Harm

- 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.
- Specifies that causing a child to witness abuse of the child's sibling, another child in the child's household, or domestic violence involving the child's parent or another person in the household is child abuse.
- Operative January 1, 2027.

Child Abuse Investigations

- Requires ODHS to investigate a report of child abuse when the alleged perpetrator is an adult and meets other specified criteria.
- 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.
- Operative July 1, 2026.

Substantiation of Reports of Child Abuse

- Requires ODHS to make a dispositional determination at the conclusion of an abuse investigation when the alleged perpetrator is under 18 years old and
 - Is the child's parent
 - Is in a role, position, or occupation where the perpetrator had access to, responsibility for, power over, or trust of the child at the time of the reported abuse, or
 - Was at least 12 years old and more than four years older than the child at the time of the reported abuse.
- Allows ODHS to make a dispositional determination if the alleged perpetrator is between the ages of 12 and 18, no more than four years older than the child, and the investigator determines issuing the finding is in the public interest.
- Prohibits ODHS from otherwise making a dispositional determination when the alleged perpetrator is under 18 years old.
- Raises the standard to substantiate a finding of child abuse from a reasonable cause to believe to a preponderance of the evidence.
- 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.
- Operative January 1, 2027.

Report

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

Miscellaneous

- Declares an emergency, effective on passage.

REVENUE: No revenue impact.

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-4 The amendment replaces the measure. It removes the provisions in the introduced version of the measure that raise the standard to substantiate a finding of child abuse from a reasonable cause to believe to a preponderance of the evidence. The amendment declares an emergency and is effective on passage.

Detailed Summary:

Threatened Harm

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- Modifies the definition of sexual abuse for purposes of the definition of child abuse.
- Specifies that causing a child to witness abuse of the child's sibling, another child in the child's household, or domestic violence involving the child's parent or another person in the household is child abuse.
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Child Abuse Investigations

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 - Is in a role, position, or occupation where they have access to, responsibility for, power over, or trust of the child, or
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 - Is the child's parent
 - Is In a role, position, or occupation where the perpetrator had access to, responsibility for, power over, or trust of the child at the time of the reported abuse, or
 - Was at least 12 years old and more than four years older than the child at the time of the reported abuse.
- Allows ODHS to make a dispositional determination if the alleged perpetrator is between the ages of 12 and 18, no more than four years older than the child, and the investigator determines issuing the finding is in the public interest.
- Prohibits ODHS from otherwise making a dispositional determination when the alleged perpetrator is under 18 years old.
- 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.
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- Requires ODHS to submit a report to the Legislative Assembly by September 15, 2028, on the implementation of the measure.

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FISCAL: May have a 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.

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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.